

Denver Law Enforcement Oversight

Strengthening Denver's Independent Oversight Systems

Amending D.R.M.C. § 2-390



By Denver Justice Project

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Executive Summary

Denver’s civilian oversight system was designed to provide independent review of law enforcement, but its authority remains largely advisory when agencies change substantive policies. This report examines how that limitation has played out through recent changes to discipline and use-of-force policies, including Education-Based Development, the Taser policy, and the Denver Department of Public Safety disciplinary directive. Together, these examples illustrate a broader pattern in which major policy decisions have proceeded before meaningful oversight, adequate information, or broad community input could occur.

The report also examines how Denver’s approach compares with civilian oversight systems in Chicago, Cleveland, and Oakland, where oversight bodies have binding authority over specified law enforcement policies. It considers the financial and institutional consequences of limited accountability, including misconduct settlements, insufficient resources for civilian oversight, and vacancies on the Citizen Oversight Board. Finally, it examines the Department of Public Safety’s community engagement practices and the recurring exclusion of independent oversight bodies and community voices from policy discussions.

To address these gaps, the report proposes amending D.R.M.C. § 2-390 to create a 120-day review period for specified substantive policy changes, require complete supporting information, and give the OIM limited approval and veto authority, while preserving an emergency exception and considering additional safeguards involving the COB and City Council. The goal is to ensure that policies affecting accountability and public safety receive meaningful independent review before they take effect.

Denver’s Current Civilian Oversight Ordinance

Denver’s civilian oversight system gives the Office of the Independent Monitor (OIM) substantial access to misconduct investigations, disciplinary decisions, critical incidents, and departmental policy development. But its most important limitation is also increasingly clear: the OIM can review and recommend changes to policies affecting discipline and use of force, but it *cannot* prevent those policies from taking effect.

Denver Revised Municipal Code § 2-390(d) currently requires the Department of Public Safety, Denver Police Department, and Denver Sheriff Department to provide the OIM with “reasonable notice and an opportunity to make recommendations” before implementing or adopting a substantive policy or practice within the OIM’s jurisdiction. The OIM’s recommendations, however, are nonbinding. The department may proceed even when the Monitor determines that a proposed policy will weaken accountability or increase harm.

Recent disputes over Education-Based Development (EBD), Denver’s Police Department’s Taser policy, and the Denver Sheriff Department’s May 2026 disciplinary directive demonstrate the

practical consequences of that limitation. In each case, the OIM, the Citizen Oversight Board (COB), and community members raised substantial concerns, yet input from the OIM, COB, and community occurred primarily through after-the-fact meetings and attempts to establish oversight mechanisms and policy rollbacks after policies had already been announced or implemented.

The operative provision is D.R.M.C. § 2-390(d): “The department of safety, police department, and sheriff department shall provide the monitor or his or her designee with reasonable notice and an opportunity to make recommendations before implementing an existing or adopting a new substantive policy or practice concerning matters within the purview of the monitor’s office. When a policy or practice necessitates an immediate revision or implementation due to a change in the law, the monitor will be notified as soon as practicable about the change.”

The OIM currently cannot compel adoption of its recommendations or prevent implementation of a policy it believes undermines accountability, or increases the chance of community being harmed. Denver should amend § 2-390 to establish a 120-day mandatory OIM review period and veto authority for substantive policy changes affecting discipline or use of force, with a policy becoming effective only when the required oversight approval process is complete.

Our Recommendations

Mandatory 120-day review

Any proposed substantive policy or practice that changes, reduces, expands, or otherwise affects officer/deputy discipline, misconduct investigations, complaint handling, or use-of-force standards must be provided to the OIM at least 120 calendar days before implementation.

Complete information requirement

The 120-day period should not begin until OIM receives the complete proposed policy, supporting analysis, relevant data, implementation plan, and any research or survey material relied upon to justify the change.

