

It will be important to streamline and clarify the selection process in the revision of the ordinance. Participation of the Police Monitor and City Manager are options that should be reconsidered. It is also recommended that the selection process focus on impartiality and objectivity in the role of Panel members rather than perceived bias.

### **Disagreement on Discipline**

Generally, there has been agreement on police misconduct case dispositions and discipline between the Panel and the Chief of Police. However, there have been instances of concern where many Panel members and community members felt that there should be an additional step or process when disagreements arise. Right now, it is unclear what occurs when disagreements on discipline arise and what if anything should happen in those instances.

#### ***Insight***

As this is fundamentally a personnel matter, there are several legal considerations that should be discussed openly and broadly when it comes to police officer discipline. Improved communication between the Chief and Panel and a documented standard operating procedure between the Panel and the police department as a possible consideration to assist in establishing a clear understanding of the protocol when disagreements arise.

### **Additional Matters**

The above three areas were prominent areas of concern in almost all the conversations I had with stakeholders. There are few other areas that were discussed that I will summarize briefly below.

- Budget - Whether the Panel should have a specific budget, separate and apart, from the Police Monitor's budget.
- Streamlined and documented process for the Panel to request and obtain data from the police department.
- Outside Legal Counsel - Particularly in times of disagreement many stakeholders felt that the Panel should have access to outside legal counsel. It also came up at times with questions on the interpretation of the Police Oversight Panel ordinance, transparency of the Panel's work, and confidentiality of police misconduct investigations that have public interest.
- Formalized onboarding and training for new panel members - and related to this was clear communication, which may need to be repeated, on the time commitment for service on the Panel

## MEMORANDUM

To: Nuria Rivera Vandermyde, City Manager  
From: Farah Muscadin, Consultant  
RE: Community Feedback Summary - Police Oversight Panel Community Event - June 21, 2023

In collaboration with the Police Oversight Panel and City staff a community listening session was held on June 21, 2023, at the Boulder Public Library. The primary purpose of this event was to hear community feedback on the current police oversight ordinances, 8430 and 8543.

This memo summarizes the themes of feedback that were shared during the event and obtained from the Be Heard Boulder platform.

### **Scope of the Police Oversight Panel**

- Ordinance should include an appeals process for decisions on discipline when there is a disagreement on discipline between the panel and the Chief of Police.
- The ordinance should clarify the mission of the panel.
- There is a need for oversight because police cannot police themselves, long history of different areas in Boulder being treated differently by police.
- There needs to be a set of standards that we can enforce to maintain safety and accountability for the community, police, and panel.
- Police oversight is about prevention - to ensure that everyone can go home - for people of color that is not a guarantee.
- Police oversight needs to be meaningful, strong and productive.
- The ordinance should allow the panel access to police data to look for systemic issues.
- The panel should be given the explicit power to make recommendations regarding police and police policies.

### **Selection process of panel members**

- Pre vetting of panel is necessary.
- Reassurance that panel members are properly vetted.
- The selection process needs to be improved to support those making the recommendations for appointment.
- The section in the ordinance about perceived bias should be reconsidered to help rebuild trust so that community can trust the recommendations of the panel.
- Need objective individuals on the panel.
- Consideration for a democratically elected panel rather than an appointed panel.
- Panel members should be objective and have the ability to make unbiased opinions.
- An absence of any real or perceived bias, prejudice or conflict of interest language should be added to the ordinance.
- Selection committee members should have some understanding of what police officers do.

- “Bias” should be replaced with “impartiality “. Impartiality is the ability to put aside bias for the greater good. Define “greater good”.

### **Impact on law enforcement**

- There is a potential risk of losing good officers if there is bias on the panel.
- Need to be able to recruit and retain officers - the ordinance should include language to exclude potential panel members that have a known antagonistic relationship with police.

### **General feedback**

- The ordinance needs to be followed.
- The panel should be more representative of the community.
- Trust needs to be developed with the whole community; police violence causes mistrust.
- Panel should have independent legal counsel.
- Three generations of an African American family in Boulder, have experienced bias in the community and bias with the police. Oversight is needed.
- Members of this committee should have some experience/idea of what the police do. All members of this committee should be required to spend an amount of hours riding with a policeman before they are qualified to judge their actions. This should be a requirement of committee membership.
- The ordinance should allow the panel access to police data to look for systemic issues.
- Panel members should participate in one ride along a year.

### **Overall Impressions**

The scope and purpose of the police oversight panel must be clear to everyone, but specifically to the panel itself, the police department, and the larger community. The misalignment of expectations and misunderstanding on the scope and purview of the panel has caused tension and potentially exacerbated the lack of trust. I do not believe that this is unsurmountable. The revision/update of the ordinance provides an opportunity to provide greater clarity and an opportunity to delineate the purpose of and scope of the panel. However, the update to the ordinance is just one avenue to address the misunderstanding and misinformation. I highly recommend that the new Independent Police Monitor partner with panel, community organizations, churches, neighborhood associations to inform and educate the community about what civilian police oversight is, the scope of the panel, and how effective oversight can assist in improving policing.

### **Next Steps**

The Police Oversight Ordinance Work Group will review this community feedback. The work group will continue to meet weekly to discuss and review proposed changes to ordinance. It is anticipated that an additional community engagement event will be held at the end of August or early September to gather feedback on the proposed revisions to the ordinance. Throughout the summer, I will continue to engage additional community stakeholders that are very much interested and invested in the success of the panel. We aim to bring the proposed changes to City Council this fall in October.

**Community Feedback Session on the current Police  
Oversight Ordinance  
Jun 21, 2023  
Boulder Public Library**

Final disposition lies with the chief, which is not good, protection of panelists – editorial that there's no community voice

Wants to add an appeals process if the panel disagrees with the chief's disciplinary recommendation

Feels the police should be able to be fired 'at will' through contract negotiations

Pre-vetting for panel members – no defunding the police which in turns makes it difficult to have community protection

Gratitude from new community member

Echo first speaker's comments re: an appeals process for disagreements with the chief; doesn't know who the appeal should be to

Re: selection process – beyond offensive that Amistad and NAACP choices with council vote – needs to be more robust and choices that people who have investigated the time had their voices honored

Gratitude for hosting the event – and recognition of the fine officers the city of Boulder has; perceived bias (yes it sounds vague and needs tweaking) – need community to trust the decisions made by the panel – need to be more specific as to what is meant by perceived bias

Police to trust the community as well, need to feel the panel is not out to have them fired or that they come to the table with bias; unintended consequence, we'll lose the best officers because they'll want to make sure they are appreciated; needs to be a balance

The city is devolving primarily as a result of the panel; problems with analogies to larger communities; serious problem retaining officers in the community, 20% down pre-pandemic, opening up real and perceived bias is disabling the ability to hire good officers; IF we're going to have a panel – the members of the panel are not in an obvious known antagonistic relationship with the police

Curious what are the issues with the ordinance as is – should have people CLEARLY against police, but also not totally pro police – very qualified people of color who; questions asked of the candidates did not align with the ordinance

Hoping for more of a dialogue with this event; hoping for more of an exchange, was hoping to hear some things that were going to be changed, here's your 3 min., let's hear your peace and move on; trust is incredibly important and was violated when the ordinance as it currently exists wasn't followed in the selection process – would love to make suggestions, but skeptical that it will be implemented or upheld if added to the ordinance; can't have it both ways, panel without rules to follow, perhaps have it be a democratically elected panel than have the panel appointed; rather than other types of backgrounds

The panel is here to address suggestions and concerns

Need to clarify what the mission is of the panel should be more representative of the community; LGBTQ identifying Chief and Deputy Chief

Boulder looks like a mess right now, in listening to community the word that's missing is 'trust,' in Boulder \$5-7 mil pay outs due to police misbehavior; who is building trust with the police department; fired 2 recommendations? Not sure community knows the purpose of the panel is about; clearly the police can't police themselves; long history of Boulder politics catering to one financial sector of Boulder while other sectors are ignored or treated badly; problematic that someone who criticizes the police can't be on the panel; Boulder is looking more like Aurora or Loveland than Louisville, or Erie

Human relations commission as a decider

Legislative intent – goal is to include historically excluded communities

Panel should have independent legal counsel; that's the same CAO that defends the police; as a lawyer, he could never do that; conflict of interest – city attorneys should recognize their own conflict of interest

Police oversight is necessary – 'effective' police oversight; ordinance doesn't say you can't be a member of the panel if you're critical of the police; want people who can make decisions in an unbiased manner; police chief is also accountable to the city manager; 95% of the time the panel and chief agree, great to make it better than it is today, seems like it's actually working fairly well, should be a way to make it better without blowing it up in any direction

Prior service member of the air force, surgical tech, personal accountability is important; want to recognize the importance of having oversight over jobs that function with peoples' lives

Its about prevention, because we haven't had something to the extent of Aurora; commendations can happen too, critical thinking skills exist on the panel, the goal is that everybody gets to go home after they encounter law enforcement

Everyone has bias, doesn't trust police, the ordinance looks fine, the problem is there's bias in the community against the bias, people should be able to have that and have problems too; talk about OSBT and recent recusal

Boulder resident, African American community member, Boulder is not the peaceful place where we can all get along, people call the police on her and the police when they come, they take the other persons' side no matter what, bias in community and real big bias with police, haven't been as active because it's exhausting, trauma inflicted on people of color wears you down, grandchildren are scared to death to be in a community where they were born

# Project Report

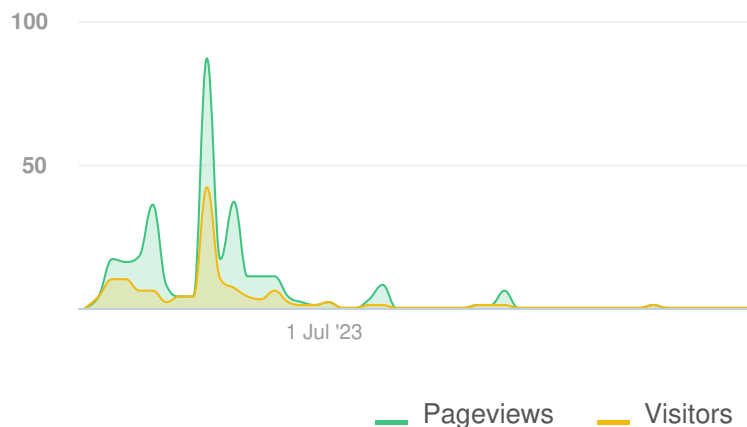
01 May 2023 - 31 July 2023

## Be Heard Boulder

**Police Oversight in Boulder: Proposed changes to Ordinance 8430 |**  
**Supervisión policial en Boulder: Cambios propuestos a la Ordenanza**  
**8430**



