

# **Boulder, CO Police Oversight Panel Guiding Principles and Bylaws - APPROVED**

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## **Guiding Principles**

*This section is in development and will be integrated through an amendment at a later date.*

## **Article 1 - Introduction**

### **1.1 Native Land Territory and People Acknowledgement**

We acknowledge the Arapahoe, Ute, and Cheyenne tribes; the Traditional Custodians of the land on which the Police Oversight Panel and Boulder Police Department operate and pay our respects to their Elders past and present.

### **1.2 Purpose**

These bylaws are adopted to govern the operations of the Police Oversight Panel (hereafter “Panel”) to implement Boulder Ordinance 8430, incorporated into the Boulder Municipal Code under Chapter 11 of Title 2. In cases of inconsistency, Ordinance 8430 shall supersede the bylaws in the provisions found in conflict. These bylaws operate in conjunction with the Guiding Principles adopted by the Panel.

Established by Ordinance 8430 this Panel commits to the fair, impartial, and independent oversight of the Boulder Police Department (hereafter “Department”). The Panel:

- a. will create and abide by the rules and procedures to accept and review citizen complaints.
- b. will foster systemic change through a cooperative, just, and accountable relationship with the Department.
- c. will, after appropriate consideration, make recommendations and follow up on their implementation in the Department.
- d. is accountable first and foremost to the community and will establish trust and confidence through transparency and active communication.

## **1.3 Definitions**

### **Chief of police**

[See Boulder Ordinance 8430: 2-11-2](#)

### **Citizen**

A member of the public, regardless of age, legal citizenship, or any other matter relating to a characteristic of the complainant.

### **Complaint**

[See Boulder Ordinance 8430: 2-11-2](#)

### **Complainant**

A person or person(s) who files a complaint.

### **Conclusion of any criminal investigation**

[See Boulder Ordinance 8430: 2-11-2](#)

### **Conflict of interest**

[See Boulder Ordinance 8430: 2-11-2](#)

[Title 2, Chapter 7, Code of Conduct](#)

### **Community, city, county**

Referring to the Boulder community, the City of Boulder, and Boulder County

### **Immediate family member**

[See Boulder Ordinance 8430: 2-11-2](#)

### **Monitor**

Meaning the Police Monitor as described in [Ordinance 8430: 2-11-3](#).

### **Panelist**

Meaning members appointed to the Police Oversight Panel

## **Police employee**

*[See Boulder Ordinance 8430: 2-11-2](#)*

## **Preliminary investigation**

*[See Boulder Ordinance 8430: 2-11-2](#)*

## **Professional Standards Unit**

*[See Boulder Ordinance 8430: 2-11-2](#)*

## **Sworn police officer or police officer**

*[See Boulder Ordinance 8430: 2-11-2](#)*

# **Article 2 - Membership**

## **2.1 Officers**

The Panel will elect two Co-Chairs from among the Panelists. Co-Chairs may be re-elected to serve a total of two, one-year terms. Co-Chairs will be responsible for:

- a. co-development of agenda and leading each Panel meeting.
- b. communicating the needs of the Panel to the Monitor and attending a closed monthly meeting between Co-Chairs and Monitor.
- c. engaging with the community and assisting with outreach efforts.
- d. ensuring the oversight Panel's annual report is completed and published in a timely manner.
- e. helping to maintain Panelists' participation and morale as well as mediating conflict as needed between Panelists.

Election of the Co-Chairs will take place annually each February. The Monitor will facilitate the Co-Chair election by collecting secret ballots from each Panelist, tallying votes, and announcing the two candidates who will serve together as Co-Chairs.

*Notable references to [Ordinance 8430: 2-11-8](#)*

## **2.2 Panelist appointment**

Starting with the implementation of these bylaws, two Panelists will serve on the Selection Committee along with representatives from two local non-profits selected by the Panel as described by B.R.C. 2-11-6. The Monitor shall not be involved in the process of selecting the Selection Committee or the Panel.

The Selection Committee will provide the City Council with a written summary explaining why each applicant was nominated. The City Council will then vote on whether to approve the appointment of the nominee at the next available City Council meeting.

*Notable references to [Ordinance 8430: 2-11-6.2](#)*

## **2.3 Duties and Responsibilities**

### **a. Term and time commitment**

All Panelist terms shall be three years, except for the two student Panelists who shall serve one-year terms. Panelists may serve for a maximum of two consecutive terms.

