

**Mayor**  
Aaron Brockett

**Council Members**  
Taishya Adams  
Matt Benjamin  
Lauren Folkerts  
Tina Marquis  
Ryan Schuchard  
Nicole Speer  
Mark Wallach  
Tara Winer



Council Chambers  
1777 Broadway  
Boulder, CO 80302  
October 24, 2024  
6:00 PM

**City Manager**  
Nuria Rivera-Vandermyde

**City Attorney**  
Teresa Taylor Tate

**City Clerk**  
Elesha Johnson

## STUDY SESSION BOULDER CITY COUNCIL

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City Council Input on the Proposed 2025 Policy Statement on regional, State and Federal Issue **90 min –20 min presentation / 70 min council discussion**

Police Oversight Update **90 min –20 min presentation / 70 min council discussion**

**3:00 hrs**

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City Council documents, including meeting agendas, study session agendas, meeting action summaries and information packets can be accessed at <https://bouldercolorado.gov/city-council/council-documents>. (Scroll down to the second brown box and click "Information Packet")

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**COVER SHEET**

**MEETING DATE**

**October 24, 2024**

**AGENDA ITEM**

City Council Input on the Proposed 2025 Policy Statement on regional, State and Federal Issue

**PRIMARY STAFF CONTACT**

Carl Castillo, Chief Policy Advisor

**ATTACHMENTS:**

**Description**

- ▣ **Item 1 - Input on 2025 Policy Statement**



## STUDY SESSION MEMORANDUM

**TO:** Mayor and Members of City Council

**FROM:** Carl Castillo, Chief Policy Advisor  
Megan Valliere, City Council Program Manager

**DATE:** October 24, 2024

**SUBJECT:** Study Session for October 24, 2024  
Discussion and input on the proposed  
2025 Policy Statement on Regional, State and Federal Issues

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### **EXECUTIVE SUMMARY**

This is an opportunity for council to discuss and provide input on the city's proposed 2025 Policy Statement on Regional, State and Federal Policy Issues (the Policy Statement). The proposed Policy Statement is included as Attachment A with substantive policy changes from the 2024 Policy Statement highlighted using strike-through and double-underline formatting. Changes to the Policy Statement priorities are summarized in this memo, below. Changes to the Policy Statement positions are summarized separately, with rationales as necessary, in a table included as Attachment B. Staff will incorporate the Council input received at this meeting and return to request approval of the Policy Statement at Council's November 7 business meeting.

Once approved, the Policy Statement will be available to inform and provide authority for city efforts to advocate for the stated positions as opportunities arise during the remainder of 2024 and throughout 2025. Beyond direct advocacy of governmental officials, the city will use the Policy Statement's authority to build coalitions and attempt to influence positions adopted by the intergovernmental organizations it belongs to. By doing so, Boulder enhances its voice and leverages its power to advance its policy positions.

### **INTERGOVERNMENTAL AFFAIRS COMMITTEE FEEDBACK**

On September 9, 2024, and again on October 8, 2024, Council's Intergovernmental Affairs Committee (Mayor Brockett and Council Members Benjamin, Folkerts, and Marquis, the "Committee") convened to receive an update on the status of the city's 2024 policy advocacy efforts as well as a summary of anticipated 2025 state legislation. The



committee also engaged in a discussion of changes to the proposed 2025 Policy Statement, all which informed the proposal now before council.

## **POLICY PRIORITIES**

Policy priorities are combinations of one or more policy positions to which the city will commit its greatest attention and political capital in the given year. City staff and council’s Intergovernmental Affairs Committee recommend the following regional, state and federal policy priorities for 2025.

### ***2025 Regional Policy Priority***

**Countywide Housing and Human Service Partnership Goals** – Housing and human service needs are vast, complex and transcend local government boundaries. They are best addressed collaboratively, with the county and municipalities working in partnership to invest staff time and resources, with meaningful contribution from non-profit organizations. This is particularly important as the nature of the work often involves overlapping “lanes” of responsibilities. Given the importance of clearly and uniformly communicating expectations, the city offers the following list of the priorities for working with Boulder County and its neighboring local governments.

#### **Housing and Homelessness**

The city is an active partner and collaborative leader in planning and implementing regional strategies that enable community members to obtain and/or maintain affordable housing. While the city's priority is to address the needs of community members living in Boulder and Boulder nonprofit agencies serving city residents, successfully achieving city goals also requires increased investments for housing insecurity elsewhere in the county.

- Create permanent supportive units throughout the county in communities beyond Boulder and Longmont (e.g., matching units to the 105 units recently created in Boulder and Longmont).
- Allocate funding from 2023 county ballot measure 1B, *Affordable Housing Tax Extension and Revenue Change*, proportionally based on population directly to communities with existing funding processes for maximum impact.
- Maintain support of joint housing-focused sheltering operations to complement and support city and nonprofit investment.
- Assist individual and family households to prevent homelessness, through funding for eviction prevention and rental assistance services to address countywide need beyond City of Boulder investments.

#### **Safety Net and Mental Health**

The city appreciates leadership from Boulder County in conducting behavioral health needs assessments, planning, and implementing structures and strategies to help serve diverse community members. While the city is committed to

continuing its own safety net and behavioral health programs and investments, the county is in a unique and critical position to enable larger-scale investment and advocacy initiatives to address these problems across the region.

- Complement existing funding options from local, state and federal agencies by pursuing new funding sources for behavioral health needs countywide. Priorities for new funding include large-scale collaborative projects and services (e.g., treatment) that leverage public and private funding streams and are difficult to secure with existing funding.
- Work with cities countywide to establish joint priorities for state and federal government action that increases access to behavioral health services (e.g., increasing provider reimbursement rates and reducing barriers to care).
- Find ways to maintain and then increase funding to nonprofit organizations to provide basic needs services (e.g., health services, childcare, family services and food) that are critical to the well-being of low-income community members in Boulder and throughout the county; each is important, and collectively, they can be indicators for positive mental health.
- Provide early communication of material changes to county budgets impacting service providers operating within the city.

### ***2025 State Policy Priorities***

1. **Fund and protect the city's ability to reduce and prevent homelessness** - The city supports state action that incentivizes local governments to maintain shelters and directly invest in supporting individuals experiencing homelessness. It also supports increased statewide coordination of efforts that result in funding and programming for prevention and supportive services, expansion of mental and behavioral health prevention and treatment, transitional and permanent supportive housing options, and proposals that affect targeted populations, including the challenges presented by family, youth, veteran, and single-adult homelessness.
2. **Ban Assault Weapons** - In 2022, Boulder City Council adopted five ordinances related to gun violence prevention, including a ban on the sale and possession of assault weapons currently on hold pending resolution of a challenge to its legality. To more fully achieve the goal of these ordinances, the city supports a variety of changes to state law, especially a ban on assault weapons.
3. **Establish On-Bill Repayment Program for Accessible Energy Upgrades** - Building weatherization and upgrades to electric technologies like heat pumps are critical to reaching climate goals and ensuring a resilient future for Colorado. However, they often come with thousands of dollars of up-front costs, even after incentives and tax credits, making them inaccessible to folks who cannot cut a check on day one. Establishing an On-Bill Repayment (OBR) program would enable energy efficiency, electrification, and renewable energy upgrades without upfront costs, making these solutions more accessible to homeowners and businesses.

4. **Vulnerable Road User Fee** - Provide local governments with the authority to impose a statewide vulnerable road user protection registration fee tied to weight and/or height and fuel efficiency of vehicles and with the funds available for transportation system improvements that seek to prevent vehicular collisions with vulnerable road users, such as pedestrians or bicyclists.

### ***2025 Federal Policy Priorities***

1. **Support Congressionally Directed Spending Requests** – Support for the city’s 2026 congressionally directed spending requests.
2. **Support for Northwest Area Mobility Study Projects** – Support transportation improvements recommended by the Northwest Area Mobility Study, specifically the Northwest Rail Line (B Line) in conjunction with Front Range Passenger Rail.

### **Questions for Council**

1. Does council have any questions about how the proposed Policy Statement is used to engage in advocacy efforts?
2. Does council have any questions or concerns about the principles, priorities or positions contained in the proposed Policy Statement?
3. Does council wish to make any revisions to the proposed Policy Statement?

### **BACKGROUND**

The purpose of the City of Boulder’s 2025 Policy Statement on Regional, State and Federal Issues (the “Policy Statement”) is to inform city advocacy on policy decisions that, while made outside the city’s jurisdictional authority, have potential to significantly impact the city. This includes legislative decisions by the Colorado General Assembly or the U.S. Congress. It also includes non-legislative decisions made at the federal, state and regional levels, including those of Colorado agencies (e.g., Colorado Department of Public Health and Environment, Public Utilities Commission, Department of Transportation, Department of Regulatory Affairs); federal agencies (e.g., Department of Energy, Department of Transportation, the Federal Communications Commission); regional governments (e.g., Regional Transportation District); and intergovernmental coalitions (e.g., Colorado Municipal League, Metro Mayors Caucus, Northwest Mayors and Commissioners Coalition, Colorado Communities for Climate Action). The Policy Statement is also used to inform decisions on judicial cases the city should participate in as an amicus curia, including whether to sign on to an amicus brief.

The city offers the Policy Statement to regional, state, and federal policy leaders for reference when considering decisions impacting the City of Boulder. Strategic, targeted, and/or abbreviated versions of this information will also be created throughout the year for use in specific communications.

The Policy Statement was developed in advance of the convening of the 2025 Colorado General Assembly and the First Session of the 119th U.S. Congress. Consequently, it does not address legislation by bill number. Instead, it describes the city's goals on various policy matters as well as examples of specific approaches it would support or oppose to achieve those policy goals. With the coordination of the city's Chief Policy Advisor, it will be used by city officials to inform communication of city positions on proposed bills and non-legislative regional, state and federal policy decisions.

Council may revisit the Policy Statement at any point. Before doing so, council will normally refer proposed changes to its Intergovernmental Affairs Committee to deliberate on each change and to make a recommendation to the full council informed by a staff analysis. Council created this committee for the purpose of convening on an ad hoc basis with the Chief Policy Advisor and other city staff as necessary when one or more of the following circumstances exist:

1. There is an immediate need for council members to participate with staff to develop a strategy to advance or defeat a proposed policy that is clearly addressed by the city's Policy Statement or other council-approved policy documents; or
2. A decision is expected to be made on regional, state or federal policy that affects a matter that council has previously provided general direction on and that could significantly impact the city but is one that council did not provide sufficient specific direction on and with timing that will not allow for council direction to be obtained. In these limited situations, the Chief Policy Advisor may turn to the committee for direction on such policy proposals so that the city can advocate accordingly. Council is to be informed whenever such committee direction has been provided, and council may choose to subsequently revisit such direction.

City staff also turn to Council's Intergovernmental Affairs Committee for input on revisions to the Policy Statement and to plan agendas for meetings with regional, state and federal policy makers.

Council will consider adopting comprehensive revisions to the Policy Statement once a year, typically no later than October. The Intergovernmental Affairs Committee will also regularly meet in December or January following City Council elections (after new council members have had the ability to be appointed to the committee) to determine whether further revisions are necessary. Council will then consider such additional changes in February, soon after the Colorado General Assembly has convened.

When adopting the Policy Statement, council members may vote to support the statement in its entirety and commit to supporting all positions when speaking on behalf of the city. In doing so, however, council members are nonetheless encouraged to express any reservations or personal opposition they have to one or more positions.

As has been done in years past, council is again adopting a goal that modifications to this Policy Statement require consistency, when applicable, with the six criteria described below:

1. Uniformity with current city council goals;
2. Expected relevance in the upcoming year;
3. Uniqueness of issue or impact to the City of Boulder;
4. Viability or likelihood of achieving the policy goal;
5. Opportunity for providing funding for the City of Boulder; and
6. Availability of metrics of success that would allow the position to be deleted from future Policy Statements if achieved.

Departures from these criteria are made in unique circumstances as determined by council, such as when adoption of a city position is important to support regional partners, even while the policy in question is otherwise of limited consequence to the city.

### **NEXT STEPS**

City Council will have an opportunity to advocate for its 2025 State Policy Priorities when it meets with its state legislative delegation for a breakfast meeting on December 3, 2024.

### **ATTACHMENTS**

**Attachment A** – Proposed City of Boulder *2025 Policy Statement on Regional, State and Federal Issues* (substantive policy revisions reflected)

**Attachment B** – Table of Proposed Substantive Policy Position Changes

## Proposed 2025 Policy Statement

### 2025 Regional Policy Priority

**Countywide Housing and Human Service Partnership Goals** – Housing and human service needs are vast, complex and transcend local government boundaries. They are best addressed collaboratively, with the county and municipalities working in partnership to invest staff time and resources, with meaningful contribution from non-profit organizations. This is particularly important as the nature of the work often involves overlapping “lanes” of responsibilities. Given the importance of clearly and uniformly communicating expectations, the city offers the following list of the priorities for working with Boulder County and its neighboring local governments.

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## 2025 Federal Policy Priorities

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## Policy Principles

The following policy principles guide the development, interpretation and application of the positions identified in this policy statement.

**Equity, Racial Justice and Social Resilience** – Dismantle institutional and systemic racism, prioritize voices, experiences, interests, and needs of communities that have been historically excluded, and reduce the vulnerabilities of groups most susceptible to natural or human caused stressors.

**Collaboration** – Identify mutual interests that permit the city to support and further the needs of regional, state and federal partners and to engage in a collaborative spirit that advances all interests.

**Local Control** – Protect local control and home rule authority unless otherwise stated in specified positions or where City Council has expressed a desire to yield such authority.

**Support for City Programs** – Provide funds that are flexible in how they can be used and that have a streamlined application and reporting process, as well as other support for city programs, when doing so does not come at the expense of support for city partners, such as preK-12 and higher education.



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For More Information

[www.bouldercolorado.gov/intergovernmental](http://www.bouldercolorado.gov/intergovernmental)

## Table of Contents

**2025 REGIONAL POLICY PRIORITY ..... I**

**2025 STATE POLICY PRIORITIES..... II**

**2025 FEDERAL POLICY PRIORITIES ..... II**

**POLICY PRINCIPLES.....III**

**CONTACTS ..... IV**

**DEVELOPMENT AND USE OF THE POLICY STATEMENT ..... 5**

**POLICY POSITIONS..... 6**

**Climate Change and Community Resilience ..... 6**

    1. *Build climate resilience..... 6*

    2. *Reduce statewide greenhouse emissions consistent with or greater than the State of Colorado’s codified goals..... 7*

    3. *Preserve and expand the ability of local governments to engage in climate action efforts ..... 7*

    4. *Continue to reduce emissions from the electricity sector and prepare the grid for increased new uses ..... 8*

    5. *Enhance customer electricity choice ..... 8*

    6. *Reduce emissions from the natural gas sector ..... 9*

    7. *Ban or accelerate the phase-out of hydrofluorocarbons (hfc) and other climate-warming refrigerants ..... 10*

    8. *Create a carbon cap and any market-based mechanisms necessary to decrease carbon emissions ..... 10*

    9. *Increase public access to energy data ..... 10*

    10. *Increase energy efficiency and energy affordability ..... 11*

    11. *Encourage widespread adoption of electric and efficient motorized vehicles and adoption of a low- carbon fuel standard ..... 11*

    12. *Advance circular materials economy by promoting waste reduction and diversion efforts ..... 12*

    13. *Strictly regulate the oil and gas industry, especially with regard to ensuring a 60 percent reduction in greenhouse gas emissions by 2030 compared to 2005 levels..... 13*

**Democracy and Governance ..... 13**

    14. *Amend the U.S. Constitution to abolish corporate personhood..... 13*

    15. *Require or incentivize states to adopt best practices in election laws ..... 14*

**Economic Vitality ..... 14**

    16. *Protect core provisions of the Colorado Urban Renewal Law, which provides effective redevelopment tools for municipalities such as tax increment financing and eminent domain..... 14*

    17. *Continue funding and support for the federally funded labs located in Boulder..... 15*

18. *Minimum Wage Equity* ..... 15

**Housing and Land Use** ..... 16

19. *Create, preserve, and expand federal and state affordable housing funding options*  
16

20. *Reform the state’s construction defect law so as to increase the supply of diverse housing options, including condominiums* ..... 16

21. *Provide increased support for low-income individuals and families to maintain, find and retain housing* ..... 17

22. *Enhance and preserve the rights and interests of residents of manufactured home communities* ..... 17

23. *Allow Colorado local governments to implement rent control measures* ..... 17

24. *Qualified support for state involvement in land use matters that furthers the city’s housing affordability, transportation, climate, resilience and equity goals* ..... 17

**Human Services/Human Rights** ..... 18

25. *Fund and protect the city’s ability to reduce and prevent homelessness* ..... 18

26. *Increase mental/behavioral health services* ..... 19

27. *Protect reproductive freedoms including the right to access abortions* ..... 20

28. *Support local direct cash assistance programs benefitting low-income community members* ..... 20

29. *Comprehensively reform federal immigration laws while adopting associated state level reforms that allow and provide for support of all people regardless of immigration status* ..... 21

30. *End the mistreatment of migrants in U.S. Immigration and Customs Enforcement detention facilities as well as in alternatives to detention programs* ..... 22

31. *Repeal the “Secure and Verifiable Identity Document Act” which prohibits municipalities from determining which forms of identification to accept in the provision of purely municipal services* ..... 22

32. *Support the Indigenous peoples of Colorado* ..... 23

33. *Avoid further cuts or policy changes to state and federally funded health and human service programs that negatively impact accessibility, availability, quality and affordability of cost of basic health and human service needs* ..... 23

34. *Support Criminal Justice Reform* ..... 23

35. *Eliminate or reduce excessive documentation and administrative procedures required to access government benefits* ..... 24

36. *Reduce health disparities and promote equity and wellness for people with disabilities and ensure a properly trained workforce of caretakers* ..... 25

**Internal Administrative Matters** ..... 25

37. *Protect workers’ compensation system* ..... 25

38. *Protect the autonomy of employment and personnel decisions made by municipal collective bargaining units* ..... 25

39. *Protect governmental immunity* ..... 25

40. *Allow local governments increased options for banking, including the option to create a public bank or to invest with, and receive other banking services from, NCUA-insured credit unions* ..... 26

**Municipal Courts** ..... 26

    41. *Protect the institution and autonomy of the municipal courts while accepting necessary state oversight that ensures consistent protection of the constitutional rights of defendants* ..... 26

**Policing and Criminal Justice** ..... 27

    42. *Remove Overly Prescriptive Statutory Language That Can Result in Allegedly Violent Criminals Being Released on Personal Recognizance (PR) Bonds* ..... 27

    43. *Prevent local government mandates to enforce federal immigration laws* ..... 27

    44. *Prevent the imposition of onerous information gathering and reporting requirements on public safety, especially when those requirements come with substantial costs that are not supported by adequate funding* ..... 27

    45. *Increase the financial threshold of property damage that triggers a police investigation of non-injury traffic accidents* ..... 28

**Public Health and Safety** ..... 28

    46. *Discourage e-cigarette and tobacco use, particularly among youth, by banning flavored vapor products* ..... 28

    47. *Ensure the safe use and commercial regulation of marijuana*..... 28

    48. *Address the health and safety concerns associated with alcohol and substance abuse in the greater community*..... 29

    49. *Provide greater healthcare at a lower cost* ..... 29

    50. *Prevent gun violence*..... 29

**Regional Environmental Quality, Natural Resources and Parks**..... 30

    51. *Restore clean air to Colorado*..... 30

    52. *Enhance the ability of local governments and the land trust community to acquire, protect and provide equitable access to parks and open space* ..... 31

    53. *Support the implementation of the city’s ecological conservation efforts, including the Urban Wildlife Management Plan as well as the Forest and Grassland Ecosystem plans* 31

    54. *Restore local government authority to regulate certain pesticide uses and provide for additional protections for pollinators, human health and the environment* ..... 32

    55. *Support efforts that protect the Boulder community from wildfire and promote ecological forest and grassland health* ..... 32

**Rocky Flats**..... 33

    56. *Continue to fund the monitoring and long-term stewardship of both the Rocky Flats’ Central Operable Unit and the Rocky Flats National Wildlife Refuge*..... 33

**Tax Policy** ..... 34

    57. *Restore, preserve and expand the authority of local governments to audit and collect taxes and to issue sales tax licenses*..... 34

    58. *Preserve the municipal bond federal income tax exemption*..... 35

**Telecommunications**..... 35

59. *Expand or preserve the authority of municipalities to regulate the private deployment of cellular wireless facilities and of wired broadband networks.* ..... 35

60. *Preserve and expand benefit programs that help ensure that households can afford the broadband needed for work, school, healthcare and more.* ..... 35

**Transportation** ..... **35**

61. *Increase and prioritize transportation infrastructure funding with a focus on maintenance of existing infrastructure and projects that are multimodal in design and that reduce greenhouse gas emissions* ..... 35

62. *Increase funding for transit operations that results in restoration and expansion of service to the Boulder region*..... 36

63. *Support funding, construction and operation of the Northwest Rail line and the Front Range Passenger Rail line as a means towards its completion* ..... 36

64. *Increase transportation access for vulnerable populations, including youth, older adults, those with lower income and people with disabilities* ..... 36

65. *Encourage “complete streets” that accommodate people using all modes of travel and ensure that new infrastructure investments prioritize improvements that prepare for the future and provide alternatives to single occupancy vehicle travel.*..... 37

66. *Encourage the Colorado Department of Transportation’s planning, construction, operations, and maintenance practices to support and implement multimodal and Vision Zero strategies* ..... 37

67. *Encourage automated vehicle deployment in furtherance of Boulder’s sustainability goals while retaining local authority to address community-specific policy objectives that cannot otherwise be met* ..... 37

68. *Further the city’s Vision Zero Action Plan* ..... 38

69. *Expedite Regional Transportation District transit service restoration and improve the organization’s functioning, oversight and governance* ..... 38

70. *Minimize the impact of local airport overflights, noise and pollution on neighboring communities* ..... 39

**University of Colorado** ..... **39**

71. *Provide a renewed commitment by the state and federal governments to fund the University of Colorado and its capital programs and student financial aid* ..... 39

**Water**..... **39**

72. *Promote the efficient utilization and conservation of water, and preservation of water quality* ..... 39

73. *Protect against significant threats to the city’s water rights* ..... 40

## Development and Use of The Policy Statement

The purpose of the City of Boulder’s 2025 Policy Statement on Regional, State and Federal Issues (the “Policy Statement”) is to inform city advocacy on policy decisions that, while made outside the city’s jurisdictional authority, have potential to significantly impact the city. This includes legislative decisions by the Colorado General Assembly or the U.S. Congress. It also includes non-legislative decisions made at the federal, state and regional levels, including those of Colorado agencies (e.g., Air Quality Control Commission, Public Utilities Commission, Department of Transportation, Department of Regulatory Affairs); federal agencies (e.g., Environmental Protection Agency, Department of Transportation, the Federal Communications Commission); regional governments (e.g., Regional Transportation District); and intergovernmental coalitions (e.g., Rocky Flats Stewardship Council, Colorado Municipal League, Metro Mayors Caucus, Northwest Mayors and Commissioners Coalition, Colorado Communities for Climate Action). The Policy Statement is also used to inform decisions on judicial cases the city should participate in as an amicus curia, including whether to sign on to an amicus brief.

The city offers the Policy Statement to regional, state and federal policy leaders for reference when considering decisions impacting the City of Boulder. Strategic, targeted, and/or abbreviated versions of this information will also be created throughout the year for use in specific communications.

The Policy Statement was developed in advance of the convening of the 2025 Colorado General Assembly and the First Session of the 119<sup>th</sup> U.S. Congress. Consequently, it does not address legislation by bill number. Instead, it describes the city’s goals on various policy matters as well as examples of specific approaches it would support or oppose to achieve those policy goals. With the coordination of the city’s Chief Policy Advisor, it will be used by city officials to inform communication of city positions on proposed bills and non-legislative regional, state and federal policy decisions.

The city welcomes the opportunity to discuss its Policy Statement. Please direct any questions to City Council members, to the city’s Chief Policy Advisor at 303-441-3009 or to the City Council Program Manager Megan "Meggs" Valliere at 303-411-7107.

## Policy Positions

### Climate Change and Community Resilience

#### 1. Build ~~climate~~**community** resilience

Climate change presents a significant threat to the social and economic well-being of the Boulder community. Both acute events like fire and flood and chronic stressors like rising temperatures and declining air quality are emblematic of what the community faces now and into the future. Building the community's resilience to climate change is critical for preserving the vitality of our community, and this must be done within the context of equity and climate justice. Accordingly, the city will advocate for the following policies:

- a) **Harden Infrastructure Against Climate Change** – Ensure critical infrastructure, including utilities, are built to remain resilient, safe and reliable as the climate continues to evolve and extreme weather events grow in severity. This includes undergrounding of privately-owned electric, natural gas and telecommunication utilities where feasible; proactive maintenance practices; and prioritizing the correction of disparate reliability concerns. It also includes state and federal resources necessary to improve water, wastewater, stormwater and flood management.
- a)b) **Wildfire Safety Operations** - Ensure utility investments that reduce wildfire risks and prioritize service reliability, including better preparation, communication, and collaborative planning with local governments when public safety power shutoffs (PSPSs) become necessary.
- b)c) **Resilient Land Management** – Fund state and local governments to promote resilient land management research, monitoring, management practices and decision-making processes that stabilize and protect ecosystems for current and future biodiversity and ecosystem services. This includes support for funding and implementation of urban and wildland local and regional wildlife corridors that establish refugia and connected habitat as well as development of a statewide biodiversity strategy to coordinate federal, state and local resilience planning and action.
- e)d) **Resilient Neighborhoods** – Fund state and local governments to support the conversion of vulnerable homes in the Wildlife Urban Interface (“WUI”) to a state of greater resilience through the replacement of combustible landscaping (particularly species such as junipers), replacement of combustible mulch with non-combustible materials around houses, and replacement of wood siding with more resilient materials.
- e) **Extreme Heat Management ~~Urban Forestry~~** – Local governments need assistance to manage extreme heat. From a natural cooling perspective, this includes ~~secure federal funding for~~ enhancing the city's urban canopy and protecting the living infrastructure and hydrated landscapes that support them. From a built environment perspective, it includes early warning systems and urban cooling centers and raising awareness about risk factors, symptoms of heat-related illness, and when and how to seek treatment. It also includes adoption of green building and zoning codes that require heat reducing strategies such as cool floors and walls and cool/permeable pavement. and for applied research to inform a coordinated statewide campaign to implement an equity-centered workforce development program to plant these trees.

~~Community benefits include reducing urban heat islands and their associated illness and death impacts; increasing the absorption of storm water and reducing extreme weather impacts; decreasing energy needs during extreme heat and cold events and the associated financial impacts on low-income residents; and providing enormous potential for local job creation in communities where it is most needed.~~

- f) FEMA - Study the structural and economic impacts of climate resiliency at the Federal Emergency Management Agency (FEMA), including recommendations on how to improve FEMA's use of building codes and standards to prepare for climate change and address resiliency in housing, public buildings, and infrastructure such as roads and bridges. Advocate for local and state policy to address gaps and inequities associated with immigration and housing status.
- d)g) Climate Literacy - Support efforts to promote the understanding of, and means to adapt to, the effects of climate change.

## ***2. Reduce statewide greenhouse emissions consistent with or greater than the State of Colorado's codified goals***

Colorado's state statutory GHG reduction targets are 26% by 2025, 50% by 2030, 65% reduction by 2035, 75% by 2040, 90% by 2045 and 100% by 2050, compared to 2005 levels. The state also a Greenhouse Gas Pollution Reduction Roadmap 2.0, adopted in the fall of 2023. This Roadmap Includes an inventory of emissions and a new set of near-term actions that will guide implementation in the state through 2026. The city will actively support state agency action, as well as additional legislation, to ensure that Colorado achieves or exceeds these emission reductions.

## ***3. Preserve and expand the ability of local governments to engage in climate action efforts***

The city supports preserving and expanding the ability of local governments to develop and implement emissions-related strategies to reach their climate action and resilience goals, including their ability to:

- a) **Utility Formation** - Form their own retail energy utilities through a process that is predictable, equitable, safe, reliable and cost-effective.
- b) **Condemnation** - Exercise their constitutional right to condemn and acquire utility assets at fair market value, without having to pay utility lost revenues.
- c) **Streetlights** – Purchase street lighting through cost-effective, transparent and reasonable means to maximize the efficiency of such lighting.
- d) **Natural Gas** – Preserve and strengthen the ability of local governments to support their community's shift away from the use of natural gas.
- e) **Generation and Storage** - Maximize the deployment of local clean energy generation and storage options.
- f) **Financing** - Create new financing and ownership structures for clean energy technologies.
- g) **State and Federal Resources** - Benefit from state or federal facilities, programs, funding or requirements relied on by cities to reduce greenhouse gas emissions.
- h) **Partnerships** - Develop enforceable partnerships between local governments and energy utilities that allow for the deployment of innovative energy solutions and investment in local energy systems.



- i) **Carbon Sequestration** - Optimize the potential for carbon sequestration through methods including carbon capture and storage technologies, use of carbon-storing materials in construction, regenerative agriculture, improved soil health, and ecosystem management.
- j) **Equity** - Incorporate equity, accessibility, and just transition considerations into climate policies and actions.

#### ***4. Continue to reduce emissions from the electricity sector and prepare the grid for increased new uses***

The city supports reducing emissions from the electricity sector through means that:

- a) **Grid Investments** – Ensure the grid is ready to support localized load growth from [housing densification and](#) building and transportation electrification.
- b) **Distributed Generation** – Expand retail distributed generation, including distributed energy storage.
- c) **Load Management** - Encourage investments in conservation that focus on load management aligned with better utilization of renewable resources and minimize the consumer’s total energy bill.
- d) **Participation Before the PUC** - Clarify that, for purposes of the rules governing intervention in administrative hearings before the Colorado Public Utilities Commission (PUC), customers of a business regulated by the PUC qualify as persons who "will be interested in or affected by" the PUC's order.
- e) **Coal-Fired/Natural Gas Power Plants** – Ensure the successful retirement of all coal power plants. Limit investment in and use of natural gas (methane) power plants when more economic renewable energy options are available.
- f) **Storage** - Encourage and incentivize energy storage technologies as an alternative to investments in fossil fuel based generating facilities.
- g) **Clean Energy Standard** – Create a national clean energy standard that requires utilities to increase the portion of energy produced by renewable resources.
- h) **Bridge the Gap** – Enable customers and communities to work with their electric utility to fully eliminate the emissions associated with their electricity by 2030.
- i) **Emerging Technologies** – Encourage investments and regulation that encourage adoption and growth of emerging technologies, such as long duration storage, advanced geothermal and renewably-sourced hydrogen.

#### ***5. Enhance customer electricity choice***

The city supports new financing business models, products, technologies and efforts that enhance energy choices through means that:

- a) **Competitive Markets** - Advance open, competitive energy markets in Colorado through such means as eliminating legal energy monopolies, allowing for aggregation of residential or commercial electric customers in municipal purchase of renewable energy on behalf of these groups of customers (a.k.a. community choice energy, or CCE), or by otherwise increasing options for customer electricity choice.

