

Citizen Oversight Board Minutes
January 15, 2010, 10AM
Webb building, 12th Floor conference Room
Approved February 5, 2010

The meeting was called to order at 10:10 AM with members Reynolds, Burlison, Messina Velasquez, and Davis present. Also present were OIM Rosenthal & Deputy Monitor Arnold.

The minutes of December 18 were adopted.

Fire Chief Jim Sestrich reported that arson has not appreciably increased. The department continues to struggle with minority recruitment. They have several new efforts, including mentoring and renewed efforts with the Civil Service Commission to improve minority recruitment. Even with budget problems, there may be a small Academy class in 2010 given fourteen required retirements and 2 active duty deaths. Chief Sestrich has a long and honorable career with the DFD and is facing mandatory retirement next year. He is orchestrating long- and short-term plans to move the DFD forward. Chief Sestrich is actively involved in moving the DFD toward the Disciplinary Matrix model.

Police Chief Keesee briefed the COB on efforts to involve the community in creating more meaningful diversity, people of color and cultural awareness training. She also spoke about the need for looking at racial profiling from the minority and the majority points of view.

Monitor Rosenthal made the following comments to the Board: Rosenthal reported that he is concerned about the lack of timeliness in the imposition of discipline for the Police Department and will report on those concerns in his upcoming annual report. The first draft of the annual report is complete and will be sent out for COB and Department comment late next week. Updated Monitor case handling and mediation protocols are finally complete and should be released for public comment within the next few weeks. COB stipends will continue to be processed through the Monitor's Office Manager as the Controller's Office has advised that the payments cannot be processed through payroll at this time. The Undersheriff has invited the COB on a tour of the new Justice Center in the upcoming quarter - the OIM will coordinate the time and date of the tour. The Rude Recreation Center is not available for the next COB public forum and no other acceptable locations are available in Police District 1. OIM staff is working on finding an acceptable location in Police District 3.

A discussion of future meeting times and places kept us on our expected schedule, although venues may need to change.

The COB needs a special meeting to hone the Annual Report. The date and place will be determined by the Chair.

Submitted,

Cathy Reynolds
Chair

CITIZEN OVERSIGHT BOARD
TELEVISED PUBLIC MEETING
Thursday, January 28 2010, 7 PM
Offices of City Councilwoman Peggy Lehmann
3540 S. Poplar Street, Denver, CO
Approved February 5, 2010

The meeting was called to order at 7PM. COB members present were Reynolds, Davis, Burluson, Foster, Navarro, and Velasquez. Also present were Independent Monitor Rosenthal and OIM Ombudsman Clemmons.

The Board thanked Channel 8 for their efforts to televise the meeting and thanked Councilwoman Lehmann for the use of her office. Councilwoman Lehmann graciously welcomed the meeting to her office.

Police District 3 Commander spoke about a Federal Grant to provide more immediate intervention for domestic disputes. He reported that there has been an increase in auto crimes; auto theft and robbery of contents and gave advice on how to avoid being a victim, i.e. don't leave your car running and unattended, and don't leave valuables in plain sight.

The Denver Crime Prevention and Control Commission gave an overview of its new endeavor. It has created a new Committee on Racial and Gender Disparities. The Presenters were Regina Huerter, Executive Director of the CPCC, Denver Sheriff Department Division Chief Gary Wilson, and Jeaneene Miller of the Colorado Department of Corrections. They gave a wide presentation dealing with their focus on many aspects of racial and gender disparity, ranging from percentages of minorities incarcerated, to how the bail bonds laws affect groups differently, to how different groups are perceived by law enforcement. They are coordinating with all concerned groups and will be making recommendations to policy making bodies.

David Edinger of the Mayor's Office discussed to process in play to replace COB Member Sam Freeman, who passed away several months ago. He explained that this is the first time a community-oriented process has been used to fill a position on the COB and it has been adjusted along the way. Monitor Rosenthal responded to questions about his involvement in the process and Chair Reynolds spoke to the general history of such recommendations.

Two specific cases were brought to COB attention, Citizen Copeland and Officer Southern. The COB will request follow-up on both.

The meeting was quite interactive and informative. The Board thanks AJ Clemmons for her work to set up and facilitate the meeting.

The meeting adjourned at 8:40 PM.

Respectfully submitted,

Cathy Reynolds, COB Chair

FEBRUARY 5, 2009
CITIZEN OVERSIGHT BOARD
MINUTES
APPROVED FEBRUARY 19, 2010

The meeting was called to order at 10 AM in the 12th floor conference room of the Webb Building. Present were COB members Davis, Navarro, Velasquez, Burleson and Reynolds. Also present was Deputy Monitor Arnold.

