



**IntegrAssure**

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

# **Report of the Independent Consent Decree Monitor**

## **Reporting Period 7 February 16 - August 15, 2024**

**Issued: October 15, 2024**

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## I. INTRODUCTION

This is the 7th of 12 scheduled reports that the Independent Consent Decree Monitor (“the Monitor”) for the City of Aurora (“the City”) will produce. This report covers the seventh reporting period (“RP7”) from February 16 to August 15, 2024, which is the first period of Year 3 of the Monitorship. It details the progress made by the City, the Aurora Police Department (“APD”), Aurora Fire-Rescue (“AFR”), and the Aurora Civil Service Commission (“CSC”) in reforming these agencies pursuant to the mandates contained in the Consent Decree (“CD”).<sup>1</sup>

## II. EXECUTIVE SUMMARY

During RP7, the City and its constituent agencies continued to engage and cooperate fully with the Monitor. Together, they worked on, and in some cases made significant strides toward, achieving compliance with the mandated reforms and addressing the underlying goals of the CD of continuous improvement and implementation of best practices. Leadership of the City, APD and AFR, and members of each department continued to embrace the need for change and recognize that a culture of continuous improvement will benefit all.

### FOCUS ITEMS FOR RP7

For RP7, the Monitor identified the following 9 events and/or issues of note (“Focus Items”) that reflect seminal events, significant achievements, significant developments, or areas that must be prioritized to achieve substantial compliance with the CD:

1. Kilyn Lewis Fatal Officer Involved Shooting
2. Appointment of Chief Todd Chamberlain
3. Operational Integrity & RISKS Reviews
4. Fighting Crime with Data
5. Quality Assurance Unit
6. Data Systems
7. Customer Service Communications
8. Hiring Process Developments & Outcomes to June 2024
9. Bias Training Completion

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<sup>1</sup> These and other acronyms, abbreviations and terminology used in this report are explained in the last Appendix to this report (Appendix E).










## OPERATIONAL INTEGRITY ASSESSMENTS

RP7 is the first period for which the Monitor commenced its “operational integrity” assessments to determine whether the City, APD, AFR and CSC complied with the operational, or functional aspects of the CD’s mandates for this period. In other words, operational integrity is the result of effective and appropriate implementation of the reforms required by the CD. Starting in RP7:

- The Monitor’s Executive Summary presents the Monitor’s overall conclusions regarding operational integrity for each section of the CD. These conclusions reflect the best judgment of the Monitor, after considering relevant metrics and the Monitor’s findings regarding the nature, extent and severity of incidents that are indicative of a lack of operational integrity, as well as the timeliness and appropriateness of the remediation thereof.
- For each of the seven sections of the CD, the body of the Monitor’s report presents the criteria used in the Monitor’s operational integrity assessments, as well as the findings and overall conclusions related thereto. These assessments are contained in section IV of this report, within the Monitor’s “Assessment of Mandates this Reporting Period”.

Table 1 below shows the overall conclusions from the Monitor’s operational integrity assessments for each section of the CD.

**Table 1 - Monitor's Operational Integrity Conclusions**

CD Section	Summary Assessments of Operational Integrity
Policies & Training Generally	 Operational integrity fully achieved
Addressing Racial Bias in Policing	 Right track: 50-74% aligned with operational integrity criteria
Use of Force (“UOF”)	 Right track: 50-74% aligned with operational integrity criteria
Documentation of Stops	 Cautionary track: 50-74% aligned with operational integrity criteria
Use of Ketamine & Other Chemical Sedatives	 Operational integrity fully achieved
Recruiting, Hiring & Promotion	 Cautionary track: 50-74% aligned with operational integrity criteria
Accountability & Transparency	 Right track: 50-74% aligned with operational integrity criteria

See Focus Item 3 below, “Operational Integrity & RISKS Reviews”, for information about the Monitor’s approach and the meaning of each of the above conclusions. Section IV of this report contains the Monitor’s criteria and rationale for each of the Monitor’s conclusions above.

## SUMMARY OF THE MONITOR'S ASSESSMENTS OF ALL CONSENT DECREE MANDATES

The CD has a total of 78 mandates that are the basis for the Monitorship.

- In RP1 to RP6, the first 2 years of the CD, the Monitor found 26 mandates to be in substantial compliance that did not need to be actively assessed again unless changes are made to the underlying policies or processes required by those mandates.
- In RP7, the first period of year 3 of the CD, the Monitor found another 32 mandates in substantial compliance, and one mandate that was assessed again was in substantial compliance that will continue to be assessed in future reporting periods (leaving 25 mandates that were previously assessed and no longer need to be actively monitored).
- Together, 57 of the 78 mandates are now in substantial compliance. This represents 73% of the 78 mandates in the CD. In addition, in RP7, 20 mandates are partially compliant on the right track, and one mandate is on a cautionary track. By the end of RP6, for comparison purposes, 68% of the 78 mandates were in substantial compliance, and 9% of the mandates were on a cautionary/missed deadline track, which means progress is continuing.















Table 2 below presents the above summary of findings in numeric form, with a comparison to RP6. The results for RP7 demonstrate significant progress with the mandates of the CD, with more mandates in substantial compliance and less on a cautionary/missed deadline track compared to RP6.

**Table 2 - Numeric Summary of Findings Compared to Prior Reporting Period**

<i><b>Assessments in RP7 Compared to RP6:</b></i>	<i><b>RP7 # of Mandates</b></i>	<i><b>RP7 % of Mandates</b></i>	<i><b>RP6 % of Mandates</b></i>
Previously in Substantial Compliance - No Longer Needs to Be Actively Monitored	25	32%	33%
Current Period Findings of Substantial Compliance	32	41%	35%
Total in Substantial Compliance to Date	57	73%	68%
Partially Compliant – Right Track	20	26%	24%
Partially Compliant – Cautionary/Missed Deadline Track	1	1%	9%
TOTAL	78	100%	100%

The Monitor's compliance conclusions for the 25 mandates previously assessed<sup>2</sup> as well as the mandates assessed in RP7 are depicted in Table 3 below.<sup>3</sup>

**Table 3 - Summary of Findings by Area of the Consent Decree**

			CURRENT PERIOD ASSESSMENTS													
S E C T I O N		***	RIGHT TRACK					CAUTIONARY/MISSED DEADLINE TRACK				WRONG TRACK				T O T A L
	AREA OF THE CONSENT DECREE (APD unless otherwise indicated)															
		100%	100%	75-99%	50-74%	25-49%	0-24%	75-99%	50-74%	25-49%	0-24%	75-99%	50-74%	25-49%	0-24%	
1.	Policies & Training Generally (APD)	0	2	3												5
	Policies & Training Generally (AFR)	0	4	1												5
	Policies & Training Generally (CSC)	0	2													2
2.	Addressing Racial Bias in Policing	2	6		3											11
3.	Use of Force	5	4	6	2											17
4.	Documentation of Stops	5			1				1							7
5.	Use of Ketamine & Other Chemical Sedatives (AFR)	0	9													9
6.	Recruitment, Hiring & Promotion (APD)	4		1												5
	Recruitment, Hiring & Promotion (AFR)	4			1											5
	Recruitment, Hiring & Promotion (CSC)	5	5													10
7.	Accountability & Transparency	0			2											2
	TOTAL	25	32	11	9				1							78
***PREVIOUSLY IN SUBSTANTIAL COMPLIANCE; NO LONGER NEEDS TO BE ACTIVELY MONITORED																

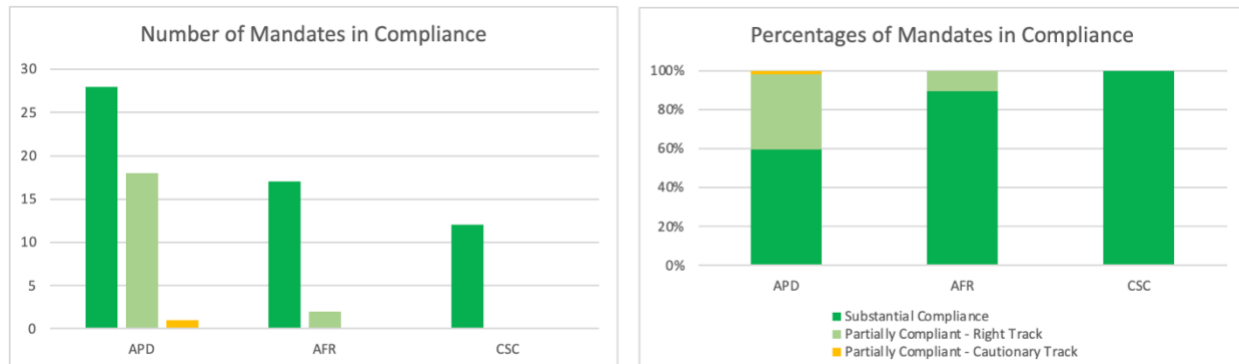
<sup>2</sup> Excluding the one mandate that was assessed again and will continue to be assessed in future reporting periods.

<sup>3</sup> This chart shows the number of mandates in full compliance on the left side of the chart, thereby presenting what has been achieved before presenting what is yet to be achieved. This is different than in prior reporting periods which showed the progression of findings within right track, cautionary track and wrong track from left to right. The Monitor believes the presentation included herein for RP7 is easier to read/understand.



The overall level of compliance to date by agency is depicted in Table 4 below.

**Graph 4 - Graphs of Overall Levels of Compliance by Agency**



The Monitor’s “*Assessment of Mandates for This Reporting Period*” section IV below describes the Monitor’s current assessments and the history of compliance for each mandate assessed in RP7. Section IV below also includes the Monitor’s assessments of Operational Integrity for each section of the CD as described in Focus Item 3 below, “Operational Integrity & RISKS Reviews”.

The history of the Monitor’s assessments for each mandate from RP1 to RP7 are visually represented in the Monitor’s Report Card Matrix, attached to this report as Appendix A. Starting in RP7, the Monitor’s Report Card Matrix also contains the Monitor’s assessments of Operational Integrity as described in Focus Item 3 and the Monitor’s Assessments of Operational Integrity for each section of the CD.

### III. FOCUS ITEMS

As described in each of the Monitor’s periodic public reports, the Monitor focuses on various events and issues of note during the period that affect or are relevant to the Monitorship of the CD. The following are the Monitor’s Focus Items for the current reporting period.

#### 1. KILYN LEWIS FATAL OFFICER INVOLVED SHOOTING

On May 23, 2024, Kilyn Lewis was fatally shot by an APD SWAT officer during the execution of a high-risk arrest warrant in the parking lot of an apartment complex on South Ironston Street in Aurora. The incident has sparked significant concern within the community, particularly because Mr. Lewis was unarmed at the time of the shooting. The Monitor’s responsibilities for an incident of this nature are to confirm whether APD’s UOF policies and training were adhered to, whether APD’s systems of accountability are operating properly, and to confirm that APD examines this incident with integrity and the goal of continuous improvement.

#### INVESTIGATIONS & ACCOUNTABILITY

Following a critical incident such as this, multiple investigations and reviews are initiated to ensure accountability, transparency, and adherence to best-practice law enforcement standards:

1. *Criminal Investigation*: Conducted by the Critical Incident Response Team (“CIRT”) under the jurisdiction of the 18th Judicial District, this investigation is a fact-finding process conducted by impartial experts whose function is to determine the facts of the case which are ultimately used by the District Attorney to decide whether any criminal charges should be brought against the officer involved. The investigation involves the collection of evidence, including witness statements, body-worn camera (“BWC”) footage, and forensic analysis, which is then presented to the District Attorney for a decision on criminal liability. The District Attorney then decides whether to seek an indictment and charge the involved officer. The Monitor understands that CIRT’s investigation was concluded before the end of the current reporting period. On October 11, 2024,<sup>4</sup> the District Attorney for the 18<sup>th</sup> Judicial District published a letter notifying APD, and through that published letter, the public, that he had determined that charges against the involved officer were not appropriate or warranted. The District Attorney found that the involved officer possessed an objectively reasonable, although mistaken, belief that Mr. Lewis had reached for a firearm from his back right pocket or his

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<sup>4</sup> Although the District Attorney’s letter was issued after the end of the current reporting period, the Monitor has included this information in light of its significance to this incident.

waistband, and was about to use that firearm against officers on the scene. That which was thought by the involved officer to be a firearm turned out to be a cell phone and snack food.<sup>5</sup>

2. *Administrative Investigation:* Conducted by APD's Internal Investigations Bureau, this investigation focuses on whether the officer violated APD policies and/or procedures. It includes a review of the officer's conduct for adherence to policies and procedures during the incident. While current APD policy calls for the investigation to be conducted simultaneously with the criminal investigation, with appropriate separation of the investigations for constitutional reasons, the results of the administrative investigation may often, but not always,<sup>6</sup> await the announcement of the charging decision of the District Attorney.
3. *Force Review Board ("FRB") Process:* The FRB, composed of select members of APD, and attended by the Monitor, evaluates the incident comprehensively, including the tactical decisions and overall handling of the operation. Among other aspects of assessment, it reviews de-escalation, pre-incident information gathering, tactics and professionalism to determine whether the UOF was within policy and, in the furtherance of continuous improvement, identify issues and potential modifications for the future.<sup>7</sup> This review is therefore significantly broader than the administrative review which is limited to determining whether the specific use or uses of force were within policy at the moment they occurred.

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#### THE ISSUES & EXPECTATIONS OF APD

This incident raises several critical questions, which the Monitor expects APD will thoroughly address through its administrative investigation and FRB process, in order to align with APD's commitment to transparency, continuous improvement and accountability:

1. *Aurora SWAT's Involvement in Executing a Denver Warrant:* It is essential to understand why Aurora's SWAT unit was executing a warrant originating from Denver. APD should answer questions about inter-jurisdictional coordination and the extent to which Aurora SWAT confirmed the facts related to the warrant before engagement. APD must assess whether

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<sup>5</sup> The full letter from the District Attorney can be found [here](#).

