

City of Boulder

Police Oversight Task Force Meeting Notes

8/15/2019

(Absent: Nami, Chris, John; On Phone: Todd and Sophia)

Check in: Recommended podcast: Kind World; Attendees shared a recent act of kindness shown to them.

Open Space and Mountain Parks Discussion

- Steve Armstead offered an apology on behalf of the department for the evening of 7/25 when Sheila and two other community members were prevented from entering the building by nonprofit volunteers who were also using the building that evening.

Denver Independent Monitor Discussion

- Nicholas Mitchell, Denver Independent Monitor and former Board member for NACOLE provided an overview of their oversight model.
 - 2004—multiple incidents resulted in the creation of civilian oversight structure.
 - Independent Monitor + Citizen Oversight Board
 - 14 staff members—oversees two agencies: Denver PD and Denver Sheriffs Department
 - Independent Monitor's Office receives complaints, refers them to Internal Affairs, and oversees the investigation process that follows
 - Present when evidence is collected and interviews are conducted
 - Hundreds of investigations every year
 - Before an investigation is closed, it must be reviewed by the IM Office.
 - Quality: Is it thorough, complete, fair, unbiased?
 - Weekly meetings with Police Chief and Sherriff
 - Regular public reporting regarding assessments
- Citizen Oversight Board—appointed by the mayor, to recommend policy for the PD as well as oversee the Monitor's Office. Does not make major recommendations on cases, but more policy recommendations.
- What is the value of having an investigative function within the PD?
 - Many alternative investigative oversight models do not actually work very well—most successful would be Washington D.C. and San Francisco.
- Does the Independent Monitor have challenges getting information they need?
 - As of 2015, the ordinance in Denver was strengthened to ensure that the office could have access to the information it needs
 - Subpoena process is clunky and slow—better to have an ordinance enabling information exchange without requiring subpoena power
- What doesn't work about an Independent Monitor model?

- 3 times in 6 years had to go to the city council or voters to address issues with the empowering ordinance: document access, exemptions of individuals who were beyond jurisdiction, and in 2016 voters amended the charter to include the Independent Monitor's Office formally.
 - Challenges regarding independence if the same individual can appoint the monitor as well as the Chief and Sherriff.
- Independent monitor structure operates beyond the culture of the Police Department. Eugene Model—lots of checks and balances. How do you ideally build in independence?
 - Separate powers regarding who appoints which positions
 - Term limit auditor (balance a lengthy enough position to recruit quality, while ensuring healthy turnover)
- How have the recommendations from the OIM been received?
 - Waiting for complaints is often too late, so the office has a policy team that works on identifying patterns and trends to make recommendations for change before incidents happen.
 - Public reporting adds the greatest force and impact behind the recommendations made.
 - Example: recent investigation regarding a death resulting from use of force in custody. Recommended civilianizing internal affairs for the Sheriffs Department.
- How do you screen/determine which cases to monitor?
 - Most severe cases—all officer involved shootings, criminal/sexual/biased misconduct.
 - 40-50% of cases are “declined,” meaning after a preliminary review, a complaint is determined to be unsubstantiated
- If the OIM finds an investigation insufficient, can they demand a more thorough one is conducted?
 - The OIM can demand but not command—ultimately the agency determines the course of action. In extreme cases where the agency is refusing to do more investigation, there is a process to subpoena.
- When the oversight model was created, how did the Police/Sheriffs Departments buy-in?
 - It may not have happened right away—but key leadership was strongly in favor of it.
 - Some front-line PD/SD staff come to the OIM with their complaints directly
- Funding?
 - Funded by the city's general fund, \$1.8 M per year
- If an officer admits that they were guilty of the complaint, do they avert full consequences?
 - The investigation may be shorter, but discipline will still occur.
 - 40-50 mediations per year
- Community oversight board—is there a logic for an odd number?
 - Assumption it is for tie-breaking
- Is there a term limit on the Monitor position?
 - Not in Denver

