

ARTICLE XVIII. - OFFICE OF THE INDEPENDENT MONITOR

Sec. 2-371. - Office created.

- (a) There is hereby created the office of the independent monitor ("monitor's office") for the City and County of Denver. This office shall consist of a full-time monitor with appropriate professional and support staff. For purposes of this article, "monitor" means the head of the office of the independent monitor.
- (b) The monitor's office shall actively monitor and participate in certain investigations of uniformed personnel; make recommendations to the manager of safety regarding administrative action, including possible discipline, for such uniformed personnel; make recommendations regarding policy issues; and address any other issues of concern to the community, the members of the citizen oversight board ("board") created pursuant to section 2-377, the manager of safety, the chief of police, or the undersheriff. For purposes of this article, "uniformed personnel" means all members of the classified service of the Denver police department, all sworn members of the Denver sheriff department, and members of the Denver fire department who are authorized to carry and use firearms on duty.
- (c) The monitor shall establish standards of professional conduct and a comprehensive training program for its own staff in order to evaluate whether internal investigations have been properly conducted and to make recommendations as to the sustaining of rule violations, the imposition of disciplinary sanctions, and changes in policy and training.

(Ord. No. 730-04, § 1, 10-4-04)

Sec. 2-372. - Appointment, qualification, and removal of monitor and staff.

- (a) The mayor shall direct the recruitment for the monitor's position with the assistance of the Office of Human Resources or other entity designated by the mayor.
- (b) Prior to the appointment of any person to the position of monitor, the mayor shall appoint a screening committee to interview and evaluate candidates for the position. The screening committee shall consist of the following five (5) persons:
 - (1) The chairperson of the board, who shall be the chairperson of the screening committee;
 - (2) A member of city council as selected by the city council president;
 - (3) A current or retired judge as selected by the mayor;
 - (4) The Office of Human Resources Executive Director; and
 - (5) A person with extensive knowledge of internal police investigations or the monitoring of internal police investigations but who has never been employed by the Denver police, sheriff, or fire departments as selected by the mayor.
- (c) The screening committee shall forward to the mayor the names of up to three (3) candidates, whose names shall be available to the public.
- (d) The mayor shall appoint the monitor from the list of names submitted by the screening committee, unless the mayor decides not to appoint any of those candidates, in which case the mayor shall request the screening committee to provide additional names.
- (e) The appointment of the monitor by the mayor shall not be effective unless and until confirmed by the city council acting by ordinance.
- (f) The monitor shall serve at the pleasure of the mayor. Prior to any removal of the monitor by the mayor, the mayor shall consult with the city council and the board regarding his or her intention to remove the monitor.

- (g) The staff of the monitor's office shall be hired by the monitor and shall serve at the pleasure of the monitor.
- (h) Neither the monitor nor any employees of the monitor's office shall have formerly been employees of the Denver police, sheriff, or fire departments.

(Ord. No. 730-04, § 1, 10-4-04; Ord. No. 661-12, § 2, 12-26-12)

Sec. 2-373. - Mandatory oversight by the monitor's office.