- b) **Grid Modernization** - Expand distributed generation, energy storage, high-levels of renewable energy generation (distributed and utility-scale), and appropriate technologies through grid modernization.
- c) **Creative Customer Options** - Allow for new and creative customer options such as peer-to-peer sharing of electricity generation or microgrid development.
- d) **Diverse Energy Options** - Allow customer access to diverse energy options through a variety of policies (including net metering, feed-in-tariffs, “value of solar” tariffs) that recognize and preserve the value of local solar.
- e) **Interconnection Requirements** - Streamline interconnection requirements for customer-sited energy options such as microgrids, distributed generation and storage technologies.
- f) **Mobile Homeowners** - Allow mobile homeowners to receive the same rebates, incentives and interconnection options associated with the installation of solar panels as are available to other homeowners.
- g) **PURPA** - Allow qualified facilities larger than 100 kW to interconnect and sell output to a utility at the utility’s avoided cost outside of the competitive solicitation during an Electric Resource Plan proceeding pursuant to the Public Utilities Policies Act of 1978 (PURPA).
- h) **Renewable Energy Standard** - Change to the Renewable Energy Standard (RES) to allow communities to develop, interconnect and own new shared renewable generation to meet their energy goals and enable local ownership of clean energy generation above and beyond RES requirements and without incentives, if a community chooses.
- i) **Solar Gardens** - Modernize the Colorado Solar Gardens (CSG) statute by incentivizing the development of smaller and more locally based CSGs that serve individual customers and are suitably sited to support community-based resilience goals.

## ***6. Reduce emissions from the natural gas sector***

The city supports accelerating the transition from natural gas and propane to electricity for residential and commercial building applications, including space and hot water heating, cooking and laundry. It supports development of a statewide policy framework and set of actions that promote the adoption of high efficiency and low emission heating and cooling technologies such as electric-driven heat pumps (air and ground source), sustainable biomass energy systems, anaerobic digestion, solar thermal and other renewable energy-ready systems. The city would support approaches to achieving these goals that:

- a) **Demand Side Management** – Support implementation of the Public Utilities Commission’s (PUC) directive to set demand side management (DSM) mandates for both electric and natural gas utilities to encourage natural gas conservation and efficiency programs, switching from natural gas to electric, and investment in income-qualified programs.
- b) **Utility Programs** - Require utilities to develop incentives and rate structures that support beneficial electrification and reflect the value provided to the electric grid.
- c) **Least Cost Alternative** - Require natural gas utilities to only allow new natural gas infrastructure development when it is demonstrated to be the least cost alternative (accounting for the social cost of carbon) against comparable investments in alternatives, including efficiency and beneficial electrification.
- d) **Mandates** - Include electrification mandates into energy objectives for state-owned buildings.

- e) **Infrastructure Upgrades** – Create requirements and incentives for electric utilities to upgrade electrical infrastructure, including customer-side requirements, to support conversion of existing building stock to electric systems.
- f) **Safety Plans** - Require natural gas utilities to develop and revise natural gas infrastructure safety plans to incorporate electrification strategies as a means of addressing deficiencies in aged infrastructure.
- g) **Customer Financing Programs** – Create customer-facing financing options such as tariff-based on-bill financing.
- h) **HOAs** – Ensure that HOAs cannot prevent the fair access to efficient heating and cooling or block the installation of outdoor heat pump condenser units.

### ***7. Ban or accelerate the phase-out of hydrofluorocarbons (hfc) and other climate-warming refrigerants***

HFCs are used as refrigerants and in air conditioning, foams, aerosols, and other applications. They are the fastest growing source of greenhouse gas emissions in the U.S. and globally are thousands of times more potent than CO<sub>2</sub>. Coupled with efficiency opportunities in refrigeration and cooling, phasing down the use of HFCs could deliver significant climate and energy efficiency benefits.

### ***8. Create a carbon cap and any market-based mechanisms necessary to decrease carbon emissions***

The city supports adoption of state and federal limits on greenhouse gases, sometimes referred to as carbon caps, that increase over time as necessary to reach state greenhouse reduction goals. Operationalizing such limits in different sectors often requires market-based policies that can create financial incentives for GHG emitters to emit less. The city supports both carbon caps and market-based mechanisms as necessary, including approaches that:

- a) **Carbon Tax** - Establish a state level carbon tax with proceeds used to fund renewable and energy efficiency projects as well as transmission and distribution system improvements that enable additional deployment of renewables and energy efficiency measures.
- b) **Carbon Fee and Dividend** - Create a national revenue-neutral carbon fee and dividend to significantly reduce U.S. carbon emissions while simultaneously maintaining robust economic growth.

### ***9. Increase public access to energy data***

The city supports increasing the public's access to energy data through means that:

- a) **Transparency** - Standardize regulated utility filings to increase transparency at the PUC and requiring all PUC discovery to be publicly available and filed in machine-readable formats.
- b) **Demand-Side Management Programs** - Facilitate the development of a third-party demand-side management program implementer, including energy efficiency and distributed generation programs.

- c) **Energy Data/Statistics** - Facilitate the development of an energy data center or energy statistics branch within a state energy agency to produce data sets related to research and policymaking.
- d) **Whole-Building Data** - Enable regulated utilities to provide aggregated whole-building data to building owners and property managers for use in building benchmarking and energy efficiency improvements.
- e) **CORA** - Create an exception to the Colorado Open Records Act that confirms the ability of local governments to protect customers' energy data when they participate in local energy efficiency programs and greenhouse gas emissions reporting initiatives.

### ***10. Increase energy efficiency and energy affordability***

- a) **Energy Insecurity** – Direct the PUC to require utilities to revise and implement programs and services that reduce the energy cost burden for customers.
- b) **Regional Energy Networks** - Allow local governments to develop regional energy networks that implement energy efficiency programs.
- c) **DSM Program Dollars to Local Governments** - Facilitate community-specific program implementation by distributing demand-side management program dollars to local governments.
- d) **Net Zero and All-Electric Construction** - Facilitate the development of net zero and outcome-based construction through demand side management programs.
- e) **Expand Program Access** - Support continued and expanded funding for programs that help low-income Coloradoans meet their energy needs such as the Low-Income Home Energy Assistance Program and the Weatherization Assistance Program, while also considering a more expansive series of indicators, beyond income, to identify those in need.
- f) **Lighting and Appliance Efficiency Standards** - Eliminate federal preemptions prohibiting states and local governments from exceeding the federal lighting, appliance and other equipment efficiency standards.
- g) **Affordable and Multi-housing Homes** - Direct the PUC to require utilities to revise and implement DSM programs that facilitate the construction of affordable and multi-housing net-zero energy homes.

### ***11. Encourage widespread adoption of electric and efficient motorized vehicles and adoption of a low- carbon fuel standard***

The city supports policy changes that reduces energy use and emissions of air pollutants from vehicles, specifically through means that:

- a) **Fuel Efficiency Information** - Require the state's vehicle registration database to be structured to allow local governments to have access to fuel efficiency information of the vehicles registered in their jurisdiction.
- b) **County Emission Fees** - Provide Colorado counties the option to implement emission fees on the purchase of less efficient vehicles and to offer rebates on the purchase of more efficient vehicles, with social equity concerns addressed by setting the fee as a percentage of the value of the vehicle and creating a minimum value below which the fee would not apply.

- c) **Low Carbon Fuel** – Create a low carbon fuel standard similar to California’s requirement of a reduction in the carbon intensity of transportation fuels by 20 percent by 2030.
- d) **Charging Access and Time Shifting** - Encourage the proliferation of public and private charging infrastructure with an emphasis on expanding access to home charging for residents of multi-unit dwellings, income-qualified customers, and disproportionately impacted communities. Also encourage EV charging during the time of day when the largest amount of clean energy is available on the grid by participating in Public Utility Commission dockets addressing rate designs, program offerings and other solutions.
- e) **Electric Buses** – Encourage continued and additional state funding to induce electric bus adoption and to offset/support the upfront start-up costs of bus purchases, charging infrastructure and garage and maintenance facilities.

### ***12. Advance circular materials economy by promoting waste reduction and diversion efforts***

The city has a vision of a circular materials economy where waste is designed out of products and systems, materials are kept in use as long as possible, and natural systems are regenerated. Boulder’s zero waste goals around waste reduction and diversion are a necessary part of this vision and changes at the state level are necessary to support it. Colorado’s low 15.9% percent diversion rate lags far behind the national average of 34 percent, partly as a result of inexpensive landfill tip fees, the lack of recycling markets in Colorado and lack of convenient curbside recycling and composting programs for all residents and businesses, particularly along the Front Range. Taken together, low landfill fees and low demand for recyclable materials feedstock often make the most environmentally responsible material management choices cost prohibitive. To address these challenges, the city supports the following types of state policy changes that would:

- a) **Producer Responsibility** – Implement and create incentives and requirements for producers to maintain responsibility for their products across all sectors of the economy.
- b) **End Markets** - Incentivize the creation or expansion of Colorado-based end-market businesses which source recycled materials for their products using options like tax credits or other approaches to encourage source-reduction, including upstream solutions to reduce single-use materials; recycling; composting; ~~and~~ markets for recycled materials, and requiring use of those materials.
- c) **Compost** – Support sequestration of carbon in agricultural soils using compost, biochar and other regenerative techniques to both reduce state carbon emissions, and build markets for finished compost.
- d) **Materials Banned from Landfill** - Ban specific materials from landfills or incineration, such as cardboard, organics, beverage containers, and lithium-ion batteries.
- e) **Landfill Tip Fees** - Increase statewide landfill tip fee surcharges to be used for waste reduction.
- f) **Waste to Energy** - Prevent "waste to energy" technologies involving trash incineration or incentivizing landfilling for the sake of energy creation.
- g) **Anaerobic Digestive Technology** - Capture energy from anaerobic digestive technologies at composting and wastewater treatment plants.
- h) **Organic Matter for Energy** - Support energy production from the organic matter portions of the waste stream that would otherwise end up in a landfill if not used to make energy or energy

products. Examples of this type of beneficial use include woody construction and deconstruction waste and yard or food waste that is not able to be otherwise diverted from landfills and could be used to produce biochar, electricity and/or liquid fuel components.

h) **Building Deconstruction and Reuse – Support -circular economy models within the built environment to maximize reuse and divert building materials, support market development for deconstructed materials, incentivize the initial use of recyclable and reused materials in new development to create efficiencies for future deconstruction efforts, and reduce embodied carbon in new development and redevelopment.**

**13. Strictly regulate the oil and gas industry, especially with regard to ensuring a 60 percent reduction in greenhouse gas emissions by 2030 compared to 2005 levels**

The city will support changes to state or federal policy that would address specific oil and gas drilling impacts, including changes to:

- a) **Greenhouses Gas Emissions** - Reducing GHG emissions from the oil and gas sector by 60% by 2030, compared to 2005 levels, as prescribed by the state’s GHG Emissions Reduction Roadmap.
- b) **Applicability of Federal Laws** - Eliminate fracking as an exempted activity under the Clean Water Act, Safe Drinking Water Act and other federal environmental laws.
- c) **Water Quality** - Provide statewide protections for water including requiring setbacks from all streams, lakes and wetlands; requiring baseline and periodic water monitoring at all drilling sites; raising casing and cementing standards to ensure wellbore integrity; adopting a rebuttable presumption that allows water rights owners within a certain distance of an oil/gas well to recoup repair costs if their water supply is contaminated, diminished, or disrupted; requiring operators to formulate a water management plan including planned source of water and substitute water supply plans; and recycling wastewater before acquiring new supplies.
- d) **Air Quality** - Better protect air quality at and near oil and gas operations, decrease emissions of volatile organic compounds and other ozone precursors, and decrease methane and other greenhouse gas emissions by requiring strict controls on fugitive emissions from oil and gas facilities, including adopting the latest technology in leak detection and repair.
- e) **Impact Mitigation** - Study air, water, seismic, noise and public health impacts from oil and gas operations and ways to mitigate or avoid impacts.
- f) **Local Consent** - Require consent from governmental bodies before an operator may locate oil and gas facilities on government property, such as open space lands.

## Democracy and Governance

**14. Amend the U.S. Constitution to abolish corporate personhood**

On November 1, 2011, the residents of Boulder voted, by a 73 percent majority, to approve Ballot Question No. 2H which called for “reclaiming democracy from the corrupting effects of corporate influence by amending the United States Constitution to establish that: 1) Only human beings, not

corporations, are entitled to constitutional rights; and 2) Money is not speech, and therefore regulating political contributions and spending is not equivalent to limiting political speech.” The City of Boulder will support state and federal legislation that furthers efforts to amend the U.S. Constitution with language that captures the sentiment, if not the exact language, expressed by Ballot Question No. 2H.

### **15. Require or incentivize states to adopt best practices in election laws**

Colorado has adopted several best practices in its elections including mail-in ballots, automatic voter registration, hand-marked paper ballots and adjustments for accessibility needs. While decisions on how elections are run elsewhere is a matter for each state to determine, the federal government could incentivize all states to adopt some of these best practices. The city supports such federal action. Likewise, it encourages adoption of federal laws that promote recognizing election day as a national holiday and protecting elections from foreign interference and from AI misinformation.

### **~~15. Protect elections, elected officials, and the public from artificial intelligence or other sources of misinformation~~**

~~Certain applications of artificial intelligence present a threat to elections and may supercharge election disinformation using deepfakes. The city will support policy changes that will help ensure Coloradans know when communications featuring candidates or officeholders are deepfaked, or otherwise manipulated, and will increase transparency. Specifically, it will support changes that provide for:~~

- ~~a) Clear disclaimers on communications that have been generated or substantially altered by AI~~
- ~~b) Civil penalties for communications that fail to include proper disclaimers~~
- ~~c) A private right of action for candidates who are the subject of deepfakes.~~

## **Economic Vitality**

### ***16. Protect core provisions of the Colorado Urban Renewal Law, which provides effective redevelopment tools for municipalities such as tax increment financing and eminent domain***

Unlike many communities that contain vast areas of undeveloped land planned for future commercial and residential use, Boulder's future economic sustainability will depend on effective and ongoing reuse of existing developed property. The majority of future redevelopment in Boulder will be completed by private entities and through private investment. However, in rare circumstances, and based on the requirements of the urban renewal law, projects that demonstrate a compelling community need may only be achievable through a public/private urban renewal partnership. Consequently, the city will support protecting options to facilitate revitalization of their urbanized areas, including with tax increment financing and eminent domain.



### ***17. Continue funding and support for the federally funded labs located in Boulder***

The city's economic vitality policy strongly supports the federally funded laboratories located in the city, specifically:

- a) CU Boulder's many scientific research institutes, including joint endeavors with federally funded labs such as the Cooperative Institute for Research In Environmental Sciences (CIRES), a partnership with NOAA, JILA, a partnership with NIST, Laboratory for Atmospheric and Space Physics (LASP), and Renewable and Sustainable Energy Institute (RASEI), a partnership with the National Renewable Energy Laboratory (NREL)
- b) EarthScope Consortium
- c) National Ecological Observatory Network (NEON)
- d) National Institute of Standards and Technology (NIST)
- e) National Oceanic and Atmospheric Administration (NOAA)
  - o Global Systems Laboratory (GSL)
  - o Chemical Sciences Lab (CSL)
  - o Physical Sciences Lab (PSL)
  - o Global Monitoring Lab (GML).
  - o National Climatic Data Center
  - o National Integrated Drought Information System (NIDIS)
  - o National Weather Service (NWS)
  - o National Environmental Satellite, Data and Information Service (NESDIS)
  - o Space Weather Prediction Center (SWPC)
- f) National Solar Observatory (NSO)
- g) National Telecommunications and Information Administration (NTIA)
- h) University Corporation for Atmospheric Research (UCAR)
  - o National Center for Atmospheric Research (NCAR)
- i) United States Geological Survey (USGS)

The labs, the research they conduct, and the researchers and staff they employ are vitally important to the City of Boulder, Boulder County, the Denver metropolitan region, the state and the nation. Boulder highly values the scientific contributions the labs and their employees have made to the entire nation, as well as the economic impact they have on our community. These institutions work closely with scientific researchers from the University of Colorado Boulder and other organizations. This synergy and concentration of scientific knowledge is found only in a very few other places in the United States. Just as the labs generate direct benefits (employment, local spending) and associated indirect activity through an economic multiplier effect, the opposite holds true for funding reductions.

### **18. Minimum Wage Equity**

Reform the state's minimum wage law to ensure that the local governments that adopt increased minimum wage ordinances do not have to put unnecessary financial burdens on employers that pay their employees a tipped-minimum wage. The state can further this goal in at least one of several ways.

- Allow local governments flexibility in applying their minimum wage requirements to tipped workers.



- Change the calculation the state uses to determine the tip credit (currently fixed at no more than \$3.02) to a percentage that scales up as wages increase.
- Lessen barriers for businesses that would like to address wage inequities using tip-sharing models among their staff.

## Housing and Land Use

### **18-19. Create, preserve, and expand federal and state affordable housing funding options**

The city supports creation, expansion and preservation of federal funding for local governments where such funds can be used flexibly to address locally defined housing goals, including to provide for low and middle-income housing outcomes. Examples of federal funding options that the city will support are:

- a) **LIHTC** – Low Income Housing Tax Credits, both 9 percent and 4 percent, administered through the Colorado Housing Finance Authority which serve as the primary source of equity for affordable rental housing.
- b) **Section 8** – Section 8 rental programs, both housing choice vouchers and project-based, which serve the lowest income families in Boulder.
- c) **Boulder Housing Partners** – Direct support of the city’s housing authority, Boulder Housing Partners.
- d) **HOME & CDBG** – HOME Investment Partnerships and Community Development Block Grant programs, which in past years have allowed the city to invest in expanding affordable housing, strengthened public infrastructure, and improved quality of life for the city’s low and moderate-income residents.
- e) **PABs** – Private Activity Bonds, which are tax-exempt and enable projects to receive non-competitive 4 percent LIHTC.

Examples of state funding options that the city will support are:

- f) **Real Estate Transfer Tax** – Allow local governments to impose a real estate transfer tax or document recording fee.
- g) **Housing Trust Fund** – Fund the state affordable housing trust fund.
- h) **Low Income Housing Tax Credit** – Protect and expand the state low-income housing tax credit operated through the Colorado Housing and Finance Authority.
- i) **New Tax Credits** – Create new state affordable housing tax credits for homeownership, employer assisted housing, and other activities.

### **19-20. Reform the state’s construction defect law so as to increase the supply of diverse housing options, including condominiums**

The city will support revisions to the state’s construction defect law which will provide for consumer protections while removing barriers that discourage developers from building condominiums.

**20-21. *Provide increased support for low-income individuals and families to maintain, find and retain housing***

Boulder recognizes the strong link between housing instability and homelessness as well as the laws that can reduce housing instability. While the city is committed to increasing the availability of affordable housing, that alone is insufficient if low-income families and individuals are not able to access and maintain stable housing. Accordingly, the city will support legal protections, funding and other policy changes that can help provide that housing stability and reduce homelessness.

**21-22. *Enhance and preserve the rights and interests of residents of manufactured home communities***

The Boulder City Council adopted a priority for its 2024-2025 term related to manufactured and mobile home community support. While mobile and manufactured homes provide relatively affordable housing options, residents are nonetheless subject to unique vulnerabilities inherent in the divided ownership of the home and the lot it sits on. One such vulnerability is being subject to significant increases in rent in any given year. Accordingly, the city will support being granted the authority to place limits on the rent increases that can be imposed on such pads.

**22-23. *Allow Colorado local governments to implement rent control measures***

Boulder supports the repeal of the portion of state law, C.R.S. 29-20-104, that prevents cities and counties from controlling rent on private housing units.

**23-24. *Qualified support for state involvement in land use matters that furthers the city's housing affordability, transportation, climate, resilience and equity goals***

The General Assembly is expected to consider a series of bills over multiple sessions that would result in the state assuming some level of authority or oversight on zoning and land use matters currently under the exclusive control of local governments. The city is traditionally reluctant to cede local control, especially when it results in unfunded mandates. The justification for such hesitancy is rooted in the view that local problems demand local solutions, and that one size cannot fit all. However, under circumstances where the problems sought to be addressed by the state overlap with city goals that transcend local borders and which cannot be achieved by acting alone, Boulder has supported the creation of minimal state standards narrowly tailored to meet those goals. A prime example of such a problem is the housing affordability crisis in and around Boulder. Addressing this crisis, especially when doing so advances climate, resilience, transportation and equity goals, is a city priority. Like many of its neighboring cities, Boulder has dedicated substantial attention and resources toward achieving this goal and has seen some progress. However, making a meaningful impact will require a coordinated and shared commitment among all local governments.

For these reasons, the city supports state policy changes that incentivize and encourage local governments to adopt land use policies, such as transit-oriented development, that reduce greenhouse gases and discourage single occupancy vehicle travel. The city may also support state policies that go beyond incentives if such policies meet the following conditions:

- Narrowly targeted to further the goals of the Boulder Valley Comprehensive Plan,
- Allow for flexibility in implementation,
- City determination that it has sufficient water supplies and water and sewer infrastructure to serve the mandated land use changes without jeopardizing system reliability including considerations of climate change impacts, and
- Clarity on how local governments already meeting state standards can be exempted.

The city supports requirements for increased housing in unincorporated county lands as follows:

- a) Expanding the scope of the existing state law that requires allowance of accessory dwelling units to apply to unincorporated county land.
- b) Transit oriented communities (TOC) -related housing policies that better anchor housing along key transit corridors (e.g., BRT) connecting municipalities within counties.
- c) Greater flexibility to create on-site farm worker housing.

~~The following are four policy categories that the city expects will soon be considered by the statehouse. To the extent that they are consistent with the above qualifications and the below descriptions, the city will support them.~~

- ~~a) — Reduce barriers to development of accessory dwelling units and multiplexes.~~
- ~~b) — Create minimum average housing density standards along high-frequency transit corridors and multimodal transit stations.~~
- ~~c) — Reduce the number of parking spaces that can be required.~~
- ~~d) — Create regional housing assessments that identify housing needs (e.g., including not only the number of needed housing units but also the needed housing types and number of bedrooms), local housing targets proportional to the needs of all income levels, and a flexible requirement that local governments develop housing production strategies to meet these targets.~~

## Human Services/Human Rights

### **24.25. Fund and protect the city's ability to reduce and prevent homelessness**

The city's homelessness strategy is built around the belief that Boulder community members should have the opportunity for a safe and stable place to live. The strategy expands pathways to permanent housing and increases access to programs and services. The city supports state and county action that funds and facilitates such efforts. Furthermore, it will advocate for the following:

- a) Minimum requirements for local governments to combat homelessness.

- b) Preserving local government authority to ban camping in public spaces.
- c) Increase statewide coordination of efforts that result in funding and programming for prevention and supportive services, expansion of mental and behavioral health prevention and treatment, transitional and permanent supportive housing options, and proposals that affect targeted populations, including the challenges presented by family, youth, veteran, and single-adult homelessness.
- e)d) Prioritize providing state funding for housing and supportive services to regions that include communities that have made significant investment in directly supporting individuals experiencing homelessness.

### **25-26. Increase mental/behavioral health services**

Residents in Boulder and across the nation report significant need for increased access to mental/behavioral health services. The city relies on its regional partners (county, local Managed Care Service Organization, local community mental health center, mental health providers/practitioners, community health workers, etc.) to collaborate and implement programs needed by our residents. Nevertheless, the city supports policy changes that would expand mental/behavioral health services and reduce barriers to care, including ones that would:

- a) Expand access to substance abuse treatment, including residential treatment, particularly for people experiencing homelessness who otherwise lack a suitable environment in which to pursue recovery.
- b) Ensure treatment and recovery options for people experiencing substance use disorders, including those who use methamphetamine, which involves unique challenges due to a lack of medication treatment options and housing barriers. Specifically, the city would support the development of housing to assist people experiencing homelessness with recovery supports for substance uses disorders.
- c) Ensure a collaborative, comprehensive continuum of mental/behavioral treatment level options from crisis/emergency services (e.g., the city’s Crisis Intervention Response Team and Community Assistance Response and Engagement programs) to ongoing community care that meets individual needs and avoids duplication of effort.
- d) Expand permanent supportive housing resources – the most effective solution to homelessness – for people experiencing chronic homelessness and who have either active addiction challenges or a history of addiction.
- e) Support services that are culturally competent; language accessible; and meet the needs of populations with access barriers including transportation, work and childcare schedules.
- f) Address workforce shortages in the mental/behavioral health field, including shortages in professionals with diverse identities, to enable culturally competent service expansion for youths and adults.

g) Reduce stigma surrounding mental/behavioral health issues.

g)h) Support increased access to public and private insurance programs, including Medicaid and Medicare that cover behavioral health services. Support measures that expand benefits offered, reduce barriers to enrollment in insurance, provide competitive reimbursement to providers accepting public or private insurance, and reduce administrative challenges that deter providers from accepting Medicaid and other forms of insurance.

**26-27. *Protect reproductive freedoms including the right to access abortions***

While Colorado has passed legislation protecting the nominal right to abortion, that right is not enjoyed equally and threats to that right remain that require additional complementary policy changes at both the state and federal levels, including:

- a) Establishing in Colorado's constitution a right to abortion free from discrimination, thereby removing the state funding ban on abortion insurance coverage that discriminates against state and local government employees and against people with incomes low enough to qualify for state and local governmental health insurance plans.
- b) Enacting more state shield and privacy laws for patients, providers, and assistants of abortion and other threatened healthcare like contraception, such as Colorado's Senate Bill 23-188, that protect Coloradans and Colorado's visitors and students from out-of-state legal threats, but those protections only exist if they remain in Colorado.
- d) Enforcing the right to travel between states given under the Privileges and Immunities Clause of the U.S. Constitution.
- e) Repealing the federal law (Hyde Amendment) that effectively defined the range of medically necessary abortions covered by Medicaid by carving out particular abortion services that states are not obligated to cover.
- f) Enacting a national right to abortion.

**27-28. *Support local direct cash assistance programs benefitting low-income community members***

The city has implemented a direct cash assistance pilot project, in which no-strings-attached direct cash payments are being provided to a portion of the city's low-income community. As of fall 2024, an estimated 65 guaranteed income projects are currently active across the country. Action from state and federal agencies to remove policy barriers and support cash assistance processes can help ensure maximum positive impact for individual participants and address poverty on a more systemic level. The city will support specific policy changes that can advance guaranteed income programs, such as:

- a) Waivers on income-ceiling eligibility for basic needs assistance programs (e.g., Supplemental Nutritional Assistance Programs, aka "SNAP"), so that participants can avoid losing critical benefits while receiving direct cash assistance.
- b) A permanent federal Expanded Child Tax Credit, which in 2021 lifted an estimated four million children (nationally) out of poverty.

**28.29. *Comprehensively reform federal immigration laws while adopting associated state level reforms that allow and provide for support of all people regardless of immigration status***

The city welcomes and encourages cooperation at all levels of government to support swift and responsible legislative action to produce equitable, humane, effective and comprehensive federal immigration reform and associated state level reform that provides for:

- a) **Enforcement** - Enforceable immigration laws.
- b) **VISAs** - A simplified visa system which allows for family unification of those who have been separated by the legal immigration backlog process and which provides for legal status for the existing immigrant workforce.
- c) **Purple Card** - A new immigration status, sometimes referred to as a Purple Card, identical to the Green Card except that it would not be a path to U.S. citizenship (but neither would it preclude the possibility of eventual citizenship).
- d) **Rate of Immigration** - A rate and system of controlled immigration that matches the needs of our economy.
- e) **Integration** - Social integration for our existing immigrant workforce and their families.
- f) **Minors** - Unaccompanied minors receiving appropriate child welfare services, legal support and expeditious reunification with their families already in the United States.
- g) **Employers** - Recognition of employers as key allies in implementing immigration policy and enhancing enforcement of labor laws to remove the market advantage that leads to exploiting immigration status to pay lower wages, avoid taxes and violate labor laws.
- h) **Border Control** - A system which ultimately aids in border control.
- i) **Economic Development** - Bilateral partnerships with other countries to promote economic development that will reduce the flow of immigrants.
- j) **DREAM Act** - Qualification of students for immigration relief if they have resided in the United States for several consecutive years, arrived in the U.S. as young children and demonstrated good moral character (i.e., the "DREAM Act").
- k) **DACA** - Consistent with council Resolution 1215, continuation of the federal program that permits these DREAMERS to request consideration of deferred action for a period of two years, subject to renewal, and eligibility for work authorization (i.e., Deferred Action for Childhood Arrivals or DACA).
- l) **Sexual Orientation** - Ensure that all Americans, regardless of sexual orientation, receive equal treatment under immigration laws.
- m) **Repeal of Laws Hostile to Immigrant Rights** - Repeal of federal policies that were designed to diminish the rights of immigrants, non-white people and those without proper documentation.
- n) **State Employment Opportunities** - Allow all state of Colorado employment opportunities to Colorado residents regardless of immigration status.
- o) **Licensure** - Provide for rapid transfer of licensure for licensed professionals, especially those in fields experiencing workforce shortages in Colorado and the U.S. (e.g., dentists, doctors, nurses).
- n)p) **Human Trafficking** - Strengthen protections from exploitation and human trafficking for undocumented workers, including providing funding for education for local police, prosecutors, etc. on immigrant worker rights and recognizing exploitation (e.g., among temporary, documented agricultural workers).

Conversely, the city will oppose the adoption of any federal or state policies that penalize non-citizens who have used public benefits, including services provided by the city (e.g., the U.S. Citizenship and Immigration Services' Final Rule on Public Charge Ground of Inadmissibility) or that does not provide due process or implicitly discriminates based on economic status, with requirements that exclude those without significant financial resources.

**29-30. *End the mistreatment of migrants in U.S. Immigration and Customs Enforcement detention facilities as well as in alternatives to detention programs***

U.S. Immigration and Customs Enforcement (ICE) operates a network of more than 200 jails and detention facilities. Some facilities and detention services are contracted out to for-profit, private prison operators. The poor and oftentimes deplorable treatment of immigrants in these detention centers reflects a fundamental failure of our government's obligation to protect the dignity of all human beings in its custody. Many immigrants report disgraceful living conditions, including assault, limited access to medical care, scarce and low-quality food, and undue forms of punishment. The Department of Homeland Security's Office of Inspector General issued a report on June 3, 2019, which detailed "unaddressed risks or egregious violations of the PBNDS (2011 Performance-Based National Detention Standards)." It further found that inspections of four ICE detention facilities "revealed violation of ICE's detention standards and raised concerns about the environment in which detainees are held." The city supports congressional action to address these concerns, specifically action that:

- a) **Transparency** - Provide stricter oversight and inspection requirements of ICE detention facilities, and all necessary funding to ensure transparency.
- b) **PBNDS** - Fully implements and enforces the 2011 Performance-Based National Detention Standards (2011 PBNDS) at all facilities that hold immigrant detainees.
- c) **For-Profit Prisons** - Ends the practice of contracting with for-profit prisons and paying them based on minimum bed quotas.
- d) **ATD** - Reforms ICE's Alternatives to Detention (ATD) programs by providing for greater support for immigrants through community engagement, legal services, and increased transparency and eliminating the ability of these programs to be operated by for-profit private prison corporations.

**30-31. *Repeal the "Secure and Verifiable Identity Document Act" which prohibits municipalities from determining which forms of identification to accept in the provision of purely municipal services***

C.R.S. Section 24-72.1, enacted in 2003 as HB1224, prohibits public entities that provide services from accepting or relying on any identification other than those issued by state or federal jurisdictions or ones recognized by the U.S. government as verifiable by law enforcement. Allowed identification includes driver licenses, passports, immigration papers, birth certificates and US military IDs. All non-listed documents, including library cards, school IDs and community ID cards, are excluded. The penalty for violating this statute is the stripping of governmental immunity from public servants that provide services without relying on the appropriate identification, thus opening them to suit in civil court. The implications to the city are the creation of a cloud of potential liability for frontline staff working in the Library, Parks



and Recreation and Utilities departments or the interagency staff that provide coordinated entry for homeless services. To remove the cloud of unfair liability from municipal employees, and to promote the city's values, the city supports repeal of C.R.S. 24-72.1.