OIM approval/veto

At the conclusion of the review period, the OIM may approve the proposal or issue a written veto identifying the accountability, legal, evidentiary, or public-safety concerns requiring resolution. A veto would prevent implementation unless the policy is substantially revised and resubmitted through the review process.

Emergency exception

The existing exception for immediate changes required by law should remain, with the OIM notified as soon as practicable.

(Potential) COB safeguard

Denver could establish a dual-oversight model under which the COB and OIM each receive the same proposal and have a defined review period. A policy could be blocked only when both bodies issue a veto.

(Potential) City Council safeguard

Denver could establish a City Council safeguard allowing a two-thirds Council vote to override an OIM veto of a proposed policy.

Recent Policy Changes Expose Gaps in Denver’s Civilian Oversight

The recent Education-Based Development, use-of-force, and Sheriff’s Department disciplinary changes demonstrate a recurring gap in Denver’s oversight system: the OIM and COB can identify concerns and make recommendations, but they cannot prevent a policy from taking effect when those concerns are rejected or when the review process is incomplete. In each case, substantial time was spent addressing concerns after the policies had already been proposed or implemented.

Denver Police Department Education-Based Development

Since 2025, DPD has pursued Education-Based Development (EBD), allowing certain misconduct cases to be resolved through training and coaching rather than traditional discipline.

The process generated substantial concerns from the OIM, COB, and community. The initial proposal was presented to a small group of community members without the OIM or COB participating, and the OIM received the draft shortly before the planned rollout.

Denver’s existing disciplinary framework already permits education and remedial training as part of discipline. The concern is replacing formal accountability with an internal educational process that can reduce the disciplinary record available to oversight bodies.

Denver is not the first law enforcement agency to use education in place of traditional discipline. Los Angeles County provides a cautionary example of what can happen when an Education-Based Discipline program is used to address misconduct. The Los Angeles County Sheriff’s Department’s 33rd Semiannual Report found that 23 of 27 deputies with sustained unreasonable-force allegations were eligible to satisfy discipline through Education-Based Discipline. Fifteen deputies fully satisfied their discipline through EBD, and 166 of 229 suspension days were completed through EBD rather than served as suspension. The Special Counsel concluded that the Sheriff’s Department had been “too forgiving” of unreasonable-force misconduct under the program. ([LA County Sheriff’s Department, 33rd Semiannual Report](#))

Despite there being no best-practice evidence and calls from the OIM, COB, and community to pause or roll-back the policy, the pilot Education-Based Development Policy went into effect in June, 2026.

Denver Police Department Taser Policy

On April 14, 2026, DPD implemented a new Taser standard changing the threshold from “active aggression” to “defensive resistance.” The OIM’s review found that officers had previously received significant discipline for Taser deployments that would become permissible under the new standard.

DPD implemented the policy on April 14 while the OIM’s requested deadline for recommendations was April 23, over one week after the policy had already been in effect. The OIM concluded that the change could increase harm to community members while reducing accountability for conduct that previously resulted in discipline.

The OIM’s review of 23 cities found that most agencies examined required either active resistance, active aggression, or an immediate threat before Taser deployment; only three had standards the OIM characterized as lower or insufficiently defined.

The policy was pulled back following significant pushback from the OIM, COB, and community.

Denver Department of Public Safety Disciplinary Directive

On May 27, 2026, the Department of Public Safety implemented a directive changing how certain Denver Sheriff Department policy violations are handled. Nineteen categories of violations would now be addressed directly by supervisors rather than automatically entering the traditional administrative-investigation process. The directive was implemented without an opportunity for the OIM, COB, or community to provide input beforehand, despite making significant changes to the Department’s disciplinary process.

The OIM and COB raised concerns about the lack of advance consultation, undefined terms including “harm” and “incident,” and the OIM’s inability to access Workday, the system being used to administer the new process.

