



Citizen Oversight Board

Wellington E. Webb Municipal Office Building
201 W. Colfax, Dept. 1201
Denver, CO 80202
p: 720/913-3150
f: 720/913-3305
www.denvergov.org/COB

CITIZEN OVERSIGHT BOARD

2007 ANNUAL REPORT

I. SUMMARY

As the Citizen Oversight Board (“COB” or “Board”) begins its fourth year, the scene of Denver law enforcement is good and encouraging. Crime statistics are down, the Denver police, bolstered by an increase in authorized numbers and a pay increase, are operating at high efficiency and with high morale. Leadership at the higher levels – from the Manager of Safety to the Chief of Police and the Director of the Sheriff Department – has demonstrated ability and competence.

The Office of the Independent Monitor (“OIM”), created as of 2005, has proved very helpful in reaching wise decisions about disciplinary issues and in affecting law enforcement policies and procedures. Of particular importance is the impact of the OIM’s mediation program which gives citizens the opportunity to meet with law enforcement officers regarding complaints and problems. Over 100 mediations have been held to date. So far, those who have participated in the mediation process express high satisfaction with it.

Although the COB realizes that much has been accomplished in the past three years, more is required. We remain concerned about the lack of timeliness and overly slow pace in which decisions are reached in cases requiring law enforcement personnel discipline. We are hopeful that the OIM will continue working to speed up that process. Improved timeliness in the system will require actions by the Manager of Safety and the Chief of Police.

We take encouragement from three reforms on the horizon that will be introduced in 2008:

- After two years of deliberations in a task force made up of individuals with varied backgrounds, the Manager of Safety will propose a new system to govern decision making with regard to discipline in the Police Department. It will be more consistent, more understandable and fairer than the system has been to date. The new policy, in our view, is a step forward.
- The Denver Police Department (“DPD”) has put together a new approach to dealing with potential problems of some of its officers. The Personnel Assessment System (“PAS”) is intended to identify problematic activity on the part of any officer who may need intervention such as training, counseling, supervision or reassignment. Close-in supervisors will counsel, advise and train these officers in hopes of reversing a problematic trend. The new system, to be fully implemented this year, has required a major increase in IT resources.
- The long-awaited results of the Police Assessment Research Center (“PARC”) study will be released early this year. The PARC study is a review of DPD’s deadly force policies and investigations. PARC is considered to be one of the nation’s top police research facilities. The study is anticipated to recommend changes or additions to DPD’s policies and the investigation of critical incidents.

- A key challenge facing Denver law enforcement in 2008 will be providing effective security arrangements for the Democratic National Convention in August. The arrangements will stretch Police Department plans and resources as it meshes its capabilities with those of federal, state and regional elements. The efforts will require a wise and effective balance between requirements for security and allowance for freedom of protest. The COB expects the Monitor and his office to be heavily involved in planning for this event.

We look forward to these new reforms and challenges. Given the complexities of law enforcement, we are mindful that setbacks and controversies will occur. Notwithstanding this, progress in these areas will insure wise treatment of problems.

II. THE CITIZEN OVERSIGHT BOARD AND ITS MEMBERS

The COB's mission is to improve the fundamental relationships between the community and law enforcement and to assess the effectiveness of the OIM. The COB's mission is directed toward insuring that the OIM creates an accountable and transparent system, which, in turn, will insure public confidence in the oversight system and the rules that govern it.

A City ordinance directs the COB to: 1) assess the effectiveness of the OIM; 2) make policy-level recommendations regarding discipline, use of force, and other policies, rules, hiring, training, community relations, and the complaint process; 3) address any other issues of concern to the community, members of the Board, the Monitor, the Manager of Safety, the Chief of Police, the Director of Corrections, or the Fire Chief; and 4) make recommendations as to specific cases.

The COB consists of seven citizens appointed by the Mayor and confirmed by City Council. In 2007, the Members of the COB were:

Hank Knoche, Chair: Mr. Knoche served two tours of active duty in the Navy in World War II and Korea before joining the Central Intelligence Agency (CIA) in 1953 and retired in 1977 after serving as Deputy CIA Director under President Gerald Ford and Acting Director under President Jimmy Carter. He has been on the Board since 2005.

Cathy Reynolds, Vice-Chair: Ms. Reynolds served on the Denver City Council as an at-large member for 28 years, and held the position of City Council President five times during her tenure. Ms. Reynolds has been on the Board since 2005.

Pastor Paul Burleson: Pastor Burleson is Vice-President of the Greater Metro Denver Ministerial Alliance and pastor of the Friendship Baptist Church of Christ Jesus. Pastor Burleson has been on the Board since 2005.

Rabbi Steven Foster: Rabbi Foster is the Senior Rabbi at Congregation Emanuel, where he has served for nearly 38 years. He has been on the Board since 2005.

