



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: February 2, 2023**

**AGENDA TITLE**

Introduction and consideration of a motion or order published by title only and adopt by emergency measure Ordinance 8570 amending section 2-11-7, “Police Oversight Panel – Powers and Duties,” and section 2-11-8, “Police Oversight Panel - Officers, Meetings, and Procedures,” B.R.C. 1981, to increase transparency with recommendations of the Police Oversight Panel and the Police Monitor; and setting forth related details.

**PRESENTERS**

Nuria Rivera-Vandermyde, City Manager  
Teresa Taylor Tate, City Attorney  
Aimee Kane, Equity Officer

**EXECUTIVE SUMMARY**

The Police Oversight Panel along with city staff identified a need to amend section 2-11-7 “Police Oversight Panel – Powers and Duties,” and section 2-11-8 “Police Oversight Panel - Officers, Meetings, and Procedures,” B.R.C. 1981, to increase transparency with recommendations of the Police Oversight Panel and the Police Monitor.

Staff and the panel anticipate amendments to the full Police Oversight ordinance in the coming year but identified this amendment to facilitate transparency as an immediate need. We anticipate participation by new panel members, the independent police monitor, community, and city staff. Passage of this ordinance immediately is

necessary for the panel and monitor to provide transparency in the police oversight process.

## **STAFF RECOMMENDATIONS**

### **Suggested Motion Language:**

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

Motion to introduce and order published by title only by emergency measure Ordinance 8570 amending section 2-11-7 “Police Oversight Panel – Powers and Duties,” and section 2-11-8 “Police Oversight Panel - Officers, Meetings, and Procedures,” B.R.C. 1981, to increase transparency with recommendations of the Police Oversight Panel and the Police Monitor; and setting forth related details.

## **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

- **Economic:** None
- **Environmental:** None
- **Social:** Increase transparency in policing.

## **OTHER IMPACTS**

- **Fiscal-Budgetary:** None.
- **Staff Time:** Any work will be part of existing work plans.

## **BOARD AND COMMISSION FEEDBACK**

None.

## **PUBLIC FEEDBACK**

None.

## **BACKGROUND**

In October 2019, city council adopted ordinance 8361 creating the position of Police Monitor and a volunteer community Police Oversight Panel. The Council created the role of the police monitor to review the handling of complaints, to analyze trends in policing and recommend improvements to police practices, and to increase transparency around police oversight. The Police Oversight Panel was created by the Council to increase community involvement in police oversight and to ensure that historically excluded communities have a voice in police oversight.

Part of the role of the panel is to review completed internal complaint investigations, make recommendations on disposition and discipline for those complaints, and to make policy and training recommendations to the department. The panel is charged with reporting on completed case at their regular public meetings. The panel also has an obligation to prepare and present annual public reports to the city manager and chief of police that, in part, summarizes the police oversight panel's activities, findings and recommendations. This annual report serves as important information for the community and council as well.

The panel prepared an annual report for 2021, [attached here](#), that includes case summaries beginning on page 44. In the public meetings and annual report, the panel and monitor have provided general case details, while withholding confidential information such as the identity of involved BPD personnel, witnesses, and victims, or locator information that might tend to identify the event.

## **ANALYSIS**

The code currently limits what the panel may disclose to a “report on such completed case(s), which may include comments on the handling of the complaint, the fairness and thoroughness of the investigation and the reasonableness of the adjudication.” 2-11-7(b)(3), B.R.C. 1981. The code further provides,

"Meetings of the police oversight panel shall be open to the public. To facilitate the transparency of the police department, the monitor and the police oversight panel's activities, the police monitor will develop and present aggregate data on the number and types of cases under investigation by the police department each month, the number and types of cases closed each month by the police department, the number of closed cases reviewed by the police oversight panel, and any direction given by the panel to the monitor regarding additional analysis and reporting. The monitor will also report any final disciplinary dispositions determined by the chief each month and any recommendations made by the monitor." 2-11-8(c), B.R.C. 1981.

The amendments to sections 2-11-7 and 2-11-8 are intended to provide a greater level of transparency by permitting the panel and monitor to speak to general case details while still maintaining confidentiality for items such as the identity of involved BPD personnel, witnesses, and victims, or locator information that might tend to identify the event. This level of transparency is consistent with the 2021 annual report.

These amendments are introduced as an emergency under section 17 of the City of Boulder Charter which authorizes passes of an emergency ordinance for the preservation of the public peace, health, or property. An emergency ordinance requires a two-thirds vote of the council members present to pass. If passed, an emergency ordinance becomes effective immediately. Here, passage of this ordinance immediately is necessary for the panel and monitor to provide transparency in the police oversight process.

## **OPTIONS**

1. Amend section 2-11-7 and 2-11-8 to provide for greater transparency.
2. Wait until a larger review of the Police Oversight ordinance is complete.

