

2023 Denver Municipal Candidate Questionnaire on Public Safety & Policing



PENFIELD TATE

The candidate's responses to each question are in italics and are written word for word. No edits were made to spelling or sentence structure per 501(c)3 guidelines.

The seat you are running for: *Denver City Council At Large*

Public Safety:



Denver Taskforce for Reimagining Police and Public Safety's Definition of Public Safety: Public safety ensures that all community members decide how to organize a social environment that provides the freedom to live and thrive with the protection and support of social, physical, mental, and economic well-being. Safety is not a function of armed paramilitary forces with a proven track record of racism and violence. Public safety prevents, reduces, and heals harm.

1) Do you agree with the above definition of public safety? If not, how would you define public safety?

Yes

COVID-19 highlighted the need for investments in the system of safety and health. People in Colorado prisons were seven times more likely to contract COVID-19. Black people in Denver are more likely to be incarcerated than white people in Denver. Black people across Colorado represented a disparate amount of COVID-19 deaths.

2) What is your vision for public health and safety in Denver? What, in your opinion, are the factors that are preventing Denver from achieving your vision of public safety?

My vision for public health and safety in Denver begins with implementing the definition of public safety we have agreed to in response to question #1. To achieve that objective, it is vital that our police force and the entire Safety Department changes the way that it recruits, who it recruits and how it brings new recruits into the fold. Growing in cities around the country, I had three uncles who were police officers. They showed me by their example that those sworn to serve and protect receive far more support and assistance from the community when they know and look like the community they are serving.

Expanding Denver's Support Team Assisted Response (STAR) program will also significantly improve public health and safety. Not every 911 call requires a response with a pistol, taser, or Billy Club. The situations are often far more nuanced; Emergency Medical Technicians and Behavioral Health Clinicians are likely to effectively engage with individuals suffering from mental health and substance abuse, homelessness, domestic violence, and other special needs.

Finally, I chaired the Community Task force that led to the creation of the Office of the Denver Independent Monitor. That office is a vital effort to restoring trust and confidence between communities and the Department of Safety. I learned from the community process to create the Independent Monitor's office that the Safety Department's culture must change for my recommendations and those of the Task Force are to succeed. Police must understand that the more the community understands and participates in how they function, the more effective and safer they will be. As an At-Large City Council Member, my values will be reflected in my support for the resources necessary to make these changes.

3) In your words, what is the connection between public health initiatives and public safety initiatives?

Public health and public safety are intertwined. Public safety will improve as we lift the unhoused, expand mental health and addiction treatment services and assist victims of domestic violence and other abuse. In partnership with non-profit organizations, numerous city agencies have a role, including Denver Health, Denver Human Services Department of Housing Stability and even Parks and Recreation.

4) Are you familiar with the Denver Reimagining Police and Public Safety Taskforce's work over the last two years and the resulting 112 recommendations?

Yes

5) What behaviors or activities are currently criminalized in Denver that you view as outdated and harmful?

Criminalizing those suffering from drug addiction does nothing to promote the rehabilitation needed for a healthy life. The same can be said for the unhoused.

Police Accountability and Reform

Lawsuits regarding Denver Police officers' behavior have cost the City and County of Denver almost \$17 million in 2022 – a significant rise in the last five years and the third-highest figure since 2010. Denver taxpayers are currently responsible for settlements when a law enforcement officer's behavior is deemed inappropriate.

6) Would you support the City in moving away from being self-insured to possibly pooling insurance with other municipalities, thereby decreasing the taxpayer's burden to pay for the settlements? Why or why not?

Yes. As you know, the Department of Safety responded to recommendation 110 by pointing to state law that prohibits the city from requiring law enforcement officers to carry personal liability insurance. Pooling insurance with other municipalities is an idea worth exploring if evidence supports decreases settlement costs.

7) What role should body cams play in prosecution, absolvment, and accountability in officer-involved shootings?

We must be able to review and learn from body cam footage and improve accountability, training for law enforcement and transparency to rebuild community trust. Continuing to strengthen the oversight of the Office of the Independent Monitor (OIM) and Citizen Oversight Board (COB) is very important.

Housing/ Homelessness

Covid-19 has disrupted Denverites' access to basic needs, including employment, housing, and access to substance use and mental health treatment. Throughout the pandemic, shelter use in Denver has increased by 54%, while unemployment rates rose from 2.8% to 7.1%. During the pandemic, sweeps of homeless encampments reached an all-time high. According to reporting by the Denver Post, hundreds of thousands of tax dollars were spent in 2020 on these repetitive, unhoused sweeps. Additionally, people experiencing unsheltered homelessness are 10% times more likely to have contact with police than people living in shelters. A recent Urban Institute analysis of Denver Police Department data found that arrests were disproportionately for offenses associated with unsheltered homelessness among this SIB target population of 2,181 in 2018.