The minutes of January 15 and January 28 were approved.

The Board discussed the January 28th meeting and the exchange regarding the appointment of a new COB member, in which Monitor Rosenthal was accused of interfering with the process. The Board also discussed a suggestion made by a City Attorney that we might consider deleting the mention of a specific officer's name from the Channel 8 broadcast. The Board determined that censoring a citizen's comments would not be appropriate.

Since Channel 8 has obtained funding for four televised meetings in 2010 instead of the three the COB was expecting, it was determined to go forward with televised meetings as we have in the past. A date in late October or November will be determined for the fourth meeting. The first regularly scheduled meeting of the COB in April falls on a City furlough day, so that meeting will be moved back one day to April 1. The OIM staff will continue to look for a date for the COB and the OIM staff to tour the new Justice Center.

The Board discussed the process for developing the Annual Report. Reynolds will provide a working draft for the special meeting on February 12. In order to do our evaluation of the Monitor for the Report, Davis will attempt to use the 2009 survey document as the basis to do a poll of the Board.

The COB expressed dismay that Denver continues to incarcerate people mistakenly. Arnold explained that it is a wider problem than just Denver and that a City Working Group has been established to try to get a handle on issue. The policy has been changed to require a Sheriff supervisor to check out all claims of mistaken identity.

The Board went into Executive Session to discuss on going investigations and disciplinary recommendations made by the Monitor. The Board was advised by the Deputy Monitor on the status of five DPD disciplinary actions pending before the Manager of Safety, one DPD case recently resolved by the Manager, four cases pending Disciplinary Review Board hearings, and two Sheriff cases pending pre-disciplinary hearings. The Board was also advised about the status of a current DPD investigation. These subjects were discussed in executive session in accordance with D.R.M.C. 2-34(a) (3).

The Board adjourned at 11:20 AM.

Respectfully submitted,

Cathy Reynolds, Chair

Minutes
February 19, 2010
Citizen Oversight Board Meeting
10:00 AM
12th Floor Conference Room
Webb Building

The meeting was called to order at 10:10 AM. Present were COB members Foster, Velasquez, Burleson, Davis and Reynolds. Monitor Rosenthal was in attendance as well as Police Chief Whitman. Joining the meeting from the community were Art Way accompanied by Adrian and Marcus Thompson and their two daughters.

The minutes of February 5th were adopted.

Chief Whitman was asked about racial profiling. He said an easier and more timely complaint process might help and that such complaints are often good subjects for mediation. Mr. Way suggested that a change in the Racial Profiling Policy to delete the word "solely" might be helpful. He also averred that HB 1201 now in the Colorado Legislature may be useful. Mr. Way also expressed concern about the time and expense of obtaining public documents from law enforcement. It was suggested that if difficulties arise he should contact the Manager of Safety's Document Coordinator.

Chief Whitman reported that the Use of Force Policy is being amended to disallow saps and that officers would be issued expandable batons. He also reported that extensive training, aided by the Internet, is being done on the use of Tasers and on excited delirium and those officers carrying Tasers would need to be recertified. In response to questions, the Chief said he was fine with coming to the COB four times a years and that he would be glad to come more or less often at the COB's request.

Corrections Director Lovingier was scheduled to be at the meeting, but was unavoidably detained. He will be rescheduled.

Monitor Rosenthal reported that he has been working with the Sheriff Disciplinary Group to institute a disciplinary matrix for the Sheriff Department and is drafting a Disciplinary Handbook. It is hoped that the Police Disciplinary Matrix could be used but the differences between the two personnel systems is making this complicated. He hopes to have this project completed by July 1.

AJ Clemmons is working on scheduling tours of the new Justice Center and the HALO communications center and is looking for a site for the April COB quarterly meeting.

Mrs. Thompson recounted recent experiences with a Denver Police Officer, a County Court Judge, and members of the Denver Sheriff Department. She has filed a complaint. Monitor Rosenthal explained the complaint and monitoring process and the Office of the Independent Monitor will be involved.

In accordance with D.R.M.C.2-34(a) (3), the Board went into executive session to discuss on going investigations and disciplinary recommendations made by the Monitor. The board was advised by the Monitor as to the number and type of cases for pending police and sheriff investigations currently being actively monitored. The Board was also advised about police and sheriff cases where discipline is pending before the Manager of Safety. The board was also advised regarding some pending investigations.

Respectfully submitted,

Cathy Reynolds

Citizen Oversight Board Minutes
February 26, 2010 10:00 AM
12th Floor Conference Room
Webb Building

The Board convened at 10:10 AM. Present were COB members Foster, Navarro, Velasquez , Davis and Reynolds. Monitor Rosenthal joined in for a part of the meeting.