### Visitors Summary

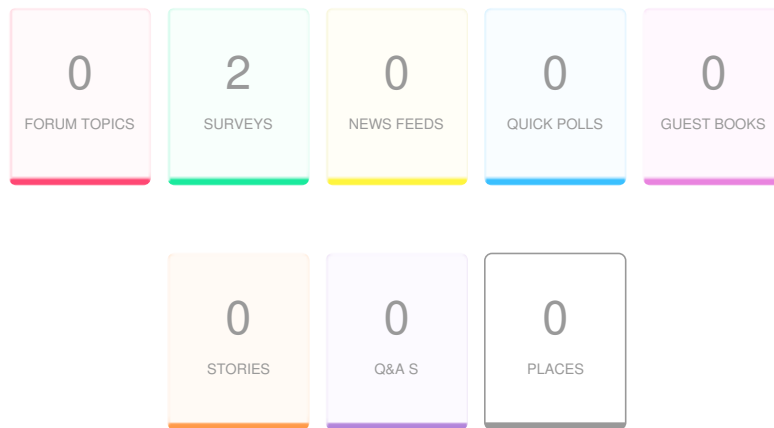


### Highlights

TOTAL VISITS	138	MAX VISITORS PER DAY	40
NEW REGISTRATIONS	13		
ENGAGED VISITORS	14	INFORMED VISITORS	49
		AWARE VISITORS	110

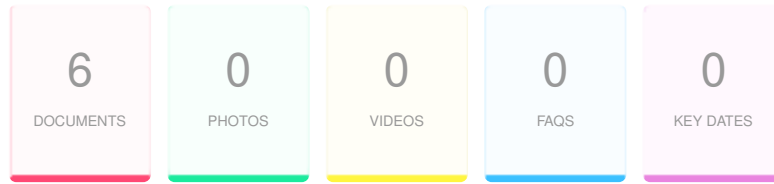
Aware Participants		110		Engaged Participants		14					
Aware Actions Performed		Participants		Engaged Actions Performed		Registered		Unverified		Anonymous	
Visited a Project or Tool Page		110									
Informed Participants		49		Contributed on Forums		0		0		0	
Informed Actions Performed		Participants		Participated in Surveys		0		0		0	
Viewed a video		0		Contributed to Newsfeeds		0		0		0	
Viewed a photo		0		Participated in Quick Polls		0		0		0	
Downloaded a document		9		Posted on Guestbooks		0		0		0	
Visited the Key Dates page		0		Contributed to Stories		0		0		0	
Visited an FAQ list Page		0		Asked Questions		0		0		0	
Visited Instagram Page		0		Placed Pins on Places		0		0		0	
Visited Multiple Project Pages		37		Contributed to Ideas		14		0		0	
Contributed to a tool (engaged)		14									

## ENGAGEMENT TOOLS SUMMARY



Tool Type	Engagement Tool Name	Tool Status	Visitors	Contributors		
				Registered	Unverified	Anonymous
Survey Tool	Share your feedback on the proposed changes	Archived	0	0	0	0
Survey Tool	Comparta su opinión sobre los cambios propuestos	Archived	0	0	0	0
Ideas	Share your ideas of what changes you want to see in the o...	Archived	49	14	0	0

## INFORMATION WIDGET SUMMARY



Widget Type	Engagement Tool Name	Visitors	Views/Downloads
Document	deleted document from	8	9
Document	Police Oversight in Boulder	7	9
Document	Primer borrador de la Ordenanza de Supervisión Policial.	0	0
Document	First proposed draft police oversight ordinance	0	0
Document	Ordenanza 8430 Cambios propuestos en la supervisión policial	0	0
Document	Ordinance 8430 Proposed changes summary	0	0
Document	Supervision Polical en Boulder	0	0

## IDEAS

Share your ideas of what changes you want to see in the ordinance. | Comparta sus ideas sobre los cambios que desea ver en la ordenanza.

Visitors	49	Contributors	14	CONTRIBUTIONS	28
16 June 23	keepboulderweird			"An absence of any real or perceived bias, prejudice or conflict of interest." This is a legitimate requirement that should be honored.	
	VOTES				2
				Perhaps giving examples of real or perceived bias would prevent another controversial hiring issue.	
16 June 23	IHeartBoulder			The whole POP should be reviewed, and the nominating committee should be evaluated for bias and conflict of interest.	
	VOTES				1
17 June 23	betty g			I agree with the two previous ideas. I would add that the members of this committee should have some experience/idea of what the police do.	
	VOTES				2
				Having ideas and having experience are not the same. All members of this committee should be required to spend an amount of hours riding with a policeman before they are qualified to judge their actions. This should be a requirement of committee membership.	
17 June 23	Max R. Weller			The Professional Standards Unit works just fine in my experience, and there is no need to fix what ain't broke!	
	VOTES				1
21 June 23	BlueSky			Start over. The current set up is too centered on possible individual police misconduct which demonizes ordinary police work.	
	VOTES				1
				If one is trying to change a culture of behavior it is helpful to include positive actions as a goal and not just focus on wrongdoing. Here is the link to Austin's Oversight page. <a href="https://www.austintexas.gov/department/office-police-oversight">https://www.austintexas.gov/department/office-police-oversight</a> Note option of "Thank an Austin Police Officer".	

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<div>21 June 23</div> <div>LoveBoulder</div> <div>VOTES 2</div>	<p><b>We need panelists who can objectively evaluate facts and make informed decisions. Not abolitionists seeking the elimination of policing!</b></p> <p>The demonstrated and perceived bias clause MUST stay! Someone who consistently demonstrates an inability to judge police actions in a fair and reasonable way has no business serving on this panel. POP should also be more representative of our community. NAACP and El Centro Armistad should not be filling all seats. Let's balance this panel so that ALL community members feel represented. The selection committee also needs a overhaul. Jude Landsman and Darren O'conner have been attempting to stack the selection committee and panel with abolitionists. The candidate interview questions didn't remotely attempt to abide by ordinance requirements. Instead, leading questions were asked so that only those who very strongly believed in systematic racism were selected over qualified people of color. The entire process and ordinance needs a overhaul!</p>
<div>21 June 23</div> <div>BeKindBeFair</div> <div>VOTES 1</div>	<p><b>Fairness is the opposite of bias</b></p> <p>I have studied the current ordinance and I was interested in applying for the panel. But having read the ordinance, I realized that my voice was not welcome. The POP panel is designed to be exclusionary and insular and favors people who think the police should not enforce our laws. Fair and unbiased policing is needed. Fair and unbiased panel members evaluating the police force is needed. Anything else is unfair to everyone - to the police, to the people in the city who need police services, to the people who have encounters with the police, and to our city's safety and well being. Every citizen benefits from a fair and unbiased police force. And every citizen who is fair and unbiased should be encouraged to apply for the POP if they want to serve. That is not the case now. The ordinance should be rewritten to eliminate the power of two nonprofits to decide everything about the applicants. Such a selection process favors people who have the free time to spend with nonprofits and who share their views and excludes everyone else. Also, the provision regarding bias should be strengthened to eliminate people who are biased so the POP looks at each case fairly and not as a panel that is comprised of people with preconceived biases against the police. Fairness and bias are opposites.</p>
<div>21 June 23</div> <div>D. Middlebrooks</div> <div>VOTES 0</div>	<p><b>Removing the "lack of actual or perceived bias" requirement of the ordinance would be very telling to the real intent of the committee.</b></p> <p>Police officers want officers that are not upholding the standard to be held accountable for their actions, just as does the community and panel members. The committee is not seen in a positive light as it currently stands, primarily based on the very clear and open bias held by some of the current committee members and those they wish to appoint. In order to truly work together for the desired positive change, there needs to be a level of trust between the police department and oversight committee that the intent is for professional and appropriate recommendations. I stress recommendations, as to give the panel any actual punitive control would be disastrous based on their historical recommendations to the chief. The civilian oversight committee can be a very positive impact on both the police department and community IF it is built appropriately and for the right reasons. As the committee stands, it has only lead to increased division and problems within the city. We can do better.</p>

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Share your ideas of what changes you want to see in the ordinance. | Comparta sus ideas sobre los cambios que desea ver en la ordenanza.

<div>21 June 23</div> <div>JustAComment</div> <div>VOTES</div> <div>3</div>	<p><b>Current POP members have no understanding of po licing</b></p> <p>It's very apparent after watching numerous meetings that the members have little to no understanding of the job the police do in Boulder. How many have gone on a ride along ? The ideas and purpose behind the panel is based on theory with no thought to the reality we live in. What have the members of the POP done to prepare themselves to understand what police do and how they do it? It appears they've done nothing. A series of ride alongs should be a requirement. I think they should be required to do at least 1 a quarter, if not more, to even be on the panel. Perhaps they'll be able to better understand what happens in our city.</p>
<div>23 June 23</div> <div>Pasquino on Pearl</div> <div>VOTES</div> <div>1</div>	<p><b>Keep the language requiring absence of bias</b></p> <p>The following is a direct quote from the documents you link to below answering why the POP was formed in the first place. "...independent oversight provides communities with assurance that their concerns are being considered without bias or preferential treatment." The police deserve an absence of bias or preferential treatment when their actions are judged, too. Keep the absence of bias requirement, or add one thin blue line panelist for every police abolitionist to create the balance necessary for any panel of judges who seek legitimacy and don't want to be considered a kangaroo court.</p>
<div>23 June 23</div> <div>The Public Interest</div> <div>VOTES</div> <div>0</div>	<p><b>Boulder PD's mission is public safety. POP members and rationale must help them do the job rather than confront, impede, create litigation.</b></p> <p>Are we going to need an Oversight Panel to oversee the POP? Mr. Zhang, of the POP, was quoted in the Daily Camera as saying the POP should be untouchable because Boulder wants to be "this magical progressive city." The agenda of the POP should not be for some "magical progressive" cause. It should be to help the Boulder PD do its job well without abusive practices. The POP should be comprised of individuals with expertise in criminal justice and the ability to work effectively with law enforcement. The current POP seems to have the agenda of a political stance similar to "magical progressive" policies that fomented lawlessness in San Francisco. It took a recall election there for the citizens to begin to stand up for public safety.</p>
<div>24 June 23</div> <div>Steve L</div> <div>VOTES</div> <div>0</div>	<p><b>Ordinance must retain non-bias requirement and advisory-only authority</b></p> <p>The present ordinance appropriately requires that panel members show no real or perceived bias, and it also appropriately assigns the panel an advisory role, with final determinations to be solely within the discretion of the city's police chief. Both of those provisions must be retained in any revision of the ordinance. Our police force is entitled to fair, impartial, and unbiased review in any disciplinary matter. Our police chief is entitled to full authority to manage the department's professional staff of first-responders. Public safety is a fundamental obligation of municipal government.</p>

## IDEAS

Share your ideas of what changes you want to see in the ordinance. | Comparta sus ideas sobre los cambios que desea ver en la ordenanza.