- (a) The monitor's office shall actively monitor and participate in any criminal investigation of the incidents set forth below when the investigation is conducted by any law enforcement agency of the City and County of Denver. For criminal investigations conducted by the Denver district attorney or law enforcement agencies of any other jurisdiction, the monitor's office shall actively monitor and participate in such investigations to the extent permitted by the agency. In addition, the police, sheriff, or fire internal affairs bureaus ("IAB") shall investigate any incident set forth below and the monitor's office shall actively monitor and participate in such IAB investigations:
 - (1) Any shooting involving uniformed personnel, whether duty related or not;
 - (2) Any in-custody death;
 - (3) Any duty-related incident during which, or as a result of which, anyone dies or suffers serious bodily injury as that term is defined in C.R.S. § 18-1-901(3)(p), as it may be amended from time to time;
 - (4) Any incident whether or not duty related, in which police or sheriff department uniformed personnel is under investigation for, or charged by, any jurisdiction with a felony;
 - (5) Any incident, whether or not duty-related, in which police or sheriff department uniformed personnel is under investigation for, or charged with, any crime set forth in C.R.S. tit. 18, art. 3 (offenses against the person, which includes homicide, assault, kidnapping, and unlawful sexual behavior) as they may be amended from time to time; or
 - (6) Any incident, whether or not duty-related, in which police or sheriff department uniformed personnel is under investigation for, or charged by, any jurisdiction with a misdemeanor or local law violation in which a use of force (defined as assaulting, beating, striking, fighting, or inflicting violence on a person) or threatened use of force is an element of the offense.
- (b) With respect to paragraphs (4), (5), and (6) of subsection (a), if no criminal charges are filed subsequent to an investigation or such criminal charges are dismissed, the monitor's office shall nevertheless have the discretion to monitor any internal investigation arising from the subject incident.
- (c) Any uniformed personnel involved in any of the incidents described in subsections (4), (5), or (6) of subsection (a) shall self-report such involvement to the monitor's office and the manager of safety within three (3) business days of becoming aware that he or she is under investigation for, or charged with, any of the designated offenses.
- (d) In addition, the monitor's office shall monitor any other internal investigation of possible misconduct by uniformed personnel when requested to do so by the board or manager of safety. The board or manager of safety shall advise the monitor's office of the reasons why the board or the manager of safety believes the monitor's office should monitor the investigation. Within three (3) business days of determining to monitor an investigation or of receiving the request from the board or the manager of safety, the monitor's office shall advise the department of safety, police, sheriff's, or fire's IAB only that the monitor's office will monitor the investigation pursuant to this paragraph.
- (e) The department of safety, police, sheriff's, or fire IAB shall forward to the monitor's office, the board, and the manager of safety:

- (1) Within three (3) business days of opening a new internal investigation, information regarding that investigation; and
 - (2) Within three (3) business days of closing an IAB case where no disciplinary action was taken, information regarding that investigation.
- (f) Upon a request by the board or the manager of safety, the monitor's office shall review closed IAB cases in which the IAB investigation has already been completed and the monitor's office did not monitor the investigation. For purposes of this article "closed IAB cases" means cases in which IAB has completed its investigation and either:
- (1) The case was pending before the PSRC on May 2, 2005; or
 - (2) A complaint regarding the matter was filed with IAB, the monitor's office, or the citizen oversight board on or after November 2, 2004, and no complaint alleging the same alleged misconduct had previously been filed.

Based upon that review, the monitor's office may conduct additional investigation. The monitor's office may also make any recommendations to the manager of safety regarding the sufficiency of the investigation, determinations as to whether department rules or policies have been violated, and the appropriateness of disciplinary sanctions, if any. The board may also review citizen complaints for which the monitor did not monitor the investigation and for which the outcomes were unfounded, exonerated, or not sustained. Those complaints reviewed by the board may be referred back to the appropriate department with recommendations from the board pertaining to the outcome of that particular complaint and/or with recommendations pertaining to the department's policies and procedures. For purpose of this article, "unfounded" means the complaint was not based on facts, as shown by the investigation, or the alleged violation or action did not occur; "exonerated" means the alleged action did occur, but the action was reasonable, lawful, and proper; and "not sustained" means insufficient evidence is available to either prove or disprove the allegation.

- (g) The department of safety, police or sheriff department shall as soon as practicable notify the monitor, or the monitor's designee if the monitor is unavailable, upon becoming aware of:
- (1) An incident described in subsection 2-373(a); or
 - (2) An incident, whether or not duty-related, in which a police or sheriff department uniformed personnel is under investigation for, or charged by, a jurisdiction with a misdemeanor or felony.

(Ord. No. 730-04, § 1, 10-4-04; Ord. No. 29-19, § 1, 2-19-19)

Sec. 2-374. - Discretionary oversight by the monitor's office.

- (a) The monitor's office shall have the discretion to monitor any internal department of safety, police or sheriff department investigation of any citizen complaint, including, but not limited to those, alleging:
- (1) Improper use of force;
 - (2) Discrimination based upon race, color, creed, national origin, gender, sexual orientation, gender variance, disability, religion, or political affiliation;
 - (3) Retaliation for making a complaint against the police or sheriff department or any police or sheriff department uniformed personnel; or
 - (4) Discourtesy.
- (b) The monitor's office shall also have the discretion to monitor any internal investigation by the department of safety, police or sheriff department as to which the monitor's office believes it is in the city's best interest for the monitor's office to be involved including investigations into the sheriff, the chief of police or any of their appointees.

