



AGENDA

Law Enforcement Transparency and Advisory Commission (LETAC)

Monday, May 6, 2024, 5:00 p.m. to 6:30 p.m.

City Hall, Pikes Peak Conference Room (2nd Floor)

107 N. Nevada Ave, Colorado Springs, 80903

Computer Access: [Join Meeting via Microsoft Teams](#)

Members of the public may attend in person or virtually.

- I. Call to Order
- II. Community Feedback
- III. LETAC Retreat Recap
 - a. Subcommittee leads select additional Commissioners (no more than two subcommittees in an official capacity)
- IV. Vote on Definitions (See attached)
- V. Vote on Protest/1st Amendment Education (See attached)
 - a. May table for further review
- VI. Budget Subcommittee Overview/Review
- VII. Procedural Document Subcommittee Review
- VIII. Mental Health Subcommittee Update
- IX. Administrative/Subcommittee Update

Proposed Definitions May 6, 2024

Trust: A community's perception of law enforcement's trustworthiness, comprised of three dimensions: benevolence (I believe you have my best interest in mind), integrity (I believe your words match your actions), and competence (I believe you are capable).

Source: Adapted from Commissioner Hoskin's PhD work.

Transparency: Refers to a process by which reliable, timely information about existing conditions, decisions, and actions relating to the activities of the City Council and any of its boards, commissions, or affiliates is made accessible, visible, and understandable to the public.

Source: Adapted from the United Nation's definition of transparency.

Conduit: A metaphor representing persons or groups that facilitates communication between two or more people or groups to achieve the vision, mission, and goals shared by those diverse groups.

Data-driven: Determined by or dependent on the collection and/or analysis of data.

Source: Adapted from the Oxford definition of data-driven

Law Enforcement Transparency and Accountability Commission (LETAC)

Colorado Springs, Colorado

Recommendation to Colorado Springs City Council regarding Promoting First Amendment Rights and Designating First Amendment Zones in Colorado Springs

Proposed: May 6, 2024

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EXECUTIVE SUMMARY

This memorandum addresses the imperative of promoting First Amendment rights and designating First Amendment zones within Colorado Springs. It emphasizes the significance of civic education, transparent engagement, and legal compliance to uphold constitutional principles. These issues are paramount to 21st-century policing. Colorado Springs has seen a plethora of demonstrations, protests, and other expressions of 1st Amendment rights since its inception. Many of these events have been peaceful while there have been several events that have led to increased resident and law enforcement interaction with greater use of force instances and in some cases reduced humanity of Colorado Springs Police Department (CSPD) sworn officers and demonstrating residents. The Law Enforcement Transparency and Advisory Commission (LETAC) believes improved communication and information sharing by the City of Colorado Springs will improve potential future interactions between CSPD officers tasked to protect rights and those Colorado Springs residents exercising rights.

Recommendations:

- 1) Civic Education: Expand the Civic Superhero page on the City's website to include comprehensive civic education, providing residents with pertinent local information, links, and services to enhance awareness and engagement with their constitutional rights.
- 2) Designation of Demonstration Areas: Officially designate locations, while not excluding others, where permits are not required for demonstrations, ensuring inclusivity, safety, and clear communication between residents, city officials, and law enforcement.
- 3) Legal Review of Ordinances: Conduct a legal review of Colorado Springs City Ordinance 9.2.104 "Obstructing Passage or Assembly" and Colorado Springs City Ordinance 9.3.101 "Resisting Interference with Public Official" to identify and rectify any potential First Amendment obstructions, ensuring alignment with constitutional standards.

Goals:

Enhanced Civic Engagement: The expansion of civic education aims to empower residents with the knowledge and resources necessary to actively participate in civic affairs, fostering a more engaged and informed citizenry. By promoting a deeper understanding of their constitutional rights, residents can confidently exercise their freedoms and contribute to the democratic fabric of the community.

Clear Communication and Conflict Resolution: Through the designation of demonstration areas and legal review of ordinances, the recommendations seek to establish clear guidelines and procedures, reducing ambiguity and potential conflicts between demonstrators, city officials, and law enforcement. By facilitating transparent communication and adherence to constitutional standards, these measures promote peaceful expression while safeguarding public safety and individual liberties.