The Board went into Executive Session to discuss personnel issues in accordance with D.R.M.C. 2-34(a) (3).

Respectfully submitted,

Cathy Reynolds
Chair

Citizen Oversight Board Minutes March 5, 2010
12th Floor Conference Room
Webb Building

The meeting convened at 10:05 AM. Present were COB Members Davis, Velasquez, Navarro, Burleson, and Reynolds. Also present were OIM Rosenthal and Mike Henry, Staff Director for the Board of Ethics.

The minutes for the 2/19/10 and 2/26/10 meetings were adopted.

Mike Henry led a discussion about the City Ethics code, its background, and how it affects the COB.

In the Independent Monitor's public report, Rosenthal reported that he has drafted the Sheriff Department Disciplinary Handbook. It now goes to the Manager of Safety, the Director of Corrections and Sheriff command staff for review. Rosenthal is hopeful that it and the matrix can be implemented by July 1st.

Monitor Rosenthal is pursuing a grant from the Department of Justice National Institute of Justice to fund a three year program to create and incorporate an "education based discipline" program into the disciplinary matrix for police and sheriff departments.

The Board went into Executive Session to discuss personnel issues, on going investigations and disciplinary recommendations made by the Monitor. The Board was advised by the Monitor as to the number and type of cases for pending police and sheriff investigations currently being actively monitored. The Board was also advised about police and sheriff cases where discipline is pending before the Manager of Safety. The Board was also advised of Monitor concerns regarding some pending investigations. These subjects were discussed in executive session in accordance with D.R.M.C. 2-34(a) (3).

Respectfully submitted,

Cathy Reynolds
Chair

Citizen Oversight Board
March 19, 2010
10:00 AM
Webb Building, 12th floor Conference Room

A quorum was not available. An unofficial, informal discussion ensued and no official action was taken.

In attendance were COB members Reynolds, Foster and Davis plus OIM Rosenthal, Deputy OIM Arnold and two visitors, Cheyenne Hughes and Joshua Norgin , as well as Lowry Mumford of the Community Mediation Center.

Manager of Safety Al LaCabe spoke about the importance of having leadership that listens, communicates, and continues to foster constructive change in the Department. Manager LaCabe will be retiring from his post on June 30, 2010. A celebration will be held at the PPA building on June 30 at 5:30 PM.

The OIM spoke about the departure of Ajenai Clemmons. Ms. Mumford will be picking up the slack and arranging the mediations. The rest of the OIM staff, most particularly Geri Castellano, will fill in as possible.

The COB is slated to conduct its regular Friday meetings and is scheduled to have the next quarterly meeting on April 15 from 7-9 at Temple Emanuel.

Mr. Hughes and Mr. Norgin asked questions of the OIM and COB and a productive dialogue ensued.

The COB met privately and informally with the OIM to discuss personnel matters.

Citizen Oversight Board Bi-Monthly Meeting Minutes
April 15, 2010, 6:00 PM
Temple Emanuel Conference Room
51 Grape St., Denver CO

The meeting was called to order at 6:00 PM. Present were COB Members Reynolds, Davis, Navarro, Foster, Velasquez, Walsh, and Monitor Rosenthal. Also present was Denver Civil Service Commission Chair Cecelia Mascarenas.

The OIM reported that the Administration was allowing him to fill the vacant analyst position, but only 1/2 time for the ombudsman position. He will endeavor to expedite filling those slots.

The Board went into Executive Session to discuss on going investigations and disciplinary recommendations made by the Monitor, as well as personnel matters. The Board was advised by the Monitor as to the number and type of cases for pending police and sheriff investigations currently being actively monitored. The Board was also advised about police and sheriff cases where discipline is pending before the Manager of Safety. The Board was also advised of Monitor concerns regarding some pending investigations. These subjects were discussed in executive session in accordance with D.R.M.C. 2-34(a) (3).

Respectfully submitted,

Cathy Reynolds, Chair

Citizen Oversight Board Quarterly Meeting Minutes
April 15, 2010, 7:00 PM
Temple Emanuel Conference Room
51 Grape St., Denver CO

The meeting was called to order at 7:00 PM by Chair Reynolds. Present were COB members Reynolds, Davis, Navarro, Velasquez, Walsh and Foster. Member Burleson joined the meeting in progress. Also present were Independent Monitor Rosenthal and Denver District Attorney Mitch Morissey. The meeting was taped by Channel 8 for play at later times. Several members of the public attended.

District 5 Councilwoman Marcia Johnson welcomed the group to her Council District and gave best wishes for a successful meeting.

Members were introduced, Channel 8 was thanked for their participation and Temple Emanuel was thanked for their hospitality.