- (c) Upon exercising discretion to monitor an investigation identified in subsection (a) or (b), the monitor's office shall immediately advise:
 - (1) The board, the department of safety, police or sheriff's IAB only that the monitor's office shall monitor the investigation pursuant to the provisions of paragraphs (a) and (b) above.

(Ord. No. 730-04, § 1, 10-4-04; Ord. No. 29-19, § 2, 2-19-19)

Sec. 2-375. - Public reporting by the monitor.

- (a) No later than March 15 of each year, the monitor shall submit an annual public report to the mayor, city council, and the citizen oversight board, setting forth the work of the monitor's office during the prior calendar year; identifying trends regarding complaints, investigations, and discipline of police and sheriff department uniformed personnel, including, but without identifying specific persons, information regarding uniformed personnel who were the subject of multiple complaints, complainants who filed multiple complaints, and issues that were raised by multiple complaints; and making recommendations regarding the sufficiency of investigations and the appropriateness of disciplinary actions, if any, and changes to policies, rules, and training.
- (b) The report shall present information in statistical and summary form, without identifying specific persons except to the extent that incidents involving specific persons have otherwise been made public by the City and County of Denver.
- (c) In addition to the annual report, the monitor's office shall publish a status report, which shall be available to the public and which shall include, among other things, patterns relating to complaints and recommendations regarding the sufficiency of investigations, determinations as to whether department rules and policies have been violated, and the appropriateness of disciplinary sanctions, if any. Based upon an analysis of this information and other information available to the monitor, the monitor's office shall make timely recommendations to the chief of police, sheriff, and the manager of safety regarding an early warning system and/or other policy issues.
- (d) The monitor may publish additional public reports throughout the year about matters within the duties of the monitor's office.

(Ord. No. 730-04, § 1, 10-4-04; Ord. No. 412-06, § 1, 6-19-06; Ord. No. 29-19, § 3, 2-19-19)

Sec. 2-376. - Confidentiality.

- (a) The monitor, its staff, the board, and all consultants and experts hired by the monitor shall treat all documents and information regarding specific investigations or officers as confidential except to the extent needed to carry out their duties.
- (b) The monitor's office shall not discuss with any person or group, including the members of the board, the status of any criminal investigation, other than the fact that a criminal investigation has not been completed and any anticipated date by which a criminal investigation may be completed.
- (c) The monitor's office, the board, and all persons who participate in the department of safety, police, sheriff, or fire department's investigative and disciplinary processes are part of the city's deliberative process regarding investigative and disciplinary procedures for personnel. Furthermore, all deliberations and recommendations learned by any of those persons or groups during the exercise of their duties shall be protected by the deliberative process privilege. For purposes of this subsection (c), "deliberative process privilege" has the same meaning as under Colorado law.

(Ord. No. 730-04, § 1, 10-4-04; Ord. No. 29-19, § 4, 2-19-19)

Sec. 2-377. - The citizen oversight board.

- (a) There is hereby created the citizen oversight board.
- (b) The functions of the board shall be to:
 - (1) Assess the effectiveness of the monitor's office;
 - (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 undersheriff, or the fire chief;
 - (4) Make recommendations as to specific cases as provided in subsection (f) of section 2-373; and
 - (5) Exercise such other powers and duties as are set forth in this article.

(Ord. No. 730-04, § 1, 10-4-04)

Sec. 2-378. - Nomination committee, appointment and qualification of board members.