The Sheriff cited staffing shortages, attrition, mandatory overtime, morale, and disciplinary caseloads as the basis for the changes. However, evidence presented to support the directive’s anticipated effect on recruitment and retention relied substantially on feedback from only five employee groups, while the Sheriff acknowledged that employee engagement surveys had not been conducted in more than three years. Executive Director Gardner acknowledged that there was no single compiled record containing the analysis supporting the directive.

The OIM was left to develop monitoring mechanisms and evaluate the consequences of a policy that had already taken effect. Following significant pushback from the OIM, COB, and community, the Department of Public Safety implemented a 120-day pause on the directive on August 7, 2026.

Other Cities Demonstrate That Civilian Policy Authority Is Feasible

Denver would not be creating an unprecedented form of civilian oversight by giving the OIM limited binding authority over policies affecting discipline and use of force.

Chicago

Chicago Municipal Code § 2-80-110 provides that “Any new or amended Policy shall become effective only after Commission approval, by majority vote.” This gives the Community Commission for Public Safety and Accountability approval authority over police policy rather than merely the ability to make recommendations. The ordinance establishes a 60-day review period during which the Commission and the relevant police accountability agency may provide written comments or suggestions. If concerns remain, the parties must work collaboratively and in good faith for an additional 30 days to reach agreement before the Commission considers the policy. ([Chicago Municipal Code § 2-80-110](#))

Chicago also requires public participation before adoption. Proposed policy changes must be published on the Commission’s website for at least 30 days, with a plain-language explanation, an opportunity for members of the public to submit comments and indicate whether they support or oppose the policy, and a mechanism for submitting questions. A public hearing must be held when requested by at least four Commissioners.

After Commission approval, a policy generally becomes effective after another 60 days, unless the Mayor issues a written rejection explaining the reasons for doing so. The City Council can override the Mayor’s rejection by a two-thirds vote. The ordinance also requires the Commission to publicly post the final policy, Commission requests, agency responses, comments, and other documents associated with the policy process.

Chicago provides an emergency mechanism: when circumstances require the immediate creation or change of a policy, the Department, COPA, or Police Board may issue a temporary policy for up to 60 days or until the Commission gives the policy final consideration.

Cleveland

Cleveland Charter § 115-5 gives the Community Police Commission “final authority over police policies, procedures, and training regimens” through its power to review and approve General Police Orders and divisional notices that affect police policy. The Commission has to vote to

require its final approval before such policies can be issued. The Charter separately gives the Commission final authority over officer discipline, allowing it to order the Chief to increase or impose discipline, with those orders being final and binding on the Chief and executive head of the police force. ([Cleveland Charter § 115-5](#)) ([Cleveland Community Police Commission policy process](#))

Cleveland's Charter gives the Commission independent authority to obtain information necessary to perform its oversight functions. It may issue administrative subpoenas for witnesses and evidence and must receive relevant information from City departments, including the Police Department and Director of Public Safety, without having to make a formal public-records request. The Commission is also expressly authorized to review police use-of-force policy, discipline, investigations, and alternative resolutions such as supervisory coaching, mediation, and ordered training.

The Cleveland Charter requires the Chief, Police Department employees, and executive head of the police force to “fully cooperate with the Commission in performing all of its duties.” Failure to do so can constitute a terminable offense, and the Commission may seek injunctive relief.

Oakland

Oakland's Police Commission has explicit approval and rejection authority over specified use-of-force policies. Oakland City Charter §604(b)(5) provides that the Commission may: “Approve or reject the Department's proposed changes to all policies, procedures, customs, and General Orders of the Department which govern use of force, use of force review boards, profiling ... or First Amendment assemblies.” The Charter gives the Commission 120 days to approve or reject a Department-proposed change. If the Commission rejects the Department's proposal, the Commission's decision and the Department's proposed changes are submitted to the City Council. The Council then has 120 days to approve or reject the Commission's decision. ([Oakland City Charter §604](#))

The Charter gives the Commission authority to initiate changes. Section 604(b)(4) allows the Commission to: “Propose changes at its discretion ... including modifications to [the Department's] proposed changes” to specified policies, including use-of-force, use-of-force review boards, profiling, and First Amendment assemblies. The City Council must consider Commission-proposed changes within 120 days and may approve, modify and approve, or reject them. If the Council does not act within that period, the Commission's proposed changes become final.

