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OFFICE OF THE INDEPENDENT CONSENT DECREE MONITOR FOR THE CITY OF AURORA

**Report of the
Independent
Consent Decree
Monitor**

**Reporting Period 2
Covering May 16 - August 15, 2022**

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INTRODUCTION

This is the second of twelve scheduled reports that the Independent Consent Decree Monitor for the City of Aurora (the Monitor) will produce, detailing the progress that has been made by the City, the Aurora Police Department (APD, or the Department), Aurora Fire-Rescue (AFR), and the Aurora Civil Service Commission (CSC) in reforming these agencies pursuant to the mandates contained in what is known as the Consent Decree (the “Decree”).

Much to their credit, Aurora leadership at the City level and in both the APD and AFR, as well as the vast majority of rank-and-file members of each department with whom we have spoken, have continued to embrace the need for change, and recognize that a culture of continuous improvement is one that will benefit all. The City and its agencies have, up until this point, continued to cooperate with the Monitor in complying with requests and maintaining an open line of communication. It has been stated by leadership of both the APD and AFR that their goal is to make their Departments all that they can and should be.

This report constitutes the second report of the Monitor, covering the second Reporting Period (“RP2”) from May 16, 2022, to August 15, 2022.

EXECUTIVE SUMMARY

The second reporting period of the Consent Decree ended on August 15, 2022. During this period, the City of Aurora and its constituent agencies have cooperated fully with the Monitor and have begun working on, and in some cases have made great strides toward, the implementation of the mandated reforms. The Community Advisory Council has started its work in this reporting period, focusing on defining its objectives and goals.

During the second reporting period the Monitor examined 52 of 70 mandates of the Consent Decree, finding thirteen of them to be in substantial compliance. Those mandates found to be in substantial compliance involved two on Aurora Fire Rescue’s policy governance and timely submission of new policy for the Monitor’s review, one on the completion of joint policy between Aurora Police Department and Aurora Fire Rescue, nine centered on Aurora Fire Rescue’s Use of Chemical Sedatives, as well as one involving the Documentation of Stops and the completion of the Contacts Form by APD.

Of the remaining 39 mandates examined, two were found to be on a cautionary track, where there was some uncertainty as to whether the expectations of the Monitor would be fulfilled. The major concern in these mandates is the apparent reluctance of APD, through its Force Review Board (FRB), to critically assess use of force when current policies are not violated but where practices can be improved, including improving outcomes of encounters with those experiencing

mental health crises. The Monitor is working diligently with APD to address this issue and is encouraged by the expressed desire of APD to correct this deficiency.

The remaining 37 mandates were found to be in various stages of movement toward substantial compliance in line with the Monitor's expectations.

In addition to reporting on these 52 mandates, we have included seven focus issues for this Reporting Period.

SECOND QUARTER ORGANIZATION AND ACTIVITIES

The Monitor spent a significant portion of the second reporting period continuing to work closely with the stakeholders. While some of these meetings have been held virtually, the Monitoring Team has, spent considerable time in Aurora during the second reporting period, visiting on three separate occasions, with each visit lasting from three to four days.

The Monitoring Team held meetings and interacted with a variety of police officers, firefighters, and city officials. Team members met on multiple occasions with the Chief of Police, Chief of the Fire Rescue, and numerous Deputy Chiefs and Commanders within the APD and AFR, the Civil Service Commission (CSC) and its staff, and many sworn personnel of APD and AFR as well as other city employees. Meetings were also held with the City Manager's Office, the City Attorney's Office, the Attorney General's Office, the Fraternal Order of Police (FOP) and International Association of Fire Fighters (IAFF), the District Attorney of the 18th District, interim Executive Director of CCJRC4Action, and various members of the City Council. The Monitor met formally in three sessions with the Civil Service Commission and in one session with the Public Safety Committee of the City Council. The Monitor also presented three times at the Aurora Key Community Response Team (AKCRT) meetings and at one Youth Violence Prevention Advisory Council meeting.

The Monitoring Team also reviewed policies, documents, and reports and performed "ride-alongs" with police officers on duty. The time invested to become familiar with issue facing Aurora and its officers has allowed the Monitor to begin an informed evaluation of the APD, AFR, and the CSC.

The Monitor held three All Stakeholders meetings during this reporting period. During these meetings, the Monitor reported on significant developments during the preceding month, provided a preview of what is expected to be accomplished in the following month, and heard issues of concern or noteworthiness from each of those in attendance.

The Monitor published its first report on July 14, 2022, on auroramonitor.org. Along with the first report, the Monitor published a series of videos to assist the community in understanding the

highlights of the report as well as a PowerPoint presentation to provide a quick summary of the report.

The Monitor held its second Town Hall Meeting during the second reporting period on August 9, 2022. The Town Hall was co-hosted with the Community Advisory Council (CAC), with the CAC leading and designing the content and the format of the meeting. CAC was critical in formulating strategies for community outreach to encourage the public to attend and increasing awareness of the Monitor's work and the Consent Decree. There were two handouts distributed during the Town Hall, one to provide a quick overview of the process of the monitorship and second one to provide a summary of the first report. Both are now published on auroramonitor.org. During the meeting, the Monitor sought and received public questions relative to the first report, the Consent Decree, and the Monitor's role. Some of the questions were answered during the Town Hall but all comments and questions submitted during the Town Hall were published on August 16, 2022 (a week after the Town Hall) at auroramonitor.org. The City continued to support the Monitor's efforts in community engagement by providing access to the Beck Recreation Center, which was chosen given its capabilities to simultaneously broadcast the meeting on AuroraTV while being conveniently located in the community. The City Manager, Jim Twombly and Chief Dan Oates were in attendance as were other City and APD employees.

REPORT CARD

The Report Card, attached as Exhibit A, is a graphic representation of the progress that the City is making toward full compliance with the Consent Decree. For each reporting period, those mandates that have been assessed by the Monitor will be assigned an icon representing the approximate level of compliance of that mandate and whether, in the Monitor's view, the progress is as expected (green), in danger of going off-track (yellow), or off-track (red).

FOCUS ISSUES

As noted in our first report, in each of our periodic public reports, we will focus on various timely issues which affect the Consent Decree. These are the issues of focus for this reporting period.

THE DEPARTURE OF CHIEF FERNANDO GRAY

On July 15, 2022, Chief Fernando Gray of AFR departed Aurora to accept a new position as Chief of Las Vegas Fire and Rescue. He led AFR for approximately five years as its Chief and, in the press release announcing his departure, was praised by the City Manager for his exemplary leadership and commitment to the community. Deputy Chief Allen Robnett has been named as the Interim Fire Chief.

Chief Gray cooperated with the Monitor in every way possible in the first and second reporting periods and that cooperation has continued under the Acting Chief. The Monitor has received assurance from the City that selection of the next permanent Chief will be made with all due deference to continued commitment to the Decree and to the reform process. As noted in our first report relative to the departure of APD Chief Vanessa Wilson, it is not unusual in Monitorships to have leadership within a department change during the term of the Monitorship, and often, it is the Monitor that becomes the constant during the reform process. The Monitor and his team will work with whomever is in the Chief's seat to make certain that all is being done to bring the required reforms to the Department and to the people of Aurora.

SIGNIFICANT EFFORTS AT IMPROVING POLICE-COMMUNITY RELATIONS

The Aurora Police Department continued its efforts to improve police-community relations in the second reporting period. The Community Relations Section (CRS) of the Aurora Police Department is responsible for overseeing the community engagement efforts of the Department and consists of four sworn and three unsworn members of the APD. The CRS is responsible for designing, scheduling, hosting, and staffing local events geared towards engaging meaningfully with the community and providing opportunities for individuals to learn more information about the operations of the Department. The CRS's efforts are also geared towards bolstering public safety, making citizens more comfortable in their interactions with officers, and recruiting community members to play active roles in maintaining the safety of their neighborhoods. To achieve these goals, the CRS hosted several community engagement events during the second reporting period. We highlight in this report some of the events CRS participated in during the second reporting period.

First, APD hosted two sessions of the Global Teen Police Academy, the first from June 6 to June 17 and the second from July 11 to July 22. The Global Teen Police Academy, created in 2014, is a two-week program for teenagers between the ages of fourteen and seventeen, designed to give the youth of Aurora a better understanding of how APD operates, as well as a greater familiarity with the individual officers and the roles that they play in ensuring community safety. The program consists of daily interactive classes in which participants gain a deep familiarity with the various elements of police work, including traffic law, criminal law, crime prevention, vice and narcotics, investigations, 911 communications, use of force, gang awareness, K9 units, and SWAT operations. In addition, the participants received additional instruction in the realm of internet safety, firearm safety, and advanced driver's training. Furthermore, participants gain an understanding of the nuances and challenges of police work through participation in "shoot vs. don't shoot" scenario trainings. It is the hope that graduates who participate in the program will become leaders in their communities, using the knowledge gained through the program to

enhance the safety and quality of life in their own neighborhoods and work with APD to develop solutions to ongoing problems.

Second, APD, in association with the Aurora Economic Opportunity Coalition, hosted Family Safety Checks throughout the second reporting period. These events focused on providing Aurora citizens with necessary inspections and assistance to ensure the safety of themselves and their families. Specifically, representatives staffing the events provided families with car seat installations and inspections and provided bike safety checks for youth. In addition, event staffers provided families with a number of important resources including steering wheel locks (to prevent vehicle theft), gun locks, prescription drug disposal bags, information pamphlets, and hot meals.

Third, APD, Aurora's Office of Diversity, Equity, and Inclusion, CU LGBTQ+ Hub, and the Community College of Aurora jointly hosted the LGBTQIA+ Community and Educational Summit. This was a two-day event from July 22 to July 23. The summit was focused on keynote presentations, workshops, discussions, and Q&A sessions with local subject matter experts, community members, and service providers. The conversation covered a broad spectrum of subjects including Entrepreneurship, Health, Allyship, and programming for youth. Food and networking opportunities were provided, as well as free health screenings.

The Monitor has every reason to believe that these significant efforts at improving police-community relations will continue under the future administration of the Department¹ and will be monitoring these efforts through direct observation and through our periodic community surveys.

DART (DIRECTED ACTION RESPONSE TEAM)

As Aurora, and, indeed, most other areas of the country, continues to experience significant increases in crime, increased proactive policing has been recognized as a path to restoring Aurora to its historic lows in crime. Proactive policing can come in various forms with various impacts, and, unfortunately, with varying respect for constitutional policing. Indeed, it is often misguided crime fighting strategies that result in Consent Decrees and Monitorships to address the unconstitutional aspects of those strategies. The fact is, however, that effective crime fighting and constitutional policing can and must operate hand in glove, together enhancing public trust in the Department while at the same time making the City safe for its residents. The Monitor keenly recognizes that this monitorship will not be considered successful if it comes at the expense of increased crime in Aurora and the harm that such increases inflict on the community.

¹ Dan Oates is currently serving as Interim Chief of Police with the search for a new Chief well under way. It is anticipated that a new permanent Chief will be selected and in place by the end of the year.

Put simply, effective policing is constitutional policing that yields safer communities and, at the same time, better protects both police officers and the community from harm. It is policing that is conducted with the utmost regard for the rights of residents including being free from both unconstitutional infringements of their liberty or from biased policing which unconstitutionally utilizes race or any other protected status to profile individuals for those infringements.

In May of 2022, APD reconstituted the idea of a proactive unit, the Direct Action Response Team (DART), to address a rise in violent crimes in Aurora.² As envisioned, DART would consist of two teams, each deploying one sergeant, two detectives, and six police officers. While DART teams would be in operation between 1 PM and 11 PM Wednesday through Saturday, their hours of operation would be flexible and subject to modification depending on need, crime trends, and other statistical data. This unit is overseen by ISS Lieutenant.

DART's mission is to engage in proactive policing and reduce violent crime by utilizing intelligence-driven analytical data to identify and target well-established crime patterns and activity "hotspots."³ The goal of such a program is to reduce the number of victims and amount of violent crime by identifying and disrupting local criminal activities such as motor vehicle thefts, illegal firearm possession, drug related offenses, and prostitution that often contribute to the commission of violent criminal acts. In order to properly identify which factors most heavily contribute to local crime trends and the commission of violent crime, the team is designed to work closely with community members, business owners, and key stakeholders who possess a deep familiarity with their local communities.

In order to achieve its goals, DART is designed to execute on different fronts. Team members will gather intelligence and drive analytical data to further guide crime reduction efforts. The information gleaned from such operations will include data on individuals who engage in violent crime and criminal activity, individuals who repeatedly/habitually offend, individuals with suspected gang affiliations, criminals who target victims of opportunity, and offenders engaged in frequent motor vehicle theft. Using this data, DART will identify and target existing crime trends, criminal offenders, and activity hotspots, with a goal of reducing the future occurrence

² DART was originally introduced in Aurora in 1994 and all three DART teams were combined with the current 6-person SWAT team called SRT (Special Response Team) in March of 2016. Indeed, the re-establishment of DART was, according to police department leadership, partially in response to City Council concerns relative to rising crime rates in the City. City Council has additionally passed legislation addressing shoplifting and auto larceny in the City. While concern with rising crime rates has been a focus of City Council, in all of the Monitor's conversations with elected officials there has never been a suggestion that crime-fighting should come at the expense of constitutional policing or best-policing practices aimed at building community trust.

³ This mission was shared by APD when presenting to the community on DART. A directive which spells out the mission and the responsibility of DART is currently in development.

of violent crime in Aurora. DART will engage in directed enforcement operations with rapid deployment and high visibility to address violent crime and prevent its future commission.

In addition to its proactive functions, DART will also be utilized as a citywide patrol function to provide support in multiple areas of need. When patrol resources and capabilities are strained and inadequate, DART can be summoned to provide assistance during the occurrence of active critical accidents, severe weather, natural disasters, and civil disorder. DART can further provide critical assistance to patrol on high priority calls for service and other major events. Such assistance can include crime scene and crowd management, aid in criminal apprehension, surveillance, and data collection, database operation, and information management from community members and key stakeholders.

Applicants were sought within APD for positions in DART. APD leadership reviewed the applications and selected members to be part of DART. After the officers were selected for DART, they went through a 2-week training, including two modules on proactive policing and constitutional policing. Because these trainings were solely refreshers for areas in which the officers had been previously trained, it allowed for more interactive discussions delving deeper into the nuances of what can and cannot be done. Notable during these trainings was the emphasis from the instructor that while there are things that may be permissible under the law, discretion should always be exercised to deploy the least intrusive method to address the issue at hand. The DART team began operations on July 27, 2022.

During its implementation phase, APD made intentional efforts to inform the community in advance of the team being operationalized. APD briefed the AKCRT and the NAACP and heard concerns from the community about how DART might impact the communities of color and questions relative to what, if any, safeguards were in place to identify and address potential abuses in its proactive policing efforts. These community outreach efforts by APD were found by the organizations to be helpful and important in building trust with the community through the advanced notice and discussion rather than post facto information being imparted. The community groups requested to meet the DART unit officers to have direct discussions with them about their concerns, a request that was fulfilled with a meeting with DART officers held on August 3.

The Monitor believes that harm can manifest in three primary ways: harm to the community from criminal activity; harm to the community from poor policing practices and harm to police officers from failure of policies and training to properly address the first two streams of community harm and otherwise address issues of officer wellness. The goal of reform efforts must be to encourage the adoption of policies that addresses each of these manifestations of harm. By identifying key changes to be made and articulating an overall strategy that brings cohesion to them, we can best ensure that a healthy eco-system of public safety, fairness, transparency, and officer wellness is achieved.

The Monitor has seen firsthand that constitutional, best practice policing as represented by the Consent Decree can co-exist, and, indeed enhance and foster crime reduction. The Monitor has seen how monitorships have increased public trust and how that has translated into officers feeling better about themselves and the jobs they are doing. That in turn, has translated into reduced crime and increased fairness. Any monitorship that does not promote and result in crime reduction is a failure in this Monitor's view.

Thus, while it is commendable that APD has prioritized reducing harm to the community by rolling-out DART to reduce harm from criminal activity, we will seek to ensure, in as many ways as possible, that crime-fighting and constitutional policing co-exist.

Likewise, while we commend APD for the selection process and training that was provided to the DART team before their deployment and recognize and applaud the sense of urgency to control crime, there are certain aspects of training that would have benefited from closer collaboration with the Monitor team prior to roll-out. That being said, when issues observed by the Monitor team were brought to APD's attention after the training, APD took immediate steps to remediate and incorporate the feedback into the second module on constitutional policing training DART received. However, with advanced notice and discussion with the Monitor, these issues could have been prevented.

As noted, DART's enforcement actions will be monitored to ensure that they are acting in accordance with APD's policies, as well as the 4th and the 14th Amendments of the U.S. Constitution and Colorado state law. This monitoring, through documentation and body-worn camera video, has already begun, and will be reported on in detail in the third reporting period.

MENTAL HEALTH ENCOUNTERS AND POLICING

The intersection between mental health and policing lies at the heart of the Consent Decree. Indeed, the tragic death of Elijah McClain laid bare significant issues in each of the major areas of the Consent Decree's focus: the legality of stops conducted by Aurora Police, the Department's use of force, use of ketamine and other chemical sedatives, and bias in the way it polices. It is also clear from the Monitor's extensive interactions with the community, that the way in which APD deals with persons with mental health issues, is front and center in their concerns.

Yet, despite significant steps that have been taken by the City to generally improve police interactions with those suffering mental health issues, the Monitor agrees with findings of the Internal Police Auditor that there are significant improvements in the process which need to be

made.⁴ The value of a high-level critical evaluation of current policies, training and practices to gauge whether officers are currently utilizing existing City mental crisis resources to their utmost, whether additional resources are needed, and whether officers are being effectively trained on de-escalation, containment and tactical disengagement when appropriate in these situations cannot be overstated. The Monitor not only recommends that the City continue and expand that high-level critical evaluation, but, in addition, that each incident reviewed by APD include an analysis of whether a more favorable outcome might have been achieved through better utilization of existing resources, better adherence to existing policy or training; modification of existing policy or training; or through creation of new policies or training that need to be adopted. Conducting such after action reviews following incidents involving the use of force in cases where a person is in mental health crisis, provides observations and learning opportunities that must be applied to strengthen future responses.

In these reviews, officer safety must be a paramount concern, and future review should serve to improve officer safety, and not, in any way, diminish it. To achieve that goal, protocols which utilize effective de-escalation techniques, including containment and tactical disengagement until specially-trained resources arrive may hold significant promise.

The use of force is unfortunately not always avoidable in police work, but by providing officers additional skills, alternative options are maximized. While a use of force may be necessary in both arrest and M1⁵ situations, safely and effectively minimizing its use whenever possible reduces the potential for serious unintended results, ones that can have serious negative consequences for both APD officers and people in crisis. The low number of uses of force by the Crisis Response Team (CRT) suggest that the additional de-escalation and behavioral health topic trainings provided to CRT officers may well be effective at providing non-CRT officers with the skills to resolve chaotic scenes and produce favorable outcomes. Broadening the reach and utilization of these skills must be a goal of the Department. Officers must be educated on the signs and symptoms of mental health disorders and altered mental states to be able to most appropriately identify available alternatives and in turn create a path to resolution that best fits the individual's needs. Again, all of this can and must be done with the safety of all involved guiding the available responses.

Clearly, mental health crisis response is one of the most challenging areas of policing. It calls for protocols designed to obtain the best possible outcomes for all and devising tactics and strategies

⁴ The audit by the Internal Police Auditor on CRT was issued on June 30, 2022. The report can be found here: <https://www.auroragov.org/common/pages/DisplayFile.aspx?itemId=18697620>. See the end of this section for more detail on the Auditor's Report.

⁵ "M1" is a term used to describe an involuntary mental health commitment that falls under CRS 27-65.

that strike this balance is a difficult, evolving process. Even when force is not necessary, the decision of whether to arrest or otherwise divert to treatment and services should be carefully considered. While criminal behavior must be addressed in some way, across the nation a primary critique of enforcement-focused public safety strategies is that in the case of mental illness, those strategies have been relatively ineffective in addressing the underlying conditions that lead to repeat offending. This is especially true when the offenses being addressed are low level, such as trespass, and where the period of incarceration is going to be minimal at best. Simply put, conventional police tools, such as arrest and imprisonment, have limited utility when it comes to addressing low-level offenses committed by those suffering from mental illness. Continuing to insist that police officers rely on these tools to address low-level offenses not only sets an unreasonable expectation on officers but ignores the vital importance of other promising public safety strategies. Finally, arrest-focused strategies ignore the role that policing in these types of cases can have in diminishing trust in the police, and the attendant harm that this diminished trust brings. As such, it is incumbent on APD and the City to continuously evaluate its approach in cases involving those in crisis at the incident-level and high-level and determine whether approaches that utilize more effective overall strategies for both those in crisis and police officers may be appropriate.⁶

This imperative is not simply supported by policing best-practices but is mandated by the Consent Decree. The Decree calls for revision of policy regarding the way in which APD deals with Persons with Mental Health Disorders (Mandate 22)⁷; and, for the Force Review Board to review each instance of force used in the context of the mental capacity of the suspect (Mandate 26)⁸. Moreover, the Consent Decree requires APD to improve its policies and training relevant on how officers stop, arrest, and use force to give officers concrete guidance on how best to engage in critical decision-making and exercise discretion during community interactions (Mandate 8)⁹; improve policies and training to better equip officers to handle challenging situations in ways that reduce the use of force (Mandate 17)¹⁰; and create a culture of enforcement that prioritizes

⁶ It is however, an unfortunate reality, that the behavioral health safety net may be lacking in many jurisdictions, including Aurora. As such, criminal justice system involvement often becomes a last resort to have an individual engage in treatment services, with the goal of preventing further criminal behavior. The creation of mental health courts, drug courts and other specialty courts can assist in connection to resources and mandate engagement in treatment services. The goal of engaging with individuals experiencing behavioral health concerns, should always be diversion away from criminal charges when appropriate but this ability can often be hindered by the lack of community resources and the significant barriers that individuals encounter when seeking treatment services.

⁷ See Section IV-B-2-c at page 13 of the Consent Decree.

⁸ See Section IV-C-1-2 at page 14 of the Consent Decree. We are advised by the City that the APD is currently working on a revision to their policy relative to the “handling of persons with mental illness.” It is expected that the Monitor will review the revisions before any finalization of the modification of policy in this area.

⁹ See Section III-A at page 7 of the Consent Decree.

¹⁰ See Section IV-A at page 11 of the Consent Decree.

de-escalation when possible in accordance with Colorado law but does not compromise officer safety when force must be used (Mandate 18)¹¹. Recognizing that low-level offenses implicate additional dynamics when developing best practices, the Consent Decree also requires improvement in documentation and tracking of use-of-force incidents, including monitoring misdemeanor arrest outcomes and tracking arrests and summons issued for particular offenses, such as “Failure to Obey a Lawful Order,” “Resisting Arrest,” “Criminal Trespass,” and related offenses (Mandate 16)¹².

Prior to the inception of the Consent Decree and in apparent recognition that alternatives to traditional methods are necessary, the City of Aurora implemented multiple programs to address the intersection of mental health and policing. The members of these programs proactively monitor incoming calls for service by reviewing call notes and available information to screen for appropriateness of self-dispatch. In addition, many officers, notwithstanding the lack of clear policy, proactively request these units to respond to various situations those officers believe may benefit from the resources of the program.

The following programs are currently in place in the City of Aurora and are the subject of the audit which was conducted. Notwithstanding the audit findings that improvements to the programs are needed, the programs provide a solid foundation which can be built upon to help ensure that harm reduction is best provided by Aurora’s public safety agencies to those in crisis:

Aurora Mobile Response Team

The Aurora Mobile Response Team (AMRT) is an unarmed, non-law enforcement, crisis intervention team that responds to incoming calls for service in a which mental health condition has been noted. AMRT responders do not carry weapons and do not possess law enforcement authority, so the team does currently does not respond to calls for service that mention the presence of weapons, or have a noted potential for violence to self, others, or property. The AMRT is the result of a multi-agency collaboration between the Aurora Police Department, Aurora Fire Rescue, dispatch personnel, the Aurora Mental Health Center, and Falck Rocky Mountain. Each responding team is composed of two individuals: a paramedic from Falck Rocky Mountain, and a Licensed Mental Health Profession (LMHP) from the Aurora Mental Health Center. When a dispatcher receives a call for service, they determine whether the call has a mental health element that qualifies for AMRT response. If there is no weapon or risk of violence, AMRT may be dispatched. Once on scene, responders will provide necessary aid, with a goal of diverting the individual away from the criminal justice system and emergency medical services.

¹¹ See Section IV-A at page 11 of the Consent Decree.

¹² See Section III-D-1-3-a-b at page 10 of the Consent Decree.

The AMRT is still in the early stages of implementation. It currently operates from Wednesday to Saturday, 10 A.M to 7 P.M. Still in the early stages of expansion, the AMRT currently operates exclusively in West Aurora. The pilot phase of the program was completed in March 2022. Funding has been secured to continue its current staffing level and additional funding has been requested in order to allow the program to go City-wide.

Aurora Police Department Crisis Response Team (CRT)

The Aurora Police Department Crisis Response Team (CRT) is a crisis intervention team that exists and operates within the Aurora Police Department. As opposed to the AMRT, the CRT possesses law enforcement responsibilities, duties, and authority. Each CRT unit should consist of an armed law enforcement officer from the Aurora Police Department, paired with a LMHP from Aurora Mental Health Center. The CRT operates similarly to the AMRT, in that it responds to calls for service where the primary element of the call is mental health related. However, with a trained and equipped police officer as a member, the team can respond to calls for service that may involve a weapon, acts of violence, threats of violence, or other risks of harm. Upon receiving a call for service, dispatchers triage the call to determine if the above risks are present. If the call possesses a significant mental health element, one of the above conditions is met, and the CRT is available, it is requested. Patrol officers on scene may also request a CRT unit upon arrival. The CRT operates citywide daily from 8 A.M to 10 P.M. However, due to staffing limitations, some CRT units do not deploy with a Mental Health Professional. The CRT program is currently staffed by five law enforcement officers with extensive crisis intervention training, one case manager hired by Aurora Mental Health Center, one Sergeant, and zero clinicians.¹³

Crisis Intervention Trained Officers (CIT)

Crisis Intervention Trained (CIT) Officers are law enforcement officers with the Aurora Police Department who volunteer to receive extensive training on responding to calls for service that involve significant mental health elements. Officers who wish to become certified as CIT officers voluntarily undergo forty hours of mental health awareness, de-escalation, and crisis intervention training. CIT officers typically respond to mental health calls for service under two conditions. First, CIT officers respond to calls for service where the primary purpose of the

¹³There is currently a recent competitive bid process for a clinical service provider. This process was a direct recommendation of the audit conducted by the Internal Police Auditor. Fully staffed there are positions for five clinicians, one case manager, five officers, one sergeant and one program manager This program manager also oversees the AMRT.

response is to address criminal behavior or activity, but where a mental health nexus exists. This differs from AMRT and CRT, as those two teams will only respond where the mental health concern constitutes the primary reason for the response. Where mental health is only an ancillary concern or element, the CIT team is dispatched, as well as calls for service where the mental health element is the primary concern when the AMRT and CRT teams are unavailable.

Aurora 911

The Internal Police Auditor found that while some protocols have been developed for the deployment of these resources, the protocols are not universally followed. Specifically, when a call for service is received, dispatchers are supposed to triage the call to determine if the call possesses a mental health element. If they do, the dispatcher is meant to determine whether or not the mental health concern is the primary reason for the call, or if it is an element of a larger criminal concern. If the latter, the call is supposed to be referred to the CIT officers. If the former, the dispatcher should further assess the call. If no weapon is present on the scene, there is no threat of violence, and the call for service is coming from West Aurora, the call should be referred to AMRT. If the former three conditions are not met, the call should instead be referred to a CRT unit. If either AMRT and/or CRT are not present, CIT officers should be dispatched.

Despite the existence of these programs, based on the audit conducted by the Internal Police Auditor on CRT, it was found that the City lacks formal procedures for handling calls for persons in crisis and dispatching AMRT, CRT and CIT trained officers, and lacks the data for ensuring procedural compliance. As a result, the auditor could not determine the effectiveness of the receipt of incidents. Recommendations were made around data collection and improving the dispatch procedures as well as improving staffing to best serve the City and community's needs. The audit recommendations also advise APD leadership on leading practices and empower them to further expand upon the most effective methods of working with individuals experiencing behavioral health crisis without sacrificing safety to officers and the public. City leadership has informed the Monitor that it is working on a number of the recommendations contained in the audit and appears to be committed to improving these offerings and willing to take steps to improve services to better address individuals experiencing mental health crisis.¹⁴

This is an area that the Monitor will continue to focus on. Specifically, the Monitor will discuss ideas with the City that include an enhanced role for dispatch; mandatory notification to dispatch

¹⁴ We are informed by the City that it is in the process of developing Standard Operating Procedures to provide a more robust framework for working with individuals experiencing mental health crises. In addition, we are informed that CRT leadership is working with Aurora911 to explore the recommendations contained in the audit relative to the role that dispatch should play in the process.

of the fact that there is an engagement or potential engagement with an individual suffering from a mental health crisis; and the expanded use of CRT and AMRT and of CIT trained officers.

COACHING FOR IMPROVEMENT (CFI)

The absence or failures of accountability systems for police are frequently at the core of systemic problems in a department. However, as we pointed out in our first report, there are various systems and processes that represent best practice in assuring the public that a police department is properly holding itself and its members accountable through the identification, analysis, remediation, and on-going monitoring of potential issues.

Coaching For Improvement is one piece of accountability that, if implemented and cultivated properly, will provide the type of enhanced supervision that we outlined in our first report allowing for true early intervention. As we noted, it is very important that a more pro-active approach to identify and correct the behavior of officers through enhancement of first-line supervision be developed. This methodology essentially calls for an officer's immediate supervisor to be involved in efforts to identify and remediate through non-disciplinary coaching and mentoring, with any deviations from best practice addressed at the earliest opportunity. Because these efforts will be documented, upper-level management within the department will be provided with a method to supervise its supervisors, including identifying supervisors who may need similar coaching and mentoring.

We commend the department for taking this first step in establishing this program and look forward to its development and deployment.

INTEGRATING COMMUNICATION ASSESSMENT AND TACTICS (ICAT) TRAINING

In addition to the CFI program, APD has committed to training APD officers on Integrating Communication Assessment and Tactics (ICAT).¹⁵ ICAT is a training program, developed by the Police Executive Resource Forum (PERF), that provides first responding police officers with the tools, skills, and options they need to successfully and safely defuse a range of critical incidents. PERF has described the program as being developed with input from hundreds of police professionals from across the United States, taking the essential building blocks of critical thinking, crisis intervention, communications, and tactics, and putting them together in an integrated approach to training.

ICAT is designed especially for situations involving persons who are unarmed or are armed with weapons other than firearms, and who may be experiencing a mental health or other crisis. The training program is anchored by the Critical Decision-Making Model that helps officers assess situations, make safe and effective decisions, and document and learn from their actions. ICAT

¹⁵ Upon his arrival in May 2022, newly appointed interim Chief Daniel Oates recognized and identified the need for ICAT Training and directed that all APD officers be trained on ICAT.

incorporates different skill sets into a unified training approach that emphasizes scenario-based exercises, as well as lecture and case study opportunities. The ICAT training holds potential for addressing some of the issues raised in the Mental Health Crisis and Policing focus issue (above).

