

Welcome, Mike McKibbin

THE COLORADO STATESMAN

Thursday, October 20, 2016 | Print Edition

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Mitchell follows grandpa's path to oversight office

by **Mike McKibbin** on **October 21, 2016**



Nick Mitchell, independent monitor for the City and County of Denver, works in his office on Tuesday, Oct. 11, 2016. Denver voters will decide if Mitchell's office should be added to the city charter if they approve Question 2B in the Nov. 8 general election. (Photo by Mike McKibbin/Colorado Statesman)

Edward Mitchell came from a poor Irish Catholic family in New York in the 1940s and did not get a high school degree, so his career choices were limited.

That meant becoming either a firefighter, entering the priesthood or becoming a police officer. He chose the later and was a role model for Nick Mitchell, who became a lawyer and has headed Denver's **Office of the Independent Monitor** for the last four years.

Denver voters will decide if they want to put the office on par with most other city departments when they decide Question 2B, a proposed city charter amendment, on the **Nov. 8 city ballot**. Denver City Council **voted Aug. 15** to place the question on the ballot. If approved, 2B would make the office a permanent part of city government.

"He was a patrolman for about a decade, then he was promoted to detective and investigated many homicides," Nick Mitchell said of his grandfather in a recent interview in his office in the Denver Post building in downtown Denver. "So I have a lot of admiration and respect for police and the self-sacrifice they make each day."

Helping to get policing right

After earning his law degree from the **Fordham University School of Law**, Mitchell worked in the New York mayor's office and investigated police officer misconduct cases, much as his office does in Denver. He relocated to oversee the office four years ago.

"Policing is so important, and I am passionate about civil rights issues," Mitchell said. "We have to get policing right because the cases are incredibly sensitive to communities. Law enforcement officers are like a family, very passionate about getting it right, too. I know the vast majority of them want to treat people properly and constitutionally."

After five shooting incidents involving Denver officers in 2003, the City and County of Denver created the office, which began its work in 2005. The office is the only non-law enforcement entity to make recommendations to Denver's **executive director of safety, chief of police** and **sheriff** regarding discipline of officers and how they are held accountable in cases of misconduct and abuse.



Nick Mitchell, who leads Denver's Office of the Independent Monitor, stands in front of the justice center Tuesday, Oct. 11, 2016. The office would become permanent, if Denver voters approve ballot question 2B in the Nov. 8 general election. (Photo by Mike McKibbin/Colorado Statesman)

"We don't actually do the investigations ourselves," Mitchell stated. "Internal affairs departments do that, but we have oversight, and we're in all the meetings."

The office reviews the results of officer conduct investigations, which includes "every interview, every report, we listen to audio and watch video recordings," Mitchell said.

The office then tells the investigating department if its OK to move to the next phase, or recommends others steps to ensure a thorough and complete investigation.

Mitchell said the office publishes **annual reports** to the public that detail how the police, sheriff's and fire departments are functioning, how many complaints and commendations each department received and how complaints were resolved.

A seven-member **citizen oversight board**, appointed by the mayor and confirmed by City Council, assesses the effectiveness of the office. It also holds public meetings on issues of community concern and makes recommendations about policy and training issues to the three departments.

Looking over shoulders

Noting that most people dislike when their work is monitored, Mitchell said the departments are "sometimes appreciative, often not" when the office gets involved in an investigation.

"We understand how uncomfortable it can be to have someone always looking over your shoulder and constantly telling you what you're doing wrong, what you're doing right," Mitchell said. "But there are a lot of people who understand how important the work we do is, and they work hard to have a good working relationship."

Last year, Mitchell asked City Council for — and obtained — more authority "to get the information we need to do our job." That followed difficulties Mitchell and his staff had getting all the information they requested during an investigation into how jail inmates complaints were processed.

"That led to a whole series of changes made in how inmate grievances are handled," he stated. "So the extra authority we were given makes it explicit that the agencies involved have to share their information with us."

Mitchell added it was too soon to say how the added authority has affected relationships with the various departments.

Other changes came about after a "cluster" of moving vehicle shootings by Denver officers. After several commonalities were found in the cases, Mitchell said the office made a series of recommendations for change in police policies, practices and training.