### **c. Dismissal, vacancies, and alternates**

When a Panel vacancy occurs, if no alternates are available, the Selection Committee will reconvene to fill the vacancy. Each time the Selection Committee reconvenes to select new or alternate Panelists, a public announcement shall be made inviting applicants to submit their notice of interest.

In the event of a Panel vacancy, when an alternate is not available and a successor has not been named, the sitting Panelist may remain on the Panel until their successor is named.

Panelists will make the effort to miss no more than 25% of Panel meetings or training sessions, to not miss consecutive monthly meetings, and participate in at least one case review per three months. Co-Chairs will address issues of attendance directly with Panelists.

Proposals to remove a Panelist will be directed to the Co-Chairs, and either Co-Chair will recommend a Panelist's removal to the Panel. A Panelist's removal shall be approved or rejected by a majority vote of the Panel, before submitting the removal to City Council for final approval or rejection.

*Notable references to [Ordinance 8430: 2-11-6.a.7, 2-11-7.a-g, 2-11-6.a.8, 2-11-6.b-d](#)*

## **2.4 Orientation and training**

Panelists may review and provide comments on the training program developed by the Monitor. The Education and Orientation Subcommittee will lead this initiative.

*Notable references to [Ordinance 8430: 2-11-6.a.12](#)*

## **2.5 Panel structure**

### **a. Governance Committee**

The Governance Committee will be 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 8430.

The Panel will further develop their own agendas, duties, and responsibilities in this section through the Governance Committee.

## **b. Education and Orientation Committee**

The Education and Orientation Committee will 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 Education and Orientation Committee.

## **c. Community Outreach and Communications Committee**

The Community Outreach and Communications Committee will 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.

## **d. Legacy Review Committee**

This Panel 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 the Boulder Police Department and City to conduct analysis and review of trends to make policy recommendations.

The Legacy Review Committee may meet with past Ordinance 8430 drafters or partnering advocacy groups specific to the population to conduct this work. Any research or insights will be presented to the Panel in a public meeting for recommended policy changes.

*Notable references to [Ordinance 8430: 2-11-7.b](#)*

## **2.6 Police Monitor**

The Panel has no formal authority over the Monitor and can neither assign tasks nor supervise the Monitor. However, as described in B.R.C. 2-11-7(f), The Panel has the authority to evaluate the work of the Police Monitor's Office. The Monitor and the Panel will strive to have an effective partnership. Panelists should be mindful of the impact of their requests involving significant work that would impact planned work programs. The Monitor may require an affirmative vote of the Panel before undertaking significant work in response to an individual Panelist's request.

Notable references to [Ordinance 8430: 2-11-4.a.3, 2-11-4.a.6, 2-11-4.a.6, 2-11-5.b.9, 2-11-7.f](#)

## **Article 3 - Meetings**

### **3.1 Regular monthly meetings**

#### **a. Scheduling**

The Panel will hold a meeting on the second Thursday of each month at 6 p.m. The Panel may reschedule meetings with a majority vote, and with notice in accordance with the Boulder revised code.

#### **b. Agenda**

The Monitor and Co-Chairs will jointly develop the agenda for all Panel meetings. Panelists may request items be added to the agenda up to 48 hours prior to a meeting.

#### **c. Minutes and record-keeping**

Minutes and record-keeping will be performed by City staff.

#### **d. Meeting Procedures**

The Panel will develop this section through the Governance Committee.

#### **e. Public Comment**

Public comment will be the final item on the agenda. Any individual who wishes to speak will be given at least two minutes, subject to increase at the time of the meeting by the Co-Chairs. At least two minutes of follow-up will be reserved for Panelists to ask questions or respond. The Co-Chairs will facilitate public comment.

Notable references to [Ordinance 8430: 2-11-8](#)

### **3.2 Other meetings**

#### **a. Case review meetings**

The Panel will develop this section through the Governance Committee.

#### **b. Committee meetings**

The Panel will develop this section through the Governance Committee.



### **c. Ad hoc meetings**

The Panel will develop this section through the Governance Committee.

## **Article 4 - Complaints Procedure and Policy Review**

In implementing this article, the Panel will strive to civilian oversight of the Boulder Police Department to ensure the quality of service of police officers, enhance the mechanisms for local accountability, and create a stronger sense of community. Panelists will strive to use their lived experiences and awareness of various hardships that face community members, to provide inclusive insight as well as act in the public interest.