<sup>6</sup> The revised policy relative to conducting administrative investigations on a parallel track with an on-going criminal investigation does not require the release of the administrative investigation results prior to the release of the results of the criminal investigation. While at times it may be appropriate to release results of the administrative investigation as early as possible, it is certainly possible and, in many cases, advisable, that the department will want to consider the conclusion (including potential findings relative to facts, circumstances, and expert analysis) before making a final decision administratively.

<sup>7</sup> The ultimate determination of whether a particular UOF, or any other action of an officer is out of policy rests with the Chief of Police, as does the determination of appropriate remediation and discipline for such action. Both the Internal Affairs investigation and the review by the FRB, and findings thereof, are advisory for the Chief.

there was sufficient verification of the intelligence and risk factors associated with the warrant, and whether the involvement of its SWAT unit was necessary and appropriate.

2. *Lack of Less Lethal Options in SWAT Tactics:* It appears from the released video that less lethal options were not deployed in the interaction with Mr. Lewis. To the extent this is the case, APD must evaluate whether the exclusion of less lethal options was consistent with APD's policies and best practice and whether a different approach could have resulted in a better outcome.
3. *Tactical Approach Without Cover:* The tactics employed during the high-risk stop, including the decision to approach the subject without cover and without a less lethal option, warrant a thorough examination. APD must assess whether this approach was appropriate given the circumstances and whether the tactics employed aligned with best practices for high-risk stops, and how, if at all, these tactics may have contributed to the fatal outcome.
4. *Selection and Retention of the Shooting Officer:* The officer who discharged his weapon, is a 12-year APD veteran with eight years on the SWAT team who has been involved in prior shootings. This history raises potential questions about the selection criteria for officers assigned to SWAT operations and APD's retention policies for members of the SWAT team. It is essential to determine whether the officer's prior record was appropriately considered in initially assigning him to SWAT and then, in retaining him after previous shooting incidents.

The Monitor will closely follow the criminal investigation and will review APD's administrative investigation and FRB process, to assess their thoroughness, objectivity, and fairness in addressing the above and other issues that arise during the course of the investigation and FRB process. APD must conduct a complete and impartial investigation, considering all relevant evidence and ensuring that any conclusions reached are supported by the facts and applicable policies. Similarly, the FRB must identify what, if anything, could have been done differently in this case, to have avoided its tragic consequences.

## 2. APPOINTMENT OF CHIEF TODD CHAMBERLAIN

The decision regarding who serves as Chief of Police for the City of Aurora is a matter that rests solely with the City Manager. On August 21, 2024,<sup>8</sup> Todd Chamberlain was announced as the new permanent Chief of Police, succeeding Interim Chief Heather Morris. While Chief Morris

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<sup>8</sup> While technically beyond the end of the current reporting period, the Monitor has included this information in light of its significance to the CD process.

demonstrated unwavering cooperation with the Monitor during her tenure, she decided not to seek the permanent position.

Much to the chagrin of a portion of the community, community input into the hiring of Chief Chamberlain was limited to an interview process involving the community's elected representatives, the City Council, whose members each individually interviewed the candidates for the position. This limitation, according to the City Manager, was necessitated by his desire to hire the best possible candidate, and the reluctance of many potential candidates to participate in an open public process in which their identities would be revealed.

The Monitor has received assurances from the City Manager that the selection of Chief Chamberlain was made with a focus on his commitment to the CD and the reform process. The Monitor will, of course, be reporting in future reporting periods on the manifestations of that commitment.

Chief Chamberlain is the fifth person serving as Chief during the Monitorship, and the first permanent Chief since the termination of Chief Vanessa Wilson in RP1.<sup>9</sup> As reported then, it is not unusual in Monitorships for leadership within a department to change during the term of a Monitorship. Often, it is the Monitor who becomes the constant throughout the reform process. That being said, the instability of a series of non-permanent chiefs has unavoidable repercussions in terms of forward motion in the reform process as well as on the morale of senior leadership and the rank-and-file police officers.

Having a permanent Chief and the message it sends is extremely important for the CD process. The Monitor and his team are committed to working with Chief Chamberlain to ensure that APD's reform efforts continue without interruption, and that the mandates of the CD are fulfilled in a manner that enhances public safety and community trust.

### 3. OPERATIONAL INTEGRITY & RISKS REVIEWS

This report for RP7 covers the period from February 16 to August 15, 2024, which is the first reporting period in year three of the Monitorship. As described in the Monitor's previous report for RP6, the first two years of the Monitorship concentrated on the reformation of policies and training that were foundational to the reforms. In the third year of the Monitorship, the Monitor's approach expanded to include rigorous assessments of the implementation of the reformed policies and training initiatives. This phase, known as the Operational Integrity Phase,

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<sup>9</sup> Acting or Interim Chiefs between RP1 and RP6 were Chris Juul, Dan Oates, Art Acevedo and Heather Morris.

is aimed at confirming that the theoretical frameworks developed during the CD's initial stages are effectively translated into tangible improvements in day-to-day police operations.<sup>10</sup>

For RP7, the Monitor reviewed all metrics produced by APD for its RISKS meetings (as described below), as well as 100% of all Tier 1 Uses of Force ("UOFs"), 100% of all Tier 2 & 3 UOFs in connection with the Monitor's attendance at weekly FRB meetings, and 100% of all pursuits and complaints. The scope also included reviewing BWC videos, and documentation of stops and citations as relevant to obtain a fulsome understanding of the circumstances in the UOFs, pursuits and complaints reviewed. The scope of the Monitor's review will continue to evolve in RP8 to include the 360-degree review process and sampling described in the Monitor's appendices to its RP6 report, as well as other incidents identified based on APD's metrics and related reporting.

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#### RISKS REVIEWS: REMEDIATION OF IDNENTIFIED SITUATIONS KEY TO SUCCESS

In RP7, the Monitor, in collaboration with APD, commenced a series of semi-monthly RISKS Review meetings to provide a forum to review the Monitor's findings from its operational integrity assessments, and to review metrics relating to operational trends. These meetings have been extremely productive, with high levels of engagement by APD's command staff working collaboratively with the Monitor to identify and address issues with individual incidents as well as wider trends in APD's policing, and to identify best practices to be commended and leveraged as exemplars for further improvement throughout APD.

Each semi-monthly RISKS meeting was dedicated to one of the three APD Districts or Special Operations Bureau ("SOB") on a rotating basis, so that each District/SOB was reviewed every 2 months. This rotation enabled focused attention on any trends or specific incidents that might require remediation or that may be worthy of commendation within each District/SOB. The period reviewed in each meeting generally covered the preceding two months of operations.<sup>11</sup>

The topics covered in each operational review evolved throughout RP7,<sup>12</sup> with the reviews in August 2024 covering the topics listed in Appendix B to this report.

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<sup>10</sup> An exception to this timing is the Monitor's testing of operational integrity relative to AFR's Mandates 40 to 48 regarding the use of ketamine and other chemical sedatives. Such testing has been on-going since the start of the Monitorship.

<sup>11</sup> The scope for the first three reviews was less than two months.

<sup>12</sup> During the first operational reviews for each district/SOB, the Monitor explained and discussed the purpose of the RISKS meetings and how such meetings were expected to progress over time. Initial meetings included PowerPoint presentations containing data summaries; subsequent meetings included dashboards and other visual presentations summarizing the data, as well as much of the underlying data.



Prior to each meeting, the Monitor reviewed APD's metrics/reporting regarding the topics listed in Appendix B, including a complete review of all Tier 1 uses of force and all pursuits pursuant to the Monitor's 360-degree review methodology.<sup>13</sup> The Monitor provided a copy of its reports pertaining to its review of these items and identified which incidents would be discussed during each RISKS meeting. The Monitor also examined the other data provided, including underlying incidents, in order to identify any other issues that may need to be addressed. In addition, prior identified issues are being followed to confirm whether remediations are being implemented.

The Monitor expects that APD's RISKS meetings will continue to evolve with additional metrics being developed to better explore trends and measure the effects of the RISKS process on APD. The Monitor will collaborate with APD on the development of additional metrics/topics to be considered for future RISKS meetings. Further developments in APD's RISKS meetings in RP8 are also expected to include the implementation of the Community Assisted Monitoring of Police ("CAMP") Initiative to foster collaboration between APD, the Monitor and the community by assisting in the review of operational integrity and observing the good work that Aurora officers are doing every day on the streets of the City. It is anticipated that members of the CAC will serve in this role. In RP8, CAMP representatives will participate in ride-alongs and attend an orientation briefing by APD and the Monitor so they can effectively collaborate in future RISKS meetings.

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#### TRENDS, PATTERNS, AREAS OF CONCERN & EXCELLENCE

During the RP7 RISKS reviews, the Monitor noted the following significant trends, patterns, and areas of concern or excellence:

*Significant Trends/Patterns and Areas of Concern:*

- With the advent of APD's RISKS meetings, compliance issues with respect to Contact Data Collection ("CDC") form completion came to light, including intentional mislabeling of race in one instance and the apparent failure to complete forms where required in a significant number of cases.
- The Monitor identified two incidents involving constitutional policing issues in its review of Tier 1 UOFs that were not previously questioned by the Sergeant overseeing the officers involved. The first incident, at a Hispanic community event, had various issues including potential bias and unconstitutionality that are now the subject of an Internal Affairs investigation. The second incident, with the same team of officers as the first, involved the

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<sup>13</sup> Only Tier 1 uses of force are covered in the RISKS meeting. Tier 2 and Tier 3 uses of force are discussed at the FRB which the Monitor attends on a weekly basis.

detention of approximately 10 Hispanic individuals for trespassing at a retail establishment parking lot with less than reasonable suspicion that they were breaking the law.

- There were several incidents involving conflicts and gaps between APD and jail policies regarding how to handle subjects with injuries. While not specifically relevant to the CD, these conflicts/gaps create risk management issues for APD.
- Data concerns that have previously been discussed in prior reports continue to plague APD. Despite the workarounds described below, gathering and appropriately utilizing data for APD's RISKS meetings remain an area of concern.

*Areas of Excellence:*

- There were numerous commendable incidents involving the handling of persons with mental health issues, where the officers involved demonstrated "outside the box" thinking and exemplary conduct.
- Since the RISKS meetings began, APD's sergeants are getting better at identifying and addressing issues relating to UOFs.
- APD identified the resource management benefits of using unarmed Community Service Representatives ("CSRs") to respond to traffic collisions, thereby enabling APD's sworn police officers to focus on other types of crime. APD discussed the potential for expanding this program, and noted that its CSR program provides a recruitment pipeline.
- Notwithstanding the significant and troubling data concerns that have plagued APD throughout the Monitorship, APD's leadership demonstrated their professionalism, creativity and problem solving to develop workarounds to create analyses and reporting for APD's RISKS meetings on most of the data required for such meetings.

The Monitor's report for RP8 will address APD's efforts to remediate or take action to address the areas of concern identified above on an individual and systemic level, and to leverage areas of excellence that are worthy of commendation that can be used as exemplars for further improvement.

#### 4. FIGHTING CRIME WITH DATA

The Monitor has always asserted that the CD could not be considered a success if, in fact, it impedes crime fighting and public safety. For this Monitorship to be successful, the City needs to reduce crime in Aurora, while at the same time addressing the reforms mandated by the CD. It

has long been established that constitutional policing and crime fighting can not only co-exist, but can serve to enhance one another by significantly improving the public's trust in policing.

In an effort to both measure the effectiveness of, and improve APD's crime fighting efforts throughout the City, APD established a weekly AuroraStats crime stats meeting in RP7 and reorganized<sup>14</sup> its Crime & Data Analytics Unit to provide data analysts to each district within the City, with additional analysts dedicated to Youth Violence Prevention, Special Operations and Traffic. This enabled APD to utilize a data-driven approach to fight crime in the City of Aurora by providing improved visibility into the crime fighting information required by APD's district command. APD also maintained a centralized team of data analysts for resource coordination, standardization of crime analyses and quality control.

In these AuroraStats meetings, members of APD's command staff discuss crime patterns, trends, significant events, initiatives and resource allocation. This meeting includes a weekly presentation from each District and the Special Operations Bureau focused on a data driven response to criminal activity. The focus of these meetings is to combine efforts and awareness of cross-district criminal patterns and concerns. This awareness creates an opportunity for APD to adjust personnel and resource allocation, develop strategies to engage with community and other city partners, and clearly communicate initiatives, goals and expectations.

## 5. QUALITY ASSURANCE UNIT

In RP7, APD established the framework for a Quality Assurance Unit ("QA Unit") that will be part of a newly defined Office of Constitution Policing, which is set to be rolled out during RP8 to ensure that the improvements made to APD's policies, processes, and procedures are sustained long after the CD concludes.

The QA Unit will be responsible for overseeing, analyzing and assessing whether APD policies, procedures and training have been effectively operationalized within APD. This Unit will lead internal accountability efforts and ensure quality in APD's transparency to the community regarding APD's performance.

APD's QA Unit will function as part of the Office of Constitutional Policing and will include a combination of sworn and civilian managers who will be responsible for translating policy into measurable metrics and managing the execution of internal accountability audits by a team of

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<sup>14</sup> Prior to 2023, crime analysts supported each district, then were centralized in 2023 in order to improve coordination. The change in RP7 reverses the 2023 decision and gives crime analysts direct access to what is happening in their districts.

sworn and civilian members as Analysts, who will audit key areas where APD's performance is critical to both ongoing compliance with the CD and the foundation of a highly effective, self-assessing, and self-correcting agency. These audits, which have yet to be defined, will be regularly scheduled and will leverage randomized case and incident information to ensure compliance with policies and procedures. The results of these audits will be made public through APD's Transparency Portal.