Upholding Constitutional Principles: Ultimately, the goals of these recommendations are to uphold

the core principles of the First Amendment and ensure that the city of Colorado Springs remains a beacon of democratic values and constitutional integrity. By prioritizing the protection of free speech, assembly, and expression, the recommendations seek to preserve the rights and freedoms that are essential to a thriving democracy, fostering an environment where all voices can be heard and respected.

These recommendations do not direct a specific manner or timeframe for completion. Recommendation 3 does not include budgetary requests as it assumes the City of Colorado Springs legal team can perform such a review.

FULL REPORT: Recommendation / 1st Amendment Rights and Zones

Recommendations:

- 1) Civic Education: Expand the Civic Superhero page on the City's website to include comprehensive civic education, providing residents with pertinent local information, links, and services to enhance awareness and engagement with their constitutional rights.
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Goals and Justification:

Civic Education and First Amendment Rights: The Supreme Court, in *Board of Education v. Pico* (1982), recognized the fundamental importance of education in promoting democratic values and citizenship. Moreover, in *Keyishian v. Board of Regents* (1967), the Court emphasized the significance of ensuring citizens understand their rights to effectively participate in democratic processes.

Conflict Resolution and Legal Compliance: Clear information on First Amendment rights not only aids in conflict resolution but also mitigates potential legal issues. In *Tinker v. Des Moines Independent Community School District* (1969), the Court affirmed that students' First Amendment rights are not shed at the schoolhouse gate. Similarly, in *Ward v. Rock Against Racism* (1989), the Court emphasized the government's obligation to regulate speech in a content-neutral manner to avoid First Amendment violations. To this point, LETAC does not recommend specific language, rather than the vague language used in Ordinance 9.2.104, be codified around demonstrations, protests, or First Amendment-protected actions within the Colorado Springs City Charter. *Grayned v. City of Rockford* (1972), *Reed v. Town of Gilbert* (2015), *McCullen v. Coakley* (2014), *Snyder v. Phelps* (2011), among other cases, that sought to codify specific language around protests, even if in good faith, were ultimately struck down as unconstitutional.

Transparency and Community Engagement: Providing resources on First Amendment rights demonstrates transparency and a commitment to constitutional principles. This aligns with legal precedent such as *Citizens United v. Federal Election Commission* (2010), which underscored the importance of protecting free speech rights, even in the context of campaign finance regulations. This applies to local government and the important task of engaging its citizenry in an accessible and transparent manner on local government issues and the rights of residents.

Legal and Practical Analysis of Proposed Actions: As the City of Colorado Springs becomes the largest city in Colorado, by geography and populace, LETAC believes it is in the best interest of the City of Colorado Springs and the Colorado Springs Police Department to continue to be critical and proactive around planning and addressing public safety concerns of large protests, common in cities across the US, while maintaining residents rights. Commissioner Windebank applauds CSPD for proactively teaching, above and

beyond POST requirements, the importance of constitutional policing which he has personally observed in and out of CSPD Academy settings. Our community can always improve on this important matter.

Providing a Civic Engagement Information Page: The establishment of a Civic Engagement Information Page on the City website aligns with legal precedent and serves the public interest. The Supreme Court, in *Reno v. American Civil Liberties Union* (1997), recognized the internet as a unique platform for the dissemination of information and protected speech. Providing a dedicated place where the City of Colorado Springs educates residents on civic engagement is vital to reduce miscommunication that can and does impact how the City of Colorado Springs engages residents. LETAC recommends the City of Colorado Springs expand its Civic Superhero page, or relevant page, to include Civic education on the constitutional rights of residents with pertinent local information, links, and services, to better serve, educate, and engage Colorado Springs residents. For example, creating a more streamlined application process for events, demonstrations, or other First Amendment-protected actions that reduces confusion, minimizes undue burdens on residents, allows for timely approval, and clearly articulates ways in which 1st amendment rights may no longer be considered lawful (i.e., blocking a roadway without a permit or defacing public property).