### **31.32. *Support the Indigenous peoples of Colorado***

In 2016, Boulder passed Resolution No. 1190 declaring the second Monday of October of each year to be Indigenous Peoples' Day. In it, the city resolved, among other things, that "those now living on these ancestral lands recognize that harm was done and acknowledge that we have a shared responsibility to forge a path forward to address the past and continuing harm to the Indigenous People and the land," and, ". . . in the pursuit of shared responsibility and of promoting knowledge about Indigenous Peoples, unifying communities, combating prejudice and eliminating discrimination against Indigenous Peoples, the City of Boulder does hereby resolve the second Monday in October of each year to be Indigenous Peoples' Day."

In furtherance of this resolution, the city supports state legislation that would:

- a) Declare an Indigenous Peoples' Day at the state level; and
- b) Allow in-state tuition for American Indian Tribe members with ties to Colorado, as had been proposed by HB14-1124.

### **32.33. *Avoid further cuts or policy changes to state and federally funded health and human service programs that negatively impact accessibility, availability, quality and affordability of cost of basic health and human service needs***

In recent years, the state and federal government made drastic cuts to services that help provide a safety net to thousands of city residents. This includes services to low-income residents, children and families, and older adults. The city urges Congress and the General Assembly to expand resources for those essential services that serve the city's most vulnerable, including childcare assistance, access to affordable health care, mental health and addiction services, and food assistance.

### **33.34. *Support Criminal Justice Reform***

The city supports criminal justice reform that includes, but is not limited to, sentencing and bond reform, mental health care, addiction recovery and dismantling of institutional and systematic biases. Mass incarceration has a disproportionate impact on communities of color, particularly African American males who are significantly overrepresented in prison populations. The city supports initiatives that emphasize restorative justice and treatment over incarceration. Inmates also need to be better integrated into the community upon release. Newly released individuals looking to change their lives face significant barriers to employment and housing. The city supports initiatives that support re-entry for released felons. Criminal behavior often can be the result of mental health conditions. Jails and prisons are not appropriate forums for treatment of mental illness. The city supports initiatives to provide better residential and out-patient treatment for people with mental illness.



***34. Require insurance companies contracted by “Health First Colorado” to pay qualified behavioral health providers at an amount equal to the Medicaid fee schedule developed by Colorado’s Department of Health Care Policy and Financing***

Colorado Department of Health Care Policy and Financing (HCPF) offers mental health care coverage through “Health First Colorado,” Colorado’s Medicaid Program. Colorado Community Health Alliance (CCHA) administers these services to over 300,000 Medicaid recipients in Boulder County as well as seven other neighboring counties. CCHA, in turn, contracts with Anthem Insurance for support in providing these services.

Until recently, Anthem paid independent mental health providers at 100 percent of the HCPF Medicaid fee schedule. Recently, CCHA announced that as of January 2020, providers will see a 20 percent reduction in reimbursements. This reduction seriously jeopardizes the continued provision of essential services to hundreds of vulnerable individuals in Boulder.

To address this concern, the city supports a change to state law that would require the payment of qualified Medicaid behavioral health providers according to HCPF’s Medicaid fee schedule. This would properly place the responsibility to set required rates with HCPF, not with unaccountable managed care organizations.

***35. Eliminate or reduce excessive documentation and administrative procedures required to access government benefits***

A variety of health, human services, housing, and other public benefit and safety-net programs place an excessive and often unnecessary burden of proof on eligible participants to demonstrate their need and eligibility to access programs, creating barriers that often prevent qualified individuals from receiving assistance when they need it most. Documentation requirements are often time-consuming, invasive, excessive, and difficult to understand. Administrative procedures place unnecessary burden on the elderly, disabled, low-income and Black and Latino persons and families, impeding their access to entitlements or direct-benefit programs. Public benefit programs at all levels of government must simplify and improve accessibility to application processes; reduce unnecessary, burdensome procedures and requirements; and identify cross-coordination and programmatic efficiencies to remove barriers to public benefits for which they are eligible. Tangible actions that should be implemented include:

- a) Promote cross-program enrollment into programs wherever possible.
- b) Suspend or curtail rules that focus on documentation and compliance versus access.
- c) Remove penalties for overpayments and provide flexibility to recoup those versus threat of criminal charges.

**36. Reduce health disparities and promote equity and wellness for people with disabilities and ensure a properly trained workforce of caretakers**

The opportunity to take part in and benefit from all city offerings by all those who are eligible, including people with disabilities, is a priority of the city. To accomplish this, the city has invested in a dedicated Americans with Disabilities Act Coordinator position and ongoing funding to address needed changes to support access for all in programming, services, activities, and employment. The city supports the reduction of disparities and strives to promote equity and wellness for people with disabilities. It also supports policies that create inclusive, healthy communities and full accessibility, including maintenance of existing protections provided by the ADA. Additionally, the city supports Affordable Care Act Section 1557, prohibitions against discrimination. Finally, the city supports requirements and resources for appropriate education, training and accountability for home healthcare workers and assisted living/care facility workers (e.g., memory care facilities) on par with requirements for other care facilities and providers (e.g., children).

## Internal Administrative Matters

**37. Protect workers' compensation system**

The city's self-insurance program is a cost-efficient method to provide workers' compensation. The workers' compensation system serves a dual purpose, providing benefits promptly to injured employees in a cost-effective manner and minimizing costly litigation. Consequently, while the city will support legislation that improves the administrative efficiency of the State of Colorado's Division of Workers' Compensation, it will oppose legislation that increases insurance premium costs to employers, adds administrative burdens or taxes to self-insurance programs, promotes litigation or removes existing offsets to workers' compensation benefits. It will also oppose efforts to expand the definition of a "presumptive disease" to further shift the burden of proof for workers' compensation claims.

**38. Protect the autonomy of employment and personnel decisions made by municipal collective bargaining units**

Many employees of the city are part of one of three collective bargaining units. As part of those units, they have the right to negotiate the terms of their employment. The city may oppose any state or federal law that would mandate municipalities to collectively bargain with public safety employee labor unions over wages, benefits or working conditions, under one-size-fits-all rules.

**39. Protect governmental immunity**

The complexity and diversity of city operations and services required to meet the needs of the residents of Boulder may expose the city and its officers and employees to liability for damage and injury. City officers and employees must be confident that they have the city's support in the lawful and proper performance of their assigned duties and responsibilities. Consequently, excepting established under the Colorado Governmental Immunity Act, the city will support legislation that provides immunity to

municipalities and their officers and employees in the lawful and proper performance of their duties and responsibilities and that discourages baseless and frivolous claims against the same. Conversely, the city will oppose legislation that expands or increases municipal liability or further limits municipal immunity beyond current law.

***40. Allow local governments increased options for banking, including the option to create a public bank or to invest with, and receive other banking services from, NCUA-insured credit unions***

While the city has been generally satisfied with currently available banking services, it has begun to consider the disadvantages of continuing to invest with financial institutions that do not always align with the city's values and priorities. It has also begun to consider the possibility of creating a public bank that provides investment and lending opportunities that would align with city values and priorities. It is in the early phase of exploring this possibility and has not yet dedicated the necessary resources to fully explore the desirability or viability of creating a Boulder public bank, nor those necessary to identify the various state and federal statutory, and possibly constitutional, impediments that exist. Nevertheless, it supports any state or federal changes necessary to remove those impediments. The city also supports having the option to bank with credit unions. Credit unions, as local banking entities, may provide better options for local governments by keeping funds invested within the community. Consequently, the city supports changes in state law to allow credit unions that meet certain requirements (e.g., adequate reporting, National Credit Union Association (NCUA) insurance equal to FDIC rates that are required of private banks, pledging requirements for collateral on investments placed with the credit union) to be used by home rule cities in Colorado.

## Municipal Courts

***41. Protect the institution and autonomy of the municipal courts while accepting necessary state oversight that ensures consistent protection of the constitutional rights of defendants***

Municipal courts play a vital role in creating safe and welcoming communities. Municipal laws can be uniquely crafted to address criminal behaviors impacting the local quality of life. Municipal courts can, in turn, reinforce societal expectations using sanctions that reflect local community values. In Boulder, these sanctions often take a restorative, problem-solving approach (i.e., they seek to address the root cause(s) of the criminal behavior). Boulder's Municipal Court has been a state leader in providing innovative and restorative justice sentencing alternatives. The city consequently will oppose legislation that threatens the ability for its municipal court to maintain adequate autonomy to continue to function at the highest levels and support legislation that restores such autonomy. For example, it will support modest changes to the state bond statute (C.R.S. Sec. 16-4-113) to allow judges discretion to hold a defendant facing criminal charges in custody pending trial if that defendant has persistently failed to appear for court. It will, however, support changes to state laws that provide fair and necessary oversight that ensure that the constitutional rights of defendants are protected statewide. Recent examples of added state oversight that the city has considered appropriate include reforms to guarantee that indigent defendants have

access to independent defense counsel, that municipal defendants are not held in jail for longer than is reasonably necessary before seeing a judge, and that indigent defendants are not jailed for the inability to pay monetary fines and fees.

## Policing and Criminal Justice

### **42. Remove Overly Prescriptive Statutory Language That Can Result in Allegedly Violent Criminals Being Released on Personal Recognizance (PR) Bonds**

Colorado Revised Statute, Section 16-4-103(4), pertaining to the setting and selection of the type of bond that a criminal defendant can be held on, reads as follows:

When the type of bond and conditions of release are determined by the court, the court shall: (a) Presume that all persons in custody are eligible for release on bond with the appropriate and **least-restrictive conditions** consistent with provisions in paragraph (a) of subsection (3) of this section unless a person is otherwise ineligible for release pursuant to the provisions of section 16-4-101 and section 19 of article II of the Colorado constitution. A monetary condition of release must be reasonable, and any other condition of conduct not mandated by statute must be tailored to address a specific concern [Emphasis Added].

Many in our criminal justice system point to this emphasized language, “least-restrictive conditions,” as an important reason for why persons allegedly committing violent acts are released 48 hours or less after being arrested on a PR bond. The city supports targeted changes to this language to clarify that the release on a PR bond of alleged violent criminals is not required by the law.

### **42.43. Prevent local government mandates to enforce federal immigration laws**

The city supports preserving the option for its police officers to enforce federal laws, including federal immigration laws. However, it will vigorously oppose any state or federal legislation that mandates that its police enforce federal immigration laws, especially if they are unfunded mandates or are likely to result in enforcement officers engaging in racial profiling or discrimination based on race, ethnicity or national origin.

### **43.44. Prevent the imposition of onerous information gathering and reporting requirements on public safety, especially when those requirements come with substantial costs that are not supported by adequate funding**

An example of a reporting requirement that has been imposed on local law enforcement agencies in the past is the state law requiring the arrest of undocumented immigrants to be reported to Immigration and Customs Enforcement. The city would oppose such a requirement.

**44.45. Increase the financial threshold of property damage that triggers a police investigation of non-injury traffic accidents**

It takes very little damage to a vehicle to reach the current threshold of \$1,000. While the city's police department currently responds to most accidents, increasing the damage threshold will provide greater flexibility and more local control over the use of police resources.

## Public Health and Safety

**45.46. Discourage e-cigarette and tobacco use, particularly among youth, by banning flavored vapor products**

In recent years, a public health crisis has emerged with regard to vaping and nicotine addiction among youth across the United States. Colorado and Boulder County youth have been hit particularly hard. The 2023 Healthy Kids Colorado high school survey results show that students in the Boulder and Broomfield County region and State of Colorado may still be using electronic smoking devices at a higher rate than the national level. The city has taken steps to ban flavored vapor products and increase the sales age for tobacco and nicotine-containing products to 21 years. However, to truly tackle this health crisis will require the support of the state and federal government. Therefore, with acknowledgement given that some individuals turn to vaping as a smoking cessation device, the city supports changes at the state and federal level that would ban flavored nicotine vapor products.

**46.47. Ensure the safe use and commercial regulation of marijuana**

The city will support or oppose state and federal policy in furtherance of the following goals:

- a) **Children** - Create and maintain mechanisms to ensure marijuana is appropriately regulated so that only adults intentionally choosing to use marijuana are exposed to it; that such users receive a safe product in a well-run, compliant, and licensed premise; and that these substances are kept away from children.
- b) **Licensing** - Maintain a dual licensing system to allow both the state and local governments to issue and enforce licensing of commercial marijuana facilities.
- c) **Cost Recovery** - Allow local governments to recover the full costs of any commercial licenses they choose to allow.
- d) **Barriers to Business** - Remove legal and administrative barriers to standard business infrastructure for marijuana businesses, such as banking and auditable records.
- e) **Safety** - Maintain the creation of overall safety requirements, in consultation with the state, related to recreational marijuana while reserving to local governments specific abilities, but not mandates, to adopt additional requirements and monitor and enforce those rules.
- f) **THC Levels** - Regulating high potency THC marijuana products (e.g., shatter & wax) to protect youth by exploring the creation of limits on its potency as supported by outcomes of research, messaging, and marketing and by increasing education on the dangers of such products on youth.

- g) **Organics** – Adopt a state-administered organic certification program for marijuana, modeled on the existing USDA organic certification program administered by the Colorado Department of Agriculture.

**47.48. Address the health and safety concerns associated with alcohol and substance abuse in the greater community**

Boulder is committed to finding solutions to address the critical issues of health, safety and well-being stemming from alcohol and substance abuse within the city. Accordingly, the city will support policy changes that would:

- a) **Kegs** - Require the sale of kegs containing alcohol to have a tag attached that would permit tracing of the purchaser, similar to the practices required for marijuana purchases.
- b) **Server Training** - Require mandatory server training.
- c) **Public Drunkenness** - Repeal the provision contained in C.R.S. Section 27-81-117 preventing municipalities from adopting public drunkenness ordinances.
- d) **Hours of Service** - Permit municipalities to regulate licensees' hours of alcohol service.
- e) **Harm Reduction Centers** – Grant local control to municipalities to permit (but not require) overdose prevention centers to reduce the likelihood that persons suffering from substance abuse disorders overdose in public areas such as parks, libraries, and in and around local businesses.

**48.49. Provide greater healthcare at a lower cost**

The rapidly increasing cost of health care and health insurance is a barrier to equitable health outcomes and economic gains among many Boulder residents. Current proposals under consideration to reform the system include a single payer universal health care system, a multi-payer universal health care system and expanding the Affordable Care Act, among others. The city encourages lawmakers to determine which approach can provide the greatest access to affordable, quality healthcare for the greatest number of people at the lowest cost.

**49.50. Prevent gun violence**

In 2022, Boulder City Council adopted five ordinances that included the ban on the sale and possession of assault weapons, large-capacity magazines, multi-burst trigger activators, ghost guns in the city. The city has temporarily paused the enforcement of the ordinance due to ongoing litigation. To achieve the goal of these ordinances, the city will also require the increased support of the state and federal government. Toward that end, the city supports measures to prevent gun violence, including:

- a) **Background Checks** – Require universal background checks on all sales of firearms, including private sales.
- b) **Assault Weapons** – Ban assault weapons at the state or federal levels.
- c) **Short-Barreled Firearms** – Regulation of short-barreled firearms equipped with pistol braces.
- d) **Open Carry Prohibitions** – Any state or federal regulation banning open carry of firearms.
- e) **Insurance Requirements** – Require firearms owners to obtain and maintain liability insurance.

- ~~f) **Merchant Category Code**— Require a separate code for credit card purchases of guns, as exists for other business types, to allow law enforcement to recognize dangerous firearm purchasing trends.~~
- ~~g)f) **Lie and Try Enforcement** – Require FBI to alert state and local law enforcement of a prohibited person’s failed attempt to buy a gun as indicated through lying on a federal background check form.~~
- ~~h) **Prohibit Firearms in “Sensitive Places”**— In addition to keeping guns out of schools and off of college campuses, legislation could prohibit civilians from carrying guns in daycare centers, playgrounds and other places where children gather, bars and restaurants that serve alcohol, public demonstrations and rallies, airports, and courthouses.~~
- ~~i) **Permit to Sell**— Require federal firearm licensee to acquire a state license to sell firearms in Colorado ensuring the state has enforcement authority with respect to state laws and the ability to stop bad sellers.~~
- ~~j) **Expanded Concealed Carry Requirements**— Expand the requirements necessary to obtain a concealed carry weapon permit including requiring live fire training.~~
- ~~k)g) **Exception for Background Checks if Suicidal** – Allow a firearm to be temporarily and voluntarily transferred to a friend or family member without a background check if the gun owner is suicidal.~~

The city will oppose any policy changes that:

- a) **Make My Day Law** - Expand the immunity given to homeowners if they shoot and kill intruders, also known as the “make my day” law, to places of business.
- b) **Concealed Weapons** - Limit the state’s ability to regulate concealed weapons or local government’s ability to restrict possession of weapons in public facilities.
- c) **Repeal Previously Passed Legislation to Reduce Gun Violence**

## Regional Environmental Quality, Natural Resources and Parks

### 50.51. *Restore clean air to Colorado*

Colorado is suffering from a serious and growing air quality problem, failing year after year to meet federal standards for air that is healthy and safe to breathe. Pollution levels are often high enough to cause both acute and chronic health effects. The primary contributors to our air quality challenges originate from industrial emissions, building appliances, vehicle emissions, all exacerbated when combined with wildfire smoke and warmer temperatures. The city supports efforts to identify and reduce these contributors to our air quality concerns and to bring the Front Range into compliance with EPA air quality standards for ozone and particulate matter. In particular, the city supports efforts to:

- a) Strengthen regulation, permitting and enforcement of high pollution emitters, including oil and gas exploration, industrial processing, power generation and natural gas transport and distribution.
- b) Eliminate air pollution from combustion appliance use in buildings which not only result in indoor air quality challenges but contribute to poor outdoor air quality.



- c) Strengthen state regulation and enforcement over motor vehicle exhaust that violates standards either unintentionally through poor maintenance or intentionally, such as “rolling coal” modification to diesel vehicles.
- d) Secure funding and enact policies and programs to provide for safe indoor sheltering and health services, especially for those most impacted by outdoor air pollution.
- e) Support regulation and market transformation initiatives that reduce and ultimately eliminate the use of gas-powered landscaping equipment.
- e)f) Encourage more federal investment in understanding the long-term impacts of sustained exposure to air pollution on public health, particularly among vulnerable populations (e.g., children, people with disabilities, older adults).

**51.52. Enhance ~~Protect~~ the ability of local governments and the land trust community to acquire ~~and~~ protect and provide equitable access to parks and open space**

The city supports the following policies with relationship in relation to parks and open space:

- a) Protect the Land and Water Conservation Fund which has helped conserve thousands of acres across the U.S. and support the Outdoor Recreation Legacy Partnership Program which provides matching grants to cities for park projects in underserved communities.
- a)b) Colorado voters provided for a Preserve the statewide lottery, and in a subsequent election adopted the Great Outdoors Colorado (GOCO) amendment to the state constitution, which direction of s that lottery profits be used for parks, open space, wildlife, and outdoor recreation purposes. The city supports preservation of the current lottery distribution formula and will oppose legislation that would change that allocation or create new lottery scratch tickets for other purposes that would decrease demand for the existing lottery tickets.
- b)c) Promote equitable access to the benefits of local parks - from places to places to promote physical and mental well-being and to build connections with nature and each other, to job creation, to shade and tree cover, to clean air and water, and more.

**52.53. Support the implementation of the city’s ecological conservation efforts, including the Urban Wildlife Management Plan as well as the Forest and Grassland Ecosystem plans**

The city has an Urban Wildlife Management Plan (UWMP) that guides how Boulder’s urban areas will provide diverse, self-sustaining, native wildlife populations in a manner compatible with basic human needs, social and economic values and long-term ecological sustainability. The city will support state and federal policy that complements the city’s conservation and conflict management efforts, including ones that:

- a) Provide funding for mosquito management to address state or federal public health issues/mandates.
- b) Encourage the evaluation of relocation opportunities for prairie dogs and modify laws to allow prairie dog relocation to willing landowners in other counties without commissioner approval.
- c) In cases where lethal control becomes necessary on land development sites, encourage humane methods for such controls (e.g., restriction of anti-coagulant bait products that cause poisoning of pets and wildlife).



- d) Modify instream flow policy that allows cities to retain the value of water rights while simultaneously conserving native and sport fisheries.
- e) Encourage partnerships between Colorado Parks and Wildlife, municipalities and waste management companies resulting in policies that reduce the accessibility of human food sources to bears in urban areas, reduce human-bear conflicts and improve co-existence.

**53-54. Restore local government authority to regulate certain pesticide uses and provide for additional protections for pollinators, human health and the environment**

Our food system, urban landscaping practices and mosquito and pest management approaches are all heavily pesticide reliant. While pesticides can be effective in killing insects or weeds in the short term, there is now overwhelming evidence that pesticides and other chemical pollutants pose a significant risk to people, particularly children and other non-target organisms such as pollinators, birds and other wildlife. These pesticides can disrupt ecosystems, contribute to biodiversity loss, degrade soil health and destroy habitat. There is also a nexus between pesticide use and climate change. In chemically-intensive agriculture, greenhouse gas emissions result from the use of nitrogen fertilizer, synthetic herbicide and insecticide petrochemicals, fossil fuel consumption associated with extraction, refinement and manufacture of petrochemicals and synthetic fertilizers, and the transportation of materials and products to and from the farm. Moreover, organic regenerative farms are more resilient to climate change due to healthy, living soils that sequester carbon and hold more water, and from increased biodiversity that creates higher functioning ecosystems. Accordingly, the city supports state and federal policy changes that:

- a) **Local Control** - Authorize local governments with the authority, and option to exercise that authority, to regulate pesticide uses and applications on privately-owned lands.
- b) **Human Health and the Environment** - Protect human health and the environment, including impacts to children, pollinators and water quality, from the potential adverse effects of pesticides.
- c) **Education & Research** - Fund increased education or research on alternatives to pesticides and programs that provide increased pesticide-free habitat, sustainable agriculture and preservation of biodiversity.

**54-55. Support efforts that protect the Boulder community from wildfire and promote ecological forest and grassland health**

The city owns and manages thousands of acres of forested and grassland open space and mountain parks land, almost all outside the boundaries of the city but immediately adjacent to residential areas. The health of these grasslands and forests is critical to preventing catastrophic fires and to supporting biodiversity and creating resiliency. Much of this area also protects the city's watershed and water supplies. Historic fire suppression has led to conditions around Boulder that can have a direct impact on wildfire intensity and frequency, habitat function, water quality and recreational values. The city is dedicated to protecting these natural resource values by implementing vegetation management activities that improve the overall ecological health of our grasslands and forests; decrease the risk of high intensity wildfires; maintain and improve habitat for fish, wildlife, and plants; and protect public and private resources. Accordingly, the city will advocate for federal and state policy changes that promote wildfire

mitigation and grassland and forest health/restoration efforts in the wildland/urban interface. More specifically, the city will advocate for:

- a) Resources to mitigate fire dangers that accumulate along ditches impacting multiple public and private entities.
- b) Increased flexibility on periods when prescribed burns can be conducted.
- c) Development of, and support for, an equity-centered workforce program aimed at addressing wildland and wildland-interface fire mitigation.
- d) Firefighting resources that can assist the city and its regional partners in responding to wildfires.
- e) Accelerated utility wildfire mitigation and vegetation management.
- f) Requirements and resources for utilities to underground their wires in high-risk areas, including urban areas where vegetation density is a concern.
- g) Requirements and resources for utilities to have robust and proactive asset management practices to mitigate risk of equipment failure serving as an ignition source.
- h) Resources to conduct fuel mitigation on residential lands.
- i) Resources to address forest health.
- j) Strategic-location of and protection of water resource infrastructure for firefighting purposes.
- j)k) Authority to require disclosure upon sale of wildfire mitigation measures that the seller completed throughout the duration of property ownership.

## Rocky Flats

### **55,56. Continue to fund the monitoring and long-term stewardship of both the Rocky Flats' Central Operable Unit and the Rocky Flats National Wildlife Refuge**

In February of 2006, the Rocky Flats Stewardship Council (RFSC) was formed to focus on the post-closure management of Rocky Flats, the former nuclear weapons plant south of Boulder. Cleanup was completed in 2005, and federal management was divided between the Department of Energy (DOE) and the US Fish and Wildlife Service (USFWS). Ongoing monitoring of the cleanup remedies and groundwater remediation by DOE continues. As the RFSC undergoes a dissolution process, the city maintains interest in the post-closure monitoring and management of the site by federal partners at the DOE and the USFWS.

The city supports the following:

- a) Legacy Management Funding: DOE's Office of Legacy Management (LM) must be fully funded. LM is charged with conducting ongoing monitoring and maintenance, critical steps to ensuring the \$7.5 billion cleanup remains protective of human health and the environment. The city is particularly interested in ensuring continued robust monitoring by DOE for potential surface and subsurface migration of radioactive contaminants, toxic metals, and volatile organic compounds. As needed, funding must be available for additional monitoring and sampling above today's baseline.
- b) Refuge Funding: USFWS' Rocky Flats program, which is charged with managing the Rocky Flats National Wildlife Refuge, must be fully funded. The Refuge is a critical, central piece of land in over approximately 80,000 acres of publicly owned, permanently conserved land. The city

strongly supports continued community dialogue that promotes landscape and collaborative species conservation in the Refuge.

~~e) RFSC Funding: The city strongly supports ongoing DOE funding for RFSC. RFSC provides critical local government and community oversight of Rocky Flats and helps ensure community confidence in the ongoing protectiveness of the cleanup remedies.~~

~~d)c) Land Management: The city remains strongly supportive of the Rocky Flats National Wildlife Refuge Act of 2001, the federal legislation designating Rocky Flats as a national wildlife refuge. Among other requirements, the Refuge Act protects Rocky Flats for its abundant natural resources, while allowing community members at their choosing to recreate on portions of the Rocky Flats National Wildlife Refuge. The Refuge Act also ensures continued federal ownership and ongoing federal management of the historic Rocky Flats site.~~

~~e)d) Federal Responsibilities: The city supports maintaining in perpetuity the current boundaries between the DOE-managed lands and the Rocky Flats National Wildlife Refuge. The DOE lands, called the Central Operable Unit (COU), include the former nuclear weapons manufacturing areas, two landfills, settling ponds, groundwater treatment systems, and water monitoring systems. Maintaining these boundaries helps ensure that the COU, the area of greatest historic contamination, remains separate from the Rocky Flats National Wildlife Refuge.~~

~~f)e) Federal Minerals—Retirement: In the 1950s and in recent years, the federal government has acquired for fair market value various minerals underlying Rocky Flats. Acquisition does not de facto mean that the federal minerals cannot be developed. Accordingly, as provided for under federal law, Congress must pass legislation authorizing DOE to retire its minerals, thereby ensuring they can never be developed.~~

~~g)f) Federal Minerals—Acquisition: The “Rocky Flats Environmental Technology Act of 2005” authorized DOE to acquire “essential minerals.” The November 2018 filing with the COGCC by Highlands Natural Resource Corporation to develop oil and gas resources under the COU and Rocky Flats National Wildlife Refuge brings to light that with new technologies not all of the essential minerals were acquired, thereby leaving Rocky Flats susceptible to future development activities. Congress must provide additional funding for acquisition of essential minerals.~~

~~h)g) Regional Trails: It remains imperative that the development of the Rocky Mountain Greenway comply with all applicable federal and state health and environmental standards.~~

## Tax Policy

### **56-57. Restore, preserve and expand the authority of local governments to audit and collect taxes and to issue sales tax licenses**

The city has an interest in legislative proposals from the General Assembly and specifically those from committees such as the Sales and Use Tax Simplification Task Force. The Task Force has met since 2017 and is approved to meet through July 1, 2026, and is expected to continue its work around matters related to the state’s Sales and Use Tax System (SUTS), business licensing, definitions, exemptions, collection and auditing, all with the eye toward increasing uniformity and thus reducing the burden on businesses. The city will support and help inform the development of reasonable simplification recommendations, while seeking to ensure that any changes allow cities to at least remain revenue

neutral in terms of the revenue they already collect, and do not preempt the city's authority to determine its own tax base, rates, and collection administration.

**57-58. *Preserve the municipal bond federal income tax exemption***

Municipal bonds are the primary way local governments finance infrastructure and have been for over a century. Eliminating the tax exemption would increase the cost to taxpayers for schools, water treatment facilities, libraries, bridges, and many other public projects. The exemption benefits all Americans. It is not a special interest loophole and should not be treated as such. Boulder has used both tax exempt and taxable bonds or long-term leases. Tax exempt financial instruments are used when the project will be for public purposes and taxable instruments are used if there will be private benefit from the financial transaction. Consequently, the benefit of tax-exempt financing accrues directly to the city's tax or rate payers.

## Telecommunications

**58-59. *Expand or preserve the authority of municipalities to regulate the private deployment of cellular wireless facilities and of wired broadband networks.***

The provision of broadband access to ensure every member of the Boulder community has effective access to education, healthcare, professional and other digital resources and engagement opportunities is a core service that government must enable in today's society. Utilizing existing city infrastructure or expanding that infrastructure through public or private funds and making it available for new internet service providers, be they public or private, can create the necessary competition to bring low-cost and high-speed access to our residents, regardless of socioeconomic status.

**59-60. *Preserve and expand benefit programs that help ensure that households can afford the broadband needed for work, school, healthcare and more.***

The city is committed to narrowing the digital divide that prevents any member of our community from accessing high-speed, reliable, affordable broadband internet. About 5 percent of city households currently benefit from a federally funded connectivity program that provides a discount of up to \$30 per month toward internet service for eligible households. The city supports continued funding of this federal program as well as others with similar objectives.

## Transportation

**60-61. *Increase and prioritize transportation infrastructure funding with a focus on maintenance of existing infrastructure and projects that are multimodal in design and that reduce greenhouse gas emissions***

The city supports generating new transportation infrastructure funding tied to road use, including vehicle registration, vehicle weight, car rentals, car shares, retail delivery, gasoline consumption and vehicle miles travelled. It also supports prioritizing use of these and any other regional, state or federal transportation funding to maintain existing infrastructure, for projects that are multi-modal in design, for travel demand management activities that would increase the efficiency of the existing system, for projects that help increase the safety of bicyclists and pedestrians and for other purposes that would decrease the greenhouse emissions from the transportation sector. In particular, the city will support the funding of projects recommended by the Northwest Area Mobility Study (NAMS), specifically; North I-25 bi-directional HOV/Transit lanes and development of an arterial BRT system, including managed lanes, and commuter bikeways, along SH119, US287, 120th Ave, South Boulder Road, Arapahoe/SH7, and SH 42, as well as Broadway/SH93 and 28th Street/US 36 to support local and regional transit.

**61.62. Increase funding for transit operations that results in restoration and expansion of service to the Boulder region**

The city supports generating new transit operations funding tied to road use, including vehicle registration, car rentals, car shares, retail delivery, gasoline consumption and vehicle miles travelled. The city supports prioritizing use of all new transit operation funds for the restoration and expansion of local and regional transit service, including Bus Rapid Transit, on-demand transit, free transit periods during high ozone periods and free transit for youth.

**62.63. Support funding, construction and operation of the Northwest Rail line and the Front Range Passenger Rail line as a means towards its completion**

The Northwest Rail line is a component of RTD FasTracks program that the voters approved in 2004. The “B Line” will eventually connect Denver Union Station to Longmont. It follows the Burlington Northern-Santa Fe rail corridor, roughly parallel to US 36 to Boulder, then SH 119 to Longmont. Today, the B Line only provides rail service from Denver to Westminster, but full build-out would result in commuter rail service passing through Boulder, with a stop at Depot Square Station in Boulder Junction. Completion of this much-delayed line recently became more likely after it emerged as the favored alignment for a shared track with the Front Range Passenger Rail Line between Fort Collins and Pueblo. The city supports RTD’s completion of both the Northwest Rail line as well as the Front Range Passenger Rail Line as a means toward ensuring RTD fulfills its obligation to our region. The city also supports ensuring that rail service along this line include stops at all stations between Denver and Longmont that were identified by the FasTracks plan.