8) How do you plan to address displacement and gentrification while balancing Denver's need for growth and more affordable housing?

Projected growth must be managed with an eye toward harmony with existing communities, while meeting the needs of new arrivals of all income levels. The failure to adequately plan and establish benchmarks in the past has led to our scattered hyperdevelopment and promoted gentrification and displacement.

Several strategies are needed to expand affordable housing that will in turn address - in part - the deplorable plight of the unhoused. One is the recent City Council ordinance that requires affordable units in any development of a certain size. As a state Senator, I passed a law in 2000 exempting sales and use taxes on materials used in the development of low-income housing. [answer continued below]

Similar incentives must be explored and enacted. I support proposed state legislation to allow local governments to enact rent control strategies, like the legislation I sponsored in 2001. If passed, Denver should look for opportunities to deploy rent control, starting with agreements with developers and building owners.

Homeownership is the best way to stabilize housing costs. As a former board member of the Colorado Housing and Finance Authority, I will champion financing first-time buyers - many already burdened by college debt - through land trusts and incentives to incorporate affordable housing into developments around the city. I will also advocate streamlining the permitting process for affordable housing and expansion of shelter facilities. I also support the development of accessory dwelling units (ADUs) throughout the city.

As the City expands housing, I will encourage the new administration to evaluate acquiring vacant school buildings and lands owned by the Denver Public Schools, as well as other privately owned buildings for new shelters or transitional housing run by professional shelter providers. The city must facilitate wrap-around services including job placement, mental health, substance abuse prevention and treatment, and child welfare and protective services for those unhoused escaping violence and domestic abuse.

9) What is City Council’s role in addressing homelessness? What tools do you believe will be effective in addressing homelessness in Denver?

Providing Housing first. My answer to the previous question actually speaks directly to this because they are so interwoven.

10) Many of the Taskforce Recommendations are aimed at stopping the criminalization of homelessness and poverty(i.e., addressing “crimes of existence”) and reducing contact between the community and armed law enforcement officers. If elected/reelected, will you support and work to implement these recommendations? Why or why not?

Yes. Housing is a non-negotiable for life. To be a just, safe, and inclusive society, we need to work to solve these problems and stop blaming those caught up in homelessness and poverty.

Behavioral Health and Substance Use

Colorado is 47th in the nation for access to mental health services. One out of every three men and four out of every five women imprisoned in Colorado have moderate to critical mental health needs. As of March 2022, 12.7% of Coloradans who died in police encounters this year suffered from mental illness. Denver drug overdose deaths surged for the second straight year. Deaths related to opioids surged by 308% between 2019 and 2021, according to city data. Recent evidence from cohort and modeling studies suggests that Safe-Use-Sites are associated with lower overdose mortality (88 fewer overdose deaths per 100 000 person-years [PYs]), 67% fewer ambulance calls for treating overdoses, and a decrease in HIV infections.

11) If elected or reelected to the City Council, will you support policies that increase access to long-term treatment, limit drug arrests, and implement evidence-based harm reduction services, such as safe consumption spaces? What methods would you employ?

Absolutely. From my experience as a Colorado state legislator in the House and the Senate, I understand the legislative process and how to build consensus among my colleagues and effectively advocate for policy change. Since Denver has already approved a government-sanctioned supervised drug use site, I would advocate for a change in state law allowing Denver to implement a measure it has already approved. I believe the most effective policies to prioritize are limiting drug arrests and focusing on access to long term treatment and evidence-based harm reduction services.

A study was conducted in 2020 on the STAR pilot 911 response program in Denver, in which mental health specialists responded to calls involving trespassing and other nonviolent events, found a 34% drop in reported crimes during the six-month trial. The study by Stanford scholars also showed that the direct costs of the alternative 911 approach were four times lower than police-only responses.

12) What do you think is the role of STAR and other community-based programs, including LEAD (Law Enforcement Assisted Diversion) programs? How do you envision funding them?

Not every 911 call requires an officer with a gun, a taser, and a baton. Community-based programs like STAR and LEAD not only reduce over-policing, it ensures that those experiencing mental health crises or those that are victims, and even perpetrators, of non-violent crimes have the proper assistance. STAR, LEAD and other community-based programs are the future of public safety in our community and nation. Funding them, through the general fund, should be a priority. This is a perfect instance where doing the right thing is also the most economically effective thing to do with tax dollars.

