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2 **BY AUTHORITY**

3 ORDINANCE NO.
4 SERIES OF 20__

COUNCIL BILL NO. _____
COMMITTEE OF REFERENCE:
Direct File - CdeBaca

6
7 **A BILL**

8
9 For an ordinance submitting to a vote of the qualified and registered electors of the
10 City and County of Denver at a special municipal election to be held in conjunction with
11 the coordinated election of November 3, 2020, a proposed amendment to the Charter
12 of the City and County of Denver creating a Department of Peacekeeping Services.
13

14 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

15
16 **Section 1.** There is hereby submitted to the properly qualified and registered electors of
17 the City and County of Denver for their approval or rejection at a special municipal election to be
18 conducted at the same time and in conjunction with the coordinated election to be held in the City
19 and County of Denver on November 3, 2020, a proposed amendment to the Charter of the City
20 and County of Denver, as follows:
21

22 **Effective upon publication and filing with the Secretary of State in accordance with**
23 **the Constitution and laws of the State of Colorado, the following sections of Article**
24 **II of the Charter of the City and County of Denver shall be and are amended to read**
25 **as follows:**
26

27 **§ 3.2.11 Peacekeeping Department**

28 (A) *Office Created.*

29 (B) There is hereby created a Peacekeeping Department for the City and County of Denver.
30 This office shall consist of a Director of Peacekeeping who shall be appointed by City
31 Council, with appropriate professional and support staff.

32 (C) The Peacekeeping Department shall have full charge and control of, exercise all powers,
33 and hire all necessary other employees to perform all the acts and duties necessary to
34 respond to emergency requests, protect the life and wellbeing of all residents of the City and
35 enforce laws and ordinances that foster justice and peace.

- 1 (D) A Departmental structure and peacebuilding strategic plan will be adopted every five years
2 via a transparent and inclusive public process to match the changing needs of the City and
3 match the expertise needed as identified by the Director of Peacekeeping in partnership
4 with but not limited to the Citizen Oversight Board, City Council and other City and
5 community agencies.
- 6 (E) It shall be the duty of the Peacekeeping Department to actively implement strategies to
7 proactively prevent conflict, humanely interrupt and reduce violence, therapeutically de-
8 escalate situations, respond appropriately to unrest, mental health crisis, public health
9 disturbance, domestic strife, major infractions of the law and those minor infractions of the
10 law that are deemed related to peacekeeping. The Department shall foster a collective
11 sense of safety through “policing by consent” and reinvesting in community-based services
12 that help people build stable, well-resourced communities.
- 13 (F) All duties shall be carried out prioritizing a holistic, anti-racist, restorative justice and public
14 health-oriented approach. This department shall coordinate closely with all City
15 Departments and Agencies to develop and refine a sophisticated and robust emergency call
16 system to dispatch responders and resources that meet the individual needs and severity of
17 the callers.
- 18 (G) It shall be the duty of the Peacekeeping Department to research and utilize national and
19 global data to better understand the root causes of crime, violence, substance abuse and
20 trauma. This research and data shall guide the formation of strategies and plans to
21 implement humane responses, preserve life and inform all other City agencies providing
22 human, mental health, community, environment and public services.
- 23 (H) It shall be the duty of the Peacekeeping Department to ensure that strategies include the
24 ability in as limited cases as possible apprehend any person or persons committing an
25 offense against the laws of the State or of the ordinances and bring such persons before the
26 proper court or other competent authority for examination. The Department will at all times
27 diligently and faithfully enforce such laws and ordinances and regulations for the
28 preservation of peace and general welfare as the Council may enact but will develop
29 policies and procedures that use force as a last resort.
- 30 (I) The Peacekeeping Department shall be subject to monitoring, investigations,
31 recommendations, administrative action, and or possible discipline from the Independent
32 Monitor’s Office.
- 33 (J) Success of this Department should be carefully tracked and measured by the absence of
34 crime itself rather than arrests made and shall report out progress to the public at a
35 frequency and in a manner determined by the Director of Peacekeeping.
- 36
37

38 Part 6 of Article II shall be amended to add a new section to read as follows

39 **Part 6. SAFETY**

40 **~~§ 2.6.5 Police Department~~**

- 41
42 ~~(A) Who constitutes. The Police Department shall be composed of the Chief of Police, who~~
43 ~~shall be appointed by the Mayor, and such subordinate police officers appointed pursuant~~
44 ~~to Civil Service requirements and employees appointed pursuant to Career Service~~

1 requirements, as may be necessary to preserve the peace, protect persons and property,
2 and enforce laws and ordinances.