**63.64. Increase transportation access for vulnerable populations, including youth, older adults, those with lower income and people with disabilities**

The city supports policies and funding mechanisms that make transportation more accessible for vulnerable populations, specifically through making it more reliable, affordable, available (e.g., more frequent on-demand options that are closer to the user), and capable of accommodating people with disabilities. The city would specifically support the requirement that all paratransit service providers establish a plan to communicate information and provide paratransit services during emergencies; ensure

that fare collection technology for paratransit services is comparable to that offered for regular or fixed route services; and, if reductions in service areas need to be considered, that they occur after an impact analysis and consultation with affected community members.

**64-65. Encourage “complete streets” that accommodate people using all modes of travel and ensure that new infrastructure investments prioritizeinclude improvements that prepare for the future and provide alternatives to single occupancy vehicle travel**

The city has historically invested in a multimodal transportation system that includes infrastructure and programs supportive of a high level of bicycle, transit and pedestrian travel. Consequently, the city supports legislation that further prioritizes and incentivizes investments in, and technical support for, in the concept of “Complete Streets” where modes are interconnected, and a complete set of options are made available to improve safety, efficiency and mobility for all. The city also supports legislation that promotes sustainable transportation solutions recognizing energy sources, impacts of vehicle miles traveled, connections to land use, urban design, and increased accessibility for all.

**65-66. Encourage the Colorado Department of Transportation’s planning, construction, operations, and maintenance practices to support and implement multimodal and Vision Zero strategies**

The city would support state or federal policy changes and CDOT policy directives in furtherance of prioritizing mode choice, safety on the transportation system and implementation of the city’s Vision Zero Action Plan, including ones that:

- a) Establish mode choice targets for CDOT, metropolitan planning organizations, and transit providers in support of the city’s mode share goals.
- a)b) Increase funding for pavement management and maintenance.
- b)c) Reduce speed limits.
- c)d) Encourage consideration of noise mitigation improvements.

**66-67. Encourage automated vehicle deployment in furtherance of Boulder’s sustainability goals while retaining local authority to address community-specific policy objectives that cannot otherwise be met**

Boulder will support policies that encourage the deployment of automated vehicles (AVs) in Colorado while simultaneously insisting that such deployment promote clean-fueled and safe vehicles that do not sacrifice the safety of other modes of travel, that are pooled/shared and accessible and that lead to a decrease in parking demand and vehicle miles driven when compared to conventional vehicles. Moreover, the city will support policies requiring data sharing between local governments and AV companies in an aggregated and anonymized format that protects consumer privacy and safeguards competitive concerns. Whether the data is shared directly or through a third-party intermediary platform, its sharing is necessary so that local governments can safely integrate these vehicles onto their roadways. Conversely, the city will oppose legislation that either does not further these goals or that denies local government regulatory authority to pursue these goals on its own.

**67-68. Further the city's Vision Zero Action Plan**

The city's Vision Zero Action Plan includes a travel safety objective aimed at eliminating crashes resulting in serious injuries and fatalities. It reflects a national and worldwide approach to innovate and uses a data driven, interdisciplinary approach to improving safety for people using all forms of transportation throughout the community. The city would support state or federal policy changes in furtherance of this objective, including ones that:

- ~~a)~~ Prohibit use while driving of mobile electronic devices unless through a hands free device
- ~~a)b)~~ Support measures to increase penalties for traffic violations that result in death or serious injury to vulnerable road users.
- ~~b)c)~~ Lower blood alcohol content levels for DUIs.
- ~~c)~~ Require mobile phone manufacturers or carriers to offer technologies that reduce inappropriate use while driving.
- ~~d)~~ Implement ~~a statewide one or more~~ "Vulnerable Road User Protection Fee,s" or provide local governments with the authority to so on their own, in the state's 12 most populous counties with the fee tied to weight and/or height and fuel-efficiency of vehicles and with the funds available for transportation system improvements that seek to prevent vehicular collisions with vulnerable road users, such as pedestrians or bicyclists.
- ~~e)~~ Require all new motor vehicles sold in Colorado to be equipped with passive intelligent speed assistance (ISA) technology; require installation of active ISA technology for repeat speeding offenders.
- ~~d)f)~~ Establish national motor vehicle testing and performance requirements that minimize the risk of pedestrian and bicyclist death and injuries, particularly attributed to the weight, design, and height of large SUV's and trucks.

**68-69. Expedite Regional Transportation District transit service restoration and improve the organization's functioning, oversight and governance**

The city supports changes that would improve RTD's financial sustainability, effectiveness in delivering equitable transit services and commitment towards working with local governments to achieve such ends. More specifically, the city will seek to restore local and regional service that was lost during the onset of the pandemic. The city will advocate for the expedited restoration of important local and regional routes (like the FF's) that have been discontinued or suspended, service to Boulder Junction and re-opening of the transit center, and improved frequencies and service spans for routes that have been degraded. More generally, the city will continue to support the recommendations included in the 2021 final report of the RTD Accountability Committee, specifically those that would improve governance ~~through board structural modifications~~, increase financial stability through improved reporting metrics and transparency, and increase services to all riders. The city will also support changes that result in greater local government collaboration and coordination in service planning using RTD's Subregional Service Councils.



**69.70. *Minimize the impact of local airport overflights, noise and pollution on neighboring communities***

The city supports fostering the continued success of local airport business while advocating for policies that would:

- a) Permit local municipalities to adopt reasonable restrictions on airport operations to minimize the impact to local communities during noise-sensitive hours.
- b) Provide state and federal incentives to transition to use of unleaded fuel.
- c) Evaluate airspace along the Front Range to address flight safety and enhanced airspace capacity while minimizing impacts to existing residential areas by aligning flights activities over the most compatible land uses.

## University of Colorado

**70.71. *Provide a renewed commitment by the state and federal governments to fund the University of Colorado and its capital programs and student financial aid***

The City of Boulder has been the proud home to the flagship campus of the University of Colorado since 1876. CU Boulder brings to the city the Colorado Shakespeare Festival; the Conference on World Affairs; the CU Concerts and Artist Series; CU on the Weekends; Science Discovery camps; and access to libraries, museums, athletic events, noncredit courses, and numerous other social and cultural offerings, all of which significantly contribute to the city's economic vitality and cultural vibrancy. The university is not only a local institution, but much of the supply chain is also largely local since the primary services delivered include classroom instruction and research. Additional investments in the local economy include operations, construction, student spending and visitation. The presence of CU Boulder's research facilities and the highly skilled labor force that the university produces compliment the major federal facilities, support satellite institutions, and attract private firms to the city. The university is also deeply connected to and supportive of the broader Boulder business and entrepreneurial community. In light of its extraordinary importance, the city will support state and federal legislation that provides a renewed attention to funding CU, its capital programs (including its large, deferred maintenance backlog), and legislation that supports student financial aid. The city will also support policies that result in increased student housing and mental healthcare.

## Water

**71.72. *Promote the efficient utilization and conservation of water, and preservation of water quality***

Boulder supports policies that promote water conservation, instream flow enhancement and the efficient utilization of water when such policies are structured to also be protective of the city's water rights. It also



supports legislation that promotes the preservation of water quality in a manner that is not unduly burdensome on the operation of the municipal water system or to rate payers. By way of example, the city will support the following:

- a) Mandate incremental improvements in water quality that are supported by the best available science and that consider holistic environmental impacts of wastewater treatment and stormwater management, including potential increases in greenhouse gas emissions and the generation of additional waste.
- b) Address nonpoint source contributions of pollution into our water supplies and support watershed approaches to improving water quality.
- c) Limit the city's liability under the Comprehensive Response, Compensation, and Liability Act (CERCLA) for disposal of residual waste from water and wastewater treatment that contains PFAS or other contaminants that the city did not create.
- d) Limit the introduction of PFAS into waterways and the waste stream by limiting the manufacture and sale of PFAS-containing products.
- e) Remove recently added requirements for water backflow prevention inspection that limit the availability of inspectors necessary to assure city compliance with the Colorado Primary Drinking Water Regulations (Regulation No. 11).

### **72.73. *Protect against significant threats to the city's water rights***

The city's water rights portfolio is arguably one of its most valuable assets and has been developed over the past century in alignment with long-term water supply planning that also considers the uncertainty of climate change impacts on water supply and demand. The city will oppose bills that significantly threaten the city's water rights, both municipal water supplies and water rights held for open space purposes, including but not limited to, bills that attempt to:

- a) Replace the jurisdiction of the water courts with state engineer authority.
- b) Change the prior appropriation system in a manner that is not protective of the city's water rights.
- c) Shift responsibility for augmentation from junior water users to senior water rights owners.
- d) Increase the reliability for junior water rights by decreasing reliability for senior water rights.
- e) Threaten municipal water system or hydroelectric facility operations, the continued historical use of water and irrigation practices on open space properties or the city's water supply infrastructure, including the operation and/or maintenance of irrigation ditches.

Reference	Position in Short	Proposed Change	Rationale (if needed)	Equity Considerations (if relevant)
<b>CLIMATE CHANGE AND COMMUNITY RESILIENCE</b>				
1	Resilience	Reword from “Community Resilience” to “Climate Resilience”	CM Adams requested	
1(b)	Resilience	Added a new provision on wildfire safety operations and PSPSs	CM Speer recommended. Also, the General Assembly’s Wildfire Matters Review Committee has drafted a bill to require the PUC to adopt guidelines by March 2026 for IOU electric utilities regarding PSPSs practices during critical fire weather conditions. These guidelines aim to mitigate negative impacts from deactivating portions of the electric system while ensuring wildfire prevention and safety measures. The bill also mandates that IOUs report their compliance and establish community resource centers during shutoff events.	
1(e)	Resilience	Reworded position formerly on urban forestry to focus more broadly on extreme heat management	Previous position didn’t consider other important aspects of extreme heat management including a perspective of both natural cooling and of built environment options	
1(g)	Resilience	Added new provision in support of efforts to promote climate literacy	CM Adams recommended	
4(a)	Electrical Grid	Added housing densification as an additional rationale for making electric grid investments		
12(b)	Development of end-markets that source	Revised to clean up and add specificity regarding reducing single-use materials		

	recycled materials			
12(i)	Building deconstruction and reuse	Added (i) to indicate support for deconstruction, waste reduction and diversion, and materials reuse in the built environment		
<b>DEMOCRACY</b>				
15	Elections	New position supporting federal role in encouraging other states to adopt Colorado’s best practices in administering elections	CM Speer recommended	
Former 15	Protect elections, elected officials, and the public from artificial intelligence or other sources of misinformation	Strike	Addressed by HB24-1147	
<b>ECONOMIC VITALITY</b>				
18	New position	Support for “minimum wage equity” including flexibility in the application of local minimum wages to tipped workers, a state calculation of tip credit as a	CM Benjamin and Marquis recommended	There are known wage disparities between front and back of

		percentage (rather than a fixed dollar amount) that is tied to wage increases, and lessening barriers for businesses to implement tip-sharing models.		house staff in restaurants wherein tipped front of house workers are making substantially higher overall wages than their non-tipped back of house counterparts. This position enables state-level advocacy to attempt to address these wage equity concerns.
<b>HOUSING AND LAND USE</b>				
21	Funding to support for low-income individuals and families to find and retain housing.	Revised position to include support to maintain housing, not just find and retain housing.	CM Speer recommended. The city engages in supporting the maintenance of housing by giving funding to nonprofits to help families/individuals pay the rent as well as through the Eviction Prevention and Rental Assistance Services Program.	
24	Qualified support for state involvement	Strike (a)–(d) which specified types of policy changes the city would support.	(a)-(d) addressed by: <ul style="list-style-type: none"> <li>• HB24-1152 (ADUs);</li> <li>• HB24-24-1313 (density in transit corridors)</li> <li>• HB24-1304 (parking minimums)</li> </ul>	

	in land use matters	Add requirements for allowing ADUs and farm worker housing in unincorporated county lands.	<ul style="list-style-type: none"> <li>SB24-174 (housing needs assessment)</li> </ul> New language recommended by IA Com	
25	Preventing homelessness	Add (d) creating a state financial incentive for cities and regions that invest in combatting homeless	Recommended by IA Com	
26(h) & Former 34	Increase mental/behavioral health services	Added (h) which captures and generalizes language that existed in former position 34, on Medicaid coverage of behavioral health.		
29	Immigration reform	Added (o) on rapid transfer of licensure especially in field experiencing workforce shortages and (p) supporting protections form human trafficking	CM Speer recommended	
36	Reducing health disparities and promoting equity and wellness	Added language in support of insuring a properly trained workforce of assisted living/care facility workers.	CM Speer recommended	
42	Setting and selection of the type of bond that a criminal defendant can be held on	New position that focuses on removing language that can result in allegedly violent criminals being released on Personal Recognizance (PR) Bonds	IA Com recommended	Research indicates that money bail is a source of racial disparities in the justice system and that Latino

				populations have been disproportionately affected by it. That said, this position would not propose to repeal past bond reform but clarify a provision that is arguably misunderstood
<b>PUBLIC HEALTH AND SAFETY</b>				
50	Prevent gun violence: (f) merchant category code; (h) firearms in sensitive places; (i) permits to sell; (j) expanded conceal carry requirements	Strike to remove reference to such sections.	Addressed by: <ul style="list-style-type: none"> <li>• SB24-065 (Merchant Category Codes)</li> <li>• SB24-131 (sensitive places)</li> <li>• HB24-131 (permits)</li> <li>• HB24-1174 (conceal carry)</li> </ul>	
<b>REGIONAL ENVIRONMENTAL QUALITY, NATURAL RESOURCES AND PARKS</b>				
51	Restore clean air to CO	Added (f) encouraging more federal investment in	Recommended by CM Speer	

		understanding the long-term impacts of sustained exposure to air pollution on public health, particularly among vulnerable populations		
52	Parks and open space	Add language supporting the equitable access to parks and open space	Recommended by CM Adams	
55	Combatting wildfire	Added (k) providing local governments authority to require disclosure upon sale of wildfire mitigation measures taken that were completed during the time that the seller has owned the property.	Legislation to provide such authority under consideration	
<b>ROCKY FLATS</b>				
56(c)	Funding for the Rocky Flats Stewardship Council	Strike - Removing provision related to support for funding of the Rocky Flats Stewardship Council due to impending dissolution of the Council		
<b>TRANSPORTATION</b>				
64	Increasing transportation access	Added language regarding regulation of paratransit service providers	TLRC <a href="#">Bill #6</a> , on Paratransit Services, will be introduced	
65	Complete Streets	Added language indicating support for prioritizing and incentivizing investments in, and technical support for "Complete Streets," inclusive of their value in promoting safety.	CM Schuchard recommended	

66	CDOT	Added language indicating support for CDOT’s adoption of mode choice targets	TLRC <a href="#">Bill #2</a> , Increasing Transportation Mode Choices, will be introduced and require CDOT to adopt rules establishing mode choice targets, which are defined as the share of total trips within a specified geographic area completed using biking, carpooling, public transit, single-occupancy vehicles, or walking. Local governments with a population of 25,000 or more must prepare a mode choice implementation plan every five years, starting on Dec. 31, 2026.	
68(a)	Vision Zero	Strike language on mobile electronic devices while driving	Addressed by SB24-065	
68(b)	Vision Zero	New language on increasing penalties for traffic violations that result in death or serious injury to vulnerable road users	<a href="https://www.thewhiteline.org/about/increased-penalties">https://www.thewhiteline.org/about/increased-penalties</a>	
68(d)	Vision Zero	Revised language on vulnerable roads users protection fee to focus on granting of local option rather than imposing statewide requirement	Governor opposed statewide fee in 2024. TLRC <a href="#">Bill #4</a> , Local Funding for Vulnerable Road User Protection, will be introduced.	
68(e)	Vision Zero	New language in support of passive intelligent speed assistance	<ul style="list-style-type: none"> <li>• <a href="#">NTSB Calls for Technology to Reduce Speeding in All New Cars</a></li> <li>• <a href="#">Your Car May Soon Have to Warn You When You Are Speeding - The New York Times (nytimes.com)</a></li> </ul>	
68(f)	Vision Zero	New language in support of national requirements that minimize risk of VRU death by vehicle, particularly as attributed to weight, design or height/	CM Schuchard recommended and National Highway Traffic Safety Administration rulemaking underway: <a href="#">US seeks new pedestrian safety rules aimed at increasingly massive SUVs and pickup trucks (msn.com)</a>	



69	RTD governance reform	Strike reference to support for board structural modifications and added support for changes that result in greater local government coordination in service planning	More accurately reflects what is politically feasible to advocate for.	
<b>WATER</b>				
72(e)	Water conservation/ water quality	Remove requirements for water backflow prevention inspectors to be certified as plumbers	Legislation anticipated. See Water Resources and Agriculture Review Committee Bill 9 ( <a href="https://leg.colorado.gov/content/jwrarc2024alegislation">https://leg.colorado.gov/content/jwrarc2024alegislation</a> )	



**COVER SHEET**

**MEETING DATE**

**October 24, 2024**

**STUDY SESSION ITEM**

Police Oversight Update

**PRIMARY STAFF CONTACT**

Sherry Daun, Independent Police Monitor

**ATTACHMENTS:**

**Description**

- ▣ **Item 2 - Police Oversight Update**



## STUDY SESSION MEMORANDUM

**TO:** Mayor and Members of City Council

**FROM:** **Nuria Rivera-Vandermyde, City Manager**  
Sherry Daun, Independent Police Monitor  
Victor King, Police Oversight Panel Co-Chair  
Soledad Diaz, Police Oversight Panel Co-Chair

**DATE:** October 24, 2024

**SUBJECT:** Study Session for Police Oversight, October 24, 2024

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### **EXECUTIVE SUMMARY**

For the past five years, the City of Boulder embraced civilian oversight of the Boulder Police Department to ensure that the Boulder community participated in oversight of the Boulder Police Department (BPD). Similar to other municipalities and counties, oversight of BPD brought challenges to the community. One year ago, the City Council updated Boulder's police oversight system when it passed Ordinance 8609.

Boulder City Council authorized the assembly of the Police Oversight Task Force in Spring of 2019 to investigate appropriate oversight of policing in Boulder. In response to recommendations made by the Task Force, Ordinance 8361 was passed in October of 2019, which created the Police Oversight Panel (Panel) and the predecessor to the Independent Police Monitor (Monitor). Since its inception, the Panel was intended to overrepresent populations that historically experienced underrepresentation while also being more at risk for over-policing.

Police oversight in Boulder experienced a tumultuous year in 2023 and continued growth in 2024. In late 2022, the inaugural Monitor resigned and the OIR Group was hired to act as interim Monitor while a replacement Monitor was recruited. At the same time, in early 2023 the City of Boulder also retained consultant Farah Muscadin to work with members of the Panel, community, BPD and legal staff to update the oversight ordinance. The City Council granted the Panel a moratorium to pause core functions to focus on the ordinance update. In August 2023, Sherry Daun began work as the Monitor and in October 2023, Ordinance 8609 passed City Council unanimously.

Since passage of the current ordinance, the Panel resumed their work with the support of the new Monitor. The Monitor responded on scene to critical incidents twice based on authorization granted by the recently passed ordinance. Both the Panel and the Monitor embarked on improved community engagement to inform and educate the Boulder community about police oversight in Boulder, how to file a complaint against BPD and explanations of the complaint and disciplinary process.

The Panel recently updated their bylaws to comply with both their current procedures and the updated ordinance. The new bylaws include the ability to form *ad hoc* committees, which are anticipated to more efficiently and collaboratively address the 2024 annual report, training for Panel members and recruitment and vetting of new Panel members.

Importantly, 2024 experienced a significant increase in complaints against members of BPD. There were 37 cases of misconduct classified in 2023 (2 of which were classified as serious misconduct cases), whereas 66 cases of misconduct (2 of which were classified as serious misconduct cases) have been classified at the conclusion of Q3 2024. This increased volume of cases limits the resources available to pursue other worthy projects, including community engagement and data analysis.

The purpose of this study session is to update the City Council on the work of the police oversight in Boulder. This presentation will address case data from 2023 and 2024 YTD, community outreach by both the Panel and the Monitor, results of policy recommendations, and expectations for 2025.

## **ATTACHMENTS**

Attachment A: Police Oversight 2023 Annual Report





# Police Oversight 2023 Annual Report



# Table of Contents

<b>Letter from the Independent Police Monitor .....</b>	<b>3.</b>
<b>Police Oversight Panel .....</b>	<b>4.</b>
<b>Processes and Procedures .....</b>	<b>8.</b>
Enabling Legislation .....	8.
Panel Member Training .....	9.
Case Investigation Procedure .....	10.
What is a Misconduct Investigation?.....	10.
Case Review Process.....	12.
Quarterly Meetings with the Chief of Police .....	12.
Panel Subcommittees .....	13.
<b>Complaint Data .....</b>	<b>14.</b>
Community Inquiries.....	15.
<b>Case Summaries .....</b>	<b>16.</b>
<b>How to File a Complaint .....</b>	<b>16.</b>
<b>Looking Ahead: Goals for 2024/2025 .....</b>	<b>16.</b>
<b>Challenges for 2024/2025 .....</b>	<b>16.</b>
<i>Appendix I: Boulder Police Department Mission, Vision and Values .....</i>	<i>17.</i>
<i>Appendix II: Boulder Police Department Rules .....</i>	<i>18.</i>
<i>Appendix III: Police Oversight Panel Case Review Process .....</i>	<i>19.</i>
<i>Appendix IV: Boulder Police Department Disciplinary Matrix .....</i>	<i>21.</i>
<i>Appendix V: Case Summaries .....</i>	<i>24.</i>





## > Letter from the Independent Police Monitor

Police Oversight in 2023 developed into both an eventful and exceptional year that resulted in critical changes. I joined the City of Boulder as Independent Police Monitor in August 2023, after the position was vacant since 2022. When I stepped into the role of Monitor, the Police Oversight Panel (Panel) was on moratorium and a new police oversight ordinance was being finalized.

Passage by Boulder City Council of Ordinance 8609 on October 19, 2023 ended the Panel's moratorium and provided necessary clarification. Almost immediately I began preparing for selection of the new Panel members, under the requirements of the new ordinance.

Throughout my first months as Monitor I spent considerable time learning the process and procedures of the entire Boulder civilian oversight system in addition to Boulder Police Department (BPD) policies. The interim Monitor from the OIR Group, members of BPD, especially members of the Professional Standards Unit (PSU), Panel members and many City of Boulder employees generously shared their time and expertise to assist me. I observed police in action while participating in a ride-along, sat with dispatch employees, and walked with the unit assigned to cleanup unauthorized camp sites.

In late September 2023 I participated in BPD's first Force Review Panel where BPD senior staff and I comprehensively evaluated the department's actions in a May 2023 fatal officer-involved shooting. We reviewed the incident beginning with the first call to 911 and concluded with the collection of evidence. In collaboration we discussed not only whether the fatal use of force was within policy, but reviewed the staffing,



*Left:  
Independent  
Police Monitor  
Sherry Daun*

radio communications and tactics deployed and identified areas for additional training.

As I became more familiar with protocol, I recognized areas for improvement within BPD and the oversight system. I recommended that PSU officers register every complaint quickly within their case tracking system. BPD agreed that beginning in January 2024, PSU would register complaints upon receipt, instead of after concluding a preliminary investigation.<sup>1</sup> Implementing this change should improve data on complaints and increase transparency. This change likely will increase the overall number of cases registered in 2024 compared to previous years. BPD also implemented my recommendation that they document whether individuals who complain of misconduct have stable housing, which will be another metric to analyze complaint data for the year 2024. I additionally advised BPD that their policies and training should provide clear guidance for all members to undertake when they become aware of an allegation of police misconduct, so that the complaint can be registered and investigated in a timely manner.

I also recognized that reporting from my office to the public could be improved. In late

<sup>1</sup>Complaints can be incomplete and lack critical information to proceed with investigation (date/location of incident, names of involved parties/officer) and/or could be missing contact information for the complainant.

2023, I began publishing monthly reports that identified newly classified and closed cases in advance of the monthly Panel meetings. This allows members of the public to access monthly Monitor reports, instead of them only being available by watching the monthly Panel meetings. These reports are available through the [Police Oversight Website](#) or through [City of Boulder Central Records archives](#).

On December 17, 2023 I responded on scene to a fatal officer-involved shooting. Although the Monitor previously was expected to respond to this type of scene, my response was the first instance when the Monitor actually appeared on scene. It was clear from this first instance of the Monitor's appearance on scene that

fresh protocols for on scene response would need to be developed in conjunction with the investigating entity, the Boulder County Investigative Team (BCIT).

While reviewing a new case in the last days of 2023, I realized that BPD made significant changes to General Order 203<sup>2</sup> that incorporated recommendations made by the Panel following a 2022 case review. Seeing the tangible results of civilian oversight manifested in recent BPD policy heartened me that Boulder's system of police oversight provided a voice for the community to spark change within BPD. Enjoying new stability of the oversight system and seeing the positive impact provided a hopeful end to an eventful 2023.

## > Police Oversight Panel

The City Council sanctioned an official moratorium of Panel duties outside of previously committed case reviews so that the Panel could focus on the drafting of revisions to the police oversight ordinances. Revisions were needed to clarify the qualifications and vetting of potential Panel members. Review of the ordinance also provided an opportunity to expand the authority of both the Panel and the Monitor regarding their ability to review critical incidents, conduct audits and issue policy recommendations.

A working group with representation from the Panel, the National Association for the

Advancement of Colored People (NAACP), BPD and the City Attorney's Office was led by consultant Farah Muscadin to update the ordinances. This diverse group met weekly over the summer and invited public comment of their draft proposal during community meetings in September 2023.

In 2023 the Panel reviewed 20 case reviews. See Appendix V: Case Summaries for details.

During the Panel's moratorium, they ceased voting on cases for case review. Cases classified during that period were not eligible for review by the Panel.

Serious Misconduct	Misconduct Investigations			
	MI2022-025	MI2022-036	MI2023-003	MI2023-009
SM2022-005	MI2022-025	MI2022-036	MI2023-003	MI2023-009
SM2022-006	MI2022-026	MI2022-037	MI2023-006	MI2023-010
SM2022-007	MI2022-031	MI2022-038	MI2023-007	MI2023-011
SM2023-001	MI2022-035	MI2022-039	MI2023-008	MI2023-012

<sup>2</sup>[G.O.203 – Investigative Responsibility and Case Assignments](#). General Orders (G.O.) are abbreviated throughout this report (i.e., General Order 120 abbreviated to G.O.120).



## Current Panel Members

### Bwembya Chikolwa

Dr. Chikolwa is Senior Manager of Property Tax at Lumen Technologies, Inc. He earned a Ph.D. in Real Estate Investment and Finance in 2008 and is currently pursuing a MS in Organizational Leadership at the University of Colorado, Boulder. Before moving to Boulder, Dr. Chikolwa practiced as a registered Property Valuer in both private and public sectors for over 12 years before joining academia. In 2007, he joined Queensland University of Technology in Brisbane, Australia, teaching and researching property investment and finance, and project and infrastructure finance.

### Victor King

Victor King is a Recovery Coach Manager at Mental Health Partners. A longtime Boulder resident who brings a passion and experiential knowledge of recovery. He is a current member of the 2020-2021 Leadership Fellows of Boulder County.

### Maria-Soledad Diaz

Born in Chile, Soledad studied Social Sciences and Law at Pontificia Universidad Católica de Chile, and Professional Photography at Universidad del Pacifico. She has dedicated her professional life to serving underprivileged communities and has focused her work in equity, social justice and anti-violence work. Currently, Soledad is the Public Policy and Community Impact Director for Violence Free Colorado, Chair of the Community Advisory Board for Downtown Boulder Partnership and is committed through her work in all its different ways and forms, to strengthen our sense of community and become a part of each other's solutions.

### Madelyn S. Woodley

Madelyn Strong Woodley is a Boulder County resident originally from Rosemark Tennessee. She is founder of ECAACE aka the Executive Committee for African American Cultural Events-Boulder County. The organization creates & promotes events geared to educate the community about the African American culture, at its finest. Its cornerstone rests within five pillars; Education, Tribute, Celebration, Solidarity and Service. As chairperson of the NAACP Freedom Fund Committee, she spearheaded the 2023 Celebration with a performance by the Nashville African American Wind Symphony, to a full house at CU's Macky Auditorium. A free event/gift for the Boulder County Community. She is a Retired FedEx Corporate Executive and Division Head, worldwide within the Legal and Regulatory Affairs division. She brings a wealth of knowledge and experience to the City of Longmont and Boulder County Communities. Her law enforcement related background has proven beneficial in her most recent role as a member of the Boulder Police Oversight Task Implementation Team and most recently Panel. As a lifetime member and executive committee member of the NAACP in Boulder County, the core of Madelyn's service endeavors is focused on making valuable contributions that will positively impact her community. She is a board member as well as a Governance committee member of the Longmont Community Foundation. As a charter member of the Longmont Multicultural Action Committee, Madelyn's dedicated service can be realized through her volunteerism and community work of the aforementioned organizations and many others. As a third term board member of the Longmont Housing & Human Services Advisory Board, her involvement promotes the well-being of her Community. Her mantra is "Failure is not an option."

## **Mylene Vialard**

Mylene identifies as a White Woman who is bi-lingual in French and English. Mylene has been a Boulder resident for the last 15 years where she has also raised her daughter in the BVSD school system. Over the past two years, Mylene has been an active member of the Boulder chapter of Showing Up for Racial Justice (BSURJ) where she has been delving into the intricacies of life, culture and policies in Boulder through the lens of engaged antiracism, conversations about racial justice and building relationships with accountability partners such as NAACP, Right Relationship Boulder, and other organizations in Boulder County and Denver. As a single mother, a freelance translator, and a concerned member of the community, Mylene feels it is her duty to be more involved in ensuring that all voices in Boulder are heard and included. She has worked for years as a cultural and language ambassador for francophone countries, but also for other countries around the world. Most recently, she has shifted her attention to a deeper level of civic and local engagement and is looking forward to bringing her experience to the Panel.

## **Jason Savela**

Jason Savela identifies as a white man and been a criminal defense lawyer in Boulder for 20 years. He stays up to date on newer police tactic trainings and does not feel he sees it deployed regularly enough. He believes that change will take time and effort and wants to be an active part of that change. Jason feels he has a positive relationship with Boulder prosecutors, judges, public defenders, and some officers. He wants to work with the Panel and other players to find outcomes that are just and will foster better relationships between officers and community members. Jason's continued education over the last 10 or so years has primarily been about communication, connection, and empathy. He feels he is better able to work on this type of Panel with these skills. Jason has lived and practiced law in the Boulder area for 20 years. Jason has practiced law all over Colorado, with over 3 years as a Public Defender in Colorado Springs and 2 years in Adams County, including handling and trying cases in Hugo, Durango, Georgetown, Ft. Collins, Holyoke, Meeker, Greeley and Denver.

## **Lizzie Friend**

Lizzie Friend was previously the Director of Performance Management and Strategy for the Denver Sheriff Department, a position she held until 2022. She now works for the Denver Department of Public Health and Environment, where she oversees data analytics and informatics, epidemiology, and communicable disease intervention teams. She is passionate about using data to improve government services, increase equity in our communities, and reduce harm. She lives in South Boulder and is raising two kids in BVSD schools.

## **Arlette "AB" Barlow**

A mother of four, Arlette Barlow is a mainstay of Boulder. She serves on the Board at the Dairy Arts Center and on the Board of Trustees at Watershed School where her twin daughters attend middle school. Raised in Europe, the US and before Boulder, New Orleans, she gained a unique perspective on the human condition and sees humanity—in all its struggles and triumphs—as being more similar than different. A ceramicist of 30 years, she recently placed her work in The New Local, a burgeoning center for female artists in Boulder. A transformation coach, she helps people play for their big dreams and facilitates their path to greater belonging in this world. Her biggest joy is guiding people on their journeys of connection. She believes this connection can be strengthened at the community level and is most excited about bringing this worldview to the Boulder Panel.

