



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: JULY 21, 2022

AGENDA TITLE

Introduction, first reading, and consideration of a motion to publish by title only Ordinance 8543 amending Section 2-11-6, “Police Oversight Panel – Qualifications and Appointments,” B.R.C. 1981, increasing the number of panel members to eleven and alternates to four; and setting forth related details

PRESENTERS

Nuria Rivera-Vandermyde, City Manager
Joseph Lipari, Independent Police Monitor
Ariel Amaru, Co-chair, Police Oversight Panel
Daniel Leonard, Co-chair, Police Oversight Panel

EXECUTIVE SUMMARY

The purpose of this item is to request that City Council increase the number Police Oversight Panel members from nine to eleven members. On November 10, 2020, Council passed a motion to adopt Ordinance 8430 amending Title 2, Chapter 11, “Police Oversight,” B.R.C. 1981, pertaining to the composition, duties and powers of the city organization related to civilian oversight of the police, and setting forth related details. Ordinance 8430 directed the panel to be composed of nine members and three alternates.

In February 2021, the Police Oversight Panel began meeting and by the summer of 2021 the panel members were actively engaged in the review of complaint investigations. In addition to the case file reviews, over the past year the panel has drafted and adopted by-laws, attended police and legal trainings, formed subcommittees to conduct the panel’s work, and held regular monthly public meetings. In June of 2022, the Office of the Independent Police Monitor and the Police Oversight Panel released its [second annual report](#) that details the monitor and panel’s work in 2021.

During the drafting and adoption of Ordinance 8430, City Council and the Implementation Team discussed whether the panel should be composed of nine or eleven members. Ultimately, the decision was made to start the panel with nine members and then to make an assessment a year later to determine whether the number of panel members should be increased to eleven. As the case reviews and subcommittee work have now been underway for approximately one year, the current panel members have concluded that adding two additional panel members would significantly increase the panel's efficiency at reviewing cases and providing timely disciplinary recommendations to the Chief of Police. Currently, panel members are volunteering an average of 10 – 15 hours per month. Adding two additional panel members would increase the pool of panelists available to conduct a full case file review and would allow each panel member to serve on only one subcommittee.

The panel has also concluded that the number of panel alternates should be increased from three to four. Over the course of the panel's first year, three panelists resigned from the panel and one alternate elected not to accept their appointment. The panel is currently composed of eight members and is out of alternates.

The other amendment requested is an update to the Terms and Vacancies subsection. After the initial panel members were seated in February 2021, the portion of this subsection that outlines staggered first terms for initial panel members has become moot.

STAFF RECOMMENDATION

Suggested Ordinance Amendments

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to introduce and publish by title only Ordinance 8543 amending Section 2-11-6, “Police Oversight Panel – Qualifications and Appointments,” B.R.C. 1981, increasing the number of panel members to eleven and alternates to four; and setting forth related details

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic - minimal economic impact. Adding two panel members will slightly increase the amount of the Police Oversight budget that will be dedicated to monthly stipends for panel members who choose to accept the stipend.
- Environmental - no additional environmental impact.
- Social - positive social impact. The increase in the number of panel members will broaden the opportunity for community involvement in police oversight.

OTHER IMPACTS

- Fiscal - no significant fiscal impact.
- Staff times – small impact, but may require additional time of the monitor to facilitate the training, orientation, and general support for panel members.

BOARD AND COMMISSION FEEDBACK

At their monthly public meeting on June 9, 2022, the panel members discussed this matter and voted unanimously to direct the monitor to request that City Council increase the number of panel members to eleven and the number of alternates to four.

ATTACHMENT

Attachment A - Proposed Ordinance 8543

ORDINANCE 8543

AN ORDINANCE AMENDING SECTION 2-11-6, “POLICE OVERSIGHT PANEL – QUALIFICATIONS AND APPOINTMENTS,” B.R.C 1981, INCREASING THE NUMBER OF PANEL MEMBERS TO ELEVEN AND ALTERNATES TO FOUR; AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,
COLORADO:

Section 1. Section 2-11-6, “Police Oversight Panel – Qualifications and Appointments,” B.R.C. 1981, is amended to read as follows:

- (a) Qualifications.
 - (1) Members of the police oversight panel shall be nominated by a selection committee. The initial selection committee shall be composed of members of the implementation team not interested in being on the police oversight panel and representatives from two local non-profit organizations selected by the implementation team. Later selection committees shall be composed of two members of the police oversight panel and representatives from two local non-profits selected by the police oversight panel. In no event shall the monitor be involved in the process of selecting the selection committee or the police oversight panel.
 - (2) The non-profit organizations participating in the selection process must be organizations that serve the Boulder community, serve a population that has significant contact or a difficult relationship with law enforcement, and serve a historically excluded community.
 - (3) Prior to the selection of nominees, the monitor shall inform the public of the commencement of the selection process and the selection committee shall actively promote public awareness of the selection process and may solicit interest through social media and personal networks to attract qualified applicants.
 - (4) The monitor shall provide the public with both a physical address and an email address where interested applicants can submit their indication of interest.

- (5) Interviews conducted by the selection panel shall be open to the public for observation. Selection panel deliberations shall be confidential.
- (6) The selection committee shall select ~~nine~~eleven panel members by majority vote. Two panel positions shall be reserved for persons currently enrolled as students in an institute of higher education, with different terms of office as set forth in ~~S~~subsection (b) of this section.
- (7) In addition to the ~~nine~~eleven members selected, the selection committee shall select ~~three~~four alternates who will represent a pool from which new panel members can be appointed when there is an unexpected vacancy on the panel. Alternates will draw numbers to determine the order that they will join the panel if needed.
- (8) When a panel vacancy occurs, if no alternates are available, the selection committee will reconvene to fill the vacancy. Each time the selection committee reconvenes to select new or alternate panel members, a public announcement shall be made inviting applicants to submit their notice of interest.
- (9) Members of the police oversight panel shall be volunteers who, immediately prior to appointment, shall demonstrate:
 - (A) Strong ties to the City of Boulder. This may include, but is not limited to, residency, employment in the ~~C~~city, or having children enrolled in schools located in the ~~C~~city;
 - (B) An absence of any real or perceived bias, prejudice or conflict of interest;
 - (C) An ability to build working relationships and communicate effectively with diverse groups; and
 - (D) A commitment to the purposes of this chapter.
- (10) The nomination committee will strive to include people identifying as a person of color, notably African American, Latinx, Asian and/or Indigenous, as at least half of the members of the police oversight panel. Preference will be given to individuals who are multilingual. In addition, the selection committee will strive to include a person with a disability, a person experiencing homelessness or having such lived experience, a person identifying as LGBTQ+, and a person who has experienced incarceration.
- (11) Members of the police oversight panel shall neither be a current ~~C~~city employee nor an immediate family member of a current ~~C~~city employee.

- (12) Police oversight panel members shall participate in a training program to be developed by the police monitor.
 - (13) It is the intent that police oversight panel members be free from personal liability for acts taken within the course and scope of carrying out their official duties and functions. The City will therefore defend and indemnify members to the maximum extent permitted under the Colorado Governmental Immunity Act and other applicable law.
 - (14) Current members of the professional standards review panel and the police oversight task force are eligible to serve on the police oversight panel.
 - (15) The selection committee will provide Council with a written summary explaining why each applicant was selected. A motion to approve the proposed candidates shall be placed on the Council's consent agenda. Council members may choose to exercise the call-up option to discuss a proposed candidate's appointment. Council will approve or reject the appointments by majority vote.
 - (16) All police oversight panel members shall sign a confidentiality agreement which prohibits them from publicly discussing or releasing any information or materials reviewed in closed session.
- (b) Terms and Vacancies.
- (1) ~~When first instituted, four appointees will serve three year terms and three appointees will serve two year terms. The two student members will serve one year terms. After all initial panel members are selected, panel members other than the two student members will draw numbers to determine which will be a two year appointment and which will be a three year appointment. In the event that an initial appointee prefers a two year appointment, the appointee will be assigned a two year term and will not participate in the drawing of numbers. Thereafter, a~~All terms shall be three years, except for the two student members who shall serve one-year terms. Panel members may serve for a maximum of two consecutive terms.
 - (2) In the event of a panel vacancy, when an alternate is not available and a successor has not been named, that panel member may remain in office until their successor is named.

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Section 2. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city and covers matters of local concern.

Section 3. The city council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
TITLE ONLY this 21st day of July 2022.

Aaron Brockett,
Mayor

Attest:

City Clerk

READ ON SECOND READING, PASSED AND ADOPTED this 4th day of August 2022.

Aaron Brockett,
Mayor

Attest:

City Clerk