APD currently has trained five ICAT instructors and is expecting two more instructors once they complete the requisite training. APD is planning on rolling out the ICAT training during the first quarter of 2023.

As with CFI, we commend the department for taking this first step in embracing ICAT and look forward to its development and deployment.

AFR INTRODUCTION OF ADDITIONAL CHEMICAL SEDATIVE

Early in this Reporting Period, we were approached by AFR with a request to approve the change to the protocol relating to the administration of chemicals sedatives by adding a second chemical sedative, Droperidol, which could be utilized in those circumstances in which it would be medically more effective than the currently utilized sedative, Versed. It was explained that AFR currently only uses Versed, which, while an effective medication, is not as versatile as other sedative options. Additionally, Versed had increased risks when applied to patients who possessed certain “physiologies of agitated behavior.” Droperidol, on the other hand, it was explained, was cited by as having been extensively studied by professionals and verified as being a safe and effective sedative, and significantly more efficacious in certain use scenarios. Therefore, the proposal suggested, having access to both Versed and Droperidol would allow AFR to have more tools in the toolbox to respond as effectively as possible.

The proposal set forth basic policies and practices regarding the use of sedatives by the Emergency Medical Service (EMS) providers. It stressed that EMS providers should only attempt to medically manage the agitation of a patient when it has been determined that the individual is experiencing an ongoing medical emergency and that the agitation is actively inhibiting the provision of care, posing a risk to both patient and provider. It also stressed that EMS providers must remain cognizant of underlying conditions that could contribute to agitation and hostility and attempt to address any such condition while also stressing the importance of maintaining the safety and dignity of both the patient and the EMS providers. Lastly, the protocols reiterated that while sedation may be necessary in order to protect the responders and the patient, as well as to provide adequate care to the agitated individual, responders must be diligent in ensuring that patients are treated equitably and that every patient encounter that results in the use of

chemical sedatives would be manually reviewed by the Medical Director under the Continuous Quality Improvement Program¹⁶.

In creating specific protocols regarding the assessment and if, necessary, sedation of agitated patients, AFR has chosen to adopt the “6010 Agitated/Combative Patient Protocol” developed and approved by the Denver Metro EMS Medical Directors (DMEMSMD). The DMEMSMD is a group of volunteer physicians who work jointly to draft protocols and guidelines regarding the appropriate standards of emergency medical care in the Denver Metropolitan area. The group’s recommended protocols are published in the continuously updated and revised “Denver Metro EMS Protocols.” The protocols are presented in a format which provides a specific sequence of actions that EMS responders might take to adequately address a situation. However, the provided sequence is flexible, allowing for steps to be completed out of order as necessary to fit the wide variety of situations that first responders encounter.

The Monitor engaged an independent medical expert to evaluate AFR’s proposal. The Monitor’s expert, an emergency physician with over 11 years of experience who serves as the medical director for emergency management for University of Cincinnati, reviewed the proposed protocols and training, as well as relevant literature related to Droperidol itself, and agreed with the assessment of AFR in that expanding AFR’s to include Droperidol would stand to improve the overall effectiveness of AFR in certain scenarios.

On July 26, 2022, AFR presented the proposal to the Monitor’s Community Advisory Council and heard concerns and answered questions from the Community Advisory Council.

¹⁶ The Continuous Quality Improvement Program (CQI) is AFR’s process by which AFR reviews the EMS calls to evaluate the medical care considerations on a call. The CQI program is meant to ensure that AFR continually looks at the medical care they deliver to ensure that patients are receiving excellent medical care. When a call is reviewed, AFR considers the medical care decisions made by the EMS providers and if there are other issues such as individual remedial training, department wide training, EMS equipment, department policies, or treatment protocols that need to be addressed. Calls that are reviewed are identified by the type of call, the medications given, procedures performed on a call, by a report or complaint from an EMS provider, outside agency/hospital, or patient. Specific to the use of a sedative, the Medical Director reviews every call in which AFR utilizes medical restraints or a sedative medication to manage a combative patient. Droperidol will be reviewed in the exact same manner.

OFFICER-INVOLVED SHOOTINGS IN JULY 2022

In this reporting period, there were two fatal APD officer-involved shootings. Most notably, they occurred within a two-week period in July and both incidents involved SWAT.¹⁷

JULY 5, 2022 INCIDENT¹⁸

At 11 AM on July 5, 2022, AFR and APD responded to reports of a fire in Room 47 of the Ranger Motel. Upon arriving on scene, responders were confronted by the occupant of Room 47, a 51-year-old white male, brandishing a knife. The suspect prevented AFR responders from attending to the fire and ultimately retreated to a neighboring room. The occupant of the neighboring room fled and the suspect barricaded himself inside. Officers evacuated surrounding rooms and interviewed witnesses at the scene, who said that they had witnessed the suspect set the fire in Room 47. Patrol officers, SWAT, and crisis negotiators responded to the scene to provide support.

For over an hour, crisis negotiators engaged with the individual, attempting to convince him to relinquish his weapon and exit the room. At approximately 12:30 PM, the man emerged from the room brandishing a large knife. He rapidly advanced on officers and six officers engaged. Three officers fired less-lethal weapons, with the other three firing their service weapons. The suspect was lethally struck, and although a medic assigned to the SWAT team provided immediate medical care and transported the man to the hospital, he was pronounced deceased.

The three officers who fired their weapons were placed on paid administrative leave, as per the policies of the Aurora Police Department.

JULY 18, 2022 INCIDENT¹⁹

On July 18, 2022, the APD received information suggesting that a 27-year-old wanted fugitive was present in the Aurora area. The individual had an active arrest warrant from the State of

¹⁷ Between the end of RP2 on August 15, 2022, and the publication of this report on October 15, 2022, there have been an additional three fatal officer-involved shootings. These incidents, as well as the two incidents in July, are under review in accord with processes developed for non-involved agencies to conduct the investigation of officer involved shootings. As of the writing of this report, CIRT (Critical Incident Response Team) investigations into each of the five officer involved shootings continues and any information provided in this report should be considered preliminary in nature.

¹⁸ Information regarding this incident is derived from the Aurora Police Department's blog dedicated to providing the public with information regarding officer-involved shootings:

<https://www.auroragov.org/blog/One.aspx?portalId=2869361&tagId=4232357&PortletAction=browsebytag>

¹⁹ Information regarding this incident is derived from the Aurora Police Department's blog dedicated to providing the public with information regarding officer-involved shootings:

<https://www.auroragov.org/blog/One.aspx?portalId=2869361&tagId=4232357&PortletAction=browsebytag>

Georgia for the alleged July 6th murder of his girlfriend. At approximately 12:45 PM, the officers located the individual in a home at 438 North Oswego Street. Officers confirmed that he was in the home, and SWAT responded the scene. The four other individuals in the home agreed to exit the building, but the suspect remained inside.

Additional deputies and officers from the Arapahoe County Sheriff's Office, Littleton Police Department, and Englewood Police Department arrived to lend support as well. APD Crisis Negotiations Team arrived on scene and communicated with the suspect for several hours, attempting to convince him to exit the home unarmed. The suspect made multiple demands, stating that he would surrender at 4:30 PM if he was allowed to speak with his family. Although APD coordinated and arranged this, the individual did not surrender. Instead, he began to livestream on social media, showing the events in the house and brandishing a high-powered rifle. He stated that he would shoot any officer who attempted to enter the home. Some of the surrounding homes were evacuated. Negotiation attempts continued.

At 9:37 PM, officers heard multiple gunshots from the home. Officers did not return fire but were concerned by the threat posed to residents in neighboring homes. Negotiations continued as officers engaged in attempts to resolve the confrontation through less-than-lethal means. An armored vehicle created a hole in the side of the building and several windows were broken, allowing for the deployment of less-than-lethal munitions, such as tear gas, less-lethal rounds, and flash diversionary devices. These, and repeated orders from the officers to surrender, were unsuccessful in allowing the officers to gain compliance and control. Over the remainder of the evening, the individual fired the rifle several more times.

At 2:18 AM, the individual finally exited the home armed with the high-powered rifle. An APD officer and an Arapahoe County Sheriff's Deputy fired their service weapons, striking the suspect. Medical care was provided by AFR and the individual was transported to the hospital, but he did not survive. As per departmental policy, the two individuals who fired their weapons were put on paid administrative leave pending investigations.

APD'S EFFORT TO INFORM THE COMMUNITY

There were efforts made by APD immediately after both shootings to inform and engage with the community.

First, there were two specially convened Aurora Key Community Response Team (AKCRT) meetings to discuss both shootings. AKCRT was created to work alongside the City of Aurora to engage with the community members and partner organizations in time of civil unrest. The protocols for special convenings allow for either AKCRT or APD to request such convening when a critical incident occur. Immediately after both shootings, AKCRT was convened for special in-

person meetings where Chief Oates, the interim chief of APD, briefed the members the day after each incident. Members of the AKCRT shared with the Monitor that they were appreciative of being activated in this fashion after each shooting since these briefings were seemed to have been suspended due to the pandemic. However, the members were left somewhat frustrated by the dearth of information that was shared with the group during these briefings due to the fact that information shared did not go beyond that which was shared with the press. That being said the Monitor understands the constraints on the dissemination of information because of the on-going CIRT investigations, and the expectation of investigators that APD not provide non-public detail pending the outcome of the investigations.

Second, Chief Oates hosted press conferences immediately after each of these shootings to inform the publish and take questions from the media.

Third, APD immediately posted information about both shootings on its blog. The blog was created in 2016 and is maintained by APD's Public Affairs Unit. Information was published on the blog within 24 hours of the shootings with a link to press conference Chief Oates held on each of the shootings. These efforts to be transparent and inform the community in a timely manner is a significant step in building trust with the community.²⁰

SWAT IN AURORA

Each of the two incidents is under review at the time of this report, and absolutely no conclusions can or should be drawn about the lawfulness or administrative compliance of the incidents. Yet, as indicated above, it is notable that SWAT was involved in both shootings given that one of SWAT's basic premises is that of utilizing special weapons and tactics in order to have the best chance of resolving incidents without resort to the use of deadly force. Measuring the success of SWAT units in this regard is important. One example of a department which recently published such measurements is the Los Angeles Police Department (LAPD) which published a 10-year review of its SWAT Unit on July 19, 2022, in a document entitled "Special Weapons and Tactics Ten-Year Review."

SWAT is a police tactical unit that uses specialized equipment and tactics in order to respond to situations and address those situations in a way that regular patrol officers cannot. More than 50 years after first being deployed in Philadelphia and being made a de rigour aspect of policing through Los Angeles' adoption of the model, SWAT teams today pride themselves in utilizing the utmost restraint before resorting to the use of deadly force. LAPD's SWAT unit is widely recognized as the model for SWAT units deployed throughout the country. Indeed, LAPD's SWAT

²⁰ Similar transparency by APD has been on-going in past critical incidents for some time.

mission statement contains that credo: “A deep and abiding reverence for human life; resulting in a firm resolve that all possible tactical alternatives be exhausted before employing deadly force.”²¹ In addition, the selection of SWAT members in Los Angeles is highly proscribed:

“Selecting individuals with the proper mindset and attitude toward resolving critical incidents peacefully, whenever possible, is fundamental to ensuring that the percentage of fatal encounters with SWAT personnel remains low. Effective supervisory oversight and current tracking systems reinforce the team’s ethos that deadly force should only be utilized when necessary and as a last resort. In fact, the selection process for SWAT personnel has continuously faced intense scrutiny to ensure that a fair and impartial process identifies those with the proper mindset, maturity level, and discipline with a deep appreciation for the reverence of human life.”²²”

SWAT is considered an elite unit within APD where officers apply for and are selected to serve through a competitive process. The Aurora Police Department formed the Special Weapons Rifle Team in 1978, with the name of the unit later being changed to Special Weapons and Tactics, or SWAT. The mission of the SWAT team is to safely resolve high-risk situations²³. Some examples of these types of situations are: high risk search warrants/raids, high risk arrests, hostage situations, barricaded suspects, suicidal subject rescue, VIP protection details, counter sniper, and other situations where the likelihood of armed resistance appears great. The SWAT team receives calls for assistance not only from APD, but from other local, state, and federal law enforcement agencies. The APD Hostage Negotiation Team responds with the SWAT team on its callouts.

The SWAT team trains twice monthly with additional training available as needed. The minimum requirements to test for SWAT are as follows: members are required to have three years of service as a Police Officer, with a minimum of one year of service with APD and have successfully completed an APD rifle certification course. Officers interested in becoming a SWAT officer must first go through an intense testing process that evaluates the officer’s abilities, mindset, and overall mental and physical capabilities to perform the job. The SWAT team has a wide variety of chemical munitions and other less-lethal capabilities including beanbags, foam, and rubber projectiles that are designed to incapacitate, but not kill, an individual subject.

²¹ Special Weapons and Tactics Ten-Year Review, pg. 16








²² Special Weapons and Tactics Ten- Year review, pg. 3.

²³ https://www.auroragov.org/residents/public_safety/police/special_assignments/special_weapons_and_tactics_team

Given the two recent SWAT officer involved shootings, APD has recognized that it must ensure that its SWAT team is operating in a way that comports with recognized best practices for SWAT units, including those related to policies, training, deployment and the equipment available to, and being utilized by, the unit. The assurance should come, at least in part, from a review of data relative to SWAT deployments over the last five or 10 years and the benchmarking of that data to SWAT units in other jurisdictions.²⁴ While disparities in a comparison of these numbers may be accounted for in one way or another, gathering and analyzing the relevant data is the first step in a proper analysis of the unit. Commendably, at the direction of Interim Chief Dan Oates, the Department has undertaken this review and will be reporting its findings to the Monitor.

ASSESSMENT OF MANDATES THIS REPORTING PERIOD

In each Reporting Period, the Monitor will assess various Mandates of the Consent Decree as disaggregated, or distilled, from the Consent Decree itself. During this second Reporting Period, the Monitor assessed 52 of the 70 Mandates contained in the Consent Decree. Of the 52 Mandates assessed, thirteen were found to be substantially in compliance or “complete” at this time, with the remaining 39 Mandates at various stages of compliance. The current status of each Mandate is depicted as an icon which shows the degree of completion that the Monitor assesses that particular Mandate has achieved, and, through the coloring of the icon, whether the City or its constituent agency is on the right track (green), a cautionary track (yellow), or the wrong track (red). The legend for our findings appears below:

LEGEND	ESTIMATED 0-24% COMPLETE	ESTIMATED 25-49% COMPLETE	ESTIMATED 50-74% COMPLETE	ESTIMATED 75-99% COMPLETE	SUBSTANTIAL COMPLIANCE
RIGHT TRACK (IN LINE WITH MONITOR EXPECTATIONS)					
CAUTIONARY TRACK (AT THIS TIME UNCERTAIN IF MONITOR'S EXPECTATIONS WILL BE MET)					
WRONG TRACK OR UNACCEPTABLY OVERDUE (EXPECTATIONS OF MONITOR ARE NOT BEING MET)					
NOT EVALUATED IN THE INDICATED REPORTING PERIOD	[CELL IN CURRENT OR PAST REPORTING PERIODS INTENTIONALLY LEFT BLANK]				
TO BE EVALUATED IN THE NEXT REPORTING PERIOD					

²⁴ For example, as noted, LAPD has recently conducted a 10 year review of its SWAT Unit and published the results of that review on July 19, 2022 in a document entitled “Special Weapons and Tactics Ten-Year Review.”

The remainder of this report contains a description of each Mandate assessed in RP2, organized by the six sections of the Consent Decree as follows:

- Policies and Training Generally: An analysis of 6 of 10 Mandates
- Racial Bias in Policing: An analysis of 3 of 11 Mandates
- Use of Force: An analysis of 15 of 17 Mandates
- Stops: An analysis of 6 of 7 Mandates
- Chemical Sedatives: An analysis of 9 of 9 Mandates
- Recruitment: An analysis of 11 of 17 Mandates
- Transparency: An analysis of 2 of 2 Mandates

For each Mandate assessed, we included a general description of the tasks, the actual text from the Consent Decree, a brief description of the Methodologies to Aid in the Determination of Compliance (MADCs), along with the Monitor’s assessment of compliance during the current Reporting Period.

POLICIES AND TRAINING GENERALLY

INTRODUCTION

Police policies are rules and standards by which agencies operate, the guidebook that helps officers navigate the challenging and dynamic scenarios they face every day. These policies are the key foundation for an effective department, and they also serve as a promise to the community that officers will respond safely and responsibly. Effective policies and procedures should be a part of defining an agency’s culture and providing a roadmap for all officers. Trainings will reinforce the policies and procedures to provide officers with support in understanding federal, state, and local standards and agency requirements. Appropriate training will facilitate the operation of police agencies in accord with strategic policies that guide their conduct, as well as attempt to best ensure that individual officers become competent and confident in performing their role in concert with operational and tactical policies.

The Consent Decree mandates for APD and AFR to continuously work to ensure policies are consistent and complementary and conduct training to ensure coordinated responses and hold officers and firefighters accountable for violating policy.

During the current reporting period the Monitor assessed the status of six of the ten Mandates in this area of the Consent Decree. In the last reporting period, the Monitor discovered a significant lack of proper and adequate governance structure in APD to develop and finalize policies. The Professional Standards Section (PSS) in APD is tasked with developing and finalizing policies, but it appeared that policy or procedures are often set through informal emails, and that

the workflow that a proposed policy must take in order to be enacted was not standardized. The Monitor worked closely with the City in addressing these issues, and finds that the City has made significant progress in addressing these deficiencies. Specifically, APD has acknowledged the deficiencies and has drafted a policy which will define the process and workflow as it should occur.

ASSESSMENT OF MANDATE 1A

Current Status:  - (50-74% Complete. In line with Monitor expectations)

Mandate 1 at II (page 4) of the Consent Decree, entitled “Policies and Training Generally” requires that the Monitor determine if the APD and AFR are developing comprehensive policies to ensure the implementation of the Consent Decree and that the policies of each department are consistent and complementary. The Monitor will also determine if the training is being conducted to ensure coordinated responses, and that officers and firefighters are being held accountable for violation of policy. The Monitor has split this mandate into Mandate 1A which deals with the mandate relative to APD and Mandate 1B which deals with the mandate relative to AFR.

The text of Mandate reads as follows:

“Aurora Fire Rescue and Aurora Police agree to develop comprehensive policies and procedures that ensure implementation of this Consent Decree. In addition, Aurora Fire Rescue and Aurora Police will work to ensure policies are consistent and complementary, conduct training to ensure coordinated responses, and hold officers and firefighters accountable for violating policy.”

The compliance definition as agreed to in the MADC necessitates that APD achieve compliance with all 32 different policy driven Mandates and 16 different training driven Mandates. Said simply, APD must develop and implement all Consent Decree required policies and training and, must also have policies to hold accountable those officers or firefighters who violate established policies in contravention to their training.

This mandate was assessed relative to APD during the last reporting period and the Monitor found that it was uncertain if the expectations of the Monitor will be met. The Monitor has assessed this mandate again during this reporting period and now finds that the mandate is now on the right track. APD finalized a new policy on coordination with AFR, which was memorialized in section 9.06 of the Directives Manual. There has been no violation of the policy since its implementation. Additionally, AFR is developing training, to be provided jointly on an annual basis to AFR and APD personnel. Although ongoing logistical concerns, including conflicting training and recruitment schedules between APD and AFR, have posed barriers to finalizing the

frequency of delivery, executive staff at both agencies have committed to overcoming these constraints and have started discussion on planning for 2023 trainings.

For the reasons stated above, we believe this Mandate is on the right track and the Monitor is no longer uncertain if the expectations of the Monitor will be met.

ASSESSMENT OF MANDATE 1B

Current Status:  - (50-74% Complete. In line with Monitor expectations)

Mandate 1 at II (page 4) of the Consent Decree, entitled “Policies and Training Generally” requires that the Monitor determine if the APD and AFR are developing comprehensive policies to ensure the implementation of the Consent Decree and that the policies of each department are consistent and complementary. The Monitor will also determine if the training is being conducted to ensure coordinated responses, and that officers and firefighters are being held accountable for violation of policy. The Monitor has split this mandate into Mandate 1A which deals with the mandate relative to APD and Mandate 1B which deals with the mandate relative to AFR.

The text of Mandate reads as follows:

“Aurora Fire Rescue and Aurora Police agree to develop comprehensive policies and procedures that ensure implementation of this Consent Decree. In addition, Aurora Fire Rescue and Aurora Police will work to ensure policies are consistent and complementary, conduct training to ensure coordinated responses, and hold officers and firefighters accountable for violating policy.”

The compliance definition as agreed to in the MADC necessitates that AFR achieve compliance with all 11 different policy driven Mandates and two different training driven Mandates. Said simply, AFR must develop and implement all Consent Decree required policies and training and, must also have policies to hold accountable those officers or firefighters who violate established policies in contravention to their training.

During the current reporting period the Monitor assessed the status of this Mandate relative to AFR for the first time. AFR has revised its paramedic protocols to clarify the interoperability of joint responses by APD and EMS personnel, including eliminating recommendations from police officers to EMS personnel on administration of medical care. In August of 2021 AFR updated MOP 6.14 “Coordination with Aurora Police Department/Law Enforcement” in conjunction with APD. MOP 6.14 covers a clear transition process for the transfer of information between law enforcement and EMS. It also establishes the culture for all personnel on scene that people in custody of law enforcement when EMS arrives are patients needing prompt evaluation and treatment. The consequences of violating these and other policies are also memorialized. There

has been no violation of the policy since its implementation. AFR is also developing trainings, to be provided jointly and at least annually to AFR and APD personnel, although logistical concerns, including conflicting training and recruitment schedules between APD and AFR, have posed barriers in finalizing that frequency, APD and AFR have started discussion on planning for 2023 trainings. The goals of the training are to set an environment for police and fire to work together on high acuity incidents, re-establish collaborative working relationships, transition of Command, patient advocacy and management of patients. Executive staff at both agencies have committed to overcoming these constraints.

We believe this Mandate is on the right track.

ASSESSMENT OF MANDATE 2A

Current Status:  - (50-74% Complete. In line with Monitor expectations)

Mandate 2 at IIA (page 4) of the Consent Decree, entitled “Policy development, review, and implementation process” requires that the Monitor determine if the APD, AFR, and CSC have developed and implemented an appropriate procedure that will govern and speed up the policy development, review and implementation process. The Monitor has split this mandate into Mandate 2A which deals with the mandate relative to APD and Mandate 2B which deals with the mandate relative to AFR.

The text of Mandate reads as follows:

“Aurora will work with the Independent Consent Decree Monitor to evaluate the development, review and implementation processes for Aurora’s policies, procedures, and rules outlined in the Consent Decree. The parties agree that Aurora must develop procedures that speed up the policy development, review, and implementation process.”

The compliance definition as agreed to in the MADC necessitates that APD achieve compliance with all 32 different policy driven Mandates and 16 different training driven Mandates with decreased length of time, wherever possible, of the process by which Consent Decree related policies are developed, reviewed, and implemented. Compliance will be reached when the related policies are documented within relevant agency’s procedures and the standards in those procedures are being adhered to.

During the current reporting period the Monitor assessed the status of this Mandate relative to APD for the first time. In the first reporting period, the Monitor discovered a significant lack of proper and adequate governance structure to develop and finalize policies. During this reporting period, the City has recognized the problem and worked to improve its governance, specifically

around how the bi-weekly Policy Committee meetings are organized and structured. The Policy Committee is chaired by the Division Chief of the Professional Standards and Training Division with representatives from the Chief of Police’s Office, Legal Advisor, Operations Division Chief, Special Operations Division, Investigations Division, Business Services, Professional Standards Services, Training Section, and FOP with additional attendees as needed and relevant to the policies being discussed, such as representatives from Aurora 911 and additional consultants in attendance. These meetings consist of discussing in detail the drafts of all policies and procedures that are being considered for revision or creation. The composition of the Committee has been designed so as to ensure that all perspectives of relevant stakeholders are contributing to the policy development. The Monitor observed Policy Committee meetings in this reporting period and observed significant improvements.

Notably, one of the policies drafted and considered by the committee was that dealing with the governance and workflow of policy development. Governance will be managed through the existing software known as PowerDMS, through which relevant stakeholders within the department will comment on the proposed draft as well as indicate their approval when a draft is final. Rollout of the policy to the department is also controlled within the program. The proposed policy addresses workflow of those policies relevant to the Consent Decree requiring approval by the Monitor. In addition to process, APD has engaged additional experts for use in policy development and will also be relying on CJI to help in that endeavor.

With respect to similar governance over training, commanders of the training academies are currently working to update Standard Operating Procedures that outline responsibilities for planning and creating training.

The Monitor believes this Mandate is on the right track.

ASSESSMENT OF MANDATE 2B

Current Status: ● - (Substantial Compliance)

Mandate 2B at IIA (page 4) of the Consent Decree, entitled “Policy development, review, and implementation process” requires that the Monitor determine if the APD, AFR, and CSC have developed and implemented an appropriate procedure that will govern and speed up the policy development, review and implementation process. The Monitor has split this mandate into Mandate 2A which deals with the mandate relative to APD and Mandate 2B which deals with the mandate relative to AFR.

The text of Mandate reads as follows:

“Aurora will work with the Independent Consent Decree Monitor to evaluate the development, review and implementation processes for Aurora’s policies, procedures, and rules outlined in the Consent Decree. The parties agree that Aurora must develop procedures that speed up the policy development, review, and implementation process.”

The compliance definition as agreed to in the MADC necessitates that AFR achieve compliance with all 11 different policy driven Mandates and two different training driven Mandates with decreased length of time, wherever possible, of the process by which Consent Decree related policies are developed, reviewed, and implemented. Compliance will be reached when the related policies are documented within relevant agency’s procedures and the standards in those procedures are being adhered to.

During the current reporting period the Monitor assessed the status of this Mandate relative to AFR for the first time. As for AFR, there is a well-established protocol and governance on how policies are modified. AFR conducts an inclusive annual review of all policies, procedures, and guidelines each year between January 1st and March 31st of each year. Any member may suggest changes at any time by sending their recommendations to the executive staff through the chain of command. The executive staff reviews all suggestions and submits the proposed changes to the Fire Chief for the Fire Chief to accept or reject. Should the Fire Chief accept the suggested changes, a “Change Notice” is sent out to the entire organization to inform all members of the changes to the policies and the department’s digital policy library is updated accordingly. AFR’s policies also allow for the flexibility to address more time-sensitive issues outside of the scheduled annual review process. That process goes through a process similar to the regular January to March process and ends similarly with “Change Notice” if the suggestion is adopted by the Fire Chief. The process of allowing any member of the Department to comment or suggest on an existing or proposed policy was instituted by Chief Gray pursuant to his belief that the members who do the work should have input on all policies and procedures. He also stressed that part of the objective of these reviews is to ensure consistency in department policies and improve operational efficiency of the Department while adhering to accepted national best practices as specified in National Fire Protection Association. The department has emphasized that while operational efficiency is strived for, that they will always be receptive to listening to the community as it relates to meeting community expectations. The Monitor will continue to evaluate how efficiently this process is in practice in the subsequent reporting periods.

The Monitor believes this Mandate is in substantial compliance.

ASSESSMENT OF MANDATE 3A

Current Status:  - (50-74% Complete. In line with Monitor expectations)

Mandate 3 at IIA (page 4) of the Consent Decree, entitled “Submission of new policies for review” requires that the Monitor determine if all new or revised policies, procedures and rules called for by the Consent Decree have been submitted to the CD Monitor for review before implementation.

The text of Mandate reads as follows:

“During the time covered by the Consent Decree, Aurora will submit any new or revised policies, procedures, or rules outlined in this Consent Decree to the Consent Decree Monitor for review before implementation until a time when the Consent Decree Monitor decides that such review is no longer necessary.”

The compliance definition as agreed to in the MADC necessitates that APD achieve compliance with all 32 different policy driven Mandates (11 for AFR and eight for CSC). APD, AFR, and CSC must develop and implement all of the Consent Decree required policies in coordination with the Monitor to achieve full compliance with Mandate 3.

This mandate was assessed during the last reporting period and the Monitor found that it was uncertain if the expectations of the Monitor will be met. The Monitor has assessed this mandate again during this reporting period. As in the last reporting period, at the beginning of this reporting period the Monitor again discovered that this Mandate needs to be reinforced and itself made part of policy and the workflow of policy modification or development as there were some arguably relevant policies that were developed and finalized without the consultation of the Monitor. The Monitor ultimately reviewed the policies and found them to be acceptable. The Department acknowledged and apologized for its error and explained that the error was a result of the Department’s rush to finalize the policy before the delivery of related training during the scheduled in-service training period. We have been assured that this will not happen again and believe that the governance improvements that have been implemented will help ensure that it does not. While the governance policy has not yet been finalized and implemented, we believe that these steps put the Department on the right track toward substantial compliance. Lastly, there is a weekly meeting to discuss policy development with the Monitor as well. We will, of course, be scrutinizing the Department’s compliance in this area in reporting periods to come.

The Monitor, for the reasons stated above, believes this Mandate is now on the right track and the Monitor is no longer uncertain if the expectations of the Monitor will be met.

ASSESSMENT OF MANDATE 3B

Current Status: ● - (Substantial Compliance)

Mandate 3 at IIA (page 4) of the Consent Decree, entitled “Submission of new policies for review” requires that the Monitor determine if all new or revised policies, procedures and rules called for by the Consent Decree have been submitted to the CD Monitor for review before implementation.

The text of Mandate reads as follows:

“During the time covered by the Consent Decree, Aurora will submit any new or revised policies, procedures, or rules outlined in this Consent Decree to the Consent Decree Monitor for review before implementation until a time when the Consent Decree Monitor decides that such review is no longer necessary.”

The compliance definition as agreed to in the MADC necessitates that APD achieve compliance with all 32 different policy driven Mandates. APD, AFR, and CSC must develop and implement all of the Consent Decree required policies in coordination with the Monitor to achieve full compliance with Mandate 3.

During the current reporting period the Monitor assessed the status of this Mandate with respect to AFR for the first time. In this reporting period, AFR notified the Monitor well in advance of their anticipated roll-out of a new protocol related to the proposed introduction of a new chemical sedative to discuss the contents of the protocol as well as to how to engage the community to inform the community of the change in advance of the new protocol implementation. This advanced notice allowed the Monitor team to engage with an independent subject matter expert on the proposed changes, who helped the Monitor to benchmark the proposed change and determine whether it was in accordance with best practice. The Monitor appreciated these efforts and the fact that sufficient time to scrutinize the proposed changes in protocols was provided. (For more details on the introduction of the new chemical sedative please see the Focus Issue above “AFR Introduction of New Chemical Sedative.”).

The Monitor believes this Mandate is in substantial compliance.

ADDRESSING RACIAL BIAS IN POLICING

INTRODUCTION

Despite federal and state laws prohibiting racially biased policing, and internal departmental policies that articulate commitments against bias-based practices, policing across the nation has struggled to consistently administer policing in ways that fully address racial bias in policing. The

extent to which racial disparities exist, and whether they are derivative from racial bias, either implicit or explicit, continues to be a significant issue and a barrier to full community trust. Racial justice movements have pressed to keep the issue of racial bias at the forefront of policing issues, and virtually all policing reform measures are evaluated, at least in part, on how they improve policing along racial bias metrics. To improve both perception and performance, APD and the City of Aurora must build upon their considerable bias-reduction efforts. Importantly, they must ensure that departmental policies and training programs are attentive to bias and disparity and are geared toward heightening conscious awareness of those issues. Doing so will help ensure that the department continues to mitigate disparities while signaling to the Aurora community that bias and disparity minimization remain priorities, which will, in turn, improve community trust.