The QA Unit will also be supported by a civilian Data Scientist who will assist in the aggregation of data compared to established benchmarks and performance standards, including as needed for APD's RISKS meetings. The Data Scientist will also ensure that the measurements being conducted are statistically sound, that Key Performance Indicators ("KPIs") reflect measurable improvements, and that standardized statistical models are created to assess new policies as needed.

Staffing for APD's QA Unit is currently in progress, with applications being reviewed for the Quality Assurance Manager, Data Scientist, and the QA Unit's first Analyst. A Sergeant has been identified who has transitioned into the QA Unit and their current supervisory responsibilities have been reassigned. Initial tasks for the QA Unit will include developing the QA Unit's Standard Operating Procedures, identifying initial audits, creating scorecards, and establishing an audit schedule. These efforts are expected to be completed by November 2024. In 2025, additional Quality Assurance Analysts (civilian and sworn) will be added to the QA Unit, and more audits will be developed and executed as the QA Unit's resources expand.

## 6. DATA SYSTEMS

Since the Monitor's first report, the Monitor has expressed repeated concerns regarding APD's antiquated data collection and reporting systems and the lack of progress in implementing updated data systems to aid APD in becoming a data-driven agency. There are 10 CD mandates that are specifically dependent on data systems or automated tools to address the requirements of the CD.<sup>15</sup> The relevant data systems used by APD/AFR to address such requirements are shown in Table 5 on the next page.

APD's data systems, if functioning in the manner envisaged by the CD, would enable APD to automate its processes to effectively, efficiently and consistently monitor, analyze, assess and manage officer performance and behavior relating to contacts, summonses, arrests, UOFs, hiring

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<sup>15</sup> Mandates 6, 7, 16, 19, 27, 32, 33, 39, 67 and 68 all have systems-related requirements relating to measuring racial bias in policing, and public transparency of metrics related thereto; UOF metrics and accountability measures, monitoring of the documentation of stops; and the identification and tracking of trends or patterns in officer behavior in order to improve accountability and transparency.

and discipline. APD has not yet been able to develop its systems to automatically review and analyze its data in order to address the needs of the CD, with automated reporting on outliers and non-compliance issues.

In RP7, APD developed workaround processes to provide information regarding police performance and behavior as required for APD’s RISKS meetings.<sup>16</sup> While the Monitor applauds such efforts, APD’s workaround processes are dependent on manual interventions, which are subject to human error and are not sustainable in the longer term.

**Table 5 - Data Systems Relevant to the Consent Decree**

<i>Relevant to Officer Performance &amp; Behavior:</i>
<ul style="list-style-type: none"> <li>• <i>AIM:</i> APD’s Administrative Investigation Management System. This is APD’s legacy UOF and disciplinary and performance evaluation system, with remediation tracking capability. It contains data relating to complaints, public web reports, commendations, performance appraisal entries, course of action forms and early intervention data.</li> <li>• <i>Benchmark:</i> APD’s new system that was intended to replace APD’s AIM System. This system contains data relating to police operations, including contacts and UOF, in the following key modules: UOF Investigation, UOF Adjudication, CDC, and Duty to Intervene. It also contains Officer Information (based on a feed from Workday), and APD’s First Sign Early Warning System (“EWS”).</li> <li>• <i>PEIS:</i> APD’s Police Early Intervention System. This is APD’s legacy system that triggers alerts regarding officers at risk based on workplace and personal stressors.</li> <li>• <i>PowerBI:</i> APD’s interactive data visualization software. PowerBI was implemented in RP7 to present metrics for APD’s RISKS meetings as described in Focus Item 3 above.</li> </ul>
<i>Relevant to Community Communications &amp; Transparency:</i>
<ul style="list-style-type: none"> <li>• <i>SPIDR Tech:</i> APD’s automated customer service system. This is a multi-lingual system used to enhance and streamline communications between APD and the community by providing direct text messages, emails and mobile-friendly surveys to community members regarding their calls for service.</li> <li>• <i>Transparency Portal:</i> APD’s public-facing online dashboard reporting website. This portal was implemented in beta form on February 14, 2024, with metrics relating to APD demographics and diversity, crime statistics and mapping, response outcomes including arrests, contacts, offense reports and uses of force, and CD progress.</li> </ul>
<i>Relevant to Recruiting &amp; Hiring:</i>
<ul style="list-style-type: none"> <li>• <i>Workday:</i> HR’s cloud-based Human Capital Management and Applicant Tracking System</li> </ul>

<sup>16</sup> See the Monitor’s RP6 report section entitled “Data Systems” for information about the type of systems limitations identified to the date of that report. Also see Focus Item 6 entitled “Data Systems” in this RP7 report.

In an effort to address APD’s data systems limitations relating to officer performance and behavior, APD undertook a significant initiative to replace its legacy AIM system. The City issued a Request for Proposal (“RFP”) on July 15, 2024, with an initial due date for proposal submissions of August 30, 2024<sup>17</sup> for a new integrated investigatory and personnel management system to record all matters related to officer wellness, contacts, UOF, and internal affairs and provide an accurate and efficient system to enable tracking, analyses and reported thereon. The technical requirements for this new system are described in the RFP, and in a Technical Requirements spreadsheet which lists 217 requirements in the following 5 categories: Overall Product System Requirements (including reporting and document management capabilities), Contact Data Collection, UOF (investigation and adjudication), Internal Affairs (complaints and case management and other forms (evaluations, coaching, awards/commendations, personnel action forms, vehicle pursuit reviews and reviews of motor vehicle accidents involving police unit).

As regards APD’s systems relevant to community communications and transparency, in RP7, the Monitor identified some scope issues regarding APD’s use of its SPIDR Tech system as described in Focus Item 7 below, and provided a “wish list” of items for APD to consider for the next phase(s) of its Transparency Portal. As regards APD’s systems relevant to recruiting and hiring, in RP7, APD and AFR were unable to receive reliable, complete and timely reporting on data and outcomes from their 2024 hiring processes, as described in Focus Item 8 below.

In sum, while APD has developed manual workarounds to address certain of its systems issues, more work is required to develop automated reporting capabilities which the Monitor expects will be addressed in connection with APD’s RFP described above. The Monitor will continue to work with the City to assist in this effort.

## 7. CUSTOMER SERVICE COMMUNICATIONS

### SPIDR TECH

In late February 2024, APD implemented a multilingual system developed by SPIDR Tech to enhance and streamline communications between APD and the community to enable victims and 911 callers on certain types of cases to be informed of the status of their case, from the initial response to the status of any delays, arrests, court proceedings and dispositions. In addition to communicating with victims and 911 callers about the status of their case and delayed arrivals,

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<sup>17</sup> This due date was extended to September 6, 2024, after the City re-issued its needs requirements after the Monitor pointed out that the list of needs in the RFP did not match APD’s final list of needs.



this system also sends one or more optional post-service satisfaction surveys to such victims and callers, and creates dashboard summaries as a tool to gauge community satisfaction.

The type of incidents for which status messages and satisfaction surveys are and are NOT sent are based on settings as recommended by SPIDR Tech, with the result that NO status messages or satisfaction surveys are sent for a long list of call types.<sup>18</sup> These settings were accepted during APD's implementation of the SPIDR Tech system, and were not fully assessed by APD at that time as to the suitability of such settings for the City of Aurora and the services provided by APD. APD has committed to further assessing such settings before SPIDR Tech metrics are reported beyond APD's internal RISKS meetings.

While it is extremely useful that APD has the technology to efficiently communicate with callers, provide updates regarding their services, and measure post-service satisfaction, APD cannot draw conclusions regarding post-service satisfaction because of the scope limitations associated with SPIDR Tech's settings. As a result, the Monitor recommends APD assess and update its message/survey settings as relevant to the City of Aurora in collaboration with community representatives in order to improve the usefulness of this system and the quality of its reporting. The Monitor will assess any further developments with respect to APD's use of the SPIDR Tech system in RP8.

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## ZENCITY

In an effort to enhance APD's understanding of community sentiment regarding public safety across the City and in specific communities or geographic areas within the City, APD is embarking on a contract with [Zencity](#), which specializes in tools designed to assess community sentiment across a wide range of topics, including confidence in local law enforcement efforts through measurement of trust and perception of safety. While not tied directly to any CD requirement, by collecting data regarding community trust, pain points and opportunities for improvement at both a wide level and for specific areas of the City, strategic priorities can be better informed and reactive to the needs of the community. The Monitor will report on insights gathered through this process, and it is anticipated that data derived from Zencity will be included in the Transparency Portal.

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<sup>18</sup> As examples, status communications and followup surveys are not sent for calls from 911 frequent callers, calls to the 988 National Crisis Line, calls involving someone with a mental health crisis, nor for calls involving a burglary, a shoplifter, a missing child, a robbery/carjacking, runaway, sexual assault against an adult or child, sex offense against a child, sexual assault in progress, or trespassing.

## 8. HIRING PROCESS DEVELOPMENTS & OUTCOMES TO JUNE 2024

In November 2022, the Monitor published a report on the hiring process of APD and AFR that included a number of recommendations that were implemented with the transition of APD's and AFR's hiring processes from the CSC to HR starting with a hiring process that was already underway for APD's June 2023 academy. Since then, the City Manager asked the Monitor to evaluate the impact of the developments in APD's recruiting and hiring efforts by comparing APD's hiring processes and outcomes for its June and September 2023 academies. The scope of the Monitor's review was subsequently extended to include the hiring processes and outcomes for APD's January and June 2024 academies as well as AFR's two 2024 academies.

At the time of publishing the Monitor's RP7 report, the Monitor was working on a "2024 Hiring Comparison Report", that will be issued separately from the Monitor's RP7 report, which focuses primarily on the outcomes of the hiring processes for APD's and AFR's 2024 academies, and includes a comparison of the outcomes of the hiring processes used for APD's 2023 academies; it also includes an assessment of certain aspects of such hiring processes; and provides a series of findings and recommendations related thereto.

In summary, starting in the spring of 2023, HR established and hired personnel for a new Public Safety Division; fostered partnerships across several agencies, including the CSC, APD, AFR, Aurora911 and Detentions; assumed responsibility for most of the CSC's hiring processes while developing/implementing new hiring processes; and implemented a new Applicant Tracking System ("ATS") in Workday for APD's January 2024 academy, thereby replacing NeoGov, the ATS used by the CSC. During this time of transition, HR was initially under-resourced, and had tight timelines. As regards the specific outcomes of APD's and AFR's hiring processes relative to the mandates of the CD, the Monitor's analyses of new recruits' demographics compared to the demographics of APD's and AFR's sworn workforce as of the prior year-end demonstrate:

- There is more diversity (by race and gender) in APD's recruits than in APD's sworn workforce as of the end of 2023. As a result, there is more racial diversity in APD's sworn workforce as of the end of RP7; however, the ratio of female recruits did not keep pace with departures, so there is less gender diversity in APD's sworn workforce at the end of RP7 compared to the end of 2023.
- There is more gender diversity but less racial diversity in AFR's recruits for 2024. As a result, there is more gender diversity but less racial diversity in AFR's sworn workforce as of August 31, 2024 compared to the end of 2023.

The Monitor notes that HR was unable to provide timely and reliable data/outcomes reporting to APD and AFR during and after each stage of the hiring process due, at least in part, to system

limitations and other challenges that arose with HR's implementation of Workday's ATS. As a result, APD and AFR were hindered in their ability to use a data-driven approach to inform and enhance their recruiting strategies meant to obtain and retain the most diverse pool of applicants possible. The Monitor further notes that although the CD requires APD and AFR to improve the diversity and quality of their respective workforces, the hiring processes and decisions made at each stage of the hiring process for each applicant must continue to be fair, equitable and unbiased in order to provide equal opportunities for all interested applicants.

The Monitor will collaborate with HR, APD, AFR and the CSC regarding its recommendations contained in the Monitor's 2024 Hiring Comparison Report.

## 9. BIAS TRAINING COMPLETION

During RP7, APD's in-service Bias Training was completed for all active sworn members of APD from March 19 to July 21, 2024. Although this training program was delivered after the Bias Training Completion deadline in the CD of February 14, 2024, the decision to develop and deliver a bespoke course on managing bias has proven to be significantly more productive and meaningful than the one out-of-the-box solution APD reviewed initially. This tailored approach, which incorporated feedback from a group of community members and other stakeholders, allowed the training to address specific issues and dynamics relevant to Aurora, thereby enhancing both the impact and effectiveness of APD's Bias Training.

In April, the Monitor and a member of the monitoring team observed this newly developed Bias Training program as it was being delivered and confirmed that the training not only met the requirements of the CD but also offered best-in-class instruction to APD personnel on how to manage bias. The training session was exceptionally well-executed, with officers fully engaged throughout the session. The dialogue between instructors and officers was robust and constructive, demonstrating a deep commitment to addressing bias within the department. Officers participated actively in discussions, reflecting on their own biases and learning strategies to mitigate them. The instructors facilitated an open and honest dialogue, encouraging officers to share their experiences and perspectives. This level of engagement indicates a high level of receptivity among the officers, which is critical for the training's success and for fostering a culture of continuous improvement within the department. The Monitor notes, however, that no feedback mechanisms were used to assess the effectiveness of this training from the participants' perspective. In the spirit of continuous improvement, the Monitor recommends that APD develop and implement feedback mechanisms for future officer training, particularly for new types of training.

A particularly noteworthy aspect of the training was the use of video footage from an incident that occurred in Aurora. This real-life example was a powerful learning tool. The incident began

with a tense situation but was skillfully de-escalated by the officers involved. This led to a meaningful and friendly conversation between the officers and the individuals involved in the encounter, ending on a note of mutual understanding. The use of such real-life incidents in training helps to bridge the gap between theoretical knowledge and practical application, making the lessons learned more tangible and memorable for the officers.