Samuel Freeman: Mr. Freeman is a retired lawyer, educator and expert in ethics. He joined the Board in 2007.

David Montez: David Montez is a program officer at the Gill Foundation. Montez served on the Denver Public Safety Review Commission. Mr. Montez has been on the Board since 2005.

Anthony Navarro: Mr. Navarro is an attorney with the Denver law firm of Holland and Hart, where he practices commercial litigation in appellate and trial courts. He served for six years as an Assistant Attorney General in the Colorado Attorney General's Office. Mr. Navarro was appointed to the Board in 2007.

The terms of two COB members came to a close in 2007. Professor Joseph Sandoval served as the Board's chair for its first two years. He is an expert in civilian oversight of law enforcement. Also, Tawanna Mullins served on the Board for its first two years. Ms. Mullins is an education consultant. The effort and background of these two individuals were essential in the COB's development.

The COB is directed to prepare an annual report and furnish it concurrently with the OIM's annual report to the Mayor, the public, and City Council. This is the COB's third annual report and presents its assessment of the OIM's work and progress for 2007, as well as a discussion of the COB's 2007 activities.

III. THE COB AND THE OIM

The Board remains closely connected to the Monitor and his office. Given the Monitor's prior and extensive experience in this field in Los Angeles and Portland, he quickly made an imprint on oversight issues in Denver when he assumed his office in the summer of 2005. The OIM has helped to develop a variety of useful initiatives.

One such initiative is mediation between complainants and law enforcement officers. About 100 such mediations – aided by professional mediators – have occurred. Satisfaction among participants is high. The number of mediations conducted is among the highest in the United States. The COB encourages plans to widen knowledge of the program and its results by publishing an assessment of it in professional journals. The COB has urged that information learned from the mediations be factored back into law enforcement training and this will be done beginning in 2008.

The COB believes the Monitor has been effective in building public awareness of his oversight activities. He does this through an ombudsman who remains in touch with community organizations and his own appearance at public functions. The Monitor and his staff have significantly assisted with investigations conducted by the Internal Affairs Bureau ("IAB") of both the Police and Corrections departments. The OIM has also participated constructively in task forces that have been developing reforms and improvements within DPD.

The Monitor reports to the COB on a regular basis and does a good job of keeping the COB informed of the OIM's efforts and activities. The Monitor attends the COB's regular

meetings, which occur twice a month. As the need arises, the Monitor communicates with the COB through telephone and email correspondence. In turn, the COB, as it is empowered and directed to do by ordinance, freely advises the Monitor and provides ideas and suggestions. The COB continues to work with the OIM to improve the OIM's presentation of data as required by the COB to assess disciplinary matters with DSD and DPD.

We laud the Monitor and his staff in steps they have taken to broaden public understanding of the Monitor's role and responsibilities in dealing with complaints and commendations about Denver law enforcement. These steps have included the issuance of quarterly and annual public reports. The annual report, complete with a myriad of details, runs to well over 100 pages. We have urged the Monitor to streamline and summarize his report to improve chances for a reader's quick grasp of the gist of the document and he is considering a different approach to compiling the annual report.

IV. COB'S 2007 MEETINGS AND ACTIVITIES

At the COB's regularly scheduled meetings and as the Ordinance directs, the COB often meets with managers or other key personnel from the safety departments to discuss ongoing issues and matters of interest. Manager of Safety Al LaCabe, Police Chief Gerry Whitman, then acting Fire Chief Sestrich and Director of Corrections Lovingier met with the COB in 2007.

A. Manager of Safety

The Board met frequently with Manager of Safety Al LaCabe in 2007. The COB is fully aware of the breadth of his talents and of the heavy responsibilities he carries in the management of Denver's law enforcement community. In the past year, we were glad to see steps taken to add able and accomplished officials to his office to cope with the office's growing workload.

The COB remains concerned about some aspects of the disciplinary process that originate in the Manager of Safety's office. This is not a question of the judgment of the Manager himself or ability of those in that office. Instead, it is simply the amount of time it takes to finalize decisions in disciplinary matters. Adequate time and due deliberation are necessary. The COB is mindful, however, that justice delayed is justice denied.

The COB has expressed this concern with the Manager of Safety and he is fully aware of our concerns. But until the very end of 2007, the Manager was behind in public issuances of six post-shooting letters concerning details of police shootings in recent years. At year's end, these letters were completed. All had been found by the District Attorney to be non-chargeable actions and all were studied by DPD's Internal Affairs Bureau (IAB).

The COB remains convinced that the Manager of Safety's office is a force for the advancement of good law enforcement in Denver. We will continue to offer support to see that this remains the case.

B. Denver Police Department

The COB finds the leadership at DPD able and solid. The Board continues to receive DPD's full cooperation in addressing COB inquiries and suggestions. We largely view the workings of DPD's IAB through the OIM. We believe the IAB is doing an effective job.