HISTORY AND BASIS FOR CONSENT DECREE MANDATES

Section 08.32 of APD’s Directives Manual, adopted on October 7, 2020, defines biased based policing as “an enforcement action based on a trait common to a group, without actionable intelligence to support consideration of that trait.” The directive prohibits APD officers from engaging in biased-based policing predicated on race, ethnicity, gender, national origin, language, religion, sexual orientation, gender identity, age, and disability. The directive further contains provisions relating to traffic stops; the establishment of a citizen comment line; the responsibilities of commanding officers upon their receipt of a complaint of prohibited bias; complaint tracking; and officer training. The directive, while reaffirming APD’s departmental stance against bias-based policing, has been criticized as being insufficiently detailed to curb officer conduct that could tend toward discriminatory policing.

In its September 15, 2021, report, the Colorado Attorney General found that, notwithstanding the APD policy, both statistical and anecdotal data supported its conclusion that APD had engaged in a pattern and practice of race-based policing. After analyzing departmental data on race and use of force, for example, the Attorney General found that APD officers used force, arrested, and filed discretionary charges against Black and non-White people at a significantly higher rate than they did against White people, and that a greater percentage of Black and non-White communities experienced those actions than did members of White communities. The report also cited the anecdotal experiences of community members and Attorney General investigators who commented on differences in how APD officers interacted with members of different racial groups, including frequent escalations of force against non-White residents compared to White residents.

The Attorney General’s September 15 report included an admonishment that, to “remedy and eliminate its practice of race-based policing, Aurora must make major changes across the

organization to improve its culture, including improving its policies, training, recordkeeping, and hiring.” The Attorney General’s report specifically called for greater detail in APD policies against racially biased policing; more specific standards and expectations for APD officers when they make a stop or arrest or use force; better tracking of outcomes for people arrested on misdemeanor charges to identify discrepancies between arrest rates and prosecution rates; and improved training for police academy cadets and in-service officers, among other recommendations.

CONSENT DECREE’S OBJECTIVES

The Consent Decree seeks to change, in measurable ways, how APD engages with all members of the community, including by reducing any racial disparities in arrests, uses of force, and engagement with the community, and to improve APD’s transparency in these areas.

POLICY IMPLICATIONS

Policies must be created and improved to give officers concrete guidance on how best to engage in critical decision-making and exercise discretion during community interactions. Through its policies, APD must acknowledge the role that bias can play in enforcement decisions, including in stops, arrest, and uses of force, and memorialize strategies to combat bias by the Documentation of Contacts Policy Adoption Deadline (by May 16, 2022), Stops Policy Deadline (by June 15, 2022), and Use of Force Policy Deadline (by November 12, 2022). Policies must prohibit discrimination based on protected class status and conform to the goals of the Consent Decree and applicable state and federal law, including by making policies more detailed and providing examples of prohibited behavior. Simply put, protected class status cannot be the basis, in whole or in part, of any police action except when part of a suspect-specific description.

TRAINING IMPLICATIONS

For officers to know how best to engage in critical decision-making and how to exercise discretion properly during community interactions, APD must develop trainings on bias, deliberate decision-making, recordkeeping requirements, and how to specifically articulate the basis for encounters. This training must acknowledge the role that bias can play in enforcement decisions, including in stops, arrest, and uses of force, and must instruct officers on strategies to combat bias by the Stops Policy Training Deadline (by August 14, 2022), Bias Training Deadline (by February 15, 2023), and Use of Force Training Development Deadline (by February 15, 2023).

OPERATIONAL INTEGRITY IMPLICATIONS

After the newly developed policies are implemented and the training is completed, the Monitoring Team will evaluate for operational integrity, that is, whether the policies and trainings are being followed in practice. Prior to full post-implementation monitoring, the Monitoring Team will establish a baseline by understanding how biased policing is captured and reviewed.

DATA UTILIZATION

APD, working with the Monitoring Team will need to determine which data does and does not exist. The Team's subject matter expert will identify, with APD, the metrics that will be used to measure improvements relative to policies and training developed in accordance with the mandates in this section.

PROGRESS AND NOTABLE OBSERVATIONS FROM THIS REPORTING PERIOD

Initial progress on achieving the requirements of the Consent Decree's mandates on addressing racial bias in policing has been promising. The City of Aurora worked with the Monitoring Team to finalize Contacts Forms to start collecting data that will be used to inform APD's policies and training on racial bias and disparity and to improve the department's culture overall. The City also worked with the Monitoring Team to finalize its Documentation of Contacts Policy and started working with the Team's subject matter expert to improve the City's recordkeeping and data collection and analysis to better measure how APD engages with the Aurora community.

The City and the Monitoring team also began to establish baselines of what data is currently being collected, what data systems are currently in use, how these systems link together, how data is analyzed, how data analysis is shared to drive strategies forward, and how racial and ethnic disparities are measured and tracked. Points of focus included data on use of force, contacts, pedestrian and vehicular stops, calls for service, crime incidents, gun recoveries, and early warning/intervention systems for APD personnel. The City is in the process of updating and migrating their computer-aided dispatch (CAD) and record management (RMS) systems and has plans to migrate APD's use of force and early-intervention program data to a new system. The goal is for these systems to be capable of communicating with one another and to improve the City's ability to analyze the data stored within.

APD is also drafting new policies dedicated to constitutional policing during stops, contacts, and encounters.

During this reporting period, the Monitoring Team observed refresher training on constitutional policing and proactive policing for the DART units, which addressed topics such as routine

vehicular contacts, basic search and seizure, preliminary investigations, pedestrian contacts, in-progress calls, identification of suspects, vehicle searches, tactical vehicle stops, legal justifications for stops, the 4th Amendment, and vehicle contacts.

THIS REPORTING PERIOD'S ASSESSMENTS OF INDIVIDUAL MANDATES IN THE SECTION

During this Reporting Period the Monitor assessed three of the 11 Mandates in this section as follows:

ASSESSMENT OF MANDATE 8

Current Status:  - (0-24% Complete. In line with Monitor expectations)

Mandate 8 at III A (page 7) of the Consent Decree, entitled “Addressing Racial Bias in Policing – Objectives - Policies and Training,” requires that the Monitor determine if APD has improved its policies and training on officer stops, arrests, and uses of force such that officers receive concrete guidance on how best to make critical decisions and exercise discretion while interacting with members of the community. The Monitor must also determine if APD’s policies and training adequately acknowledge the role that bias can play in enforcement decisions by officers and whether APD has developed strategies for combatting bias.

The text of Mandate reads as follows:

“The City shall improve Aurora Police policies and training relevant to officer stops, arrests, and uses of force to give officers concrete guidance on how best to engage in critical decision-making and exercise discretion during community interactions, including by acknowledging the role that bias can play in enforcement decisions and developing strategies to combat bias.”

The compliance definition as agreed to in the MADC necessitates that the APD’s policy and training on this topic, be developed, approved by the Monitor, disseminated, trained on, and being implemented to achieve full compliance with Mandate 3.

This mandate was assessed during the last reporting period and the Monitor found that it was on the right track. While much was done in this area prior to the inception of the Consent Decree including work in 2021 on critical decision making in high-risk stops, compliance with this mandate is multi-stepped and can only be completed through the development and delivery of appropriate training after the policies for Contacts, Constitutional Policing, and Use of Force are finalized. The Monitor has assessed this mandate again during this reporting period. The Monitor found that APD rolled out the Contacts Form department-wide during the reporting period and published its Documentation of Contacts Policy, which the Monitor approved, and disseminated

said policy. APD also trained on the policy and the Contacts Form. APD is on track to improve its data collection relevant to the Consent Decree’s mandates on bias and racial/ethnic disparity with the roll-out of the Contacts Form, including determining the metrics that will be used to measure improvements in how APD engages with the community. The data collection will be foundational to providing guidance to the officers on how to best engage in critical decision-making and use discretion during community interactions. The City and the Monitoring Team continued working on establishing baselines of what data is currently being collected, what data systems are currently in use, how these systems link together, how data is analyzed, how data analysis is shared to drive strategies forward, and how racial and ethnic disparities are measured and tracked. Points of focus included data on use of force, contacts, pedestrian and vehicular stops, calls for service, crime incidents, gun recoveries, and early warning/intervention systems for APD personnel. The City is in the process of updating and migrating their computer-aided dispatch (CAD) and record management (RMS) systems and has plans to migrate APD’s use of force and early-intervention program data to a new system. The goal is for these systems to be capable of communicating with one another and to improve the City’s ability to analyze the data stored within. Additionally, approximately 230 officers have been trained on Crisis Intervention Training.

The Monitor continues to believe that this Mandate is on the right track.

ASSESSMENT OF MANDATE 11

Current Status:  - (50-74% Complete. In line with Monitor expectations)

Mandate 11 at III B 3 A (page 8) of the Consent Decree, entitled “Addressing Racial Bias in Policing – Creation of New Policies-Stops,” requires that the Monitor determine if the policy APD developed to address the requirements at Mandate 35 at V.B.2.a, also provides specific, practical guidance intended to support officers in determining how to exercise their discretion when making stops.

The text of Mandate reads as follows:

“Aurora Police will draft policies on the legal authority to make “stops,” more specifically detailed in Section V.B.2.a. below. These policies will also provide specific, practical guidance intended to support officers in determining how to exercise their discretion when making stops.”

The compliance definition as agreed to in the MADC necessitates that APD achieve compliance by complying with Mandate 35 by developing a policy that includes specific, practical guidance intended to support officers in determining how to exercise their discretion when making stops,

and such policy is finalized and disseminated to all appropriate APD staff, and APD has complied with the training requirements of this policy as reported in Mandate 37.

During the current reporting period, the Monitor assessed the status of this Mandate for the first time. APD started working with the Monitoring Team on developing a policy on the legal authority to make contacts, encounters, and stops. The delay in finalizing the Documentation of Contacts policy impacted the start of the work on this policy but APD has prioritized developing and finalizing this policy during this reporting period. As this area of the law is complex and nuanced, APD was engaged in an ongoing discussions with the Monitoring Team on how to formulate an effective and simplified policy on the legal authority to make contacts, encounters, and stops. A final draft of the policy was developed with the goals to provide specific, practical guidance to the officers on when and how they can constitutionally conduct contacts, encounters, and stops and how to exercise their discretion when doing so. However, it has not yet been finalized and published in this reporting period but we anticipate that it will in the next reporting period.

The Monitor finds that this Mandate is on the right track.

ASSESSMENT OF MANDATE 16

Current Status:  - (0-24% Complete. In line with Monitor expectations)

Mandate 16 at III D (page 10) of the Consent Decree, entitled “Addressing Racial Bias in Policing – Goals and Measurement,” requires that the Monitor determine if the APD has developed metrics to measure improvements in the relevant training, recordkeeping on police interactions, and documentation and tracking use-of-force incidents are required.

The text of Mandate reads as follows:

“Aurora Police will develop metrics in consultation with the Consent Decree Monitor and outside experts to measure improvement in the areas described below. The Consent Decree Monitor will monitor compliance with this section and include updates on this item in their periodic updates to the Court.

1. Training provided on topics identified in this section;
2. Recordkeeping on police interaction; and
3. Documentation and tracking of use-of-force incidents, including:
 - a. Monitoring misdemeanor arrest outcomes and

- b. Tracking arrests and summons issued for particular offenses, such as “Failure to Obey Lawful Order,” “Resisting Arrest,” “Criminal Trespass,” and related offenses.”

The compliance definition as agreed to in the MADC necessitates that APD achieve compliance by developing metrics to measure improvements, APD has developed, finalized, and disseminated appropriate policies to adequately address metric data collection and measurement of improvements, and implemented sufficient internal review and accountability processes designed to ensure continued compliance.

During the current reporting period, the Monitor assessed the status of this Mandate for the first time. The City and the Monitoring team continued working on establishing baselines of data which is currently being collected, data systems which are currently in use, how these systems link together, how data is analyzed, how data analysis is shared so as to drive strategies forward, and how racial and ethnic disparities are measured and tracked. Points of focus include data on use of force, contacts, pedestrian and vehicular stops, calls for service, crime incidents, gun recoveries, and early warning/intervention systems for APD personnel. The City is in the process of updating and migrating their computer-aided dispatch (CAD) and record management (RMS) systems and has plans to migrate APD’s use of force and early-intervention program data to a new system. The goal is for these systems to be capable of communicating with one another and to improve the City’s ability to analyze the data. Lastly, APD requested clarity on what will constitute outcome data relative to the requirement of tracking misdemeanor arrest outcomes, given the assertion that the outcome of those arrests are not within the control of APD, but rather rest with prosecutors and the judiciary. In upcoming months, the Monitor will work with the City to provide clarity on this and other issues related to outcomes. Building the foundation for compliance with this mandate is underway and the Monitor will be working with the City to perfect the foundation and developing the precise outcome metrics that will be utilized throughout the term of the Monitor.

The Monitor finds that this Mandate is on the right track.

USE OF FORCE

INTRODUCTION

Unnecessary and excessive uses of force—and uses of force that are perceived to be unnecessary or excessive by community observers—comprise perhaps the single greatest source of police-involved controversies. High-profile use of force incidents have occurred in every decade since American policing was formally professionalized in the early 20th century. These incidents have

stirred protest, condemnation, and reflection within aggrieved communities and the ranks of sworn members of service alike.

Police departments have often defended their use of force practices as conforming to all constitutional minimum standards, including the requirements that all uses of force be proportionate to any threat faced by officers. However, departments face increasing pressure to enact policies and protocols that would reserve uses of force as secondary measures of resort even when force would otherwise be legally permissible.

The conversations surrounding uses of force and the controversies they have instigated has prompted a revisitation of the use of force policies of virtually every police department. An ideal set of policies would minimize unnecessary uses of force while maximizing the safety of police officers, those with whom they interact, and bystanders who may be caught in between. However, the development of such policies would, alone, be insufficient. Police departments must also commit to a robust and recurring training regimen that equips officers with specific skills, honed through scenario-based instruction, that allow them to achieve the goals of departmental policies in real world practice. Implementing these changes remains a primary objective for any modern department.

HISTORY AND BASIS FOR CONSENT DECREE MANDATES

APD's Directive Manual contains sections that articulate the APD's policies on the use of physical and deadly force; the use of less lethal devices, weapons, and techniques; the authorized use of a firearm; and an officer's duty to intervene when they witness conduct by another officer that violates applicable use of force requirements, among other force-related policies. Despite APD's collective use of force policies, significant deficiencies were identified in reviews conducted by the Colorado Attorney General's Office.

In its September 15 report, the Attorney General's Office found that APD had a pattern and practice of using force excessively. The report critiqued what it characterized as the APD's practice of using force whenever force could be legally justified—even if only under the outer limits of available legal justifications—rather than limiting the use of force for when force is necessary. It further found that force was disproportionately used against persons experiencing mental health crises and against persons of color, with force frequently justified as a response to a person's failure to obey a lawful order. The Attorney General's report faulted APD's policies and culture for encouraging officers to defaulting to the use of the maximally permitted level of force rather than non-force alternatives for gaining compliance from uncooperative subjects. The report noted that inadequate documentation by officers' of uses of force inhibited efforts to fully evaluate APD's use of force practices, but that available data and evidence suggested troubling trends. To remedy the adverse findings in the Attorney General's report, the Consent

Decree prescribes specific mandates, including a revision of existing force-related policies, the creation of new policies pertaining to coordination between APD and AFR, modifications to the Force Review Board, and implementation of new training courses.

CONSENT DECREE'S OBJECTIVES

The Consent Decree seeks to create a culture of continuous improvement within the APD that prioritizes de-escalation, when possible, in accordance with Colorado law and that does not compromise officer safety when force must be used. It further seeks to create a culture of collaboration between APD and AFR that is coordinated and that emphasizes public safety, and the development of accountability measures that consistently identify excessive uses of force, situations where force should not have been used even if it was legal, and recurring training and tactical issues related to use of force.

POLICY IMPLICATIONS

Policies must be developed to better equip officers to handle challenging situations in ways that reduce the use of force, ensure force is used in compliance with state and federal law, protect officer and community safety, and that build a culture of continuous improvement by the Use of Force Policy Deadline (by November 12, 2022) and Use of Force Policy Adoption Deadline (by December 12, 2022).

TRAINING IMPLICATIONS

Training must be developed to better equip officers to handle challenging situations in ways that reduce the use of force, ensure force is used in compliance with state and federal law, protect officer and community safety, and that build a culture of continuous improvement with scenario-based instruction on de-escalation and joint police and fire on-scene coordination trainings by the Use of Force Training Development Deadline (by February 15, 2023) and Use of Force Training Completion Deadline (by August 9, 2023).

OPERATIONAL INTEGRITY IMPLICATIONS

After the newly developed policies are implemented and the training is completed, the Monitoring Team will evaluate for operational integrity. Prior to full post-implementation monitoring, the Monitoring Team will establish a baseline by understanding how uses of force are captured and reviewed.

DATA UTILIZATION

Working with APD, the Monitoring Team will need to determine which data does and does not exist. To establish a baseline prior to the implementation of policies and completion of training, the Team will sample body-worn camera footage and participate in “ride-alongs” with APD officers, as well as observing Force Review Board Meetings. Upon the completed implementation of policies and training, the Team will sample body-worn camera footage, review associated documentation of uses of force, participate in ride-alongs, and continue its review of Force Review Board meetings. The Team will also review complaints from the public and associated documentation to ensure compliance with the implemented policies and training.

PROGRESS AND NOTABLE OBSERVATIONS FROM THIS REPORTING PERIOD

The Monitoring Team continued to observe the Force Review Board and reviewing its policies and processes. The Team notes that the Board has undergone significant changes since the enactment of Colorado Senate Bill 20-217 (SB20-217) in 2020, which imposed new use of force reporting requirements on local and state police agencies. Among these changes are a broadening and formalizing of the Board’s review process, which originally focused primarily on uses of force themselves, with relatively little consideration of the circumstances before or after the force was applied. Added to the Board’s review process is an assessment of a multitude of factors, including the lawfulness of an officer’s presence on-scene; information gathering by responding officers; officer decision-making, communication, and de-escalation; medical responses and interventions; officer relief protocols; policy and training reviews; equipment assessments; and incident management.

The Team further reviewed the APD’s training curricula on use of force, including its in-service curriculum focused on providing clarity to officers on what SB 217 states regarding use of force.

The Team also observed academy training on verbal de-escalation. This training was exclusively scenario-based. The recruits were teamed up in a pair. The trainer gave them the background on the scenario first. The scenario was acted by a professional actor part of an acting company that was Crisis Intervention Training-trained. The training the Monitoring team observed was the first time APD brought in professional actors to be part of the scenario. The trainer observed the pair of recruits interact with the actor during the scenario and when appropriately, intervened to provide tips on how to best de-escalate, and then provided constructive feedback on the recruits’ overall performance, including what went well and what can be improved. The Monitoring Team was impressed with the quality of process, the performance by the actors, and by the response of the recruits to what were as close to real situations as is possible to obtain in a didactic environment.

THIS REPORTING PERIOD'S ASSESSMENTS OF INDIVIDUAL MANDATES IN THE SECTION

During this Reporting Period the Monitor assessed 15 of the 17 Mandates in this section as follows:

ASSESSMENT OF MANDATE 17

Current Status:  - (0-24% Complete. In line with Monitor expectations)

Mandate 17 at IV A (Page 11) of the Consent Decree, entitled “Use of Force – Objectives – Policies and Training,” requires that the Monitor determine that all new or revised APD policies and trainings relevant to UOF better equip officers to handle challenging situations in ways that reduce the need to use force when possible; that they ensure that when force is used, it is in compliance with state and federal law; that they protect officer and community safety and build a culture of continuous improvement.

The text of Mandate reads as follows:

“The City shall create improved policies and training to better equip officers to handle challenging situations in ways that reduce the use of force (UOF), ensure force is used in compliance with state and federal law, protect officer and community safety, and build a culture of continuous improvement.

The compliance definition as agreed to in the MADC necessitates that the APD achieve substantial compliance with Mandates 18-32 and APD’s policies and training better equip officers to handle challenging situations in ways that reduce the need to use force when possible; ensure that when force is used, it is in compliance with state and federal law; protect officer and community safety and build a culture of continuous improvement.

During the current reporting period the Monitor assessed the status of this Mandate for the first time. APD started working with the Monitoring Team on developing the use of force policy in this reporting period. While the efforts are on pause while APD focuses on developing and finalizing the Stops Policy, APD and the Monitoring Team are in agreement that the policy will be clear that force can only be used in compliance with state and federal law, protect officer and community safety, and build a culture of continuous improvement. APD has prioritized developing this policy for the next reporting period.

During this reporting period, APD developed and implemented an in-service use-of-force training module to address a perceived lack of clarity on what officers can and cannot do under SB 217. While the Monitor appreciates APD’s leadership’s efforts to address these concerns in an expeditious manner, and its recognition of the necessity in doing so, we noted a significant lack

of governance and structure around approving and finalizing this training curriculum. The training was developed by APD without sufficient notice to the Monitor which resulted in rushed review and a lack of final approval before the first course was taught. While the Monitor observed the training after its first implementation, and approved the content of the training, the lack of governance and protocols that do not formally incorporate a step in the workflow of policy and training development that seeks approval from the Monitor is unacceptable. The Monitor has worked with the City and has received assurances that this will not happen again. Because of these assurances and the development of comprehensive governance around ensuring that the Monitor is brought into the process with sufficient time for review, the Monitor believes this Mandate is on the right track.

ASSESSMENT OF MANDATE 18

Current Status:  - (0-24% Complete. In line with Monitor expectations)

Mandate 18 at IV A (Page 11) of the Consent Decree, entitled “Use of Force – Objectives – Culture of De-escalation,” requires that the Monitor determine if the City has created a culture of enforcement that prioritizes de-escalation when possible in accordance with Colorado law, but does not compromise officer safety when force must be used.

The text of Mandate reads as follows:

“The City shall create a culture of enforcement that prioritize de-escalation when possible in accordance with Colorado law, but does not compromise officer safety when force must be used.”

The compliance definition as agreed to in the MADC defines that APD will achieve substantial compliance with this Mandate when APD’s policies, training, and accountability measures prioritize de-escalation whenever possible, when use of force incidents indicate that officers have de-escalated when possible, and when a use of force incident reveals that de-escalation techniques could have been, but were not employed, that the reviewing entity identifies, documents, and formally communicates those issues back to the appropriate command staff, training staff, and the involved officers.

During the current reporting period the Monitor assessed the status of this Mandate for the first time. The Monitor found that APD is engaged in an ongoing process of improving the Force Review Board to further emphasize a culture of enforcement that prioritizes de-escalation when possible in accordance with Colorado law. Moreover, APD conducted an in-service training during this reporting period which provided legal clarification on the Colorado law and discussed the importance of de-escalation and minimization of injury in accordance with CRS 18-1-707. This training was provided to all sworn personnel. APD is also in the preliminary stages of working

with the Monitoring Team on the use of force policy, which will prioritize de-escalation and this work will be continuing into the third reporting period. The Monitor also observed academy training on verbal de-escalation. This training was exclusively scenario-based. The recruits were teamed up in pairs and were briefed on the details of the scenario by the academy trainer. For the first time professional actors, who have been long been involved in crisis intervention training, played roles of various individuals in different throes of distress. The trainer observed the scenario and when appropriate, intervened to provide tips on how to best de-escalate, and, at the conclusion of the scenario, provided constructive feedback on the recruits' overall performance, including what went well and what could be improved. The Monitoring Team was very impressed with the quality of the training including the performance by the actors, which led to a very realistic encounter providing for an excellent learning environment for the recruits.

The Monitor believes this Mandate is on the right track.

ASSESSMENT OF MANDATE 19

Current Status:  - (0-24% Complete. In line with Monitor expectations)

Mandate 19 at IV A (Page 11) of the Consent Decree, entitled "Use of Force – Objectives – Accountability Measures," requires that the Monitor determine if the APD has improved and/or developed accountability measures that consistently identify excessive uses of force, situations where force should not have been used even if it was legal, and recurring training and tactical issues related to use of force.

The text of Mandate reads as follows:

"The City shall improve and develop accountability measures that consistently identify excessive uses of force, situations where force should not have been used even if it was legal, and recurring training and tactical issues related to use of force."

The compliance definition as agreed to in the MADC necessitates that the APD achieve substantial compliance with Mandates 12-15, 32 and 36 to achieve full compliance with Mandate 16.

This mandate was assessed during the last reporting period and the Monitor found that it was uncertain if the expectations of the Monitor will be met. The Monitor has assessed this mandate again during this reporting period. The Monitor found that APD is engaged in an ongoing process of improving its accountability processes, including making changes to the work of the Force Review Board. The Monitoring Team remains in the process of reviewing APD's use of force accountability measures, including reviewing the Force Review Board's protocols. The

Monitoring Team will continue working with the Board to identify areas of improvement and possible revisions to its policies and will work with the APD on developing a revised use of force policy. APD has made notable progress in this area, including incorporating a feedback loop for training and other corrective measures from FRB to officers by incorporating District Commanders into the FRB's process. This enables commanders to document the feedback and action in AIM for ultimate review by Division Chief of Professional Standards and Training. Another noted improvement is making the FRB review template more robust and comprehensive and providing specific documentation and structure of the FRB's findings. Going forward, the Monitoring Team's review process will also include comprehensively evaluating APD's early intervention system, including relevant processes and protocols. The Monitor continues to hear concerns from the community about lack of accountability from APD for officers who the community perceives have used excessive use of force. As such, the Monitor will, in upcoming reporting periods, be looking closely at collaboratively-developed use of force metrics, and analyzing uses of force to determine if patterns, trends or individual outliers that may be significant.

For the reasons stated above, we believe this Mandate is on the right track and the Monitor is no longer uncertain if the expectations of the Monitor will be met.

ASSESSMENT OF MANDATE 20A

Current Status:  - (50-74% Complete. In line with Monitor expectations)

Mandate 20A at IV A (Page 11) of the Consent Decree, entitled "Use of Force - Objectives - Culture of Coordination and Collaboration Between APD and AFR," requires that the Monitor determine if APD and AFR collaboratively develop policies and address issues where both APD and AFR are affected/involved in public safety matters; determine if training is being conducted to ensure a coordinated response between APD and AFR and that officers and firefighters are being held accountable for violations of those policies.

The text of Mandate reads as follows:

"The City shall create a culture of collaboration between Aurora Police and Aurora Fire Rescue that is coordinated and emphasizes public safety."

The compliance definition as agreed to in the MADC necessitates that the APD regularly meets and coordinates with AFR, and the Monitor finds no evidence of uncooperative joint response to incidents involving both APR and AFR to achieve full compliance with Mandate 20A.

This mandate was assessed during the last reporting period and the Monitor found that it was on the right track. The Monitor has assessed this mandate again during this reporting period. During

the current reporting period the Monitor assessed the status of this Mandate for APD. The Monitor found that the APD has been working with AFR to improve inter-agency collaboration and coordination, including participating in monthly meetings among senior officials to discuss ongoing issues and concerns and in quarterly meetings between agency executive staff to address myriad issues, including coordinated responses, joint training needs, and community concerns. During this reporting period, APD and AFR met more frequently than usual including on June 2, June 9, June 27, and July 14. The quarterly executive staff meetings, which have occurred for the past five years, are scheduled to be held in 2022 on September 19, and December 12. Other indicia of cooperation between the two agencies includes weekly directors' meetings between APD and AFR; the assignment of an AFR paramedic to SWAT to serve as SWAT's medic; the training and POST certification of AFR arson investigators in the police academy followed by those investigators working jointly with APD detectives on a number of investigations. In 2021, APD developed a new policy on coordination with AFR, which was memorialized in section 9.06 of the Directives Manual ("Coordination with Aurora Fire Rescue and Emergency Medical Services").

For the reasons stated above, we believe the Mandate continues to be on the right track.

ASSESSMENT OF MANDATE 20B

Current Status:  - (50-74% Complete. In line with Monitor expectations)

Mandate 20A at IV A (Page 11) of the Consent Decree, entitled "Use of Force - Objectives - Culture of Coordination and Collaboration Between APD and AFR," requires that the Monitor determine if APD and AFR collaboratively develop policies and address issues where both APD and AFR are affected/involved in public safety matters; determine if training is being conducted to ensure a coordinated responses between APD and AFR and that officers and firefighters are being held accountable for violations of those policies.

The text of Mandate reads as follows:

"The City shall create a culture of collaboration between Aurora Police and Aurora Fire Rescue that is coordinated and emphasizes public safety."

The compliance definition as agreed to in the MADC necessitates that the AFR regularly meets and coordinates with APD, and that the Monitor finds no evidence of uncooperative joint responses to incidents involving both APR and AFR to achieve full compliance with Mandate 20B.

This mandate was assessed during the last reporting period and the Monitor found that it was on the right track. The Monitor has assessed this mandate again during this reporting period. During the current reporting period the Monitor assessed the status of this Mandate for AFR. The

Monitor found that the AFR has been working with APD to improve inter-agency collaboration and coordination, including participating in monthly meetings among senior officials to discuss ongoing issues and concerns and in quarterly meetings between agency executive staff to address myriad issues, including coordinated responses, joint training needs, and community concerns. During this reporting period, APD and AFR met more frequently than usual including on June 2, June 9, June 27, and July 14. The quarterly executive staff meetings, which have occurred for the past five years, are scheduled to be held in 2022 on September 19 and December 12. AFR has recently revised its paramedic protocols to clarify the interoperability of joint responses by APD and EMS personnel, including prohibiting recommendations from police officers to EMS personnel on administration of medical care. The consequences for violating these and other policies are memorialized in MOP 1.1. AFR is additionally developing robust trainings, to be provided jointly to AFR and APD personnel, that it intends to offer at least annually, although ongoing logistical concerns have posed barriers, including reconciling conflicting training and recruitment schedules between APD and AFR. However, executive staff at both agencies have committed to overcoming these constraints. On July 29, 2022, there was a joint APD and AFR training. The subject was the ASHER (Active Shooter Hostile Event Response) and was held at Vista Peak High School with members of APD, AFR, Aurora 911 (dispatch), and Falck Ambulance.

For the reasons stated above, we believe that this Mandate continues to be on the right track.

ASSESSMENT OF MANDATE 21

Current Status:  - (0-24% Complete. In line with Monitor expectations)

Mandate 21 at IV B 1 (Page 11) of the Consent Decree, entitled “Use of Force - Policy Changes,” requires that the Monitor determine if APD either adopted the CJJ and/or appropriate subject matter expert recommended policies, or in the alternative, consulted with the Monitor relative to alternative policies. If needed, consult with APD and/or CJJ/subject matter expert in the development or revision of the policies.

The text of Mandate reads as follows:

“Aurora Police will adopt the policies recommended by the Crime and Justice Institute review, or if it seeks to change the policies or not adopt them, confer with the Consent Decree Monitor on its desire to do so and provide alternate policies that address the use of force issues in the Report by the Use of Force Policy Adoption Deadline.”

The compliance definition as agreed to in the MADC necessitates that the APD adopt the recommendations of CJJ or a subject matter expert or after consultation with the Monitor, adopts

alternative policies that address the use of force issues detailed in the AG's report and the policies have been finalized and disseminated.