The completion of APD's bespoke Bias Training program marks a significant milestone in the City's efforts to address bias within APD. The engagement observed during the training sessions and the thoughtful incorporation of real-life incidents underscore APD's commitment to meaningful reform. The training not only addressed the nuances of bias in community policing but also resonated deeply with both the officers and the community members they serve. This collaborative approach, involving feedback from community representatives and law enforcement officers, has been fundamental in building empathy, understanding, and mutual respect between APD and the community.

During the current reporting period, APD also adapted its Managing Bias training for its new recruits and delivered such training at its academy on August 6<sup>th</sup> using one of the same instructors who delivered the training to APD's active sworn officers.

Moving forward, continuous assessment and refinement of APD's Bias Training will be essential to ensure its ongoing effectiveness and relevance. To that end, in the current reporting period, APD also developed and commenced delivery of a second phase of its Managing Bias Training program, developed by APD's DE&I team, which focuses on Organizational Culture. This 2-hour course includes content on APD's values of duty, honor, integrity and accountability; and includes scenario-based training illustrating how to shift officers' problem-solving skills so they are more "we-centered" rather than "me-centered". APD sought the Monitor's feedback on such training. The Monitor recommended that this training further emphasize that humanity and empathy are essential to combat bias, and that APD integrate the following C.H.I.E.F. Directives into this training in order to further sustain APD's efforts to reform its organizational culture: Courage, Humanity, Integrity, and Empathy For all. The Monitor will report on the delivery of this training in its RP8 report.

## IV. MONITOR'S ASSESSMENTS THIS REPORTING PERIOD

In each reporting period, the Monitor assesses various foundational framework mandates of the CD based on activities in that reporting period. In limited circumstances, developments immediately after the end of a reporting period may also be considered by the Monitor when such circumstances are able to be reported and are of such importance that should be reported to the public as soon as possible.

During RP7 ended August 15, 2024, the Monitor assessed 53 of the 78 mandates contained in the CD<sup>19</sup>. In addition, starting with this reporting period as described in Focus Item 3, the Monitor performed operational integrity assessments for each of the seven sections of the CD. A summary of the current and historical status of the Monitor's assessments for each of the CD's 78 mandates is included in Appendix A, the Monitor's Report Card Matrix, along with the Monitor's assessments of operational integrity.

### FOUNDATIONAL FRAMEWORK MANDATE ASSESSMENTS

The Monitor assessed that 25 of the 78 mandates of the CD were previously in substantial compliance and no longer need to be monitored. These mandates, once found in substantial compliance, do not need to be assessed again unless further developments arise relating to such mandates. Of the 53 remaining mandates, all were assessed in RP7, with 33 found in substantial compliance, and the remaining 20 mandates were at various stages of compliance.

Throughout this report, the current status of each mandate is depicted in two ways visually: an icon shows the degree of completion as assessed by the Monitor, and, through the coloring of the icon, whether the City or its constituent agency is on the right track for completion (green), a cautionary/missed deadline track (yellow), or the wrong track (red).<sup>20</sup> The Monitor's report also includes a narrative explanation of the reasoning for each of the Monitor's assessments.

It is important to note that a mandate may be on one track (right, cautionary/missed deadline, or wrong) in one reporting period and fall into a different track in the next reporting period based on any number of factors. Further, a mandate may be in substantial compliance in one reporting period, but the Monitor's operational integrity assessments may identify issues that cause a mandate to no longer be in substantial compliance in a subsequent reporting period. Also, when


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<sup>19</sup> Including one mandate that was previously in substantial compliance that was assessed again and will continue to be assessed in future reporting periods.

<sup>20</sup> Since the commencement of the Monitorship, as shown in Appendix A, none of the mandates were on the wrong (red) track.

a mandate deadline is missed and compliance with that mandate has not yet been achieved, the maximum achievable status will be yellow if the Monitor believes the mandate will be achieved in a reasonable period of time and the City continues to demonstrate its commitment to accomplish the tasks of the mandate. A “wrong track” (red) status indicates that a delay in completing the mandate is deemed unreasonable and/or the City is not demonstrating the necessary level of effort to achieve the mandate. In either case, a “right track” (green) status will replace the “cautionary/missed deadline track” or “wrong track” status once the requirements of the mandate are met. The legend for the Monitor’s findings is shown in Table 6 below.

**Table 6 - Legend for the Monitor's Findings**

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

\* For operational integrity, instead of measuring completeness, the measurement relates to alignment with operational excellence criteria

The remainder of this report contains a description of each of the 53 mandates assessed in RP7, organized by the seven sections of the CD as follows:

1. Policies and Training Generally: assessed all 12 of the 12 mandates
2. Addressing Racial Bias in Policing: assessed 9 of the 11 mandates
3. UOF: assessed 12 of the 17 mandates
4. Documentation of Stops: assessed 2 of the 7 mandates
5. Use of Ketamine & Other Chemical Sedatives: assessed all 9 of the 9 mandates
6. Recruitment, Hiring & Promotion: assessed 7 of the 20 mandates
7. Accountability & Transparency: assessed 2 of the 2 mandates

For each mandate assessed, the remaining sections of this report include a brief description of the requirements as described in the Methodologies to Aid in the Determination of Compliance (“MADCs”), along with the Monitor’s assessment for the previous and current reporting periods.



## OPERATIONAL INTEGRITY ASSESSMENTS

In RP7, Monitor assessed all 7 sections of the CD for operational integrity. This involved assessing APD's metrics and performing qualitative assessments of a variety of individual incidents, the objective of which was to identify both areas of strength and opportunities for improvement in those individual incidents, and determine whether there were broader implications relative to any identified shortcomings. When shortcomings were identified, the Monitor worked with APD's command staff to identify agreed-upon remediation(s) for such shortcomings, at the officer, supervisor or systemic level, and through this process facilitate a culture of excellence with an underlying philosophy of continuous improvement.

Starting with this report for RP7, the Monitor's report summarizes the results of the Monitor's operational integrity assessments, using the following methodology, which is an evolution of the concepts presented in the Monitor's RP6 report:

- The Monitor's ultimate determination of operational integrity involves a qualitative assessment of the severity of any issues identified, the number of similar issues that have occurred and the time taken to address each issue once identified. A lack of operational integrity could be caused by a single incident or multiple incidents. Isolated incidents in which an individual officer made a mistake and contravened APD's policies and procedures will generally not affect the Monitor's finding with respect to operational integrity if the reviewing supervisor identified the relevant issues and such issues were addressed appropriately, through mentoring, coaching, training or discipline, in a timely manner. To the extent that a supervisor fails to identify a certain issue, similar appropriate remediation will be required.<sup>21</sup>
- The Monitor's grading of "operational integrity fully achieved" means that people, processes and technology are aligned and operating effectively vis-à-vis operational integrity criteria for that section of the CD. All mandated policies, procedures, processes and/or systems have been operationalized, with all staff, from new recruits to executive level command staff, performing their functions in alignment with such policies, procedures, processes and technology. If any of these three areas (people, process or technology) are not functioning effectively, the Monitor's conclusion regarding operational integrity for that section of the

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<sup>21</sup> For example, while an inappropriate handcuffing of an individual may occur, the incident would not put the City on a cautionary or wrong track for a lack of operational integrity if the relevant supervisor identified the issues, and/or the relevant issues were appropriately remediated in a timely manner. To the extent that first line supervisors fail to identify an issue, similar remediation for that supervisor will be necessary through a higher level review. In addition, it will usually require some evidence of a pattern of issues, or a serious underlying issue, to put the City on a cautionary or wrong track for a lack of operational integrity.

CD will be affected, and will reflect that operational integrity is on the right track, or a cautionary or wrong track, depending on the nature, severity and extent of the issues identified and the extent to which they have been remediated.

- If operational integrity of a section is found to be on a “cautionary track”, the Monitor has significant concerns regarding the Department’s ability to correct the issue(s) in the near term. Similarly, a finding of “wrong track” means the Monitor has grave concerns relative to the Department’s ability to correct the issue(s) in the near term.
- Decisions relative to the track of operational integrity for any given section of the CD, will, by necessity, have some degree of subjectivity applied by the Monitor. The ultimate determination of the track of any given section is not formulaic, but rather reflects the best judgment of the Monitor.
- Any failures to recognize an issue, and/or any failures to properly address an issue in a timely manner, will add to the potential of the Monitor concluding that operational integrity is on a cautionary or wrong track. Once an identified issue has been appropriately addressed, the track of operational integrity for that section may be upgraded in future reporting periods from wrong track to cautionary track, or from cautionary track to right track.
- The degree to which the Department is aligned with operational integrity criteria for that section of the CD is an approximation that reflects the Monitor’s best judgment of the level of operational integrity achieved. A grade of 50-74% alignment with operational integrity criteria therefore requires further improvement than a grade of 75-99%.

For each of the 7 sections of the CD, using the above operational integrity methodology, the Monitor includes the operational integrity criteria relevant for that section of the CD, along with the Monitor’s assessment thereof.

## POLICIES & TRAINING GENERALLY (MANDATES 1-5)

### INTRODUCTION

Police policies are rules and standards by which agencies operate; policies are 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. They also serve as a promise to the community that officers will respond safely and responsibly. Effective policies and procedures help define an agency's culture and provide a roadmap for all officers to follow. Effective training reinforces the policies and procedures to provide officers with support in understanding federal, state, and local standards and agency requirements. Appropriate training also facilitates the operation of police agencies in accordance with strategic policies that guide the conduct of their officers. Coupled with sound policies, training also helps individual officers perform their roles competently and confidently.

The CD mandates that APD and AFR work continuously to ensure that their policies are consistent, that complementary training is conducted to ensure the effective coordination of joint responses by both agencies, and that agency personnel are held accountable for policy violations.

### OPERATIONAL INTEGRITY ASSESSMENTS RE: POLICIES & TRAINING GENERALLY

**Current Status:**  - Operational integrity fully achieved.

In RP7, the Monitor assessed operational integrity with respect to APD's and AFR's implementation of the "Policies & Training Generally" requirements of the CD. This is the first period for such an assessment. More specifically, the Monitor assessed whether the following operational integrity criteria relating to "Policies & Training Generally" are being adhered to:

1. Were CD-related policies distributed to all members of the respective departments?
2. Is attendance at CD-related training being tracked in order to allow for a determination as to whether all members of APD/AFR have attended required training? And did all APD/AFR members attend such training?
3. Are there any policies mandated by the CD that require modification as a result of identified issues arising from the Monitor's operational integrity assessments and/or APD/AFR operational developments? If so, have such policies been revised and distributed to all relevant personnel, and training developed as needed?
4. Have there been any new CD-related policies or training that were not approved by the Monitor prior to dissemination?

The Monitor finds that there were no issues with respect to operational integrity relating to the criteria above. Accordingly, the Monitor finds operational integrity in this area to be fully aligned with operational integrity criteria relating to the “Policies & Training Generally” section of the CD.<sup>22</sup> The Monitor will continue to monitor the operational integrity of this section for future reporting periods.

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#### PREVIOUS FINDINGS OF SUBSTANTIAL COMPLIANCE

In prior reporting periods, six of the twelve mandates relating to this section of the CD “Policies and Training Generally” were in substantial compliance: Mandates 2A, 2B, 2C, 3C, 4B, and 5B. The Monitor continues to monitor compliance with these mandates during the current reporting period.

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

During the current reporting period, the Monitor assessed the status of all twelve of the twelve mandates in this section of the CD: five related to APD, five to AFR and two to CSC. Of the five mandates related to APD, the Monitor found that two were in substantial compliance and three were on the right track. Four of the five mandates evaluated for AFR were in substantial compliance and the remaining AFR mandate was on the right track. The two mandates assessed relative to the CSC were both in substantial compliance.

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#### ASSESSMENT OF MANDATE 1A – APD POLICIES & TRAINING GENERALLY

**Current Status:**  - 75-99% Complete. In line with Monitor’s expectations.

The CD and compliance definition for Mandate 1A, as agreed to in the MADC, require APD to develop and implement comprehensive, consistent and complementary policies to address the requirements of all 32 APD policy-driven mandates (2A, 6, 7, 9, 10, 11, 16, 18, 19, 20A, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35, 36, 39, 42, 49A, 50, 52, 54, 56, 58, 60, 67 and 68) and to develop and deliver training as required by 17 APD training-driven mandates (8, 12, 13, 14, 15, 17, 18, 19, 29, 30, 31, 37, 38, 39, 42, 67 and 68) of the CD. APD must also have policies to hold accountable those police officers who violate established policies in contravention of their training.

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<sup>22</sup> In evaluating operational integrity for this section of the CD, the Monitor is only considering those mandates of the CD that relate specifically to the development and distribution of policies/training, and necessary revisions thereto. The Monitor’s assessments of operational integrity of such policies and training are described in the applicable operational integrity sections below relating to Bias-Free Policing, UOF, Documentation of Stops, Use of Ketamine & Other Chemical Restraints, Recruiting, Hiring & Promotion, and Accountability & Transparency.

Mandate 1A was assessed during the previous reporting period and the Monitor found it was on a cautionary/missed deadline track because the two Accountability and Transparency mandates (67 and 68) were on a cautionary track, and four training-driven mandates (8, 12, 13 and 15) were on a missed deadline track relating to APD's in-service and academy Bias Training.

During the current reporting period, the Monitor finds this mandate is now on the right track at 75-99% complete, as APD completed its in-service training on the first module for "Managing Bias" and added that module to the police academy training so that all recruits receive the training as part of the core curricula. The delivery of the second module is also underway which the Monitor will review in RP8, and future modules will be developed and delivered on an on-going basis. This training is a significant milestone and is crucial to the cultural change within APD and its officers and the Monitor feels this is an important step towards achieving substantial compliance.