- (a) The citizen oversight board shall consist of nine (9) members who shall be residents of the City and County of Denver.
- (b) The mayor shall appoint four (4) members, the city council shall appoint four (4) members, and one (1) member shall be appointed jointly by the mayor and city council. Each appointment will be made alternately first by the city council and then by the mayor for eight consecutive appointments and made jointly by the mayor and city council for the ninth appointment.
- (c) All appointments regardless of who makes the appointment must be selected from a list of at least three (3) nominees per vacancy submitted by a nomination committee.
 - 1. The nomination committee shall be composed of three (3) members with one (1) member appointed by the mayor, one (1) member appointed by the council and one (1) member appointed jointly by the mayor and city council, each serving a term of four (4) years and shall meet only whenever a vacancy under this section occurs. Officers, employees and officials of the city shall not be eligible for appointment to or service on the nomination committee. Members of the nomination committee shall not receive any salary or compensation for their services.
 - 2. The nomination committee shall issue a public vacancy notice and call for applications for any resignation, removal or non-reappointment no later than fifteen (15) days after the vacancy occurs. The nomination committee may issue a public vacancy notice upon the receipt of notice of the resignation, non-reappointment or removal of any board member under subsection section 2-380 below without waiting for the effective date of such notice. The nomination committee shall share all public vacancy notices with the citizen oversight board.
 - 3. The nomination committee shall review applications and conduct screening interviews as it deems necessary. The nomination committee shall seek input from the citizen oversight board to address the qualifications required by this section. The nomination committee shall certify a list of at least three (3) nominees for each appointment no later than thirty (30) days after the public application period has closed. If the nomination committee receives fewer than three (3) applications, the committee must submit the names of all applicants. The appointing authority may reject a list for any reason and request a new one. The appointing authority must make an appointment within forty-five (45) days after receiving the certified list of nominees.
 - 4. Whenever an incumbent member of the citizen oversight board wishes to apply for reappointment to another term on the board, the member shall so advise the nomination committee in writing at least ninety (90) days in advance of the expiration of the member's current term. The nomination committee shall then proceed to interview the member and determine whether or not to recommend reappointment to the board for another term. If the nomination committee determines that the incumbent should not be reappointed, the committee

shall proceed to issue a public vacancy notice for the seat as provided in paragraph 2 above of this subsection. If the nomination committee determines to recommend reappointment of the incumbent for another term, the committee shall forward the recommendation to the incumbent's appointing authority. If the appointing authority decides not to reappoint the incumbent, then the committee shall proceed to issue a public vacancy notice for the seat as provided in paragraph 2 above of this subsection.

- (d) No officer or employee of the City and County of Denver shall be appointed to the board.
- (e) Neither the members of the board nor any of their immediate family members (defined as husband, wife, son, daughter, mother, father, step-son, step-daughter, step-mother, step-father, grandmother, grandfather, brother, sister, domestic partner, and in-laws) shall have ever been employed by the Denver police, sheriff, or fire departments.
- (f) The members of the board shall reflect the diversity of Denver, including the ethnic, racial, and geographic constitution of the population as well as the diverse professional backgrounds, experience, and expertise of the citizens of Denver.
- (g) The members of the board shall receive compensation in an amount not to exceed one thousand two hundred dollars (\$1,200.00) per year and be paid necessary expenses incurred in connection with the work of the board.
- (h) The members of the board shall participate in an appropriate training program to be established by the board and/or the monitor's office so that they shall possess the applicable knowledge to perform their duties.

(Ord. No. 730-04, § 1, 10-4-04; Ord. No. 29-19, § 5, 2-19-19)

Sec. 2-379. - Terms and vacancies.

- (a) The term of each member of the board shall be four (4) years.
- (b) Any vacancy occurring during the term of any member shall be filled by the process set forth in Section 2-378 above. If a member is appointed to fill an unexpired term, that member's term shall end at the same time as the term of the person being replaced.
- (c)
 - (1) As of the effective date of this Act, the seven (7) members who are currently serving on the citizen oversight board shall continue to serve the remaining portion of their respective terms. The two (2) new members who will be appointed in accordance with and after the effective date of this Act shall be appointed to serve an initial term of three (3) years. Except as stated in subsection (2) below, after the initial term of three (3) years, the succeeding terms shall be for four (4) years.
 - (2) Of the four (4) members who are currently serving on the citizen oversight board whose terms expire in 2020, the appointing authorities shall determine by lot one (1) of the four (4) new terms, for which the next appointment shall be for a term of three (3) years, rather than a term of four (4) years. After that initial term of three (3) years, the succeeding terms shall be for four (4) years.
- (d) Each member shall continue to serve in such capacity until the member's successor has been duly appointed and is acting, provided, however, that that period shall not exceed ninety (90) days past the expiration of the member's term.