"We want to take not only a close look at each individual case, but the broader, systemic change and reform needed to get at the heart of the matter," Mitchell said. "That's what we do with each complaint, to see if there are larger issues and changes needed."

Complaints, commendations keep office busy

Mitchell's office staff has increased from five to 14 over the last four years — "some were analysts, some were lawyers," said Mitchell — and Mayor Michael Hancock's **2017 budget request** for the office asks for a 5.1 percent increase in total spending, from nearly \$1.5 million to almost 1.6 million. The only added staff position is to pay less than half the cost of a grant-funded position to help oversee the office's youth outreach program.

While complaints against the police and sheriff's departments make up the bulk of the office's business — 738 in 2015, an estimated 808 by the end of this year — Mitchell said around 600 commendations were also received. Many of those were initiated by police and sheriff's sergeants to highlight an officer's particularly noteworthy actions.

"We make sure those are included in each officer's personnel file and we hope they help them rise through promotions during their career here," Mitchell said.

A few weeks ago, the office's efforts were recognized by the **National Association of Civilian Oversight of Law Enforcement** with its Achievement in Oversight award. It was given for the office's "positive change" in the Denver police and sheriff's departments.

Specifically, the award highlighted a "series of written analyses of systemic problems that impaired the ability of the sheriff's department to police itself," and the office's completion of one of the first "independent, data-driven reviews of body-worn camera use, which led to the police department adopting policy changes surrounding body cameras that are largely consistent with the office's recommendations."

Removing implicit bias

As cities across America, large and small, grapple with law enforcement officer shootings of blacks and other racial groups, Mitchell said it should point them to the need to look at implicit bias from both the officers' viewpoint and that of the community.

"What we've tried to do is get at that implicit bias through our youth outreach program and to bring implicit bias training to the Denver Police Department," he stated. "It's really important that all of us be aware of implicit bias."

Mitchell said when many young people, especially those from low-income and minority families, contact a police officer, it usually goes very poorly due to miscommunication, "and it ends with a young child in the back of a patrol car."

Seeing a need for training to improve such contacts, the office — with citizen and law enforcement input — developed a pilot program that last year resulted in 300 children and many officers going through a Saturday training course.

Low-key campaign for 2B

Backers of the charter amendment have said the move would keep the office from being dismantled and improve transparency and accountability. Currently, the office exists through city ordinance, which means Hancock or any future Denver mayor could eliminate the office.

Community activist groups and citizens worked with City Councilman Paul Lopez to develop language to strengthen the office and ensure its continued existence by adding it to the city charter.

Alex Landau, a co-founder of the **Denver Justice Project**, said his group has promoted passage of 2B through social media and opinion columns, but "it's mostly been word-of-mouth."

"We also work with other groups who are promoting other measures to help get our word out together," Landau added, such as through public forums.


Landau said a key point to make about 2B is it would not increase city taxes.

The only known publicly voiced opposition to the measure came early on, Landau said, when an attorney for the **Denver Police Protective Association** spoke in opposition during a public hearing. Two requests for comment from the police union by The Colorado Statesman were not returned, while both the Denver police and fire departments said they do not comment or take positions on ballot measures. The sheriff's department did not respond to a request for comment.

Mitchell said the city attorney's office has advised all city staff to refrain from politically related public statements or actions.

When Mitchell gets up in the morning to come to the office, he takes pride in believing "We're making a difference and making an impact."

"Whether it's resolving a complaint against falsely accused officers or seeing those justly accused are punished, there is a need to resolve things," he said. "So I look forward to helping the city, the community and these public safety departments make fair and unbiased decisions to resolve issues."



About Mike McKibbin

Mike McKibbin is a Denver and Colorado politics reporter for The Colorado Statesman. McKibbin is a long-time journalist based in Colorado. He has worked as an editor and bureau reporter and has won numerous Colorado Press Association & Associated Press awards over his career. Follow him on Twitter at @MikeMcKibbin7.

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Edward Mitchell (in framed photo) was a New York police officer who inspired his grandson, Nick Mitchell, now the head of Denver's Office of the Independent Monitor. Also shown is a recent award the office received for helping make reforms within the Denver police and sheriff's departments. (Photo by Mike McKibbin/Colorado Statesman)


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