3
4 ~~(B) Duties. It shall be the duty of the police force to suppress all riots, disturbances and~~
5 ~~breaches of the peace and apprehend any and all persons in the act of committing any~~
6 ~~offense against the laws of the State or of the ordinances, and forthwith bring such~~
7 ~~persons before the proper court or other competent authority for examination, and at all~~
8 ~~times diligently and faithfully enforce all such laws, ordinances and regulations for the~~
9 ~~preservation of good order and the public welfare as the Council may enact, and upon due~~
10 ~~and reasonable suspicion arrest any person or persons who may be guilty of a breach of~~
11 ~~any of the ordinances or of any crime against the State or the United States.~~

12
13 Part 1 of Article IX shall be amended to add a new section to read as follows

14 **Part 1. CAREER SERVICE**

15
16 E. The Career Service shall comprise all employees of the City and their positions except:
17 (vi) members of the Classified Service of the Police and Fire Departments, the Police
18 Chief if not a member of the Classified Service, and the Undersheriff;

19
20 Part 3 of Article IX shall be amended to add a new section to read as follows

21 **Part 3. CIVIL SERVICE COMMISSION**

22 **§ 9.3.1 Civil Service Commission Created**

23
24
25 There shall be a Civil Service Commission, whose duties, powers and responsibilities shall
26 include: establishing, fostering and maintaining a merit personnel system providing for the
27 selection and appointment by the Manager of Safety to the Classified Service of the
28 Denver Fire and Police Departments those determined to be the best qualified applicants
29 and the promotion within the Classified Service of the best qualified members; establishing
30 and administering a disciplinary and disqualification review process for members of the
31 Classified Service; and other duties, powers and responsibilities as necessary to
32 effectuate the intent of this Charter section. All Commission examinations shall be
33 impartial and relate only to matters which will test the qualifications of the persons
34 examined. The Commission shall be committed to equal employment opportunity. Except
35 as expressly provided in the Charter, there is no right of appeal before the Commission or
36 Department of Safety.

37 38 **§ 9.3.11 Eligible registers, for original appointment and promotional appointment;** 39 **requisition and certification.**

40
41 (i) *Appointment of certified peace officer and firefighter with experience. An applicant*
42 *to the Classified Service of the Denver Police Department who is currently certified*
43 *as a Colorado peace officer or out-of-state equivalent, and has a minimum of 2*
44 *years' experience on the date of application (not including time employed as a*
45 *corrections/detention officer), excluding time served during prior police academy*
46 *training, may at the discretion of the Chief of Police or designee, start the Denver*
47 *Police Academy at the rate of pay for Police Officer 2nd grade. The recruit, after*

1 ~~successful completion of the Denver Police Academy, followed by continued~~
2 ~~employment as a Denver police officer for a period of (9) months of service~~
3 ~~(following graduation), shall become a Police Officer 1st grade at the start of the~~
4 ~~following pay period, regardless of the completion date in the 9th month.~~

5 (ii) —

6 ~~An applicant to the Classified Service of the Denver Police Department who is~~
7 ~~currently certified as a Colorado peace officer or out-of-state equivalent and has a~~
8 ~~minimum of 4 years' experience on the date of application (not including time~~
9 ~~employed as a corrections/detention officer), excluding time served in a prior police~~
10 ~~academy, may at the discretion of the Chief of Police or designee, start the Denver~~
11 ~~Police Academy at the rate of pay for Police Officer 1st grade.~~

12 ~~The Chief of Police will evaluate applicants with prior law enforcement experience~~
13 ~~and peace officer certification on a case-by-case basis in assessing and~~
14 ~~determining suitability for hiring at an elevated pay grade.~~

15 Part 4 of Article IX shall be amended to add a new section to read as follows

16 **Part 4. CLASSIFIED SERVICE; GENERAL PROVISIONS**

17
18 **§ 9.4.3 Reemployment**

19
20 Members of the Classified Service who are separated may be reemployed pursuant
21 to Commission rule, which shall provide for the written approval of the Fire Chief ~~or~~
22 ~~the Police Chief~~, as appropriate, and the Manager of Safety. Reemployed members
23 shall retain the seniority they had at separation, but no seniority shall be granted for
24 the time during which they were separated and service shall not be construed as
25 continuous. In the event the approval of either the chief of the department, the
26 Manager of Safety, or the Commission is not granted, the former member shall
27 have no right to seek review of that decision before the Commission, the
28 department chief, or the Manager of Safety.