(Ord. No. 730-04, § 1, 10-4-04; Ord. No. 29-19, § 6, 2-19-19)

Sec. 2-380. - Removal from board.

- (a) The unexcused absence of a member of the board from four (4) regularly scheduled meetings shall constitute a resignation from the board. Vacancies shall be filled by the process set forth in Section 2-378.
- (b) Before the expiration of his or her appointed term, a member appointed by the mayor to the board may be removed from the board by the mayor, a member appointed by city council may be removed by the city council, and a member appointed by the mayor and city council may be removed by the mayor and city council. Removal of a member can only be for cause including gross misconduct, incompetence, a persistent failure to perform his or her duties on the board or if, subsequent to being selected as a member of the board, information becomes known to the appointing authority that, had it been known when the member was selected, the information would have disqualified him or her from being selected.

(Ord. No. 730-04, § 1, 10-4-04; Ord. No. 29-19, § 7, 2-19-19)

Sec. 2-381. - Officers.

The board shall annually elect from among its members a chairperson and a vice-chairperson, who shall serve in such capacities until their successors are duly elected. In case of a vacancy in either of these positions, the board shall elect a successor who shall serve the unexpired balance of the predecessor's term.

(Ord. No. 730-04, § 1, 10-4-04)

Sec. 2-382. - Meetings of the citizen oversight board.

- (a) The board shall conduct at least three (3) meetings annually for public comment, including a meeting to be held not later than thirty (30) calendar days after the issuance of the board's annual report and shall from time to time meet with citizens' groups to learn of citizens' concerns and to inform the citizens of relevant information regarding the activities of police, sheriff, and fire departments, the monitor's office, and the board.
- (b) The board shall meet at least bi-monthly with the monitor.
- (c) The board shall meet at least quarterly in public with the manager of safety, the chief of police, and the undersheriff and shall meet with any other city personnel on an as-needed basis to discuss any issues of concern and to make recommendations for ways that the police, sheriff, and fire departments can improve their relationships with the citizens and recommendations regarding policies, rules, hiring, training, and the complaint process.
- (d) The board shall fix the time and place of its meetings.
- (e) The board shall maintain records of its meetings, which records shall be available to the public.
- (f) All public meetings of said board shall be subject to the provisions of article III of chapter 2 of the Revised Municipal Code dealing with open meetings.

(Ord. No. 730-04, § 1, 10-4-04)

Sec. 2-383. - Interaction between the monitor's office and the citizen oversight board.

- (a) The monitor's office shall inform the board of the status of the department of safety, police, sheriff, and fire department investigations and disciplinary proceedings and the actions of the monitor's office in monitoring those investigations and disciplinary proceedings.
- (b) The board shall establish both qualitative and quantitative criteria for evaluating the effectiveness of the monitor.

- (c) In order to determine whether the monitor's office is effectively monitoring the department of safety, police, sheriff, and fire investigations, the board shall receive regular reports from the monitor's office and shall be allowed to review pertinent portions of the personnel files of uniformed personnel and IAB files including statements of uniformed personnel and to make recommendations to the manager of safety, chief of police, sheriff, fire chief, and monitor's office regarding investigations, determinations as to whether department rules or policies have been violated, and the appropriateness of disciplinary sanctions, if any. However, the board shall not become the custodian of any such records and the board shall not be allowed access to documents protected by the attorney-client privilege or the attorney work product privilege.

(Ord. No. 730-04, § 1, 10-4-04; Ord. No. 29-19, § 8, 2-19-19)

Sec. 2-384. - Reports of the citizen oversight board.