### **4.1 Selection**

#### **a. Redacted Screening Process**

Upon receipt of a complaint or concern raised by a community member, or on behalf of a community member, the Monitor shall exclude the name(s) and rank identifiers of all parties prior to providing a summary to the Panel. Panelists will begin the deliberation process independently to assign or not assign a case investigation for review while the parties' identifiers are redacted for the initial vote. This is a preliminary measure intentionally designed to ensure contemplative thought regarding the substantive nature of the complaint's assignment 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.

#### **b. Case Review Voting**

During an open session, if a quorum of the Panel is present, the Panel will vote on whether to move forward with a case investigation. An affirmative vote of the majority of the Panelists present at the meeting will result 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 outcome within 72 hours.

#### **c. 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.

Once it is determined that no conflict of interest exists, complaints will be divided up amongst the Panelists and documented by the Monitor for assignment and prepared for the Panelists to review.

#### **d. 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 complainant's rejection to maintain public transparency.

Rejection factors will be developed by the Panel. The Governance Committee may suggest amendments to the rejection factors to be approved or rejected by the Panel.

The Monitor will inform the complainant of the outcome within 72 hours.

#### **e. Preparing for Full Case File Review of Complaints**

The Monitor shall request that Panelists volunteer to join a full case file review of complaints. 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 shall appoint Panelists by random selection.

The Monitor is expected to assist in the production of all materials regarding the complaint, including, but not limited to internal and external investigation materials of the complaint, handwritten notes, Computer-Aided Dispatch (CAD) reports, body camera video, dash camera video, street camera video, public or bystander video, emails, photographs, audio, etc. in accordance with Ordinance 8430.

Upon receipt of the completed case file from the Professional Standards Unit (PSU) via electronic files in the designated Panelists' city Health Insurance Portability and Accountability Act (HIPAA) compliant email or scheduling time to physically review files in person while accompanied by the Monitor, all elements of the assigned case, the investigation, and the PSU conclusion will be reviewed and analyzed with critical thinking.

*Notable references to [Ordinance 8430: 2-11-7](#)*

#### **f. Complaints Pertaining to the Monitor and/or Oversight Panelists**

##### **(i) The complaint procedures for the Monitor are as follows:**

The Monitor reports to the City Manager's Office. Complaints regarding the Monitor should be directed to their supervisor. The supervisor's contact information will be readily available on the Police Oversight Panel website.

##### **(ii) The complaint procedures for a Panelist are as follows:**

The Panel will develop this section through the Governance Committee for presentation to the entire Panel. A majority of the Panel must vote in the affirmative to adopt the procedures.

### **4.2 Full Case File Review of Complaints**

In an effort to provide meaningful oversight for the community, the Panel shall independently provide a thorough review of all available evidence of all accepted allegations of misconduct brought forward formally regarding the action or inaction of a law enforcement officer.

### **a. Components of Analysis**

An independent review will consist of meaningfully reviewing all event data, conducting an assessment of compliance based on the department's rules and general orders, conducting a thorough assessment of police behavior(s), conduct, or failure(s) to intervene, noting the presence or absence of exigent circumstance evidence, providing the unique civilian perspective of emotional impact and harm done, as well as noting any patterns found with respect to past data that has been disaggregated for accuracy and transparency.

### **b. Police Oversight Panel Disposition and Recommendations**

For consistency of format and expectation setting, the Panel's disposition and recommendations will include balanced analysis (section 4.2a) of any findings that support or reject the complaint's validity, PSU review, and a recommendation of appropriate next steps of corrective and/or disciplinary actions will be chronicled by the Monitor and formally submitted to the Chief of Police by the Monitor after their review. The nature of the complaint and/or its initial review prior to the Panel receiving the complaint will determine what, if any, policy change, corrective action, or disciplinary action is recommended.

If the Panel determines that an investigation is incomplete, the Panel shall direct the Monitor to recommend additional investigation by the professional standards unit, according to Ordinance 8430.

*Notable references to [Ordinance 8430: 2-11-7.b5](#)*

### **c. Timeliness**

The Panel will strive to conduct its investigations in a timely manner. The Panel, via the Governance Committee, will establish a target timeline for assigning Panelists to cases, review completion and notification of extension timelines.

### **d. 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 analysis, findings, and recommendations will be included in the Panel's annual public report to the city manager and chief of police, in accordance with section 5.2.

### **e. 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, training specific to practice improvement, suspension, disciplinary action, and/or including termination of employment. In some instances, an egregious violation may also have legal implications, subjecting the police officer and/or police department to civil or criminal penalties, fines or other sanctions such as mandatory reporting to Internal Affairs, Federal Bureau of Investigations, and/ or the Department of Justice.