## **ATTACHMENT**

Attachment A – Proposed Ordinance 8570

ORDINANCE 8570

AN EMERGENCY ORDINANCE AMENDING SECTION 2-11-7, “POLICE OVERSIGHT PANEL – POWERS AND DUTIES,” AND SECTION 2-11-8, “POLICE OVERSIGHT PANEL – OFFICERS, MEETINGS AND PROCEDURES,” B.R.C. 1981, TO INCREASE TRANSPARENCY WITH RECOMMENDATIONS OF THE POLICE OVERSIGHT PANEL AND THE POLICE MONITOR; AND SETTING FORTH RELATED DETAILS.

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

Section 1. Section 2-11-7, “Police Oversight Panel – Powers and Duties,” B.R.C. 1981, is amended to read as follows:

**2-11-7. Police Oversight Panel - Powers and Duties.**

- (a) In collaboration with the police monitor, the police oversight panel shall establish policies, procedures and operating principles for the police oversight panel.
- (b) The police oversight panel may review the completed professional standards unit investigations prior to the chief’s final determination and provide disciplinary and disposition recommendations to the chief.
  - (1) The police oversight panel shall develop criteria to decide whether to accept a case for review.
  - (2) All materials concerning the completed investigations of cases the police oversight panel has selected to review shall be made available to members for their confidential review.
  - (3) The police oversight panel shall, at one of its regularly scheduled meetings, report on such completed case(s), which may include comments on the handling of the complaint, the fairness and thoroughness of the investigation and the reasonableness of the adjudication. Panelist may discuss information about the nature of the allegations and evidentiary analysis in order to explain their recommendations so long as the information discussed does not infringe on confidential or protected information such as identities of involved parties.

Panelists shall not discuss at public meetings the identity of involved BPD personnel, witnesses, and victims, or locator information that might tend to identify the event. Should questions arise about the appropriate balance between transparency and confidentiality, POP members will consult with the Monitor and/or City Attorney.

(4) The comments and any related policy or procedural issues identified by the police oversight panel in the course of its case review shall be provided to the police monitor for further consideration.

(5) If the panel concludes that an investigation is incomplete, the panel shall direct the monitor to recommend additional investigation by the professional standards unit.

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Section 2. Section 2-11-8, “Police Oversight Panel – Officers, Meetings, and Procedures,” B.R.C. 1981, is amended to read as follows:

**2-11-8. Police Oversight Panel - Officers, Meetings, and Procedures.**

(a) The police oversight panel shall annually elect from among its membership two co-chairs. The co-chairs shall be responsible for:

- (1) Facilitating and leading each panel meeting;
- (2) Communicating the needs of the oversight panel to the monitor;
- (3) Engaging with the community and assisting with outreach efforts;
- (4) Ensuring the oversight panel's annual report is completed and published in a timely manner;
- (5) Helping to maintain panel members' participation and morale; and
- (6) Establish subcommittees to carry out the work of the panel.

(b) The police chief shall name a police employee to serve as a non-voting member of the police oversight panel. The police monitor shall also be a non-voting member of the police oversight panel.

(c) Meetings of the police oversight panel shall be open to the public. To facilitate the transparency of the police department, the monitor and the police oversight panel's

1 activities, the police monitor will develop and present aggregate data on the number and  
2 types of cases under investigation by the police department each month, the number and  
3 types of cases closed each month by the police department, the number of closed cases  
4 reviewed by the police oversight panel, and any direction given by the panel to the  
5 monitor regarding additional analysis and reporting. The monitor will also report any  
6 final disciplinary dispositions determined by the chief each month and any  
7 recommendations made by the monitor. The monitor may include general case details,  
8 but shall not disclose the identity of involved BPD personnel, witnesses, and victims, or  
9 locator information that might tend to identify the event.

6 ...

7 Section 3. The city council finds this ordinance is necessary for the immediate  
8 preservation of public peace, health, safety, and property justifying the adoption of this ordinance  
9 as an emergency measure. Passage of this ordinance immediately is necessary for the panel and  
10 monitor to provide transparency in the police oversight process. This ordinance shall become  
11 effective immediately.

12 Section 4. This ordinance is necessary to protect the public health, safety, and welfare of  
13 the residents of the city and covers matters of local concern.

14 Section 5. The city council deems it appropriate that this ordinance be published by title  
15 only and orders that copies of this ordinance be made available in the office of the city clerk for  
16 public inspection and acquisition.  
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1 READ ON FIRST READING, PASSED, ADOPTED AS AN EMERGENCY MEASURE  
2 BY TWO-THIRDS COUNCILMEMBERS PRESENT, AND ORDERED PUBLISHED BY  
3 TITLE ONLY this 2<sup>nd</sup> day of February 2023.  
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Aaron Brockett, Mayor

7 Attest:

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Elesha Johnson, City Clerk  
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