29
30 **§ 9.4.6 - Probationary period; permanent appointment.**

31
32 Every original appointment in the Classified Service shall include a probationary
33 period, which shall include the time necessary to successfully complete the ~~Police~~
34 ~~or Fire~~ Academy and a nine-month period thereafter, except for an appointment to
35 the rank of Fire Systems Technical Specialist or Mechanic in the Fire Department,
36 and except for an appointment pursuant to [§ 9.3.11](#) (E.)(iii). An original appointment
37 to the rank of Fire Systems Technical Specialist or Mechanic shall include a
38 probationary period of twelve months. An original appointment pursuant
39 to [§ 9.3.11](#)(E.)(iii) shall include a probationary period determined by the Manager of
40 Safety. At the end of the probationary period, if the conduct and capacity of the
41 member appointed shall have been satisfactory, he or she shall be permanently
42 appointed; otherwise, he or she shall be dismissed. The Manager of Safety may
43 summarily dismiss, without cause, any probationary member during their
44 probationary period. A probationary member shall not be entitled to appeal a
45 dismissal action.

46 **§ 9.4.7 - Service while in academy and during probation.**

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Service while in the ~~Police or~~ Fire Academy and during the period of probation following completion of the respective academy shall be deemed active service in the Classified Service of the department, and shall be included and counted in determining eligibility for advancement, promotion, retirement, pension, increased salary or compensation based on length of service, and other benefits of the Classified Service. During a member's service in the ~~Police or~~ Fire Academy and the period of probation following completion of the respective academy, the member is in the Classified Service for all purposes except for tenure of the employment or position to which the member has been so appointed.

§ 9.4.10 - Longevity pay.

In addition to the annual salaries for members in the Classified Service of the Fire and ~~Police~~ Departments as fixed by Charter provisions, ~~and in addition to the salary or compensation provided by ordinance for the Chief of Police,~~ there shall be paid periodically as salary to each member of each such department who shall have served in the department of which he or she is such member for five years or more ~~and to the Chief of Police if the chief is also a member of the Classified Service,~~ calculated as follows: ~~Two hundred and eighty-eight dollars per annum prorated to a periodic rate geared to the pay period if the individual shall have so served five years, and an additional four dollars for each full year of such service thereafter, similarly prorated.~~ After the completion of twenty-five years of such service, the additional salary provided by this paragraph, to be paid periodically during the year, shall continue during the active service of such member at the rate of \$1,200, and no more than \$1,200, per annum. The additional salary provided in this paragraph is an addition to salary in rank in the Fire Department ~~and the Police Department~~ and shall be considered or included in determining or computing the pension or retirement benefits of members of either the department retired or retiring after the effective date of this amendment. Any collective bargaining agreement between the City and the bargaining agent entered into pursuant to Part 8 of this Article IX that conflicts with or modifies the provisions of this Section shall supersede this Section.

§ 9.4.14 - Disciplinary procedures.

Except for the dismissal of any probationary member, the procedure for discipline other than a reprimand of any member of the Classified Service shall be as follows:

- (A) ~~The Chief of Police and the~~ Chief of the Fire Department shall, within their respective commands, initiate disciplinary action by a written command ordering the specific disciplinary action, which written command shall be submitted to the Manager of Safety for approval, together with a written specification of charges and a written report, setting forth the evidence of and reasons for such charges, which written report shall include a summary of the disciplinary record of the person charged. The written report shall also include that the member of the Classified Service affected thereby was given oral or written notice of the charges against him or her, an explanation of the evidence supporting those charges and an opportunity to respond to the charges prior to

1 the imposition of the discipline. This predisciplinary meeting may be held by
2 either the Chief or his or her designee.

3 **§ 9.4.16 - Suspension pending investigation.**
4

5 The Chief of the Fire Department and the Chief of the Police Department shall,
6 within their respective commands, have the power and authority to suspend any
7 member of the Classified Service pending an investigation and the initiation of
8 disciplinary action provided that a specification of charges as provided in
9 Subsection [9.4.14](#)(A) must be filed with the Manager of Safety or such
10 suspension must be terminated within ten days; provided, however, that where
11 a specification of charges is filed in accordance with the provisions of
12 Subsection [9.4.14](#)(A), such suspension shall remain in effect pending final
13 disposition of such charges, including the final disposition of any appeal of a
14 departmental order.