- (a) The board shall furnish an annual public report to the mayor and city council regarding the board's assessment of the work of the monitor's office; the board's activities during the preceding year; concerns expressed by citizens; the board's assessment of the department of safety, police, sheriff, and fire department investigative and disciplinary processes; recommendations for ways that those four (4) departments can improve their relationships with the citizens; and recommendations for changes to police, sheriff, and fire department policies, rules, hiring, training, and the complaint process.
- (b) The board's annual report shall be furnished concurrently with the monitor's annual report to the mayor and city council.
- (c) In addition to the annual report, the board may furnish additional reports, which shall be available to the public and which shall include, among other things, patterns relating to complaints and recommendations regarding the sufficiency of investigations, determinations as to whether department rules and policies have been violated, and the appropriateness of disciplinary sanctions, if any.
- (d) The board shall have the ability to hire consultants to assist in assessing the effectiveness of the monitor's office and in preparing the board's annual report and any other reports.

(Ord. No. 730-04, § 1, 10-4-04; Ord. No. 29-19, § 9, 2-19-19)

Sec. 2-385. - Rules.

The board shall publish and make available to the public such procedural rules as it may adopt for the conduct of its business.

(Ord. No. 730-04, § 1, 10-4-04)

Sec. 2-386. - Citizen complaints.

- (a) In addition to availing themselves of any citizen complaint mechanisms that are provided by the department of safety, police department, or sheriff department, citizens may file complaints of alleged misconduct by uniformed personnel with the board or the monitor's office.
- (b) Whenever a citizen files a complaint with the monitor's office, the board, the department of safety, or the police or sheriff departments, the agency receiving the complaint shall, within three (3) business days, advise all of the other agencies (the board; the monitor's office; the manager of safety; and, when received by the board or the monitor's office, either the police department or sheriff department) that it has received the complaint and provide a copy of the complaint to each of them.

(Ord. No. 730-04, § 1, 10-4-04; Ord. No. 29-19, § 10, 2-19-19)

Sec. 2-387. - Investigations by the Denver district attorney's office.

- (a) The procedures relating to the monitor's office's actively monitoring and participating in criminal investigations conducted by the Denver district attorney's office ("DA") shall be established by an intergovernmental agreement between the City and County of Denver and the DA. That agreement shall address, among other things, reasonable access by the monitor's office to the crime scene at the earliest feasible time, witness interviews, and other evidentiary items and the monitor's role in making recommendations regarding those investigations.
- (b) Upon completion of the DA's investigation, but not later than sixty (60) calendar days from the date of the incident, the IAB from either the department of safety, police or sheriff department shall open a file and initiate an administrative investigation of the incident unless the manager of safety in consultation with the DA determines that the administrative investigation would jeopardize the DA's investigation.
- (c) The DA's investigation will be considered to be complete:
 - (1) When the DA files criminal charges against any uniformed personnel involved in the shooting;
or
 - (2) When the DA issues a public letter stating that it does not intend to file criminal charges against any of the uniformed personnel involved in the shooting.

(Ord. No. 730-04, § 1, 10-4-04; Ord. No. 29-19, § 11, 2-19-19)

Sec. 2-388. - Internal investigations.

- (a) The department of safety and the police, sheriff, and fire departments shall cooperate with the monitor's office in actively monitoring and participating in internal investigations, including being present to actively monitor interviews of witnesses and persons under internal investigation. The departments shall establish departmental policies regarding that cooperation. The policies shall ensure that the department of safety and the police, sheriff, and fire departments provide the monitor's office with reasonable notice of and opportunity to attend interviews, the opportunity to make recommendations regarding investigations and reasonable timeframes to complete the steps in the internal investigatory process.
- (b) For any investigation that it monitors, the monitor's office shall review the investigation to ensure that it is thorough and complete.
- (c) If the monitor's office cannot certify that the investigation is thorough and complete, the monitor's office may request that IAB conduct additional investigation.
- (d) If IAB does not complete the additional investigation to the satisfaction of the monitor's office, the monitor's office may conduct additional investigation, including issuing subpoenas.
- (e) The monitor's office shall advise the board, manager of safety, and chief of police or undersheriff of the reasons that the monitor's office was not satisfied with IAB's investigation and of the additional investigation conducted by, or to be conducted by, the monitor's office.

(Ord. No. 730-04, § 1, 10-4-04; Ord. No. 67-15, § 1, 2-23-15; Ord. No. 29-19, § 12, 2-19-19)

Sec. 2-389. - Role of the monitor's office in the disciplinary process.