During the current reporting period the Monitor assessed the status of this Mandate for the first time. Crime and Justice Institute has recommended that APD revise the following policies:

DM 05.01 Authorized Firing of a Weapon

DM 05.04 Reporting and Investigating the Use of Tools, Weapons, and Physical Force

DM 05.05 Authorized Weapons and Ammunition

DM 05.06 Officer Involved Shootings

DM 05.07 Recovered and Department-Owned Firearms

DM 05.08 Less Lethal Devices, Weapons and Techniques

DM 05.09 Duty to Intervene

DM 05.10 Officer Relief Process

DM 06.13 Dealing with Persons with Mental Health Disorders

DM 08.36 Crisis Intervention Trained (CIT)

DM 09.06 Coordination with Aurora Fire Rescue and Emergency Medical Services

DM 11.02 Juvenile Procedures

DM 12.06 SWAT Deployment

DM 12.09 Active Critical Incidents

DM 12.15 Emergency Medical Aid

DM 16.04 Body-Worn Cameras


SOP FIU 01.00 Administration

SOP FIU 02.00 Operations

APD has only started working on revising its use of force policy and has not had the opportunity to revise the other policies. However, the plan is to finalize the revision of the use of force policy and then proceed to revising rest of the enumerated policies in the coming reporting periods.

We believe that this Mandate is on the right track.

ASSESSMENT OF MANDATE 22

Current Status:  - (0-24% Complete. In line with Monitor expectations)

Mandate 22 at IV B (Page 12) of the Consent Decree, entitled “Use of Force - Amendment of Existing Policies,” requires that the Monitor determine if the APD has reviewed, investigated and made appropriate changes to Directives 5.03, 5.04, 6.13 and 9.06 as recommended by CJI and/or subject matter expert and if the above directives have been appropriately revised to limit the use of force in response to low level offenses such as “Failure to Obey a Lawful Order” or “Pedestrian Failing to Yield.”

The text of Mandate reads as follows:

“The City, assisted by the Crime and Justice Institute, as appropriate, will review, investigate, and make the appropriate change, if any, to these policies:

- a. Directive 5.03 (Use of Physical and Deadly Force)
- b. Directive 5.04 (Reporting and Investigating the Use of Tools, Weapons, and Physical Force)
- c. Directive 6.13 (Dealing with Persons with Mental Health Disorders)
- d. Directive 9.06 (Coordination with Aurora Fire Rescue and Emergency Medical Services)


In addition, this review shall include limiting the use of force in response to low-level offenses such as ‘Failure to Obey a Lawful Order’ or ‘Pedestrian Failing to Yield.’”

The compliance definition as agreed to in the MADC necessitates that APD revise Directives 5.03, 5.04, 6.13, and 9.06 as recommended by CJI and/or subject matter expert and the revised directives appropriately limit the use of force in response to low-level offenses, and APD finalized and disseminated revised policies to appropriate personnel.

During the current reporting period the Monitor assessed the status of this Mandate for the first time. APD has started working on revising its use of force policy and has not yet begun to revise the other policies. However, the plan is to finalize revising the use of force policy and then proceed to revising rest of the enumerated policies in the coming reporting periods.

The Monitor believes this Mandate is on the right track.

ASSESSMENT OF MANDATE 23

Current Status:  - (Substantial Compliance)

Mandate 23 at IV B 3 (Page 13) of the Consent Decree, entitled “Use of Force - Creation of New Policies,” requires that the Monitor determine if APD has created a policy, procedure, or other directive to facilitate the development of a comprehensive joint coordination policy between Aurora Police and Aurora Fire Rescue.

The text of Mandate reads as follows:

“The City shall create a policy, procedure, or other directive to facilitate the development of a comprehensive joint coordination policy between Aurora Police and Aurora Fire Rescue.”

The compliance definition as agreed to in the MADC necessitates that APD and AFR to have developed, finalized, disseminated, and implemented policies, procedures, or directives that are considered comprehensive and that adequately address a joint coordination policy between APD and AFR with clear delineation and boundaries of both APD and AFR responsibilities.

During the current reporting period the Monitor assessed the status of this Mandate for the first time. AFR has revised its paramedic protocols to clarify the interoperability of joint responses by APD and EMS personnel, including prohibiting recommendations from police officers to EMS personnel on administration of medical care. The consequences of violating these and other policies are memorialized in MOP 1.1. To date, there has been no violation of this policy. AFR is additionally developing trainings, to be provided jointly to AFR and APD personnel, that it intends to offer at least annually, although ongoing logistical concerns have posed barriers in finalizing that frequency, including conflicting training and recruitment schedules between APD and AFR. However, executive staff at both agencies have committed to overcoming these constraints. APD also finalized a new policy on coordination with AFR, which was memorialized in section 9.06 of the Directives Manual.

We believe that the Mandate is in substantial compliance.

ASSESSMENT OF MANDATE 24

Current Status:  - (50-74% Complete. In line with Monitor expectations)

Mandate 24 at IV C (Page 13) of the Consent Decree, entitled “Use of Force – Force Review Board (Recent Changes),” requires that the Monitor determine if the recent changes to the Force Review Board (FRB) process as described in Section IV C 1-5 continue to be utilized. If APD seeks

to reverse any of these changes, the Monitor will confirm that appropriate consultation with the Monitor regarding the proposed changes has occurred.

The text of Mandate reads as follows:


“Since the Attorney General began the Pattern & Practice investigation, Aurora Police has already made several changes to the Force Review Board. These changes include: 1) adding a standardized process to review each use of force, 2) placing commanders at the academy on the Force Review Board to allow for more immediate feedback on training, 3) including commanders in the Force Review Board discussion of force incidents from that commander’s unit, 4) requiring commanders to follow up on training and tactical issues identified by the Force Review Board with the patrol officers in each district, and 5) adding legal counsel to the Force Review Board. If Aurora Police seeks to reverse any of the recent changes discussed in this section, it must first discuss those proposed changes with the Consent Decree Monitor following the process in Section II.A.”

The compliance definition as agreed to in the MADC necessitates that the APD develops, disseminates, and implements its approved and finalized policies related to the Force Review Board processes to achieve full compliance with Mandate 24.

This mandate was assessed during the last reporting period and the Monitor found that it was uncertain if the expectations of the Monitor will be met. The Monitor has assessed this mandate again during this reporting period. The Monitor found that the Force Review Board continues to seek to improve its operations, incorporating feedback from the Monitoring Team. No reversal of any of the enumerated changes has taken place and the Board has been receptive to recommendations from the Monitoring Team’s subject matter experts to improve its processes and objectives.

For the reasons stated above, we believe this Mandate is on the right track and the Monitor is no longer uncertain if the expectations of the Monitor will be met.

ASSESSMENT OF MANDATE 25

Current Status:  - (25-49% Complete. It is uncertain if the expectations of the Monitor will be met)

Mandate 25 at IV C (1)(1) (Page 14) of the Consent Decree, entitled “Use of Force – Changes to Process (Feedback for Training),” requires that the Monitor determine if the FRB modified its policies to require an evaluation of each instance when force is used in the context of the overall

encounter including the circumstances leading to its use and, an evaluation of the mental capacity of the suspect based on the information presented by the investigator.

The text of Mandate reads as follows:


“In addition to these changes, the Force Review Board will, by the Force Review Board Process Improvement Deadline, modify its procedures or policies to... formalize the process of giving feedback from the Force Review Board to those in charge of academy and in-service training, District Commanders, and Aurora Fire Rescue in incidents where no policy violation occurred but practices can be improved[.] Once the new Use of Force Policies discussed above are implemented, the Force Review Board shall promptly update its procedures or policies to evaluate use of force incidents against the updated policies, working with the Consent Decree Monitor on both policies and procedures under Section II.A.”

The compliance definition as agreed to in the MADC necessitates that the APD develops, disseminates, and implements its approved and finalized policies related to the Force Review Board processes to achieve full compliance with Mandate 25.

This mandate was assessed during the last reporting period and the Monitor found that it was uncertain if the expectations of the Monitor will be met. The Monitor has assessed this mandate again during this reporting period. The Monitor notes that the Board has in many ways improved discussion at its meetings, yet a culture of continuous improvement in instances where current policies are not violated, but practices can be improved, has not yet fully taken root. The Monitor will continue to work with the Board to foster a culture of continuous improvement which includes rigorous and critical examination of current policies, training, and practice.

For the reasons stated above, we believe this Mandate continues to be uncertain if the expectations of the Monitor will be met.

ASSESSMENT OF MANDATE 26

Current Status:  - (25-49% Complete. It is uncertain if the expectations of the Monitor will be met)

Mandate 26 at IV C (1)(2) (Page 14) of the Consent Decree, entitled “Use of Force - Changes to Process (Review in Context),” requires that the Monitor determine if the FRB modified its policies to require an evaluation of each instance when force is used in the context of the overall encounter including the circumstances leading to its use and, an evaluation of the mental capacity of the suspect based on the information presented by the investigator.

The text of Mandate reads as follows:

“In addition to these changes, the Force Review Board will, by the Force Review Board Process Improvement Deadline, modify its procedures or policies to... review each instance of force used in the context of the overall encounter, including the circumstances leading to its use and the mental capacity of the suspect[.]”

The compliance definition as agreed to in the MADC necessitates that the APD develops, disseminates, and implements its approved and finalized policies related to the Force Review Board processes to achieve full compliance with Mandate 26.

This mandate was assessed during the last reporting period and the Monitor found that it was uncertain if the expectations of the Monitor will be met. The Monitor has assessed this mandate again during this reporting period. The Monitor found that the Force Review Board continues to evaluate and refine its processes, and that the Board must memorialize any changes to its processes in its written policies. The Board will need to further revise its rules to ensure that incidents are reviewed in accordance with this Mandate. While the Board has been generally receptive to recommendations from the Monitoring Team’s subject matter experts to improve its processes and objectives, and has created a template which calls for the application of the standard enounced in *Hill v. Miracle*,²⁵ there is not the continuous improvement thinking that the Monitor would like to see with respect to encounters with those experiencing mental health crisis. Specifically, the FRB has not adequately delved into full utilization of currently available City and APD mental crisis resources and potential alternatives to arrests for low level offenses of those experiencing mental health crisis which will likely involve force, so as to improve outcomes for both officers and those suffering from the impairment.²⁶ The subject of the mental status of individuals, especially when encountered in suspected low-level offenses, must go beyond the analysis of *Hill v. Miracle*, understanding that *Hill* merely sets the bar below which certain types of force absolutely may not be utilized. All of that being said, it is clear that the issue of available resources and the expansion of those resources is beyond the scope of the FRB and must be raised at a higher level within the City. (For more details on this issue, please see the Focus Issue above “Mental Health and Policing”).

For the reasons stated above, the Monitor continues to be uncertain if the Monitor’s expectations will be met with respect to this Mandate.

²⁵ *Estate of Hill v. Miracle*, 853 F.3d 306 (6th Cir. 2017).

²⁶ While the question of the whether the of use of force can be avoided in any given mental health crisis situation is clearly within the mandate of the FRB as currently chartered, the issue certainly is broader than just the FRB or, for that matter, APD. The Monitor urges the City, as a whole, to continue to seek solutions to try to obtain better outcomes in these situations.

ASSESSMENT OF MANDATE 27

Current Status:  - (0-24% Complete. In line with Monitor expectations)

Mandate 27 at IV C (1)(3) (Page 14) of the Consent Decree, entitled “Use of Force - Changes to Process (Review in Context),” requires that the Monitor determine if the FRB developed reliable ways to measure the frequency of use of force, compliance with policy, injuries to subjects, the safety of officers, the use of mental health holds to detain persons, and any other relevant measures of improvement.

The text of Mandate reads as follows:

“In addition to these changes, the Force Review Board will, by the Force Review Board Process Improvement Deadline, modify its procedures or policies to... develop reliable ways to measure the frequency of use of force, compliance with policy, injuries to subjects, the safety of officers, mental health holds, and any other relevant measures of improvement[.]”

The compliance definition as agreed to in the MADC necessitates that the APD develops, disseminates, and implements its approved and finalized policies related to the analysis of uses of force, and other Force Review Board processes to achieve full compliance with Mandate 27.

This mandate was assessed during the last reporting period and the Monitor found that it was on the right track. The Monitor has assessed this mandate again during this reporting period. The Monitor found that the Force Review Board must modify its procedures and policies relating to this mandate. Data collection will facilitate the Board’s reaching compliance, and the Monitoring Team’s subject matter expert will continue working with the APD on developing use of force forms for collecting and tracking necessary data. The Monitor understands that the APD is currently working on developing a new use of force form to more accurately track these metrics.

The Monitor continues to believe that APD is on the right track with respect to this mandate.

ASSESSMENT OF MANDATE 28

Current Status:  - (25-49% Complete. In line with Monitor expectations)

Mandate 28 at IV C (2) (Page 15) of the Consent Decree, entitled “Use of Force – Collaboration with Academy and Other Sections,” requires that the Monitor Confirm that the following adopted practices have been formalized in FRB and Training policies and continue to be implemented: 1. a member of the academy staff serves on the FRB; 2. the academy member’s expertise in training is used in the evaluation of UOF cases; 3. the academy member’s experience on the FRB is used in the development of training; and 4. Body-Worn Camera (BWC) footage shown during FRB

reviews is used in recruit and in-service training classes at the academy; videos selected include both successful use of de-escalation, other techniques by APD officers, and, videos of incidents where improvement is recommended or needed.

The text of Mandate reads as follows:

“A member of the academy staff now serves on the Force Review Board and the member’s expertise in training is used in the evaluation of use of force cases and the member’s experience on the Force Review Board informs the development of training. Recently, Aurora Police developed guidance on the use of body-worn camera video shown to the Force Review Board in recruit and in-service training classes at the academy. The videos selected will include both successful use of de-escalation and other techniques by Aurora police officers, and videos of incidents where improvement is recommended or needed.”

The compliance definition as agreed to in the MADC necessitates that the APD develops, disseminates, and implements its approved and finalized policies related to the analysis of uses of force, and other Force Review Board processes to achieve full compliance with Mandate 28.

This mandate was assessed during the last reporting period and the Monitor found that it was on the right track. The Monitor has assessed this mandate again during this reporting period. The Monitor found that the requirements of this mandate are, with the exception of utilizing BWC video for in-service and Academy training, is being completed in practice, but that the associated APD policies must be updated accordingly. The Monitor Team will work with APD on improving its procedures and updating its departmental policies related to this Mandate once the use of force policy development is finalized. This work will include updating relevant policies and ensuring that BWCV is being properly utilized in the Academy.

With respect to this particular mandate the Monitor continues to believe that APD is on the right track.

ASSESSMENT OF MANDATE 31

Current Status:  - (50-74% Complete. In line with Monitor expectations)

Mandate 31 at IV D (3) (Page 16) of the Consent Decree, entitled “Use of Force – Training (Joint APD and AFR Training),” requires that the Monitor to determine if APD’s Use of Force training plan includes joint police and fire on scene coordination as appropriate.

The text of Mandate reads as follows:

“Aurora Police will ensure that the training described below is provided and delivered promptly, no later than the Use of Force Training Development Deadline. 3. Joint police and fire training on scene coordination, as appropriate. [Text repeated for context]... Aurora Police will train substantially all the police personnel who interact with the public by the Use of Force Training Completion Deadline.”

The compliance definition as agreed to in the MADC necessitates that the APD develops and delivers the approved Use of Force training to achieve full compliance with Mandate 31.

This mandate was assessed during the last reporting period and the Monitor found that it was on the right track. The Monitor has assessed this mandate again during this reporting period. The Monitor found that a joint training has been developed with APD and AFR but it is unclear to what extent this joint training has been formalized as part of APD’s suite of Use of Force Training curriculum. APD trained first responding officers to an active shooter at a high school and AFR was included in this training on July 19th. AFR recruit class graduates and training cadre took the opportunity to conduct joint PE trainings with APD recruits to introduce the two new classes as early in their careers as possible multiple times during the academy in this reporting period. AFR Training Academy is planning a Tactical Combat Casualty Collection (TCCC) training that will utilize the APD/AFR SWAT medic, APD officers and all AFR crews. This training is a follow up to the ASHER (Active Shooter Hostile Event Response) training from last year that is focused on what to do with patients from these types of calls. It is currently scheduled for September 2022. Furthermore, in the last six (6) months, AFR and APD jointly planned, recorded and disseminated a video demonstrating the expectations articulated in AFR MOP 6.14 and APD Policy 9.6.9. This has been assigned as training to all APD and AFR members.

The Monitor continues to believe that the APD is on the right track with respect to this Mandate.

ASSESSMENT OF MANDATE 32

Current Status:  - (50-74% Complete. In line with Monitor expectations)

Mandate 32 at IV (Page 16) of the Consent Decree, entitled “Use of Force – Goals and Measurement: requires that the Monitor to determine if APD developed metrics to measure improvements in participation in ABLE, crisis intervention, and other voluntary trainings, the number and type of use-of-force incidents, and community and officer complaints including any resultant disciplinary action.

The text of Mandate reads as follows:

“Aurora Police, in consultation with the Consent Decree Monitor and outside experts, will develop metrics to measure improvement in the areas listed below by the Use of Force Metrics Deadline. The Consent Decree Monitor will monitor compliance with this section and include updates on this item in the periodic reports to the Court. The metrics will include at least the following:

1. Participation in ABLE, crisis intervention and other voluntary trainings
2. Number and type of use-of-force incidents, and
3. Community and officer complaints.”

The compliance definition as agreed to in the MADC, necessitates that the APD develops metrics to measure improvements in participation in ABLE, crisis intervention, and other voluntary training, the number and type of use-of-force incidents, and community and officer complaints.

During the current reporting period the Monitor assessed the status of this Mandate for the first time. In addition to the enumerated items, which are included herein, APD is working with the Monitor, to establish additional data points for more fulsome review and analysis. Thus far, 680 officers have completed ABLE, which in essence covers all active officers. Additional data collection will facilitate the APD reaching compliance, and the Monitoring Team’s subject matter experts will continue working with the APD on developing and analyzing use of force and contacts forms for collecting and tracking necessary data.

The Monitor believes this Mandate is on the right track.

DOCUMENTATION OF STOPS

INTRODUCTION

The issue of when police are permitted to interrupt someone’s liberty by arresting them, detaining them, or even engaging them in investigative questioning lies at the heart of the U.S. Constitution’s 4th Amendment and its prohibition against unreasonable seizures. The U.S. Supreme Court has, for decades, issued opinions in cases arising under the 4th Amendment that collectively set the constitutional floor for when police seizures (also known as “police stops”, “Terry Stops”²⁷ or simply as “stops”) are permitted and how they must be conducted. These opinions, and the body of case law they comprise, form the bulk of federal authority on police

²⁷ “Terry Stop,” takes its name from the 1968 U.S. Supreme Court case—Terry v. Ohio—that first articulated the federal constitutional minimum standard for conducting such stops.

stops. However, state and local governments are empowered to enact legal standards that exceed federal constitutional minimums. Additionally, many state courts have interpreted state laws and constitutions as requiring stricter limitations on police stops than would otherwise be permitted under federal case law.

The cumulative body of law on police stops has resulted in the demarcation of different kinds of stops that are governed by different legal standards. For example, stops that involve the fullest deprivation of liberty, that is, arrests, are permitted only when there is probable cause to believe that a person has committed an unlawful offense. In contrast, stops involving less severe deprivations—like temporary detentions during police investigations—are governed by a more permissive standard: reasonable suspicion to believe that a person has committed or is presently committing an unlawful offense. For individual police officers, knowing how to identify which legal standards apply to a given interaction with a member of the public is crucial for ensuring that the officer’s conduct meets all applicable requirements.

In the aggregate, knowing the total number of stops committed by officers—and the number of each kind of stop (vehicular, pedestrian or other non-vehicular), and what police action followed the stop (frisk, search, seizure)—can be critical for public safety oversight efforts. Data on police stops are relevant when evaluating a police department’s adherence to the principles and requirements of constitutional policing and can help identify areas of both success and needed improvement. Accordingly, some states, including Colorado, have imposed data collection mandates on police departments, requiring them to document police stops and issue regular reports.

Colorado’s requirement, enacted under a landmark law enforcement reform law in 2020 (Senate Bill 20-217, or “SB20-217”), requires each local police department, including the APD, to report “[a]ll data relating to contacts conducted by its peace officers.” The law defines the term “contacts” to mean “an interaction with an individual, whether or not the person is in a motor vehicle, initiated by a peace officer, whether consensual or nonconsensual, for the purpose of enforcing the law or investigating possible violations of the law.” This definition encompasses the kinds of stops that are governed by federal and state constitutional law. “Contacts” data that must be reported under the law include the demographics of each individual stopped, data relating to the times, dates, and locations of contacts; the outcomes of contacts, including arrests, warnings, and property seizures; and actions taken by police officers during the contact.

HISTORY AND BASIS FOR CONSENT DECREE MANDATES

In its September 15 report, the Colorado Attorney General’s Office noted that APD has a pattern and practice of failing to abide by the data collection mandates enacted under SB 20-217. The law requires that officers have a legal basis for any “contact” (as defined in the law) with a

member of the public and imposes strict recordkeeping requirements whenever any such contact is made. The Attorney General found that, under policies that have been in place since 2020—after SB20-217 was enacted—APD officers conducted resident stops without recording them. As a result, oversight efforts have been hampered by a lack of documentation over APD’s enforcement and investigative conduct. The Attorney General also found that the APD’s polices did not provide adequate guidance to officers on when an officer may conduct a Terry Stop.

CONSENT DECREE’S OBJECTIVES

The Consent Decree seeks the development of a documentation system that complies with state law, allows for prompt and transparent review of officer behavior, and improves the ability of APD to identify successes and areas for improvement.

POLICY IMPLICATIONS

Policies are going to be developed to provide guidance on the legal requirements applicable to the different types of investigative and enforcement encounters in which police officers engage, including for all contacts as defined in SB20-217, and to implement data collection requirements that comply with state law. Such policies will be developed by the Documentation of Contacts Policy Adoption Deadline (90 days) and Stops Policy Deadline (120 days).

TRAINING IMPLICATIONS

Training must be developed to include scenario-based modules for implementing the newly developed Documentation of Contacts and Stops policies by the Stops Policy Training Deadline (180 days). Aurora Police will train substantially all the police personnel who interact with the public by the Stops Training Completion Deadline (365 days).

OPERATIONAL INTEGRITY IMPLICATIONS

After the newly developed policies are implemented and the training is completed, the Monitoring Team will evaluate for operational integrity. Prior to full post-implementation monitoring, the Team will establish a baseline by understanding how contacts are captured on body-worn cameras and how they are subsequently documented.

DATA UTILIZATION

The Monitoring Team needs to determine which data does and does not exist. To establish a baseline prior to the implementation of policies and completion of training, the Team will sample body-worn camera footage and participate in “ride-alongs” with APD officers. Upon the

completed implementation of policies and training, the Team will sample body-worn camera footage, review associated documentation of contacts, participate in ride-alongs, and review a sampling of individuals contacted by the police. The Team will also review complaints from the public and associated police documentation to ensure compliance with the implemented policies and training.

PROGRESS AND NOTABLE OBSERVATIONS FROM THIS REPORTING PERIOD

The Monitoring Team focused on developing a new policy dedicated to provide APD with clear and practical guidance on how to constitutionally conduct pedestrian and vehicular contacts, encounters, and stops. The Team also reviewed relevant case law concerning police stops in Colorado.

The Team also observed refresher training on constitutional policing and proactive policing for the DART units, which addressed topics such as on routine vehicular contacts, basic search and seizure, preliminary investigations, pedestrian contacts, in-progress calls, identification of suspects, vehicle searches, tactical vehicle stops, legal justifications for stops, the 4th Amendment, and vehicle contacts.

The Monitoring Team worked with APD on reviewing the final version of the Documentation of Contacts Policy and the Contacts Form, which were rolled-out during this reporting period. The Monitoring Team also worked on the final draft of the policy to provide officers with legal basis to conduct contacts, encounters, and investigative stops during this reporting period.

THIS REPORTING PERIOD'S ASSESSMENTS OF INDIVIDUAL MANDATES IN THE SECTION

During this Reporting Period the Monitor assessed six of the seven Mandates in this section as follows:

ASSESSMENT OF MANDATE 33

Current Status:  - (50-74% Complete. In line with Monitor expectations)

Mandate 33 at V A (Page 17) of the Consent Decree, entitled “Documentation of Stops - Objectives,” requires that the Monitor determine if the City has developed a documentation system for all “Contacts” as defined by Colorado Senate Bill (SB) 217 and that it contains all required information. It requires verification that the system permits prompt reviews of officer behavior and that the use of the data within the system has the potential for identifying successes and areas for improvement related to individual officers and/or policy updates or training opportunities.

The text of Mandate reads as follows:

“The City shall develop a documentation system that complies with state law, allows for prompt and transparent review of officer behavior, and improves the ability of Aurora Police to identify successes and areas for improvement. The Parties recognize that recent legislative changes require a comprehensive update to the City’s practices, which will take time to implement. The City will ensure that compliance with these statutes will occur within the time periods identified in this section.”

The compliance definition as agreed to in the MADC necessitates that the APD develop its Stops documentation system in compliance with Colorado state law to achieve full compliance with Mandate 31.

This mandate was assessed during the last reporting period and the Monitor found that it was uncertain if the expectations of the Monitor will be met. The Monitor has assessed this mandate again during this reporting period. The Monitor found that the APD finalized and rolled out the Contacts Form during this reporting period as well as accompanying policy and training. There were modifications made to the form due to changes mandated from the Colorado Division of Criminal Justice. Those changes included formatting changes in the data being collected and adding certain options to the dropdown menu on the data being collected. Those changes were made and adopted in this reporting period. The City is entering into a new contract with Axon to purchase its offered Accountability function. The contract has been approved by City Management and is awaiting City Council approval. The function should be rolled out during the next reporting period, at which point the required viewing of mandatory random reviews of BWCV will begin. This function will allow APD to design a prompt and transparent review of officer behavior to identify successes and areas of improvement.

For the reasons stated above, we believe this Mandate is on the right track.

ASSESSMENT OF MANDATE 34

Current Status:  - (25-49% Complete. In line with Monitor expectations)

Mandate 34 at V B (1) (Page 17) of the Consent Decree, entitled “Documentation of Stops – Policy Changes (General Principle),” requires that the Monitor to determine if APD developed policies in compliance with existing Colorado state law. It further requires the Monitor to determine if all related policies were developed, finalized, and disseminated, and if all training was delivered within a reasonably close timeframe. Finally, it requires the Monitor to determine if the related platforms [contacts documentation system] contains all required information and links information for all involved officers to the connected contact.

The text of Mandate reads as follows:

“Aurora Police will develop policies that comply with existing law as soon as practicable, and, in any event, no later than the Stops Policy Deadline. The City shall work to develop policies in a comprehensive manner that reduces the need for multiple trainings and policy updates. In addition to compliance with applicable law, the policies and platforms supporting the policies shall link information about officers involved with the stops to the required information about stops.”

The compliance definition as agreed to in the MADC, necessitates that the APD develops, disseminates, and implements its approved and finalized policies related to Stops to achieve full compliance with Mandate 34.

During the current reporting period the Monitor assessed the status of this Mandate for the first time. The Monitor found that APD finalized a new Documentation of Contacts policy and it was rolled out to the entire department in this reporting period. APD has started developing a new policy to address the legal basis to make such contacts. The Monitoring Team has worked with APD on developing this policy and approved a final draft of the policy. The Monitoring Team anticipates that this policy will be finalized and published in the next reporting period.

For the reasons stated above we believe APD is on the right track with this Mandate.

ASSESSMENT OF MANDATE 35

Current Status:  - (25-49% Complete. In line with Monitor expectations)

Mandate 35 at V B (2)(a) (Page 18) of the Consent Decree, entitled “Documentation of Stops – Creation of New Policies (Legal Requirements of Stops) requires that the Monitor determine if APD developed new policy that covers both Colorado law and federal law and that provides specific guidance on legal requirements for the different types of stops that police officers make, including for contacts, encounters, temporary detentions, and arrests.

The text of Mandate reads as follows:

“Aurora Police create a new policy that provides specific guidance on legal requirements for the different types of stops that police officers make, including for ‘contacts,’ ‘encounters,’ ‘temporary detentions,’ and ‘arrests.’ This policy will cover both Colorado law and federal law, including but not limited to, Terry v. Ohio, 392 U.S. 1 (1968).”

The compliance definition as agreed to in the MADC necessitates that the APD develops, disseminates, and implements its approved and finalized policies related to contacts, encounters, temporary detentions, and arrests to achieve full compliance with Mandate 35.

During the current reporting period the Monitor assessed the status of this Mandate for the first time. The Monitor found that APD finalized a new Documentation of Contacts policy and it was rolled out to the entire department in this reporting period. APD has started developing a new policy to address the legal basis to make contacts, encounters, stops, and arrests. The Monitoring Team has worked with APD on developing this policy and approved a final draft of the policy. The Monitoring Team anticipates that this policy will be finalized and published in the next reporting period. The Monitor believes APD is on the right track with this Mandate.

ASSESSMENT OF MANDATE 36

Current Status: ● - (Substantial Compliance)

Mandate 36 at V (2)(b) (Page 18) of the Consent Decree, entitled “Documentation of Stops- Policy Changes – Creation of New Policies (Recordkeeping Requirements),” requires that the Monitor determine if the APD created a new policy for implementing the data collection requirements of C.R.S. §§ 24-31-309(3.5) and 24-31-903.

The text of Mandate reads as follows:

“Aurora Police will create a new policy for implementing the data collection requirements of C.R.S. §§ 24-31-309(3.5) and 24-31-903.”

The compliance definition as agreed to in the MADC necessitates that the APD develops and implements its approved and finalized policies related to Stops documentation to achieve full compliance with Mandate 36.

This mandate was assessed during the last reporting period and the Monitor found that it was uncertain if the expectations of the Monitor will be met. The Monitor has assessed this mandate again during this reporting period. The Monitor found that APD finalized and rolled out a policy meeting the requirement of the Mandate. The policy defined “contacts” and the required documentation for all contacts as well as consequences for the violation of the policy. There was accompanying training that was provided to vast majority of the officers on the form and the policy to fully inform the appropriate personnel in the department of the obligations under the policy and the Colorado law.

For the reasons stated above, we now believe this Mandate is in substantial compliance and the Monitor is no longer uncertain if the expectations of the Monitor will be met.

ASSESSMENT OF MANDATE 37

Current Status:  - (25-49% Complete. In line with Monitor expectations)

Mandate 37 at V C (Page 18) of the Consent Decree, entitled “Documentation of Stops – Training Plan Development,” requires that the Monitor determine if APD developed a Training Plan that sufficiently covers stops/contacts policies.

The text of Mandate reads as follows:

“Aurora Police will develop a training plan including, but not limited to, curriculum, material, and, if needed, scenario-based modules, in consultation with the Consent Decree Monitor and, as needed, outside experts, for implementing the new policies and for any revisions of current policies required by the Stops Training Plan Deadline.”

The compliance definition as agreed to in the MADC necessitates that the APD develops an approved training curricula related to its Stops policies to achieve full compliance with Mandate 37.

This mandate was assessed during the last reporting period and the Monitor found that it was uncertain if the expectations of the Monitor will be met. The Monitor has assessed this mandate again during this reporting period. The Monitor found that the Documentation of Contacts policy was finalized and rolled out as well as the training to accompany the Contacts Form and the Documentation of Contacts policy. The Monitor assessed the training and found it to be adequate. However, APD is still developing the Stops Policy and this mandate cannot be fully complied with until the training on the new Stops policy is also developed and finalized.