Designating First Amendment Zones: Designating specific areas as First Amendment zones requires careful consideration to ensure compliance with constitutional standards. While such zones can facilitate the exercise of free speech rights, they must be content-neutral and narrowly tailored to serve a significant governmental interest, as outlined in *Hague v. CIO* (1939) and *Clark v. Community for Creative Non-Violence* (1984). LETAC recommends the City of Colorado Springs officially designate, but not exclude, locations that do not require permits to demonstrate. Unofficial examples include America the Beautiful Park, City Hall front steps, and the Briargate Promenade shops, among others. LETAC believes that clearly articulating spaces where 1st Amendment rights can be safely protested without permits allows for better communication between residents, city officials, and the police department. There can be more helpful interactions with law enforcement and protesting residents when expectations are set to avoid unnecessary conflict. This provides continuity for all residents regardless of political motives. This of course does not and cannot eliminate public safety threats or individual decisions to act in violence. An example where continuity in information and expectations could have been useful would be protests that occurred from 2020-2021 in public streets, active school grounds, or entranceways of operating businesses.

Review of City Ordinance 9.2.104 "OBSTRUCTING PASSAGE OR ASSEMBLY" and 9.3.101 "RESISTING, INTERFERENCE WITH PUBLIC OFFICIAL (Items B/C)": Legal review of Colorado Springs City Ordinance 9.2.104 "Obstructing Passage or Assembly" and Colorado Springs City Ordinance 9.3.101 "RESISTING INTERFERENCE WITH PUBLIC OFFICIAL", items B/C, for potential Constitutional 1st Amendment obstructions. We recommend this be done by a lawyer or law firm who is a member of The First Amendment Lawyers Association (FALA), or a similar association.

Promoting civic education and designating First Amendment zones, but never limiting zones, in Colorado Springs are commendable initiatives that align with established legal principles. By fostering awareness of constitutional rights and providing designated spaces for free, spontaneous expression, the city can enhance community engagement, mitigate conflicts, and uphold the democratic values of residents, regardless of civic, religious, political, or other 1st Amendment protected applications. The police department, tasked to protect and serve those rights lawfully, will benefit from clearer suggested guidelines, processes, and information for residents on 1st Amendment expression in Colorado Springs.

Legal Citations

1. Board of Education v. Pico, 457 U.S. 853 (1982)
2. Keyishian v. Board of Regents, 385 U.S. 589 (1967)
3. Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969)
4. Ward v. Rock Against Racism, 491 U.S. 781 (1989)
5. Grayned v. City of Rockford, 408 U.S. 104 (1972)
6. Reed v. Town of Gilbert, 576 U.S. 155 (2015)
7. McCullen v. Coakley, 573 U.S. 464 (2014)
8. Snyder v. Phelps, 562 U.S. 443 (2011)
9. Citizens United v. Federal Election Commission, 558 U.S. 310 (2010)
10. Reno v. American Civil Liberties Union, 521 U.S. 844 (1997)
11. Hague v. Committee for Industrial Organization, 307 U.S. 496 (1939)
12. Clark v. Community for Creative Non-Violence, 468 U.S. 288 (1984)

Executive Overview: LETAC CSPD 2024 Budget Review, Priorities, and Recommendations

Mission: “The mission of the Law Enforcement Transparency and Advisory Commission (LETAC) is to make recommendations to the City Council which would promote improved understanding and relationships between the police department and the public.”

Vision: “A city that values and solicits input from all Colorado Springs community members with its police department, as the foundation for transparent and inclusive service-oriented policing. We envision a community built on mutual trust between the Colorado Springs community and its police department.”

Goals: To accomplish this, the Commission will:

provide a conduit for the concerns and needs of both citizens and the police department to be shared and discussed with City Council; analyze and provide feedback to City Council with other policy recommendations; and assist City Council with budget, appropriation, and resource allocation recommendations utilizing data-driven audits of law enforcement performance.

City Charter Ord. 20-44 states the Law Enforcement Transparency and Advisory Commission’s (LETAC) purpose(s) is “assisting City Council with, appropriation, and resource allocation recommendations utilizing data-driven audits of law enforcement performance; [and providing] a conduit to share the concerns and needs of both citizens and the Police Department”. LETAC has established the following priorities and recommendations for the 2024 CSPD Budget.

Budget Priority: Fill current and projected sworn officers and operational systems experts’ vacancies. In doing so, allocate funding for enhanced recruiting and retention incentives.