*Notable references to [Ordinance 8430: 2-11-5.b3](#)*

### **4.3 Privacy and confidentiality**

#### **a. Anonymity of the Complainant**

There are a variety of reasons why a complainant may want to protect their identity including, but not limited to fear, status as an undocumented individual, cultural or religious upbringing, anticipated public response, etc., as a citizen of the Boulder community, a complainant can exercise the right to submit an anonymous complaint.

The identity of an individual who submits a complaint shall not be disclosed nor identified without said individual's expressed written consent. Including one's name on the complaint form represents such consent.

Anonymous complaints will be received and reviewed with the same amount of credence and care in the review process as complainants who opt to provide their identity.

Anonymous complainants will be advised of the limitations associated with their anonymity from a lack of secondary contact beyond an anonymous email that they can provide on the complaint website.

In the complaint process, the Panel will disclose to the complainant any potential risk to their anonymity through laws or processes outside the Panel's control.

*Notable references to [Ordinance 8430: 2-11-6.a.5, 2-11-6.a.16](#)*

#### **b. Confidentiality**

All complaints and complainants will be handled in a manner consistent with maintaining community trust and privacy standards, assessed for assignment with care and considerations for any potential confirmation or credibility biases that may be attributed to suspected criminal activities, and with the respectful application of the presumption of innocence standards contained within civil rights protections that are provided to individuals awaiting trial in courtrooms in the United States of America.

A complainant's background, associations, and life circumstances, including criminal, will not influence the outcome of fair judgment and recommendations during the Panel's review.

Submitted complaints contain sensitive matters that are subject to confidentiality rules and guidelines, including any confidentiality requirements in local, state, or federal law. Panelists shall treat each complaint as well as parties to the complaint with the utmost care and respect throughout the review process.

Dissemination of any non-public, or sensitive information pertaining to complaints actively under review would constitute a breach of confidentiality, potential risk to a witness or law enforcement officer, infringe individual privacy rights, and/or possibly jeopardize an open investigation. Panelists granted access to sensitive materials and data will take every precaution to safeguard such information pursuant to Boulder Revised Code, Chapter 2, Title 7, Code of Conduct.

Notable references to [Ordinance 8430: 2-11-6.a.5, 2-11-6.a.16](#)

## **Article 5 - Communication**

### **5.1 Public statements**

The Co-Chairs shall issue, or else delegate the issuing of, statements to the media or direct public consumption. However, Panelist will not issue statements on behalf of the Panel without explicit consent and simple majority approval of the Panel, should a Panelist do so then disciplinary action would proceed through the Co-Chairs in accordance with these bylaws. Panelists will respond to media requests involving the Panel with no comment, and forward requests to the Co-Chairs.

No bylaw or interpretation thereof shall infringe on a Panelist's right to free speech.

### **5.2 Public reporting**

Public access to or procurement of documentation will not alone fulfill the transparency requirements of Ordinance 8430. All public reporting will strive to be accessible to all peoples. Reporting will include visual aids, definitions and other assistive tools as needed.

The Panel will develop a communications plan in consultation with the community to share information, collect feedback and improve communication practices. Communications strategies will coordinate with and as appropriate utilize the resources of the City and Department communications and public relations.

The Panel, at its discretion, may make specific recommendations at any time, and shall issue a public report summarizing its activities and recommendations on an annual basis to the Chief of Police, City Council, and shall distribute the report available to the public.

### **5.3 Collection of Complaints**

Access to complaint forms will not alone fulfill the requirements of Ordinance 8430. The Panel shall review and make recommendations to the Department's and the Monitor's systems of collecting community complaints. The Panel may itself implement or ask the Monitor to implement communications strategies as necessary to inform citizens of their options to file a complaint. The system of complaints and communications will strive to ensure that every citizen that encounters an officer understands how to safely and securely file a complaint without the threat of repercussion. This information will be used to inform analysis and reporting to the public.

## **Article 6 - Amendments**

Amendments to bylaws can be recommended by any Panelist for review by the Governance Committee. The Governance Committee will present any proposed amendments to be approved by simple majority of a quorum at a public Panel meeting given that:

- a. the proposed amendment was presented at the previous Panel meeting and given in writing to each Panelist and the Monitor at that meeting or
- b. the proposed amendment was sent to each Panelist and the Monitor a minimum of 10 business days in writing, and
- c. the proposed amendment does not conflict with the Bylaws, Ordinance 8430, City Charter, Municipal Code, or other existing governing law.