COB Chair Reynolds and OIM Rosenthal presented overviews of their respective annual reports, as required by Ordinance. The reports are available on line at www.denvergov.org/cob and www.denvergov.org/oim.

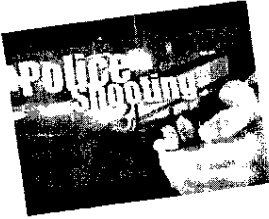


District Attorney Morissey gave a thorough discussion of his office's involvement in critical incidents, including response, investigation and decision making process. His power point presentation is available as an attachment to this document.

The Citizen Oversight Board, the Independent Monitor and the District Attorney were available for questions and to hear concerns. Among those expressed were the status of efforts to eliminate incarceration of mistaken identity victims, the role and accessibility of the COB and various DA's decisions.


The meeting adjourned at 9:00 PM.

Respectfully submitted,

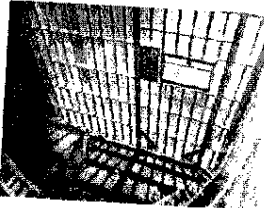
Cathy Reynolds, COB Chair

Denver District Attorney Critical Incident Investigations

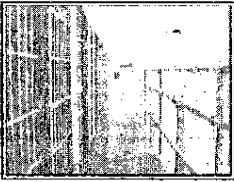




Mitch Morrissey
Denver District Attorney



In-Custody Deaths

- In-custody deaths include any incident in which the subject dies in the custody of law enforcement:
 - In a jail or holding cell
 - In a police car or transportation vehicle
 - During the course of arrest:
 - Carotid holds, taser deployment, beanbag or sabot deployment or other less lethal use of force.

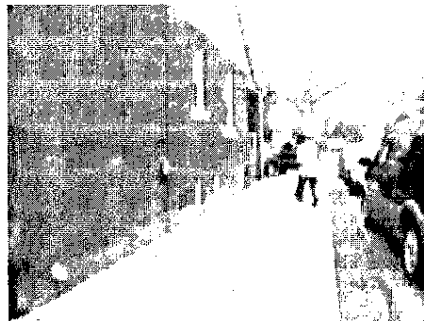




Officer-Involved Motor Vehicle Accidents Involving Death or Serious Bodily Injury

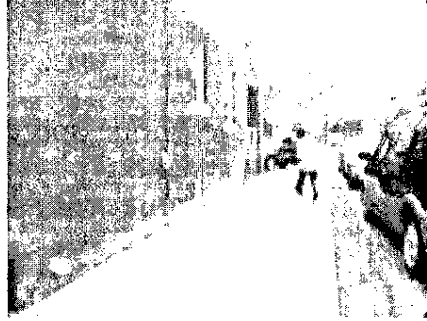
- The District Attorney will be involved in the investigation of any Motor Vehicle Accident involving death in which a law enforcement officer is either the victim or a surviving driver.
- The Denver District Attorney will be involved in the investigation regardless of what law enforcement agency employs the officer if the incident occurs in the Second Judicial District.



Officer-Involved Shooting Investigations



Officer-Involved Shooting Investigations



Officer-Involved Shooting Investigations

- Defined as any incident in which a subject shoots and wounds or kills a law enforcement officer *or* in which a law enforcement officer shoots and kills or wounds a suspect.
- The Denver District Attorney will be involved in the investigation regardless of what law enforcement agency employs the officer, if the incident occurs in the Second Judicial District.

Officer-Involved Shooting Investigations

- When a officer shoots and wounds or kills a person in Denver, a very specific and formal protocol is followed to investigate and review the case.
- Confrontations between the police and citizens involving physical force or deadly physical force are among the most important events with which we deal.
- Special attention and handling occur at all levels.
- The potential exists for criminal, administrative, and civil consequences.

Officer-Involved Shooting Investigations

- If criminal charges are not filed, the District Attorney sends a decision letter describing the shooting to the Chief of Police, with copies to the involved officer(s), the Mayor, City Council members, other appropriate persons, and the media.
- In many cases this decision letter can be completed within a few weeks of the shooting.

Officer-Involved Shooting Investigations

- The decision letter is intentionally brief to avoid impacting the integrity and validity of the Denver Police Department's administrative investigation and review, which follows the criminal investigation and review.
- The Denver Manager of Safety writes an in-depth letter at the conclusion of the *administrative review* of the shooting.
- The Manager of Safety's letter may include additional information developed during the administrative investigation and can provide the most comprehensive account of the shooting.

Contents of the District Attorney's Letter

- SYNOPSIS OF SHOOTING
- STATEMENT OF INVESTIGATION
- STATEMENT OF FACTS
- LEGAL ANALYSIS
- CONCLUSION



**OFFICER-INVOLVED SHOOTING
PROTOCOL
2010**

As in every case we handle, any interested party may seek judicial review of our decision under C.R.S. 16-5-209.