## Bill de la Cruz

Bill de la Cruz is a facilitator, trainer and developer of community engagement conversations with a variety of constituents. Bill has worked with police departments, first responders, educators in K-12 and higher education, municipalities, healthcare workers, attorneys, nonprofits and human resource agencies in Boulder County and around the state and country. His work is grounded in conversations about ways to enhance and evolve systemic policies, practices and protocols to lead to improved outcomes. Additionally, he supports individuals and groups to resolve conflict and build sustainable skills to transform conflict into learning and growth opportunities. In his work as a consultant, Bill works with organizations and individuals to understand and break through the impacts of bias, judgments and stereotypes in how we see and interact with each other.

## Abigail Franke

Abigail Franke is a law student at the University of Colorado Boulder pursuing her J.D. with a certificate in Racial Justice and Civil Rights. She is the Diversity Equity and Inclusion Executive Editor of the Colorado Law Review vol. 96. Currently she is working in the field of indigent criminal defense and plans to work for the Colorado Public Defender's Office after earning her J.D. Abigail was raised in South Texas before receiving her BA in English from Wake Forest University in Winston-Salem North Carolina and has witnessed a myriad of policing practices. While she is relatively new to the area she hopes that she is able to effectively advocate for better policing practices in Boulder which will serve the Boulder community as a whole.

## Luna Rosal

Luna is descended from Filipino farmers and Mormon pioneers, growing up at the base of the Uintah Mountains in Utah. They came to Boulder to study Religion and Environmental Justice in Naropa University's Interdisciplinary Studies program. They also work for the university under the office for Mission, Culture, and Inclusive Community as a Restorative Community officer and office assistant. A queer and multicultural Pinay, their passions include poetry, dancing, and developing structures that will help us remember our basic togetherness. Their work is grounded in the philosophies of Gloria Anzaldúa, Laozi, and Adrienne Maree Brown, to name a few. Luna looks forward to serving on the Panel with an open heart and fierce compassion.

# > Processes and Procedures

## Enabling Legislation

[Ordinance 8609](#) was adopted by the Boulder City Council on October 19, 2023. The ordinance amended Title 2, Chapter 11 of the Boulder Revised Code, establishing the Office of the Independent Monitor and the Panel and replaced the former Ordinance 8430. The new ordinance clarified the roles and responsibilities of the Monitor, Panel and the Chief of Police.

The Monitor is tasked to review the handling of complaints, to analyze trends in policing and recommend improvements to police practices, and to increase transparency around police oversight. The Panel provides community involvement in police oversight and to ensure that historically excluded communities have a voice in police oversight. The ordinance re-establishes the Panel as an independent entity supported by the Office of the Independent Police Monitor. The Monitor assists the Panel by providing summaries of complaints and complaint investigations, data on monthly statistics, analysis of local policing trends and access to national best practices. The Monitor also organizes and facilitates the training of Panel members. The roles of the Panel include not only the review of completed internal complaint investigations, making recommendations on disposition and discipline for those complaints, but also authorizes the Panel to make policy and training recommendations to BPD. The Panel may also identify analyses that they would like the Monitor to conduct.

The Council authorized the Monitor to review all ongoing internal investigations in real time. The Monitor has access to all complaint records, including body-worn camera footage, and may observe all interviews with subject officers, complainants, and witnesses. The Monitor can make recommendations for additional investigation as well as disposition and disciplinary recommendations at the conclusion of the investigation. The Monitor is also authorized to make policy and training recommendations based on individual cases or trends in complaint allegations. The Monitor is further authorized to conduct analysis of department operations and outcomes to identify and recommend improvements to police policies and practices.

In accordance with the new ordinance, the Chief of Police is required to respond in writing to recommendations made by the Panel or the Monitor. The ordinance created an opportunity for Panel members and the Chief of Police to meet along with the City Manager in the event of serious disagreement over disposition.

Changes were made to the selection process for new Panel members that transferred the appointment responsibility from the City Council to the City Manager. The ordinance specified the qualifications of potential Panel members and identified mandatory inaugural and annual training responsibilities for panelists.

Importantly, this ordinance granted both the Monitor and the Panel the authority to review critical incidents, including officer involved shootings, officer-involved fatalities and incidents of serious bodily injury.

## Panel Member Training

Appropriate training is critical for members of the Panel. In 2023, Panel members received multiple training modules from various instructors.

On March 5, 2023, Panel members, including alternates, received three hours of orientation training that included the following modules: *Boulder City Government Overview*, presented by the City Attorney's Office (CAO); *Police Oversight Panel Responsibilities*, taught by the Co-Chairs at the time; *Police and Human Resources Policy*, presented by the City of Boulder Equity Officer and BPD PSU Sergeant; and *Legal Issues*, taught by the CAO. These trainings were intended to provide Panel members with the fundamental understanding of their responsibilities and obligations not only in regard to service on the Panel, but also as representatives of the City of Boulder in their role as public officials.

The second training session on March 18, 2023 included four hours of training on the *Boulder Police Oversight Panel's Role in the Complaint and Disciplinary Process*, presented by the consultant OIR Group; and *BPD Professional Standards Unit*, taught by a PSU Sergeant. Both seated members of the Panel and alternates attended this training. Together these modules provided Panel members with a deeper understanding of the intricacies and process of the Boulder police oversight system. In addition, they learned details of their role and expectations of case review.

Another training session occurred on April 22, 2023 and included two hours of training on the *History of Civilian Police Oversight*, presented by consultant Farah Muscadin; and *Principles of Accountability*, taught by the OIR Group. Both of these trainings shared deeper history, evolution and principles of different models of police oversight.

Training was interrupted during the Panel's moratorium.

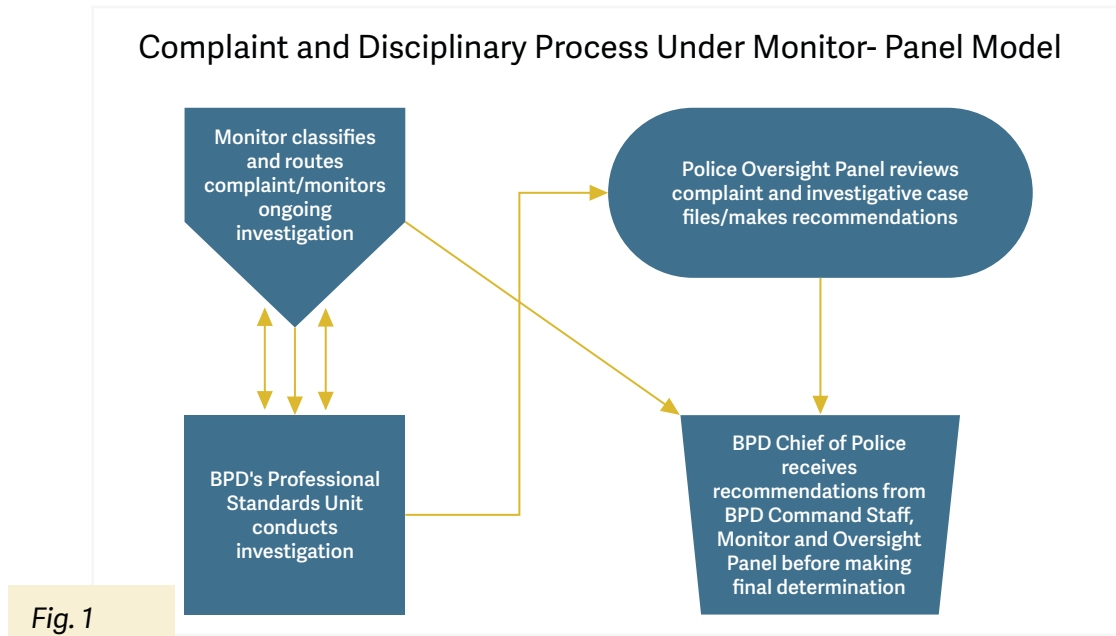
On November 6, 2023, following the passage of the new ordinance, the Panel received training on Ordinance 8609 from consultant Farah Muscadin.

Two members of the Panel, Mylene Vialard and Soledad Diaz, and the Monitor attended the annual National Association for the Civilian Oversight of Law Enforcement (NACOLE) conference on November 12-16, 2023, in Chicago, Illinois. They had the opportunity to learn and connect with other members of oversight bodies and agencies.

## Case Investigation Procedures

The diagram below demonstrates the route a case follows as it is preliminarily investigated by the PSU classified by the Monitor, investigated by PSU, and reviewed by the Monitor, and optional Panel review. The Chief of Police makes the final disciplinary determination after receiving recommendations from the BPD command staff, the Monitor, and the Panel.

### What is a Misconduct Investigation?



The BPD employs a wide range of personnel including sworn law enforcement officers, dispatchers, support staff, animal control officers and code enforcement officers. BPD members are required to comply with all applicable federal, state and local laws and regulations and to comply with BPD's own written Rules and General Orders.<sup>3</sup>

When allegations are registered that a BPD member violated existing law or policy, the BPD PSU conducts a Misconduct Investigation and if the member is found to have violated law or policy, employment discipline can be imposed. Discipline can range from informal coaching/counseling all the way to termination of employment, depending on the seriousness of the violation. Certain violations can result in additional measures, including notification to the District Attorney or the Colorado Peace Officer Standards & Training board.

BPD sworn officers must also comply with specific laws and rules concerning their unique law enforcement powers, including most prominently the ability to use force and make arrests. Accordingly, even if there has been no alleged misconduct, BPD automatically conducts Force Review Investigations when an officer used deadly force (whether or not a death actually resulted), when a person died while in BPD custody (regardless of how the death occurred), or in other Critical Incidents<sup>4</sup> to determine if laws and policy were followed.

<sup>3</sup> See Appendices I and II for BPD Rules and Mission, Vision and Values statements.

<https://public.powerdms.com/Boulder/tree/documents/2265710>

<sup>4</sup> 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.



It is important to note that a Misconduct Investigation is not a criminal investigation into an officer's actions. The Misconduct Investigation is an internal employment and agency process and is therefore governed by a lower standard of proof—preponderance of the evidence. Any investigation into whether the officer's actions violated criminal law is conducted by a separate law enforcement agency in conjunction with the Boulder County District Attorney's Office. This means that even if the District Attorney concludes that there is insufficient evidence to prove a crime beyond a reasonable doubt, the Misconduct Investigation could still find that a preponderance of the evidence shows an officer violated law or BPD policy and is therefore subject to administrative discipline.

Unlike a criminal trial, law enforcement personnel can be compelled by BPD to provide information during a Misconduct Investigation, including sitting for an interview with PSU. BPD members have certain procedural rights, including the ability to have a representative present during an interview, the ability to review evidence in advance of their interview and to receive detailed notice of the misconduct allegations they face.

While in a criminal trial a defendant can be found guilty or not guilty, the following dispositions are possible for allegations of misconduct:<sup>5</sup>

- a. **Exonerated:** The incident occurred, but a preponderance of the evidence shows that member actions were lawful, proper, and/or a justified departure from policy.
- b. **Not Sustained:** An allegation is not supported by a preponderance of the evidence.
- c. **Unfounded:** The preponderance of the evidence shows that member did not commit the alleged act and/or the member was not involved in the incident. This disposition classification may also be used for false allegations or complaints with no basis.
- d. **Sustained:** A preponderance of the evidence supports the allegation that the employee committed an act of misconduct.
- e. **Employee Unidentified:** The investigation could not identify the member who committed the alleged misconduct.
- f. **Administratively Closed:** May be used, with the approval of the Chief of Police and the Office of the Independent Monitor, where the complainant voluntarily wishes to withdraw the complaint, declines to cooperate, or cannot be located, and/or the member named in the complaint is no longer employed by the Boulder Police Department.
- g. **No Finding:** Cases that are, with the approval of the Chief of Police and the Monitor, handled in an alternative manner or cases in which a subject member resigns, and the department, with the approval of the Monitor, elects not to continue the investigation.

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<sup>5</sup>[Boulder Police Department G.O.120](#)

## Case Review Process<sup>6</sup>

To promote both the efficient and thorough review of cases, the Panel decided to create smaller ad-hoc case review groups composed of no less than three Panel members to conduct the full case file reviews. Prior to selecting a case file for review, the entire Panel receives a redacted summary of each case that includes a synopsis of the complaint and investigation. At the Panel's regular monthly meetings, the Panel members vote on each case to determine which cases they will conduct a full case file review. The Panel members then volunteer for which case reviews they would like to be assigned to review.

Upon completion of the investigation, the Monitor provides the case review group members with the entire case file to review and schedules the case review discussion in coordination with the case review group. During the review discussion, the case review group collectively examines the evidence and relevant policy and decides on their recommendation to the Chief of Police on the case disposition (Sustain, Exonerate, Not Sustain, Unfound, Administratively Close). If they sustain an allegation(s), the case review group then applies the BPD's disciplinary matrix to determine a disciplinary recommendation.

The case review group communicates their recommendations and any additional observations to the Monitor, who then drafts a finding letter to the Chief of Police based on the Panel's conclusions and recommendations. The Monitor then provides the draft finding letter to the case review group. The case review group reviews the finding letter, determines if they want to make any adjustments to the drafting of the letter, and then approves the letter. The Monitor forwards the finding letter to the BPD on behalf of the case review group.

### Quarterly Meetings with the Chief

The Panel met in 2023 for a quarterly Meeting with the Chief of BPD on one occasion, April 26, 2023, when Deputy Chief Redfearn attended on behalf of Chief Herold. The meeting was open to the public virtually. Mid-year Meetings with the Chief were paused when the Panel was on moratorium. Another meeting was scheduled for December 6, 2023, but was cancelled due to Chief Herold's inability to attend due to a health issue.

These Meetings with the Chief resumed in 2024 and provide the Panel the opportunity to directly ask questions of the Chief of Police on topics relevant at the time of the meeting. The Panel has the opportunity to learn more about upcoming BPD initiatives, processes and trends.

Meeting times and directions for how members of the public can observe the meeting will be posted in advance on the Panel's website: <https://bouldercolorado.gov/police-oversight-panel>.

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<sup>6</sup> See Appendix III for additional details about the Panel's case review process.



## Panel Subcommittees

In the Police Oversight Panel's by-laws, the Panel established the following subcommittees.

During the Panel's moratorium the subcommittees effectively ceased meeting.

### **2023 Governance Committee, Hadasa Villalobos (chair) and Daniel Leonard**

The Governance Committee is responsible for evaluating and presenting any potential amendments to the Panel for approval. Additionally, the Governance Committee is responsible for ensuring compliance of the Panel to these Bylaws and Ordinance 8609. The Governance Committee will work with the Monitor to lead the creation and implementation of training and development of the Panel to effectively carry out its duties and responsibilities. The Panel will further develop their own agendas, duties, and responsibilities in this section through the Governance Committee.

Due to the passage of Ordinance 8609, the Governance Committee intends to update the Panel bylaws accordingly and finish drafting sections of the bylaws that were uncompleted.

### **2023 Community Engagement and Communications Committee, Victor King (co-chair), Mylene Vialard (co-chair), Soledad Diaz (co-chair)**

The Community Outreach and Communications Committee will work with the Monitor to develop and lead the Panel's communications and engagement with the community. The Panel will further develop their own agendas, duties, and responsibilities in this section through the Community Outreach and Communications Committee. This committee will work with the City of Boulder's Communications and Engagement Department to facilitate the release of any public statements by the Panel.

The Community Outreach and Communications Committee helped host multiple engagement sessions for the community to share their thoughts about the proposed ordinance in-person on June 21 and September 20, 2023, and a virtual meeting on September 18, 2023.

### **2023 Legacy Review Committee, Bwembya Chikolwa (chair), Hadasa Vilallobos, Jason Savela, Lizzie Friend**

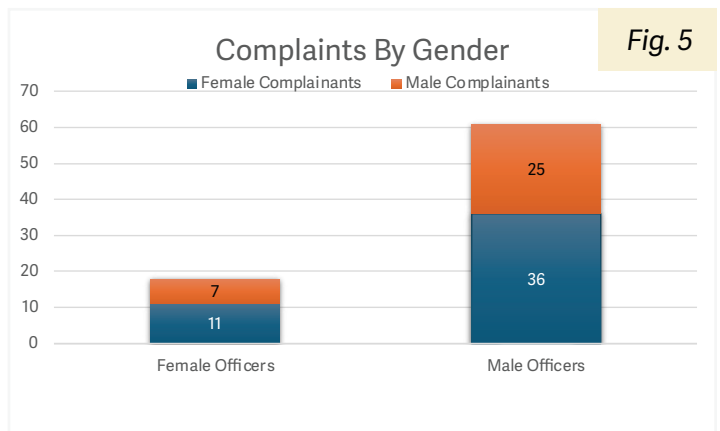
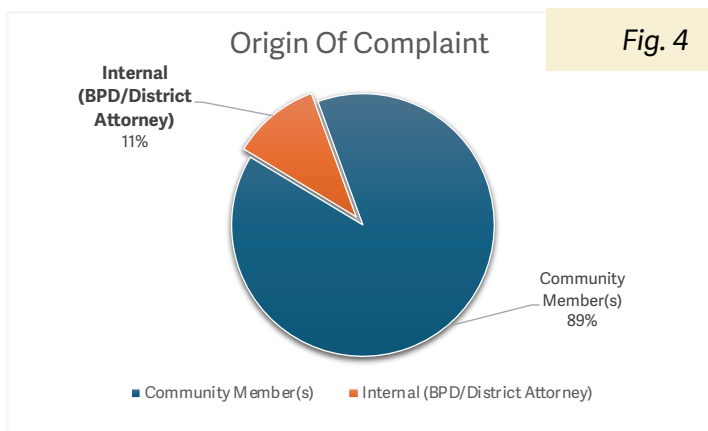
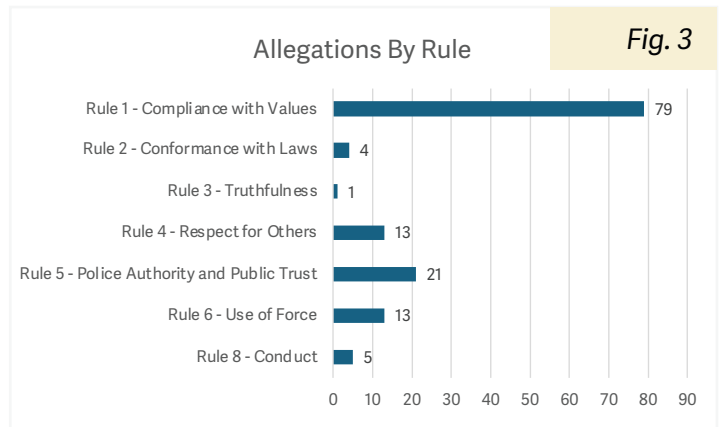
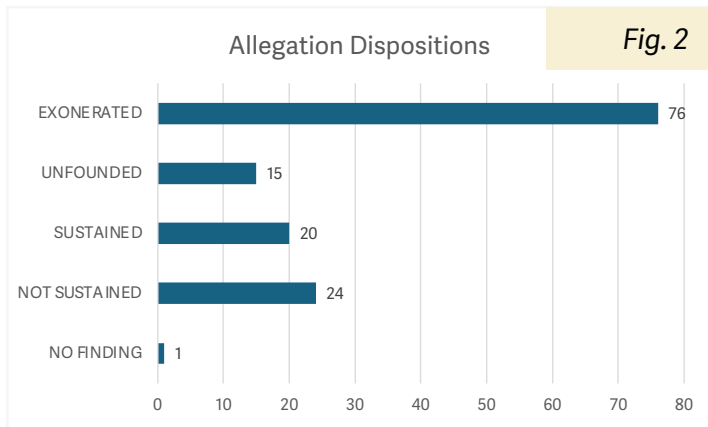
This committee will consider whether to actively reinforce or to reimagine policies with reflective hindsight, noting that the historical definition of the word legacy signifies items that are handed down from one period of time to another, and are specifically designed to take the time and space to dialogue, process, and put forward remedies to cauterize the intergenerational trauma that still exists from overt racism and covert white supremacy that continues to be perpetrated within and by many systems. The Panel acknowledges and respects that it cannot go back and change the decisions or outcome of a prior investigation, but the Panel can and should embrace opportunities to provide ethical and multicultural insight into past practices that actively hold the potential of harm to negatively impact Boulder community members today. The Legacy Review Committee can request data captured or maintained by BPD and City to conduct analysis and review of past or current trends to make policy recommendations. Any research or insights will be presented to the Panel in a public meeting for recommended policy changes.

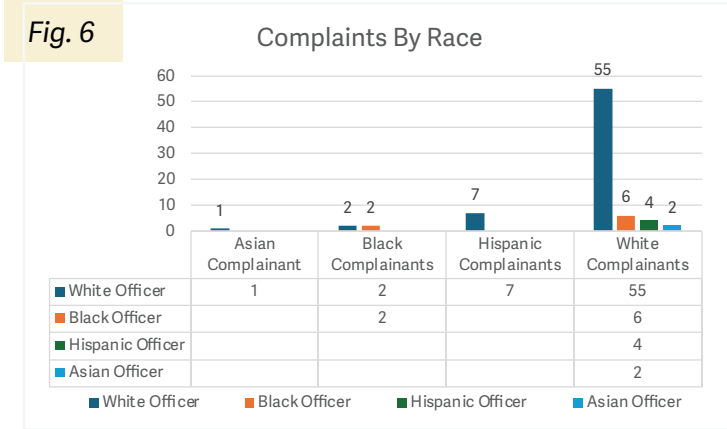
# > Complaint Data

January 1 – December 31, 2023

Thirty-seven complaints were classified in 2023 involving 136 separate allegations. Thirty-five complaints were classified as Misconduct and two complaints were classified as Serious Misconduct. Of the 136 allegations, 20 were Sustained, representing a sustained rate of 14.7%.

- **Rule 1 – Compliance with Values, Rules and General Orders**  
79 allegations; 40 Exonerated; 18 Not Sustained; 12 Sustained; 8 Unfounded; 1 No Finding
- **Rule 2 – Conformance with Laws**  
4 allegations; 1 Exonerated; 1 Not Sustained; 2 Sustained
- **Rule 3 - Truthfulness**  
1 allegation; 1 Sustained
- **Rule 4 – Respect for Others**  
13 allegations; 5 Exonerated; 3 Not Sustained; 1 Sustained; 4 Unfounded
- **Rule 5 – Police Authority and Public Trust**  
21 Allegations; 18 Exonerated; 1 Not Sustained; 2 Exonerated
- **Rule 6 – Use of Force**  
13 Allegations; 12 Exonerated; 1 Not Sustained
- **Rule 8 - Conduct**  
5 Allegations; 4 Sustained; 1 Unfounded





Of the 136 allegations of misconduct in 2023 cases, there were 16 allegations (below) where the Panel and/or Monitor disposition recommendations differed from the BPD Chief’s final disposition decisions. Effectively, the Panel and/or Monitor agreed with final BPD dispositions on 88% of the allegation. In a separate case, SM2023-001, the Panel was in agreement with BPD’s Sustained findings, but the Panel recommended an 8-Day Suspension when BPD suspended the officer for 7 days.

Case Number	Panel	BPD Chief	Monitor
<b>MI2023-003</b>	Sustained	Exonerated	Sustained
	Sustained	Exonerated	Not Sustained
	Sustained	Exonerated	Sustained
	Sustained	Exonerated	Sustained
	Sustained	Exonerated	Not Sustained
<b>MI2023-004</b>	Not Sustained	Exonerated	
	Not Sustained	Exonerated	
	Not Sustained	Exonerated	
	Not Sustained	Exonerated	
<b>MI2023-012</b>	Not Sustained	Exonerated	
<b>MI2023-013</b>	Exonerated	Not Sustained	
<b>MI2023-021</b>		Exonerated	Not Sustained
<b>MI2023-022</b>		Exonerated	Unfounded
<b>MI2023-028</b>		Exonerated	Not Sustained
<b>MI2023-034</b>	Not Sustained	Sustained	
	Sustained	Not Sustained	

**Community Inquiries**

In 2023, 6 submissions were classified as Community Inquiries by the Monitor. A Community Inquiry is defined by BPD as an allegation or concern regarding department policies, procedures, protocols or actions and complaints regarding employee actions that were within policy and law.

## > Case Summaries

[See Appendix V for more detail about case summaries.](#)

## > How to File a Complaint

Members of the public can file complaints against members of the Boulder Police Department through multiple avenues:

- On-line complaint form.
- Independent Police Monitor, [303-413-7859](tel:303-413-7859), [dauns@bouldercolorado.gov](mailto:dauns@bouldercolorado.gov)
- Boulder Police Professional Standards Unit, [303-441-3312](tel:303-441-3312), [PSU@bouldercolorado.gov](mailto:PSU@bouldercolorado.gov)
- [PoliceOversightPanel@bouldercolorado.gov](mailto:PoliceOversightPanel@bouldercolorado.gov)

Complaints can also be registered in the lobby of the Boulder Police Department or Penfield Tate II Municipal building.

Anonymous complaints are permitted. The more information provided, the better – especially the date, time and location of the incident. Complaints can be filed without knowledge of the identity of the officer(s).

## > Looking Ahead: Goals for 2024/25

- Develop a public dashboard to track the status of complaints
- In conjunction with BPD, developing a tracking mechanism for recommendations made to BPD by the Monitor or Panel
- Develop updated protocol with the Boulder County Critical Investigative Response Team to ensure access by the Monitor to the scene of critical incidents
- Develop relationships with key stakeholders and improved community engagement
- Update the Panel bylaws
- Create a comprehensive complaint review guide that includes protocol for the review of critical incidents

## > Challenges

Increasing complaints are consuming resources and impacting other important areas of work including community engagement and data analysis.

# > Appendix

## Appendix I: Boulder Police Department Mission, Vision and Values

### VISION STATEMENT

The Boulder Police Department strives to be a premier law enforcement agency and a model of excellence in policing by creating partnerships, building trust, reducing crime and improving the quality of life in our community.

### MISSION STATEMENT

Partnering with the Community to Provide Service and Safety

### VALUES

#### **Customer Service**

We are dedicated to exceeding the expectations of our community and our co-workers by demonstrating consistent and professional service with a solution-oriented approach.

#### **Respect**

We champion diversity and welcome individual perspectives, backgrounds and opinions. We are open-minded and treat all individuals with respect and dignity.

#### **Integrity**

We are stewards of the public's trust and are committed to service that is transparent and consistent with city regulations and policies. We are honorable, follow through on our commitments and accept responsibility.

#### **Collaboration**

We are committed to organizational success and celebrate our shared dedication to public service. We believe community collaboration and the sum of our individual contributions leads to great results.

#### **Innovation**

We promote a forward-thinking environment that supports creativity, calculated risks and continuous improvement. We embrace change and learn from others in order to deliver leading edge service.

#### *We Value:*

- Public Trust
- Accountability to the Law
- The Rights of all People
- Courage and Selfless Honor
- Personal and Organizational Integrity
- Excellent Service
- Respect for our Community and One Another
- Our Employees and their Service to our Community

## Appendix II: Boulder Police Department Rules

### 1. Compliance with Values, Rules, and General Orders

Except as otherwise approved by the Chief of Police, members of the department perform their duties in accordance with city and department rules, policies, and procedures, and conduct themselves within the framework of the department's values.

### 2. Conformance with Laws

Members obey the laws of the United States of America and of any state or local jurisdiction. Employees have a duty to report any custodial arrest, criminal summons or receipt of a restraining/protection order they are served to an on-duty supervisor. A conviction for violation of law is prima facie evidence of a violation of this rule.

### 3. Truthfulness

Members are truthful in matters associated with or related to department business or responsibilities, except as recognized for legitimate investigative purposes.

### 4. Respect for Others

Members treat others with fairness and respect.

### 5. Police Authority and Public Trust

Members are entrusted to effectively, helpfully, and non-abusively use the authority and public trust vested in them. Members do not take any police action which they know, or reasonably should know, is not in accordance with the law, and always use their position and credentials appropriately.

Members appropriately utilize city equipment, resources, and public monies.

### 6. Use of Force

Members only use a level of force that is lawful and reasonable under given circumstances.

### 7. Adherence to Orders

Members obey lawful orders and directives.

### 8. Conduct

Members use reasonable judgment and refrain from conduct which reflects unfavorably on the department. This type of conduct includes that which:

- a. causes embarrassment to the department or its members, or compromises the department's reputation;
- b. reflects discredit upon the individual as a member of the department; or
- c. tends to impair the operation, effectiveness, credibility, or efficiency of the department or its members.

### 9. Cooperation in Investigations

Members assist and cooperate with any department-authorized investigation.

### 10. Security of Police Information

Members treat the official business of the department as confidential. Members do not:

- a. access, disseminate, or remove any official report or record for other than authorized purposes;
- b. communicate any information which may jeopardize an investigation, arrest, police action, or prosecution, or which may aid a person to escape, destroy, or remove evidence; or
- c. communicate any information which may endanger the safety or well being of others or jeopardize the operation of the department.

## Appendix III: Police Oversight Panel Case Review Process

### Redacted Screening Process

When the Monitor provides the initial case summaries to the Panel, all names and personal identifiers are redacted. This is a preliminary measure intentionally designed to ensure contemplative thought regarding the substantive nature of the complaint as well as prevention of any potential for name recognition or power differential dynamics that may trigger a positive and/or negative bias associated with any of the parties.

### Case Review Voting

During their open monthly Panel meeting, if a quorum of the Panel is present, the Panel will vote on whether to move forward with a full case file review. An affirmative vote of the majority of the panelists present at the meeting results in a complaint being assigned for review by at least three panelists. If further discussion is needed pertaining to the deliberation or voting process that contains sensitive information, a motion will be made, seconded, and approved by a majority of present panelists for a closed session, at a future time. The Monitor will inform the complainant of the Panel's determination of whether to conduct a full case file review.

### Identification Restoration

Once complaints are accepted or rejected for further review, their identifiers will be restored within a closed session, so panelists can gauge and/or inform fellow panelists whether a conflict of interest exists as defined in Title 2, Chapter 7 of the Boulder Revised Code. If a conflict of interest is present with any parties listed in the complaint, panelists will recuse themselves.

### Unaccepted Case Reviews

Complaints that are not accepted for further review by the Panel will be logged internally by the Monitor within 72 hours and have their case number and rule violation recorded in subsequent public reporting. The Monitor will capture the vote tally for a complaint's rejection to maintain public transparency. Rejection factors have yet to be developed by the Panel.

### Preparing for Full Case File Review of Complaints

The Monitor informs the panelists that a case is ready for review and requests that panelists volunteer to join a full case file review. No full case file review of a complaint shall be completed with fewer than three panelists. If three panelists do not volunteer, the co-chairs and/or Monitor appoint panelists to case reviews. The Monitor assists in the production of all confidential case file materials to committee members in accordance with Ordinance 8609.

### Disposition and Recommendations

The Panel's recommended disposition and disciplinary recommendations will include an analysis of the complaint's validity, the PSU review, and a recommendation of appropriate next steps of corrective and/or disciplinary actions. The Monitor documents the Panel's analysis and recommendations and transmits them to the Chief of Police after the Panel's case review group approves the language. If the Panel determines that an investigation is incomplete, the Panel shall direct the Monitor to recommend additional investigation by the Professional Standards Unit, in accordance with Ordinance 8609.



## Communication of Final Decision

The Monitor will notify the complainant of the outcome via email, phone call, or postal mail if the complainant provided their contact information and preference. A summary of the Panel's findings and recommendations will be included in the Panel's annual public report to the city manager and Chief of Police, in accordance with Ordinance 8609.