The department of safety and the police, sheriff, and fire departments shall cooperate with the monitor's office in actively monitoring, attending and participating in the disciplinary process. The

departments shall establish departmental policies regarding that cooperation. The policies shall ensure that the department of safety and the police, sheriff, and fire departments provide the monitor's office with reasonable notice and opportunity to:

- (a) Receive notice and opportunity to comment prior to entering into agreements, whether written or oral, resulting in the closure of internal investigations or the disciplinary process;
- (b) Make recommendations regarding determinations as to whether department rules or policies have been violated;
- (c) Make recommendations regarding the appropriateness of disciplinary sanctions, if any;
- (d) In addition, those policies shall guarantee the participation of citizens on disciplinary boards;
- (e) Furthermore, the policies shall provide for reasonable time frames to complete the steps in the disciplinary process.

(Ord. No. 730-04, § 1, 10-4-04; Ord. No. 67-15, § 1, 2-23-15; Ord. No. 29-19, § 13, 2-19-19)

Sec. 2-390. - Monitor access to records and other items.

- (a) The department of safety, police department, sheriff department, and fire department and all employees of those departments shall fully cooperate with the monitor's office by providing the monitor's office, within a reasonable amount of time, complete access to department of safety, police department, sheriff department, and fire department records, information, documents, files, reports, evidence, databases, and all other items, whether in paper, electronic, or other form, that the monitor's office requests in order to perform its duties set forth in the provisions of this Article XVIII, but not including documents protected by the attorney-client privilege or the attorney work product privilege or any document that must not be disclosed to the monitor's office pursuant to federal, state, or local law or federal or state regulation.
- (b) If, in response to a request from the monitor's office records, and/or information cannot be produced at all or produced within a reasonable amount of time, a written explanation, sufficiently detailed for an understanding of why the records and/or documents cannot be produced, shall be promptly provided. The monitor's office shall not be required to pay the department of safety, police department, sheriff department, or fire department for copies of the materials set forth in this section 2-390 including copies of documents previously supplied by the departments, provided that OIM may not use those departments as a printing service to make multiple copies of individual documents.
- (c) The department of safety, police department, and sheriff department shall provide the monitor or his or her designee with an opportunity to participate in any committee or working groups involving external stakeholders convened to draft or revise policies or practices concerning matters within the purview of the monitor's office.
- (d) The department of safety, police department, and sheriff department shall provide the monitor or his or her designee with reasonable notice and an opportunity to make recommendations before implementing an existing or adopting a new substantive policy or practice concerning matters within the purview of the monitor's office. When a policy or practice necessitates an immediate revision or implementation due to a change in the law, the monitor will be notified as soon as practicable about the change.

(Ord. No. 67-15, § 1, 2-23-15; Ord. No. 29-19, § 14, 2-19-19)

Sec. 2-391. - Response to monitor recommendations.

The monitor's office shall make recommendations to the department of safety, the chief of police, or the sheriff about matters within the duties of the monitor's office. If requested by the monitor in writing, the

department of safety, the chief of police, or the sheriff shall respond in writing within thirty (30) days and shall specify:

- (a) Either agreement with recommendations or reasons for disagreement with recommendations;
- (b) Plans for implementing solutions to issues identified; and
- (c) A timetable to complete such activities.

Upon receiving a request in writing from the department of safety, the chief of police, or the sheriff, the monitor may extend the time for a response to any recommendations. Recommendations made by the monitor and any responses shall be open to inspection except as otherwise not subject to disclosure under state, federal, or local law or regulation.

(Ord. No. 29-19, § 15, 2-19-19)

Sec. 2-392. - Retaliation prohibited.

- (a) No person shall retaliate against, punish, intimidate, discourage, threaten or penalize any other person for reporting misconduct, making a misconduct complaint, conducting an investigation, complaining to officials, providing information, testimony or documents in an investigation or cooperating with or assisting the office of the independent monitor in the performance of its powers and duties as set forth in this chapter. Any employee who violates this provision shall be subject to appropriate disciplinary action, up to and including termination from employment.
- (b) Any person who violates any section of the Denver Revised Municipal Code may be subject to criminal prosecution.

(Ord. No. 29-19, § 16, 2-19-19)