Denver Is Paying for Weak Accountability

Civilian oversight is a risk-management mechanism. Identifying patterns earlier, ensuring misconduct is appropriately addressed, and preventing policies from weakening disciplinary

controls will reduce the likelihood that misconduct escalates into serious harm and costly litigation.

Denver has paid more than \$30 million in police settlements and cases since 2020, including approximately \$19 million in 2023 alone, according to figures from the Denver City Attorney's Office. ([Denverite](#)) A separate national database identifies 15 publicly reported Denver police settlements associated with policy changes totaling approximately \$39.7 million in compensation. ([National Police Funding Database](#))

Denver's Oversight Infrastructure Is Disproportionately Under-Resourced

The imbalance between Denver's law-enforcement agencies and its civilian oversight infrastructure is substantial. The City's 2026 proposed budget provides approximately \$2.63 million for the Office of the Independent Monitor. The budget process reduced the OIM by \$150,000, with the reduction predominantly affecting community outreach, and an approved deputy-monitor position was eliminated because of budget constraints. ([2026 Denver Proposed Budget](#)) ([Denver Gazette](#))

In the first half of 2025, the OIM returned 34.7% of 216 DPD investigations and 56.2% of 178 DSD investigations for additional work, indicating that independent review is identifying substantial deficiencies in investigations conducted by the departments themselves. The report also documents a 28% increase in community complaints against DPD, from 149 in the first half of 2024 to 190 in the first half of 2025. The DPD Use of Force Policy was the most common directive associated with misconduct specifications, accounting for 17% of directives in the first half of 2025. ([OIM 2025 Semiannual Report](#))

The COB faces a separate capacity problem. The Board currently has four vacant seats, leaving the civilian body below its full membership while it is being asked to respond to increasingly consequential changes to police and sheriff policy. The COB's 2025 Annual Report describes its role in assessing OIM performance, making policy and training recommendations, and addressing issues of concern to the community. ([COB 2025 Annual Report](#))

Selective Community Engagement Undermines Oversight

The current community engagement strategy of the Department of Public Safety, Police Department, and Sheriff Department is deeply concerning. The selective exclusion of the OIM, COB, and community organizations that have raised concerns about recent policy changes undermines meaningful community engagement and creates an environment in which law enforcement agency leadership is presenting policies to and claiming "positive community feedback" from audiences it has selected.

Department of Public Safety Community Series (August/September 2026)

This is concerning as the Department of Public Safety currently is conducting a Public Safety Community Series bringing together the Police Chief, Sheriff, and Executive Director of Public Safety to present directly to selected community members, while excluding the independent oversight bodies and community organizations that have publicly raised concerns about their policies. ([DPS Community Series Flyer](#)) There were seven DPS Community Series forums before the OIM and COB were made aware. Some of these meetings are hosted inside police facilities, which can be an inherently exclusionary setting for community members who have experienced police violence, harassment, or other negative interactions with law enforcement. Holding community engagement in spaces controlled by the agencies being scrutinized discourages participation from residents who do not feel safe or comfortable entering those facilities and undermines the stated goal of creating accessible, community-centered dialogue.

Previous Examples Demonstrate a Pattern of Selective Engagement

This concern mirrors the earlier EBD process, where DPD engaged selected community members in a private survey which was later used as justification for moving forward with the EBD pilot program. The same issue arose with the Sheriff's directive. At the July 2026 COB meeting, members specifically questioned why the Board and community members had not been informed about the process before the directive was announced. The Executive Director acknowledged that the process should be different going forward.