In meetings with DPD Chief Jerry Whitman and others within the DPD, we have noted the following concerns and made the following suggestions:

- The COB has urged that new ways be found to reach disciplinary decisions. Timeliness must be improved.
- The COB has encouraged the acquisition of the requisite information technology resources to carry out the new PAS. As stated above, this will increase the effectiveness of retraining and counseling officers who become subject to PAS.
- The COB commends the training done at the Police Academy concerning racial profiling, also known as biased profiling. Among the nation's police departments, Denver is a leader in trying to cope with this issue. We have asked DPD to broaden the training by arranging for more periodic retraining of officers. Racial or biased profiling remains one of the Board's major concerns. Finding proof of it is ephemeral.
- Based on anecdotal information that indicated problems existed, the COB reviewed the short-term parking arrangements at Denver International Airport's passenger pick-up areas. For security reasons, the traffic in these areas is kept moving by DPD officers. There are very few citizen complaints when compared to the amount of traffic seen in this area. We suggested that DPD improve signage in the area as an aid to drivers. The new signage is in place.
- The COB held preliminary discussions with DPD and the OIM concerning the security arrangements for this summer's Democratic National Convention. We anticipate a fair number of citizen complaints about security issues and thus will be a feature of the event during this time period. The system will need to be prepared to be responsive and we expect the OIM to be actively involved in helping to develop the requisite security arrangements.
- In 2007, an experiment labeled "broken windows" brought concentrated and helpful police activity to cope with disorder in Denver's Westwood neighborhood. Although this experiment was deemed successful for the Westwood neighborhood, community members informed the COB at a public meeting that some crime disorder simply moved to neighboring communities. The COB advised Chief Whitman of these comments and concerns and recommended that DPD develop plans to offset such results.
- We have met with the City Council's Safety Committee on occasion. We met with the Monitor to brief the Committee on the last annual reports and will do so again to discuss this year's issuances.

C. Denver Sheriff Department

The Denver Sheriff Department (“DSD”) is in good hands. The COB is generally satisfied by the performance of DSD’s IAB. We look to the Manger of Safety’s planned effort to reform the DSD disciplinary process along the same line as that worked out for the DPD. The COB will assist by participating in review of these efforts.

The COB commends DSD’s planning with regards to the new Justice Center now under construction. Of particular interest to OIM and the COB is the placement and good use of cameras and other modern surveillance technology that will assist DSD deputies with their duties.

We commend the Corrections Department’s initiative in establishing a new mental health program in City jails. This has resulted in a drop in violence in the jails and it gives some inmates, upon their release, a fresh opportunity in the community.

During a meeting with the Corrections Director, the COB urged the best possible procedure for handling and storing the personal property of prisoners. We also cited the need to insure that adequate and timely rounds are made throughout the jail area.

The COB shares the OIM’s concern expressed in the OIM annual report that DSD’s deputies are at times allowed to continue working at the jail while awaiting disciplinary decisions. The Board anticipates reviewing this matter in greater depth in 2008 and will make suggestions as appropriate.

D. The Denver Fire Department

By ordinance, both the OIM and the COB have oversight responsibilities with regard to the Denver Fire Department. The oversight responsibilities are limited to those 12 armed officers who are part of arson investigations. In 2008, the COB will consider whether the ordinance should be amended to remove arson investigators from OIM and COB oversight or to alter the frequency of meetings with DFD representatives.

In 2007, the COB met with various DFD officials. The COB shared the Department’s concern about the Department’s problems with hiring and retaining qualified minorities. A COB member served on a Mayor-City Council task force designed to review this matter and new arrangements were identified that have improved minority hiring.

E. Other 2007 COB Activities

As required by the ordinance, the COB conducts regularly scheduled meetings that are open to the public, except when matters subject to privilege are discussed. The COB meets twice a month, on the 1st and 3rd Friday, beginning at 10:00 a.m. at the OIM offices, located on the 12th Floor of the Webb Building.

In 2007 as mandated by ordinance, the COB held quarterly public meetings. The meetings were held in different sectors of the City. The COB met at Hiawatha Davis Recreation Center in East Denver, Quigg Newton Senior Center in northwest Denver, La Alma/Lincoln Park Recreation Center in southwest Denver and Green Valley Ranch Recreation Center in northeast Denver. Topics at the quarterly meetings included Denver gangs, the duties and responsibilities of the OIM and the details and planning of the new Justice Center.

These quarterly meetings are widely publicized in advance, but attendance from the general public has been uneven to date. They are attended by City Council members, other City officials, police officers, and sheriff deputies. The meetings are aired on Channel 8 and this enhances the spread of information about these meetings and what takes place during the meetings.

One Board member and Monitor Rosenthal attended the annual convention of NACOLE, the National Association of Citizen Oversight of Law Enforcement. There they heard insightful lectures from experts and exchanged views with attendees from across the nation about "best practices" worthy of application in Denver.