Recommendation 1: Efforts to increase the number of sworn officers and Dispatchers should continue to receive priority funding, to include the funding across functional areas that will aid in the recruitment, training, and retention of operational personnel.

Budget Priority: Improve and enhance Response Times to include ensuring the appropriate team of experts are dispatched in response to calls for service.

Recommendation 2: Budget for specific measurable operational enhancements that will improve Response Times within Calendar Year 2024. To this end, in collaboration with CSFD transition the Alternate Response Team concept from a ‘Pilot Program’ to a fully funded and resourced operational function in 2024.

Budget Priority: Acquire and operationalize state-of-the-art technology, along with qualified personnel to optimize systems and operational functionality.

Recommendation 3: Review current Information Technology systems and software upgrades to ensure all relevant data and information-sharing systems are replaced and/or upgraded in concert with the latest technological advances. Accordingly, allocate corresponding funding to acquire the necessary personnel and training to support hardware and software evolution.

LETAC Supports efforts to meet these priorities and will continue to do so as an apolitical advisory commission of the City Council. LETAC will support a new CSPD training facility but cannot take an official stance on any ballot initiative to most effectively work as a conduit for the Colorado Springs Community.

Presentation for LETAC:

Purpose: Comprehensive Update on CSPD Initiatives

Ongoing.PERF.Training.Update;

- Current progress and key takeaways from ongoing Police Executive Research Forum (PERF) training.
- What are the tentative plans for scheduling a community meeting to engage stakeholders on the ongoing PERF training?

Transparency.Matters.Report.Implementation;

- Overview of planned actions to implement recommendations from the Transparency Matters Report or changes in planned action items. (LETAC has reviewed CSPD's website updates on TM UOF Report)
- Specific updates on the progress of implementing the action plan of the Use of Force Study post-August 2023. Are there plans to continue updating the UOF report page?
- Please provide specific ongoing updates to Item 6, "Continue to enhance supervision, accountability, oversight related to use of force," Action Item 6.1, and Item 8 "Continue to work internally and externally to continually monitor and reduce racial-ethnic," Action Items 8.1-8.4.

CSPD.Recruitment-Retention.Update;

- Insights into current recruitment and retention strategies within CSPD.
- Update on the progress of CSPD retention and recruitment.
- Are there any plans to increase CSPD's authorized number of sworn staff in the 2024-2025 budget?

CSPD.and.CRT.Program;

- Could you clarify the Chief's position on expanding the Community Response Team, considering the LETAC budget recommendation to expand, and outline the future direction of CRT for CSPD Officers given plans for no further expansion?
- What plans does CSPD have to replace CRT sworn positions if/when grant funding for these positions goes away?

ART.Update.in.Conjunction.with.CSFD.(CSFD.will.be.doing.its.separate.presentation.on.ART.on.the.June.9.meeting.as.well)

- Evaluation of the effectiveness of the Alternative Response Team (ART) in collaboration with the Colorado Springs Fire Department (CSFD).
- Can you discuss the effectiveness of the Alternative Response Team, particularly in alleviating officers from low-acuity calls (trespass calls or welfare check calls)? CSFD has some numbers and LETAC would like CSPD input.

Data.Hub.Status.and.Planned.Improvements;

- What is the status of the data hub, and are there any planned improvements, including the potential inclusion of "show of force" data, specifically pointing of a firearm?

CSPD's Involvement.in.Training.Facility.Discussions;

- Overview of CSPD's role and participation in discussions regarding the establishment of a training facility.
- What role does CSPD play in discussions on establishing a training facility, and is there an expected timeline for execution?

Policy.Adjustments.on.Ankle.Cuffs.and.Policy.on.Prone.Restraint;

- Can you provide insights into any recent adjustments made to CSPD's policy on ankle cuffs and explain the rationale behind these changes?
- Can you share how legislative changes around prone restraint will impact CSPD policy, reporting, and officer implementation?

This presentation aims to provide LETAC with a comprehensive update on various initiatives undertaken by CSPD, addressing key areas of concern and inquiry. LETAC also would like to highlight areas in which CSPD is excelling and where the community, and media, should pay extra attention. LETAC still maintains that there is a lack of positive media reporting regarding what CSPD, and individual officers, are doing well that deserves community attention.