

May 3, 2023

Dear Members of the Boulder City Council,

We, the members of the City of Boulder's Human Relations Commission, are writing to express our grave concerns over the appointment process for members of the Police Oversight Panel, which we believe has become politicized and pedanticized to the detriment of the residents of Boulder. We strongly urge City Council to consider the far-reaching impacts of any upcoming discussions or decisions that would not only affect the credibility and effectiveness of the Police Oversight Panel itself, but also may affect the faith and willingness that community members have in their ability to express themselves freely, hold government institutions accountable in a democratic system, and engage in civic participation in a meaningful way.

Our most immediate and timely concern is the upcoming May 4, 2023 City Council meeting, where there is an agenda item to consider a motion to either accept or reject the recent findings and recommendations of Special Counsel Clay Douglas, and potentially remove Lisa Sweeney-Miran as a member of the Police Oversight Panel.¹ Of greater concern is what we view as the larger problem: the glacial pace and flawed process by which the City of Boulder has attempted to engage in police accountability and reform.

Our understanding is that the City Council charged the Special Counsel with investigating multiple complaints over the appointment of members to the Police Oversight Panel.² The main takeaway from his findings, as highlighted in the Executive Summary³, is his recommendation that Ms. Sweeney-Miran either resign from the Police Oversight Panel or be removed by City Council due to complaints that the Police Oversight Panel Selection committee did not adequately probe candidates for a lack of "real or perceived bias" against police. On this matter, we would like to raise the following concerns:

- **We believe it is a grave mistake to conflate criticism of law enforcement with bias against the police.** Singling out one individual for bias is counterproductive, since every human has bias, and acknowledging our bias is an important step towards accountability and working towards justice. Undoubtedly, Ms. Sweeney-Miran has expressed opinions about policing as an institution, and has been vocal about her concern over past instances of police violence, in particular against racial minorities.⁴ We believe that this

¹ City of Boulder, Agenda Item for May 4, 2023 meeting:

<https://boulder.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=5288&MeetingID=782>

² "Complaints pile up over appointments of members to the Police Oversight Panel," Boulder Reporting Lab, February 7, 2023:

<https://boulderreportinglab.org/2023/02/07/complaints-pile-up-over-appointment-of-members-to-the-police-oversight-panel/>

³ Memorandum from Special Counsel Clayborne M. Douglas to the Boulder City Council regarding the Code of Conduct Investigation for Police Oversight Board Appointments, April 14, 2023:

<https://bouldercolorado.gov/media/11173/download?inline>

⁴ "Member of Boulder's police oversight panel rejects calls to resign for being too critical of police," 9News, April 27, 2023:

<https://www.9news.com/video/news/local/next/next-with-kyle-clark/member-of-boulders-police-oversight-panel-rejects-calls-to-resign-for-being-too-critical-of-police/73-e4545c22-0a2a-4437-9104-4ea0d9fcd71a>

viewpoint should not disqualify anyone from serving on the Police Oversight Panel. The purpose of the panel is *oversight*. With a Police Oversight Committee of 11 members, there is room—and there *should* be room—for a wide diversity of opinions around the role of police in Boulder: including opinions that are highly critical of law enforcement as an institution.

- **City Council must consider the chilling effects on free speech of any potential actions.** We believe City Council must carefully consider the message it would be sending to citizens if it sanctions or removes a member of a volunteer panel for expressing opinions on civic matters, or for critiquing government institutions.
- **City Council must also consider the ramifications for civil society of any potential actions.** The city has proactively sought input from community groups⁵ such as the NAACP Boulder County and El Centro Amistad, both of which have representatives who serve on the Police Oversight Panel Selection Committee. We believe City Council must carefully consider the message it would be sending to community groups if it rejects the recommendations from the very groups it solicited feedback and input from.
- **When it comes to allegations of bias, the city should ensure that someone with relevant expertise be appointed to investigate.** Bias is a difficult thing to determine. We believe that anti-police bias, in particular, is not an area where lawyers are experts, seeing as how it does not involve a protected class. The complainant who alleged bias is a corporate attorney by trade. The Special Counsel investigating the complaint was a municipal attorney for many decades. Neither are lawyers who have specialized in discriminations, nor are they sociologists or psychologists.
- **The city must clarify the scope and remit of the Special Counsel and the Police Oversight Panel.** We are confused about why the Special Counsel has chosen to focus on the removal of a specific individual from the Police Oversight Panel as a remedy when the actual complaints of City Code of Conduct violations are aimed at institutions. There is also confusion about whether or not the City Council is empowered at all to remove individuals from the Police Oversight Panel, since it is neither a board nor a commission. We urge City Council and staff to articulate the scope of all roles in this matter with utmost clarity.

In addition to considering our concerns regarding the Special Counsel's findings, we also strongly urge City Council to never lose sight of the big picture and context of what has happened in the City of Boulder—and that has been the glacial pace and flawed process towards police accountability and reform.