26 June 23	VOTES 0	“Bias” should be replaced with “impartiality “. Impartiality is the ability to put aside bias for the greater good. Define “greater good”.
Mary Young		
26 June 23	VOTES 0	Add a requirement to participate in at least one police ride along per year of service on panel.
Mary Young		

# **Community Feedback on the Draft Revisions to the Police Oversight Ordinance**

## **Feedback given directing to consultant, Farah Muscadin**

### 2-11-1 Legislative Intent

(c) By using the words ‘in order to improve community trust in the police department’.

This suggests there is a huge trust problem with most of the citizens . Has every citizen been asked if they do not trust their police or is this a reaction to a small vocal group?

\*\*suggestion; change wording to ‘in order to maintain community trust in the police and to identify areas needing improvement’ ...

### 2-11-10 Panel Application Process

1. There is no wiggle room as written in the event you do not get or find eleven qualified panelists. \*\*suggestion; the panel shall be made of no less than 5 members with a goal of having no more than 11.

### 2-11- 14 Panel Training

Allow the panel the ability to request training that must be provided for by the city

2-11-16 (b), would it make sense to include a mention of any limitations, e.g. "within limits of confidentiality agreement" for complete and unrestricted access?

2-11-20, might it make sense to define "in a timely manner"?

If the city is going to continue giving panel members a ‘monetary stipend’ then the statute should address this to include the conditions when the stipend can be stopped (poor participation, attendance, walk out, etc).

## **Monday September 18, 2023 - Virtual Community Feedback Session**

### **Do you agree with the proposed change to give the CM the authority to develop the selection process and appoint panel members with community input?**

- Would like for the community members to be a bigger part of this process, rather than just the City Manager.
- Agrees community involvement should be a part of this process.

### **How would you rank these qualifications in the order of importance to you?**

- Agrees with all these qualifications
  - Be iterative with community members and be able to communicate and understand communication indifferences. To add curiosity as a qualification. Not just have Panelists who will monologue at each other.
- Panelists who are interested in building a working relationship with the PD, instead of the relationship being adversarial.

### **Do you agree that a core function of the panel should be providing recommendations on the disposition of complaints of alleged police misconduct and policy?**

- Agrees with the recommendations
- Agrees with the Panel having authority to make policy recommendations
- \*thumbs up on discipline recommendation\*

### **Do you agree that the panel and Chief of Police should meet to discuss their differences on potential discipline of an officer to gain a mutual understanding of each other's perspective?**

- If there is disagreement between POP and the police chief, is there an avenue of median that can be brought to play? Can this be framed as a viable working relationship between POP and the PD rather than versus?
- Sees “reasonable time” a lot and would like time(s) to be defined. Can be seen as dragged out and would like closure.
- She has experienced very different types of police officers in Boulder; some are great and others less so. She believes that when police officers observe their coworkers misbehaving, it puts them in a very difficult position. Suggests having a third-party moderator, someone who can facilitate a discussion between community and BPD to improve police culture. Suggests including other police officers in the after-action meeting.
- Good idea, more communication the better; appreciates the after-action meeting
- She agrees.

### **Do you agree that the panel and the monitor should automatically review critical incidents like officer involved shootings?**

- Agrees with expanded jurisdiction.
- Question regarding if another person is involved. And feels like the community should be involved with communication about the incident. Agrees with expanded critical incident authority.
- Do we currently have de-escalation training as mandatory in our PD? Question was answered affirmatively.

**Do you agree that the Chief of Police should respond to written recommendations from the panel and the monitor?**

- Agrees that Chief of Police should be the one to respond.
- agrees to prior comment.
- A face to face, give and take would eliminate any misunderstandings.

**Do you agree that the panel and monitor should have the ability to request outside counsel when needed?**

- Agrees, but is concerned that CAO would hand-pick counsel that might be biased. Unless there is a pre-approved third party attorney(s) for conflicts.
- Agrees with above comment. Also wants more community interactions with police that are scenario-based, to help both sides model de-escalation.
- Agrees with above comment

## **Wednesday September 20, 2023 In person Community Feedback Session**

### **Appointment of panel members:**

*Do you agree with the proposed change to give the CM the authority to develop the selection process and appoint panel members with community input?*

Open discussion:

Wording on powerpoint was given as that the CM “may” form an advisory panel and it was clarified with copy of the ordinance that it says “shall”

Poster feedback:

With some reservations, yes. She is unelected and has not been responsive.

Yes I agree –

### **Panel qualifications:**

Open discussion:

How do you determine “impartial”? Working Group members clarified that they did speak about this term amongst each other however never determined a real definition. They also mentioned that this language was commonly used in police oversight panels.

“A little bird told me that a police officer, Sterling E., was serving on the Panel,” and inquired more about this. Panel members clarified that Sterling was a liaison and non-voting member to act as a resource to the Panel, similar to the IPM. Further inquiry about what a liaison would do? And how he became in his position?

*How would you rank these qualifications in the order of importance to you?*

Poster feedback:

1<sup>st</sup>: The ability to effectively collaborate, engage with the public, and maintain transparency, during their tenure on the panel

2<sup>nd</sup>: The ability to build working relationships and communicate effectively with diverse and multicultural groups

3<sup>rd</sup>: The ability to relate to and understand the community’s concerns.

4<sup>th</sup>: A commitment to the purposes of this ordinance

5<sup>th</sup>: The ability to be fair minded, objective, and impartial

6<sup>th</sup>: A demonstrated commitment to serving the Boulder community

### **Panel recommendations:**

*Do you agree that a core function of the panel should be providing recommendations on the disposition of complaints of alleged police misconduct and policy?*

Open discussion:

A question was asked whether the Ordinance addresses the possibility of re-reviewing previously closed investigations, and spoke at length an incident/investigation that she had been involved in. How far back do the recommendations go for closed cases? Do previous cases that have not been addressed appropriately (by PSU) get closure?

Does not think the core function should be what is projected. Social justice, equity and fairness should be the core function.

Poster feedback:

Yes I agree –

Follow up must occur with complainants.

Sure

#### **After Action meeting:**

*Do you agree that the panel and Chief of Police should meet to discuss their differences on potential discipline of an officer to gain a mutual understanding of each other's perspective?*

Open discussion:

Agree.

What kind of metrics are kept about the incidents? Answered by panel.

Is there attorney representation for both side when a case happens? Panel Member answered that there is representation for BPD members, paid for by their union.

Community member believes that both sides (accused officers and complainants) should be afforded an attorney during investigations.

suggested that the accused officer(s) should be included in the after-action meeting.

Poster feedback:

Would like to see final decision taken away from Chief and given to Panel

Sure, but who has the final say?

#### **Review of critical incidents:**

*Do you agree that the panel and the monitor should automatically review critical incidents like officer involved shootings?*

Poster feedback:

This sounds reasonable. What resources are available if LEO is fired upon?

Yes! Absolutely –

*Do you agree that the Chief of Police should respond to written recommendations from the panel and the monitor?*

Poster feedback:

Yes the Chief should be final review and absolutely before final disposition

So long as she is final arbiter

Chief of Police should provide reasons why not to follow recommendations

**Outside counsel:**

*Do you agree that the panel and monitor should have the ability to request outside counsel when needed?*

Poster feedback:

Only from a preapproved and vetted list. Retired Judge would be good.

Community member additionally opined that there needs to be a process to quickly and efficiently dispose of meritless complaints – he mentioned that he has worked in compliance and that “people lie” and the likelihood of baseless complaints from people suffering from mental illness. John did not want unnecessary resources devoted to investigating meritless cases. Overall, the community member also mentioned that they think issues involving policing in Boulder have become too politicized.

Absolutely

- Make same materials as P.Mon. before deciding on whether to review.
- POP should be able to review closed investigations.

## ORDINANCE OUTLINE

- Purpose
- Definitions
- Appointment of the Panel Members
- Panel Members Qualifications and Restrictions
- Panel Terms, Vacancies, Alternates, and Removal
- Scope
- Duties and Responsibilities
- Panel Member Meeting Attendance
- Boulder Police Department Records
- Relationship between the Panel and IPM
- Confidentiality of Records and Information
- Code of Ethics
- Chief of Police
- Oversight System Evaluation
- Outside Counsel
- Liability

**Purpose**

Do not replace existing legislative intent (i.e., current policing does not meet needs of community).

To provide an effective independent civilian oversight system that promotes integrity and encourages systemic change and improvement in the police services that the Boulder Police Department (BPD) provides to the public. This oversight system works to ensure the internal police accountability system functions properly; that behavioral, procedural, and policy deficiencies are identified and appropriately addressed; and that complaints are investigated through an objective and fair process for all parties involved.

While safe-guarding confidentiality, the civilian oversight system will:

- review complaints of potential violation(s) of BPD policies, rules, and general orders; including but not limited to allegations of racial profiling, racially abusive treatment, and excessive use of force,
- utilize data to identify trends;
- recommend corrective actions, training, and/or policy changes; and
- report regularly to the Boulder City Council and the public.

The essential community involvement component of the system shall be accomplished through the inclusion of a Police Oversight Panel (Panel). The Panel shall be established by the Boulder City Council to increase visibility for the public into the delivery of service by the BPD. The panel will review the results of investigations conducted by BPD and provide recommendations for corrective or punitive action, including discipline, changes in policy, and training. The members of the Panel shall adhere to the National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics and comply with all applicable state and federal laws regarding confidentiality.

## Definitions

For purposes of this Sections, the following words and phrases shall have the meaning described in this section:

**CHIEF** — The Chief of Police of the Boulder Police Department.

**COMPLAINT** — A written statement concerning police conduct which is either submitted to the Police Oversight Panel for filing with the Boulder Police Department or filed directly with the Boulder Police Department.

**PANEL**— The Police Oversight Panel

**OFFICER** — Any sworn police officer of the Boulder Police Department affected by a community complaint.

**PROFESSIONAL STANDARDS** — The Professional Standards Unit of the City of Boulder Police Department.

**FAMILY MEMBER** - husband, wife, son, daughter, mother, father, step-son, step-daughter, step-mother, step-father, grandmother, grandfather, brother, sister, domestic partner, and in-laws

**CRITICAL INCIDENTS** - BPD officer-involved shooting, use of force resulting in life threatening injury, use of force resulting in bodily injury requiring transportation and admittance to a hospital, , or in-custody death

Commented [1]: simplified definition

### Appointment of Panel Members

Panel shall be comprised of eleven members, with two positions specifically designated for students currently enrolled in an institution of higher education. *where possible*

### Panel Selection

The City Manager shall seek community input for the creation of the panel member selection process. This process, which shall be guided by principles of inclusion and transparency, may be used for the selection and recruitment of subsequent applicants seeking appointment to the Police Oversight Panel when vacancies arise. The process developed for panel member selection shall actively promote public awareness of the Panel, its vacancies, and the Panel's role and responsibilities. The members of the Panel shall be appointed by the City Manager, which may also include the two student members.