Officer-Involved Shooting Investigations

- The investigative protocol has been developed over 30 years.
- There is no “perfect” method for handling officer-involved shooting cases.
- We continue to evaluate the protocol and seek ways to strengthen it.



OFFICER-INVOLVED SHOOTING PROTOCOL 2010

Report of the Erickson Commission -1997

CONCLUSION:

- The commission spent more than a year studying the procedures according to which officer-involved shootings in Denver are investigated and criminal charging decisions are made.
- The commission found no fundamental flaws in the procedures that are currently being followed.
- Those procedures protect the public interest.

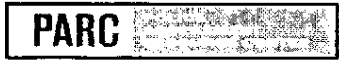


William Erickson
Retired Chief Justice of
the Colorado Supreme
Court

The Denver Report on Use of Deadly Force - 2008

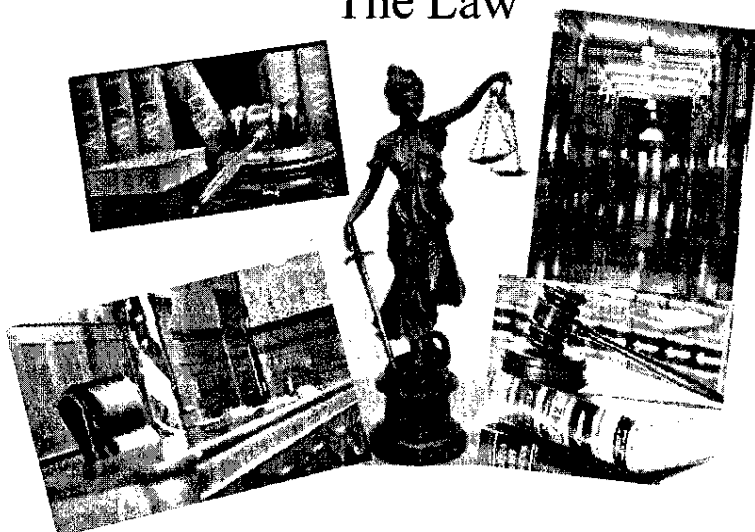
CONCLUSION:

“The DPD today meets and even exceeds national standards in many areas, making the DPD close to, if not already, a national leader.”



Officer-Involved Shooting Investigations

The Law



§ 18-1-707. Use of physical force in making an arrest
or in preventing an escape

- (1) A peace officer is justified in using reasonable and appropriate physical force upon another person when and to the extent that he reasonably believes it necessary:
- (a) To effect an arrest or to prevent the escape or
 - (b) To defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force while effecting an arrest or while preventing an escape.

§ 18-1-707. Use of physical force in making an arrest
or in preventing an escape

- (2) A peace officer is justified in using deadly physical force only when he reasonably believes that it is necessary:
- (a) To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or
 - (b) To effect an arrest, or to prevent the escape, of a person whom he reasonably believes:
 - (I) Has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon; or
 - (II) Is attempting to escape by the use of a deadly weapon; or
 - (III) Otherwise indicates that he is likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay.

The Investigation and the Role of the District Attorney

- Responsibilities of the Prosecutor
 - Determine whether and what charges should be brought.
 - Decide or participate in the determination of what investigative model should be used in a specific case.
- Criminal Filing Standards
 - A reasonable likelihood that the crime charged can be proved beyond a reasonable doubt to twelve jurors at trial, after considering reasonable defenses.

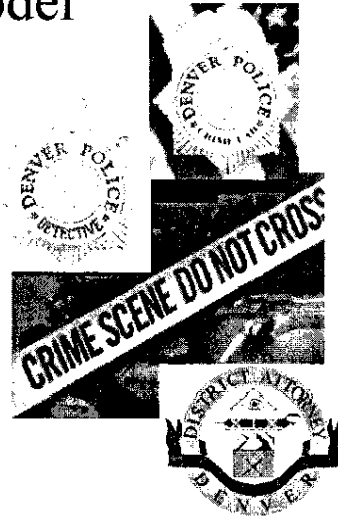
Improper Bases for Charging

- The race, religion, nationality, sex, sexual orientation, occupation, economic class, or political association or position of the victim, witness, or the accused.
- The mere fact of a request to charge by a police agency, private citizen, or public official.
- Public or journalistic pressure to charge.