APD has also recently trained its members on its revised Pursuit Policy, and delivered training on various other topics to certain staff during RP7 as follows:

- Integrating Communications, Assessments, and Tactics ("ICAT")
- Active Bystander for Law Enforcement ("ABLE")
- Crisis Intervention Training ("CIT")
- Legal and Scenarios Training
- Police Early Intervention System ("PEIS")
- Emotional Intelligence for Officers

While APD has clearly made significant progress in the development of its policies and the delivery of training as indicated above, there is more work to do. Specifically, APD has not yet completed the formalized training schedule and curriculum for Joint AFR/APD Use of Force training. While APD and AFR are working together to train police and fire personnel, they are struggling with some logistical difficulties given the nature of coordinating the schedules of members of two different departments.

As of the end of the current reporting period, APD and AFR had not yet completed the Joint AFR/APD policy and related training on dealing with persons with Mental Health.<sup>23</sup> Lastly, APD's Discipline policy including a related matrix or schedule for meting out discipline consequences remains under development.

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<sup>23</sup> After the end of RP7, this policy was provided to the Monitor for review and approval, which the Monitor will address in its report for RP8.

As stated above, APD must be in substantial compliance with all 32 policy and 17 training requirements of the CD in order to achieve substantial compliance with Mandate 1A. As of the close of RP7, APD achieved substantial compliance for 20/32 policy-related mandates, and 10/17 training-related mandates. APD has not yet achieved substantial compliance with 14 mandates: 7 are policy-related, 2 are training-related, and 5 mandates have both policy and training-related requirements.<sup>24</sup>

While there are 13 mandates that are not yet in “substantial compliance”, all but one are on the right track, albeit at various stages of completion. As a result, as stated above, the Monitor believes APD is on the right track at 75-99% complete with the requirements for Mandate 1A.

#### ASSESSMENT OF MANDATE 1B – AFR POLICIES AND TRAINING GENERALLY

**Current Status:**  - 75-99% Complete. In line with Monitor’s expectations.

The CD and compliance definition for Mandate 1B, as agreed to in the MADC, require AFR to develop and implement comprehensive, consistent and complementary policies to address the requirements of all 10 AFR policy-driven mandates (41, 42, 44, 46, 49B, 53, 55, 57, 59 and 60) and to develop and deliver training as required by the 2 AFR training-driven mandates (31 and 42) of the CD. AFR must also have policies to hold accountable those firefighters who violate established policies in contravention of their training.

Mandate 1B was assessed during the previous reporting period and the Monitor found it was on the right track at 75-99% complete, as substantial compliance had been achieved for the following 9/10 AFR policy-driven mandates (41, 42, 44, 46, 53, 55, 57, 59 and 60), and for 1/2 of AFR’s training-driven mandates (42). There was one policy-driven mandate (49B) and one training-driven mandate (31) that were not yet in substantial compliance by RP6.

Mandate 49B requires the City to transform AFR’s recruitment and hiring process to create a more diverse and qualified workforce and Mandate 1B requires AFR to develop and implement comprehensive, consistent and complementary policies to do so. As described in the Monitor’s assessment for Mandate 49B below, AFR implemented its new recruiting plan and other process-related improvements for 2024. In addition, AFR was able to increase its gender diversity with the hiring of proportionately more females in 2024 than in its existing workforce at the end of 2023; however, AFR’s 2024 hiring processes did not increase its racial diversity. Accordingly, the

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<sup>24</sup> The following policy-driven mandates are not yet in substantial compliance: Mandates 6, 7, 16, 18, 19, 25, 27, 28, 39, 49A, 67 and 68. The following training-driven mandates are not yet in substantial compliance: Mandates 17, 18, 19, 31, 39, 67 and 68. Please see the specific mandate sections below for details regarding the steps needed to achieve substantial compliance with each of these mandates.




policy-related goals of the CD with respect to Mandate 49B were partially met and the Monitor found this mandate on the right track at 50-7% complete.

Mandate 31 requires joint APD and AFR training which stresses on-scene coordination. As described below, Mandate 31 is on the right track at 75-99% complete as a result of the extent of joint training delivered so far, and the development of joint UOF training with AFR, but APD is not yet in substantial compliance as APD/AFR need to deliver such joint UOF training.

In light of the above, the Monitor believes that AFR continues to be on the right track at 75-99% complete with respect to this mandate, but is not yet in substantial compliance. The Monitor will continue to evaluate this mandate in subsequent reporting periods with a specific focus on the requirements in Mandate 49B to transform AFR's recruitment and hiring process to create a more diverse and qualified workforce, and the delivery of joint UOF training with APD as required by Mandate 31.

#### ASSESSMENT OF MANDATE 2A – APD POLICY DEVELOPMENT, REVIEW AND IMPLEMENTATION PROCESS

**Current Status:**  - Substantial Compliance

The CD and compliance definition for Mandate 2A, as agreed to in the MADDC, require APD to implement an appropriate governance process for all 32 different policy-driven mandates and 17 different training driven mandates that: (1) decreases the length of time, wherever possible, for the process by which CD related policies and training are developed, reviewed and implemented; (2) is documented within APD's procedures; and (3) the standards in those procedures are being adhered to.

Mandate 2A was assessed during the previous reporting period and the Monitor found it was in substantial compliance because APD's governance processes as established in the previous reporting period had sped up the length of time, where possible, to develop, review and implement the CD-related policies and training; and this governance process was documented and being adhered to.


During the current reporting period, the Monitor attended all Policy Committee meetings. Although there were some delays with finalizing policies for publication after they had gone through the Policy Committee, the Monitor's weekly check-ins with the Interim Chief and other relevant staff enabled the Monitor to confirm that APD's policies were being reviewed by the Chief and published in a timely manner. With respect to training, the second module of APD's Bias Training was not submitted in a timely fashion to the Monitor. While the Monitor ultimately reviewed the training before it was delivered, the timeframe in which the review occurred (four days prior to delivery) was not ideal. The Monitor has spoken to the relevant APD interlocutors

and advised that more time for review would have been preferable, and received assurances from the City that more time for the Monitor's review will be provided in the future.

The Monitor continues to find this mandate in substantial compliance but will work with APD on establishing time frames for submission of relevant training materials before delivery. The Monitor will continue to evaluate this mandate in subsequent reporting periods in order to assess continued compliance.

#### ASSESSMENT OF MANDATE 2B – AFR POLICY DEVELOPMENT, REVIEW AND IMPLEMENTATION PROCESS

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**Current Status:**  - Substantial Compliance

The CD and compliance definition for Mandate 2B, as agreed to in the MADC, requires AFR to implement an appropriate governance process for all 10 different policy-driven mandates and 2 different training-driven mandates that: (1) decreases the length of time, wherever possible, for the process by which CD related policies are developed, reviewed and implemented; (2) is documented within AFR's procedures; and (3) the standards in those procedures are being adhered to.

This mandate was assessed during the previous reporting period and the Monitor found it was in substantial compliance.


The legacy methodology for AFR's Manual of Procedures ("MOP") review was non-existent prior to 2017. Since 2017, including in RP7, the MOPs have been reviewed annually by ALL members of AFR, one chapter per month. Suggestions are directed up the chain of command and reviewed by division supervisors. Appropriate additions/deletions/edits are made then reviewed by Executive Staff, prior to submission to the Fire Chief for final approval. The new (or amended) policies are then updated in AFR's online Learning Management System platform, which is accessible to all AFR members.

The above process to develop, review and implement policies continued to be used in RP7, however there were no new policies required to be submitted by AFR for the Monitor's approval in RP7. Accordingly, the Monitor believes this mandate continues to be in substantial compliance. The Monitor will continue to evaluate this mandate in subsequent reporting periods in order to assess continued compliance with this mandate.

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## ASSESSMENT OF MANDATE 2C – CSC POLICY DEVELOPMENT, REVIEW AND IMPLEMENTATION PROCESS

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**Current Status:**  - Substantial Compliance

The CD and compliance definition for Mandate 2C, as agreed to in the MADC, require the CSC to implement an appropriate governance process for all 8 CSC policy-driven mandates required by the CD involving recruitment, hiring and promotion (Mandates 50, 51, 60, 61, 62, 63, 64 and 66) that: (1) decreases the length of time, wherever possible, for the process by which CD related policies are developed, reviewed and implemented; (2) is documented within CSC’s procedures; and (3) the standards in those procedures are being adhered to.

Mandate 2C was assessed during the previous reporting period and the Monitor found it was in substantial compliance.

During the current reporting period, the CSC updated its promotional rules effective March 12, 2024, as described in the section below relating to the Monitor’s assessment of Mandate 61. The CSC’s updated promotional rules are included in Section III of Appendix C to this report, “Rules & Regulations of the CSC”. These updates rules were developed, reviewed and implemented in a timely manner in response to the Monitor’s recommendations in the Monitor’s June 2023 report on the Monitor’s “Assessment of the Promotional Process of the CSC”, which is available on the Monitor’s [website](#). No other changes were made to existing CSC policies required by the CD.

Accordingly, the Monitor believes this mandate continues to be in substantial compliance. The Monitor will continue to evaluate this mandate in subsequent reporting periods in order to assess continued compliance.

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## ASSESSMENT OF MANDATE 3A – APD SUBMISSION OF NEW POLICIES FOR REVIEW

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**Current Status:**  - 75-99% Complete. In line with Monitor’s expectations.

The CD and compliance definition for Mandate 3A, as agreed to in the MADC, require APD to submit all 32 different new or revised policies, procedures or rules called for by the CD (for Mandates 2, 6, 7, 9, 10, 11, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35, 36, 39, 42, 49, 50, 52, 54, 56, 58, 60, 67 and 68) to the Monitor for review before implementation.

Mandate 3A was assessed during the previous reporting period and the Monitor found it was on the right track at 75-99% complete.


During the current reporting period, APD continued to submit all CD-related policies to the Monitor prior to implementation, and APD has built the Monitor’s review into its approval

process. Because the policies are not finalized and distributed until all of the requisite internal reviews and approvals are received, including the Monitor's, there were no instances of policies being finalized without being submitted for input from the Monitor.

As noted in prior reporting periods, the Monitor again noted a slowdown of policy development, specifically related to the updating of Chapter 10 of APD's directives on internal investigations and the disciplinary process including the related disciplinary matrix which the Monitor previously reported was expected to be completed in RP7. There were also fewer Policy Committee weekly meetings, however the Monitor is hopeful that the upcoming change of leadership will provide the stability needed for completing this very important policy. In addition to Chapter 10, APD's Pursuit Policy was finalized through the committee.<sup>25</sup>

For the reasons stated above, the Monitor believes this mandate continues to be on the right track at 75-99% complete. For APD to achieve substantial compliance with this mandate, APD will need to issue the remaining directives, policies and/or procedural documents required by the CD to the Monitor prior to being finalized,<sup>26</sup> including those relating to internal investigations and the disciplinary process (Chapter 10).

#### ASSESSMENT OF MANDATE 3B – AFR SUBMISSION OF NEW POLICIES FOR REVIEW

**Current Status:**  - Substantial Compliance

The CD and compliance definition for Mandate 3B, as agreed to in the MADC, require AFR to submit all 11 different new or revised policies, procedures or rules called for by the CD (for Mandates 41, 42, 44, 46, 49, 53, 55, 57, 59, 60 and 65) to the Monitor for review before implementation.

Mandate 3B was assessed during the previous reporting period and the Monitor found it was on the right track at 75-99% complete.

The most recent change to AFR's policies or protocols was the addition of Droperidol to AFR's EMS protocol in February 2023, which the Monitor reviewed prior to implementation. There were no further changes to AFR's policies, procedures or rules during the current reporting period. While not specifically required by the CD, the Monitor recommended in RP5 that AFR

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<sup>25</sup> See Appendix D for a copy of this policy that was published effective October 14, 2024, after the end of the current reporting period.

<sup>26</sup> The following policy-procedure driven mandates are not yet in substantial compliance: Mandates 6, 7, 16, 18, 19, 25, 27, 28, 39, 49A, 67 and 68. Please see the specific mandate sections below for details regarding the steps needed to achieve substantial compliance with each of these mandates.


develop a Directive similar to APD's Directive 2.09 that designates a workflow reflecting the required Monitor's approval of relevant policies in order to prevent policies from being issued by AFR without the Monitor's approval as required by the CD.

Notwithstanding the Monitor's recommendation for a separate workflow policy to govern the creation and adoption of new or revised policies, the Monitor believes this mandate is now in substantial compliance. As AFR's CD-mandated policies are revised in the future, the Monitor will continue to evaluate this mandate in subsequent reporting periods in order to assess continued compliance.

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#### ASSESSMENT OF MANDATE 3C – CSC SUBMISSION OF NEW POLICIES FOR REVIEW

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**Current Status:**  - Substantial Compliance

The CD and compliance definition for Mandate 3C, as agreed to in the MADC, require CSC to submit all 8 different new or revised policies, procedures or rules called for by the CD (for Mandates 50, 51, 60, 61, 62, 63, 64 and 66) to the Monitor for review before implementation.


Mandate 3C was assessed during the previous reporting period and the Monitor found it was in substantial compliance.

In the current reporting period, the CSC approved updated [Rules & Regulations](#) on March 12, 2024 that had previously been reviewed by the Monitor prior to implementation. A copy of the CSC's updated [Rules & Regulations](#) is included as Appendix C to this report. No further revisions were made to these [Rules & Regulations](#) in the current reporting period. As a result, the Monitor believes this mandate remains in substantial compliance. The Monitor will continue to evaluate this mandate in subsequent reporting periods in order to assess continued compliance with this mandate for any changes to the CSC's policies mandated by the CD.

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#### ASSESSMENT OF MANDATE 4A – APD INCORPORATION OF BEST PRACTICES AND SCENARIO-BASED TRAINING

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**Current Status:**  - Substantial Compliance

The CD and compliance definition for Mandate 4A, as agreed to in the MADC, require APD to incorporate best practices into their training as required by the CD, including greater use of scenario-based training tools in their academies and in-service training, including for its bias training.