For the reasons stated above, we now believe this Mandate is on the right track and the Monitor is no longer uncertain if the expectations of the Monitor will be met.

ASSESSMENT OF MANDATE 39

Current Status:  - (25-49% Complete. In line with Monitor expectations)

Mandate 39 at V D (Page 19) of the Consent Decree, entitled “Documentation of Stops – Goals and Measurement,” requires that the Monitor determine APD developed, finalized, and disseminated the policies required in this section and note the date of dissemination and determine if all appropriate personnel completed training and if APD is effectively monitoring compliance with the policies based on performance in the field.

The text of Mandate reads as follows:

“Compliance with this section will be measured by 1) creating appropriate policies in the time required, 2) effectively training personnel in the time required, and 3) monitoring compliance with the policies based on performance in the field. Monitoring will include, at least, reviews of samples of body-worn camera footage, ride-alongs, and review of reports required by law, as appropriate.”

The compliance definition as agreed to in the MADC necessitates that the APD is in compliance with Mandates 34-37 and has implemented an internal review process to monitor its compliance with related policies and after full implementation of an approved training curricula related to its Stops policies to achieve full compliance with Mandate 37, and appropriate accountability measures are utilized in instances of individual failure to comply with the policies and or training.

During the current reporting period the Monitor assessed the status of this Mandate for the first time. The Monitor found that the Documentation of Contacts policy was finalized and rolled out as well as the training to accompany the Contacts Form and the Documentation of Contacts policy. The Monitor assessed the training and found it to be adequate. However, APD is still developing the Stops Policy and this mandate cannot be fully complied with until the training on the new Stops policy is also developed and finalized.

The Monitor believes that this Mandate is on the right track.

USE OF KETAMINE AND OTHER SEDATIVES AS CHEMICAL RESTRAINT

INTRODUCTION

The term “chemical restraint” comprises a broad category of chemicals that are administered for the purpose of reducing aggression, violence, or agitation in people experiencing acute mental distress, including those experiencing what had often been classified as “excited delirium.”²⁸ The diagnosis was used to describe a medical emergency characterized by a combination of acute confusion, distress, agitation, and aggression, often triggered by the consumption of stimulant narcotics like cocaine, methamphetamine, phencyclidine (PCP), and lysergic acid diethylamide

²⁸ Excited delirium is a controversial diagnosis, typically diagnosed in young adult males, disproportionately black, who were physically restrained at the time of death, most often by law enforcement. (Position Statement on Concerns About Use of the Term “Excited Delirium” and Appropriate Medical Management in Out of Hospital Contexts (Report) American Psychiatric Association.) <https://www.psychiatry.org/File%20Library/About-APA/Organization-Documents-Policies/Policies/Position-Use-of-Term-Excited-Delirium.pdf>

(LSD). However, recent discussion about how excited delirium is disproportionately used against Black people have been raised to spur the discussion about whether and how the term should be used in the medical field. This discussion emerged most recently after the murder of George Floyd when an officer at the scene was heard saying, “I am worried about excited delirium or whatever.” While delirium is well-defined and described in the Diagnostics and Statistical Manual of Mental Disorders, excited delirium is not listed in the manual.

Among the drugs most commonly used as a chemical restraint is ketamine, which is categorized as a dissociative anesthetic due to its sedative and amnesiac qualities.

Although administration of chemical restraints in emergency crisis situations is a common medical practice, the use of chemical restraints is not without controversy. Opponents of the practice have alleged that chemical restraints are disproportionately used against vulnerable populations and that they are often administered as a measure of first resort in lieu of other effective crisis management strategies like de-escalation. Critics also claim that chemical restraints are often incorrectly dosed, leading to life-threatening complications for patients who are improperly monitored post-administration. Aurora Fire Rescue, up until the death of Elijah McClain, used the drug ketamine as a chemical restraint, but has since suspended its use by AFR paramedics. Today, AFR uses a slower-acting chemical sedative, Versed, for those situations which, in the medical judgement of paramedics on the scene, the chemical sedative is medically appropriate. This medical judgement is reviewed in every instance by the Medical Director of AFR.

HISTORY AND BASIS FOR CONSENT DECREE MANDATES

After the death of Elijah McClain, AFR’s use of ketamine as a chemical restraint was scrutinized by multiple bodies, including the Colorado Attorney General’s Office and an Independent Review Panel (IRP) commissioned by the Aurora City Council. The IRP concluded that AFR personnel committed multiple errors throughout their treatment of Elijah McClain, including during their administration of ketamine to chemically restrain him. The AG concluded that AFR had a pattern and practice of using ketamine in violation of the law. These errors included an inadequate assessment of Mr. McClain’s medical condition prior to administering ketamine, inaccurate estimations of Mr. McClain’s body weight for purposes of determining a correct dose of ketamine to administer, and a failure by AFR paramedics to assert control over Mr. McClain’s treatment after their arrival on the scene.

The Attorney General’s Office further found that AFR had a pattern and practice of administering ketamine illegally. These patterns and practices including administering ketamine reflexively upon the request of a police officer without first conducting a proper medical evaluation of a patient, administering ketamine doses that exceeded those allowed under AFR protocols, failing

to adequately monitor patients post-administration, and a failure by AFR medical supervisors to follow agency protocols to prevent future violations by AFR paramedics.

As a response to the controversy surrounding Mr. McClain’s death, the Colorado state legislature enacted a new law prohibiting the administration of ketamine on “police-involved patients unless a justifiable medical emergency required its use.” The law further removed “excited delirium” as a recognized basis for administering ketamine for such individuals. Since April 2021, AFR has agreed not to use ketamine as a chemical restraint and, via AFR policy, prohibited its use. Nonetheless, the City, for the term of the Decree, has agreed to abide by review protocols set forth in the Decree should it seek to reinstitute ketamine for use as a chemical restraint or seek to use any other chemical as a restraint.

The Consent Decree requires the Monitor to “periodically review Aurora Fire Rescue’s use of chemical sedatives as chemical restraint to confirm policy compliance.” It further requires the Monitor to “review and analyze the coordination of policies of Aurora Police and Aurora Fire Rescue to ensure that members of Aurora Police do not recommend, suggest, or otherwise encourage the use of any chemical restraint in the field by Aurora Fire Rescue,” requiring the decision to apply such chemical restraints to be made only by qualified AFR personnel pursuant to applicable medical protocols. Finally, the Decree imposes procedural requirements for reviewing any proposal by AFR to resume the use of ketamine as a chemical restraint at any point during the monitorship period.

CONSENT DECREE’S OBJECTIVES

The Consent Decree to prohibit the use of ketamine by AFR during the monitorship period without explicit approval from the Monitor, and to monitor the circumstances of the use of any chemical sedative by AFR.

POLICY IMPLICATIONS

If AFR wishes to reinstate ketamine, its policies and procedures should reflect strict compliance with the state law and any waiver requirements. With respect to the administration of other chemical sedatives, AFR policies must include that the administration of such sedatives must be based solely on their medical judgement without reliance on the non-medical judgement of APD officers.

TRAINING IMPLICATIONS

If AFR wishes to reinstate ketamine, its training should reflect strict compliance with the state law and any waiver requirements. With respect to the administration of other chemical

sedatives, training must include when chemical sedatives can be administered and the prohibition of reliance on non-medical judgements of APD officers in determining the appropriateness of such administration.

OPERATIONAL INTEGRITY IMPLICATIONS

The Monitoring Team will evaluate operational integrity by monitoring use of all chemical restraints by AFR to ensure ketamine is not re-introduced without explicit approval from the Monitor.

DATA UTILIZATION

To establish a baseline of chemical restraint use by AFR, we will review usage prior to the implementation of the Consent Decree and continue to review all use of chemical restraint use by AFR and participate in “ride-alongs” with AFR.

PROGRESS AND NOTABLE OBSERVATIONS FROM THIS REPORTING PERIOD

The Monitoring Team reviewed AFR chemical sedation reports from Q2 of 2022 and body-worn camera footage of joint responses of APD and AFR personnel where chemical sedation was administered from June and July of 2022. The footage was recorded from APD body-worn cameras, as AFR does not currently equip its personnel with such cameras. However, the Monitoring Team notes that AFR needs access to any available footage to better ensure it continually improves its chemical restraint practices. AFR has consistently reiterated a commitment to no longer using ketamine as a chemical restraint but will adhere to the Consent Decree’s procedural requirements in the event it seeks to reinstate ketamine’s use. The Monitoring Team reviewed AFR’s proposal to add Droperidol as a chemical sedative which can be used in medically appropriate situations instead of Versed and facilitated community discussion on this topic between AFR and the Community Advisory Council. The Monitoring Team also observed AFR’s training on the new protocols regarding Droperidol. Lastly, the Monitor reviewed AFR’s semi-annual review of chemical sedative medications from January 1, 2022, through June 30, 2022.

THIS REPORTING PERIOD’S ASSESSMENTS OF INDIVIDUAL MANDATES IN THE SECTION

During this Reporting Period the Monitor assessed all nine Mandates in this section as follows:

ASSESSMENT OF MANDATE 40

Current Status: ● - (Substantial Compliance)

Mandate 40 VI A (Page 20) of the Consent Decree, entitled “Use of Ketamine and Other Sedatives as a Chemical Restraint – Objectives,” requires that the Monitor will verify that ketamine is not being use in the field during the time Consent Decree is in effect without explicit agreement of the Consent Decree Monitor that its use complies with applicable law in consultation with the Aurora Fire Rescue Medical Director

The text of Mandate reads as follows:

“If the City seeks to use ketamine in the field during the time that any part of this Consent Decree remains in effect, the Consent Decree Monitor will first review the medical protocol for the use of ketamine. Aurora Fire Rescue may not use ketamine in the field during the effective period of this Consent Decree without the agreement of the Consent Decree Monitor that its use complies with applicable law in consultation with the Aurora Fire Rescue Medical Director. Any objections that cannot be resolved will be resolved using the agreed dispute resolution procedure outlined below in Section XI.”

The compliance definition as agreed to in the MADC is that the City does not use ketamine, or that notification and approval are received prior to its continued use, to achieve compliance with Mandate 40.

This mandate was found to be in substantial compliance during the last reporting period. The Monitor found that, as of September 15, 2020, AFR had removed ketamine from its protocols thus prohibiting its administration and has not sought to reinstate its use. AFR has further continually reiterated its intention to maintain ketamine’s removal from its treatment protocols indefinitely. As such, the Monitor continues to find this Mandate in substantial compliance but will continue monitoring in each Reporting Period.

ASSESSMENT OF MANDATE 41

Current Status: ● - (Substantial Compliance)

Mandate 41 VI A (Page 20) of the Consent Decree, entitled “Use of Ketamine and Other Sedatives as a Chemical Restraint – Objectives,” requires that the Monitor determine if AFR’s policies and procedures reflect strict compliance with state law and any waiver requirements and closely review use of these sedatives to confirm policy compliance.

The text of Mandate reads as follows:

“The Parties share the goal of ensuring that the use of any chemical sedatives as chemical restraints in the field is done in accordance with applicable law and other requirements. The Report did not investigate the use of other chemical sedatives as chemical restraints in the field by Aurora Fire Rescue because ketamine was one of the two administered chemical sedatives used during the period of review by the Attorney General’s office and it received substantial public scrutiny. Therefore, for other chemical sedatives used as a chemical restraint, Aurora Fire will (1) ensure that policies and procedures reflect strict compliance with state law and any waiver requirements, and (2) closely review use of these sedatives to confirm policy compliance. This agreement is not intended to interfere with the Medical Director’s determination of the need for and requirements for waivers for other controlled substances. The Consent Decree Monitor will periodically review Aurora Fire Rescue’s use of chemical sedatives as chemical restraints to confirm policy compliance.”

The compliance definition as agreed to in the MADC necessitates that the AFR develop, disseminate, and implement an approved policy related to the use of chemical restraints to achieve compliance with Mandate 41.

This mandate was found to be in substantial compliance during the last reporting period. During the current reporting period the Monitor assessed the status of this Mandate. The Monitor found that AFR has modified its practices to improve oversight of the use of chemical restraints by its personnel. This includes requiring the AFR Medical Director to review all incidents involving administration of a chemical restraint through the agency’s Continuous Quality Improvement process. Through this process, the Medical Director reviews a monthly report that compiles information on all calls where a chemical restraint was administered, including outcomes. This process was implemented prior to the Consent Decree’s enactment and remains in place. The Monitor has discussed with the City allowing access to BWCV of incidents in which chemical sedatives are administered in order to provide for a more fulsome review by AFR. The City has informed the Monitor that they will look for options to do so once the new contract with Axon is finalized and implemented. The Monitor continues to believe that AFR is in substantial compliance with this Mandate and will continue to periodically review the Mandate to ensure continued compliance.

ASSESSMENT OF MANDATE 42

Current Status: ● - (Substantial Compliance)

Mandate 42 at VI A (Page 21) of the Consent Decree, entitled “Use of Ketamine and Other Sedatives as Chemical Restraint – Objectives,” requires that the Monitor determine that

coordination of policies of AFR and APD do not recommend, suggest, or otherwise encourage the use of any chemical restraint in the field by AFR. The Monitor will confirm that any decision to use chemical restraints in the field was made by qualified members of AFR only in accordance with the applicable medical protocols in effect and approved by AFR's medical director in compliance with C.R.S. § 26-20-104 et seq.

The text of Mandate reads as follows:

“The Consent Decree Monitor will review and analyze the coordination of policies of Aurora Police and Aurora Fire Rescue to ensure that members of Aurora Police do not recommend, suggest, or otherwise encourage the use of any chemical restraint in the field by Aurora Fire Rescue. The use of any chemical restraint in the field will be a decision made only by qualified members of Aurora Fire Rescue and the applicable medical protocols in effect and approved by Aurora Fire's medical director in compliance with C.R.S. § 26-20-104 et seq.”

The compliance definition as agreed to in the MADC necessitates that the AFR develop, disseminate, and implement an approved policy related to the use of chemical restraints to achieve compliance with Mandate 42.

This mandate was found to be in substantial compliance during the last reporting period. During the current reporting period the Monitor assessed the status of this Mandate. The Monitor found substantial compliance with the mandate in that both APD's and AFR's, including EMS protocols and department policies, including MOP 6.13, are in place and meet the mandate's requirements. Training and written communications have been implemented to reinforce AFR's protocols on the use of chemical restraint, and AFR personnel are allowed to treat patients based only on their own medical judgment on the needs of patients in their care. AFR monitors compliance with its chemical restraint policies and modified its field report to include a mandatory data field that documents the presence of law enforcement on scene during any call in which a chemical sedative is administered, and, if so, whether law enforcement made any recommendation or suggestion on the use of the sedative. The Monitor reviewed BWC footage of instances during June and July 2022 in which chemical sedative was administered and recorded on BWC to determine if policy and training were being followed. We found in every instance reviewed that policy was followed. In addition, the Patient Care Report now has a mandatory data field to document if law enforcement was on scene during any calls when a patient receives a chemical sedative, and if there was any recommendations or suggestion by law enforcement personnel to use a sedative. As such, the Monitor continues to find this Mandate in substantial compliance and will continue monitoring in each Reporting Period.

ASSESSMENT OF MANDATE 43

Current Status: ● - (Substantial Compliance)

Mandate 43 at VI A (Page 21) of the Consent Decree, entitled “Use of Ketamine and Other Sedatives as Chemical Restraint – Objectives,” requires that the Monitor determine if the APD and AFR meet to resolve any objections raised by the Consent Decree Monitor.

The text of Mandate reads as follows:

“The Consent Decree Monitor will meet and confer with each Department to resolve any objections raised by the Consent Decree Monitor. Any objections that cannot be resolved will be resolved using the agreed dispute resolution procedure outlined below in Section XI.”

The compliance definition as agreed to in the MADC necessitates that the APD and AFR meet and resolve any issues regarding the use of chemical restraints to achieve compliance with Mandate 43.

This mandate was found to be in substantial compliance during the last reporting period. During the current reporting period the Monitor assessed the status of this Mandate. The Monitor found substantial compliance with the mandate in that APD and AFR as no issues or objections were raised. As such, the Monitor finds this Mandate in substantial compliance and will continue monitoring in each Reporting Period.

ASSESSMENT OF MANDATE 44

Current Status: ● - (Substantial Compliance)

Mandate 44 at VI C (Page 21) of the Consent Decree, entitled “Use of Ketamine and Other Sedatives as a Chemical Restraint – Policy Changes if Ketamine is Used,” requires that the Monitor confirm that ketamine is not being used in the field. If AFR wants to reinstate ketamine use, the Monitor will ensure that the policy dictates appropriate dosage recommendations and a procedure for how members of AFR will assess the level of patient agitation that would lead to the use of ketamine in the field.

The text of Mandate reads as follows:


“The City and Aurora Fire Rescue have stated they do not intend to use ketamine again in the field, but if Aurora Fire Rescue does seek to reinstate ketamine usage in the field, Aurora Fire Rescue will work with the Consent Decree Monitor under Section II.A. The Consent Decree Monitor will work with the Medical Director to

specifically focus on policy and procedure to ensure the policy dictates appropriate dosage recommendations and a procedure for how members of Aurora Fire Rescue will assess the level of patient agitation that would lead to the use of ketamine in the field.”

The compliance definition as agreed to in the MADC necessitates that the AFR does not use ketamine, or if so receives approval of policy from with Monitor and Medical Director prior to implementation to achieve compliance with Mandate 44.

This mandate was found to be in substantial compliance during the last reporting period. During the current reporting period the Monitor assessed the status of this Mandate and found the City to be in substantial compliance. The Monitor found that, as of September 15, 2020, AFR had removed ketamine from its protocols thus prohibiting its administration and has not sought to reinstate its use. AFR has further continually reiterated its intention to maintain ketamine’s removal from its treatment protocols indefinitely. As such, the Monitor continues to find this Mandate in substantial compliance and will continue monitoring in each Reporting Period.

ASSESSMENT OF MANDATE 45

Current Status:  - (Substantial Compliance)

Mandate 44 at VI D (Page 23) of the Consent Decree, entitled “Use of Ketamine and Other Sedatives as a Chemical Restraint – Process Changes,” requires that the Monitor will determine if AFR developed a procedure for post-incident analysis before using ketamine in the field.

The text of Mandate reads as follows:

“Aurora Fire Rescue will develop a procedure for post-incident analysis that the Consent Decree Monitor must agree with, using the procedures in Section II.A, before Aurora Fire Rescue may use ketamine in the field.”

The compliance definition as agreed to in the MADC necessitates that AFR not use ketamine, or if so and has received an approved policy, conducts post-incident reviews as required to achieve compliance with Mandate 45.

This mandate was found to be in substantial compliance during the last reporting period. During the current reporting period the Monitor assessed the status of this Mandate and found the City to be in substantial compliance. The Monitor found that, as of September 15, 2020, AFR had removed ketamine from its protocols thus prohibiting its administration and has not sought to reinstate its use. AFR has further continually reiterated its intention to maintain ketamine’s

removal from its treatment protocols indefinitely. As such, the Monitor continues to find this Mandate in full compliance and will continue monitoring in each Reporting Period.

ASSESSMENT OF MANDATE 46

Current Status: ● - (Substantial Compliance)

Mandate 46 at VI D (Page 23) of the Consent Decree, entitled “Use of Ketamine and Other Sedatives as a Chemical Restraint – Evaluation of Chemical Sedation,” requires that the Monitor determine if the AFR developed a process to periodically review its use of chemical sedation in the field to determine what improvements should be made to policy or training at AFR or APD, including assessing 1) whether the symptoms justified sedation under law and policy, 2) the involvement of police officers before or during a patient’s sedation, and 3) what factors increase the risk of adverse outcomes to patients or providers

The text of Mandate reads as follows:

“In addition to the current process of reviewing each incident where Aurora Fire Rescue uses chemical sedation as a chemical restraint in the field, Aurora Fire Rescue shall develop a process to periodically review its use of chemical sedation in the field to determine what improvements should be made to policy or training at Aurora Fire Rescue or Aurora Police, including assessing 1) whether the symptoms justified sedation under law and policy, 2) the involvement of police officers before or during a patient’s sedation, and 3) what factors increase the risk of adverse outcomes to patients or providers.”

The compliance definition as agreed to in the MADC necessitates that the AFR develop, disseminate, and implement an approved policy related to the post-incident review of uses of chemical restraints to achieve compliance with Mandate 46.

This mandate was found to be in substantial compliance during the last reporting period. During the current reporting period the Monitor assessed the status of this Mandate. The Monitor found that AFR has reviewed of 100% of calls involving the use of sedatives to manage combative patients, having started such reviews prior to the Consent Decree’s enactment. The reviews were conducted by AFR’s Medical Director pursuant to its Continuous Quality Improvement program, and the agency conducted a 6-month retrospective review of relevant calls through the summer of 2022, which sought to identify trends, review current treatment protocols, and determine any training needs. AFR further reports that it is improving its electronic medical record system to allow data to be analyzed using outside analytic programs, with the system’s upgrade planned to be completed later this year. Aurora is adding a data warehouse for their Electronic Medical Record system which will allow the data to be analyzed using outside data analytic programs.

This new data warehouse and data analysis program should be in place in the next few months. The information technology department in Aurora needs to sign the agreements to build the data warehouse. Once the warehouse is in place, AFR will need to task the data analyst for Aurora Fire Rescue to build the analytic reports to perform the retrospective reviews. The Monitor has advocated for access by AFR to BWCVs that pertain to incidents of the administration of chemical sedatives. We continue to find this Mandate to be in substantial compliance and will continue to monitor it going forward.

ASSESSMENT OF MANDATE 47

Current Status: ● - (Substantial Compliance)

Mandate 47 at VI D (2) (Page 23) of the Consent Decree, entitled “Evaluation of Chemical sedation,” requires that the Monitor determine if the AFR summarized its periodic reviews to the Consent Decree Monitor at least twice a year, starting 6 months from the effective date. Confirm that the summary includes at a minimum, information about the number of times Aurora Fire Rescue used chemical sedation as a chemical restraint, the symptoms justifying sedation, the type of chemical restraint used, whether Aurora Fire Rescue followed policy, what information police officers provided to Aurora Fire Rescue for compliance with C.R.S. § 18-8- 805, and basic information about the use such as the tabular data included on pages 97-98 of the AG’s Report.

The text of Mandate reads as follows:

“Aurora Fire Rescue shall summarize this periodic review to the Consent Decree Monitor at least twice a year, starting 6 months from the effective date. This summary will include at least information about the number of times Aurora Fire Rescue used chemical sedation as a chemical restraint, the symptoms justifying sedation, the type of chemical restraint used, whether Aurora Fire Rescue followed policy, what information police officers provided to Aurora Fire Rescue for compliance with C.R.S. § 18-8-805, and basic information about the use such as the tabular data included on pages 97-98 of the Report. Nothing in this section should be construed to discourage Aurora Police from providing Aurora Fire Rescue with necessary information about an incident, as this information will only be used to comply with C.R.S. § 18-8-805(2)(b). This requirement does not require the public disclosure of any confidential information.”

The compliance definition as agreed to in the MADC necessitates that the AFR conducts the requisite post-incident review of uses of chemical restraints to achieve compliance with Mandate 47.

During the current reporting period the Monitor assessed the status of this Mandate. The Monitor found that AFR had reviewed 100% of calls involving the use of sedatives to manage combative patients, having started such reviews prior to the Consent Decree’s enactment. The reviews were conducted by AFR’s Medical Director pursuant to its Continuous Quality Improvement program, and the agency conducted a 6-month retrospective review of relevant calls during the summer of 2022, which sought to identify trends, review current treatment protocols, and determine any training needs. AFR further reports that it is improving its electronic medical record system to allow data to be analyzed using outside analytic programs, with the system’s upgrade planned to be completed later this year. Aurora is adding a data warehouse for their Electronic Medical Record system which will allow the data to be analyzed using outside data analytic programs. This new data warehouse and data analysis program should be in place in the next few months. The information technology department in Aurora needs to sign the agreements to build the data warehouse. Once the warehouse is in place, will need to task the data analyst for Aurora Fire Rescue to build the analytic reports to perform the retrospective reviews. The Monitor will arrange for access by AFR to BWCVs that pertain to incidents of the administration of chemical sedatives. Assuming that the reviews relative to this Mandate continue, the Monitor finds this mandate to be in substantial compliance.

ASSESSMENT OF MANDATE 48

Current Status: ● - (Substantial Compliance)

Mandate 44 at VI E (Page 24) of the Consent Decree, entitled “Use of Ketamine and Other Sedatives as a Chemical Restraint – Goals and Measurement” requires that the Monitor will review any use of ketamine regularly, and include such review in the Court reports addressing at least the issues identified in the AG’s Report, if the City implements the use of ketamine in the field again after completing the Monitor-approved process. In reporting such information, the Monitor will include its assessment of the proper use of ketamine, if any, as described in the Compliance Definition below.

The text of Mandate reads as follows:

“If the City implements the use of ketamine in the field again using the process set forth above, the Monitor will review any use regularly and include such review in the Court reports addressing at least the issues identified in the Report on the reporting timetables set forth in Section IX.A.5.”

The compliance definition as agreed to in the MADC necessitates that AFR does not use ketamine, or if so only does so when justified to achieve compliance with Mandate 48.

This mandate was found to be in substantial compliance during the last reporting period. During the current reporting period the Monitor assessed the status of this Mandate and found the City to be in substantial compliance. The Monitor found that, as of September 15, 2020, AFR had removed ketamine from its protocols thus prohibiting its administration and has not sought to reinstate its use. AFR has further continually reiterated its intention to maintain ketamine's removal from its treatment protocols indefinitely. As such, the Monitor continues to find this Mandate in full compliance, and will continue monitoring in each Reporting Period.

RECRUITMENT, HIRING AND PROMOTION

INTRODUCTION

Police departments have faced difficulty hiring over the past decade, but those difficulties have been severely exacerbated by high-profile policing controversies whose impact extends beyond the departments in which the controversies originated. Police departments have seen diminished interest in pursuing a career in policing by prospective recruits and diminishing officer morale has led to higher-than-normal attrition in many departments. These trends have been linked by some to recent developments like protests for racial justice and the perception among many officers that public opinion has turned against the profession. Given this dynamic it is not surprising that problems in recruitment, hiring and retention are at an all-time high.

APD has not been immune to the national trends concerning officer recruitment, hiring, and promotion. In fact, the trends in the APD have been stark, with nearly 20% of APD officers leaving the agency in the 18-month period between January 2020 and July 2021, as noted by the Colorado Attorney General's September 15, 2021, report. Officers interviewed by representatives of the Attorney General's Office cited a series of factors that contributed to the department's high rate of attrition in this period, including lack of community support, lack of direction and accountability within the department, and concerns about the overall trajectory of the policing profession. The Attorney General's report noted that APD's retention problems in particular have led to staffing insufficiencies and a loss of institutional experience throughout the department's ranks, from patrol officers to higher executives.

Although the Attorney General found in its Report that AFR had not experienced the same difficulties relating to departmental turnover, morale, and community relations, AFR leadership has nonetheless expressed concern over the uncertain impact that recent legislation will have on the agency and its personnel, as well as liability concerns that could affect their work. The Attorney General's report further noted recent controversies that could impact recruitment efforts, including the use of racially derogatory language by a since-terminated Deputy Chief.

Any significant overhaul of the recruitment and hiring processes for APD and AFR necessarily implicates Aurora’s Civil Service Commission, which is empowered to control hiring of police and fire personnel. The Aurora City Charter, as noted by the Attorney General’s report, “grants the Commission sole responsibility for the examination and certification of all entry-level applicants to the police and fire departments.” In practice this has been broadly interpreted and established in CSC practices, in a way that removed any significant input from the Departments in entry-level hiring. Any proposal to change how police officers, firefighters, or EMS personnel are hired will thus require a modification of the hiring process to provide for greater input from APD and AFR with the final decision on candidate selection resting with APD or AFR.

HISTORY AND BASIS FOR CONSENT DECREE MANDATES

APD’s high attrition rate has led to concerns that critical policing functions will either be left unstaffed or will be staffed by newer recruits who both lack significant experience and who must rely on a shrunken pool of senior officers for mentorship and guidance. An associated worry is that these deficiencies could increase the number of critical incident events or worsen their outcomes.

To identify potential solutions to APD’s personnel problems, the Decree mandates a revisitation of the City’s recruitment and hiring of police officers and fire fighters.

These processes are bifurcated between the APD or AFR, on the one hand, and the Aurora Civil Service Commission, with the former handling the City’s recruitment of candidates and the latter exclusively responsible for the hiring process including making final hiring decisions. Notably, the Commission also oversees the disciplinary process for APD and AFR personnel, as well as that for promotion within the ranks. The Decree requires both agencies to work with the Commission to review and identify potential changes to minimum qualifications for new agency recruits and lateral hires, among other mandates. The goal of these mandates is to improve the transparency and accountability of the City’s recruitment of key first-responder personnel and the civil service process that dictates their hiring.

CONSENT DECREE OBJECTIVES

The Consent Decree seeks to transform APD’s and AFR’s recruiting and hiring processes to create a more diverse and qualified workforce. It further seeks APD’s and AFR’s commitment to developing a culture of continuous improvement within each agency and to becoming better police and fire departments overall. Finally, the Decree seeks to improve transparency, accountability, and predictability in each agency’s discipline review process, and to improve the role of the Civil Service Commission in APD and AFR hiring, promotion, and discipline.

POLICY IMPLICATIONS

APD and AFR are required to develop written recruitment plans to attract and retain a quality work force that better reflects the diversity of the City and the Civil Service Commission to make any applicable changes to the minimum qualification for entry-level police and fire recruits and lateral hires, and applicable and relevant policies in City's hiring process so APD and AFR can assume a much more active role in the hiring of candidates.

TRAINING IMPLICATIONS

Not applicable.

OPERATIONAL INTEGRITY IMPLICATIONS

The Monitoring Team will evaluate changes the City makes to transform recruiting, hiring, promotion, and the APR and AFR discipline process to improve transparency, accountability, and predictability and to create a more diverse and qualified workforce for both agencies.

DATA UTILIZATION

The Monitoring Team needs to fully determine which data does and does not exist to effectively track and identify potential disparate impact on minority applicants and potential barriers on successfully on-boarding diverse and qualified applicants. The Team will further examine historical data to determine how the City can transform its recruiting, hiring, promotion, and disciplinary processes.

PROGRESS AND NOTABLE OBSERVATIONS FROM THE REPORTING PERIOD

The Monitoring Team has established a baseline understanding of the APD and AFR recruitment and hiring processes, which will be used to evaluate future progress on their improvement. The Team met with relevant stakeholders, including Aurora's Civil Service Commissioners and staff, and has been able to collaborate on reimagining the hiring process for entry-level police officers and firefighters priorities. The stakeholders met extensively during this reporting period to attempt to build consensus on the common goals and objectives of all of the stakeholders namely for APD and AFR to have a final say in the hiring process of their own employees.

THIS REPORTING PERIOD'S ASSESSMENTS OF INDIVIDUAL MANDATES IN THE SECTION

During this Reporting Period the Monitor assessed 11 of 17 Mandates in this section as follows:

ASSESSMENT OF MANDATE 49A

Current Status:  - (25-49% Complete. In line with Monitor expectations)

Mandate 49 at VII A (Page 25) of the Consent Decree, entitled “Recruitment, Hiring, and Promotion – Objectives,” requires that the Monitor determine if the City has transformed recruiting and hiring processes to create a more diverse and qualified workforce and establish APD and AFR’s commitments to a culture of continuous improvement and becoming better police and fire departments.