Denver Model

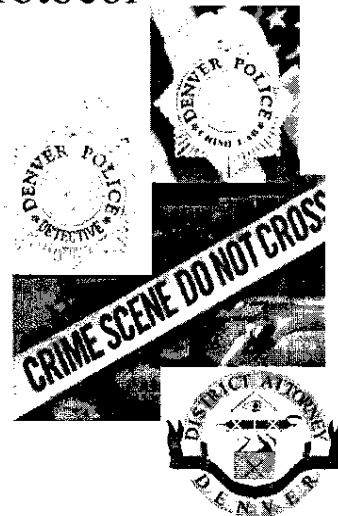
- Standard “homicide-type” investigative model:
Investigation pursued by homicide bureau
AND
Denver District Attorney’s office

A cooperative effort



Investigative Protocol

- Render aid/secure scene
- Identify and sequester witnesses
- Initiate call-out
- Obtain preliminary witness statements
- Investigators arrive - scene investigation and documentation



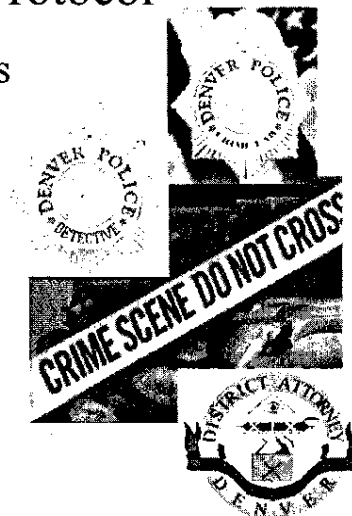
Investigative Protocol

- Witnesses taken separately to DPD headquarters for video - interviews (if willing to do so).
- Involved officers taken separately to DPD headquarters for video interviews after consultation with attorney.
- Officer's weapon and other relevant items delivered to crime lab for analysis.



Investigative Protocol

- Investigators gather all reports for case filing
 - Lab analyses
 - Medical reports (where available)
 - Autopsy report
 - Photographs and DVD videos
 - Witnesses' statements
 - Other



Officer Advisement in Police Shootings



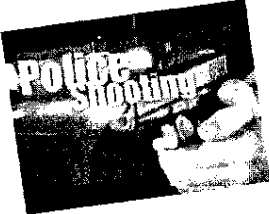
- You are not in custody and are free to leave, subject only to your normal police duties.
- You are not required to make a statement at this time, but may do so. No one will order you to make a statement at this time.
- No departmental disciplinary action will result from your desire not to make a statement at this time.
- You, of course, may contact an attorney and have him/her present for legal assistance.
- As in any other investigation, your attorney may only be present to advise you. That is the limit of his/her participation in the police department investigation of this case.
- Your attorney may request certain factual areas be covered (or, of already covered, be covered more thoroughly). The police department or district attorney representative will do the actual questioning.
- You are free to stop your statement at any time and are free to leave at any time during the course of making the statement.
- You will be sworn in by a notary public and a willful false statement may result in a perjury investigation

THE OATH: Do you solemnly swear under the penalty of perjury that the statement you are about to give will be true and correct to the best of your knowledge.


Fatal Officer-Involved-Shootings

- 2010 - 1 (to date)
- 2009 - 4 (3 - DPD, 1 - Lakewood PD)
- 2008 - 5 (4 - DPD, 1 - DOC/Parole)
- 2007 - 3 (1 - DPD, 1 - Arapahoe County Sheriff,
1 - Colorado State Patrol)
- 2006 - 3 (DPD)
- 2005 - 1 (DPD)






Denver District Attorney
Critical Incident Investigations



Mitch Morrissey
Denver District Attorney



Citizen Oversight Board Minutes
May 7, 2010
Webb Building, 12th Floor Conference Room
10:00 AM
Approved June 4, 2010

Present were COB members Reynolds, Davis, Foster, Navarro, Walsh and Burlison. Also present was Independent Monitor Rosenthal.

The minutes from the regular meeting of April 15 as well as the quarterly meeting of April 15 were adopted.

Monitor Rosenthal reported that \$54,000 will be required for the 2011 budget. Most of that has been accomplished with vacancy savings and the OIM will report on the balance.

Finalists for the vacant analyst position will be interviewed May 10. The Ombudsman position has been filled with Michelle Wheeler, who will come on board May 27.

The COB is scheduled for a tour of the new justice center on May 14 at 10:00 AM at 490 W. Colfax. (the entrance is on Elati between 14th and Colfax on the east side of the street.)

The COB discussed comments made at the April 15 meeting. As a result, a notice in the lobby of the 12th floor of the Webb Building will be posted with instructions on gaining physical access to the Friday morning meetings. The COB will continue to consider improvements.

Upon polling the assembled, it seems likely the May 21 COB meeting will be canceled due to other commitments and the fact that the COB has no guest scheduled.