Mandate 4A was assessed during the previous reporting period and the Monitor found it was on the right track at 75-99% complete.


During the current reporting period, as described in Focus Item 9, “Bias Training Completion”, APD delivered its first module and began delivery of its second module of its new Managing Bias Training Curriculum, both of which include well thought-out scenarios. The Monitor applauds APD for incorporating actual video footage from APD Body-Worn Cameras of incidents that provide real-life examples as learning scenarios. APD also developed and submitted to the Monitor for review, a presentation on “Proactive Policing” which included well thought-out scenarios to provide direction to officers on how and when self-initiated activities are appropriate, such as enforcement of trespassing laws. Among other points, the scenarios included examples of both positive and negative outcomes based on varying approaches to the same scenario.

As reported in the Monitor’s RP6 report, APD sought input and integrated feedback from members of the CAC on particular types of scenarios that officers should be trained on in its Bias training. APD also included scenarios in its UOF training conducted in RP6.

In light of the above developments, the Monitor believes this mandate is now in substantial compliance. The Monitor will continue to evaluate this mandate in subsequent reporting periods in order to assess continued compliance with this mandate regarding the use of best practices including the use of scenario-based training tools in APD’s training.

#### ASSESSMENT OF MANDATE 4B – AFR INCORPORATION OF BEST PRACTICES AND SCENARIO-BASED TRAINING

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**Current Status:**  - Substantial Compliance

The CD and compliance definition for Mandate 4B, as agreed to in the MADC, require AFR to incorporate best practices into their training as required by the CD, including greater use of scenario-based training tools in their academies and in-service training.

Mandate 4B was assessed during the previous reporting relative to AFR’s de-escalation training and the Monitor found it was in substantial compliance.

During RP7, AFR continued to collaborate with APD in the planning, design and execution of best-practice joint trainings. More specifically, AFR and APD worked together to develop scenario-based training videos on topics relevant to both agencies, including mental crisis patient restraint, transfer of care when APD requests medical evaluation, and de-escalation. AFR and APD also reviewed their policies and practices and developed a working list of training concepts that need review or reinforcement. AFR and APD used this information to plan the following joint trainings:

- In August 2024, AFR conducted joint scenario-based training with APD Patrol Officers for AFR's recruit class "Fire-Rescue Night" training, including almost fifty simulated fire rescue calls for the soon-to-graduate fire recruits. Aurora 911 and Falck Ambulance also participated in this training.
- For December 2024, AFR is developing joint scenario-based training with APD that will review the ideas behind the M.5 Policy relating to "Mental Health Holds" and the "Hands-on" Policy. As this training is closer to development, AFR will invite the Monitor, City Council Members, CSC Commissioners, members of the CAC and any other interested stakeholders to view and comment on this training. AFR and APD intend to provide this joint training to 90%+ of both departments.
- For June 2025, AFR is developing its next Active Shooter Hostile Event Response ("ASHER") training that will be a full-scale training that again strives for a 90%+ involvement of both departments. AFR will similarly invite interested stakeholders to view and comment on this training.

In light of the above developments, the Monitor believes this mandate remains in substantial compliance. The Monitor will continue to evaluate this mandate in subsequent reporting periods in order to assess continued compliance with this mandate's requirements regarding the use of best practices including the use of scenario-based training tools in AFR's training.

#### ASSESSMENT OF MANDATE 5A – APD SHARING OF TRAINING PLANS

**Current Status:**  - 75-99% Complete. In line with Monitor's expectations.

The CD and compliance definition for Mandate 5A, as agreed to in the MADDC, require APD to submit all training plans related to the CD to the Monitor and seek the Monitor's approval prior to their finalization.

Mandate 5A was assessed during the previous reporting period and the Monitor found it was on the right track at 50-74% complete as it had provided the Monitor with drafts of all training plans prior to finalizing as required.


APD has committed to continuing to share its CD related training plans with the Monitor prior to finalization. To that end, APD has started but not yet completed the development of the required joint APD/AFR training on UOF, and the development of training regarding the response to incidents involving persons with mental health issues is awaiting finalization of AFR's Mental



Health Policy.<sup>27</sup> While logistical issues have arisen in APD's/AFR's efforts to complete such joint UOF and Mental Health Policy training, it is clear to the Monitor that both agencies are working diligently to coordinate with one another, and APD expects to begin delivery of such joint training by the end of 2024.

In light of these developments, the Monitor believes progress has been made and APD remains on the right track at 75-99% complete. When training plans have been developed and submitted to the Monitor for review relating to the required joint APD/AFR UOF training, and training regarding incidents involving persons with mental health issues, substantial compliance will be achieved. The Monitor will continue to Monitor this mandate going forward in order to assess continued compliance for all future CD-mandated training and any updates thereto, including relating to Mandates 18, 19, 31, 39 and 67.

#### ASSESSMENT OF MANDATE 5B – AFR SHARING OF TRAINING PLANS

**Current Status:**  - Substantial Compliance

The CD and compliance definition for Mandate 5B, as agreed to in the MADC, require AFR to submit all training plans related to the CD to the Monitor and seek the Monitor's approval prior to their finalization.

Mandate 5B was assessed during the previous reporting period and the Monitor found it was in substantial compliance.

When AFR develops any new trainings, the training plans are submitted to the Monitor and/or a member of the Monitor's team for feedback and approval. In RP7, this included AFR's joint scenario-based "Fire-Rescue Night" training for AFR's recruit class that was delivered in early August 2024. AFR will continue to involve the Monitor and/or a member of the Monitor's team in the review and approval of future training and training plans, such as the upcoming M.5 and ASHER trainings.

The Monitor believes this mandate continues to be in substantial compliance. The Monitor will continue to evaluate this mandate in subsequent reporting periods in order to assess continued compliance.

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<sup>27</sup> The new Mental Health Policy was finalized and provided to the Monitor for review after the end of the current reporting period.

## ADDRESSING RACIAL BIAS IN POLICING (MANDATES 6-16)

### 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 derived 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 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 & 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 complaint 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 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 UOF, 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, 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.


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#### CONSENT DECREE’S OBJECTIVES

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

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#### OPERATIONAL INTEGRITY ASSESSMENTS RE: BIAS-FREE POLICING

**Current Status:**  Right track: 50-74% aligned with operational integrity criteria.

In RP7, the Monitor assessed whether APD achieved operational integrity with respect to its implementation of the “Addressing Racial Bias in Policing” requirements of the CD. This is the first period for such an assessment. More specifically, the Monitor assessed whether the following operational integrity criteria relating to “Addressing Racial Bias in Policing” are being adhered to:<sup>28</sup>

1. Were any incidents found to be, appear to be, or are alleged to be motivated, in whole or in part by protected-class bias?<sup>29</sup>
2. If so, was each incident self-identified by APD?

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<sup>28</sup> Incidents of potential bias may arise as a result of an incident being uncovered internally by supervisory personnel; an internal or citizen complaint of bias; or the Monitor’s 360-degree review process.

<sup>29</sup> Bias relating to actual or perceived race, gender, age, color, ancestry, religion, national origin, physical or mental disability, sexual orientation or gender identity is strictly prohibited.

3. Irrespective of how APD learned of each incident, was each incident investigated appropriately and, if required, remediated in an appropriate and timely manner through mentoring, coaching, training, and, when necessary, discipline for relevant individual officers, supervisors, units and/or APD as a whole?
4. Was there any quantitative data which, because of protected-class disparities, might lead to conclusions of biased-policing? To the extent that such data may exist, was analysis of such data undertaken to determine whether disparities may be a result of biased-policing?<sup>30</sup>

In RP7, the Monitor identified two problematic incidents in its 360-degree reviews of Tier 1 UOFs, involving a specific supervisor and two teams of officers from District 1. These incidents were brought to the attention of command staff. Both incidents involved issues of potential constitutional violations of the rights of Hispanics to gather. While the issue was not identified by any supervisor, when brought to the attention of command staff, command staff took swift action. An Internal Affairs investigation was initiated relative to the supervisor and one particular officer; that officer was transferred to another District; and training relative to the underlying constitutional concepts on the right to gather was developed and delivered to all involved officers.

Additionally, since the Monitor started tracking complaints in RP7, there were 5 citizen complaints alleging biased policing. Each was appropriately investigated and all 5 were “unfounded”. The Monitor reviewed those incidents and did not disagree with the conclusions of the investigators.

No other incidents were identified as potentially involving biased policing.

In light of the incidents identified above, that were mitigated by timely remediation thereof, and the fact that there was no indication of a more widespread issue relative to potential biased policing, the Monitor finds operational integrity in this area to be on the right track at 50-74% aligned with operational integrity criteria relating to the “Addressing Racial Bias in Policing” section of the CD. The Monitor will, of course, continue to monitor the operational integrity of this section for future reporting periods. To the extent there is any indication of a wider issue relative to potential biased policing, the Monitor will report thereon.

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<sup>30</sup> In the current period, despite limitations of data and concerns relative to underreporting, the Monitor reviewed the racial breakdown of reported contacts. The Monitor found and addressed one issue of concern involving one officer, but generally did not, on the face of the data, note other issues of concern relative to the racial/ethnic distribution of contacts. In future reporting periods, the Monitor, working with the parties, will engage an expert or experts to more fully analyze this data for any quantitative indications of biased policing.

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## PREVIOUS FINDINGS OF SUBSTANTIAL COMPLIANCE

In prior reporting periods, Mandates 9, 10 and 11 were found in substantial compliance in relation to completed policies on Bias-Based Policing, Constitutional Policing and Arrest Procedure, and Mandate 14 relating to the development of Bias Training for in-service personnel. The Monitor previously reported that these four mandates would not be assessed again unless changes were made to any of the policies or training required for these mandates in the future.

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

During the current reporting period, the Monitor assessed the status of 9 of the 11 mandates in this section of the CD, two of which were assessed again because of further developments in this reporting period (Mandates 10 and 14). Six of these mandates are now in substantial compliance, and three of these mandates remain unchanged on the right track at 50-74% complete. The Monitor's detailed assessments of these mandates follow.

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### ASSESSMENT OF MANDATE 6 – ADDRESSING RACIAL BIAS IN POLICING – OBJECTIVES - METRICS

**Current Status:**  - 50-74% Complete. In line with Monitor's expectations.

The CD and compliance definition for Mandate 6, as agreed to in the MADC, require the City to change in measurable ways, how APD engages with all members of the community, including by reducing any racial disparities in how APD engages, arrests, and uses force in the community. This requires APD to develop and implement policies and processes to collect data designed to measure the level of change, if any, in the metrics and measurements selected by the subject matter expert. APD's metrics need to confirm that APD changed in a positive manner, how it engages with all members of the community. Further, APD needs to develop systems and processes to assist in the reduction of racial/ethnic disparities that may be determined to be indicative or symptomatic of biased policing and the City needs to measure whether these systems and processes have actually assisted in reducing racial disparities determined to be indicative or symptomatic of biased policing.

Mandate 6 was assessed during the previous reporting period and the Monitor found it to be on the right track at 50-74% complete.

In RP7, APD developed CDC metrics and dashboard reporting<sup>31</sup> for its RISKS meetings from APD's CDC Forms, including the total number of CDCs completed, the number of subjects involved, the extent of UOF by tier, the reason and result for each contact, the contact's behavior (compliant, non-compliant, verbally or physically resistant), any language barriers, and the racial breakdown of contacts by officer. As of the end of RP7, such metrics were only available via the RISKS meeting process, as APD's supervisors and command staff didn't have contemporaneous access to the tool used to generate such metrics/dashboards for APD's RISKS meetings.<sup>32</sup>

In RP7, the City approved and APD has begun the hiring process for a Data Scientist who will work in the QA Unit (as described in Focus Item 5, "Quality Assurance Unit") and assist APD in its data analysis of CDC forms and all contact related details. The data scientist and QA Unit staff will be especially helpful in analyzing the results, commendations, and remediations emanating from APD's RISKS meetings, thereby establishing baselines for which change(s) can be measured. Once this analysis is occurring on a regular basis, there will be a better understanding of where biases may be indicated, thereby driving APD strategies to address such issues. This analysis is an important step towards identifying disparities and comparing current statistics to prior periods to see if there have in fact been positive changes in how APD interacts with its community.

In light of the above, the Monitor believes this mandate continues to be on the right track at 50-74% complete. APD will need to establish baselines relating to racial disparities in its community engagement, including stops, arrests and uses of force, and analyze its CDC data and other data relating to such engagement, to identify and then address issues, patterns, and trends before APD can achieve substantial compliance with this mandate.

#### ASSESSMENT OF MANDATE 7 - ADDRESSING RACIAL BIAS IN POLICING – OBJECTIVES - TRANSPARENCY

**Current Status:**  - 50-74% Complete. In line with Monitor's expectations.

The CD and compliance definition for Mandate 7, as agreed to in the MADC, require the City to create full public transparency regarding how APD engages, arrests and uses force in the community, including any racial disparities in these enforcement actions. This requires APD to develop the means to capture relevant data in accordance with applicable state law, to develop, finalize, disseminate and implement appropriate policies, to periodically post relevant

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<sup>31</sup> APD decided to use PowerBI to create such metrics/dashboard reporting, rather than the tool used by Denver Police Department as referenced in the Monitor's RP6 report.

<sup>32</sup> By the end of September 2024, which is beyond the current reporting period, Executive Command, Command and Lieutenants had access to this dashboard.


information on a public-facing website (regarding how APD engages, arrests and uses force in the community, including any racial disparities in these enforcement actions), and to implement an internal review process to ensure continued compliance.

Mandate 7 was assessed during the previous reporting period and the Monitor found it was on the right track at 50-74% complete.