The text of Mandate reads as follows:

“The City will transform recruiting and hiring processes to create a more diverse and qualified workforce and establish Aurora Police and Aurora Fire Rescue’s commitments to a culture of continuous improvement and becoming better police and fire departments.”

The compliance definition as agreed to in the MADC necessitates that APD achieve compliance with all 16 different policy-driven Mandates related to recruitment and diversity to achieve full compliance with Mandate 49A.

This mandate was assessed during the last reporting period and the Monitor found that it was on the right track. The Monitor has assessed this mandate again during this reporting period. During the current reporting period the Monitor assessed the APD’s status of this Mandate. The Monitor found that Aurora has begun taking preliminary steps toward meeting the Consent Decree’s mandate, including hiring a subject matter expert to assist in complying with the Decree’s requirements on recruitment and hiring. APD has implemented a series of changes to its lateral recruitment efforts. APD embarked on its first out-of-state recruitment trip to New York City to attract current NYPD personnel as well as officers from surrounding police departments. This trip took place from August 1-5, 2022. To streamline the lateral hiring process, APD brought resources and personnel to conduct initial background investigations, polygraph tests, and the physical test on-site to enable quicker transition for lateral hires to fill the vacancies in APD.

The Monitor continues to believe this Mandate is on the right track.

ASSESSMENT OF MANDATE 49B

Current Status:  - (25-49% Complete. In line with Monitor expectations)

Mandate 49 at VII A (Page 25) of the Consent Decree, entitled “Recruitment, Hiring, and Promotion – Objectives,” requires that the Monitor determine if the City has transformed recruiting and hiring processes to create a more diverse and qualified workforce and establish

APD and AFR's commitments to a culture of continuous improvement and becoming better police and fire departments.

The text of Mandate reads as follows:

“The City will transform recruiting and hiring processes to create a more diverse and qualified workforce and establish Aurora Police and Aurora Fire Rescue’s commitments to a culture of continuous improvement and becoming better police and fire departments.”

The compliance definition as agreed to in the MADC necessitates that AFR achieve compliance with all 16 different policy driven Mandates related to recruitment and diversity to achieve full compliance with Mandate 49A.

This mandate was assessed during the last reporting period and the Monitor found that it was on the right track. The Monitor has assessed this mandate again during this reporting period. During the current reporting period the Monitor assessed the AFR’s status of this Mandate. The Monitor found that Aurora has begun taking preliminary steps toward meeting the Consent Decree’s mandate, including hiring a subject matter expert to assist in complying with the Decree’s requirements on recruitment and hiring. AFR developed a written plan with the objective of creating a more diverse and qualified workforce. However, it was without a department recruiter for the reporting period. Their one recruiter recently resigned after being on leave since August 2021. This vacated position was filled recently. Despite this vacancy for the reporting period, AFR has continued to work toward fulfilling its 2022 recruitment plan’s mission and vision to increase diversity within AFR by targeting Aurora residents by targeting middle and high school students, children of immigrants and/or refugees, local high school athletes, and APS and CCSD district relationships.

One of their efforts translated into hosting Camp Spark for 20 young women. It was a 3-day immersive weekend event, which included rappelling and physical challenges, leadership speakers, teamwork, self-confidence building, and preview of a life as a firefighter. All AFR staff who participated in Camp Spark did it by volunteering their own time without pay. Six former campers returned this year, showing a great potential on continuing interest in becoming a firefighter in the future.

Moreover, while APD has received support for a nationwide recruitment campaign with Epic Recruiting, AFR has not yet received similar level of support for its recruitment efforts. The City should consider supporting AFR’s recruitment needs by prioritizing hiring of department’s recruitments efforts as well as resources to implement a nationwide recruitment campaign for

AFR. In the meantime, the subject matter expert has started working with AFR on refining their recruitment plan.

For the reasons above, the Monitor continues to believe that this Mandate is on the right track.

ASSESSMENT OF MANDATE 50

Current Status:  - (50-74% Complete. In line with Monitor expectations)

Mandate 50 at VII A (Page 25) of the Consent Decree, entitled “Recruitment, Hiring, and Promotion – Objectives” requires that the Monitor determine if the City improved transparency, accountability, and predictability in discipline review, including by facilitating the Civil Service Commission’s standardization and codification of elements of its disciplinary review process.

The text of Mandate 50 reads as follows:

“The City will also improve transparency, accountability and predictability in discipline review, including by facilitating the Civil Service Commission’s standardization and codification of elements of its disciplinary review process.”


The compliance definition as agreed to in the MADC necessitates that the Civil Service Commission improve transparency, accountability, and predictability of its review of discipline, and have a standardized and codified disciplinary review process.

During the current reporting period, the Monitor assessed CSC’s compliance with this Mandate for the first time. The Monitor found that CSC has published three disciplinary hearing cases on its website. CSC goes beyond merely publishing its ruling in each case. It also publishes other pertinent documents to provide a comprehensive understanding of the chronology of the case and the genesis of the appeal to the community. The information that is published for each case includes the disciplinary order(s) from the police or the fire department, the individual’s petition to appeal the disciplinary order, notice of hearing, any related motions, and, finally, the ruling itself. These publication efforts were self-initiated by the CSC after independently reviewing the Mandates of the Consent Decree. The Monitor appreciates their initiative in doing so.

While the information being published about the actual case is comprehensive and helpful in increasing the transparency and accountability of CSC’s decisions in specific cases, there isn’t adequate information for a community member to fully understand CSC’s role in the entire APD and AFR disciplinary system. The Monitor will work with CSC on improving in this area.

The Monitor believes that this Mandate is on the right track.

ASSESSMENT OF MANDATE 51

Current Status:  - (50-74% Complete. In line with Monitor expectations)

Mandate 51 at VII A (Page 25) of the Consent Decree, entitled “Recruitment, Hiring, and Promotion – Objectives,” requires that the Monitor determine whether the City improved transparency and accountability about all of the Civil Service Commission’s work, such that community members understand the role that the Commission plays in hiring, promotion, and discipline, as well as any changes the Commission makes to those processes.

The text of Mandate 51 reads as follows:

“The City will also improve transparency and accountability about all of the Civil Service Commission’s work, such that community members understand the role that the Commission plays in hiring, promotion, and discipline, as well as any changes the Commission makes to those processes.”

The compliance definition as agreed to in the MADC necessitates that the City improve transparency and the accountability of CSC’s work such that community members understand the role that the CSC plays in hiring, promotion and discipline.

During the current reporting period, the Monitor assessed CSC’s compliance with this Mandate for the first time. The City hosts a website devoted to CSC’s work²⁹. On the website, information about the Commission’s purpose and calendar is shared with the public, along with information about the current Commissioners and their terms. CSC routinely publishes its monthly meeting agendas on the website, along with the minutes from the meetings. The most current minutes are from the CSC’s August 9, 2022 meeting³⁰. The website also has a function which allows members of the public to submit requests for the addition of agenda items to upcoming meetings. More importantly, in February 2022, CSC started publishing disciplinary hearing cases on its website. As of this Report, CSC has published 3 cases. The information that is published for each case includes the disciplinary order(s) from the police or the fire department, the individual’s petition to appeal the disciplinary order, notice of hearing, any related motions, and, finally, the ruling itself. These efforts to improve transparency and accountability of its work, especially in the disciplinary process, should be applauded and are certainly steps in the right direction.

²⁹ The website can be found here: <https://www.auroragov.org/cms/One.aspx?portalId=16242704&pageId=16411091>

³⁰ This is as of October 13, 2022.

However, the Monitor notes that CSC recently resorted to only holding in-person meetings, with no available virtual option. Having a virtual option provided the community with the opportunity to hear and observe the Commission’s monthly meetings without experiencing the inconveniences of travel and taking time off from work. More importantly, specific details about what CSC does, and how it makes decisions in hiring, promotion, and discipline, are currently scarce. The Monitor will work with CSC on improving in these areas.

Overall, the Monitor believes this Mandate is on the right track.

ASSESSMENT OF MANDATE 52

Current Status:  - (50-74% Complete. In line with Monitor expectations)

Mandate 52 at VII B (Page 26) of the Consent Decree, entitled “Recruitment, Hiring, and Promotion – Recruitment (APD),” requires that the Monitor determine if the APD developed written recruitment plans that include, but are not limited to, these items: clear goals, objectives, and action steps for attracting and retaining a quality work force that better reflects the diversity of the City.

The text of Mandate reads as follows:

“To maintain high-quality service, ensure employee safety and accountability, and promote constitutional, effective policing, Aurora Police and Aurora Fire Rescue will review and revise as necessary recruitment and hiring programs to ensure that Aurora Police and Aurora Fire Rescue successfully attract and hire a diverse group of qualified individuals for their civil service positions[.] Aurora Police and Aurora Fire Rescue will develop written recruitment plans that include, but are not limited to, these items: clear goals, objectives, and action steps for attracting and retaining a quality work force that better reflects the diversity of the City.”

The compliance definition as agreed to in the MADC necessitates that APD develops and documents an approved hiring plan and comprehensive program to achieve compliance with Mandate 52.

This mandate was assessed during the last reporting period and the Monitor found that it was on the right track. The Monitor has assessed this mandate again during this reporting period. The Monitor found that Aurora has begun taking preliminary steps toward meeting the Consent Decree’s mandate, including engaging the Monitor as subject matter expert under the technical assistance provision of the Decree, to assist in complying with the Decree’s requirements on recruitment and hiring. APD’s recruitment unit has been re-organized with a new lieutenant

assigned to lead its efforts in this reporting period. APD held its first women-only academy³¹ and Global Teen Academy, which was discussed more above. The Monitoring team met with the new lieutenant and the recruiters to discuss how to strategize to attract and recruit qualified and diverse lateral candidates during their trip to New York City in August. The Monitoring team stressed that APD needs to be clear in the characteristics and the experience APD wants to be able to target and attract the appropriate lateral talent. The lieutenant and the recruiters were receptive to this discussion. We had extensive discussions on what APD is looking for in lateral recruits and learned that the desire to serve the Aurora community with courtesy and respect was what was being sought. After the discussion, APD's social media posts announcing their trip reflected much of what was discussed asking potential lateral hires: "Are you a police officer looking for a change? Do you have passion for service and a heart for humanity?"

Lastly, the City has contracted with Epic Recruiting to create new recruitment materials designed to attract the best candidates for APD positions. This nationwide campaign rolled out in October and will be reported in the next report.

For the reasons stated above, the Monitor continues to believe that this Mandate is on the right track.

ASSESSMENT OF MANDATE 53

Current Status:  - (25-49% Complete. In line with Monitor expectations)

Mandate 53 at VII B (Page 26) of the Consent Decree, entitled "Recruitment, Hiring, and Promotion – Recruitment (AFR)," requires that the Monitor determine whether the AFR developed written recruitment plans that include, but are not limited to, these items: clear goals, objectives, and action steps for attracting and retaining a quality work force that better reflects the diversity of the City.

The text of Mandate reads as follows:

"To maintain high-quality service, ensure employee safety and accountability, and promote constitutional, effective policing, Aurora Police and Aurora Fire Rescue will review and revise as necessary recruitment and hiring programs to ensure that Aurora Police and Aurora Fire Rescue successfully attract and hire a diverse group of qualified individuals for their civil service positions[.] Aurora Police and Aurora Fire Rescue will develop written recruitment plans that include, but are not limited

³¹ Related media coverage can be found at <https://www.9news.com/video/life/people/warrior-way/inspiring-women-to-join-law-enforcement/73-9de0c03b-3fd2-4264-b2d8-263376f459c6>

to, these items: clear goals, objectives, and action steps for attracting and retaining a quality work force that better reflects the diversity of the City.”

The compliance definition as agreed to in the MADC necessitates that AFR develops and documents an approved hiring plan and comprehensive program to achieve compliance with Mandate 53.

This mandate was assessed during the last reporting period and the Monitor found that it was on the right track. The Monitor has assessed this mandate again during this reporting period. The Monitor found that AFR did not have a full-time recruiter because their previous recruiter recently resigned after having been on leave since August 2021 for this reporting period. This vacancy was recently filled and AFR is working on a recruitment plan that is clearly focused on various avenues to attract qualified and diverse candidates. The recruiter’s efforts will include conducting outreach by attending community events, including cultural events where recruitment efforts can be targeted to underrepresented candidate pools. The Monitor continues to believe this Mandate is on the right track.

ASSESSMENT OF MANDATE 54

Current Status:  - (25-49% Complete. In line with Monitor expectations)

Mandate 54 at VII B (1) (Page 26) of the Consent Decree, entitled “Recruitment, Hiring, and Promotion – Recruitment (APD),” requires that the Monitor determine if the APD’s recruitment plan includes a schedule to work with the CSC to review and make any applicable changes to the hiring qualifications.

The text of Mandate reads as follows:

“The recruitment plans should include, at a minimum, the following[:] A schedule to work with the Civil Service Commission to review and make any applicable changes to the minimum qualifications for entry- level police and fire recruits and lateral hires[.]”

The compliance definition as agreed to in the MADC necessitates that APD develops and documents an approved recruitment plan to achieve compliance with Mandate 54.

This mandate was assessed during the last reporting period and the Monitor found that it was on the right track. The Monitor has assessed this mandate again during this reporting period. The Monitor found that APD have commenced discussions with the Commission and will continue with these discussions in order to both review and make applicable changes to the minimum qualifications for entry level and lateral hires. The Monitor Team is working with APD and CSC to

bridge whatever gaps there may be in order to ultimately determine the appropriate minimum qualifications for both entry-level and lateral hires. The Monitor continues to believe this Mandate is on the right track.

ASSESSMENT OF MANDATE 55

Current Status:  - (25-49% Complete. In line with Monitor expectations)

Mandate 55 at VII B (1) (Page 26) of the Consent Decree, entitled “Recruitment, Hiring, and Promotion – Recruitment (AFR),” requires that the Monitor determine if the AFR’s recruitment plan includes a schedule to work with the CSC to review and make any applicable changes to the hiring qualifications.

The text of Mandate reads as follows:

“The recruitment plans should include, at a minimum, the following[:] A schedule to work with the Civil Service Commission to review and make any applicable changes to the minimum qualifications for entry- level police and fire recruits and lateral hires[.]”

The compliance definition as agreed to in the MADC necessitates that AFR develops and documents an approved recruitment plan to achieve compliance with Mandate 55.

This mandate was assessed during the last reporting period and the Monitor found that it was on the right track. The Monitor has assessed this mandate again during this reporting period. The Monitor found that the Community Engagement Manager, who reports to the Fire Chief, currently works collaboratively with staff from the Commission on hiring efforts, including developing hiring solicitations and promotional exams. The Interim Fire Chief has liaised with the Commission and has provided counsel to the Commission on reviewing candidate files. The Chief’s consultations with the Commission have not included discussions of community demographics, discretionary decision points, or identification of potential bias. However, AFR cites infrequent meetings with the Commission and the lack of a plan for moving forward as potential barriers to future progress. The Monitor Team is working with AFR and CSC to bridge whatever gaps there may be in order to ultimately determine the appropriate minimum qualifications for both entry-level and lateral hires. The Monitor continues to believe that this Mandate is on the right track.

ASSESSMENT OF MANDATE 56

Current Status:  - (0-24% Complete. In line with Monitor expectations)

Mandate 56 at VII B (2) (Page 26) of the Consent Decree, entitled “Recruitment (Outreach for Diversity) (APD),” requires that the Monitor determine if the APD’s written recruitment plan includes a plan to conduct outreach to many community leaders and stakeholders, aimed at increasing the diversity of each Department’s applicant pool—including race, color, gender, ethnicity, sexual orientation, national origin, and religion—and identifying recruit and lateral applicants that are committed to community-oriented policing (for police officers) and have the identified skills to succeed in the applicable role.

The text of Mandate reads as follows:

“The recruitment plans should include, at a minimum, the following[:] A plan to conduct outreach to many community leaders and stakeholders, aimed at increasing the diversity of each Department’s applicant pool—including race, color, gender, ethnicity, sexual orientation, national origin, and religion—and identifying recruit and lateral applicants that are committed to community-oriented policing (for police officers) and have the identified skills to succeed in the applicable role[.]”

The compliance definition as agreed to in the MADC necessitates that APD develops and documents an approved outreach plan to achieve compliance with Mandate 56.

This mandate was assessed during the last reporting period and the Monitor found that it was on the right track. The Monitor has assessed this mandate again during this reporting period. As noted in other mandates in this section, there is a lot of work going on in this area but no written recruitment plan for 2022 has been provided to the Monitor for evaluation. However, the Monitoring team is aware that the recruitment unit just came under new leadership during this reporting period and has met with the new leadership. The subject matter expert will work with the recruitment unit in the next reporting period and focus on formulating a written recruitment plan. The Monitor continues to believe that this Mandate is on the right track.

ASSESSMENT OF MANDATE 57

Current Status:  - (25-49% Complete. In line with Monitor expectations)

Mandate 57 at VII B (2) (Page 26) of the Consent Decree, entitled “Recruitment (Outreach for Diversity) (AFR),” requires that the Monitor determine if the AFR’s written recruitment plan includes a plan to conduct outreach to many community leaders and stakeholders, aimed at increasing the diversity of each Department’s applicant pool—including race, color, gender, ethnicity, sexual orientation, national origin, and religion—and identifying recruit and lateral applicants that are committed to community-oriented policing (for police officers) and have the identified skills to succeed in the applicable role.

The text of Mandate reads as follows:

“The recruitment plans should include, at a minimum, the following[:] A plan to conduct outreach to many community leaders and stakeholders, aimed at increasing the diversity of each Department’s applicant pool—including race, color, gender, ethnicity, sexual orientation, national origin, and religion—and identifying recruit and lateral applicants that are committed to community-oriented policing (for police officers) and have the identified skills to succeed in the applicable role[.]”

The compliance definition as agreed to in the MADC necessitates that AFR develops and documents an approved recruitment plan to achieve compliance with Mandate 57.

This mandate was assessed during the last reporting period and the Monitor found that it was on the right track. The Monitor has assessed this mandate again during this reporting period. The Monitor found that AFR did not have a full-time recruiter whose responsibilities include developing recruitment plans for the department and to conduct recruitment-related outreach during this reporting period. Nonetheless, improvements have been made to the lateral recruitment and hiring process since the last reporting period. This includes enhanced communication with applicants and backfilling the role of hiring manager using a lieutenant in the Community Engagement Division and a new member of Aurora Fire Rescue who is on limited duty status. The recruiter’s role was also recently filled. The Monitor continues to believe that this is on the right track.

ASSESSMENT OF MANDATE 58

Current Status:  - (0-24% Complete. In line with Monitor expectations)

Mandate 58 at VII B (3) (Page 26) of the Consent Decree, entitled “Recruitment, Hiring, and Promotion – Recruitment (APD),” requires that the Monitor determine if the APD’s written recruitment plan includes a plan to broadly distribute information about career opportunities, compensation, hiring, the applicable testing process(es), and deadlines and other requirements of each position throughout the Denver metro- area regularly. Determine if the same information is easily available on the City’s website and includes the ability for interested persons to directly contact a member of the recruiting team of each Department.

The text of Mandate reads as follows:

“The recruitment plans should include, at a minimum, the following[:] A plan to broadly distribute information about career opportunities, compensation, hiring, the applicable testing process(es), and deadlines and other requirements of each

position throughout the Denver metro- area regularly. The same information will be easily available on the City’s website, with the ability for interested persons to directly contact a member of the recruiting team of each Department.”

The compliance definition as agreed to in the MADC necessitates that APD develops and documents an approved career opportunities distribution plan to achieve compliance with Mandate 58.

This mandate was assessed during the last reporting period and the Monitor found that it was on the right track. The Monitor has assessed this mandate again during this reporting period. The Monitor found that Aurora has begun taking preliminary steps toward meeting the Consent Decree’s mandate, including engaging with the Monitor to provide technical assistance to assist in complying with the Decree’s requirements on recruitment and hiring. The City has further contracted with Epic Recruiting to create new recruitment materials designed to attract the best candidates for APD and a revised lateral recruitment strategy has been implemented. Despite these efforts, no written plan for recruiting for 2022 has yet been presented for review or assessment. We understand the unit is under new leadership and will work with APD on drafting a new comprehensive recruitment plan in the next reporting period. Moreover, APD requested for a rule change regarding lateral applicants to broaden the lateral pool to the Civil Service Commission, specifically that the relevant experience not be limited to police department experience. CSC approved the rule change for one year and decided to monitor the impact of the change going forward. Lastly, a Public Safety Residential Enrichment Incentive of up to \$5,000 for new employees to APD who choose to move into Aurora. The Monitor continues to believe that this Mandate is on the right track.

ASSESSMENT OF MANDATE 59

Current Status:  - (25-49% Complete. In line with Monitor expectations)

Mandate 59 at VII B (3) (Page 26) of the Consent Decree, entitled “Recruitment, Hiring, and Promotion – Recruitment (AFR),” requires that the Monitor determine if the AFR’s written recruitment plan includes a plan to broadly distribute information about career opportunities, compensation, hiring, the applicable testing process(es), and deadlines and other requirements of each position throughout the Denver metro- area regularly. It further requires the Monitor to determine if the same information is easily available on the City’s website and includes the ability for interested persons to directly contact a member of the recruiting team of each Department.

The text of Mandate reads as follows:

“The recruitment plans should include, at a minimum, the following[:] A plan to broadly distribute information about career opportunities, compensation, hiring,

the applicable testing process(es), and deadlines and other requirements of each position throughout the Denver metro- area regularly. The same information will be easily available on the City’s website, with the ability for interested persons to directly contact a member of the recruiting team of each Department.”

The compliance definition as agreed to in the MADC necessitates that AFR develops and documents an approved career opportunities distribution plan to achieve compliance with Mandate 59.

This mandate was assessed during the last reporting period and the Monitor found that it was the right track. The Monitor has assessed this mandate again during this reporting period. The Monitor found that AFR did not have a full-time recruiter whose responsibilities include developing recruitment plans for the department and to conduct recruitment-related outreach. This vacancy was recently filled.

Nonetheless, the Community Engagement Manager has updated AFR’s recruitment plan for 2022. Also, a new FAQ Sheet was added to the website to help clarify some of the commonly asked questions during any open hiring window. That sheet can be found here: https://cdn5-hosted.civiclive.com/UserFiles/Servers/Server_1881137/Image/Departments/Fire/FAQ-2022-02.pdf Additionally, since the last reporting period, incentives are being added to attract future candidates. This includes a Public Safety Residential Enrichment Incentive of up to \$5,000 for new employees to Aurora Fire Rescue who choose to move into Aurora. Lastly, during the most recent open application period for the position of lateral firefighter, digital advertising was placed in the following markets where they have had a history of success recruiting candidates who have joined our department as experienced employees, including Texas, Florida, Maryland, and Virginia. The Monitor continues to believe that this Mandate is on the right track.

ASSESSMENT OF MANDATE 60

Current Status:  - (25-49% Complete. In line with Monitor expectations)

Mandate 60 at VII C (Page 27) of the Consent Decree, entitled “Recruitment, Hiring, and Promotion – Civil Service Commission (Hiring of Entry-Level Police Officers and Firefighters) requires that the Monitor determine if the hiring process of police officers and firefighters will have APD and AFR play a more active role and have the final say on which candidates are hired and that the City had recodified the current Rules and Regulations of the CSC and bring about those changes.

The text of Mandate reads as follows:

“Before the effective date of this Consent Decree, the Civil Service Commission handled the entire process of hiring entry-level police officers and firefighters. This process led to new civil service employees and the departments meeting each other for the first time after the new employee is appointed and assigned to the training academy. To implement this Consent Decree and the policies and goals it requires, this process will be reworked so that Aurora Police and Aurora Fire Rescue, with coordination and assistance from the Aurora Human Resources Department, will assume a much more active role in the hiring of candidates from the eligibility lists prepared by the Commission and have the final say on which candidates are hired. The new procedure will require a change and recodification of the current Rules and Regulations of the Civil Service Commission. The City Manager, with assistance from the Human Resources as needed, will work with the Civil Service Commission to bring about those changes by the Civil Service Commission Rules and Regulation Modification Deadline. The Consent Decree Monitor will review these modified procedures solely to ensure they meet the objectives of this section and not inconsistent with other goals of this Decree using the process set out in Section II. A. Nothing in this section is intended to modify or violate the Aurora City Charter and the duties designated to the Civil Service Commission, the Police Department, and Aurora Fire Rescue.”

The compliance definition as agreed to in the MADC necessitates that the Civil Service Commission and the City revise hiring processes for police officers and firefighters based on the subject matter expert’s recommendations which will provide a far more active role for APD and AFR in the hiring of candidates providing for them to have the final say in the selection of candidates.

During the current reporting period the Monitor assessed the status of this Mandate for the first time. During this reporting period, CSC, specifically the Chair of CSC and the CSC staff, have been a critical partner and collaborator along with representatives from APD, AFR, the City Attorney’s Office, and the Human Resources Department, in revisioning and redesigning the hiring process to give APD and AFR a far more active role and the final say on their own hires. The Chair and the CSC staff’s insight on the hiring process was crucial in informing all of the stakeholders about the current hiring process to start the process of envisioning a new hiring process. More importantly, their leadership was critical in building the consensus that APD and AFR must play a far more active role in the hiring process.

The Monitor believes this Mandate is on the right track.

ACCOUNTABILITY AND TRANSPARENCY

INTRODUCTION

Institutional accountability and transparency are indispensable in any organization that strives for legitimacy. Police departments are frequently at the center of public calls for accountability and transparency both because of the unique authority bestowed upon them under the law and because of their mission to use their authority on behalf of the communities they serve. Without accountability and transparency, communities and police departments alike are impaired in their ability to evaluate the alignment between each other’s interests and expectations. To the extent that legitimacy is highest when this alignment is congruous, it should be in the best interest of any department to hold itself accountable to, and to be transparent with, its community constituency. Further, the most legitimate departments recognize that “accountability” and “transparency” are not simply singular goals to be achieved but are rather components of an institutional ethos that informs departmental policy and administration. To this end, the most accountable and transparent departments—and by extension the most legitimate—are those whose accountability and transparency policies and practices are motivated by an ethic of continuous institutional improvement in pursuit of those ideals. Demonstrations of this ethic include implementing the accountability mechanisms discussed in *Systems to Ensure Best Policing Practices* above, including enhanced supervision and early intervention programs that monitor agency personnel for behavioral signs that could indicate the potential for future misconduct, allowing for remedial interventions before misconduct manifests. Successful implementation of these interventions can increase both accountability and transparency by acknowledging the potential and predictability of adverse officer conduct and by improving how agencies respond to the risk of such conduct, minimizing its likelihood.

HISTORY AND BASIS FOR CONSENT DECREE MANDATES

The Colorado Attorney General’s Office September 15th, 2021, report noted four potential accountability mechanisms for police departments: internal discipline, lawsuits, community feedback, and external oversight. In each of these areas, the report noted significant room for improvement within the APD and the City more broadly. For example, the report noted that APD maintained aggregate data in a way that made it difficult to appreciate the scope or scale of alleged misconduct by APD officers, with cases being tracked but not the number of allegations within those cases. This finding tracked closely with community feedback gathered by Aurora residents, who, according to the report, “expressed a desire to have more information about critical incidents promptly disclosed,” with many feeling that APD’s investigations and reviews

are “largely hidden from the public.” Even the Attorney General’s own investigators expressed difficulties in being able to assess the scope of misconduct among APD’s officers, with the report claiming that the investigators could not determine how many APD officers within a given sample were disciplined after undergoing the department’s disciplinary process. Further, the report noted that civil liability against individual officers has not been an effective accountability measure since the APD and the City have failed to provide direct feedback to officers whose conduct resulted in legal liability for the City. Data concerning legal liability, for example, is not tracked within an early warning database that could flag potential interventions to ensure officers conduct themselves lawfully and appropriately. The Decree aims to improve on current practices to maximize accountability and transparency both internally within departmental stakeholders and externally with APD’s service community. Among its goals is to track officers’ disciplinary outcomes, identify trends and patterns of misconduct, and improve APD’s public reporting.

CONSENT DECREE OBJECTIVES

The Consent Decree seeks the development of systems for APD to regularly and easily identify trends and patterns in the conduct of its officers for use in decision making and for transparency to the public.

POLICY IMPLICATIONS

Although not directly required by this section of the Decree, the Monitor will be working with each department to ensure that all appropriate systems of accountability, including those outlined in Systems to Ensure Best-Practice Policing, above, are implemented.

TRAINING IMPLICATIONS

To the extent that training on the use of these systems is required, the Monitor will be working with each Department to help develop those systems.

OPERATIONAL INTEGRITY IMPLICATIONS

The Monitoring Team will review the efficacy of the system for APD to identify trends and patterns in the conduct of its officer and the role this information plays in decision-making as well as how this information is transparently shared with the public.

DATA UTILIZATION

The Monitoring Team needs to determine which data does and does not exist and will then work with each department to ensure that such data is being utilized most effectively.

PROGRESS AND NOTABLE OBSERVATIONS FROM THIS REPORTING PERIOD

The Monitoring Team reviewed APD's Personnel Early Intervention System ("PEIS") and met with the system's administrators. The Team also reviewed APD's PEIS policy and the department's baseline collection of PEIS data.

THIS REPORTING PERIOD'S ASSESSMENTS OF INDIVIDUAL MANDATES IN THE SECTION

During this Reporting Period both of the two Mandates were assessed in this section. Assessments of individual Mandates in the section will commence next reporting period.

ASSESSMENT OF MANDATE 67

Current Status:  - (0-24% Complete. In line with Monitor expectations)

Mandate 67 at VIII A (Page 31) of the Consent Decree, entitled "Accountability and Transparency - Objectives" requires that the Monitor to confirm that the City has implemented a system to regularly and easily review and identify trends and patterns in the conduct of its police officers, including lawsuits, complaints, and misconduct, uses of force. The systems shall have the ability to track, among other things, conduct by officer, supervisor, shift, beat, and district and identify needs of additional training and/or policy revisions.

The text of Mandate reads as follows:

"The City will develop systems that permit Aurora Police to regularly and easily identify trends and patterns in the conduct of its officers, including, but not limited to, conduct that repeatedly gives rise to claims of civil liability; conduct or specific officers implicated in multiple citizen or officer complaints; and repeated conduct that suggests a need for further training or policy review. These systems shall have the ability to track, among other things, conduct by officer, supervisor, shift, beat, and district."

The compliance definition as agreed to in the MADC necessitates that APD develop and disseminate a system that permit APD to identify trends and patterns in the conduct of its officers with the indicator listed in the Consent Decree along with sufficient training and orientation to its supervisor.

During the current reporting period the Monitor assessed the status of this Mandate for the first time. While APD currently has a fairly robust policy on Early Intervention, its execution through the Administrative Management System (AIM) is not nearly as robust as it should be. A properly functioning system that operates alongside enhanced supervision is what is needed to ensure that officers receive the support and supervision necessary to maximize their performance. However, it should be noted that neither APD’s current policy nor the system is geared at identify trends and patterns in the conduct of its officers, including conduct that repeatedly gives rise to claims of civil liability, conduct or specific officers implicated in multiple citizen or officer complaints, and repeated conduct that suggests a need for further training or policy review. We understand that the APD is in the process of migrating its early intervention system to Benchmark Analytics but the go-live date and the accompanying updated policy for that new system is unclear at this time.