At the direction of the City Manager, an advisory committee or those involved in the selection process shall strive to include individuals with a demonstrated commitment to the Boulder community, individuals with the ability relate to and understand community concerns, those who can effectively collaborate, engage with the public, maintain transparency throughout the selection, and possess working knowledge or understanding of social justice issues.

To amplify the voice of those most impacted by interactions with law enforcement, the City Manager shall strive to include a person with a disability, individuals who are multilingual, a person who has experienced incarceration, a person identifying as LGBTQ+, a person experiencing homelessness or having such lived experience, people identifying as a person of color, specifically African American, Latinx, Asian and/or Indigenous in the development of the selection process and/or the selection process for the panel members.

The City Manager shall also include current and former panel members and the Independent ~~Police Monitor~~ in the selection process and its development.

Prior to the commencement of the panel selection process, the advisory committee or those involved in the development of the selection process shall participate in a training on the fundamentals of civilian police oversight and an overview of the Boulder civilian oversight system.

### Panel Student Representatives

The panel shall include two student representatives. One student representative must be currently enrolled as an undergraduate in an institution of higher education within the City of Boulder. The other student representative may be a resident of Boulder and currently enrolled in an institution of higher education.

2-11-6 (a) (i)

• Don't change - C.M. choosing eliminates community

Why give over selection of selection committee members to City Mgr. (C.M.)

1. There is no "Independent Police Monitor". Also Monitor is overseen by POP - inappropriate to have her select POP members.

*should, not must*

## Panel Members Qualifications and Restrictions

The members of the Panel shall seek to exceed the diversity of the Boulder community, including the ethnic, racial, and socioeconomic status as well as the diverse professional backgrounds, lived experience, and expertise of the residents of Boulder.

Panel members qualifications must include:

- Strong ties to the City of Boulder.
  - This may include, but is not limited to, residency, employment in the City, or having children enrolled in schools located in the City.
- An ability to build working relationships and communicate effectively with diverse and multicultural groups.
- The ability to relate to and understand the community's concerns.
- A commitment to the purposes of this ordinance.
- The ability to be fair-minded, objective, and impartial. *DISCUSS*
- The ability to effectively collaborate, engage with the public, and maintain transparency during their tenure on the Panel.
- A demonstrated commitment to serving the Boulder community.

**Commented [2]:** Keeping here for reference only  
The

selection committee should include individuals 1. value diversity and inclusion, as they will be responsible for choosing a diverse 2. relate to and understand the community's concerns. 3. members have a solid understanding of relevant laws and regulations. 4. members with a background in human rights or advocacy 5. Members with experience in conflict resolution and mediation 6. Members who effectively collaborate, engage with the public, and maintain transparency throughout the selection

Panel member qualifications may include:

- *People w/ negative police experiences*
- Value diversity and inclusion.
- Solid understanding of relevant laws and regulations.
- Experience or understanding of conflict resolution and mediation.
- An ability to build working relationships and communicate effectively with diverse and multicultural groups.
- Members serving on the Panel are not required to be U.S. citizens.

## Restrictions to appointment on the Panel

- No person currently employed in a law enforcement capacity, either sworn or non-sworn, shall be eligible for appointment to the panel.
- No current or former BPD employee shall serve on the Panel, and no relative of any current or former BPD employee shall serve on the Panel.
- Neither the members of the Panel nor any of their immediate family members shall have ever been employed by the Boulder police department.
- Members of the Panel shall neither be a current City employee nor an immediate family member of a current City employee.

### Panel Terms, Vacancies, Alternates and Removal

Five appointees will serve a three-year term and four appointees will serve a two-year term. The two student members will serve one-year terms. Panel members, other than the two student members, that will serve a three-year term may be reappointed for an additional one year. Panel members, other than the two student members, with a two-year term may be reappointed for an additional two-year term. Upon appointment, panel members will draw numbers to determine which will be a two-year appointment and which will be a three-year appointment. Panel members may serve for a maximum of two consecutive terms, for a total of four years. Student panel members may serve a maximum of two consecutive one-year terms, for a total of two years.

### Vacancy

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 on the panel until their successor is named.

Any vacancy occasioned by resignation, death or removal of a member shall be filled within 60 days with an eligible alternate from the appointed pool to fill the unexpired term.

### Alternates

In addition to the eleven members selected, up to five eligible alternates may be appointed by the City Manager. The eligible alternates will represent a pool from which new panel members can be placed on the panel when a vacancy occurs.

At the direction of the City Manager, the Independent Police Monitor may place an alternate from the appointed pool of eligible alternates to the panel when a vacancy occurs.

When there is one remaining alternate in the pool, the City Manager may commence a selection process for new panel members.

### Removal

The City Manager may remove a panel member, for failure to perform required duties, violation of City of Boulder code of ethics, violation of the NACOLE code of ethics, or violation of any signed confidentiality agreement.

### Automatic Resignation

Unexcused absence of a panel member from three consecutive regularly scheduled monthly Panel meetings in a twelve-month period without a leave of absence approved by a majority of the Panel will constitute an automatic resignation from the Panel.

Failure to perform, participate, and attend case reviews within sixty days shall without a leave of absence approved by a majority of the Panel will constitute an automatic resignation from the Panel.

DISCUSS

Add leave of absence automatic:

1. Health
2. Death in family
3. ?

and recommend disciplinary actions concerning investigations completed by the department. The Panel has the authority to evaluate policing practices, policies, outcomes in Boulder, to make and issue reports to the public, and to provide recommendations to the City Manager, the City Council, and the Boulder Police of Police. The Panel is hereby authorized to perform the duties hereinafter

## ibilities

from Members of the Public

a complaint or allegation, including an anonymous complaint, of any BPD employee with the Panel. Upon receipt of a complaint or shall immediately send the complaint or allegation over to the Monitor.

The Panel may review the completed professional standards unit investigations prior to the chief's final determination and provide disciplinary, disposition, and policy recommendations to the chief.

- The Panel shall develop criteria to decide whether to accept a case for review.
- All materials concerning the completed investigations of cases the Panel has selected to review shall be made available to members for their confidential review.
- The 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.
- The comments and any related policy or procedural issues identified by the Panel in the course of its case review shall be provided to the Monitor for further consideration.
- If the panel concludes that an investigation is incomplete, the panel may request the Monitor to recommend additional investigation by the professional standards unit.

Panel may make forms available at Panel meetings to accept complaints and allegations of police misconduct from the public and shall forward any received complaints to Monitor for appropriate action.

→ give subpoena power, at minimum, to Police Monitor. This is done in Denver.

Panel shall review all critical incidents involving BPD officer(s).

lations

The Panel may submit a written discipline recommendation to the Chief of Police prior to the Chief's final decision. In the event, the Panel and Chief of Police disagree on discipline related to a complaint of police misconduct. The Panel, specifically the members that conducted the review of the complaint, may request an after-action meeting with the Chief of Police and appropriate BPD staff to discuss the complaint, investigation, the outcome, and the rationale for the discipline decision. If the Panel requests this meeting it shall be held within 30 days from the date the final decision of the Chief of Police.

1. Option for adjudication under municipal court.  
2. Summary made public

and Reporting

The Panel may

- review trends and statistics of complaints against sworn police officers and civilian police employees and may develop recommendations to improve the complaint intake and handling process.
- conduct audits of BPD to include but not be limited to the complaint process, use of force complaints and investigations, traffic stops, and use of body worn cameras by BPD officers.
- review and evaluate reports issued and data collected by BPD related to policing practices, policies, procedures, and outcomes
- review and evaluate periodic reports from the Chief of Police regarding implementation of recommendations made by the Panel



strengthen to state expressly that POP may review all complaints + records of an individual officers.

Panel shall prepare and present annual reports to the public, City Manager, City Council and the Chief of Police that:

Summarizes the Panel's activities during the preceding year,  
Findings, discipline and policy recommendations consistent with all applicable confidentiality requirements.

Concerns expressed by residents and community members

Assessment of BPD investigative and disciplinary processes,

• *summary of facts + difference of opinion when chief overrides recommendations*

- Recommendations for ways that BPD can improve their relationships with community members,
- Recommendations for changes to BPD's policies, rules, training, and complaint process.
- In addition to the annual report, the Panel may furnish additional reports, which shall be available to the public and which may include patterns relating to complaints and recommendations regarding sufficiency of investigations, determinations as to whether BPD rules and policies have been violated, and the appropriateness of disciplinary actions, if any.

*similar-discuss*

#### Community Engagement

- The Panel may provide a forum to gather community concerns about incident-specific police actions and may receive and forward complaint information to the Monitor for processing.
- In collaboration with the Monitor's Office, the Panel may conduct education and outreach activities to inform the community about the process for filing complaints and commendations about police employees. The Panel and Monitor shall work together to develop and disseminate information regarding the police complaint handling and review system.

• *Minimum of One (Two?) meetings per year with community*

#### Policy Recommendations

- The Panel shall develop and review recommendations as to the policies, procedures, and practices of BPD in consultation with the Monitor.
- The Panel may provide input on BPD policies and procedures that reflect community values
- The goal of the Panel recommendations shall be to improve the professionalism, safety record, effectiveness, and accountability of BPD employees.
- The Panel may make recommendations to the Chief of Police, the City Manager, and the City Council, as appropriate.

#### Training

- At least once every year, and prior to voting on any matter before the Panel (but in no case later than six months after appointment to the Panel), Panel members shall participate in the following training:

- Visits to jail, including solitary confinement section
- ACLU or other Know Your Rights Training

(a) at least eight hours of training, presented by the National Association for Civilian Oversight of Law Enforcement, a comparable professional organization, consultant, or subject matter expert.

(b) Training by the applicable City of Boulder staff including but not limited to the following:

- i. legal and ethical obligations of members of a public body appointed by the City Manager
- ii. Boulder Police Department policies and training, including but not limited to defensive tactical training, crisis intervention training, and de-escalation training;
- iii. relevant privacy rules and City policies and procedures involving liability, employee discipline, and other matters related to police operations; and
- iv. Boulder Police Department and City administrative systems, processes, structures and operations.

(c) at least two ride-along sessions with Boulder Police Department patrol operations per calendar year.

(d) The City and the Independent Police Monitor shall provide the Panel members with additional training, which shall include but not be limited to relevant training by subject matter experts on mental health, trauma-informed policing, civil rights and constitutional law, race and systemic racism, community organizing and outreach, mediation, investigation, and policing practices, policies, and administration.

