



Denver City Council Statement regarding the Mayor

3/13/18

RAFAEL G.
ESPINOZA
DISTRICT 1

KEVIN FLYNN
DISTRICT 2

PAUL D. LÓPEZ
DISTRICT 3

KENDRA BLACK
DISTRICT 4

MARY BETH
SUSMAN
DISTRICT 5

PAUL KASHMANN
DISTRICT 6

JOLON CLARK
DISTRICT 7

CHRISTOPHER J.
HERNDON
DISTRICT 8

ALBUS BROOKS
DISTRICT 9

WAYNE NEW
DISTRICT 10

STACIE GILMORE
DISTRICT 11

ROBIN KNECH
AT-LARGE

DEBORAH "DEBBIE"
ORTEGA
AT-LARGE

The Denver City Council, like many Denver citizens, is concerned about the recent reports of sexual harassment against the Mayor toward a member of his security detail. We want our constituents to know that we take these matters seriously, and we have been working to obtain as much information as possible.

Today, we learned details of the legal environment, past and present, following the reported behavior. The City settled a lawsuit with Mr. Wayne McDonald in August of 2016, after lengthy litigation. Because the legal matter at the time of settlement involved payment of wages, the settlement was paid out of departmental funds and did not require approval by the City Council.

The City settled with Detective Branch-Wise in July of 2013. Because that settlement was paid out of the claims and liability fund, Council did review and approve the settlement by resolution. While there were no claims of sexual harassment against the Mayor at that time, the Branch-Wise settlement also included a standard release of any future claims against the City arising under the same circumstances. Therefore, there cannot be any further litigation regarding the Mayor's actions at this time.

Because Mr. McDonald's settlement agreement includes clauses of non-disparagement, and non-dissemination, it is important that Council members (or any city employee) do not violate those contractual provisions. While Det. Branch-Wise's agreement did not contain the same confidentiality clauses, the parties involved have not disputed the facts that recently surfaced, and we feel strongly that any attempt to further investigate this new matter without her request or consent would be contrary to best practice and risks re-victimizing her.

While we strive to be transparent, City Council members cannot comment further on the legal aspects of these matters given the confidentiality requirements. We want the people of Denver to know that at no time prior to the recent media reports were we aware of the texts currently at issue; we learned of them when you did and have been seeking information ever since.

Council stands against any kind of sexual harassment or otherwise to any person and we commend Det. Branch-Wise on her courage and conviction. Going forward, we are looking at putting processes in place to ensure that we are aware of all settlements that rise to a certain threshold. Regardless of the fund from which it was paid, we want to monitor claims in the city more closely. Again, transparency and accountability are of the utmost importance to us. We will continue to ensure that City employees feel safe to report misbehavior and are free from retaliation. We are continuing to meet with City Attorneys to get answers to our questions. We will do our best to serve the constituents of our city.

Denver City Council