15
16 Part 6 of Article IX shall be amended to remove the sections as follows

17 **~~Part 6. POLICE DEPARTMENT~~**

18 **~~§ 9.6.1 Police Department~~**

19 **~~§ 9.6.2 Chief of Police appointed by Mayor~~**

20 **~~§ 9.6.3 Chief of Police; retention of benefits~~**

21 **~~§ 9.6.4 Deputy Chief, Division Chief, and Commander~~**

22 **~~§ 9.6.5 Salary and benefits of Chief, Deputy Chief, Division Chief, and Commander~~**

23 **~~§ 9.6.6 Police Officer Ranks and Grades~~**

24 **~~§ 9.6.7 Reserved~~**

25 **~~§ 9.6.8 Reserved~~**

26 **~~§ 9.6.9 Reserved~~**

27 **~~§ 9.6.10 Reserved~~**

28 **~~§ 9.6.11 Police Pensions~~**

29 **~~§ 9.6.12 Police Pension and Relief Board~~**

30 **~~§ 9.6.13 Committee for Investigations of police pensions and relief~~**

31 **~~§ 9.6.14 Pay and benefits during temporary incapacitation~~**

32 Part 8 of Article IX shall be amended to remove the sections as follows

33 **~~Part 8. COLLECTIVE BARGAINING; POLICE~~**

34 **~~§ 9.8.1 Statement of Policy~~**

35 **~~§ 9.8.2 Definitions~~**

1 ~~§ 9.8.3 Right to organize and bargain collectively; mandatory, prohibited, and~~
2 ~~permissive subjects of bargaining~~

3 ~~§ 9.8.4 Selection and recognition of bargaining agent~~

4 ~~§ 9.8.5 Obligation to bargain in good faith~~

5 ~~§ 9.8.6 Facilitation assistance~~

6 ~~§ 9.8.7 Unresolved issues submitted to binding arbitration~~

7 ~~§ 9.8.8 Binding arbitrator; selection~~

8 ~~§ 9.8.9 Hearings~~

9 ~~§ 9.8.10 Factors to be considered by the arbitrator~~

10 ~~§ 9.8.11 Final offer procedure~~

11 ~~§ 9.8.12 Finality of the arbitrators decision~~

12 ~~§ 9.8.13 Fees and expenses of arbitration~~

13 ~~§ 9.8.14 Collective bargaining agreement; what constitutes~~

14 ~~§ 9.8.15 Request for bargaining~~

15 ~~§ 9.8.16 Terms and conditions of employment not to be reduced~~

16 ~~§ 9.8.17 Prohibition~~

17 ~~§ 9.8.18 Severability~~

18 The ballot shall contain the following title and submission clause:
19

20 **REFERRED QUESTION _____**

21 Shall the Charter of the City and County of Denver be amended to create a Department
22 of Peacekeeping Services, which shall be created after a year-long committee process and led by
23 a Council-appointed director with non law enforcement experience in community safety services,
24 including but not limited to public health or restorative justice approaches, to be responsible for the
25 well-being of all individuals through proactive means, including:

- 26 • fully absorbing the duties, responsibilities, and budget of the Denver Police Department and
27 other City departments,
- 28 • coordinating a more sophisticated emergency call system to dispatch responders
29 appropriately trained to handle the needs and severity of each call,
- 30 • prioritizing a holistic, anti-racist, public health-oriented approach
- 31 • developing supportive and humane responses to address the root-causes of crime and
32 violence, and
- 33 • holding the preservation of life as the agency’s highest priority,

34 and, in connection therewith, shall the Department be subject to a citizen oversight board, focus
35 promotions to require that employees be substantially representative of the communities they
36 serve, limit employee immunity when actions are not proportionate to the threat, stay abreast of
37 safety trends, and adopt a policy to use force as a last resort.
38

1 **Section 3.** The proper officials of the City and County of Denver as are charged with duties
2 relating to the election shall, before the election, issue such calls, make such certifications and
3 publications, give such notices, make such appointments, and do all such other acts and things
4 in connection with the submission of this Charter amendment to the registered electors of the City
5 and County of Denver at the election as are required by the Constitution and laws of the State of
6 Colorado and the Charter and ordinances of the City and County of Denver.

7 **Section 4.** The ballots cast at such election shall be canvassed and the results
8 ascertained, determined, and certified in accordance with the requirements of the Constitution
9 and laws of the State of Colorado and the Charter and ordinances of the City and County of
10 Denver.

11 **Section 5.** If any section, paragraph, clause, or other portion of this ordinance is held to
12 be invalid or unenforceable for any reason, the validity of the remaining portions of this ordinance
13 shall not be affected.

14

15 COMMITTEE APPROVAL DATE: _____, 20__.

16 MAYOR-COUNCIL DATE: _____, 20__.

17 PASSED BY THE COUNCIL _____ 20__

18 _____ - PRESIDENT

19 APPROVED: _____ - MAYOR _____ 20__

20 ATTEST: _____ - CLERK AND RECORDER,
21 EX-OFFICIO CLERK OF THE
22 CITY AND COUNTY OF DENVER
23

24 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 20__; _____ 20__

25

26 PREPARED BY: _____; DATE: _____

27