#### Public Statements

- o The Co-Chairs of the Panel shall be authorized to make public statements on behalf of the Panel regarding the role and processes of the Panel when an urgency to respond to an inquiry is presented.

#### Panel Member Meeting Attendance

- o The Panel shall annually elect from among its membership two co-chairs. The co-chairs shall be responsible for:
  - Facilitating and leading each panel meeting.
  - Communicating the needs of the Panel to the Monitor.
  - Engaging with the community and assisting with outreach efforts.
  - Ensuring the oversight panel's annual report is completed and published in a timely manner.
  - Helping to maintain panel members' participation and morale; and
  - Establish necessary subcommittees to carry out the work of the panel.
- o Monthly Panel Meetings

- Meetings of the panel shall be open to the public.
- The Panel will meet in closed session when discussing or reviewing the details of case files of open or closed complaint investigations.
- A member of the Panel shall remove themselves from any participation in a matter if their impartiality might reasonably be questioned, or if they have personal knowledge of any facts regarding the incident under review.

#### Boulder Police Department Records

- Except to the extent that state or federal law provides to the contrary, or where information resides on a restricted database governed by a contract that does not allow access beyond certain law enforcement employees;
- The Panel shall have access to the Boulder Police Department's policies and any data captured or maintained by the department to facilitate the panel's analysis and understanding of department operations. The Panel may request the Monitor to conduct specific analyses of department data, policies, or practices. *Like*
- The Panel shall have complete and unrestricted access to all complaints, investigative records and information obtained or developed by professional standards unit related to an administrative investigation of a complaint, whether the information exists in electronic format or hard copy, including information stored on the professional standards unit database; *Like*
- The Panel shall be provided any other information identified by the monitor that is relevant to a complaint or is necessary for the Panel to perform their required duty to ensure the investigation conducted was fair and thorough

#### RELATIONSHIP BETWEEN THE PANEL AND THE OFFICE OF THE INDEPENDENT MONITOR

- Monitor and the Panel shall be established and operated as separate, complementary entities with different roles that are and shall remain independent of one another.
- The Independent Police Monitor shall serve as a liaison to the Panel. The Monitor's Office shall provide administrative support. The Monitor will serve as a subject matter expert to the Panel as needed and requested.
- On a no less than monthly basis, the Panel shall receive reports from Monitor in a manner consistent with all applicable confidentiality requirements, including the number and types of cases filed, number of open cases, the disposition of and any action taken on cases, recommendations for corrective/punitive action, including discipline and dismissals, and the number of independent investigations.
  - Monitor reports to the Panel shall include all complaints received.
  - Monitor reports shall include the degree to which Monitor, and the Panel disciplinary recommendations were implemented by BPD.
- The Panel and Monitor will coordinate community outreach activities and communication with the public. The Monitor and the Panel shall develop and maintain a

*Commented [F344]: § The 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 decision 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.*

*§ The Panel shall receive reports from the Monitor including the number and types of cases filed, number of open cases, the disposition of and any action taken on cases, recommendations for corrective/punitive action, including discipline and dismissals*

Keep + enforce requirement.  
 ↓  
 2-11-7 (f) Top shall ~~review~~ <sup>evaluate</sup> work of P. Mon.

~~2-11-7~~

regular program of community outreach and communication for the purpose of listening to and communicating with members of the public. The Monitor will seek to educate the public about the responsibilities and services of the Monitor and functions of the Panel.

- The Monitor shall assist the Panel in collaboration with BPD written standing operating procedures to detail the complaint intake, review, investigation, disposition, and discipline processes.

#### Confidentiality of Records and Information

The Monitor and the Panel shall comply with all state and federal laws requiring confidentiality of law enforcement records, information, and confidential personnel records, and respect the privacy of all individuals involved.

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.

The monitor, its staff, the Panel, 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.

#### Code of Ethics

Members of the Panel shall be deemed public officials subject to the Code of Conduct set forth in Title 2, Chapter 7 of this Code.

The members of the Panel shall adhere to the National Association of Civilian Oversight of Law Enforcement (NACOLE) code of ethics.

City of Boulder ethics -

Commented [FM5]: Ask Erin - is this chart 7 code of conduct that should be cited here

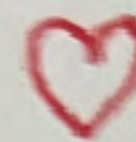
#### Chief of Police

The Chief of Police may appoint a BPD sworn personnel to serve as a liaison to the Panel. As the liaison, they may attend the public Panel meetings and serve as a resource to the Panel on questions regarding the police department, training, policies and procedures and questions pertaining to complaint investigated by PSU.

Bring up NAACP Liaison?

~~At the discretion of the City Manager,~~ the Chief of Police shall respond in a timely manner to formal written correspondence from the Panel, including but not limited to letters, policy and discipline recommendations.

the Chief of Police shall, at the discretion of the City Manager, within thirty (30) days of the Panel's recommendation, create a written record, which shall be made available to the City Council, the City Manager, and the public, of its rationale for declining to implement the recommendation of the Panel.



### **Oversight System Evaluation**

Commented [FM6]: to be discussed further

The City Manager, with input from the Panel, Monitor, Boulder Police Associations, Boulder Police Department, City Council and the public will evaluate the civilian oversight structure every 5 years to determine whether the need exists to make changes and/or otherwise make adjustments to the system to improve its continued performance. These evaluations shall in no way be intended to eliminate the Monitor or Panel oversight structure.

### **Outside Counsel**

Commented [FM7]: to be discussed further

Upon approval of the City Manager and City Attorney, the Panel may seek to retain, through the City Attorney's Office, outside counsel to provide legal advice on an as needed basis in situations where the City Attorney determines that the City Attorney's Office does not have adequate expertise to handle or advice on the matter, does not have adequate personnel to handle to advise on the matter or has an actual conflict of interest.

*dig in - C. Atty has inherent conflict.*

### **Liability**

Commented [8]: current ordinance language

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.

<b>Name of Agency</b>	<b>City</b>	<b>Population</b>	<b>Size of Police Department</b>	<b>Model of Oversight</b>	<b>Size of Civilian Board</b>
Police Oversight Panel	Boulder, CO	100K	190	Hybrid	11
Police Advisory Board	Raleigh, NC	470K	800	Review	11
Huntsville Police Citizens Advisory Council	Huntsville AL	216K	420	Review	13
Civilian Appeal Board	Grand Rapids, MI	198K	297	Hybrid	9
Independent Community Police Oversight Commission	Ann Arbor, MI	121K	151	Review	11
Police Civilian Oversight Board	Madison, WI	270K	483	Hybrid	9
Citizen Oversight Board	Denver, CO	700K	1,440	Hybrid	9
Community Police Commission	Seattle, WA	725K	1,100	Hybrid	21

Community Police Review Board	Albany, NY	97K	365	Investigative	9
Citizen Review Board	Syracuse, NY	145K	415	Hybrid	11
Community Police Review Commission	Austin, TX	966K	1800	Hybrid	10

2-11-1. Legislative Intent.ORDINANCE 8609

AN ORDINANCE REPEALING AND REENATING  
CHAPTER 2-11, "POLICE OVERSIGHT," B.R.C. 1981,  
REDEFINING THE COMPOSITION, DUTIES AND  
POWERS OF THE CITY ORGANIZATION RELATED TO  
CIVILIAN OVERSIGHT OF THE POLICE; AND SETTING  
FORTH RELATED DETAILS

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

COLORADO:

Section 1. Chapter 2-11, "Police Oversight," B.R.C. 1981, is hereby Repealed and

Reenacted as follows:

Chapter 11 - Police Oversight2-11-1. - Legislative Intent.

(a) The council finds that the current system of reviewing complaints against the police does not  
meet the needs of the community.

(b) The councilCity Council finds that the community would benefit from the hiring of a  
civilian police monitor oversight system to review the handling of complaints, to review  
trends in policing and recommend improvements to police practices, to engage with the  
public so that the needs of all members of the community are taken into account in  
connection with police oversight, and to report and report to the publiccommunity,  
regularly regarding oversight of the police department. Boulder Police Department.

(b) It is intended that this section shall provide a system of oversight of the police complaint  
process that is responsive to the needs of the entire community and a means for  
continuous improvement of police practices in the city.

(c) In order to improve community trust in the police department, the council intends to  
increase community involvement in police oversight and ensure that historically excluded  
communities have a voice in thatthe oversight.

(d) It is intended that this section will2-11-2. provide a system of oversight of the police  
complaint process that is responsive to the needs of the entire community and a means for  
continuous improvement of police practices in the City.

- Purpose.

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To provide an effective independent civilian police oversight system that shall promote integrity and encourage systemic change and improvement in police services that the police department provides to the community. This police oversight system shall work to ensure the internal police accountability system functions properly; that behavioral, procedural, and policy deficiencies are identified and appropriately addressed; and, that complaints are investigated through an objective and fair process for all parties involved.

While safe-guarding confidentiality, the civilian police oversight system shall:

- (1) review complaints of potential violation(s) of police department policies, rules, and general orders; including, but not limited to, allegations of racial profiling, racially abusive treatment, and excessive use of force;
- (2) gather and utilize data to identify trends;
- (3) recommend corrective actions, training, and/or policy changes; and
- (4) report regularly to the Boulder City Council and the community

The essential community involvement component of the system shall be accomplished through the inclusion of a Police Oversight Panel, hereafter "Panel." The Panel shall be established to increase visibility for the public in the delivery of service by the police department. The Panel shall review the results of investigations conducted by the police department and provide recommendations for corrective or punitive action, including discipline, changes in policy, and training. The members of the Panel shall adhere to the National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics and comply with all applicable state and federal laws regarding confidentiality.

### 2-11-3. - ~~2-11-2.~~ Definitions.

Chief of police, or chief means the person designated by the city manager as the chief of police.

Complaint means an oral or written communication to the Office of ~~the~~ Police Monitor or the Boulder Police Department alleging misconduct on the part of a police employee.

Conclusion of any criminal investigation means a criminal investigation is deemed concluded when the appropriate criminal prosecutor decides either to press charges or to not press charges.

Critical incident means a line-of-duty discharge of a firearm in an enforcement action, whether or not a person was injured, the use of less lethal weapons or defensive tactics that result in the death or grave injury of a person, the death or grave injury of a person as a result of other police actions, or the death of an in-custody person when the circumstances of the death are unknown or questionable.

Disposition means the final resolution of a misconduct allegation or critical incident investigation, as defined in Boulder Police Department G.O. 120.

Immediate family member means a ~~person's~~ person's spouse or domestic partner, a parent, step- parent, grandparent, child, stepchild, grandchild, sibling, half-sibling or step-sibling of the person or of the ~~person's~~ person's spouse or domestic partner.