The Monitor believes the Mandate is on the right track and will be evaluating progress on the Benchmark system in upcoming reporting periods.

ASSESSMENT OF MANDATE 68

Current Status:  - (0-24% Complete. In line with Monitor expectations)

Mandate 68 at VIII B (Page 31) of the Consent Decree, entitled “Accountability and Transparency-Goals and Measurements” requires that the Monitor determine if APD developed a system and process to track and follow the following subject matter for use in decision making and for transparency to the public by the Initial Measurement Plan Deadline by tracking of officer’s disciplinary outcomes, identification of trends or patterns of sustained complaints about officers’ law enforcement activities, and public reporting of data collection.

The text of Mandate reads as follows:

“Aurora Police, in consultation with the Consent Decree Monitor and outside experts, will develop a system and process to track and follow the following subject matters for use in decision making and for transparency to the public:

1. Tracking of officer’s disciplinary outcomes,
2. Identification of trends or patterns of sustained complaints about officers’ law enforcement activities, and
3. Public reporting of data collection.

The Police Department and Consent Decree Monitor will develop the initial plan for this data collection by the Initial Measurement Plan Deadline.”

The compliance definition as agreed to in the MADC necessitates that APD develop and implement that tracks and identifies all of the indicators as included in the Initial Measurement Plan and disseminate sufficient training or orientation on the system with sufficient accountability measures for failure to do utilize the system and publicly report on the data points.

During the current reporting period the Monitor assessed the status of this Mandate for the first time. As noted above, APD is in the process of updating its early intervention system. The Monitor Team will work with APD on developing a system and process to track and follow during the next reporting periods.

CONCLUSION

The second reporting period of monitoring activity has been marked by cooperation and apparent good will of all of the parties and stakeholders in the process. While there are a few areas of significant concern, the Monitor believes there is genuine interest of the parties in achieving the goals of the Consent Decree and effectuating its provisions as quickly as possible so as to allow the reforms to be felt on the streets of Aurora. Over the next reporting period the Monitor will work with the City to address few areas of concern as noted in this report.

APPENDIX A – REPORT CARD

Attached hereto.

APPENDIX B – THE INTERNAL POLICE AUDITOR’S REPORT

Attached hereto.

APPENDIX A

REPORT CARD






REPORT CARD MATRIX		RP1 2/15/22- 5/15/22	RP2 5/16/22- 8/15/22	RP3 8/16/22- 11/15/22	RP4 11/16/22- 2/15/23	RP5 2/16/23- 8/15/23	RP6 8/16/23- 2/15/24	RP7 2/16/24- 8/15/24	RP8 8/16/24- 2/15/25	RP9 2/16/25- 8/15/25	RP10 8/16/24- 2/15/26	RP11 2/16/26- 8/15/26	RP12 8/16/26- 2/15/27
MANDATE NUMBER	TITLE AND SYNOPSIS	COMPLIANCE DETERMINATIONS											
POLICIES AND TRAINING GENERALLY													
1A	Policies and Training Generally (APD): APD and AFR will develop policies that are consistent and complimentary and will conduct training for coordinated response and will hold officers and firefighters accountable for policy violation												
1B	Policies and Training Generally (AFR): APD and AFR will develop policies that are consistent and complimentary and will conduct training for coordinated response and will hold officers and firefighters accountable for policy violation												
2A	Policy development, review and implementation process (APD): City will work with the Monitor to evaluate policies, training and implementation, and develop process to speed up process.												
2B	Policy development, review and implementation process (AFR): City will work with the Monitor to evaluate policies, training and implementation, and develop process to speed up process.												
3A	Submission of new policies for review (APD): City must submit any covered policies, procedures, rules to the Monitor for review and approval												
3B	Submission of new policies for review (AFR): City must submit any covered policies, procedures, rules to the Monitor for review and approval												
4	Incorporation of Best Practices and Scenario-based Training: APD and AFR will incorporate best practices and use of scenario-based training to greater extent and will seek outside SME as needed.												
5	Incorporation of Best Practices and Scenario-based Training: APD and AFR will share all training plans with Monitor for approval and will seek outside SME as needed.												
ADDRESSING RACIAL BIAS IN POLICING													

45	Use of Ketamine and Other Sedatives as a Chemical Restraint - Process Changes: AFR will develop a post-incident analysis procedure for Ketamine if being reintroduced.																		
46	Use of Ketamine and Other Sedatives as a Chemical Restraint – Evaluation of Chemical Sedation: AFR must review each chemical sedative utilization to determine if use was warranted under policy and law, whether officers were involved in decision, and risk factors.																		
47	Evaluation of Chemical sedation: The review required in Mandate 46 must be summarized at least twice a year with basic tabular data and in compliance with CRS 18-8-805(2)(b)(1).																		
48	Use of Ketamine and Other Sedatives as a Chemical Restraint – Goals and Measurement: If Ketamine is reintroduced the Monitor will regularly review.																		
RECRUITMENT, HIRING AND PROMOTION																			
49A	Recruitment, Hiring, and Promotion – Objectives (APD): APD will transform the recruitment and hiring process to create a more diverse and qualified workforce and create a culture of continuous improvement.																		
49B	Recruitment, Hiring, and Promotion – Objectives (AFR): AFR will transform the recruitment and hiring process to create a more diverse and qualified workforce and create a culture of continuous improvement.																		
50	Recruitment, Hiring, and Promotion – Objectives: The City will improve transparency, accountability and predictability in discipline review including by facilitating CSC standardization and codification of elements of the disciplinary review process.																		
51	Recruitment, Hiring, and Promotion – Objectives: The City will improve transparency, and accountability in the work of the CSC such that Community understands the role that the CSC plays in hiring, promotion and discipline.																		
52	Recruitment, Hiring, and Promotion – Recruitment (APD): APD will revise review and revise recruitment and hiring programs to attract and hire a diverse group of qualified individuals through a plan that has clear goals, objectives and action steps.																		
53	Recruitment, Hiring, and Promotion – Recruitment (AFR): AFR will revise review and revise recruitment and hiring programs to attract and hire a diverse group of qualified individuals through a plan that has clear goals, objectives and action steps.																		

3B

64	Recruitment, Hiring, and Promotion - Civil Service Commission (Discipline): The CSC will revise its rules to make as much of its business easily accessible to the public including discipline decisions, requests for continuance, and identification with reasons for any non-public material.													
65	Recruitment, Hiring, and Promotion - Civil Service Commission (Outside Expert): The City and CSC will hire an outside expert to assist in developing best practices for recruiting and hiring.													
66	Recruitment, Hiring, and Promotion - Civil Service Commission (Transparency): The CSC will conduct as much as its business as possible so that it is easily accessible from its website and shall identify any business which is not being conducted in a way that is publicly available													
ACCOUNTABILITY AND TRANSPARENCY														
67	Accountability and Transparency - Objectives: The City will develop systems that regularly and easily identify trends and patterns in the conduct of its officers with the ability to track conduct by officer, supervisor, shift, beat and district													
68	Accountability and Transparency - Goals and Measurements: With the Monitor and outside expert develop a system that tracks disciplinary outcomes, identification of trends or patterns of sustained complaints, and public reporting of data collection													

LEGEND	ESTIMATED 0-24% COMPLETE	ESTIMATED 25-49% COMPLETE	ESTIMATED 50-74% COMPLETE	ESTIMATED 75-99% COMPLETE	SUBSTANTIAL COMPLIANCE
RIGHT TRACK (IN LINE WITH MONITOR EXPECTATIONS)					
CAUTIONARY TRACK (AT THIS TIME UNCERTAIN IF MONITOR'S EXPECTATIONS WILL BE MET)					

WRONG TRACK OR UNACCEPTABLY OVERDUE (EXPECTATIONS OF MONITOR ARE NOT BEING MET)					
NOT EVALUATED IN THE INDICATED REPORTING PERIOD	[CELL IN CURRENT OR PAST REPORTING PERIODS INTENTIONALLY LEFT BLANK]				
TO BE EVALUATED IN THE NEXT REPORTING PERIOD					

APPENDIX B

INTERNAL

POLICE

AUDITOR'S REPORT

Police Internal Audit Report



Crisis Response Team Audit



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Auditor's Conclusion

June 30, 2022

Internal Audit has completed the Crisis Response Team Program Review. We conducted this engagement as part of our 2021 Annual Police Audit Plan.

The audit objectives were to:

- Determine if the Crisis Response Team (CRT) is effectively receiving and responding to incidents involving people with mental health or other specialized needs.
- Evaluate if resources staffing CRT are adequate to respond to mental health calls.

To these ends, Internal Audit:

- Interviewed police personnel,
- Reviewed APD policies and standards,
- Reviewed leading practices,
- Reviewed CRT processes, and
- Applied other methods as needed.

Based on the results of our engagement procedures, additional data is needed to determine the effectiveness of receiving and responding to incidents and the adequacy of CRT staffing resources. We have identified issues and made recommendations in the Issue Details section of this report. We want to acknowledge the cooperation and assistance of the Crisis Response Team Sgt., Program Manager, and CRT team members during this engagement.

Wayne Sommer

Wayne C. Sommer, CPA, CGMA
Internal Audit Manager

Audit Profile

Audit Team

Wayne Sommer, CPA, CGMA – Internal Audit Manager

Michelle Crawford, M.Acct, CIA, CFE, CRMA – Police Auditor

Background

The Crisis Response Team (CRT) is a collaborative effort between Aurora Police Department and the Aurora Mental Health Center (AuMHC) with a mission to provide trauma-informed, compassionate care to individuals experiencing a mental health crisis. This co-responder model helps to prevent unnecessary incarceration/hospitalization and helps to reduce the amount of Patrol officer resources spent on mental health situations.

When calls for service involve a person experiencing a mental health crisis, it is critical that the police interaction remain positive and follow department policies and procedures.

The Aurora Police Department has additional resources for crisis response, including patrol officers trained in Crisis Intervention (CIT) and the Aurora Mobile Response Team (AMRT.) The AMRT is composed of one paramedic and one clinician who respond to low-level calls pertaining to someone in crisis. We documented an example of how these three approaches work in the Appendix.

Scope

Our scope of work covered Crisis Response Team policies in place as of October 2021 and practices in place through January 2022. ¹

¹ The original audit scope was January 1, 2020 through the end of test work. Due to data limitations, we revised the scope to focus on current practices.

City Manager Response

During the preparation of the 2021 Budget a pilot program to create a non-police based behavioral health response program was proposed. There were several reasons for the proposal and ultimate Council approval of the program. One reason was the challenges faced by the partially grant funded Crisis Response Team (CRT) program already operating in the Police Department. As we launched what became known as the Aurora Mobile Response Team (AMRT) with a paramedic and clinician in September of 2021, we were also in discussion about the 2022 audit plan for the Police Auditor.

Some of the concerns about the CRT program that led to requesting the audit have been confirmed. The informal arrangement between Police and Aurora Mental Health Center, provider of clinicians for the program, doesn't provide for accountability by either party or reliability of the service. Failure by both parties to identify any metrics contribute to the lack of accountability and hampers any measure of effectiveness and future planning for program improvements. We have also not made progress among Aurora Mental Health Center, Police and our 911 operation in better defining, tracking, and analyzing calls for service, again losing the opportunity to make improvements to the program.

I am encouraged by recent efforts made as the Program Manager of AMRT has been acting as manager of both that program and CRT. CRT has been operating without a program manager for some time which has contributed to some of the issues identified. In addition, a new Sergeant was assigned to CRT and he and the AMRT program manager have worked well together to make improvements. They have already taken advantage of recommendations made by the Police Auditor.

The CRT Audit as presented by the Police Auditor provides substantive and significant recommendations that when implemented will help the CRT program better serve Aurorans who experience, or show signs of, behavioral distress. Improvements to the CRT program will have the added benefit of better working with AMRT, police officers on the street and Aurora Fire Rescue. We must commit to these improvements in order to best serve some of our most vulnerable population.

James Twombly
Aurora City Manager

Issue Details

Receipt of Incidents

To determine if the Crisis Response Team (CRT) effectively received incidents of persons in crisis, we worked with the CRT and Aurora911 to review the current processes. Unfortunately, the City lacks formal procedures for handling calls for persons in crisis and dispatching CRT and CIT (Crisis Intervention Team) trained officers. As a result, we could not determine the effectiveness of the receipt of incidents. Our recommendation to address this is below in ISS.1.

ISS.1 - Aurora911

Aurora911 does not follow all leading practices for handling calls for people in crisis.

If Aurora911 receives a call requesting a CIT officer or the Crisis Response Team, they will air that request over the radio while dispatching a patrol unit. Aurora911 does not dispatch CIT officers or the CRT to calls.

Training

Per CIT International, "A core element of CIT is training emergency communications to ensure that call-taking and dispatch are aligned with the goals of CIT. All emergency communicators have several responsibilities in an agency with a CIT program."² The Justice Center and the Bureau of Justice Assistance created a checklist for agencies to determine how their policies and practices align with the elements of a successful Police-Mental Health Collaboration Program (PMHC).

The following training areas are leading practices for call-taking and dispatch:

- Training on the structure and goals of the PMHC program,
- Procedures for receiving and dispatching calls involving people with a mental health crisis,
- Gathering information from a caller, determining whether a mental health crisis might be occurring, and appropriate questions to ask callers,
- Beginning to de-escalate callers and situations,
- If applicable, transferring a call to a crisis line or warm line,
- Identifying and dispatching appropriately trained CIT officers, and
- Communicating with mental health services or the CIT officer all the available information about the mental health crisis.

Aurora911 does not have protocols to determine whether a mental health crisis is occurring or how to handle those calls. Currently, a crisis line is not in use. There is a need for formal training for Aurora911 to align procedures with crisis response leading practices.

² Crisis Intervention Team (CIT) International: *Crisis Intervention Team Programs: A best practice guide for transforming community responses to Mental Health Crises*

Receiving calls

CIT International identified common issues to address within CIT Programs:

Call-taking and dispatch. The policy should describe the call-taker's role in gathering mental health information from callers and transferring calls to crisis lines, if appropriate.

Procedures in case a CIT officer is not available for a crisis event. The policy should guide dispatchers in case all CIT officers are responding to calls. Many agencies choose to dispatch a supervisor or cast a wider call for CIT officers outside the district where the call for service originated.³

Recommendation

We recommend Aurora911 follow leading practices including,

- Developing training for employees handling mental health crisis calls,
- Developing procedures for identifying and handling mental health crisis calls,
- Working with the Crisis Response Team to develop procedures for dispatching CRT and CIT officers as appropriate, and
- Evaluating the use of a crisis line.

Management Response

Aurora911 response:

Training: Aurora911 fully supports the continued and specialized development of our professionals' abilities to understand and navigate mental health related calls and additionally, emergency calls requiring varying degrees of de-escalation techniques. We are committed to ensuring all team members are equipped with the ability to do so. De-escalation does much more than increase a caller's cooperation and state of calm; the ability to de-escalate significantly benefits the overall mental and emotional resiliency of the 911 Professional. In 2021, we initiated a plan to introduce CIT certification training for all members. When we became aware of the work of Human Resources to provide the NERPSC resource to Aurora public safety agencies, we made the decision to pend training until the resource was formalized in Aurora (CIT training is included through NERPSC at no additional charge). Our intent is to include this training into our basic training process and promote career enrichment through continuing education beyond the initial certification. As we continue to grow our Professional Development Team, our capacity for enhancing continuing education will continue to expand and include more specialized areas of skill development for all members of our team.

Once the NERPSC is available to Aurora911 in 2022, we will begin the process of training all personnel at the baseline and explore enhancement training on an ongoing basis.

³ Ibid.

Crisis Line: Aurora911 is in the initial phase of introducing a Nurse Triage Line for low acuity medical calls through a grant provided by DHSEM. However, this resource is for medical calls and is not a crisis line. We currently offer crisis line contact information for any caller who requests it, but do not warm transfer the caller. It is reasonable to introduce the use of a mental health crisis line into call triage, but before this can occur, the issue of inadequate protocol for event categorization must first be addressed for police (see next response). In the interim, Aurora911 will explore the introduction of crisis line protocol for first party callers who are solely calling to report their own mental health crisis when no other crime, threat to self or others, or medical emergency is being reported.

Protocol for call triage and resource deployment: The ability of Aurora911 to triage and properly respond to mental health related calls rests largely on the ability to create standardized, consistent call intake protocols. Currently, Aurora911 Professionals utilize Emergency Medical Dispatch (EMD) and Emergency Fire Dispatch (EFD) protocols through ProQA, under the International Academies of Emergency Dispatch (IAED). The department previously utilized Emergency Police Dispatch (EPD) protocols, but discontinued the program in 2019, due to pushback from police responders.

Since my arrival as Director in 2020, I have actively sought to understand what occurred with EPD, and why it was discontinued. Through my assessment, I have concluded that the APD's resistance to EPD was not related to a flawed protocol system, but to an ineffective implementation and change management process. The protocol system by itself is not arbitrary or limiting. To the contrary, it provides the police organization the authority and latitude to identify response plans, thresholds, priorities; all of which are identified in this audit as missing or inadequate, but greatly needed. It also provides the call taker with a consistent and standardized framework for assessing calls and identifying a determinant code which prescribes a response plan. This process is crucial when there are a variety of responses available. Unfortunately, the time and energy investment needed to properly set up, test and deploy EPD in Aurora did not occur. On November 16, 2016, all three protocols were launched in Aurora simultaneously, which is not a best practice. The result was frustration and resistance, which went largely unaddressed through reassessment, revision, and retesting. In the absence of effective change management processes, officer resistance increased in volume and became the justification to eliminate the EPD program.

By discontinuing EPD protocol, and by reducing the number of event types and priority levels available to a call taker, calls for service have been generalized and lumped into broad categories which afford no specific framework to launch alternative resources, beyond guidance toward AMRT referral. Aurora911 is tasked with the responsibility of building and maintaining a homegrown police protocol, which operates separately from ProQA. Not only does this practice create inconsistency and segregation of process for call takers, but it also greatly increases exposure to liability for Aurora911, APD and the City of Aurora. Consistency and standardization serve as a foundation for success in a 911 center fielding well over a half-million calls annually.

The current system for assessing police calls is not adequate to incorporate alternative responses in the long term, nor does it provide the granularity required for capturing meaningful data for how various resources are utilized in Aurora.

Aurora911 recommends reintroduction and implementation of EPD protocol and is invested in the necessary work to reintroduce the formalized protocol system which will adequately address the complexities of police calls and provides the framework necessary for call takers to consistently identify the correct resource for every call (crisis line, CIT, CRT, AMRT, or APD). As the continuum of response continues to expand, so too can the protocol system through thresholds and recommendations identified by key stakeholders. In addition to the reimplementation of EPD protocol, steps must be taken to increase the number of identified event types, CAD status and activity codes, response plans and priority levels to more readily identify, track and report responses beyond an officer. This must be done through a collective effort of all involved stakeholders and have endorsement and active participation by department leadership to ensure an effective change management process.

Because the city is in the process of transitioning to a new CAD system in September 2022, we recommend this change process occur after the conclusion of this transition, so as not to overwhelm staff. In the interim, stakeholders can work collaboratively to prepare for another round of change management.

APD Crisis Response Team response: CRT agrees to work in collaboration with dispatch to:

- Assist with the development of protocols as needed for dispatching, and
- Assist with developing protocols for warm transfers to the Colorado Crisis Line.

Targeted Implementation Dates:

Training: July 2023

Procedures and protocols: December 31, 2023

Crisis Line: December 31, 2023

Issue Owner: Aurora911 Director

Issue Final Approver: Jason Batchelor, Deputy City Manager

Response to Incidents

We evaluated available data to determine if CRT effectively responded to incidents involving persons in crisis. The City does not have the necessary data points to establish a population for only calls involving persons in crisis or responses to calls that involve a mental health crisis. As a result, we cannot determine if the response to incidents of persons in crisis is adequate. We identified areas of improvement related to data collection and its use below in ISS.2 and ISS.3.

ISS.2 - Mental health calls for service

There is no citywide data available that shows how many mental health calls for service were received or responded to. The current Computer-Aided Dispatch (CAD) system does not have a category code for mental health calls.

As a result, mental health related calls for service include multiple categories. While officers can use a mental health crisis category as a final category, they do not consistently use it. Also, there is no department guidance or training on the use of the mental health category.

CIT International and the Bureau of Justice Assistance (BJA) recommend using a dispatch code to designate mental health calls for service. The policy should describe the requirement to code calls appropriately as mental health crisis calls and dispatch a CIT or CRT officer when indicated. Coding the calls in the dispatch system as a mental health call allows reporting data about mental health-related calls.

Without a verifiably complete population of calls for service involving persons in crisis, it is not possible to test for the effectiveness of the response to persons in crisis incidents.

We randomly selected one week of calls for service to understand what data existed for *persons in crisis* calls. The random selection was not a statistical sample, and the information cannot be extrapolated across all calls for service. We used our professional judgment to remove specific call categories to narrow the population of calls for our review. For the remaining population, approximately 1,800 calls for service, we reviewed call remarks and identified 117 calls with a *person in crisis* to which CRT could have responded.

The categorization for call types we reviewed varied across multiple categories. While some officers used the mental health crisis final category, others did not. There is no formal guidance or training on documenting crisis calls, including documentation when other factors, such as criminal activity occurred. We created a pivot table showing the various CAD and final case type categorizations used in the appendix.

The new CAD system may have additional capabilities, including creating a mental health crisis clearance code that officers could use. Officers would use the clearance code as a subcategory indicating the call included someone in crisis while allowing officers to document the primary reason for the call as the final category.

Improved tracking of mental health related calls will help improve the deployment of crisis response resources, including the Aurora Mobile Response Team.

The Justice Center and the BJA also recommend that the CAD system be capable of flagging:

- Repeat addresses associated with mental health calls for service,
- People with mental illnesses who are repeatedly in contact with law enforcement, and
- People who pose a verifiable threat to officers.

The CAD system includes these features, and they are currently in use.

Recommendation

We recommend Aurora Police Department work with Information Technology and Aurora911 to identify and implement the most efficient and effective methods to track mental health calls for service. We also recommend that APD use the mental health calls for service data to ensure the appropriate deployment of resources to *persons in crisis*.

Management Response

APD Crisis Response Team response: CRT agrees to work in collaboration with Aurora911 to assist with appropriately coding calls for service.

Aurora911 response: **Categorization and data tracking of mental health related calls** – As mentioned in Aurora911’s response to ISS.2, APD’s 2019 discontinuation of EPD protocol and subsequent reduction of event types into fewer, generalized event categories has resulted in a significantly ineffective method of identifying, capturing, and reporting public safety activity involving mental health related calls. We fully support the migration to more robust event types, and the addition of additional CAD codes to further identify action taken in the course of a call. Most mental health calls are not initially reported to 911 as mental health related. Instead, they are often reported by a second party witness as suspicious activity, a disturbance, or another potential crime based on the behavior of the subject. Additional event types should be created when enough information is available to more appropriately categorize a call as mental health. However, a single category is insufficient to use for all mental health calls. While some calls may be exclusively a mental health call, there are also events where a crime or medical emergency has occurred with a mental health element. As programs such as AMRT and CRT become more complex, it will be necessary for us to adequately capture calls which are referred to and from these resources, so that we better understand the full extent of how they are utilized. We must also capture data which encapsulates the referral path and final disposition of the call. This can be achieved through appropriate CAD status and disposition codes, which document action taken versus a NIBRS crime code, which only identifies a crime category. Combining a formal EPD protocol system with a robust, adaptable method of documenting events in CAD will not only more accurately deploy the most appropriate resource for every situation but will also provide more accurate and comprehensive data that will allow us to properly meet the needs of the community with the correct resources.

Targeted Implementation Date: June 30, 2023

Issue Owner: Crisis Response Team Sgt.

Issue Final Approver: Division Chief of Metro Operations

ISS.3 - Data collection and analysis

APD should expand its collection of data points.

The Crisis Response Team collects data related to contacts using a monthly tracking spreadsheet.

We randomly selected one month of the tracking spreadsheet and compared it to calls for service information and body-worn camera footage, the tracking spreadsheet documented all associated contacts involving persons in crisis.

CIT International, the Justice Center and the Bureau of Justice Assistance have identified data points for workload, performance, and outcome measures. Below are the leading practice data points and whether they are collected.

Data Point	Currently collected	Comments
Number of mental health calls for service	No	See ISS. 2.
Repeat mental health calls for service to the same address	Partially	CRT tracks contacts but did not identify repeat individuals at the beginning of our audit. However, they have begun to develop methods to track repeat individuals.
Number of 911 calls transferred to a crisis line	No	See ISS. 1.
Number of mental health calls to which a CIT officer is available to respond	No	Not tracked.
Injuries during mental health calls (to the officer, person in crisis, or bystanders)	Partially	Use of force injuries documented, no other injury categories listed on the spreadsheet.
Disposition of calls	Yes	Tracked in the CRT spreadsheet.
Use of Force	Yes	Tracked in the CRT spreadsheet.
Arrests of people with mental illnesses	Partially	Tracked for CRT calls within the spreadsheet.
Time officers wait in emergency rooms before transferring custody	Partially	Officer length of contact tracked in the CRT spreadsheet.

The spreadsheet collects multiple other data sets, including demographic information, if CRT facilitated the return of law enforcement to service, and if formal action was diverted due to CRT. The spreadsheet does not identify whether the contact involved an individual officer or the co-responder team. In addition, due to clinician staffing, not all contacts will involve a co-responder team.

Expanding the data points collected can help to provide a more comprehensive picture of the crisis response system and can assist in directing deployment of resources.

Recommendation

We recommend CRT track the additional data points identified.

Management Response

CRT agrees and is currently in the process of updating contact spreadsheet to reflect recommendations listed for data collection and analysis in accordance with best practices.

Targeted Implementation Date: June 30, 2023

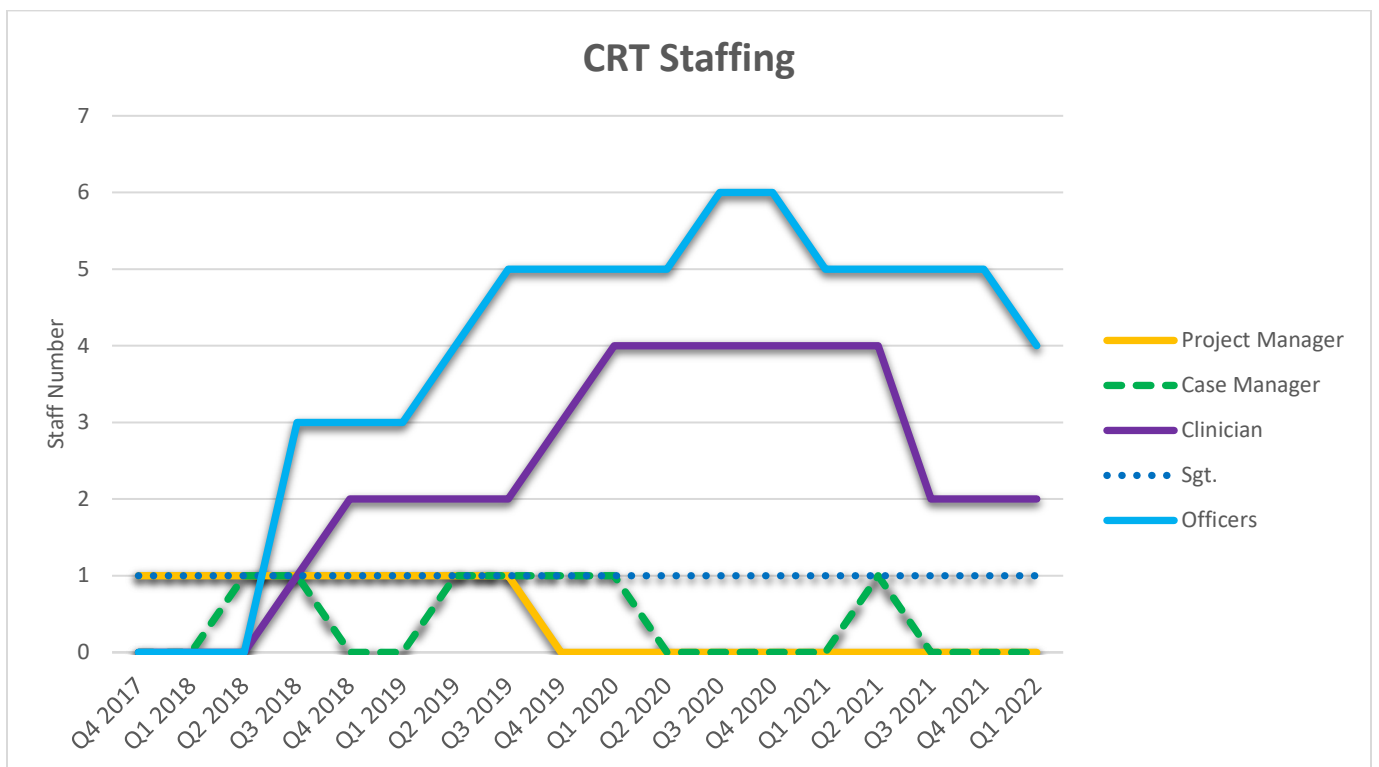
Issue Owner: Crisis Response Team Sgt. and CRT Program Manager

Issue Final Approver: Division Chief of Metro Operations

ISS.4 – Staffing

The Crisis Response Team program manager, case manager, and clinician positions have not been consistently staffed throughout the program. Aurora Mental Health Center (AuMHC) is responsible for providing staffing for the clinicians and case manager. We could not locate any written requirements for the AuMHC staffing levels. The grant agreement only included a dollar amount for personnel; it did not specify the number or type of personnel. We could not determine the baseline staffing level of clinicians.

City personnel provided us with the quarterly staffing levels for the case manager, clinicians, program manager, Sgt., and officers. Below is a chart showing the information provided.



Clinician positions are in high demand across the state, and difficulties in hiring and retention are impacting co-responder teams across the state. We spoke with different co-responder programs in Colorado that have taken different approaches to staff their clinician positions.

➤ *Partner with a Mental or Behavioral Health Agency*

Salary: The partner agency controls pay and benefits; depending on the agency, there may be less flexibility to adjust salaries to increase hiring and retention.

Personnel management: The partner agency is responsible for managing the employees, including providing clinical oversight, supervision, support, and maintaining the mental health records. The City would not have any authority regarding the performance or supervision of the partner agency employees.

Agency records: Allows clinicians to access partner agency records when available and allows a more straightforward referral process for services at the partner agency.

Aurora currently uses this model and partners Aurora Mental Health Center. The ability to adjust salaries for co-responder clinicians varies by agency. AuMHC personnel stated while they do not have flexibility to adjust salaries, they have recently implemented shift differential pay and hazard pay.

➤ *Hire as City employees*

Salary: The City would control pay and benefits and have authority to adjust salary rates to increase hiring and retention.

Personnel Management: The City would provide direct supervision and oversight of employees. Considerations for this option include staffing to provide clinical oversight and supervision, having the proper insurance coverage for any licensing requirements, legal expertise needed, an electronic health record system, and the creation of policies.

Agency Records: Clinicians would likely lose access to AuMHC agency records.

➤ *Contract for Services*

Issue a request for proposal for providers to provide the clinicians.

Salary: This option may allow more flexibility to adjust pay and benefits, resulting in better hiring and retention rates.

Personnel Management: The provider is responsible for managing the employees, including providing clinical oversight, supervision, support, and maintaining the mental health records. The City would not have any authority regarding the performance or supervision of the partner agency employees.