## Corrective Action Provision

If the Panel's review of a case file leads the Panel to conclude that an allegation should be sustained, the Panel will recommend corrective action consistent with the department's disciplinary matrix and may also include recommendations for changes to systems or training. The disciplinary recommendations by the Panel's case review committees include all options in the BPD's disciplinary matrix, including suspension and/or termination of employment. In some instances, an egregious violation may also have legal implications, subjecting the police officer and/or BPD to civil or criminal penalties, fines or other sanctions such as mandatory reporting to Internal Affairs, the Federal Bureau of Investigations, and/ or the Department of Justice.





**Appendix IV: Boulder Police Department Disciplinary Matrix****General Order 120****Appendix B. Corrective and Disciplinary Action Matrix**

<b>Respect for Community and One Another</b>		<b>Corrective Action</b>					
		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
Rule 4 Respect for Others		X	X	X			
Rule 7 Adherence to Orders	Minor Impact*	X	X				
	Significant Impact*			X	X	X	X
Perform Required Duty	Minor Impact*	X	X				
	Significant Impact*			X	X	X	X
Rule 8 Conduct	Minor Impact*	X	X				
	Significant Impact* or Repeated Minor		X	X	X	X	X
Uniform, equipment, grooming, and appearance		X	X				
Rule 1 Compliance with Rules, Values, and General Orders	Minor Impact*	X	X				
	Significant Impact*			X	X	X	X
Attendance (court, required training, etc.)		X	X				

<b>The Rights of All People</b>		<b>Corrective Action</b>					
		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
Sexual Harassment			X	X	X	X	X
Pursuit Violation	Minor	X	X	X			
	Egregious or Repeated			X	X	X	X
Rule 6 Use of Force	Unnecessary	X	X				
	Excessive		X	X	X	X	X
In-Custody Care			X	X	X	X	X

<b>Integrity</b>		<b>Corrective Action</b>					
		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
Rule 5 Police Authority and Public Trust	Minor Impact*	X	X				
	Significant Impact*			X	X	X	X
Rule 10 Security of Police Information	Minor Impact*	X	X				
	Significant Impact*			X	X	X	X
GO 101 Civil Rights, Racial Profiling, Biased Policing			X	X	X	X	X

<b>Protection of Public or Private Property</b>		<b>Corrective Action</b>					
		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
Lost Property	Negligence	X	X				
	Reckless		X	X	X	X	X
Damage to Property	Negligence	X	X				
	Reckless		X	X	X	X	X
Intentional Destruction of Property				X	X	X	X

*\*Impact includes the potential impact  
See the Corrective Action key and application direction on the next page.*

<b>Public Trust/Accountability to the Law</b>		<b>Corrective Action</b>					
		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
Rule 3 Truthfulness						X	X
Rule 9 Cooperation in Investigations			X	X	X	X	X
Rule 2 Conformance with Laws (Misdemeanor or Felony)				X	X	X	X
Rule 2 Conformance with Laws (Minor Traffic/Pos)		X	X				
Tampering with Evidence						X	X
Corruption						X	X

Corrective and Disciplinary Action					
A	B	C	D	E	F
**Training/ re-education through supervisory counseling	Written reprimand or mediation	Transfer, demotion, and/ or 1- to 2-day suspension	Transfer, demotion, and/ or 3- to 5-day suspension	Transfer, demotion, and/or 6- to a 10-day suspension	Termination or suspension beyond ten days

*\*\*Training/re-education may be mandated in addition to corrective or disciplinary action.*

*Second and subsequent similar violations within 24 months can be enhanced to the next highest category.*

*Mitigating and aggravating circumstances should be considered before imposing corrective or disciplinary action.*



## Appendix V. Case Summaries

### Case Appendix

The following Case Appendix captures the outcome of each case that either the Independent Police Monitor or the Police Oversight Panel reviewed in 2023, including cases classified in 2022.

SM2022-005	
Origin	Community Member, Internal
Race/Ethnicity	White/Not Hispanic or Latino
Summary	During 2020, Officer 1, who was serving as Officer 2's training officer, engaged Officer 2 in conversation about whether she was single, Officer 2's appearance, the state of Officer 1's marriage, and sex acts Officer 1 wanted to have with Officer 2. Following completion of Officer 2's training, Officer 1 had additional inappropriate interactions with Officer 2.
Allegations	Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders/General Order 138 Training and Career Development Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders/Integrity Value Officer 1: Rule 4 (Respect for Others) Officer 1: Rule 8 (Conduct that Reflects Unfavorably on the Department)
Panel Disposition Recommendations	Officer 1: Sustained/Termination Officer 1: Sustained/Termination Officer 1: Sustained/Termination Officer 1: Sustained/Termination
BPD Chief Outcome	Officer 1: Sustained/Termination Officer 1: Sustained/termination Officer 1: Sustained/Termination Officer 1: Sustained/Termination (Officer 1 resigned 2/16/23)
Panel Policy Recommendations	The BPOP recommended that: 1. The city revise and update its Non-Discrimination and Anti-Harassment Policy (last revised on October 15, 2014) to include provisions regarding mandated reporters (of sexual harassment allegations); 2. The city revise and update its Non-Discrimination and Anti-Harassment Policy to include how departments and/or the city will respond to allegations of sex harassment and descriptions of the investigative process and retribution protections; and 3. The BPD assign multiple training officers to each new officer
Policy Response	1. The BPD is currently developing an internal sexual harassment policy to meet Commission on Accreditation for Law Enforcement Agencies (CALEA) accreditation. The BPD will share the draft with the BPOP. 2. The city's equity manager referred the BPOP's recommendations regarding city policy to the city's HR Department. 3. The BPD's police officer training program (PTO) already mandates three different PTO officers train new officers.

SM2022-006	
Origin	Internal
Race/Ethnicity	White/Not Hispanic or Latino
Summary	In 2022 and possibly earlier, Officer 1, a sergeant and police training sergeant: 1) sexually harassed Officer 2 by making two comments to her on different dates of a sexual nature (suggesting that the Officer 2 tell others that the sergeant was good in bed because of rumors they were involved and making a reference to Officer 2 not having had sex); 2) had a sexual relationship with Officer 2 that he did not report; and 3) had a sexual relationship with Officer 4 that he did not report and while Officer 4 was receiving on-the-job training as part of the PTO program.
Allegations	Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/Boulder Non-Discrimination and Anti-Harassment Policy Officer 1: Rule 4 (Respect for Others) Officer 1: Rule 8 (Conduct) Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/Boulder Nepotism Policy Officer 1: Rule 4 (Respect for Others) Officer 1: Rule 8 (Conduct) Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/Boulder Nepotism Policy Officer 1: Rule 4 (Respect for Others) Rule 8 (Conduct)
Panel Recommendations	Officer 1: For all allegations, sustained/termination/do not rehire
BPD Chief Outcome	Officer 1: For all allegations, sustained/termination (Officer 1 resigned 10/28/22)
Panel Policy Recommendations	1. The department should retrain its employees on issues involving sex, dating, gender, sex/gender identity and sex/gender preferences in a way that is consistent with Boulder's values, policies, and 2023 workplace best practices. 2. The department should establish a fully anonymous tip line for officers to report their concerns, their negative encounters, or any issues with the way their gender, sex, or private relationships are discussed in the workplace. 3. G.O. 138 Training and Career Development, Training Conduct Acknowledgement Form should permit trainees with whom a trainer or PTO attempts to establish a personal relationship to notify Training or PTO leadership anonymously. 4. The city should update its Nepotism Policy, which the city last revised on August 31, 2009, and clarify its definition of "supervise" (see section V.A), i.e., rank and/or direct chain-of-command, who is an "employee affected" (see section V.B), and clarify whether subordinate employees are required to make notifications regarding a supervisor-subordinate relationship.
Policy Response	1: This is a valid point and as the BPD looks at its required training calendar for the remainder of the year, the BPD will see how best to integrate such training in its in-service training.

	<p>2. The department can look into this and also look into what existing systems are in place throughout the city and human resources. If there are existing ways to make anonymous complaints, we will ensure that these are shared internally with employees as they may not be well-known.</p> <p>3. The BPD is in the process of attaining its Commission on Accreditation for Law Enforcement (CALEA) accreditation and is revising all of its policies. The BPD will evaluate its current PTO policy to see if it can integrate this recommendation, assuming it meets CALEA standards.</p> <p>4. The City Attorney's office is examining the Nepotism Policy.</p>
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SM2022-007	
Origin	Community Member
Race/Ethnicity	White
Summary	<p>Two individuals called 911 regarding an intoxicated man harassing people in front of a 7-Eleven and liquor store. Officer 1 drove past the man, who chased after officer 1's patrol car. When officer 1 parked, the man had removed his shirt and confronted the officer, yelling at him. Officer 1, drew and aimed his Taser at the man, and asked the man to relax and sit down and warned the man that if the man stepped towards Officer 1, Officer 1 would fire his Taser at the man. The man took a step towards Officer 1 and Officer 1 fired his Taser at the man. The projectile struck the man but was ineffective; Officer 1 fired a second round and the man fell to the ground. Back-up officers handcuffed the man. The man filed a complaint and in addition to complaining about the arrest and use of force, complained that officers did not explain the reason for the arrest, the accuracy of the incident report, and did not provide him with Miranda warnings.</p>
Allegations	<p>Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/Customer Service Value— did not provide explanation for stop and subsequent arrest</p> <p>Officer 1: Rule 6 (UOF)/General Order 225 UOF</p> <p>Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/GO 200 Discretion, Arrest Standards, and Enforcement Action; arrest without probable cause</p> <p>Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/GO 240 In-car Cameras, Body Worn Cameras, and Personal Recording Devices—turned off BWC for conversation with Officer 2</p> <p>Officer 1: Rule 1 (Compliance with Values, Rules and General Orders)/GO 201 Report Writing— did not prepare an accurate incident report</p> <p>Officer 2: Rule 1 (Compliance with Values, Rules, and General Orders)/Customer Service Value-did not provide explanation for arrest</p> <p>-Rule 1 (Compliance with Values, Rules, and General Orders)/GO 240 In-car Cameras, Body Worn Cameras, and Personal Recording Devices— muted and angled BWC for conversation with Officer 1</p>

	<p>Officer 2: Rule 1 (Compliance with Values, Rules, and General Orders)/GO 405 Investigative Process—did not provide Miranda warnings</p> <p>Officer 3: Rule 1 (Compliance with Values, Rules, and General Orders/GO Investigative Process— did not provide Miranda warning</p>
Panel Recommendations	<p>Officer 1: Exonerated Exonerated (2-1) Exonerated (2-1) Sustained Not Sustained (2-1)</p> <p>Officer 2: Exonerated Sustained Exonerated</p> <p>Officer 3: Exonerated</p>
BPD Chief Outcome	<p>Officer 1: Exonerated Exonerated Exonerated Not Sustained Not Sustained</p> <p>Officer 2: Exonerated Not Sustained Exonerated</p> <p>Officer 3: Exonerated</p>
Panel Policy Recommendations	Because Officer 1 may have avoided using his Taser had he more effectively communicated with the man and used additional de-escalation tactics, the BPD should revisit its customer service and de-escalation training to improve officers' interactions with individuals, especially those whom they perceive to be intoxicated, on drugs, and/or appear to be having a mental health episode
Policy Response	The BPD will conduct a tactical review of the incident, which will include a refresher on body-worn camera policy and integrating communications assessment and tactics (ICAT)

MI2022-025	
Origin	Community Member
Race/Ethnicity	Not Disclosed/Unknown

Summary	Two individuals (boyfriend and girlfriend) who live together argued and had a physical confrontation. Both independently called police. Separately responding units located the boyfriend and the girlfriend at different locations. The boyfriend reported that his girlfriend bit him, tried to stab him, and used pepper spray against him. The girlfriend reported that her boyfriend hit her in the head and put her in a chokehold, causing her to lose consciousness for 12 minutes. (Dispatch had informed officer 1 that the girlfriend had a knife in her purse.) Officer 1, who located the girlfriend, ran after her from behind (she did not respond to his calls), grabbed her arm and wrist, took the purse, and forced her to sit on the ground. Officer 1 recovered from the girlfriend a paring knife and a can of mace. The boyfriend had visible injuries. Officers separately interviewed the two individuals and officer 2 determined to arrest the girlfriend.
Allegations	Officer 1: Rule 6 (Use of Force)/General Order 225 Use of Force  Officer 2: Rule 1 (Compliance with Values, Rules, and General Orders)/General Order 313 Domestic Violence Response—did not make an arrest
Panel Recommendations	Officer 1: Exonerated  Officer 2: Exonerated
BPD Chief Outcome	Officer 1: Exonerated  Officer 2: Exonerated
Panel Policy Recommendations	1. The Crisis Intervention Response Team should be available to respond with BPD officers seven days a week, 24 hours per day, and that the BPD work with city government to make this best practice a reality, and 2. BPD should consult with domestic violence experts and other police departments' domestic violence policies to ensure that BPD General Order 313 Domestic Violence Response, last reviewed on January 19, 2016, reflects current best practices.
Policy Response	1. BPOP should work with Boulder's equity manager. • HHS/CIRT supervisor is assessing call volume to ascertain resource need and possible budget request. 2. The BPD's domestic violence procedure is consistent with best practices but, as part of the BPD's CALEA accreditation, BPD will be re-evaluating policies and including any innovative updates.

MI2022-026	
Origin	Community Member
Race/Ethnicity	White/Not Hispanic or Latino
Summary	Officer 1 is the landlord of a building that is not located in Boulder. During a discussion about parties and property damage, a tenant and his father claimed that the landlord identified himself as a BPD officer and stated that he was going to have his friends or people drive by the property and check out the building, i.e., making an implicit threat.



	<p>Officer 1 admitted that he had told the tenant at an unspecified time that he was a BPD officer but denied that he ever mentioned in this conversation that he or his friends would drive by the property and check out the building.</p> <p>The tenant is a college student; his father made the complaint. The PSU sergeant interviewed both and the father wanted to withdraw his complaint after Officer 1 returned the security deposit and the PSU sergeant spoke with the officer (at the complainant's request).</p>
Allegations	Officer 1: Rule 5 (Police Authority and Public Trust)
Panel Recommendations	Officer 1: Not Sustained
BPD Chief Outcome	Officer 1: Not Sustained
Panel Policy Recommendations	BPD counsel Officer 1 that, in his role as landlord, Officer 1 refrain from discussing, with any renter or the renter's friends or relatives, Officer 1's job as a police officer.
Policy Response	The BPD will counsel Officer 1 as recommended.

MI2022-031	
Origin	Community Member
Race/Ethnicity	White/Not Hispanic or Latino
Summary	<p>This complaint stems from a divorce and custody battle and the complainant's purported violation of a permanent civil court protection order, restraining him, with exceptions, from contacting his sons. The mother asked police to enforce the court order. Officer 1 met with the mother, who provided Officer 1 with legal documents. Officer 1 went to the father's address, where he found one of the parents' two children, aged 14. Officer 1 spoke with the son and asked to look at the son's telephone, which showed impermissible contact between father and son. Officer 1 did not force the son(s) to go to their mother's. Officer 2 subsequently arrested the father for violating the order of protection. The father complained that Officer 1 improperly questioned the 14-year-old son and searched the son's telephone. He also alleged that the detective who arrested him knowingly used improperly seized evidence to obtain the arrest warrant to make an arrest the complainant viewed as unjustified.</p>
Allegations	<p>Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/General Order 232-6 Juvenile Enforcement Procedures, Interrogation of Juveniles Authority and Public Trust)</p> <p>Officer 1: Rule 5 (Police Authority and Public Trust)</p> <p>Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/General Order 232-7(B) Juvenile Enforcement Procedures, Obtaining Consent to Search from Juveniles</p> <p>Officer 2: Rule 1 (Compliance with Values, Rules, and General Orders)/General Order 405 Investigative Process</p>
Panel Recommendations	<p>Officer 1: Exonerated</p> <p>Officer 1: Exonerated</p>

	Officer 1: Sustained/Supervisory Counseling Officer 2: Not Sustained
BPD Chief Outcome	Officer 1: Exonerated Officer 1: Exonerated Officer 1: Sustained/Verbal Counseling Officer 2: Exonerated
Panel Policy Recommendations	
Policy Response	

MI2022-035	
Origin	Community Member
Race/Ethnicity	White/Not Hispanic or Latino
Summary	<p>Officers received a call of a stolen vehicle. They contacted the reporting party, who was tracking the vehicle via the vehicle's GPS. The officers observed what they believed to be the vehicle and followed the vehicle.</p> <p>After consulting with a supervisor, the officers initiated a high-risk felony stop of the vehicle, which involved drawing their firearms. Minutes into the stop, the officers realized that they had stopped the wrong vehicle. Moments later, the officers erroneously matched the VIN of the stolen vehicle to the vehicle they had stopped; one officer grabbed the complainant to prevent her from reaching into her vehicle.</p>
Allegations	<p>Officer 1: Rule 5 (Police Authority and Public Trust) Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/General Order 225 Use of Force</p> <p>Officer 2: Rule 5 (Police Authority and Public Trust) Officer 2: Rule 1 (Compliance with Values, Rules, and General Orders)/General Order 225 Use of Force</p> <p>Officer 3: Rule 5 (Police Authority and Public Trust) Officer 3: Rule 1 (Compliance with Values, Rules, and General Orders)/General Order 225 Use of Force Officer 3: Rule 1 (Compliance with Values, Rules, and General Orders)/General Order 225 Use of Force</p> <p>Officer 4: Rule 5 (Police Authority and Public Trust) Officer 4: Rule 1 (Compliance with Values, Rules, and General Orders)/General Order 225 Use of Force</p> <p>Officer 5: Rule 5 (Police Authority and Public Trust) Officer 5: Rule 1 (Compliance with Values, Rules, and General Orders)/General Order 225 Use of Force</p>

	<p>Officer 6: Rule 5 (Police Authority and Public Trust)                  Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/General Order 240 In-Car Cameras, Body Worn Cameras, and Personal Recording Devices</p>	
<p>Panel and IPM Recommendations</p>	<p>Police Oversight Panel:</p> <p>Officer 1: Sustained/Written Reprimand                  Officer 1: Sustained/Written Reprimand</p> <p>Officer 2: Sustained/Written Reprimand                  Officer 2: Sustained/Written Reprimand</p> <p>Officer 3: Sustained/Verbal Counseling                  Officer 3: Exonerated                  Officer 3: Exonerated</p> <p>Officer 4: Sustained/Verbal Counseling                  Officer 4: Exonerated</p> <p>Officer 5: Exonerated                  Officer 5: Exonerated</p> <p>Officer 6: Not Sustained                  Officer 6: Sustained/Written Reprimand</p>	<p>Independent Police Monitor:</p> <p>Officer 1: Exonerated                  Officer 1: Exonerated</p> <p>Officer 2: Exonerated                  Officer 2: Exonerated</p> <p>Officer 3: Exonerated                  Officer 3: Exonerated                  Officer 3: Exonerated</p> <p>Officer 4: Exonerated                  Officer 4: Exonerated</p> <p>Officer 5: Exonerated                  Officer 5: Exonerated</p> <p>Officer 6: Exonerated                  Officer 6: Sustained/Written Reprimand</p>
<p>BPD Chief Outcome</p>	<p>Officer 1: Exonerated                  Officer 1: Exonerated</p> <p>Officer 2: Exonerated                  Officer 2: Exonerated</p> <p>Officer 3: Exonerated                  Officer 3: Exonerated                  Officer 3: Exonerated</p> <p>Officer 4: Exonerated                  Officer 4: Exonerated</p> <p>Officer 5: Exonerated                  Officer 5: Exonerated</p> <p>Officer 6: Exonerated                  Officer 6: Sustained/Written Reprimand</p>	
<p>Panel Policy Recommendations</p>	<ol style="list-style-type: none"> <li>1. All involved officers receive training in the detection and identification of stolen vehicles and that the training team conduct a tactical review of the incident to identify all missteps.</li> <li>2. The BPD should review its use of consumer GPS data as evidence.</li> </ol>	

IPM Policy Recommendations	<p>3. The BPD Department should revisit its requirements regarding running license plates as a pre-requisite to a high-risk felony stop.</p> <p>1. The training team conduct a tactical review of this incident to identify areas of improvement, and include those topics in the department-wide training, both immediately and in the future.</p> <p>2. The BPD should conduct department-wide training regarding identification of vehicles, safe vehicle stops, and communication with the public.</p> <p>3. The BPD counsel the involved officers on communication with community members, including offering an apology when one is warranted.</p> <p>4. The BPD should consider extending formal apology to the driver for her experience in its closing correspondence with the driver.</p>
Policy Response	<p>1. The training team will conduct a tactical review of this incident and conduct the department-wide training the IPM recommended (see IPM recommendation 2).</p> <p>2. With respect to the BPOP's recommendations regarding use of GPS data, the BPD will ensure it is adhering to best practices</p> <p>3. The BPD will conduct additional training with the involved officers on ways to better communicate with upset community members.</p> <p>4. With respect to the BPOP recommendation regarding running license plates prior to conducting high-risk vehicle stops, the BPD will ensure it is following best practices in this area.</p> <p>5. The BPD issued an apology to the driver in its letter informing the driver of the outcome of the investigation.</p>

MI2022-036	
Origin	Community Member
Race/Ethnicity	White/Not Hispanic or Latino
Summary	<p>In the early morning hours of December 6, the complainant called BPD to report that her boyfriend had taken pills. Officers 1, 2, 3, and 4 (and others) and Boulder Fire Department paramedics responded to the apartment complex to conduct a welfare check. During the contact, the complainant refused to allow officers to enter a bedroom where the boyfriend was laying. Officers escorted the complainant from the apartment. Once in the hallway, the complainant became argumentative and attempted to kick an officer. She was handcuffed and issued a citation.</p>
Allegations	<p>Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/General Order 225 Use of Force</p> <p>Officer 2: Rule 1 (Compliance with Values, Rules, and General Orders)/General Order 225 Use of Force</p> <p>Officer 3: Rule 1 (Compliance with Values, Rules, and General Orders)/General Order 225 Use of Force</p>

	Officer 4: Rule 4 (Respect for Others)
Panel Recommendations	Officer 1: Exonerated Officer 2: Exonerated Officer 3: Exonerated Officer 4: Not Sustained
BPD Chief Outcome	Officer 1: Exonerated Officer 2: Exonerated Officer 3: Exonerated Officer 4: Not Sustained
Panel Policy Recommendations	
Policy Response	

MI2022-037	
Origin	Community Member
Race/Ethnicity	White/Not Hispanic or Latino
Summary	On two separate dates, officers responded to calls for service regarding a landlord / tenant dispute. In the first incident, the tenant – the complainant - alleged that officers issued the wrong citation to the landlord for trespassing. In the second incident, the tenant alleged that the officers did not issue the landlord a criminal summons for trespassing and that one officer was discourteous.
Allegations	Officer 1: Rule 5 (Police Authority and Public Trust) Officer 2: Rule 5 (Police Authority and Public Trust) Officer 3: Rule 4 (Respect for Others) Officer 3: Rule 5 (Police Authority and Public Trust) Officer 4: Rule 5 (Police Authority and Public Trust) Officer 5: Rule 1 (Compliance with Values, Rules Officer 6: Rule 5 (Police Authority and Public Trust)
Panel Recommendations	Officer 1: Exonerated Officer 2: Not Sustained Officer 3: Sustained/Verbal Counseling Officer 3: Exonerated Officer 4: Exonerated

	Officer 5: Not Sustained Officer 6: Not Sustained
BPD Chief Outcome	Officer 1: Exonerated Officer 2: Exonerated Officer 3: Sustained/Verbal Counseling Officer 3: Exonerated Officer 4: Exonerated Officer 5: Exonerated Officer 6: Exonerated
Panel Policy Recommendations	
Policy Response	

MI2022-038	
Origin	Community Member
Race/Ethnicity	White/Not Hispanic or Latino
Summary	Officer 2 responded to a traffic crash that reportedly stemmed from a road-rage incident where the offending vehicle fled the scene but was identified. A few days later Officer 1 apprehended the Subaru for a minor traffic violation; it was determined that the Subaru was involved in the previous hit-and-run crash. The Subaru driver was issued two summons. He later complained that both incidents were ruses engineered by the officers and that the summons were issued without basis.
Allegations	Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/G.O.200; Improper vehicle stop. Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/G.O.200; Improper detention of driver and retention of driver's license. Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/Customer Service Value; Did not accurately relay information pertaining to driver's addresses.  Officer 2: Rule 1 (Compliance with Values, Rules, and General Orders)/Customer Service Value; Did not accurately relay information pertaining to issuance of warrant for [previous crash] and driver's addresses. Officer 2: Rule 5 (Police Authority and Public Trust) - directed a private vehicle to follow a driver. Officer 2: Rule 1 (Compliance with Values, Rules, and General Orders)/G.O.200; Improper issuance of a Summons.
Panel Recommendations	Officer 1: Exonerated Officer 1: Exonerated

	Officer 1: Exonerated  Officer 2: Not Sustained Officer 2: Unfounded Officer 2: Exonerated
BPD Chief Outcome	
Panel Policy Recommendations	
Policy Response	

MI2022-039	
Origin	Community Member
Race/Ethnicity	Not Disclosed/Unknown
Summary	On October 24, 2020, police found a man bludgeoned to death in a park. The next day, police arrested the suspect and charged him with the man's murder. On December 15, 2020, the Boulder County District Attorney's office advised the BPD that it was assuming the primary responsibility for communicating with the deceased's mother. The criminal case is still pending. The deceased's mother filed a complaint on December 8, 2022, stating that Officer 1 did not conduct an adequate investigation regarding the defendant's motive and did not provide her with complete and updated information during the course of the investigation. She expressed dissatisfaction with Officer 1's former supervisor (Officer 2), who she said did not appropriately respond to her complaints. On May 24, 2021, she submitted, via the BPD's website, a "contact the chief" email regarding Officer 1, complained about Officer 1's lack of communication, requested that the department reassign the case to a different detective, and asked to meet with the chief. The mother did not receive a written response.
Allegations	Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/General Order 405 Investigative Process-did not conduct an adequate investigation Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/Customer Service Value-did not provide to an individual complete and updated information and/or meet with an individual as requested  Officer 2: Rule 1 (Compliance with Values, Rules, and General Orders)/Customer Service Value-did not appropriately respond to an individual's complaints about Officer 1  Officer 3: Rule 1 (Compliance with Values, Rules, and General Orders)/Customer Service Value-did not respond to and/or failed to ensure that the department respond to an individual's "contact the chief" email regarding the department's homicide investigation
Panel Recommendations	Officer 1: Exonerated

	Officer 2: Not Sustained Officer 2: Not Sustained  Officer 3: Not Sustained
BPD Chief Outcome	Officer 1: Exonerated  Officer 2: Not Sustained Officer 2: Not Sustained  Officer 3: Not Sustained (City Manager's Disposition)
Panel Policy Recommendations	1. In cases involving the family members of homicide victims or other serious crimes, the detective unit should establish a communications plan, provide a point-of-contact to the family, and advise the family should that point-of-contact change. The unit should document, in its case management system, its communications with family members of homicide victims and victims of other serious crimes.  2. BPD should designate one or more individuals to respond to and/or coordinate responses to "contact the chief" emails and establish a database to track to whom "contact the chief" emails are routed and document, within the database what, if any, response the department has provided.
Policy Response	1. The BPD will notify families of a new point-of-contact in homicide and other serious cases where the DA or other entity assumes authority. The Professional Standards Unit will ensure the investigative commander adds a notification system into the unit's protocol. The city manager recommends that the BPD review existing policies regarding communications with victims and/or their family members for active and closed cases to ensure the city is providing appropriate information.  2. The city manager agrees that the BPD must strengthen the manner in which "Contact the Chief" correspondence is routed and tracked for responsiveness as it is an active invitation to the community that sets forth expectations for response.