During RP7, APD continued to assess the quality of the data being posted to its Transparency Portal, which included metrics relating to APD demographics and diversity, crime statistics and mapping, response outcomes including arrests, contacts, offense reports and uses of force, and CD progress; however, APD indicated that work on Phase 2 of the Transparency Portal contents was unable to begin as expected due to the fact that APD had not defined the requirements in time to meet the City IT department's quarterly development plan. APD continues to work with its vendor to identify the requirements for the next phase which they expect will occur in RP8. As part of its initiative to create an internal review process, APD's crime analysts within the districts (described in Focus Item 4, "Fighting Crime with Data") will aid in the validation of the data extracted at the district level and posted to the Transparency Portal.

In light of the above, the Monitor finds the City remains on the right track at 50-74% complete. In order to achieve substantial compliance with this Mandate, the remaining content and functionality of the Transparency Portal relating to racial disparities in stops, arrests and UOF will need to be addressed, including the implementation of an internal review process to ensure continued compliance.

#### ASSESSMENT OF MANDATE 8 - ADDRESSING RACIAL BIAS IN POLICING – OBJECTIVES – POLICIES AND TRAINING

**Current Status:**  - Substantial Compliance

The CD and compliance definition for Mandate 8, as agreed to in the MADDC, require APD to improve its policies and training on officer stops, arrests, and UOF to give officers concrete guidance on how best to make critical decisions and exercise discretion while interacting with members of the community, including by acknowledging the role that bias can play in enforcement decisions by officers and by providing strategies to combat bias.


This mandate was assessed during the previous reporting period and the Monitor found it was on a missed deadline track. While much training was done in this area prior to the inception of the CD, including on the topic of critical decision making in high-risk stops, compliance with this mandate could only be achieved through the development and delivery of appropriate training



on APD's policies for Contacts, Constitutional Policing, Biased-Free Policing, and UOF, which were finalized in prior reporting periods (RP3, RP4, and RP5).

During the current reporting period, as discussed in Focus Item 9 above, "Bias Training Completion", APD completed its bias training delivery for all of its available in-service sworn personnel which the Monitor confirmed through an examination of APD's training records compared to its sworn personnel roster.<sup>33</sup> The training provided not only meets the requirements of the CD, but was extremely well-conformed to the needs of APD, by using actual APD scenarios and BWC footage. As a result, the Monitor now finds this mandate in substantial compliance. The Monitor will continue to evaluate this mandate in subsequent reporting periods in order to assess continued compliance.

#### ASSESSMENT OF MANDATE 10 - ADDRESSING RACIAL BIAS IN POLICING – POLICY CHANGES – AMENDMENT OF EXISTING POLICIES – REVISION OF DIRECTIVE 6.01 (ARREST PROCEDURE)

**Current Status:**  - Substantial Compliance

The CD and compliance definition for Mandate 10, as agreed to in the MADC, require APD to review, revise and disseminate Directive 6.01 (Arrest Procedure) to prohibit discrimination based on protected class status and conform to the goals of the CD and applicable state and federal law relating to reducing racial and ethnic disparities that are indicative or symptomatic of biased policing, including by increasing the level of detail in the policy and providing examples of prohibited behavior.

This mandate was assessed during the previous reporting period and the Monitor found it was in substantial compliance because the revised Directive 6.01 (Arrest Procedure) was published and disseminated on March 12, 2024. It is important to note that this policy, like all policies, is a living document.

In RP7, APD continued in its efforts to develop a policy on Misdemeanor Arrests/Alternatives to Arrest, which will provide guidance on when *not* to arrest, cite or summons, despite the existence of legal authority to do so. This policy, although not specifically mandated by the CD, will further enhance APD's efforts to reduce discrimination based on protected class status. This policy has

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<sup>33</sup> The very few officers who have not yet attended the training (1% or less) were due to valid exceptions such as those who were on "Not Available for Duty" status for various reasons. Those officers are tracked through the training system and will attend the missed training sessions upon their return to active-duty status. The training will be made up either during the next scheduling training cycle or by attending a training session provided to the recruits in the academy.

not yet been completed, and training on this new policy will be developed in due course thereafter.

In light of APD's completion of its Arrest Procedure and APD's efforts to further enhance its arrest-related policies and procedures, the Monitor continues to find this mandate in substantial compliance. The Monitor will continue to evaluate this mandate in subsequent reporting periods in order to assess continued compliance.

#### ASSESSMENT OF MANDATE 12 - ADDRESSING RACIAL BIAS IN POLICING – TRAINING - ACADEMY TRAINING (DEVELOPMENT)

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**Current Status:**  - Substantial Compliance


The CD and compliance definition for Mandate 12, as agreed to in the MADC, require APD to develop comprehensive academy training that is consistent with APD's revised policies and incorporates scenario-based training on bias; deliberate decision-making, including avoiding unnecessary escalation and teaching officers what they should do rather than what they can do; recordkeeping requirements relevant to potential bias; and specific articulation of the basis for encounters, including stops and UOF.

This mandate was assessed during the previous reporting period, and it was determined to be on a missed deadline track due to the delay in developing APD's bias training.

During the current reporting period, as discussed in Focus Item 9 above, "Bias Training Completion", and in the Monitor's assessment for Mandate 15 below, APD completed the delivery of bias training of its in-service sworn personnel which meets and exceeds the requirements of the CD. APD opted to use its in-service bias training curriculum and modules for its academy training, the first of which began on August 6, 2024. Consequently, there was no need to develop a separate academy course, and the Monitor agrees with and applauds this approach as it ensures consistency of messaging on how to manage bias for all APD officers. As a result, the Monitor now finds this mandate in substantial compliance. The Monitor will continue to evaluate this mandate in subsequent reporting periods in order to assess continued compliance.

#### ASSESSMENT OF MANDATE 13 - ADDRESSING RACIAL BIAS IN POLICING - TRAINING -ACADEMY TRAINING (DELIVERY)

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**Current Status:**  - Substantial Compliance


The CD and compliance definition for Mandate 13, as agreed to in the MADC, require APD to deliver comprehensive academy training to all appropriate academy recruits/attendees on bias;

deliberate decision-making, including avoiding unnecessary escalation and teaching officers what they should do rather than what they can do; recordkeeping requirements relevant to potential bias; and specific articulation of the basis for encounters, including stops and UOF.

This mandate was assessed during the previous reporting period and the Monitor found it to be on a missed deadline track.

During the current reporting period, as discussed in Focus Item 9, “Bias Training Completion”, and in the Monitor’s assessment for Mandate 12 above, APD completed its bias training delivery of both its sworn in-service and academy personnel which meets and exceeds the requirements of the CD. APD began delivering its academy training on August 6, 2024.<sup>34</sup> As a result of these developments, coupled with the Monitor’s findings relating to the other requirements of this mandate for training on deliberate decision making, recordkeeping requirements, and specific articulation of the basis for encounters, including stops and UOF, the Monitor now finds this mandate in substantial compliance. The Monitor will continue to evaluate this mandate in subsequent reporting periods in order to assess continued compliance.

#### ASSESSMENT OF MANDATE 14 - ADDRESSING RACIAL BIAS IN POLICING – TRAINING - IN-SERVICE TRAINING (DEVELOPMENT)

**Current Status:**  - Substantial Compliance

The CD and compliance definition for Mandate 14, as agreed to in the MADC, require APD to develop comprehensive in-service training to police personnel, that is consistent with APD’s revised policies and incorporates scenario-based training on bias; deliberate decision-making, including avoiding unnecessary escalation and teaching officers what they should do rather than what they can do; recordkeeping requirements; and specific articulation of the basis for encounters, including stops and UOF.

This mandate was assessed during the previous reporting period, and the Monitor found it was in substantial compliance.

During the current reporting period, as discussed in Focus Item 9 above, “Bias Training Completion”, APD completed the development of the second module of its Managing Bias training which will be used for both its in-service and academy sworn personnel. APD’s second module also meets and exceeds the requirements of the CD. In addition to the aforementioned


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<sup>34</sup> Bias training for new recruits was delivered on October 9, 2024, which is beyond the end of the current reporting period. The Monitor was informed that new recruit training on bias is based on the content in module 1 of APD’s bias training. The Monitor will assess APD’s new recruit training in RP8.

training, APD also developed and submitted a presentation to explain and instruct officers on APD's expectations related to "Proactive Policing" which was developed to remediate issues identified in APD's RISKS meetings. This training focused on how and when to enforce certain regulations such as trespassing, and included well thought out scenarios to demonstrate both positive and negative effects of the officer's approach to the different scenarios. As a result, the Monitor continues to find this mandate in substantial compliance. The Monitor will continue to evaluate this mandate in subsequent reporting periods in order to assess continued compliance.

#### ASSESSMENT OF MANDATE 15 - ADDRESSING RACIAL BIAS IN POLICING - TRAINING -IN-SERVICE TRAINING (DELIVERY)

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**Current Status:**  - Substantial Compliance

The CD and compliance definition for Mandate 15, as agreed to in the MADDC, require APD to deliver comprehensive training to all in-service police personnel on bias; deliberate decision-making, including avoiding unnecessary escalation and teaching officers what they should do rather than what they can do; recordkeeping requirements relevant to potential bias; and specific articulation of the basis for encounters, including stops and UOF.

This mandate was assessed during the previous reporting period and the Monitor found it was on a missed deadline track.

During the current reporting period, as discussed in Focus Item 9, "Bias Training Completion" and Mandate 8 above, APD completed delivery of its bias training for at least 99% of its in-service sworn personnel which was confirmed through the Monitor's examination of APD's training records compared to its sworn personnel roster.<sup>35</sup> The training provided not only meets the requirements of the CD, but was extremely well conformed for the needs of APD, with scenario-based training.

Previously, APD has provided training on the other requirements of this mandate, including deliberate decision-making, unnecessary escalation, teaching officers what they should do rather than what they can do; recordkeeping as relevant to potential bias, and specific articulation of the basis for encounters, including stops and UOF.

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<sup>35</sup> The few officers who have not yet attended the training were due to valid exceptions such as those "Not Available for Duty" status. Those officers are tracked through the training system and will attend the missed training sessions upon their return to active-duty status. The training will be made up either during the next scheduling training cycle or during a training session provided to the recruits in the academy.

As a result of issues identified in APD's RISKS meetings regarding proactive policing, APD also commenced delivery of its in-person scenario-based Proactive Policing presentation. This training is supplemental to the requirements of the CD, and will continue in RP8.

As a result of the completion of APD's bias training, the Monitor now finds this mandate in substantial compliance. The Monitor will continue to evaluate this mandate in subsequent reporting periods in order to assess continued compliance.

#### ASSESSMENT OF MANDATE 16 - ADDRESSING RACIAL BIAS IN POLICING – GOALS AND MEASUREMENT

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**Current Status:**  - 50-74% Complete. In line with Monitor's expectations.

The CD and compliance definition for Mandate 16, as agreed to in the MADC, require APD to develop metrics in consultation with the Monitor and outside experts to measure improvements in the training required by Mandates 12-15, in recordkeeping on police interactions required by Mandate 36, and in the documentation and tracking of the number and type of use-of-force incidents required by Mandate 32, including misdemeanor arrest outcomes, and use-of-force incidents involving arrests and summons issued for particular offenses including Failure to Obey a Lawful Order, Resisting Arrest and Criminal Trespass; to develop, finalize and disseminate appropriate policies to adequately address metric data collection and measurement of improvements; and to implement sufficient internal review and accountability processes designed to ensure continued compliance.

Specifically, in order to comply with the CD, this mandate requires APD to develop and implement metrics and measurements to measure performance against KPIs and other benchmarks in the following areas:

- Measure improvements relating to bias (relating to Mandates 12-15): reduction in any sustained complaints relative to biased policing; absence of any incidents that appear to be bias-related; and quantitative analysis utilizing agreed-upon benchmarks to determine whether, from UOF incidents and CDC reporting, there is any indication of biased policing.
- Measure improvements relating to stops (relating to Mandate 36): accurate data that is free from under-reporting or misreporting of stops; and quantitative analysis utilizing agreed-upon benchmarks to determine whether, from CDC reporting, there is any indication of biased policing.
- Measure improvements relating to UOFs, including for misdemeanor arrests and summons (relating to Mandates 32 and 36): quantitative analysis utilizing agreed-upon benchmarks, to determine whether, from UOF reporting and misdemeanor arrest and summons reporting,

there is a decreased number and percentage of UOF for all tiers, there is a decreased number and percentage of misdemeanor arrests and summons with a UOF, and there is any indication of biased policing.

- Measure improvements relating to community and officer complaints (relating to Mandate 32): quantitative analysis utilizing agreed-upon benchmarks, to determine whether, from complaints reporting, there is a decreased number and severity of sustained complaints, and there is any indication of biased policing.
- Measure improvements in interactions which result in misdemeanor arrests for particular offenses including Failure to Obey a Lawful Order, Resisting Arrest and Criminal Trespass (relating to Mandate 36); quantitative analysis utilizing agreed-upon benchmarks, to determine whether, from reporting on misdemeanor arrests, there is a decreased number of misdemeanor arrests that are fully dismissed, and there is any indication of biased policing.

In addition to the above metrics and analysis development, APD needs to develop, finalize and disseminate appropriate policies to adequately address metric data collection and measurement of improvements, including at least the points above. APD also needs to implement an internal review and accountability process to ensure continued compliance.

This mandate was assessed during the previous reporting period and the Monitor found it was on the right track at 50-74% complete.

During the current reporting period, APD developed reporting on CDC, UOFs and Misdemeanor Arrests for its twice-monthly RISKS meetings. Metrics and measurements to determine performance against KPIs have not yet been developed. APD has posted a position for a Data Scientist who will help establish statistical measurements and thresholds of performance for APD to provide visibility into how it is performing. Assuming the right candidate is found in a timely manner, the Data Scientist role is expected to be working on such measurements by November 2024.

For the reasons stated above, the Monitor believes this mandate remains on the right track at 50-74% complete. The Monitor will be evaluating progress on all elements of this mandate in the next reporting period. In order to be in substantial compliance, APD needs to develop and implement each of the metrics noted above, as well as policies, procedures and an internal review and accountability process related thereto.