As required by COB by laws, elections of COB officers were held. Reynolds and Davis were elected chair and vice chair.

The Board went into Executive Session to discuss on going investigations and disciplinary recommendations made by the Monitor. The Board was advised by the Monitor as to the number and type of cases for pending police and sheriff investigations currently being actively monitored. The Board was also advised about police and sheriff cases where discipline is pending before the Manager of Safety. The Board was also advised of Monitor concerns regarding some pending investigations. These subjects were discussed in executive session in accordance with D.R.M.C. 2-34(a) (3).

The meeting was adjourned at 11:15 AM.

Submitted,

Cathy Reynolds

Citizen Oversight Board Minutes
June 4, 2010
Webb Building, 12th Floor Conference Room
10:00 AM

The meeting was called to order at 10 AM. Present were COB members Velasquez, Burleson, Foster, Davis, Walsh and Reynolds. Also present were Independent Monitor Rosenthal, Deputy Monitor Arnold, and new Ombudsman Michele Wheeler.

Manager of Safety LaCabe and Manager Select Perea joined the meeting. Welcomes, thanks, and best wishes were extended. The COB expressed concern that the timeliness of discipline is falling even farther behind. There are at least 9 cases in arrears on the Manager's desk. Explanations were given and assurances that efforts would be made to catch up. The implementation of the Disciplinary matrix for the Sheriff Department will be delayed for at least a few months. New Manager Perea will be using June to meet with stakeholders and familiarize himself with the job. Manager LaCabe may be continuing with the city as a consultant to complete ongoing matters and advise the new Manager.

Monitor Rosenthal discussed with the COB four new training bulletins that have been sent out to the Police Department regarding dealing with the media (1) and entries into residences (3) as the result of input from the Monitor. The Monitor also reported that the office is being required to reduce its budget submission by an additional \$10,000 over and above the initial reduction of \$54,000. The COB agreed that the reduction should be taken from the COB consultant line item and the COB stipend line item. The Monitor reported that Dr. Joseph DeAngelis from the University of Ohio has been hired as the next research analyst and will start work on August 2, 2010.

Future COB meetings will endeavor to stay on track with required meetings with the Chiefs and the Manager. The new Manager will be invited as the speaker for the next quarterly meeting.

The Board went into Executive Session to discuss on going investigations and disciplinary recommendations made by the Monitor. The Board was advised by the Monitor as to the number and type of cases for pending police and sheriff investigations currently being actively monitored. The Board was also advised about police and sheriff cases where discipline is pending before the Manager of Safety. The Board was also advised of Monitor concerns regarding some pending investigations. These subjects were discussed in executive session in accordance with D.R.M.C. 2-34(a) (3).

The meeting adjourned at 11:55 AM.

Respectfully submitted,

Cathy Reynolds
Chair

Citizen Oversight Board Minutes
July 16, 2010
10 AM
10th floor, Webb Building

The meeting convened at 10 a.m. Present were COB board members Reynolds, Burleson, Foster, Navarro and Davis. Also present were Deputy Monitor Arnold and Liaison Wheeler.

The June 4 minutes were adopted.

Manager Perea joined the meeting and shared his impressions of his first weeks on the job, including various meetings with community organizations. An executive session was held to discuss ongoing investigations.

The Board went into Executive Session with the Deputy Monitor to discuss on going investigations and disciplinary recommendations. The Board was advised regarding the status of two officer-involved shooting investigations and one in-custody death investigation. The Board was also advised about several cases involving the imposition of discipline on Denver Police officers and disciplinary recommendations made by the Monitor on other police cases. These subjects were discussed in executive session in accordance with D.R.M.C. 2-34(a) (3).

Arrangements for future meetings were discussed.

The meeting adjourned at 11:20 AM.

Respectfully submitted,

Cathy Reynolds
COB Chair

Citizen Oversight Board Meeting Minutes
July 29, 2010 1PM
Police Administration Building
Manager's Office
Approved November 5, 2010

In attendance were Members Reynolds, Walsh, Velasquez, Burleson and Davis. Also present were Monitor Rosenthal and Deputy Monitor Crittenden.

The Board went into executive session in accordance with D.R.M.C. 2-383 (3).

After discussion and review of confidential Internal Affairs Investigative materials, the Board authorized the following communication which was issued as the Citizen Oversight Position.

August 2, 2010

TO: Denver Manager of Safety Ron Perea

FROM: The Citizen Oversight Board

Re: DPD IAB Case Number P200904015.