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*Police employee* means a city employee who reports directly or through others to the chief of police.

*Preliminary investigation* means an initial inquiry by the police monitor or the ~~monitor's~~ ~~monitor's~~ designee into the facts and circumstances of a complaint for purposes of deciding how to classify and route the complaint and to identify any potential witnesses or evidence for timely preservation.

*Professional standards unit* means the police employees designated by the chief of police to investigate allegations of misconduct against police employees.

*Serious bodily injury* means bodily injury that, either at the time of the actual injury or at a later time, involves a substantial risk of death; a substantial risk of serious permanent disfigurement; a substantial risk of protracted loss or impairment of the function of any part or organ of the body; or breaks, fractures, a penetrating knife or penetrating gunshot wound, or burns of the second or third degree. As defined in Colo. Rev. Stat. § 18-1-901.

*Sworn police officer* means a police employee who is also certified and employed as a peace officer under the laws of this state.

#### **2-11-3.4. - Office of Police Monitor.**

(a) The Office of ~~the~~ Police Monitor, hereafter "~~Monitor's~~" "~~Monitor's~~ Office," shall be established to provide an independent location to lodge complaints involving police employees, monitor internal investigations to ensure objective, thorough and high-quality investigations, and develop recommendations to improve police services and policies.

(b) The ~~Monitor's~~ ~~Monitor's~~ Office shall be headed by a professional police monitor who is hired by and accountable to the city manager. The ~~Monitor's~~ ~~Monitor's~~ Office shall not be physically located in the same building as the police department.

(c) Any findings, recommendations, and actions taken shall reflect the police ~~monitor's~~ ~~monitor's~~ independent judgment. No person shall use their political or administrative position to attempt to unduly influence or undermine the independence of the police monitor, or their staff or agent, in the performance of their duties and responsibilities.

(d) The city manager shall include in ~~their~~ ~~his or her~~ recommended budget an allocation sufficient for the police monitor and the ~~Monitor's~~ ~~Monitor's~~ Office to carry out ~~their~~ ~~the~~ duties and responsibilities— ~~specified in this chapter.~~

#### **2-11-4.5. - Office of Police Monitor— Powers and Duties.**

(a) The police monitor, hereafter "~~monitor~~" is the administrative head of the ~~Monitor's~~ ~~Monitor's~~ Office and shall:

- (1) ~~(+)~~—Oversee the operations of the ~~Monitor's~~ ~~Monitor's~~ Office, establish program priorities and objectives, and manage the implementation and evaluation of work programs.

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- 1 (2) (2) Develop and maintain operating procedures for the ~~Monitor's~~ Monitor's  
 2 Office, including protocols for handling complaints and monitoring  
 3 investigations.
- 4 (3) (3) Act as liaison and provide staff support to the Panel.
- 5 (4) (4) Have the authority to refer incidents of potential police ~~oversight panel~~.  
 6 misconduct of public concern or other incidents of potential police misconduct to  
 7 the Panel.
- 8 (5) (4) Receive and process complaints concerning police employees; monitor the  
 9 complaint investigation; and ensure best practices are followed by the  
 10 professional standards unit.
- 11 (6) (5) Have the authority to review critical incidents and incidents of serious  
 12 bodily injury resulting from the actions of a sworn police officer(s).
- 13 (7) Perform a quality assurance function with the goal of identifying systemic changes  
 14 that ~~will~~ shall improve police services to the community. These activities include:
- 15 (A) (A) ~~Analyzing~~ analyzing complaint trends and recommending changes  
 16 to police policy, practices, and training; and
- 17 (B) (B) ~~Review~~ reviewing and ~~report~~ reporting trends in completed police  
 18 employee disciplinary decisions.
- 19 (8) (6) Have the necessary access and authority to review police data and records  
 20 for the purpose of conducting systemic audits of police functions that impact the  
 21 quality of the services provided by police to the community. The monitor shall  
 22 publicly report on the results of any audits or monitored audits in a manner  
 23 consistent with all applicable confidentiality requirements. All audit reports and  
 24 findings shall be shared with the Panel.
- 25 (9) Provide status reports to the ~~police oversight panel~~ Panel and community and  
 provide recommendations relevant to police policies and practices to the chief of  
 police and city manager.
- (10) (7) Develop and present to the ~~police oversight panel~~ Panel and ~~city~~  
~~council~~ City Council periodic public reports describing the activities of the  
~~Monitor's~~ Monitor's Office, its findings and recommendations, the police  
~~department's~~ department's response to its recommendations, and any other  
 information pertinent to assessing the performance of the ~~Monitor's~~ Monitor's  
 Office.
- (11) (8) Provide the community with any other reports deemed necessary.
- (b) The monitor shall receive timely notification of critical incidents to enable them to  
 report to the scene of critical incidents. The monitor, ~~oversight panel~~ Panel, and chief  
 of police shall sign a memorandum of understanding outlining the protocols for  
 summoning the ~~police~~ monitor to ~~the~~ a critical incident for purposes of first-hand  
 observation. The protocols developed by the monitor, the ~~oversight panel~~ Panel, and  
 the chief of police shall identify the specific types of critical incidents for which the  
 monitor ~~will~~ shall be notified ~~of~~ and to which the monitor ~~will~~ shall respond.
- (c) All final case adjudication and employee discipline decisions shall be made by the  
 chief of police. The ~~police~~ monitor may develop adjudication recommendations and  
 may recommend the level of discipline for police employees.

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## 2-11-5-6. - Complaint Processing by the Police ~~Monitor's~~ Monitor's Office.

### (a) Complaint ~~intake.~~ Intake.

- (1) (1) Any person may lodge a complaint with the ~~Monitor's~~ Monitor's Office about the conduct of, or services provided by, a police employee.
- (2) (2) The ~~Monitor's~~ Monitor's Office is the intake center for community complaints about police employees. The ~~police~~ monitor shall make available to the public several alternative means of filing a complaint, including, but not limited to, in person, on-line, or by telephone. Complainants may choose to lodge complaints either directly to the police department or through the ~~Monitor's~~ Monitor's Office. Complaints filed with the police department shall be forwarded to the ~~Monitor's~~ Monitor's Office within ~~24~~ twenty-four hours of receipt. The ~~Monitor's~~ Monitor's Office shall document all contacts and complaints received from any source.
- (3) (3) If the ~~Monitor's office~~ Monitor's Office receives a complaint that alleges that a person incurred damages as the result of alleged police conduct, a copy of the complaint shall be forwarded to the city attorney.
- (4) (4) If a complaint is received that alleges criminal conduct on the part of ~~thea~~ police employee, the police monitor shall forward the complaint and any associated information to the chief of police and the Boulder District Attorney's Attorney's Office.

### (b) Complaint Investigations.

- (1) (1) Except as provided in ~~Paragraph~~ subparagraph (2) of this subsection, ~~below~~, administrative investigations of complaints filed with or forwarded to the ~~Monitor's~~ Monitor's Office shall not commence until after the monitor has received, classified, and routed the complaint. The investigation shall commence as soon as possible after classification, but in any event no later than ~~14~~ fourteen calendar days after the ~~Monitor's~~ Monitor's Office receives the complaint.
- (2) (2) ~~Paragraph~~ Subparagraph (1) of this subsection, ~~above~~, shall not preclude preliminary investigations by the ~~Monitor's~~ Monitor's Office, or a police ~~supervisor's~~ supervisor's attempt to address possible misconduct by a police employee with or without the filing of a complaint.
- (3) (3) If the chief of police determines that all or a part of an administrative investigation should be postponed in order to avoid jeopardizing a criminal investigation or prosecution, the chief of police shall request the ~~monitor's~~ monitor's agreement on postponement. If the monitor and chief of police are unable to agree on ~~thea~~ postponement, then they shall present, in writing, their respective positions to the city manager, who shall then decide whether all or part of an administrative investigation ~~will~~ shall be postponed.
- (4) (4) The ~~police~~ monitor shall actively observe internal investigations to ensure a thorough, objective, and timely investigation, and is authorized to:
  - (A) Be present and observe complainant, employee, and witness interviews.

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(B) (B) Recommend additional investigation and best practices to the professional standards unit. In the event the professional standards unit rejects a recommendation from the monitor pursuant to this subsection, the monitor may request, in writing, the chief of police to accept the recommendation. The chief of police shall respond in writing. If the chief of police declines, the monitor may ask the city manager, in writing, to require the chief of police to accept the recommendation. The written decision of the city manager shall be final and shall be made available to the police oversight panel. In no event may a police employee be subject to discipline for acting pursuant to the city manager's manager's final decision.

(5) (5) The police monitor shall have access to all police data including demographics of complainants and officers.

(6) (6) The police monitor will shall not be involved in any criminal investigations but shall be kept apprised of the status of such investigations involving police employees. The police monitor shall have access to the case file relevant to the administrative portion of such investigations.

(7) (7) All case files shall be provided to the police monitor upon conclusion of the investigation for review and a determination that the investigation was thorough and complete. Once the investigation is deemed complete by the monitor, the involved employee's employee's immediate supervisor will shall develop a case adjudication recommendation that will shall be forwarded through the chain of command to the chief of police for final adjudication and to the monitor for review. If the police monitor disagrees with any recommendation, the monitor's the monitor's disagreements and comments will shall be documented and forwarded to the chief of police prior to final adjudication by the chief of police. The chain of command and police monitor will shall use their best efforts to complete this process in a timely manner and without unreasonably delaying the final adjudication of the case.

(8) The Monitor's Monitor's Office will shall make every reasonable effort to notify the complainant that an investigation has been conducted, summarize the monitor's monitor's assessment of the investigation, and provide an opportunity for the complainant to comment or ask questions about the process.

(9) The police monitor shall maintain an on-going status report on the work of the Monitor's Monitor's Office and case investigations and shall share it with the police oversight panel.

(c) Access to Records and Materials.

(1) Except to the extent that state or federal law provides to the contrary, or where information resides on a restricted database governed by a contract that does not allow access beyond certain law enforcement employees:

(1) Except to the extent that state or federal law provides to the contrary, or where information resides on a restricted database governed by a contract that does not allow access beyond certain law enforcement employees:

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(A) The monitor shall have complete and unrestricted access to all complaints, investigative records and information obtained or developed by ~~the~~ professional standards unit related to an administrative investigation of a complaint, whether the information exists in electronic format or hard copy, including information stored on the professional standards unit database;

(B) The monitor shall be provided any other information identified by the monitor that is relevant to a complaint; and

(C) The identity of any individual involved in an event giving rise to a complaint shall not be withheld from the monitor. Notwithstanding the foregoing, complainants may file anonymously.

(2) The chief of police and ~~police~~ monitor shall develop cooperative interdepartmental procedures and any necessary infrastructure to coordinate the flow of information and communication between the ~~Monitor's~~ Monitor's Office and the ~~police department~~ ~~Boulder Police Department~~.