SM2023-001	
Origin	Community Member
Race/Ethnicity	White/Not Hispanic or Latino
Summary	This complaint stemmed from an ongoing dispute between upstairs and downstairs neighbors in an apartment building.  The downstairs neighbor told 911 that there was a violent domestic argument in the upstairs apartment. Officer 1 was among several officers who responded. The upstairs neighbor was with his son. He said he had been yelling at someone on the phone. The next day, the downstairs neighbor called again about screaming and cursing upstairs. Officer 1 responded alone. The upstairs neighbor was with his son and admitted



	<p>to yelling at someone over the telephone. He said he was stressed out and told Officer 1 about the downstairs neighbor previously threatening him with knives and said that the night before, the downstairs neighbor complained about his kid's noisy toys and said, "You're lucky I don't shoot you guys," and spit in his face. Officer 1 did not ask follow-up questions. Later that day, Officer 1 was assigned to the upstairs neighbor's 911 call about the downstairs neighbor and did not document his response.</p> <p>This complaint, which the downstairs neighbor filed, was classified as serious misconduct based on Officer 1's disciplinary history.</p>
Allegations	<p>Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/GO 203 Investigative Responsibility and Case Assignment—did not conduct an adequate investigation</p> <p>Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/GO 201 Report Writing—did not document response to an incident to which the officer was assigned</p>
Panel Recommendations	<p>Officer 1: Sustained/8 day- suspension</p> <p>Officer 1: Sustained/8 day- suspension</p>
BPD Chief Outcome	<p>Officer 1: Sustained/7 day-suspension and performance improvement plan</p> <p>Officer 1: Sustained/7-day suspension and performance improvement plan</p>
Panel Policy Recommendations	<ol style="list-style-type: none"> <li>1. BPD enhance training to ensure officers are on alert for individuals at risk, or who may present a risk to others, due to mental health issues and take steps to connect these individuals at risk of eviction with social services.</li> <li>2. BPD requires officers to activate body-worn cameras during interactions members of the public initiate (not just those officer initiate) for the purpose of enforcing the law or violating possible violations of law.</li> </ol>
Policy Response	<ol style="list-style-type: none"> <li>1. Will require the officer to attend the next available Crisis Intervention Training (CIT) class. PSU will also coordinate with CIRT to provide refresher briefing training to officers. In addition, the BPD will explore expanding training provided by community resource representatives on matters such as housing issues.</li> <li>2. The BPD will consider this language prior to revising GO 240/In-Car Cameras, Body Worn Cameras, and Personal Recording Devices</li> </ol>

SM2023-002	
Origin	External Agency
Race/Ethnicity	White/Not Hispanic or Latino
Summary	<p>A BPD Police Trainee did not attend an afternoon class. When the Adams County Police Academy/Flatiron Regional Training Center staff investigated and interviewed Trainee 1, he twice lied. First, he said he was ill and attended the class except for having to use the bathroom twice and going to his truck to get nausea medication. When pressed, he said he stayed in his truck for 45 minutes during the afternoon because he did not feel well. After leaving the interview, he returned 15 minutes later and</p>

	told the staff that he did in fact go to his truck that afternoon and stayed in his truck all afternoon, except when he had to use the bathroom. He could not explain why he did not tell the truth earlier. During the interview, he also admitted that he had, as rumored, watched YouTube and other website videos in class in violation of academy rules and was watching videos in the bathroom when he had been assigned to cleaning chores. The academy dismissed Trainee 1 from the academy; he resigned from the BPD several weeks later.
Allegations	Trainee 1: Rule 3 (Truthfulness)-did not provide truthful information to Adams County Police Academy/Flatiron Regional Training Center staff Trainee 1: Rule 8 (Conduct)-did not provide truthful information to Adams County Police Academy/Flatiron Regional Training Center staff Trainee 1: Rule 8 (Conduct)-did not attend class on the afternoon of April 3, 2023 Trainee 1: Rule 8 (Conduct)-watched non-class related video(s) during class(es) Trainee 1: Rule 8 (Conduct)-watched video(s) on his cellular telephone when he was tasked to conduct cleaning chores
IPM Recommendations	Trainee 1: Sustained/Do Not Rehire Trainee 1: Sustained/Do Not Rehire Trainee 1: Sustained/Do Not Rehire Trainee 1: Sustained/Do Not Rehire Trainee 1: Sustained/Do Not Rehire
BPD Chief Outcome	Trainee 1: Sustained/Do Not Rehire Trainee 1: Sustained/Do Not Rehire Trainee 1: Sustained/Do Not Rehire Trainee 1: Sustained/Do Not Rehire Trainee 1: Sustained/Do Not Rehire
Panel Policy Recommendations	
Policy Response	

MI2023-001	
Origin	Community Member
Race/Ethnicity	White/Not Hispanic or Latino
Summary	A motorist observed several BPD vehicles driving emergent (lights and/or sirens activated). The motorist reported he was nearly struck by the BPD vehicle driven by Officer 1.
Allegations	Officer 1: Rule 2 (Conformance with Laws)
Panel Recommendations	N/A
BPD Chief Outcome	Officer 1: Exonerated
Panel Policy Recommendations	
Policy Response	

MI2023-002	
Origin	Community Member
Race/Ethnicity	White/Not Hispanic or Latino
Summary	<p>On New Year's Eve, a bar/restaurant manager called police to evict an intoxicated patron who refused to leave. The manager wanted police to bar the patron from returning. After the patron again refused to leave, Officers 1 and 2 grabbed hold of her arms and forcibly walked her out of the bar. Once outside, she screamed that Officers 1 and 2 had abused her and she refused to provide ID, preventing officers from completing a notice of trespass. Because she refused to provide ID, the officers arrested and handcuffed her. Officer 1 patted her down and Officer 3 removed the woman's cell phone from her left-side pants pocket. The woman accused Officer 3 of molesting her. Although the woman subsequently complained to Officer 4, a sergeant, that Officers 1 and 2 had used excessive force, as part of Officer 4's investigation of the UOF, Officer 4 interviewed the officers.</p>
Allegations	<p>Officer 1: Rule 6 (Use of Force)/General Order 225 Use of Force</p> <p>Officer 2: Rule 6 (Use of Force)/General Order 225 Use of Force</p> <p>Officer 3: Rule 1 (Compliance with Values, Rules, and General Orders)/General Order 130 Criminal Process-searched an individual's pants pocket (search incident to arrest)</p> <p>Officer 3: Rule 2 (Conformance with Laws)/Unlawful Sexual Contact—grabbed an individual's vagina</p> <p>Officer 4: Rule 1 (Compliance with Values, Rules, and General Orders)/General Order 225- 14 UOF—interviewed officers who were the subjects of a use of force complaint</p>
IPM Recommendations	<p>Officer 1: Exonerated</p> <p>Officer 2: Exonerated</p> <p>Officer 3: Not Sustained</p> <p>Officer 3: Not Sustained</p> <p>Officer 4: Sustained/Verbal Counseling</p>
BPD Chief Outcome	<p>Officer 1: Exonerated</p> <p>Officer 2: Exonerated</p> <p>Officer 3: Not Sustained</p> <p>Officer 3: Not Sustained</p> <p>Officer 4: Sustained/Verbal Counseling</p>
Panel Policy Recommendations	
Policy Response	

MI2023-003	
Origin	Community Members
Race/Ethnicity	White/Not Hispanic or Latino
Summary	<p>On January 19, 2023, Officers 4-6 met with the former BPD legal counsel.</p> <p>Following the meeting, Former Officer 4, then an interim commander, sent an email to all members of the BPOA Listserv, which includes all sworn members of the BPD, excluding the BPD Chief of Police. The email stated in part that a union representative would be speaking on the BPOA's behalf at the evening's city council meeting at which item 3A of the consent agenda item's was "consideration of a motion to approve Selection Committee recommendations for members of the Police Oversight Panel..."</p> <p>The email also stated that Former Officer 4 appreciated the recipients' attendance at the meeting to support the BPOA and that "attending the meeting does not fall into the definition of official duties.... If you are on duty and would like to stop by the meeting, you may do so in uniform."</p> <p>While on-duty, Officers 1-3 and Accident Report Specialist (ARS) attended the city council meeting in BPD uniforms.</p>
Allegations	<p>Officer 1: -Rule 1 (Compliance with Values, Rules, and General Orders)/GO 150 Employee Speech, Expression and Social Media—participated in political communication (endorsing/supporting a political initiative or cause) during work hours, when representing the department, and/or when identified as a department member)</p> <p>Officer 2: Rule 1 (Compliance with Values, Rules, and General Orders)/GO 150 Employee Speech, Expression and Social Media—participated in political communication (endorsing/supporting a political initiative or cause) during work hours, when representing the department, and/or when identified as a department member</p> <p>Officer 2: Rule 1 (Compliance with Values, Rules, and General Orders)—attended a City Council Meeting while on duty and assigned to Watch 2</p> <p>Officer 3: Rule 1 (Compliance with Values, Rules, and General Orders)/GO 150 Employee Speech, Expression and Social Media—participated in political communication (endorsing/supporting a political initiative or cause) during work hours, when representing the department, and/or when identified as a department member</p> <p>Officer 3: Rule 1 (Compliance with Values, Rules, and General Orders)—attended a City Council Meeting while on duty and assigned to Traffic</p> <p>ARS: Rule 1 (Compliance with Values, Rules, and General Orders)/GO 150 Employee Speech, Expression and Social Media—participated in political communication (endorsing/supporting a political initiative or cause) during work hours, when representing the department, and/or when identified as a department member</p>

	<p>ARS: Rule 1 (Compliance with Values, Rules, and General Orders)— attended a City Council Meeting while on duty and assigned to Traffic</p> <p>Officer 4: Rule 1 (Compliance with Values, Rules, and General Orders)/Integrity Value— authorized on-duty department employees to attend a City Council Hearing</p> <p>Officer 5: Rule 1 (Compliance with Values, Rules, and General Orders)/Integrity Value— authorized on-duty department employees to attend a City Council Hearing</p> <p>Officer 6: Rule 1 (Compliance with Values, Rules, and General Orders)/Integrity Value— authorized on-duty department employees to attend a City Council Hearing</p>
Panel Recommendations	<p>Officer 1: Sustained/One-year Letter of Reprimand</p> <p>Officer 2: Sustained (2-1)/One-year Letter of Reprimand Officer 2: Exonerated</p> <p>Officer 3: Sustained/one-year letter of reprimand Officer 3: Exonerated (2-1)</p> <p>ARS: Sustained/one-year letter of reprimand ARS: Exonerated (2-1)</p> <p>Officer 4: Sustained/one-year letter of reprimand (but for resignation)</p> <p>Officer 5: Not Sustained</p> <p>Officer 6: Not Sustained</p>
IPM Recommendations	<p>Officer 1: Sustained/Verbal Counseling</p> <p>Officer 2: Not Sustained Officer 2: Exonerated</p> <p>Officer 3: Sustained/Verbal Counseling Officer 3: Exonerated</p> <p>ARS: Sustained/Verbal Counseling ARS: Exonerated</p> <p>Officer 4: Not Sustained</p> <p>Officer 5: Not Sustained</p> <p>Officer 6: Not Sustained</p>
BPD Chief Outcome	<p>Officer 1: Exonerated</p> <p>Officer 2: Exonerated</p>

	<p>Officer 2: Exonerated</p> <p>Officer 3: Exonerated Officer 3: Exonerated</p> <p>ARS: Exonerated ARS: Exonerated</p> <p>Officer 4: Not Sustained</p> <p>Officer 5: Not Sustained</p> <p>Officer 6: Not Sustained</p>
<p>Panel and IPM Policy Recommendations</p>	<p>Panel Recommendations:</p> <ol style="list-style-type: none"> <li>1. The BPD develop and/or enhance policies to ensure that when identified as BPD employees, employees do not again engage in unauthorized political activity or support any political initiative. In these policies, the BPD should provide clear examples of what constitutes acceptable community engagement.</li> <li>2. Subordinate officers should not isolate the chief from these types of decisions; the chief and her executive staff should be the ones providing direction to BPD employees when political events of this nature occur</li> </ol> <p>IPM Recommendations:</p> <ol style="list-style-type: none"> <li>1. The BPD establish a policy regarding the types of community, political, and legislative meetings its officers are permitted to attend on-duty (at taxpayer expense).</li> <li>2. In the absence of such a policy, the Chief, in consultation with the City Attorney, should be responsible for determining when members, identified as being affiliated with BPD, can support a political initiative</li> <li>3. The City Attorney, in conjunction with the BPD, conduct agency-wide training with respect to the meaning and application of GO 150 provisions, which should make clear that outward support of political positions, e.g., standing in support of a statement requesting that a legislative body take action, constitutes political communication or support of a political initiative.</li> <li>4. The BPD should revise G.O. 150 to define political activity and political communication</li> </ol>
<p>Policy Response</p>	<ol style="list-style-type: none"> <li>1. Agreed to have the BPD’s legal advisor work with its chief of staff to review all department and city policies to clarify on-duty officer restrictions, including relevant chain-of-command notifications, while protecting BPOA member rights and adhering to city values and expectations. The legal advisor and the BPD chief of staff will work collectively with the IPM, the panel, and BPOA representatives in revising related policies and procedures.</li> <li>2. Agreed that the BPD’s legal advisor will facilitate department-wide training on these policy and procedure revisions.</li> </ol>

MI2023-004	
Origin	Community Member
Race/Ethnicity	White/Not Hispanic or Latino
Summary	<p>A woman called 911 to report that her son had shoved her and locked her out of the house where she was visiting and he was living with his two four-year-old daughters. Officers 1 and 2 stood by while the mother used her key to enter the home and get her belongings. The mother would not describe the physical encounter but did describe events that made it seem like her son had jeopardized the safety of his children in his car the night before. The son (the complainant), is a licensed professional counselor, who worked as a co-responder with the Denver PD (DPD).</p> <p>The officers broke the plane of the front door with their feet and called out to see if the son would speak with them. He eventually responded, told Officer 2 to shut the door, and closed the door in Officer 2's face. The officers subsequently learned that the children were not with the son the night before in the car and left.</p> <p>Officer 1 reported the incident to the man's ex-wife, with whom she had previously interacted, the DPD, the man's employer, and, after speaking to a member of the CIRT, filed a complaint with the CO Department of Regulatory Agencies (DORA).</p>
Allegations	<p>Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/GO 130 Criminal Process—entered an individual's home</p> <p>Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/GO 201 Report Writing—prepared an inaccurate report</p> <p>Officer 1: Rule 5 (Police Authority and Public Trust)—reported details of a police encounter involving an individual with the mother of the individual's children</p> <p>Officer 1: Rule 5 (Police Authority and Public Trust)—made a report regarding an individual to the DPD, with which the individual worked</p> <p>Officer 1: Rule 5 (Police Authority and Public Trust)—made a report regarding an individual to the individual's employer</p> <p>Officer 1: Rule 5 (Police Authority and Public Trust)—filed a complaint regarding an individual, a licensed professional counselor, with DORA</p> <p>Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/GO 101 Unbiased Policing--gender</p> <p>Officer 2: Rule 1 (Compliance with Values, Rules, and General Orders)/GO 130 Criminal Process—entered an individual's home</p>
Panel Recommendations	<p>Officer 1: Exonerated</p> <p>Officer 1: Not Sustained</p> <p>Officer 1: Not Sustained</p> <p>Officer 1: Not Sustained</p> <p>Officer 1: Not Sustained</p> <p>Officer 1: Not Sustained</p> <p>Officer 1: Not Sustained</p> <p>Officer 2: Exonerated</p>

BPD Chief Outcome	Officer 1: Exonerated Officer 1: Not Sustained Officer 1: Exonerated Officer 1: Exonerated Officer 1: Exonerated Officer 1: Exonerated Officer 1: Not Sustained  Officer 2: Exonerated
IPM Recommendations	Officer 1 be counseled to obtain supervisory and/or legal advisor approval before making notifications to employers, regulatory agencies, etc.
BPD Response	Agreed to provide such supervisory counseling.

MI2023-005	
Origin	Community Member
Race/Ethnicity	White/Not Hispanic or Latino
Summary	Officers responded to the RTD because a security guard wanted the complainant to vacate the premises and be trespassed from the property. The complainant made numerous complaints about their treatment by the BPD officers and the RTD security guard.
Allegations	Sergeant 1: Rule 1 (Compliance with Values, Rules, and General Orders) G.O.101 Unbiased Policing - took action because of the complainant's socioeconomic status and/or cultural group Sergeant 1: Rule 5 (Police Authority and Public Trust) –improperly asked the complainant to remove his hands from his pockets Sergeant 1: Rule 5 (Police Authority and Public Trust) –improperly directed the complainant to leave RTD property for trespassing  Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders) G.O.101 Unbiased Policing - took action because of the complainant's socioeconomic status and/or cultural group Officer 1: Rule 5 (Police Authority and Public Trust) – improperly directed the complainant to leave RTD property for trespassing
Panel Recommendations	N/A
BPD Chief Outcome	Sergeant 1: Not Sustained Sergeant 1: Exonerated Sergeant 1: Exonerated  Officer 1: Not Sustained Officer 1: Exonerated
Panel Policy Recommendations	
Policy Response	

MI2023-006	
Origin	Community Member



Race/Ethnicity	White/Not Hispanic or Latino
Summary	<p>Two women engaged in an argument in a grocery store parking lot. The first woman's brother and the second woman's boyfriend subsequently became involved in the conflict. The boyfriend called 911 and alleged that a black male (brother) had threatened him with a gun in a grocery store parking lot. BPD officers identified the described vehicle and occupants and conducted a high-risk traffic stop. Officers 1 and 2 approached the suspect vehicle, with handguns drawn and pointed. Officer 2 issued instructions. Officer 3 pointed a rifle at the vehicle and issued commands. Officer 4 pointed his handgun at the suspect vehicle and instructed that only a single officer should provide instructions to the subjects of the vehicle. Officer 5 pointed a rifle at the vehicle and briefly officers 6 and 7 also briefly pointed their handguns towards the vehicle. The driver (sister) and her brother, (the passenger) exited the vehicle and were handcuffed without incident.</p> <p>The brother denied ever having a gun or mentioning he had a gun. His sister reported that her brother did not have a gun but offered that he told the other man that he had a gun and threatened to shoot the other man. No gun was recovered. The brother was arrested for menacing and for an outstanding warrant.</p> <p>Evidence demonstrated that BPD dispatched received clarifying information from the boyfriend that he had not actually seen a weapon displayed. This information was not broadcast to the responding officers.</p>
Allegations	<p>Officer 1: Rule 5 (Police Authority and Public Trust) – conducted a high-risk traffic stop Officer 1: Rule 6 (Use of Force)/G.O.225-Use of Force – pointed a firearm at the suspect vehicle</p> <p>Officer 2: Rule 5 (Police Authority and Public Trust) – conducted a high-risk traffic stop Officer 2: Rule 6 (Use of Force)/G.O.225-Use of Force – pointed a firearm at the suspect vehicle</p> <p>Officer 3: Rule 5 (Police Authority and Public Trust) – conducted a high-risk traffic stop Officer 3: Rule 6 (Use of Force)/G.O.225-Use of Force – pointed a firearm at the suspect vehicle</p> <p>Officer 4: Rule 5 (Police Authority and Public Trust) – conducted a high-risk traffic stop Officer 4: Rule 6 (Use of Force)/G.O.225-Use of Force – pointed a firearm at the suspect vehicle</p> <p>Officer 5: Rule 5 (Police Authority and Public Trust) – conducted a high-risk traffic stop Officer 5: Rule 6 (Use of Force)/G.O.225-Use of Force – pointed a firearm at the suspect vehicle</p>

	<p>Officer 6: Rule 5 (Police Authority and Public Trust) – conducted a high-risk traffic stop  Officer 6: Rule 6 (Use of Force)/G.O.225-Use of Force – pointed a firearm at the suspect vehicle  Officer 7: Rule 5 (Police Authority and Public Trust) – conducted a high-risk traffic stop  Officer 7: Rule 6 (Use of Force)/G.O.225-Use of Force – pointed a firearm at the suspect vehicle</p>
<p>Panel Recommendations</p>	<p>Officer 1: Exonerated  Officer 1: Exonerated</p> <p>Officer 2: Exonerated  Officer 2: Exonerated</p> <p>Officer 3: Exonerated  Officer 3: Exonerated</p> <p>Officer 4: Exonerated  Officer 4: Exonerated</p> <p>Officer 5: Exonerated  Officer 5: Exonerated</p> <p>Officer 6: Exonerated  Officer 6: Exonerated</p> <p>Officer 7: Exonerated  Officer 7: Exonerated</p>
<p>BPD Chief Outcome</p>	<p>Officer 1: Exonerated  Officer 1: Exonerated</p> <p>Officer 2: Exonerated  Officer 2: Exonerated</p> <p>Officer 3: Exonerated  Officer 3: Exonerated</p> <p>Officer 4: Exonerated  Officer 4: Exonerated</p> <p>Officer 5: Exonerated  Officer 5: Exonerated</p> <p>Officer 6: Exonerated  Officer 6: Exonerated</p> <p>Officer 7: Exonerated  Officer 7: Exonerated</p>

Panel Policy Recommendations	<ol style="list-style-type: none"> <li>1. BPD dispatch supervisor review the matter and counsel the dispatchers on the need to broadcast critical information to responding officers.</li> <li>2. BPD ensure that BWC compliance is enforced at all of levels of supervision, and cautioned against expanding the mute option beyond what is permitted in G.O.240-1(C)(1).</li> <li>3. Acknowledging that BPD cannot control the potential racism of 911 callers, ensure that BPD members do not perpetuate or amplify racism when they respond.</li> <li>4. Critically review how it addresses and trains its members to respond to high-risk traffic stops, to align with BPD's stated commitment to de-escalation, dignity, respect and the sanctity of all human life.</li> </ol>
Policy Response	<ol style="list-style-type: none"> <li>1. Dispatch was counselled.</li> <li>2. The involved officers were counselled.</li> <li>3. BPD Chief Herold, "I acknowledge that the Oversight Panel's concern that the information provided by the 9-1-1 caller from the victim of the menacing was 'Accepted non-critically.' When dealing with a serious, ever evolving call involving a report of a weapon (in this case a gun), the dispatcher must provide the most accurate information in the fastest manner possible to ensure the responding officers, the reported parties involved, and the community at large face the least amount of risk. It was only with the benefit of hindsight, which is true in many cases, that some of the information provided by the caller turned out to be inaccurate."</li> <li>4. BPD Chief Herold, "In terms of the Oversight Panel recommendation to assess what they perceive as outdated high risk stop tactics, we as a department do, and will continue, to assess the tactics we teach to our officers."</li> </ol>

MI2023-007	
Origin	Community Member
Race/Ethnicity	White/Not Hispanic or Latino
Summary	According to the complainant, who provided a license plate to the BPD, an off-duty officer, over the course of years, violated traffic regulations en route to work at the BPD. In his interview, Sergeant 1 -admitted to violating various traffic laws and said that he had started strictly complying with all traffic regulations since the complaint was filed (on February 17, 2023).
Allegations	Sergeant 1: Rule 2 (Conformance with Law)/Traffic Regulations
Panel Recommendations	Sergeant 1: Sustained/Supervisory Counselling
BPD Chief Outcome	Sergeant 1: Sustained/Supervisory Counselling
Panel Policy Recommendations	1. The Panel expressed concern that by repeatedly and knowingly violating traffic regulations, Sergeant 1 set a bad example for the officers whom he is responsible for training and managing. The Panel recommended that a deputy chief or the chief conduct the supervisory counseling
Policy Response	1. The Chief met with Sergeant 1.

MI2023-008	
Origin	Community Member
Race/Ethnicity	Asian/Not Hispanic or Latino
Summary	An argument between a man and woman in Central Park ended with both calling 911. The woman reported that the man assaulted her with a knife. The man reported that the woman attempted to assault him with a knife. Officer 2 met the woman, who had a cut on her thumb. She described the alleged assailant, and officer 1 stopped an individual (a friend of the woman) who matched the description. The woman told police that that individual was not the assailant and officer 1 released that individual. Officer 2 and other officers interviewed both the man and the woman and watched video the woman recorded. Collectively, witness accounts and the video showed that the woman was the aggressor and had accidentally cut herself with her own knife, which police recovered. Officer 2 arrested the woman and took her to the hospital where she got stitches. The woman filed a complaint and alleged that police improperly conducted an investigative stop of her friend, failed to arrest the alleged assailant, and that Officer 2 did not identify himself to her.
Allegations	Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/G.O. 305 Field Interviews, Pat-Down and Consent Searches—questioned and/or detailed an individual  Officer 2: Rule 1 (Compliance with Values, Rules, and General Orders)/G.O. 13 Criminal Process—did not arrest an individual Officer 2: Rule 1 (Compliance with Values, Rules, and General Orders)/G.O. 200-5 Discretion, Arrest Standards and Enforcement Action, Information Provided—did not provide identifying information (a business card) to an individual
Panel Recommendations	Officer 1: Exonerated (unanimous)  Officer 2: Exonerated (unanimous) Officer 2: Exonerated (unanimous)
BPD Chief Outcome	Officer 1: Exonerated  Officer 2: Exonerated Officer 3: Exonerated
Panel Policy Recommendations	
Policy Response	

MI2023-009	
Origin	Community Member
Race/Ethnicity	Black/Not Hispanic or Latino
Summary	A woman called 911 at 6:13 pm to report that she found two children (three and one) alone on the sidewalk. The one-year old was naked. It was approximately 31 degrees and the caller took the children to a nearby 7-

	<p>Eleven where the staff gave the one-year old a shirt. Officers 1-3 responded. Officer 2 held the three-year old's hand and walked with the child to his home, about a block away. The three-year-old opened the door and officers 2 and 1 followed him inside. The mother emerged from a back room; she was unaware that her children had left. Officer 2 got a pair of pants for the one-year-old and walked to get him. The mother asked Officer 1 whether she could go get the one-year-old. Officer 1 said no; Officer 2 was coming back. Officer 2 returned with the one-year-old and Officer 3. Officer 1 issued the mother a summons for child abuse and in explaining why the police needed to document the encounter, Officer 1 commented on the state of the apartment. The mother objected to the officers entering her home, said Officer 1 treated her disrespectfully by commenting on the state of the apartment, and Officer 1 did not allow her to leave the apartment.</p>
Allegations	<p>Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/GO 130 Criminal Process—entered an individual's home  Officer 1: Rule 4 (Respect for Others)—commented on the state of an individual's apartment  Officer 1: Rule 5 (Police Authority and Public Trust)—detained an individual</p> <p>Officer 2: Rule 1 (Compliance with Values, Rules, and General Orders)/GO 130 Criminal Process—entered an individual's home</p> <p>Officer 3: Rule 1 (Compliance with Values, Rules, and General Orders)/GO 130 Criminal Process—entered an individual's home</p>
Panel Recommendations	<p>Officer 1: Exonerated  Officer 1: Exonerated  Officer 1: Exonerated</p> <p>Officer 2: Exonerated</p> <p>Officer 3: Exonerated</p>
BPD Chief Outcome	<p>Officer 1: Exonerated  Officer 1: Exonerated  Officer 1: Exonerated</p> <p>Officer 2: Exonerated</p> <p>Officer 3: Exonerated</p>
Panel Policy Recommendations	
Policy Response	

MI2023-010	
Origin	Community Member
Race/Ethnicity	Black/Not Hispanic or Latino
Summary	<p>Officers 1 and 2 were assigned to investigate an alleged effort to cash a forged \$70k check, ostensibly drawn from a company's account. The check was made out to a named payee and the check indicated that someone presented the check to a credit union teller on February 22, 2023, at 2:45 pm, to be deposited into the payee's account. The officers obtained a photograph of the payee, who was a 46-year-old black man. The officers contacted a credit union security official and provided him with the transaction details, including the payee's description. The security official sent the officers a video, which depicted the complainant (CW), not the payee, a 37-year-old black man, who submitted a check for deposit to a teller at 2:44 pm. The officers identified the CW and questioned him at his workplace the next day. The CW said he had deposited a check at the credit union the previous day and showed the officers records from his telephone. The officers left and met with the credit union manager. They realized that the security official sent them the incorrect video; the actual suspect was at the bank from 1:30-2:40 pm. Officer 1 called the CW, explained what happened, and apologized.</p>
Allegations	<p>Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/G.O. 101 Unbiased Policing—race  Officer 1: Rule 5 (Police Authority and Public Trust)—pretended to be a customer when contacting the complainant  Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/G.O. 305 Field Interviews, Pat-Down and Consent Searches—questioned and/or detained the complainant</p> <p>Officer 2: Rule 1 (Compliance with Values, Rules, and General Orders)/G.O. 101 Unbiased Policing—race  Officer 2: Rule 1 (Compliance with Values, Rules, and General Orders)/G.O. 305 Field Interviews, Pat-Down and Consent Searches—questioned and/or detained the complainant  Officer 2: Rule 1(Compliance with Values, Rules, and General Orders)/G.O. 305 Field Interviews, Pat-Down and Consent Searches—searched the complainant's wallet</p>
Panel Recommendations	<p>Officer 1: Exonerated  Officer 1: Exonerated  Officer 1: Exonerated</p> <p>Officer 2: Exonerated  Officer 2: Exonerated</p>
BPD Chief Outcome	<p>Officer 1: Exonerated  Officer 1: Exonerated  Officer 1: Exonerated</p> <p>Officer 2: Exonerated  Officer 2: Exonerated</p>

Panel Policy Recommendations	<ol style="list-style-type: none"> <li>1. The BPD should train its officers, when requesting private security footage, to obtain a broad time span rather than a narrow one, enabling BPD to make identification decisions rather than relying on private security personnel.</li> <li>2. BPD should contact the security official and inform him of the error he made.</li> <li>3. BPD should consider extending an apology to the complainant in its final correspondence.</li> </ol>
Policy Response	<ol style="list-style-type: none"> <li>1. The BPD will conduct a tactical review of current practices.</li> <li>2. The BPD has no legal authority to advise private sector employees to be thorough in reviewing video, though the credit union's management and security team were made aware of this error and provided the correct footage, clearing the complaint.</li> <li>3. Officer 1 apologized to the complainant; the BPD's closing letter to the complainant will indicate that the BPD regrets that this situation happened.</li> </ol>

MI2023-011	
Origin	Community Member
Race/Ethnicity	White/Not Hispanic or Latino
Summary	Officers responded to a 911 call from a woman in a parking lot alleging that someone was trying to block in her car and had struck her with his car. The parties and a witness provided conflicting information about whether the parking lot owner struck the woman with his car; she denied injuries. The situation resolved with the woman agreeing to leave the parking lot and not park there again. The responding officer did not document the interaction in a police report, but the incident was captured on body-worn camera.
Allegations	Officer 1: Rule 1 (Compliance with Values, Rules and General Orders)/G.O. 203 Investigation Responsibility and Case Assignments
Panel Recommendations	Officer 1: Sustained/One-year Letter of Reprimand
BPD Chief Outcome	Officer 1: Sustained/One-year Letter of Reprimand
Panel Policy Recommendations	<ol style="list-style-type: none"> <li>1. Officer 1 receive additional training on maintaining a neutral, open-minded demeanor during investigations to uphold the integrity and customer service value of the BPD</li> <li>2. When the department receives complaints of misconduct while the criminal investigation is ongoing, that supervisors identify a strategy for completing the investigation, including determining the accused officer(s)' further communication with the complainant and/or whether the case should be reassigned within the department.</li> </ol>
Policy Response	<ol style="list-style-type: none"> <li>1. BPD Chief: "These deficiencies have already been discussed at length with Officer [1] and also that he has taken full responsibility for his actions and has been working diligently to do better."</li> <li>2. This will be assessed on a case-by-case basis. There are clearly some circumstances in which an officer/detective against whom an allegation</li> </ol>

	has been made should be completely removed from an ongoing criminal investigation involving the complainant. This would usually apply if the allegation were one of serious misconduct. In other circumstances, an officer/detective might still be utilized to conduct follow-up, but a different officer selected to communicate with the complainant if that is a friction point.
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MI2023-012	
Origin	Community Member
Race/Ethnicity	White/Not Hispanic or Latino
Summary	<p>Officers 1 and 2 saw a man using a car with expired license plates put trash in an apartment complex' dumpster. When he pulled out into the street, the officers stopped him. The man got out of the car and walked towards the officers, claimed he had not been driving the car, and refused to provide his name, driver's license, and insurance, and asked to speak with a supervisor. The driver put his hands in and out of his pockets and started to walk away. Officer 1 frisked him and the officers handcuffed him, detained him, and sat him down on the curb while they waited for Sergeant 1. Though the driver said he was not going to answer questions, he and the officers continued to speak. At one point, when the driver again refused to identify himself, Officer 2 asked whether they would have to play "hangman."</p> <p>When Sergeant 1 arrived, he told the driver that he could identify himself or be taken to jail and fingerprinted, then released. The man consented to Officer 1 removing his driver's license from the driver's wallet. Officer 1 issued the driver a summons and then the officers released the driver.</p>
Allegations	<p>Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/GO 305 Field Interviews, Pat-Down and Consent Searches—frisked an individual</p> <p>Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/GO 305 Field Interviews, Pat-Down and Consent Searches—detained an individual</p> <p>Officer 1: Rule 6 (Use of Force)—Used force against an individual</p> <p>Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/GO 130 Criminal Process—questioned an individual</p> <p>Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/GO 305 Field Interviews, Pat-Down and Consent Searches—searched an individual's wallet</p> <p>Officer 2: Rule 1 (Compliance with Values, Rules, and General Orders)/GO 305 Field Interviews, Pat-Down and Consent Searches—detained an individual</p> <p>Officer 2: Rule 1 (Compliance with Values, Rules, and General Orders)/GO 130 Criminal Process—questioned an individual</p> <p>Officer 2: Rule 4 (Respect for Others)—referenced the game hangman</p>



	Sergeant 1: Rule 1 (Compliance with Values, Rules, and General Orders)/GO 305 Field Interviews, Pat-Down and Consent Searches—detained an individual
Panel Recommendations	Officer 1: Not Sustained Officer 1: Exonerated Officer 1: Exonerated Officer 1: Exonerated Officer 1: Exonerated  Officer 2: Exonerated Officer 2: Exonerated Officer 2: Exonerated  Officer 3: Exonerated
BPD Chief Outcome	Officer 1: Exonerated Officer 1: Exonerated Officer 1: Exonerated Officer 1: Exonerated Officer 1: Exonerated  Officer 2: Exonerated Officer 2: Exonerated Officer 2: Exonerated  Officer 3: Exonerated
Panel Policy Recommendations	1. The BPD counsel Officer 2 and other officers to avoid referencing the game “hangman” because of society’s current understanding of its racial connotations.
Policy Response	1. The PSU counseled Officer 2 to avoid using the term “hangman” when communicating with the public and officer 2 was receptive to the counseling.