- Does the Mayor ever step in the middle of a disagreement between OIM and PD/SO?
 - Not that he is aware of
- Formal training for OIM staff?
 - Use of Force, ride alongs and jail visits, professional conferences, etc.
 - OIM works to engage with the community to hear from them their experiences
- How long do investigations take?
 - Depends on the nature of the case and scope of the incident.
 - Part of the recommendation to civilianize Sherriff Department internal investigations was due to significant delays.
- Oversight Board composition and selection process?
 - Before 02/2019, the mayor would appoint all seven members. Following that, Denver city council changed the selection process to be 9 people on the board, and a community selection committee. That committee would submit 3 individuals to be nominated for each seat. Half of the appointments are now made by the mayor, and half by the city council.
- How are the complaints received?
 - Complaint/commendation forms with postage paid—available in many government buildings
 - Online form for submissions
 - Intake staff member for phone calls
 - Walk-in reports
 - Toll-free number inside the jail so that people in custody could call the OIM
 - Important to have ways to access the complaint process without having to directly interact with the police
- For a smaller community like Boulder with fewer resources, would it be better to be selective about what type of complaints are examined?
 - While he is not familiar with Boulder’s context, he recommends a transparent process that is very thoughtful about who gets to determine what complaints get reviewed by oversight.
 - Important to see as many as the complaints as possible
- Would there be a benefit to contracting a firm for monitoring?
 - Contracted firms can do great work, the downside is that they are not local in the community
- Perception of true independence of the office?
 - Important to maximize independence
- When does the civilian oversight board get involved?
 - IM meets with the COB twice monthly, open to the community. Public portion of the meeting, there is discussion of policy issues and developments; in private there is discussion of pending investigations. The COB also has the ability to raise issues in those meetings.
- How often does the OIM agree with the Police/Sheriff Departmens?
 - It is a mix
 - If there is a dispute, the IM may go to the Director of Public Safety

- 14 staff
 - 1 Independent Monitor, 5 deputies are attorneys who work on IA cases/officer involved shootings/death in custody, 2 policy analysts, one intake person, 1 administrative aide, and an outreach team of 3.5 employees
 - Diversity: He feels it is relatively diverse
- How is success measured?
 - Oversight Board issues a qualitative and quantitative assessment every year
 - The mayor also evaluates his performance
 - People of Denver assess the performance—2017 vote of 72% to move the office into the charter suggests positive sentiment
- Underreporting concerns?
 - Work with neighborhood associations and community groups
 - Take complaints in Spanish
 - Have access to a language line to provide additional translation
- Who staffs the Oversight Board?
 - Part-time administrator
- The interplay between the criminal process and the IA process—IA defers until after a criminal process is complete.

Discussion of City Research

- Request for additional budget and staffing detail from various cities to support oversight

Review of Task Force Recommendations

- General sentiment of task force members in relation to various models: 4 members supported oversight board. 4 members supported auditor/oversight board. 2 members supported auditor/monitor with a review panel. 1 member supported investigative with a review panel.
- Michele clarified that her reference to an inspector general, she intended the same meaning as an auditor/monitor
- Importance of independence of an auditor/monitor not appointed directly was raised. A transparent, competitive process is important.

City Council Presentation

- Open with Zayd Atkinson quote from Good Morning America –*There are instances like this where people don't come out alive. I'm blessed that I got out alive and unharmed. It definitely brings fear to my heart knowing that some people don't survive.*

Zayd Atkinson, Good Morning America, April 5, 2019

- Sophia outlined framework:
 - History of how/why the police oversight task force was formed
 - What the TF has been doing in the last several months

- What the initial findings are
- Ask for specific feedback on key questions
- Allow 15 minutes for Q&A
- Weave in the vision work—emphasize shared goals and outcomes
 - Transparency, trust-building, accountability
- Recognize all of the community stakeholder interviews and feedback
- Acknowledge that there will be a Police Chief recruitment in 2020
 - Culture change—through oversight and leadership
- What makes for a successful process? What doesn't work?
- “To understand racism you need to understand power dynamics. To understand sexism you need to understand power dynamics. To understand poverty you need to understand power dynamics. To understand power dynamics you need to listen and believe the stories of the powerless.”
- Two-three presenters at the table, the rest of the task force will be present in the chambers.
- Thorough review of research and task force process.
- Recommendations of timeline and required resources. Create sense of urgency.
- Include in the memo, general background of models of oversight.

Public Comment

Homework

- Thoroughly prepare to come ready on 8/22 to discuss the recommended models.
- Next week's agenda
 - Further City Research Information (Pam Davis)
 - Prepare for Council Presentation (All)
 - Begin processing through recommendations (All)
 - Come prepared on 8/22 with questions for Council (All)
 - Confirm 2-3 presenters on 8/22