⁵ "Boulder police oversight panel seeks local non-profits to serve on member selection committee," City of Boulder, August 26, 2022: <https://bouldercolorado.gov/news/boulder-police-oversight-panel-seeks-local-non-profits-serve-member-selection-committee>

It has been more than four long years since Zayd Atkinson was accosted by a member of the Boulder Police Department as he was cleaning up his residence⁶—the incident which led to City Council adopting Ordinance 8430, which established the Police Oversight Panel and created the Office of the Independent Monitor.⁷ It has also been three long years since Breonna Taylor and George Floyd were murdered by law enforcement in their home cities, which caused residents of the City of Boulder joined people all around the world to take to the streets to march and protest for change.⁸

Since then, our city's efforts towards police accountability and reform have been hampered by the following:⁹

- The Boulder police independent monitor left after only two years in office.¹⁰
- Candidates for a new independent monitor were named, but then the city decided it would not proceed with any of the three finalists. The city still has not named a new independent monitor.¹¹
- A founding member of the Police Oversight Panel resigned in protest because she felt the panel was limited in its ability to hold police accountable following misconduct.¹²
- Several former members of the Police Oversight Panel have expressed their frustration about a lack of support from the city, and pushback from the police department.¹³
- The process leading to the seating of the current members of the Police Oversight Panel has been fraught with controversy and has delayed the work of the panel.¹⁴

During these past four long years—as our community (and the nation) has grappled with the future of law enforcement—to our knowledge, City Council has never meaningfully engaged

⁶ “Boulder police launch investigation into contact with man picking up trash,” Daily Camera, March 4, 2019: <https://www.dailycamera.com/2019/03/04/boulder-police-launch-investigation-into-contact-with-man-picking-up-trash/>

⁷ “Boulder forming task force to study police oversight,” Daily Camera, April 12, 2019: <https://www.dailycamera.com/2019/04/12/boulder-forming-task-force-to-study-police-oversight/>

⁸ “Hundreds march through Boulder, demanding justice for George Floyd,” May 30, 2020: <https://www.dailycamera.com/2020/05/30/hundreds-march-through-boulder-demanding-justice-for-george-floyd/>

⁹ “Two years later, limitations continue to burden Boulder police oversight panel,” Daily Camera, December 7, 2022: <https://www.dailycamera.com/2022/12/07/two-years-later-limitations-continue-to-burden-boulder-police-oversight-panel/>

¹⁰ “Boulder independent police monitor leaving,” September 9, 2022: <https://www.dailycamera.com/2022/09/09/boulder-independent-police-monitor-leaving/>

¹¹ “Boulder’s search for a new police monitor continues.” Boulder Beat, February 16, 2023: <https://boulderbeat.news/2023/02/16/police-monitor-search/>

¹² “Founding member of Boulder’s police oversight panel resigns in protest,” Boulder Beat, November 26, 2022: <https://boulderbeat.news/2022/11/26/police-oversight-resignation/>

¹³ “‘Work in the dark’: Former police watchdogs felt lack of support from city, pushback from PD,” Boulder Beat, April 8, 2023: <https://boulderbeat.news/2023/04/08/pop-pushback-interview/>

¹⁴ “Boulder city council kicks recommended members back to Police Oversight Panel,” Boulder Beat, December 17, 2022: <https://boulderbeat.news/2022/12/17/police-oversight-recommendations>

with the Human Relations Commission about the Police Oversight Panel. Police reform and accountability is a topic that is so critical to social and human relations, and the city charter states that the HRC's functions are to work towards "the promotion of amicable relations among all members of the city's community," and that the HRC may "advise the council or manager on the social and human relations impact of proposals to be acted upon by the council or upon areas to which the council's attention should be directed."¹⁵ This is the reasoning behind our letter to you today. As members of the Human Relations Commission, we remain available to engage with City Council should you call upon us for our perspectives.

Last year, filmmakers from Boulder completed the award-winning documentary, "This is [Not] Who We Are," which received a Human Relations Fund grant from the HRC and has been broadcast on public television and screened at film festivals to great acclaim all around the world.¹⁶ The film is about the gap between Boulder's self-perception, and the experiences of members of the Black Community. It raises important questions around police accountability in Boulder, questions that remain unanswered today. We ask you to keep this question in mind as you discuss the Police Oversight Panel and think about its role in our community: Is this who we are? Is this who we want to be?

Respectfully,

City of Boulder's Human Relations Commission

Christine Y. Chen
Lindsey Loberg, Former Interim HRC Chair (term ended March 2023)
Jean Hilaire Rejouis
Carlos Valdez, HRC Deputy Chair
Fikir Yacob

¹⁵ [Charter of the City of Boulder](#), Government Organization (Title 2), Boards and Commissions (Chapter 3), Human Relations Commission (Section 2-3-6)

¹⁶ "This is [Not] Who We Are" (2022): <https://www.thisisnothowwearefilm.com/>