MI2023-013	
Origin	Community Member
Race/Ethnicity	Black/Not Hispanic or Latino
Summary	An individual visiting friends in an apartment complex called police regarding a physical altercation that took place between neighbors. The woman told officers that her upstairs neighbor had hit her with plastic flowers, cutting her finger. The man said his downstairs neighbor pulled out the plastic flowers from his garden, would not return them, they got into a tug-of-war, and the woman threatened him with and swung her cane at him. Four individuals witnessed the incident and one or more recorded it. While Officer 1 was speaking with the woman, Officers 2 and 3 did not ask for, view, or obtain the recordings because with the statements of independent witnesses they felt they did not “need it.” The witnesses indicated that the woman was the aggressor. The man did not want to

	<p>press charges and the officers did not issue a summons or make an arrest.</p> <p>The woman filed a complaint and stated that she felt she had been the victim of biased policing.</p>
Allegations	<p>Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/G.O. 203 Investigative Responsibility and Case Assignments—did not conduct an adequate investigation</p> <p>Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/G.O. 101 Unbiased Policing--race</p> <p>Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/G.O. 316--did not make medical treatment available to an individual</p> <p>Officer 1: Rule 4 (Respect)—stated to an individual that it might be a good idea for her to move out of Boulder</p> <p>Officer 2: Rule 1 (Compliance with Values, Rules, and General Orders)/G.O. 203 Investigative Responsibility and Case Assignments—did not conduct an adequate investigation</p> <p>Officer 2: Rule 1 (Compliance with Values, Rules, and General Orders)/G.O. 101 Unbiased Policing--race</p> <p>Officer 3: Rule 1 (Compliance with Values, Rules, and General Orders)/G.O. 203 Investigative Responsibility and Case Assignments—did not conduct an adequate investigation</p> <p>Officer 3: Rule 1 (Compliance with Values, Rules, and General Orders)/G.O. 101 Unbiased Policing--race</p>
IPM Recommendations	<p>Officer 1: Not Sustained</p> <p>Officer 1: Exonerated</p> <p>Officer 1: Unfounded</p> <p>Officer 2: Exonerated</p> <p>Officer 2: Sustained/verbal counseling</p> <p>Officer 2: Exonerated</p> <p>Officer 3: Sustained/verbal counseling</p> <p>Officer 3: Exonerated</p>
BPD Chief Outcome	<p>Officer 1: Not Sustained</p> <p>Officer 1: Not Sustained</p> <p>Officer 1: Unfounded</p> <p>Officer 1: Exonerated</p> <p>Officer 2: Sustained/verbal counseling</p> <p>Officer 2: Exonerated</p> <p>Officer 3: Sustained/verbal counseling</p> <p>Officer 3: Exonerated</p>
IPM Policy Recommendations	N/A
Policy Response	

MI2023-014	
Origin	Community Member
Race/Ethnicity	White/Not Hispanic or Latino
Summary	Limited duty officer 1 was assigned to handle a 911 call regarding an upstairs-downstairs neighbor dispute. Officer 1 called and recorded his conversation with the 911 caller, who said that when she and her daughter descended from stairs from the third to the second floor, the second-floor resident yelled and cursed at her about noise, and shoved the caller. The caller told Officer 1 that she immediately reported what happened to a first-floor neighbor, who also has issues with the second-floor resident. Officer 1 said police would try to get in touch with both the second floor-resident and other neighbor. Instead, Officer 1, who wrote the incident report, assigned Officer 2, who was in training under officer 3's supervision, to issue the second-floor resident a summons. Officer 2 wrote and issued resident 2 (the complainant) a summons without any additional investigation.
Allegations	Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/G.O. 405 Investigative Process—did not conduct an adequate investigation  Officer 2: Rule 1 (Compliance with Values, Rules, and General Orders)/G.O. 405 Investigative Process—did not conduct an adequate investigation  Officer 3: Rule 1 (Compliance with Values, Rules, and General Orders)/G.O. 405 Investigative Process—did not conduct an adequate investigation
IPM Recommendations	Officer 1: Sustained/Verbal Counseling  Officer 2: Not Sustained  Officer 3: Not Sustained
BPD Chief Outcome	Officer 1: Sustained/Verbal Counseling  Officer 2: Not Sustained  Officer 3: Not Sustained
IPM Policy Recommendations	BPD counsel Officer 3, who, as Officer 2's PTO, should have exerted himself to ensure his trainee was taking proper action
Policy Response	Agreed to have a supervisor discuss the incident with both Officers 1 and 3 for process improvement; the police legal advisor will also provide both officers training on legal standards for citations/arrest

MI2023-015	
Origin	Community Member
Race/Ethnicity	White/Not Hispanic or Latino
Summary	On September 6 and 10, 2022, police responded to calls that a woman entered an apartment upstairs from her and physically and verbally

	confronted contractors renovating the apartment. The woman said that the work violated the homeowner's association (HOA) rules. Police advised the resident she risked criminal charges if she persisted. On September 14, 2022, Officers 1-3 responded to a call about the woman blocking the contractors from descending the stairs and yelling at them. Officer 1 spoke with the woman, while Officers 2 and 3 spoke with the contractor. Officer 1 told her that the renovation was not a crime, the BPD does not enforce HOA rules, and she needed to leave the contractor alone. An hour later, the contractor reported that the woman threw stuff inside his van, and made comments about his wife. Officers 1-3 returned and Officer 1 issued the woman a summons for harassment. The woman complained that the officers were young and inexperienced and that Officer 1 issued the summons based on poor judgment and lies, due to ageism and sexism.
Allegations	Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/G.O. 101 Unbiased Policing-Age Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/G.O. 101 Unbiased Policing-Gender
IPM Recommendations	Officer 1: Rule 1: Exonerated Officer 1: Rule 1: Exonerated
BPD Chief Outcome	Officer 1: Rule 1: Exonerated Officer 1: Rule 1: Exonerated
IPM Policy Recommendations	1. The chief should have the department counsel Officer 1 to take more care in selecting the appropriate charge, and/or consult with supervisors and/or legal counsel if unsure of the appropriate charge, and/or be able to articulate/detail the evidence that supports specific charge(s). This will be important on a going-forward basis-- particularly when it comes to proving cases in court--as Officer 1 issues summonses and makes custodial arrests.
Policy Response	1. BPD will conduct a supervisory review of this case with Officer 1 to include selecting the correct sub-section of the harassment charge and the need to articulate the basis for the charge. A sergeant will monitor Officer 1's progress in this area.

MI2023-016	
Origin	Community Member
Race/Ethnicity	Unknown/Not Reported
Summary	A driver called 911 to complain about an officer's on-duty driving. The driver subsequently specified that Officer 1 sped, cut around cars, brake-checked the driver, slammed on his brakes at a red light and had to back up, drove extremely slowly, and did not properly use his blinkers. The BPD's automated vehicle locating (AVL) report, which the Traffic Unit confirmed was accurate, showed that Officer 1 sped on Canyon Boulevard. The investigation showed that he had no reason to do so.
Allegations	Officer 1: Rule 2 (Conformance with Law)/Traffic Regulations
IPM Recommendations	Officer 1: Sustained/Supervisory Counseling

BPD Chief Outcome	Officer 1: Sustained/Supervisory Counseling
IPM Policy Recommendations	N/A
Policy Response	

MI2023-017	
Origin	Community Member
Race/Ethnicity	White/Not Hispanic or Latino
Summary	On May 17, 2023, at 11:22 p.m., a woman called 911 to report that a man was knocking on the door of her home, would not stop trying to get in, and would not leave. The woman asked that the police please hurry. Dispatcher 1 told the woman that she did not have to ask that the police please hurry because the police were on their way. The woman's sister then spoke with Dispatcher 1, provided a description of the suspect and other details. She reiterated that the occupants of the home were scared and asked how long it would take police to arrive. Dispatcher 1 told the sister that the officers were "in Boulder and will be there soon, but you live far...." When the sister protested, Dispatcher 1 threatened to disconnect the call because the sister was yelling at her. Police arrived at 11:32 p.m. The would-be intruder was a college student who lived down the block who was extremely intoxicated and/or drugged, who did not realize he was trying to get into the wrong house.
Allegations	Dispatcher 1: Rule 1 (Compliance with Values, Rules, and General Orders)/Customer Service Value Dispatcher 1: Rule 1 (Compliance with Values, Rules, and General Orders)/Dispatcher Protocol
IPM Recommendations	Dispatcher 1: Rule 1: Not Sustained Dispatcher 1: Rule 1: Not Sustained *IPM agreed with Chain of Command; did not offer recommendations
BPD Chief Outcome	Dispatcher 1: Rule 1: Not Sustained Dispatcher 1: Rule 1: Not Sustained
IPM Policy Recommendations	N/A
Policy Response	

MI2023-018	
Origin	Community Member
Race/Ethnicity	Hispanic or Latino
Summary	Officers 1 and 2 responded to a call from a mother who alleged that her juvenile son threatened her via text message. The mother did not want her son in their home. When officers attempted to speak with the juvenile, he ignored their instructions to stop and brushed past them to enter the home. The officers grabbed the juvenile to prevent him from entering the home and all three landed on the top platform of the stairs. The mother complained about the force used on her juvenile son.

Allegations	Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/G.O.225 Use of Force - used force against juvenile.  Officer 2: Rule 1 (Compliance with Values, Rules, and General Orders)/G.O.225 Use of Force - used force against juvenile.
IPM Recommendations	Officer 1: Exonerated  Officer 2: Exonerated
BPD Chief Outcome	Officer 1: Exonerated  Officer 2: Exonerated
IPM Policy Recommendations	N/A
Policy Response	

MI2024-019	
Origin	Community Member
Race/Ethnicity	White/Not Hispanic or Latino
Summary	Officer 1 prepared an incident report regarding a suspect threatening Complainant who complained to police about unleashed dogs in the park. Two days later, Complainant called police to report suspect was again inside park. Officer 2 responded and did not obtain any name or contact info for suspect and told Complainant he reached the best outcome by trying to mediate the complaint.
Allegations	Officer 1: Rule 1 (Compliance with Values, Rules and General Orders) GO203 – Investigative Responsibility and Case Assignment; Did not conduct an adequate investigation.  Officer 2: Rule 1 (Compliance with Values, Rules and General Orders) Customer Service Value; Did not respond to an email sent by Complainant.  Officer 3: Rule 1 (Compliance with Values, Rules and General Orders) Customer Service Value; Told the Complainant that he could not take any action. Officer 3: Rule 1 (Compliance with Values, Rules and General Orders) GO240-2(B) – In-Car Cameras, Body Worn Cameras, and Personal Recording Devices; Did not activate his body worn camera during the phone call with the Complainant.
IPM Recommendations	Officer 1: Sustained/One-year Letter of Reprimand  Officer 2: Sustained/Verbal Counseling  Officer 3: Not Sustained Officer 3: Sustained/Verbal Counseling
BPD Chief Outcome	Officer 1: Sustained/One-year Letter of Reprimand  Officer 2: Sustained/Verbal Counseling

	Officer 3: Not Sustained Officer 3: Sustained/Verbal Counseling
IPM Policy Recommendations	N/A
Policy Response	

MI2023-020	
Origin	Community Member
Race/Ethnicity	White/Not Hispanic or Latino
Summary	An individual made a right-hand turn against a redlight and drove through a crosswalk where pedestrians walked. Officer 1 pulled over the driver. Officer 1, who had a cadet riding with him, told the cadet (inside the officer's car) that the driver was "a big jerk so he will be getting a hefty ticket." Officer 1 issued the driver a ticket for failing to present evidence of insurance, reckless driving, and failure to yield to pedestrians in a crosswalk. The driver asked Officer 1 to call for a supervisor, which Officer 1 refused to do. Officer 1 dropped the summons into the lap of the driver's passenger. The driver objected to the summons (community inquiry) and said that Officer 1 demanded to see the driver's bank records, committed assault and battery, vehicular homicide, and threatened to shoot the driver. (BWC video showed that Officer 1 did not commit any of those alleged acts.)
Allegations	Officer 1: Rule 4 (Respect for Others)
IPM Recommendations	Officer 1: Not Sustained
BPD Chief Outcome	Officer 1: Not Sustained
IPM Policy Recommendations	BPD provide supervisory coaching to Officer 1 about not making inappropriate statements to cadets.
Policy Response	Agreed to provide supervisory coaching to Officer 1.

MI2023-021	
Origin	Community Member
Race/Ethnicity	White/Not Hispanic or Latino
Summary	Officer 1 responded to a request for assistance from two urban park rangers because the complainant refused to provide identification for the issuance of a summons. Officer 1 advised that the complainant could be transported to jail for fingerprinting if he refused to identify himself. The complainant referred to the officer and rangers as "Nazis."  Officer 1 warned the complainant against escalating and advised that he could be handcuffed. The complainant provided his name and date of birth and began arguing over the summons. The complainant told them to go fuck themselves and tried to walk away. The complainant expressed his wish that the officers would take off their badges so he could beat their asses. Officer 1 grabbed and released the complainant's arm and

	<p>yelled at him to sit down. The complainant refused and Officer 1 warned him that if he continued, he would be placed into handcuffs. The complainant refused to sit down and Officer 1 and a ranger forced him to the ground and handcuffed him.</p> <p>When the situation calmed, Officer 1 removed the handcuffs and the ranger served the summons to the complainant.</p>
Allegations	<p>Officer 1: Rule 6 Use of Force/General Order 225 Use of Force-- Used force against Complainant</p> <p>Officer 1: Rule 5 Police Authority and Public Trust-- Detained and handcuffed Complainant</p> <p>3) Rule 4 Respect for Others-- Did not speak to Complainant respectfully and/or fairly</p>
IPM Recommendations	<p>Officer 1: Exonerated</p> <p>Officer 1: Exonerated</p> <p>Officer 1: Not Sustained</p>
BPD Chief Outcome	<p>Officer 1: Exonerated</p> <p>Officer 1: Exonerated</p> <p>Officer 1: Exonerated, Coaching to remind Officer 1 to depend on other officers if you believe the situation may escalate.</p>
IPM Policy Recommendations	
Policy Response	

MI2023-022	
Origin	Community Member
Race/Ethnicity	White/Not Hispanic or Latino
Summary	Photo Enforcement Officer 1 (PEO) parked her radar van with "Public Works" under the city of Boulder logo for enforcement. The complainant and her friend approached her van and began yelling and pounding on van windows and tampered with the van's exterior camera. The complainant reported that she was enraged during this interaction and complained that the PEO failed to identify herself.
Allegations	PEO 1: Rule 1 (Compliance with Values, Rules and General Orders)/Customer Service Value – PEO did not identify herself upon request to complainant
IPM Recommendations	PEO 1: Unfounded
BPD Chief Outcome	PEO 1: Exonerated
IPM Policy Recommendations	
Policy Response	

MI2023-023	
Origin	Community Member



Race/Ethnicity	White/Not Hispanic or Latino
Summary	Officer 1 approached a group of individuals sitting and lying around the sidewalk where there were chairs and piles of camping equipment and other property and told them to move it. Officer 1 told them it's a "fucking mess." Officer 1 had a dispute with the complainant about what, if any, law the individuals were breaking. Officer 1 returned to his car and before leaving, flipped the middle finger at the complainant.
Allegations	Officer 1: Rule 5 Police Authority and Public Trust—exceeded his authority, pursuant to Boulder Municipal Code § 5-3-5(b), when he directed that individuals move property that was on the sidewalk Officer 1: Rule 4 Respect for Others—spoke discourteously and gave the middle finger to one or more individuals
IPM Recommendations	Officer 1: Not Sustained Officer 1: Sustained/One-year Letter of Reprimand
BPD Chief Outcome	Officer 1: Not Sustained Officer 1: Sustained/One-year Letter of Reprimand
IPM Policy Recommendations	BPD provide supervisory counseling to Officer 1, review the body-worn camera footage with him, and discuss how he could have better communicated with the individuals sitting and lying around the sidewalk.
Policy Response	Agreed to provide the recommended supervisory counseling.

MI2023-024	
Origin	Community Member
Race/Ethnicity	White/Not Hispanic or Latino
Summary	The Complainant was arrested and transported to the jail. The complainant alleged that Officer 1 would not allow her to retrieve her medication. Video footage of the incident and her transportation did not capture the Complainant asking for medication; at times she denied that she took medication.
Allegations	Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/General Order 204-7 Property and Evidence, Inventory Procedure for Members Submitting Items to P&E--denied Complainant access to her medication.
IPM Recommendations	Officer 1: Unfounded
BPD Chief Outcome	Officer 1: Unfounded
IPM Policy Recommendations	
Policy Response	
MI2023-025	
Origin	Community Member
Race/Ethnicity	White/Not Hispanic or Latino
Summary	A man called 911 to report a group of individuals assaulted him and stole his cell phone stolen. Officer 1 responded and tried to question the caller. Officer 1 interviewed an independent witness who partially corroborated the man's account (she saw two men kicking the 911 caller) and

	questioned others at the scene of the assault. A bicyclist dropped the man's phone on the ground, as he rode past, but the witness could not identify the bicyclist. The caller refused to answer more questions, walked away from Officer 1, and refused to speak with another officer who later encountered him. Police stopped the bicyclist and Officer 1 interviewed him. The bicyclist said he took the phone when the 911 caller and a second man confronted each other—the caller holding a stun gun (as described) and the second man holding a knife—because the bicyclist did not want to be recorded. Officer 1 did not make an arrest. The case was still open a month after the complaint was filed.
Allegations	Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/G.O. 203 Investigative Responsibility and Case Assignments—did not conduct an adequate investigation
IPM Recommendations	Officer 1: Exonerated
BPD Chief Outcome	Officer 1: Exonerated
IPM Policy Recommendations	
Policy Response	

MI2023-026	
Origin	Community Member
Race/Ethnicity	White/Not Hispanic or Latino
Summary	A mall complex security guard called 911 regarding an unhoused man who would not leave. The guard wanted the individual cited for trespass. Officers 1 and 2 responded. The mall buildings and walkways had "no trespass" signs. The officers found the man, told him why they were there, and Officer 1 asked him to leave with his possessions and move on. The man started to gather his belongings, readying to leave. The officers then spoke to the security guard. As the officers walked to their vehicles, a woman approached them and questioned the officers about ordering the man to leave. They explained that the mall was private property. The woman asked for their names. Officer 1 initially pointed to her nameplate. When the woman said she could not read the nameplate, Officer 1 stated her name and badge number. When Officer 1 walked to her car, the woman spoke with Officer 2. Officer 2 tried to focus the conversation on the right of the private property owner to ask someone to leave. Officer 2 ended the conversation by telling the woman to have a good day. The woman filed a complaint objecting to the officers forcing the man to leave the shade on a hot day, Officer 1 not properly identifying herself, and Officer 2's alleged rudeness.
Allegations	Officer 1: Rule 5 (Police Authority and Public Trust)—directed an individual leave private property Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/Customer Service Value—did not identify herself to an individual

	Officer 2: Rule 4 (Respect for Others)/G.O. 130 Criminal Process—did not speak to an individual with fairness and respect
IPM Recommendations	Officer 1: Exonerated Officer 1: Unfounded  Officer 2: Unfounded
BPD Chief Outcome	Officer 1: Exonerated Officer 1: Unfounded  Officer 2: Unfounded
IPM Policy Recommendations	
Policy Response	

MI2023-027	
Origin	Community Member
Race/Ethnicity	White/Not Hispanic or Latino
Summary	A neighbor called 911 to report a domestic violence incident involving yelling, screaming, and the presence of a seven-year-old child, whom the caller said was crying. The caller said the woman accused the man of destroying the apartment. The dispatcher could hear yelling; the call notes also indicated that there was a history domestic violence calls, and that the man had yelled, "I want you dead." Officers 1 and 2 responded. A man opened the door, said he was alone, and appeared drunk. The man gave Officer 1 consent to enter the apartment; when Officer 2 followed him inside, the man told them to get out. The apartment was dark, in disarray (messy and broken property). The officers left but Officer 2 would not allow the man to close the door (stuck her foot in the door jam); Officer 1 told the man he could not close the door. Eventually, the man opened the door and told the officers they could enter. The man's girlfriend and their child were in downstairs room. The two had argued, he was drunk, screamed, threw stuff everywhere in front of the child, and the woman had taken refuge downstairs. The man complained that Officer 1 has vendetta against him, barged in, and overcharged him. The man filed a complaint, more than 18 months after the incident, due to his upcoming trial.
Allegations	Officer 1: Rule 1 (Compliance with Values, Rules, and General Orders)/G.O. 130 Criminal Process— entered an individual's home  Officer 2: Rule 1 (Compliance with Values, Rules, and General Orders)/G.O. 130 Criminal Process— entered an individual's home
IPM Recommendations	Officer 1: Exonerated Officer 2: Exonerated
BPD Chief Outcome	Officer 1: Exonerated Officer 2: Exonerated
IPM Policy Recommendations	

Policy Response	
MI2023-028	
Origin	Community Member
Race/Ethnicity	White/Not Hispanic or Latino
Summary	<p>During a camp cleanup operation, Officer 1 encountered the Complainant who refused to pack up her campsite or provide her name. Sergeant 1 arrived to assist, and the Complainant continued to refuse to cooperate. When they reached to grab her, the Complainant struggled against their attempts to control her, threw Sergeant 1 to the ground and fled. The Complainant returned and was apprehended by additional officers. While handcuffing her, Officer 2 referred to the Complainant as “bro” and Sergeant 1 used a male pronoun while instructing officers. The Complainant objected and shouted that she had been misgendered. Several officers on-scene used male pronouns in reference to the Complainant when they spoke among themselves.</p>
Allegations	<p>Officer 1: Rule 1 (Compliance with Values, Rules and General Orders), G.O.101 – Unbiased Policing, Gender Identity – Displayed transphobia during his interaction with Complainant  Officer 1: Rule 6 (Use of Force), G.O.225 – Use of Force – Used force on Complainant</p> <p>Sergeant 1: Rule 1 (Compliance with Values, Rules and General Orders), G.O.101 – Unbiased Policing, Gender Identity – Displayed transphobia during his interaction with Complainant  Sergeant 1: Rule 4 (Respect for others), Misgendered Complainant  Sergeant 1: Rule 6 (Use of Force) G.O.225 – Use of Force – Positioned his arm/hand around Complainant’s neck  Sergeant 1: Rule 6 (Use of Force) G.O.225 – Use of Force – Used force and/or threatened Complainant with a taser</p> <p>Officer 2: Rule 4 (Respect for others) – Misgendered Complainant.</p>
IPM Recommendations	<p>Officer 1: Exonerated  Officer 1: Exonerated</p> <p>Sergeant 1: Exonerated  Sergeant 1: Not Sustained  Sergeant 1: Not Sustained  Sergeant 1: Exonerated</p> <p>Officer 2: Exonerated</p>
BPD Chief Outcome	<p>Officer 1: Exonerated  Officer 1: Exonerated</p> <p>Sergeant 1: Exonerated  Sergeant 1: Not Sustained  Sergeant 1: Exonerated  Sergeant 1: Exonerated</p>

	Officer 2: Exonerated
IPM Policy Recommendations	1. BPD encouraged to proactively consider training opportunities to better help their officers navigate interactions with members of the public who are sensitive to gender identities and preferred pronoun usage. BPD requested to report on any actions planned or implemented to provide officers with training/support when interacting with trans or gender nonconforming members of the public.
Policy Response	1. Interim Chief Redfearn, "Gender identity can be a challenge sometimes and can create barriers between community and officers no matter the intention of the officer. Thus, I do believe that BPD should have some training specifically to gender identity, pronouns, and how to properly ask someone what their preferred pronouns are. I will work with our LGBTQ liaisons and Out Boulder to see if there is an online training that we can push out via Power DMS or other means that can better equip our staff with tools and vernacular surrounding these issues."

MI2023-029	
Origin	Community Members
Race/Ethnicity	White – Unknown/Not Reported
Summary	Complaint alleged that a BPD detective conducted an insufficient investigation into allegations that her boyfriend battered his elderly mother and stole money from her accounts. He was arrested in October 2022 and charges were dropped in August 2023. They further alleged that the detective made false statements regarding the evidence.
Allegations	Detective 1: Rule 1 (Compliance with Values, Rules, and General Orders), GO405 Investigative Process – did not conduct an adequate investigation. Detective 1: Rule 5 (Police Authority and Public Trust) – provided false statements about the consistency of evidence.
IPM Recommendations	Detective 1: Unfounded Detective 1: Unfounded
BPD Chief Outcome	Detective 1: Unfounded Detective 1: Unfounded
IPM Policy Recommendations	1. A supervisor in the BPD Detective Unit review this complaint with Detective 1 to discuss best investigative strategies in consideration of resource utilization, caseload management and G.O.405-3.C.3 guidelines.
Policy Response	1. Commander of Detective 1 instructed to address the issues notes by the IPM.

MI2023-030	
Origin	Community Member
Race/Ethnicity	White/Not Hispanic or Latino
Summary	Complaint alleged that Officer 1 did not conduct an adequate investigation into allegations that she electronically harassed her former employer, and that Officer 1 intimidated and retaliated against her. Additionally, she alleged that Officer 1 displayed violence against women,

	used sexual innuendo and discriminated against her. The Complainant admitted multiple contacts towards her former employer and was issued a summons for harassment at the request of her former employer.
Allegations	Officer 1: Rule 1 (Compliance with Values, Rules and General Orders), G.O.101 – Unbiased Policing, Gender - Displayed violence against women and/or used sexual innuendo and/or discriminated against Complainant Officer 1: Rule 1 (Compliance with Values, Rules and General Orders), G.O.203 Investigative Responsibilities and Case Assignments – Did not conduct an adequate investigation Officer 1: Rule 4 (Respect for others) Intimidated Complainant Rule 5 (Police Authority and Public Trust) Retaliated against Complainant
IPM Recommendations	Officer 1: Unfounded Officer 1: Unfounded Officer 1: Unfounded
BPD Chief Outcome	Officer 1: Unfounded Officer 1: Unfounded Officer 1: Unfounded
IPM Policy Recommendations	
Policy Response	

MI2023-031	
Origin	Community Member
Race/Ethnicity	White/Not Hispanic or Latino
Summary	Complainant alleged that Officer 1 hung up the phone and made her wait three hours after calling to report a stolen bag. Complainant further alleged that Officer 1 called her Ms. [last name] to intentionally insult her, instead of using her first name. Complainant made additional complaints that were classified as community inquiries by the IPM.
Allegations	Officer 1: Rule 1 (Compliance with Values, Rules and General Orders), Did not respond to the incident in a timely manner Rule 4 (Respect for Others) Hung up the telephone on complainant Rule 4 (Respect for Others) Intentionally insulted complainant by addressing her as "Ms. [last name]"
IPM Recommendations	Officer 1: Unfounded Officer 1: Unfounded Officer 1: Unfounded
BPD Chief Outcome	Officer 1: Unfounded Officer 1: Unfounded Officer 1: Unfounded
IPM Policy Recommendations	1. BPD supervisors counsel Officer 1 to provide additional tools to prevent miscommunication during challenging interactions, including not using a cell phone while driving, and ensuring a complaint is registered when a member of the public complains alleges misconduct. 2. A supervisor of the Boulder Police and Fire Communications Center review the CAD report from this incident to determine whether the time

	pending 1st Assignment (01:56:26.8) was appropriate for this incident, given the staffing and volume of incidents during that time.
Policy Response	1. Informed Officer 1 of the IPM concerns. 2. Informed the appropriate supervisor of the IPM concerns.

MI2023-032	
Origin	Community Member
Race/Ethnicity	White/Not Hispanic or Latino
Summary	The Complaint alleged that Officer 1 hung up the phone.
Allegations	Officer 1: Rule 4 (Respect for others) Hung up the telephone on Complainant.
IPM Recommendations	Officer 1: Unfounded
BPD Chief Outcome	Officer 1: Unfounded
IPM Policy Recommendations	1. BPD supervisors counsel Officer 1 to provide additional tools to prevent miscommunication during challenging interactions, and to ensure a complaint is registered when a member of the public complains alleges misconduct.
Policy Response	1. Informed Officer 1's Supervisor of the IPM concerns to be used for coaching

MI2023-033	
Origin	Internal
Race/Ethnicity	White/Not Hispanic or Latino
Summary	A BPD officer alleged that during a physical training exercise, another BPD officer's reckless actions caused injury to her neck. She further alleged that the officer has not apologized or otherwise taken responsibility.
Allegations	Officer 1: Rule 4 (Respect for Others), acted recklessly towards another BPD Officer during a Defensive Tactics training session and/or did not take responsibility for the resulting injury.
IPM Recommendations	Officer 1: Not Sustained
BPD Chief Outcome	Officer 1: Not Sustained
IPM Policy Recommendations	1. Recommend that Officer 1's direct supervisor(s) pay close attention to any Use of Force incidents he is involved with in the future.
Policy Response	Concurred with this assessment and instructed Officer 1's chain of command to do so.

MI2023-034	
Origin	Internal
Race/Ethnicity	White/Not Hispanic or Latino

Summary	Officer 1 was assigned to investigate allegations of domestic violence. Officer 1 called the victim and tried to track down the suspect based on upcoming court dates. Upon review of the investigation, Sergeant 1 determined that Officer 1's investigation and documentation in the incident report were insufficient. Additional officers were assigned to complete the investigation; they relocated the victim and were able to contact the suspect and secure additional charges.
Allegations	Officer 1: Rule 1 (Compliance with Values, Rules and General Orders)/G.O.313-Domestic Violence Response; Failed to conduct a domestic violence investigation as mandated in G.O.313-2. Officer 1: Rule 1 (Compliance with Values, Rules and General Orders)/G.O.313-Domestic Violence Response; Failed to provide a victim rights pamphlet as mandated in G.O.313-2. Officer 1: Rule 1 (Compliance with Values, Rules and General Orders); Failed to comply with lethality assessment protocol. Officer 1: Rule 1 (Compliance with Values, Rules and General Orders); Failed to attempt to locate the suspect. Officer 1: Rule 1 (Compliance with Values, Rules and General Orders)/G.O.313-Domestic Violence Response; Failed to identify the appropriate charges.
Panel Recommendations	Officer 1: Not Sustained Officer 1: Sustained Officer 1: Sustained/Verbal Counseling Officer 1: Unfounded Officer 1: Not Sustained
BPD Chief Outcome	Officer 1: Sustained/Verbal Counseling Officer 1: Not Sustained Officer 1: Sustained/Verbal Counseling Officer 1: Unfounded Officer 1: Not Sustained
Panel Policy Recommendations	Compare G.O.313 and the Domestic Violence training to ensure consistency and clarity for officers about what actions are mandated when officers respond to domestic violence incidents.  Recommendation that BPD work with Axon to improve its ability to document investigative actions in Axon Records.
Policy Response	G.O.313 will be examined during CALEA accreditation process, and the concerns shared by the Panel should be examined to see if we need to make additional changes.  The Panel's feedback was shared with the BPD team working to improve Axon Records functionality.



MI2023-035	
Origin	Internal
Race/Ethnicity	White/Not Hispanic or Latino
Summary	Officers arrested a man based on a warrant. They discovered a hobble (leg restraint device) that appeared to be BPD-issued. The arrestee indicated that Officer 1 gave him the hobble. During review of BWC involving prior police interactions with the arrestee, Officer 1 was heard saying, "You're holding up fucking traffic."
Allegations	Officer 1: Rule 1 (Compliance with Values, Rules and General Orders), G.O.105 - Uniforms, Equipment and Appearance Standards; Did not maintain possession of her BPD-issued hobble. Officer 1: Rule 8 (Conduct) - Directed profanity at pedestrians.
Panel Recommendations	Officer 1: Not Sustained Officer 1: Unfounded
BPD Chief Outcome	Officer 1: Not Sustained Officer 1: Unfounded
IPM Policy Recommendations	1. Recommended that the Department audit their inventory procedures for Department-issued equipment and report back to the Panel on the process and any updates.
Policy Response	1. (Interim Chief Redfearn) "I echo the panel's concerns about equipment tracking and we have been discussing our internal processes to ensure we have a better understanding of what has been issued and to whom.  In this case, the police equipment referenced is a soft leg restraint or hobble. These are not serialized and have no specific method of tracking the equipment. Like other things we issue such as tourniquets, Narcan, and spit socks, there is not currently a way to track these items. Items that are checked out daily by officers like less-lethal weapons, AEDs, and computers are all serialized and are inventoried and tracked. Other equipment that is issued to an officer including Tasers, Firearms, and BWC's are all tracked and a list is maintained by the issuing section.  In 2023, we changed our inspection process to ensure that supervisors are more frequently conducting inspections of officers' issued gear. As we are going through accreditation, General Order 151, Inspections, Audits, and Departmental Reporting is being re-written to be consistent with the accreditation standards. Once that is complete, we will let the POP know.  Additionally, we are in the process of finding a more robust electronic inventory management system where supervisors can better track equipment that is issued. We will also inform the POP when this is completed."