The Citizen Oversight Board has reviewed the Officer reports and the HALO video in DPD IAB Case Number P200904015. Based on our review, we see broad factual discrepancies between the video evidence and the official reports. From our perspective, having reviewed the HALO video a number of times, it is clear that the use of force involved was an unprovoked and extreme reaction to the situation. Additionally, it is clear from the reports filed by the officers involved that they were not truthful in describing what occurred during the incident. We feel strongly that the minimum discipline imposed on the officers was not in keeping with the witnessed infractions. The officers were not sustained for the more serious infractions that would support higher discipline as justified by the evidence. The COB strongly feels that unwarranted use of force and departing from the truth are serious matters that require stern consequences, which were not reflected in the type and level of discipline imposed in this case.

*Cathy Reynolds
Chair, Citizen Oversight Board*

The meeting adjourned at 2:30 PM.

Respectfully submitted,

Cathy Reynolds
October 10, 2010

Citizen Oversight Board Quarterly Meeting
August 26, 2010 7:00 PM
Temple Emanuel Sisterhood Lounge
51 Grape Street
Denver, CO

The meeting was called to order at 7:00 PM by Chair Reynolds. Present were COB members Reynolds, Navarro, Velasquez, Walsh, Burlison and Foster. Also present were Councilwoman Marcia Johnson, Independent Monitor Rosenthal, Police Chief Whitman, Director of Corrections Wilson, and Denver City Attorney David Fine. The meeting was taped by Channel 8 for play at later times. Approximately 30 members of the public attended.

Members of the COB were introduced, Channel 8 was thanked for their participation and Temple Emanuel was thanked for their hospitality.

Chair Reynolds and Monitor Rosenthal made brief presentations.

Deputy Manager of Safety (and soon to be acting Manager of Safety) Mary Malatesta outlined the process for investigations of alleged police misconduct and stressed her dedication to fair and just decisions regarding discipline.

The Citizen Oversight Board, the Independent Monitor and all other officials present were available for questions and to hear concerns. Among the concerns were questions about the appropriateness of recent decisions regarding discipline and the roles of the Citizen Oversight Board, the Independent Monitor and the Manager of Safety.

The meeting adjourned at 8:30 PM.

Respectfully submitted,

Cathy Reynolds, COB Chair

Citizen Oversight Board
September 2, 2010
Webb Building, 12th Floor Conference Room, 10 AM
Approved: September 17, 2010

The meeting was called to order at 10 AM. Present were COB members Reynolds, Foster, Davis, Velasquez, Deputy Monitor Arnold, Monitor Rosenthal and Ombudsman Wheeler.

Minutes from August 26 were adopted.

The August 26 quarterly meeting was discussed.

The role of the COB and the OIM were discussed, and the impending City Audit and Council hearings were discussed.

Schedules for future meetings were discussed.

The Board went into Executive Session to discuss on going investigations and disciplinary recommendations made by the Monitor. The Board was advised by the Monitor as to the number and type of cases for pending police and sheriff investigations currently being actively monitored. The Board was also advised about police and sheriff cases where discipline is pending before the Manager of Safety. The Board was also advised of Monitor concerns regarding some pending investigations. These subjects were discussed in executive session in accordance with D.R.M.C. 2-34(a) (3).

October 1, 2010 10 AM
Citizen Oversight Board Meeting
12th Floor Webb Building
Approved November 5, 2010

In attendance were COB members Davis, Walsh, Velasquez, Burleson, Foster, and Reynolds. Also present were Michele Wheeler, Richard Rosenthal and Valerie Arnold.

The September 17 minutes were adopted.

Corrections Director Wilson was our guest. A wide range of topics was discussed including, the process for his promotion, the process for suspensions in suspect cases, training issues, disciplinary policy and adopting a "matrix." The director stressed four points for his administration. 1. Strong ethics 2. Customer service 3. Civil liabilities 4. Use of force training and policy

Ms. Wheeler went over our upcoming schedule of meeting guests. Director Wilson on Nov. 5, Manager Malatesta on Nov. 19, and Chief Whitman on Dec. 3. We also discussed our next quarterly meeting to be held on November 18. No topic has been decided.

The Board authorized the following communication, which was delivered:

October 1, 2010

*Mayor John Hickenlooper
1437 Bannock St., Room 350*

Mayor Hickenlooper:

The Citizen Oversight Board is concerned regarding reports that your office is working to make arrangements to allow the Booker family to view the Justice Center surveillance video in advance of completion of the Sheriff Department's Internal Affairs investigation. We feel that this could set an unfortunate precedent and possibly hinder a fair and just disposition of this case.

Thank you for your attention.

*Cathy Reynolds
Chair
Citizen Oversight Board*

The Board went into executive session in accordance with D.R.M.C. 2-34(a)(3) to discuss on-going investigations with Director Wilson and Director Rosenthal.

We adjourned at 12 noon.

Respectfully Submitted

Cathy Reynolds
Chair