Community Oversight

Since the release of the Task Force Recommendations, The Citizen Oversight Board (COB) was granted the ability to appoint, by and with the consent of the City Council, the Independent Monitor, who serves at the pleasure of the Board. The Independent Monitor was a position that the Denver Mayor previously appointed. The COB was additionally granted regular access to public safety department leaders and confidential records. Although this change is a big step forward, there is still a call for increased citizen oversight over Denver Police and ensuring that DPD operates with accountability and transparency. The COB oversees the independent monitor who receives and processes complaints about DPD, the Denver Sheriffs Department (DSD), and sworn personnel. The COB also monitors investigations into officer-involved shootings and in-custody deaths and publicly reports on findings.

13) Will you support giving the COB and the Office of the Independent Monitor subpoena power to pursue these investigations? Why or why not?

Yes. As I indicated previously, I co-chaired the community-based process that led to the creation of the Office of the Independent Monitor. I believe the original report of the committee recommended a grant subpoena power to the office as a way of ensuring cooperation with citizen oversight. Subpoena power to pursue investigations is an absolutely necessary power that the office of the Independent Monitor should have, and I will support changes in city ordinances to grant that authority. Lawsuits regarding Denver Police officers' behavior have cost the City and County of Denver almost \$17 million in 2022 – a significant rise in the last five years and the third-highest figure since 2010. The Denver community does not think taxpayers should be responsible for settlements when a law enforcement officer's behavior is deemed inappropriate.

14) In your view, what is the role of citizen oversight of DPD and DSD? How will you improve this process or be vocal and supportive regarding improvements that could and need to be made to our accountability structures?

As someone who supported citizen oversight from the inception in Denver city government, I continue to support citizen oversight over DPD and DSD. The process should be subject to continuous evaluation, analysis, and improvement as technology and circumstances change over time. Members of DPD and DSD are safer when they have the cooperation of and support from the community they serve and protect. Citizen oversight bolsters this cooperation and support by building trust, respect, and accountability.

Gender-Based Violence

Denver has experienced an increase in the reporting of sex crimes over the last three years. The prosecution rate for these cases in DA McCann's office is roughly 44%, meaning the DA chooses to prosecute 44% of sex crimes cases referred to her by the DPD. The other 56% are not prosecuted for various reasons, such as the victim's wishes, a perceived lack of evidence, and a belief that a jury will not convict. The following policy questions are related to sexual and domestic violence. At least one of your answers should include a specific policy change or initiative that would specifically reduce violence-related trauma experienced in the LGBTQ, disabled, and Black and Brown communities. In Colorado, "restorative justice" is only offered for victims of sexual violence when the perpetrator has already been incarcerated.

15) Would you support a statewide policy or local pilot that created an optional restorative justice model for victims of sexual assault or domestic violence through diversion (i.e., without using incarceration)? Please explain why or why not.

I support a local pilot for an optional restorative justice model because I have long been a proponent of alternatives to incarceration. The Colorado Criminal Justice Reform Coalition (CCJRC), the non-profit organization dedicated to ending overuse of the criminal justice system, grew out of legislation I sponsored as a Colorado State Senator to pause prison construction to allow the community and policymakers to reevaluate probation, parole, and community corrections. It was obvious that the emphasis on incarceration was racist, expensive, and a wasteful use of state resources and land. Programs like restorative justice give community members -- victims, their supporters, and perpetrators - an opportunity to resolve disputes without incarceration. In many instances, these restorative justice models may help restore familial relationships harmed by these encounters. We should seek to heal and not just punish aberrant behavior.

16) Generally speaking, do you believe DPD has sufficient enforcement resources to reduce sexual and domestic violence in our communities? Briefly explain why or why not and what type of funding changes you would propose if any.

The expansion of programs like STAR and offers an opportunity to assess whether sufficient enforcement resources are available. As we expand those programs and analyze the results, we should then determine if additional program changes or further expansion are needed and what it would cost to fund the same.

17) Please briefly outline any initiatives, if any, you believe the city should take to reduce sexual violence and domestic assault without the use of incarceration.

I believe that the task force on Reimagining Policing and Public Safety has recommended a significant number of good initiatives that should be implemented before other initiatives are created and explored. The comprehensive and extensive input from all segments of the community illustrates significant support and consensus around proven or new models for addressing societal problems. As we move forward with the implementation of the recommendations of the task force, we may well see other initiatives worthy of exploration and incorporation into our efforts at ongoing systemic reform.