(d) Nothing in this chapter shall preclude the ~~Citycity~~ from engaging an independent investigator for a particular complaint.

## ~~2-11-6. Police Oversight~~ ~~7. - Panel - Qualifications and Appointments~~ ~~Scope.~~

### ~~(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.~~

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~~(6) The selection committee shall select 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 subsection (b) of this section.~~

~~(7) In addition to the eleven members selected, the selection committee shall select 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:~~

The Panel shall have the authority to review complaints of alleged police misconduct, review critical incidents, review incidents involving serious bodily injury, and recommend disciplinary actions concerning investigations completed by the Boulder Police Department. The Panel has the authority to evaluate policing practices, policies, procedures, and outcomes in Boulder, to make and issue reports to the public, and to provide actionable recommendations to the city manager, City Council, and chief of police.

#### 2-11-8. - Panel Meetings.

(a) The Panel shall hold a regular monthly meeting which shall be open to the public.

(b) At each monthly meeting, the monitor shall provide a report to the Panel consistent with the provisions of this chapter.

(c) The Panel shall meet in closed session when discussing or reviewing case files and documentation of open or closed complaint investigations.

(d) The Panel shall keep minutes of its public meetings, and those minutes shall include:

(1) the date, time, and location of each meeting;

(2) the members present and absent;

(3) a summary of the discussion on matters proposed, deliberated, or decided; and

(4) a record of any votes taken.

~~(A) Strong ties to the City of Boulder. This may include, but is not limited to, residency, employment in the city, or having children enrolled in schools located in the 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~~

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~~(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 city employee nor an immediate family member of a current 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) 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.~~

~~(c) Reserved:~~

~~(d) Removal from the oversight panel:~~

~~(1) Members can be removed by a majority vote of the oversight panel for failure to perform duties or violation of any signed confidentiality agreement.~~

~~(2) The member's removal shall then be approved or rejected by a majority vote of the council.~~

~~2-11-7. Police Oversight9. - Panel Powers and Duties and Responsibilities.~~

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(a) The Panel shall elect annually, from among its membership, two co-chairs who shall be responsible for:

- (1) facilitating and leading each Panel meeting;
- (2) communicating the needs of the Panel to the monitor;
- (3) engaging with the public and assisting with outreach efforts;
- (4) ensuring the Panel's annual report is completed and published in a timely manner;
- (5) helping to maintain Panel members' participation and morale; and
- (6) establishing necessary subcommittees to carry out the work of the Panel.

(b) Complaints from members of the public.

Any person may file a complaint or allegation, including an anonymous complaint, of wrongdoing against any police department employee with the Panel. Upon receipt of a complaint or allegation, the Panel shall immediately send the complaint or allegation to the monitor.

(c) Complaint Review.

- (1) In collaboration with the police monitor, the police oversight panel shall establish policies, procedures, and operating principles for the police oversight panel.
- (2) The police oversight panel may review the completed professional standards unit investigations prior to the chief's final determination and provide disciplinary and disposition, disciplinary, and policy recommendations to the chief.
- (3) The police oversight panel shall develop criteria to decide whether to accept a case for review.
- (4) 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.
- (5) 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.
- (6) The comments and any related policy or procedural issues identified by the police oversight panel in the course of panel during its case review shall be provided to the police monitor for further consideration.

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(57) If the ~~panel~~Panel concludes that an investigation is incomplete, the ~~panel shall~~Panel may request the monitor to recommend additional investigation by the professional standards unit.

~~(d) (e) The police oversight panel shall notify the complainant and involved police employee(s) of its decisions on whether to accept a case for review and shall inform the complainant of its conclusions and recommendations on the case. Disposition Recommendations.~~

(1) The Panel may submit written disposition recommendations of a complaint to the chief of police prior to the chief's final decision.

~~(d) The police oversight panel shall review trends and statistics of complaints against sworn police officers and civilian police employees and may develop recommendations to improve the complaint intake and handling process.~~

~~(e) The police oversight panel shall have access to the Boulder Police Department's policies and any data captured or maintained by the department to facilitate the panel's analysis and understanding of department operations. The panel may direct the monitor to conduct specific analyses of department data, policies, or practices.~~

~~(f) The police oversight panel shall evaluate the work of the Monitor's Office. In that regard the police oversight panel:~~

(1) Shall establish criteria by which to evaluate the work of the police monitor; the panel's review of the monitor will be ongoing and will include quarterly meetings between the panel co-chairs and the monitor to convey priorities and feedback on the monitor's work;

(2) In the event the Panel and chief of police disagree on a disposition of complaint, the Panel may submit a written objection to the chief.

(3) Panel objections may be made public in a manner consistent with all applicable confidentiality requirements.

~~(e) Discipline Recommendations.~~

(1) The Panel may submit a written discipline recommendation to the chief of police prior to the chief's final decision.

(2) In the event of sustained allegation(s) of police misconduct where the Panel and the chief disagree on potential discipline of transfer, demotion, suspension or termination, the Panel or the chief may request an after-action meeting at the Penfield Tate II Municipal Building or an otherwise agreed location. The after-action meeting may include Panel members that conducted the case review, a Panel co-chair, the chief of police, police department chief of staff, professional standards unit sergeant, and the monitor. The purpose of the meeting shall be to discuss the complaint, investigation, the outcome, and the rationale for the discipline decision. The meeting shall be held within a reasonable time after the final decision on discipline is made.

~~(f) Shall review, comment on, and assist in maintaining Policy Recommendations.~~

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(1) The Panel shall develop and review recommendations as to the policies, procedures, and operating principles for the Monitor's Office and practices of the police oversight panel; department in consultation with the monitor.

(3) Shall monitor status reports from the police monitor; and

(4) May conduct periodic evaluations of the complaint intake and handling system to identify process improvements and/or ensure complaints are being treated fairly and with due diligence.

(g) The police oversight panel (2) The Panel may provide input on police department policies and procedures that reflect community values.

(3) The goal of Panel recommendations shall be to improve the professionalism, safety record, effectiveness, and accountability of police department employees.

(4) The Panel may make recommendations to the chief of police, city manager, and City Council, as appropriate.

(g) The Panel shall have the authority to review critical incidents and incidents of serious bodily injury resulting from the actions of a sworn police officer(s).

(h) Community Engagement.

(1) The Panel may provide a forum to gather community concerns about incident-specific police actions and may receive and forward complaint information to the Monitor's Office monitor for processing.

(2) In collaboration with the monitor, the Panel may conduct education and outreach activities to inform the community about the process for filing complaints and commendations about police employees. The Panel and monitor shall work together to develop and disseminate information regarding the police complaint intake and review process.

(i) The Panel may authorize public statements on behalf of the Panel regarding the role and processes of the Panel when an urgency to respond to an inquiry is presented.

#### 2-11-10. - Panel Appointment Process.

(a) The Panel shall be composed of eleven members appointed by the city manager, of which two positions are specifically designated for students currently enrolled in an institution of higher education.

(b) The city manager shall seek community input for the creation of the Panel member selection process. This process, which shall be guided by principles of inclusion and transparency, may be used for the selection and recruitment of subsequent applicants seeking appointment to the Panel when vacancies arise. The process developed for Panel member selection shall actively promote public awareness of the Panel, its vacancies, and the Panel's role and responsibilities.

(c) The city manager may form an advisory committee to assist in the Panel selection process.

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- (1) The city manager shall strive to include individuals on the advisory committee with a demonstrated commitment to the Boulder community, individuals with the ability relate to and understand community concerns, those who can effectively collaborate, engage with the public, maintain transparency throughout the selection, and possess working knowledge or understanding of social justice issues.
- (2) To amplify the voice of those most impacted by interactions with law enforcement, the city manager shall strive to include a person with a disability, individuals who are multilingual, a person who has experienced incarceration, a person identifying as LGBTQ+, a person experiencing homelessness or having such lived experience, people identifying as a person of color, specifically African American, Latine, Asian and/or Indigenous in the development of the selection process and/or the selection process for Panel members.
- (3) The city manager shall also include current and former Panel members and the monitor in the selection process.
- (4) Prior to the commencement of the Panel selection process, the advisory committee or those involved in the development of the selection process shall participate in a training on the fundamentals of civilian police oversight and an overview of the Boulder civilian police oversight system.

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#### 2-11-11. - Panel Composition.

- (a) The eleven-member panel shall include two student representatives positions and nine regular members. One student representative must be currently enrolled as an undergraduate in an institution of higher education within the city of Boulder. The other student representative may be a resident of Boulder and currently enrolled in an institution of higher education.
- (b) The annually elect from among its membership two co-chairs. The co-chairs shall be responsible for: of the Panel shall seek to exceed the diversity of the Boulder community, including the ethnic, racial, and socioeconomic status as well as the diverse professional backgrounds, lived experience, and expertise of the residents of Boulder.
- (1) Facilitating and leading each panel meeting;
- (2) Communicating

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#### 2-11-12. - Panel Members Qualifications and Disqualifications.

- (a) The city manager shall consider the needs following qualifications when appointing members of the oversight panel:
- (1) Strong ties to the city of Boulder. This may include, but is not limited to, residency, employment in the city, or having children enrolled in schools located in the city.
- (2) The ability to build working relationships and communicate effectively with diverse and multicultural groups.
- (3) The ability to relate to and understand the community's concerns.

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- (4) A commitment to the purposes of this ordinance.  
 (5) The ability to be fair-minded, objective, and impartial.  
 (6) The ability to effectively collaborate, engage with the public, and maintain transparency during their tenure on the Panel.  
 (7) A demonstrated commitment to serving the Boulder community.

(b) Panel member qualifications may include:

- (1) Value equity, diversity and inclusion.  
 (2) Solid understanding of relevant laws and regulations.  
 (3) Experience or understanding of conflict resolution and mediation.  
 (4) Members serving on the Panel are not required to be U.S. citizens.

(c) The following factors shall disqualify an individual from appointment to the Panel:

- (1) Current employment in a law enforcement capacity, either sworn or non-sworn.  
 (2) Current or former employment with the Boulder Police Department.  
 (3) Being related to or an immediate family member of any current or former police department employee.  
 (4) Status as a current city employee or being an immediate family member of a current city employee.

**2-11-13. - Panel Terms, Vacancies, Alternates, and Removal.**

(a) Five appointees shall serve a three-year term, four appointees shall serve a two-year term, and the two student members shall serve one-year terms. Panel members that serve a three-year term may be reappointed for an additional one year term. Panel members, other than the two student members, with a two-year term may be reappointed for an additional two-year term. Upon appointment, Panel members shall draw numbers to determine which shall be a two-year appointment and which shall be a three-year appointment. Panel members may serve for a maximum of two consecutive terms, for a total of four years. Student Panel members may serve a maximum of two consecutive one-year terms, for a total of two years.