Agency Records: Clinicians would likely lose access to AuMHC agency records.

According to the Center for Police Research and Policy Best Practice Guide, Assessing the Impact of Co-responder Team Programs, “The use of this response model across communities and across time has resulted in substantial variation in the implementation of co-responder team programs (see Krider et al., 2020). For example, a recent systematic review of co-responder teams identified 19 unique programs described across 26 research articles (Puntis et al., 2018). In many cases, variation in program implementation is a direct product of efforts to tailor the co-responder team to the specific needs of individual communities. However, resource constraints – including access to funding, staff, equipment, and behavioral health services – also play a role in the operationalization and implementation of the co-responder team approach (Dyer et al., 2015).”

As the grant funding ends for this program, the City needs to evaluate how it will staff the clinical positions moving forward to ensure the staffing level meets the program’s needs. Without adequate clinician and case manager staffing, the program becomes a Crisis Intervention Team program instead of a co-responder program.

Recommendation

We recommend that the City issues a Request for Information or a Request for Proposals to evaluate staffing options for clinicians and a case manager and then determine which option and partner best serves the City’s and community’s needs.

Management Response

CRT leadership recognizes the difficulties regarding the recruitment and retention of qualified clinical staff. CRT leadership is dedicated to working with the City leadership and Housing and Community Services leadership (AMRT) to evaluate available staffing options, potentially through a Request for Interest or Request for Proposals, within the Denver Metro that would be able to meet the expectations of the Crisis Response Team and any other necessary clinical staffing.

Targeted Implementation Date: December 31, 2022

Issue Owner: Crisis Response Team Sgt. and CRT Program Manager

Issue Final Approver: Division Chief of Metro Operations

ISS.5 – Memorandum of Understanding

The Aurora Police Department and Aurora Mental Health Center (AuMHC) do not have a memorandum of understanding (MOU) for the Crisis Response Program. While there is an intergovernmental agreement, the agreement is for the use of grant funds for the Crisis Response Program and does not address operational areas of the program.

The City provided a copy of an undated MOU that was never signed by Aurora Mental Health Center but was signed by the City of Aurora in January 2019. The MOU included areas that future agreements should also include:

-
- Aurora Mental Health personnel should be jointly selected for the Crisis Response Team by both APD and Aurora Mental Health Center.
 - Candidates will be screened by agencies and must pass an APD background check.
 - APD shall issue AuMHC personnel facilities access badges to enable access to APD district offices, headquarters, the Public Safety Training Center, and all associated gates.
 - AuMHC shall issue APD CRT personnel building access badges to the AuMHC walk-in clinic.
 - APD CRT personnel will sign and date the confidentiality agreement regarding the use of AuMHC building access.

CIT International and the Justice Center and the Bureau of Justice Assistance have identified areas that should be included in a Memorandum of Understanding (MOU), such as:

- Resources each organization commits,
- How law enforcement and Clinicians interact on scene,
- Coordination of follow-up for individuals,
- Roles of each organization regarding training, program monitoring, and community outreach,
- Policies and procedures governing access, exchange, release, and storage of information between the agencies, and
- Roles and responsibilities for data collection and analysis.

None of the identified areas above are addressed. CIT International's best practices include an example of an MOU. The example states that "An MOU should be developed by both parties coming together and agreeing to general protocols. A common protocol serves the community well both in terms of community safety and accessing appropriate individual services."

Without a documented MOU outlining the expectations and responsibilities of each agency, including resources and protocols, there is the potential for misunderstanding and unmet needs or services.

Recommendation

We recommend that Aurora Police Department work with the Aurora Mental Health Center to develop an MOU incorporating the areas identified as leading practices.

Management Response

CRT agrees and is currently in the process of creating an updated Memorandum of Understanding with our partner agency, AuMHC, to outline personnel obligations, facilities access, confidentiality, and other relevant scope of work in accordance with leading practices.

Targeted Implementation Date: December 31, 2022

Issue Owner: Crisis Response Team Sgt. and CRT Program Manager

Issue Final Approver: Division Chief of Metro Operations

ISS.6 - Follow leading practices

Aurora Police Department (APD) lacks strong policies governing interactions with individuals with mental health disorders, procedures for crisis intervention trained (CIT) officers, and procedures for the Crisis Response Team (CRT.)

APD created the CRT in 2018, while APD drafted standard operating procedures (SOPs) in 2021; as of December 2021, no SOPs were in effect. As a result, the only guidance for crisis response is a directive on dealing with persons with mental health disorders, last updated April 2019.

We used the following abbreviations throughout this section:

- Standard Operating Procedure (SOP)
- Crisis Intervention Team (CIT)
- Crisis Response Team (CRT)
- Person in crisis (PIC)
- Police Mental Health Collaboration program (PMHC)
- International Association of Chiefs of Police (IACP)
- Policy Research Inc. (PRI)
- Lieutenant (Lt.)
- Sergeant (Sgt.)

Leading practices referenced

Crisis Intervention Team (CIT) International:⁴ *Crisis Intervention Team Programs: A best practice guide for transforming community responses to Mental Health Crises* Published August 2019

International Association of Chiefs of Police⁵: *Responding to Persons Experiencing a Mental Health Crisis* Published August 2018

Policy Research Inc. and National League of Cities⁶: *Responding to individuals in behavioral crisis via co-responder models: Role of cities, counties, law enforcement, and providers.* Published January 2020

Justice Center and Bureau of Justice Assistance⁷: *Police Mental Health Collaboration Programs, a checklist for law enforcement program managers.*

⁴ CIT International leading organization for Crisis Intervention Team training and certification.

⁵ IACP is the world's largest professional association for police leaders

⁶ Policy Research Inc. is a not-for-profit whose work revolves around behavioral services research and technical assistance. National League of Cities is comprised of city leaders focused on improving the quality of life for their constituents.

⁷The Council of State Governments Justice Center is a national nonprofit organization that uses its members with policy and research expertise to develop strategies that increase public safety and strengthen communities. Bureau of Justice Center is a federal program that provides leadership and services in grant administration and criminal justice policy development to support strategies to achieve safer communities.

We compiled leading practices by area and identified whether APD incorporates those practices into its policies. Below is a summary followed by the detailed practices and policies.

Meets leading practice	Partially meets	Does not meet
CIT Coordinator	Terminology	CRT Policies
Leads on calls	Program goals	Performance measures
Interviews or interrogations	Training	Resources
	Assessing the call	Officer selection
	Emergency hold	Calls for service
	Alternatives	Actions
	Transport	Restraints
	After action documentation	Transfer of Care

Crisis Response Team Policies

The Crisis Response Team lacks policies and procedures for its operations. Leading practices recommend jointly developed written policies and procedures outlining roles, responsibilities of the law enforcement agency and health agency, staffing, training, information sharing, and work standards.

Staffing

A leading practice is co-response teams have 24/7 availability or at least coverage during peak calls. Policies do not address staffing for the co-responder teams.

Data collection

The Justice Center recommends identifying which personnel is responsible for collecting and analyzing program data. The draft CRT SOPs reference the CIT data collection sheet. Still, they do not recognize who is responsible for collecting and analyzing programmatic data, specifically for the co-responder program.

Information Sharing

The Justice Center recommends that protocols govern:

- the exchange of information between law enforcement personnel and mental health program partners,
- information to be shared,
- circumstances for sharing, and
- the process for sharing.

The Justice Center also recommends sharing progress reports regularly with the agency chief executive, other agency designees, and key staff from partner organizations. Sharing information and progress reports should also include other city programs, such as the Aurora Mobile Response Team and the Aurora Fire Rescue Community Health Program.

There are no CRT SOPs, and the draft SOPs did not address the leading practices identified.

Terminology

The inclusion of a glossary of terms in policy allows crisis response teams to become familiar with common words and standard definitions. Words to define are mental health crisis, mental illness, and terminology that mental health clinicians and officers on crisis response teams frequently use.

APD should work with their mental health partners to ensure they use appropriate language and do not use terms that may be considered offensive, such as *deranged* or *disturbed*. We did not see either of these terms used during our policy review. Still, we believe it is essential to review terminology periodically.

Directive 6.13 defines some words, but not words that would be used frequently by APD or mental health clinicians. This partially addresses leading practices.

Program goals

APD should expand program goals for Crisis Intervention Trained officers and the Crisis Response Team to include leading practices.

The Goals of a CIT Program per CIT International are:

1. To improve safety during law enforcement encounters with people experiencing a mental health crisis for everyone involved.
2. To increase connections to effective and timely mental health services for people in a mental health crisis.
3. To use law enforcement strategically during crisis situations—such as when there is an imminent threat to safety or a criminal concern—and increase the role of mental health professionals, peer support specialists, and other community supports.
4. To reduce the trauma that people experience during a mental health crisis and thus contribute to their long-term recovery.

Directive 8.36 states the purpose of CIT as, “CIT attempts to reduce violence, injuries, and potential litigation through the rendering of appropriate services to subjects in need of counseling or therapy. Training in CIT provides officers understanding of the impact of mental illness on individuals. Trained CIT officers learn skills to help in the verbal de-escalation of a high-risk situation involving the mentally ill. Successful intervention may lead to a reduction in the need to utilize the Criminal Justice System.” The stated purpose aligns with the first program goal from CIT International but does not address the other goals.

Per Policy Research Inc. (PRI), co-responder program goals “Can include providing clinical support on the scene, conducting screening and assessments, reviewing what is known about client history, and navigating and referring to community resources. Many co-responder models involve clinicians who provide proactive follow-up support to encourage client service and treatment engagement.”

The Justice Center also recommends written policies and procedures describing the program. The Crisis Response Team drafted SOPs; however, they do not include goals and do not adequately describe the program.

Performance Measures

Performance measures are an important tool in monitoring and measuring program success. In addition, these measures should be used to inform resource allocations, including expanding program capacity, adding staff positions, funding, training, and shifting resources.

When determining performance measures, the Justice Center recommends considering qualitative and quantitative data on program operations and goals and perceptions of officers, behavioral health professionals, and community members. The Justice Center also recommends performance management meetings between program staff and patrol supervisors.

Policy and procedures do not address any performance measures. The CRT currently tracks program statistics including the number of diversions.

CIT Coordinator

A leading practice from CIT International is to assign a CIT coordinator who runs the program and serves as a liaison. Directive 8.36.5 defines the CIT coordinator's responsibilities and states that the Technical Services Bureau Captain assigns the duties, adequately incorporating this leading practice.

Resources

Leading practices from CIT International and CALEA recommend the policy describes for officers any available resources and addresses procedures for accessing those resources. The Bureau of Justice Assistance (BJA) and the Justice Center recommend that as part of designing the program, stakeholders' catalog:

- available resources in the community,
- criteria or restrictions in accessing them,
- capacity, and
- availability.

Policies and procedures do not address resources.

Training

Leading practices address aspects of training, including types and frequency. Below is a summary of training-related leading practices.

Crisis Intervention Training

CIT International recommends recruiting and training officers until there are enough CIT officers to provide coverage for all districts and patrol shifts, 365 days a year. This may come out to 20 or 25 percent of officers in large agencies. IACP One Mind Campaign recommends that at least 20% of the sworn force of the police agency be CIT trained and operational.

Leading practices for CIT training include significant community involvement, scenarios, and training evaluations. In addition, CIT International identifies specific training topics such as mental health, community support and resources, and de-escalation.

Continuing education is a core element of CIT. It enables officers to keep their skills current, focus on advanced topics, and receive reminders of their role as CIT officers. It also serves as reinforcement for CIT officers regarding their skills and identity as CIT officers.

According to CIT International,

"Mandatory CIT Training Can Damage Your Program. Some poorly performing CIT officers might seem like a small price for a better-trained force overall, but a CIT-trained officer who does not believe in the mission of CIT is a liability. Forced to take on the role, reluctant officers might act with indifference or even cruelty towards a person with mental illness. A few officers who create hostility during the training week can sour the experience for other officers, as well as that of the mental health professionals, individuals with mental illness, and family members who help teach the course.

With mandatory training, any officer misconduct towards a person with mental illness undermines your entire CIT program because community members see a CIT-trained officer who is behaving badly and may assume that the program is a failure. Researchers looked at officers' knowledge, skills, attitudes, self-confidence in dealing with crisis situations, use of de-escalation, and use of force—and found that volunteers performed better across the board. Department of Justice investigations of law enforcement agencies in Portland, Oregon, and Cleveland, Ohio specifically cited the shift to a train-all approach as the beginning of the end of CIT programs."

Policy and procedures do not address CIT training. Policies also do not address the additional training for officers assigned to the Crisis Response Team.

All Officers

CIT International recommends mental health training for all officers to help recognize a mental health crisis, call for a CIT officer, and keep the scene safe. The IACP recommends Mental Health First Aid training department wide. The Justice Center recommends mental health training at the recruit, in-service, and specialized training levels that is responsive to the needs of the community and demands for service. In addition, CALEA standards used for accreditation require training to include access to the court system and applicable case law.

Officers, deputies, and supervisors who respond to calls for service involving people with mental illnesses should receive training to prepare for these encounters, including de-escalation training.

The IACP recommends providing mental health training in academies and routinely implementing updated training in department roll calls with a focus on responding effectively to persons affected by mental illness as a core responsibility of all police officers.

Directive 6.13.5 states that Department members will receive initial training on dealing with mental health disorders during the basic academy for sworn members. Non-sworn members receive the training as part of orientation/probation. All members who encounter the public receive annual refresher training. This policy addresses leading practices but does not identify the types of training provided.

Leadership

A leading practice is for agency leadership to receive education and training on the police role in responding to people with mental illness, proven approaches, and skills required for an effective program.

Co-Responder training

Leading practices recommend educating behavioral health staff in law enforcement's unique working conditions and demands. Mental health professionals who work within the PMHC program receive training or hands-on experience on topics including:

- Law enforcement policies and procedures,
- Participating in an officer ride-along,
- Observing 911 call-taking and dispatching functions, and
- Observing booking and jail intake procedures.

A leading practice is also to ensure quality staff training for behavioral health personnel and law enforcement, including CIT, mental illness, information sharing, special populations, use of force, naloxone administration, and team building. Policy and procedures do not address the co-responder training.

Frequency of training

Training should be reviewed and or updated annually. Directive 6.13.5 states that all members who encounter the public receive annual refresher training; however, policy and procedures do not address all types of training and how often the training is reviewed or updated.

Officer selection

CIT International recommends that CIT officers be chosen for their suitability to become specialists in responding to mental health crises. Per CIT International, "Training officers who do not have the specific interest, personal motivation, or skills to be CIT officers is not encouraged. It is more important that the officers trained have self-selected and volunteered to be CIT officers."

CIT International recommends a minimum of two years of service as a patrol officer. They recommend using a written application (including describing their interest in CIT), an interview explaining why they want to be a CIT officer,

and a supervisor recommendation. The selection review should include their service record and a review of their disciplinary record.

Directive 8.36.5 states that the CIT coordinator will select volunteer officers for CIT certification. However, this does not follow the leading practice, and the policies do not address any other elements from leading practices.

Additionally, policies and procedures do not address requirements or the process for selection of officers to serve on the Crisis Response Team.

Calls for service

The Justice Center recommends establishing under which situations or types of calls the CRT will be deployed and determining what assessments, supports, and services the team will provide.

Directive 6.13 states that when possible, one or more members of the Crisis Response Team should be assigned to handle calls involving a person in crisis because of a mental health issue. The draft CRT SOPs address responsibility for case management of persons contacted by law enforcement and steps if a call is inappropriate for the team; however, policy and procedures do not address the situations and types of calls the CRT will be deployed to or detailed assessments, supports, or services the team provides. The current policies and procedures do not adequately address leading practices.

Lead on calls

CIT International recommends policies clarify that a CIT officer is generally the lead officer on a mental health call. Describing the CIT officer's role in the policy clarifies that role for CIT officers, their fellow patrol officers, and their supervisors. The policy should clearly describe the leadership role of a CIT officer. In general, a CIT officer takes control of a mental health event either as the initial responding officer or at the request of the responding officer. In cases where the scene is safe and mental health providers are on-site, the officer can play a supporting role or go back into service to handle other calls.

Directive 8.36.2 states that once engaged; the certified member is in-charge of the intervention portion of the event until relieved by a supervisor or department negotiator. The policy addresses the leading practice; however, APD should expand the policy to clarify the role of a clinician on-site.

Assessing the call

CALEA recommends guidelines for recognizing persons suffering from mental health issues. The IACP recommends officers use indicators to assess whether a person in crisis represents a potential danger to themselves, the officer, or others. They also recommend:

- Continuing to use de-escalation techniques and communication skills to avoid escalating the situation,
- Removing any dangerous weapons from the area, and

-
- Where applicable, ensuring that the appropriate personnel have initiated the process for the petition for involuntary committal.

The Justice Center recommends these protocols for responding officers:

- Assessing whether a crime has been committed,
- Determining whether the person's behavior indicates that mental illness may be a factor,
- Ascertaining whether the person appears to present a danger to self or others, and
- Using skills to safely de-escalate situations involving someone behaving erratically or in crisis.

The IACP recommends policy address the response for when an officer determines an individual in crisis is a potential threat to themselves, officers, or others, and law enforcement intervention is required. The IACP includes 13 areas for consideration in this situation, including requesting a backup officer and seeking CIT officers or CRT assistance.

Directive 8.36.2 addresses CIT officers using appropriate tactics to protect themselves and those in crisis, including cover officers. Directive 6.13.2 includes steps taken when encountering an individual believed to be mentally ill but does not address assessing the person. Draft CRT SOP 2.3 instructs CRT officers to use active listening and de-escalation techniques to gain voluntary compliance when practical and safe. Policies do not address all components of these leading practices.

Emergency holds

CIT International recommends creating clear guidance for officers on behaviors that qualify an individual for an emergency psychiatric evaluation and guidance to describe the behavior to medical or crisis staff. In addition, the IACP recommends that officers request the assistance of crisis-trained personnel to assist in the custody and admission process and interviews or interrogations when possible.

Directive 6.13.3 details the process for a mental health hold, including a form, but does not include guidance requesting CIT or CRT assistance or guidelines on describing the behavior.

Alternatives

CALEA recommends ensuring the best treatment options are used to keep those with mental health issues out of the criminal justice system by addressing alternatives to arrest within policy. Such options could include citations, summonses, referrals, informal resolutions, and warnings. In addition, the Justice Center recommends that when no formal action is taken, officers can connect the person with a friend or family member, peer support, or treatment crisis center.

The Justice Center recommends protocols including procedures for officers to engage services of the person's current mental health provider,

a mobile crisis team, or other mental health specialists. They also recommend, when possible, providing the person in crisis and their family members with resource information.

Directive 6.13 states that when possible, one or more members of the Crisis Response Team should be assigned to handle calls involving a person in crisis because of a mental health issue. If the CRT is unavailable, CIT members or any sworn member may respond. Policy partially addresses leading practices.

Actions

The IACP recommends several courses of action for officers when responding to a person in crisis:

- Offer mental health referral information to the individual, family members, or both,
- Assist in accommodating a voluntary admission for the individual,
- Take the individual into custody and provide transportation to a mental health facility for an involuntary psychiatric evaluation, or
- Make an arrest.

While this may be in practice, the policy and procedures do not address this leading practice.

Restraints

A leading practice is for officers to be aware that the application or use of restraints may aggravate any aggression displayed by a person in crisis. Protocols should describe the use of restraints when detaining people for emergency evaluation. Policy and procedures do not address this leading practice.

Transport

A leading practice is to provide guidance on when an officer can use discretion to reduce trauma and humiliation to the transported individual; examples include allowing transport in a family car or ambulance. In addition, officers should receive guidance on the procedures for coordinating with other agencies involved in transport, such as EMS. Directive 6.13.3 states that transportation to the walk-in clinic or the emergency room may be done by the member or other means. The policy partially addresses leading practices, but the policy does not define "other means."

Transfer of care

Leading practices recommend policy describes any procedure that facilitates the transfer of custody with a receiving center (emergency department, clinic, crisis center), a jail, or diversion center. Policies and procedures do not address this leading practice.

Interviews or Interrogations

CALEA recommends specific guidelines for personnel to follow in dealing with persons they suspect suffer from mental health issues during contacts on the street and during interviews and interrogations.

Directive 6.13.3 gives guidance when interviewing or interrogating an individual experiencing a mental health crisis or who has a mental health disorder. The policy adequately addresses this leading practice.

After incident documentation

The IACP recommends that officers document the incident, regardless of whether the individual is taken into custody. The documentation could include:

- where it occurred,
- an explanation if referred to another agency,
- circumstances of the incident including observed behavior,
- when an individual is transported for psychiatric evaluation, and
- providing documentation to clinicians describing the circumstances and behavior.

Directive 8.36.4 references a data collection sheet and completes a report detailing the actions taken and outside services provided. Draft CRT SOP 2.3 requires CRT officers to document each contact in the records management system. Policy partially addresses this leading practice except for what information is required.

Recommendation

We recommend APD develops SOPs that include leading practices for the Crisis Response Team in cooperation with the clinicians and updates its directives to reflect leading practices.

Management Response

CRT agrees to:

- Update CRT SOPS to include staffing, information sharing, and data collection and policies will also reflect collaboration with AMRT and the AFR Community Health Program.
- Review policies annually to ensure proper terminology and include program goals and a glossary of commonly used terms.
- Updated program goals to reflect CIT International recommendations
- Create performance measures in collaboration with evaluation partners and referenced in the SOPs
- The CRT Sgt. will assume the position of CIT coordinator and the job description of CRT Sgt. will reflect this.
- Update the SOP to include where officers can access resources and outline CIT training for officers in the department as referenced by CIT International recommendations.
- Develop directives to provide guidance to officers in assessing mental health calls for service, requesting CIT/ CRT/ AMRT assistance, and other alternatives to ensure best treatment options.
- Review restraint protocols for persons in mental health crisis and revise as needed.
- Clearly outline transport and transfer of care protocols in policy.
- Update the policy to reflect the information to be collected in reference to documentation for mental health calls for service.

These updates will be made in cooperation with the CRT chain of command, CRT program manager, and clinicians to reflect leading practices outline above.

Targeted Implementation Date: October 31, 2022

Issue Owner: Crisis Response Team Sgt. and CRT Program Manager

Issue Final Approver: Metro Operations Division Chief

ISS.7 - Program governance

The Crisis Response Team needs to develop a formal and structured approach to program governance.

CIT International recommends a steering committee to work together to improve and guide crisis response. CIT International, IACP, Justice Center and the BJA all include recommendations for parties to be involved, including:

- People living with mental illness and their family members,
- Law enforcement officers,
- Mental health professionals,
- Mental health advocates,
- Community member, and
- Community leaders.

The committee should discuss the committee's purpose, frequency of meetings, shared resources, objectives and goals, programmatic concerns, and how information changes in the programs.

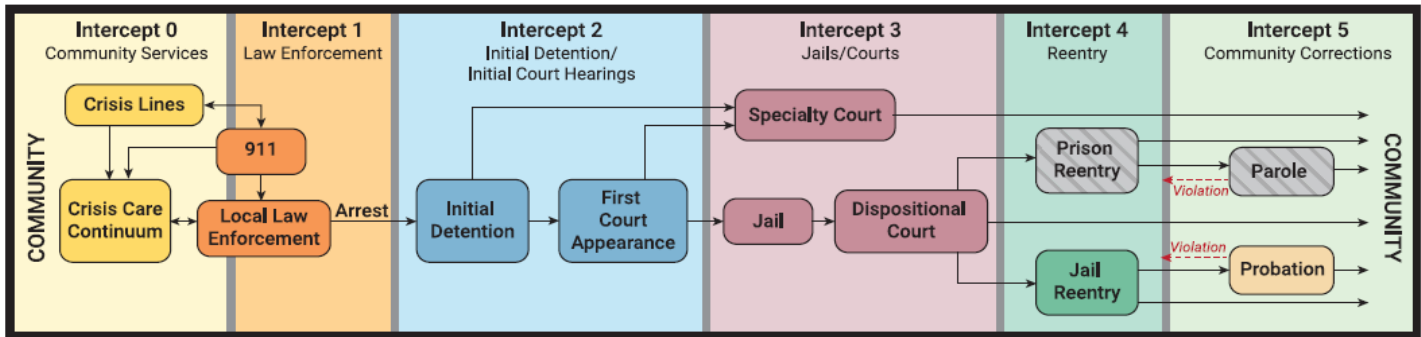
The Justice Center and the Bureau of Justice Assistance recommend that program goals capture the big picture that the program is meant to achieve. In contrast, objectives outline program activities that, if achieved, will meet those goals. The goals should be well-articulated in writing and shared among all partners and the community and reviewed periodically.

Sequential Intercept Model

CIT International's leading practices guide includes using the sequential intercept model. However, Aurora Police does not currently use this model.

"The model illustrates opportunities at every state of the justice system for individuals with mental illness to be diverted away from the justice system. The system is most effective when there are strong crisis services at Intercept 0, allowing access to mental health services without any contact with the justice system. It is also easier and more effective, if justice system involvement does occur, to serve people and get them on the path to recovery if they can be diverted from the justice system early, such as at Intercept 1."

The graphic below is from CIT International leading practices and is an example of the Sequential Intercept Model.



Abreu, D., Parker, T. W., Noether, C. D., Steadman, H. J., & Case, B. (2017). Revising the paradigm for jail diversion for people with mental and substance use disorders: Intercept 0. *Behavioral Sciences & the Law*, 35(5-6), 380-395. <https://doi.org/10.1002/bsl.2300>
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CIT International recommends “holding a mapping workshop with stakeholders to identify the current practices of the crisis response system, identify gaps and opportunities, and look for funding opportunities if needed. Sequential Intercept Model is used to understand how people with mental illness interact with the criminal justice system. Stakeholders typically discuss each intercept in turn, trying to gain a clear understanding of their community’s services, strengths, and gaps. Then, they focus on priority issues. The workshop concludes with a strategic action planning process to help communities tackle their top priorities.”⁸

Using a collaborative approach to program governance ensures a comprehensive and effective program.

Recommendation

We recommend developing a Crisis Intervention Team Steering Committee that incorporates leading practices identified above.

Management Response

CRT agrees and the CRT Sgt is currently enrolled in the CIT train the trainer program and will create a CIT steering committee; working in concert with APD Community Relations and AuMHC to create a synergistic group.

Targeted Implementation Date: September 30, 2022

Issue Owner: Crisis Response Team Sgt. and CRT Program Manager

Issue Final Approver: Division Chief of Metro Operations

ISS.8 - Program feedback and awareness

The Crisis Response Team needs to be more proactive in seeking feedback from community members and families impacted by mental illness and promoting awareness for the program.

⁸ Ibid.

CIT International states that feedback can help reinforce the data you collect or put it into the appropriate context. They suggest collecting the following feedback:

- News stories about your program,
- Testimonials from individuals and family members,
- Concerns from individuals and family members,
- Letters of support from individuals and family members, and
- Officer feedback about the training.

CIT International also recommends raising awareness of the program, so individuals know their options during a crisis. The IACP recommends using technology to enhance awareness of mental health services, such as a social media feed.

Program awareness should also be internal within APD to ensure that officers are aware of the role of CIT officers and the Crisis Response Team and available resources for persons in crisis.

Recommendation

We recommend that APD work with APD Media Relations Office, APD Community Relations, City Communications, and Aurora Mental Health Center to identify additional methods for collecting feedback and raising awareness for the program.

Management Response

CRT agrees and will work with City of Aurora communications and APD Community Relations to spread awareness of CRT to community members. CRT is working with ARI (Aurora Research Institute) to develop a formal process to receive post contact feedback from individuals contacted by the CRT.

Targeted Implementation Date: December 31, 2022

Issue Owner: Crisis Response Team Sgt. and CRT Program Manager

Issue Final Approver: Division Chief of Metro Operations

Appendix

Persons in Crisis calls for service categories

The data below is for the period January 16 through 22, 2022 and includes calls for service with someone in crisis where CRT could have responded. The source of the information for this list, the Computer-Aided Dispatch system, was not audited. This is for informational purposes as an example of the various calls for service types involving someone in crisis. The pivot table below shows the case type from the Computer-Aided Dispatch (CAD) system in bold, final case types in italics, and the final case type of mental health crisis is underlined.

Case Type and Final Case Type	Count of final case type
ADMIN	
<i>FOLLOW-UP/REPORT WRITE</i>	1
AREA WATCH	
<i>CHECKED AREA/AREA WATCH</i>	1
<i>CONTACT MADE</i>	1
ATRISK - MISSING AT RISK PERSONS	
<i>RUNAWAY</i>	1
DEATH	
<i>ASSIST INTRA-AGENCY</i>	1
DOMINJ - DOMESTIC WITH INJURIES	
<i><u>MENTAL HEALTH CRISIS</u></i>	<u>1</u>
FAMILY DISPUTE	
<i><u>MENTAL HEALTH CRISIS</u></i>	<u>3</u>
FIRE ASSIST	
<i>ASSIST FIRE DEPARTMENT</i>	7
<i>CONTACT MADE</i>	1
<i>MISSING PERSON</i>	1
<i>SUICIDE ATTEMPT</i>	1
FOLLOW-UP	
<i>CONTACT MADE</i>	1
<i>FOLLOW-UP/REPORT WRITE</i>	2
<i><u>MENTAL HEALTH CRISIS</u></i>	<u>2</u>
MISSING PERSON	
<i><u>MENTAL HEALTH CRISIS</u></i>	<u>1</u>
<i>MISSING PERSON</i>	1
OSA - OUTSIDE AGENCY ASSIST	
<i>CONTACT MADE</i>	1
RETURN - RETURNED MISSING PERSON	
<i>RUNAWAY</i>	2
SUIA - SUICIDE ATTEMPT	
<i>ASSIST INTRA-AGENCY</i>	1

CONTACT MADE	1
<u>MENTAL HEALTH CRISIS</u>	<u>4</u>
SUICIDE ATTEMPT	1
SUIT - SUICIDE THREAT	
ADMINISTRATIVE/DETAIL	1
CHECKED WELFARE	3
CONTACT MADE	8
<u>MENTAL HEALTH CRISIS</u>	<u>8</u>
SUICIDE ATTEMPT	1
Blank	1
SUSPICIOUS	
<u>MENTAL HEALTH CRISIS</u>	<u>1</u>
TRESPASS	
Blank	1
UNK - UNKNOWN PROBLEM	
CHECKED AREA/AREA WATCH	1
CHECKED WELFARE	1
WEL - WELFARE CHECK	
ASSIST FIRE DEPARTMENT	1
ASSIST INTRA-AGENCY	2
CHECKED AREA/AREA WATCH	3
CHECKED WELFARE	9
CONTACT MADE	13
FAMILY OFFENSE	1
<u>MENTAL HEALTH CRISIS</u>	<u>9</u>
SUSPICIOUS ACTIVITY	3
Blank	3
WELINJ - WELFARE CHECK WITH INJURIES	
ASSIST FIRE DEPARTMENT	4
CHECKED WELFARE	2
CONTACT MADE	1
FAMILY OFFENSE	1
<u>MENTAL HEALTH CRISIS</u>	<u>1</u>
WFAM - FAMILY DISPUTE WITH A WEAPON	
CONTACT MADE	1
<u>MENTAL HEALTH CRISIS</u>	<u>1</u>
<u>Grand Total</u>	117

Example of response to crisis call

This flowchart shows how a call for someone in crisis may be routed to the Crisis Response Team (CRT), Aurora Mobile Response Team (AMRT), or CIT officers, or no special response.