(b) 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 on the Panel until their successor is named. Any vacancy occasioned by resignation, death or removal of a member shall be filled within 60 days with an eligible alternate from the appointed pool to fill the unexpired term.

(c) In addition to the eleven members selected, up to five eligible alternates may be appointed by the city manager. The eligible alternates shall represent a pool from which new Panel members can be placed on the Panel when a vacancy occurs. The eligible alternate pool may also include students.

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(1) At the direction of the city manager, the ~~monitor~~ may use their discretion to place an alternate from the appointed pool of eligible alternates to the Panel when a vacancy occurs.

(2) When there is one remaining alternate in the pool, the city manager may commence a selection process for new alternate Panel members.

(d) The city manager may remove a Panel member, for failure to perform required duties, violation of the City of Boulder code of ethics, violation of the NACOLE code of ethics, or violation of any signed confidentiality agreement.

(e) Automatic Resignation.

(1) The unexcused absence of a Panel member from three consecutive regularly scheduled monthly Panel meetings in a twelve-month period without a leave of absence approved by a majority of the Panel shall constitute an automatic resignation from the Panel.

(2) Upon completion of required Panel training, the failure to participate in two assigned case reviews in a twelve-month period without prior notification to the Panel co-chairs or the monitor shall constitute an automatic resignation from the Panel.

#### 2-11-14. - Panel Training.

(a) Prior to voting on any matter before the Panel (but no later than three months after appointment to the Panel), Panel members shall participate in the following training:

(1) Legal and ethical obligations of members of a public body appointed by the city manager.

(2) Police department policies and training, including, but not limited to, professional standards unit investigation and processes, defensive tactical training, crisis intervention training, and de-escalation training.

(3) Relevant privacy rules and city policies and procedures involving liability, employee discipline, and other matters related to police operations, including:

(A) Boulder Police Department and city administrative systems, processes, structures, and operations.

(B) The history of civilian police oversight.

(C) City of Boulder police oversight ordinance, and process for complaint intake, review, and investigations.

(b) On an annual basis the Panel shall participate in the following training:

(1) Engaging Participation in at least one four-hour ride-along in-car session or one two-hour walk-along session with the police department patrol operations.

(2) The city manager and the monitor shall provide Panel members with additional training, which may include, but not be limited to, relevant training by subject matter experts on mental health, trauma-informed policing, civil rights and

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constitutional law, race and systemic racism, community organizing and assisting with outreach efforts, mediation, investigation, and policing practices, policies, and administration.

- (3) Panel member training may be provided by, but is not limited to, the NACOLE, or a comparable professional organization, consultant, or subject matter expert.

- (c) The city manager may excuse or grant an extension to a Panel member for completion of the required training.

#### **2-11-15. - Panel Data Analysis, Review, and Reporting.**

- (a) The Panel may:

- (1) Review trends and statistics of complaints against sworn police officers and civilian police employees and may develop recommendations to improve the complaint intake and handling process.
- (2) Recommend that the monitor seek an audit of police department policies, practices, or procedures.
- (3) When audits are conducted the Panel may review the subsequent written findings or reports and provide feedback or recommendations.
- (4) Review and evaluate reports issued and data collected by the police department related to policing practices, policies, procedures, and outcomes.
- (5) Review and evaluate periodic reports from the chief of police regarding implementation of recommendations made by the Panel.
- (6) The Panel may prepare and present an annual report to the public, city manager, city council, and the chief of police that:
  - (A) summarizes the Panel's activities during the preceding year;
  - (B) provides the concerns expressed by residents and community members;
  - (C) provides the assessment of police department investigative and disciplinary processes;
  - (D) lists recommendations for ways that the police department can improve its relationships with community members;
  - (E) lists recommendations for changes to police department policies, rules, training, and complaint process;
  - (F) provides the findings, discipline, and policy recommendations consistent with all applicable confidentiality requirements.
- (7) In addition to the annual report, the Panel may furnish additional reports, which shall be available to the public and which may include patterns relating to complaints and other related matters that may come from the Panel's review of police department policies, procedures, and other pertinent data analysis.

#### **2-11-16. - Panel access to police department records.**

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Except to the extent that state or federal law provides to the contrary, or where information resides on a restricted database governed by a contract that does not allow access beyond certain law enforcement employees:

(a) The Panel shall have access to the Boulder Police Department's policies and any data captured or maintained by the department to facilitate the Panel's analysis and understanding of department operations. The Panel may request the monitor to conduct specific analyses of department data, policies, or practices.

(b) The Panel shall have complete and unrestricted access to complaints, investigative records and information obtained or developed by the professional standards unit related to an administrative investigation of a complaint, whether the information exists in electronic format or hard copy, including information stored on the professional standards unit database.

(c) The Panel shall be provided with any other information identified by the monitor that is relevant to a complaint or is necessary for the Panel to perform its required duties to ensure the investigation conducted was fair and thorough.

#### 2-11-17. - Interrelationship between the Panel and the Monitor.

(a) The monitor and the Panel shall be established and operated as separate, complementary entities with different roles that are and shall remain independent of one another.

(b) The monitor shall serve as a liaison to the Panel. The Monitor's Office shall provide administrative support to the Panel. The monitor shall serve as a subject matter expert to the Panel as needed and requested.

(c) The monitor shall notify the complainant and involved police employee(s) of their decision on whether to accept a case for review and shall inform the complainant of its conclusions and recommendations on a case. The members of the Panel may be copied on the correspondence sent to the complainant.

(d) On a no less than monthly basis, the Panel shall receive reports from the monitor in a manner consistent with all applicable confidentiality requirements, including the number and types of cases filed, number of open cases, the disposition of and any action taken on cases, recommendations for corrective/punitive action, including discipline and dismissals, and the number of independent investigations.

(1) Monitor reports to the Panel shall include all complaints received.

(2) Monitor reports shall include the degree to which the monitor's and the Panel's disciplinary recommendations were implemented by the police department.

(e) The Panel and monitor shall coordinate community outreach activities and communication with the public. The monitor and the Panel shall develop and maintain a

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regular program of community outreach and communication for the purpose of listening to and communicating with members of the public. The monitor shall seek to educate the public about the responsibilities and services of the monitor and functions of the Panel.

(f) The monitor shall assist the Panel in collaboration with the police department to develop written standard operating procedures to detail the complaint intake, review, investigation, disposition, and discipline processes, and critical and other incidents processes.

~~(g) (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. The monitor shall assist the Panel in utilizing city resources for the design and public release of the Panel's annual report and other reports.~~

#### **2-11-18. - Confidentiality of Records and Information.**

(a) The monitor and Panel members shall comply with all state and federal laws requiring confidentiality of law enforcement records, information, and confidential personnel records, and respect the privacy of all individuals involved.

(b) All Panel members shall sign a confidentiality agreement which prohibits them from publicly discussing or releasing any information or materials reviewed in closed session.

(c) The monitor, their staff, the Panel, all consultants, and experts hired by the monitor shall treat all documents and information regarding specific investigations of officers as confidential except to the extent needed to carry out their duties.

#### **2-11-19. - Ethical Obligations.**

(a) The monitor and Panel members shall be deemed public officials subject to the Code of Conduct set forth in Chapter 7, "Code of Conduct," B.R.C. 1981.

(b) The members of the Panel shall adhere to Chapter 7, "Code of Conduct," B.R.C. 1981, provisions and the NACOLE code of ethics.

(c) A 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.~~

~~(e) 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~~

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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. The monitor may include general case details, but shall not disclose the identity of involved BPD personnel, witnesses, and victims, or locator information that might tend to identify the event.

(d) The police oversight panel will meet in closed session when discussing or reviewing the details or case files of open or closed complaint investigations.

(e) A member of the police oversight panel shall remove themselves from any participation in a matter if their impartiality might reasonably be questioned, or if they have personal knowledge of any facts regarding the incident under review. Members of the police oversight panel shall be deemed public officials subject to the Code of Conduct set forth in Title 2, Chapter 7 of this Code, an incident under review.

## 2-11-20. - Obligations of the chief of police.

(a) The police oversight panel shall prepare and present annual public reports to the city manager and chief of police that may appoint a sworn.

(1) Summarizes the police oversight panel's activities, findings and recommendations;

(2) Assesses the performance of the police monitor; and

(3) Evaluates the work of the Monitor's Office, including whether the Monitor's Office is functioning officer to serve as intended, a liaison.

(g) In collaboration with the Monitor's Office, the police oversight panel may conduct education and outreach activities to inform the community about the process for filing complaints and commendations about police employees. The police oversight panel and police monitor shall work together the Panel. As a liaison, they may attend the public Panel meetings and serve as a resource to develop and disseminate information and form the Panel on questions regarding the police complaint handling and review system, department's training, policies and procedures, and questions pertaining to complaints investigated by the professional standards unit.

## 2-11-9. Reserved.

(b) At the discretion of the city manager, the chief of police shall:

(1) Provide a written response in a timely manner to formal written correspondence from the Panel, including, but not limited to, disposition, policy, and discipline recommendations.

(2) Create a written record, in a timely manner, when the police department declines to implement any changes recommended by the Panel. The written record shall include the rationale for declining to implement the recommendation of the Panel and be made available to the City Council, city manager, and community.

(c) At the discretion of the city manager, the chief of police shall provide a written response in a timely manner to formal written correspondence from the monitor, including, but not limited to, audits, disposition, policy, and discipline recommendations.

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**2-11-21. - Oversight System Evaluation.**

The city manager, with input from the Panel, monitor, police department, City Council, and the community may schedule an evaluation of the civilian police oversight structure every five years to determine whether a need exists to make changes and/or otherwise make adjustments to the system to improve its continued performance. These evaluations shall in no way be intended to eliminate the monitor or Panel oversight structure.

**2-11-22. - Outside Counsel.**

Upon request of the monitor or Panel, outside counsel may be retained by the city attorney to provide legal advice in the event the city attorney determines that the City Attorney's Office does not have adequate expertise to handle any given matter, does not have adequate personnel to advise on a matter, or has an actual conflict of interest. The city attorney has authority to seek and retain outside counsel to support the monitor and/or Panel.

**2-11-23. - Liability.**

It is the intent that 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 shall therefore defend and indemnify members to the maximum extent permitted under the Colorado Governmental Immunity Act and other applicable laws.

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.

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INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY

TITLE ONLY this 5th day of October 2023.

Aaron Brockett,  
Mayor

Attest:

City Clerk

READ ON SECOND READING, PASSED AND ADOPTED this 19th day of October  
2023.

Aaron Brockett,  
Mayor

Attest:

City Clerk

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