## USE OF FORCE (MANDATES 17-32)

### 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 UOF incidents have, in every decade in recent history, stirred protest, condemnation, and reflection within aggrieved communities and the ranks of sworn members of police services alike.

Police departments have often defended their UOF practices as conforming to all constitutional minimum standards, including the requirement 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 have prompted a revisitation of the UOF policies for 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 police department.

### HISTORY & BASIS FOR CONSENT DECREE MANDATES

APD's Directive Manual contains sections that articulate 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 UOF requirements, among other force-related policies. Despite APD's collective UOF policies, significant deficiencies were identified in reviews conducted by the Colorado Attorney General's Office.

In its September 15, 2021 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 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 UOF for when force was necessary. It further found that force was disproportionately used against persons experiencing mental health



crises and 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 default 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 UOF practices, but that available data and evidence suggested troubling trends. To remedy the adverse findings in the Attorney General's report, the CD 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, implementation of new UOF training, and the development of metrics to measure improvements relating to training, UOF incidents and complaints.


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#### CONSENT DECREE'S OBJECTIVES

The CD seeks to create a culture of continuous improvement within APD that prioritizes de-escalation, when possible, in accordance with Colorado law and 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 emphasizes public safety, and the development of accountability measures that consistently identify excessive UOF, situations where force should not have been used even if it was legal, and recurring training and tactical issues related to UOF.

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#### OPERATIONAL INTEGRITY ASSESSMENTS RE: USE OF FORCE

**Current Status:**  Right track: 50-74% aligned with operational integrity criteria.

In RP7, the Monitor assessed whether APD achieved operational integrity with respect to its implementation of the UOF requirements of the CD. This is the first period for such an assessment. More specifically, the Monitor assessed whether the following operational integrity criteria relating to UOF are being adhered to:

1. Were UOFs at all levels (Tiers 1, 2 and 3) within policy, including not only the UOF, but with respect to related issues of de-escalation, intervention, relief and medical attention protocols for any given incident?
2. Was there a timely review of each UOF by a supervisor?
3. Were the issues relative to each incident properly identified, including not only the force issues noted in item 1 above, but collateral issues involving lawful presence, body-worn camera compliance, professionalism, tactics, equipment, pre-incident planning, communications with the subject, documentation, and supervisor performance?

4. To the extent that issues have been identified, have those issues been handled in a timely and appropriate manner through coaching, mentoring, training, and, when necessary, discipline?
5. Were there any issues with the operation of the FRB?
6. Were there any issues relative to a lack of coordination between APD and AFR?

In all, there were 370 UOFs during the current reporting period, comprising 288 Tier 1's, 80 Tier 2's and two Tier 3's. As noted in Focus Item 3, "Operational Integrity & RISKS Reviews", in RP7, the Monitor began reviewing and reporting on all Tier 1 UOFs and discussing those reviews with Command Staff at APD's RISKS meetings. All issues with respect to Tier 1 UOFs discussed with Command Staff have been or are being appropriately remediated. All issues with respect to UOF cases discussed during the FRB process have also been or are being appropriately remediated. The Monitor notes that the level of supervisory review and discussion at FRB continues to mature, and that the discussion regarding the continuous improvement question of "what could have been done differently to potentially achieve a better outcome" is being incorporated in FRB discussions.

The Monitor will be closely watching the review of the Kilyn Lewis officer involved shooting as the incident is reviewed by the FRB, and expects to report on this aspect of operational integrity in the next reporting period.

As noted in the Monitor's assessment of Mandates 18 and 25 below, there is a growing backlog of cases for review by the FRB, but discussions are in progress as to how to alleviate the backlog.

There have been no issues with respect to coordination between APD and AFR as the two agencies continue to plan for joint training.

In light of the above, the Monitor finds operational integrity in this area to be on the right track at 50-74% aligned with operational integrity criteria relating to the UOF section of the CD. The Monitor will continue to monitor the operational integrity of this section for future reporting periods.

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#### PREVIOUS FINDINGS OF SUBSTANTIAL COMPLIANCE

During previous reporting periods, the Monitor found Mandates 20A, 20B, 21, 22, 23, 24, 26, 29 and 30 in substantial compliance. These mandates related to the amendment of existing policies, creation of new policies, changes to the Force Review Board and its processes, UOF and de-escalation training. The Monitor previously reported that some of these mandates would not be assessed again unless changes were made to these policies and/or training.

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

During the current reporting period, the Monitor assessed the status of 12 of the seventeen mandates in this section of the CD. Eleven of these mandates related to APD and one related jointly to APD and AFR. Four of APD's mandates achieved substantial compliance this reporting period, and the remaining 7 APD mandates are on the right track. The one remaining mandate for APD and AFR jointly was also found to be on the right track. The Monitor's detailed assessments of these mandates follow.

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**ASSESSMENT OF MANDATE 17 - USE OF FORCE – OBJECTIVES – POLICIES AND TRAINING**

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**Current Status:**  - 75-99% Complete. In line with Monitor's expectations.

The CD and compliance definition for Mandate 17, as agreed to in the MADC, require APD's new or revised policies and trainings relevant to UOF as required by Mandates 18 to 32 to better equip officers to handle challenging situations in ways that: reduce the need to use force when possible and adequately explains and emphasizes de-escalation; ensure that when force is used, it is in compliance with state and federal law and promotes the concept of least amount of force used even if more force is legally justified; protect officer and community safety; and build a culture of continuous improvement through incident review, critique, feedback and the implementation of remedial or revised training techniques when needed.

This mandate was assessed during the previous reporting period and the Monitor found that it was on the right track at 75-99% complete.

During the current reporting period, the Department revised its Pursuit Policy, striking an appropriate balance between the risks inherent in pursuits and the need to pursue in order to promote the safety and well-being of the residents of Aurora. Training with respect to the revised Pursuit Policy was delivered to all active duty sworn personnel in RP7. Subsequent to completion of APD's training on APD's revised Pursuit Policy, based on feedback received during APD's training, as reviewed with APD's Interim Chief Morris and with Chief Chamberlain, further revisions were made to this policy to remove ambiguity regarding the types of scenarios for which pursuits are allowed, and to shorten and clarify certain aspects therein in order to make it more understandable. The final version of the policy is included as Appendix D hereto.<sup>36</sup> While APD's

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<sup>36</sup> This Policy was given final approval effective October 14, 2024, after training on this Policy was completed in RP7. Although the date of approval is beyond the current reporting period, the Monitor has included this policy as the majority of the work associated with finalizing and training on this policy was completed in the current reporting period.

training is consistent with the final version of the policy, APD intends to include a reread/review of the final version of this policy in an upcoming supervisor's briefing.

In addition, during RP7, APD worked on its UOF tracking, adjudication and associated remediations related to UOF incidents, in light of the movement of the system of record from AIM to Benchmark. The Benchmark system has not proven to be a universal solution and APD has had to develop a methodology which uses its AIM system to deliver action items and track the completion of such items. In recognition of the limitations of the Benchmark system, the Department has issued an RFP as described in Focus Item 6 above, "Data Systems", which, if satisfied, would address the deficits in APD's UOF tracking, adjudication and remediation. Notwithstanding the shortcomings, the Monitor walked through the current process with APD and is satisfied that the required functions of the process are being completed, albeit with a less-than-optimal workflow.

The Monitor believes this mandate continues to be on the right track at 75-99% complete, and will continue to assess the operational integrity of APD's UOF tracking, adjudication and remediations process in future reporting periods. The Monitor will also assess the appropriateness of the supervisor's briefing on the final version of APD's Pursuit Policy. APD will be able to achieve substantial compliance with this mandate when APD achieves substantial compliance with Mandates 18-32.

#### ASSESSMENT OF MANDATE 18 - USE OF FORCE – OBJECTIVES – CULTURE OF DE-ESCALATION

**Current Status:**  - 50-74% Complete. In line with Monitor's expectations.

The CD and compliance definition for Mandate 18, as agreed to in the MADC, require APD to create 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. This requires that APD's policies, training, and accountability measures prioritize de-escalation whenever possible; that UOF incidents indicate that officers have de-escalated when possible, without compromising officer safety; and that when UOF incidents reveal that de-escalation techniques could have been but were not employed, the reviewing entity identifies, documents, and formally communicates those issues back to the appropriate command staff, training staff, and the involved officer(s).

This mandate was assessed during the previous reporting period and the Monitor found it was on the right track at 75-99% complete.

During RP6, the Monitor identified an issue relative to the tracking of required actions for coaching, mentoring and training resulting from the presentation of cases to the FRB. This issue

was more of a systems issue than a process deficit. Pursuant to the identification of this issue, the Monitor requested that APD report on the 2024 Q1 and Q2 FRB required actions demonstrating successful completion of each such action.

Unfortunately, the requested reporting of Q1/Q2 UOF was not completed in the current reporting period (RP7). To be clear, the Monitor has no indication that the recommendations were not completed. Rather, APD has attributed the lack of available resources and an appropriate system to look back for Q1 and Q2 action items. APD has committed to reporting out on those action items in RP8. It should be noted that historical data prior to 2024 regarding the completion of identified action items will be maintained in AIM for Tier 1s and by FIU in a Word document for Tier 2s and Tier 3s.

In addition to the backlog relating to the tracking of action items relating to Q1/Q2 FRB adjudications, there is also a backlog within the FRB itself. As of the end of RP7, there were sixty-two (62) Tier 2 UOFs, including one (1) Tier 3 UOF<sup>37</sup> that have not yet been presented to the FRB and adjudicated, and 61 are Tier 2 cases. Fourteen (14) of the Tier 2 UOFs have been assigned to Force Investigation Unit (“FIU”) investigators for review and presentation, while 47 have not yet been assigned. The throughput of the FRB and FIU is approximately 3 cases per week or 39 cases per quarter.

For the reasons stated above, the Monitor considers that progress on this mandate has regressed due to the FRB backlog, albeit the mandate remains on the right track at 50-74% complete. To achieve substantial compliance, APD will need to: 1) demonstrate its ability to systematically collect and audit documentation of deliberations and action items from the FRB on a timely basis; 2) continue to demonstrate that appropriate de-escalation is occurring, or if not, that appropriate follow-up is consistently occurring in all UOF incidents; and 3) address the backlog of cases in FRB in order to confirm that all Tier 2 cases are being appropriately reviewed and remediated by supervisors within 72 hours of occurrence and that those cases are reviewed in FRB within 90 days of occurrence. To the extent that substantial progress is not made on these issues during RP8, this mandate will be put on a cautionary track, notwithstanding the excellent reviews which are being conducted by the FRB.

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<sup>37</sup> This UOF relates to the Officer Involved Shooting of Kilyn Lewis described in Focus Item 1 of this report, “Kilyn Lewis Fatal Officer Involved Shooting”.

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## ASSESSMENT OF MANDATE 19 - USE OF FORCE – OBJECTIVES – ACCOUNTABILITY MEASURES

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**Current Status:**  - 50-74% Complete. In line with Monitor's expectations.

The CD and compliance definition for Mandate 19, as agreed to in the MADC, require APD to develop and/or improve its accountability mechanisms (e.g., supervisory/command level UOF reviews, FRB UOF reviews, adjudicated complaints of excessive or inappropriate force used, disciplinary outcomes, and the early intervention system and processes) to 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 UOF. APD's accountability mechanisms must also be formalized/documented within finalized, disseminated and implemented policies and training/orientation for all appropriate staff. Further, APD must initiate appropriate remediation measures when necessary.

This mandate was assessed during the previous reporting period and the Monitor found APD was on the right track at 50-74% complete.

During RP7, APD continued to improve its systematic tracking of recent Tier 2 and 3 UOF investigations, adjudications, and follow up, and also developed metrics on Tier 1 UOFs in order to enable command staff to gain insights into UOF by district and unit, and the reason for initial contact, with comparisons to similar metrics across the entire department. Such metrics also include information about the types of resistance encountered; whether the subjects were armed or impaired by drugs, alcohol or mental health issues; the end result of the incident (arrest, summons, mental health hold, or released); whether the subject was injured; and racial demographics by charge level (felony, misdemeanor or none); and racial demographics for subjects who did and did not resist arrest.

The metrics on Tier 1 UOFs have been utilized in APD's RISKS meetings which, as noted in Focus Item 3, "Operational Integrity & RISKS Reviews", are held twice-monthly. These metrics assist in the drill-downs into the circumstances of certain UOFs and enabled the Monitor and APD's command staff to recognize instances involving excellent work by its officers as well as uncovering some situations that required mitigation/remediation of behavior/activities that were deemed out of policy and not to APD standards. In these RISKS meetings, APD also assessed whether CDC Forms are being completed for all incidents involving a UOF, and CDCs are being completed for all Summons. This enabled APD to uncover anomalies where UOF or CDC reporting was not being done appropriately.

While the Monitor recognizes and applauds APD's progress as described above, APD has not yet finalized Chapter 10 of APD's directives on internal investigations and the disciplinary process, including the related disciplinary matrix. Chapter 10 and the disciplinary matrix would provide


comprehensive guidance to sworn members of APD and the community regarding discipline expectations in cases of sustained misconduct, ensuring a balance between standardized disciplinary actions and consideration of individual case specifics, with a presumptive penalty for each violation and a range based on potential mitigating and aggravating factors that are officer and incident specific.

Another element that needs to be addressed in order to achieve substantial compliance with this mandate is the development of a comprehensive and fully matured early warning system. As described in the Monitor's assessment of Mandate 67, APD is currently using two traditional early intervention tools, neither of which is providing the full functionality required. APD has issued an RFP in an effort to find or develop a more suitable system that will combine the best of both systems.

Lastly, as discussed more fulsomely below, there are some significant issues with CDC compliance that APD is attempting to fully understand and remediate.

In light of the above, the Monitor believes that this mandate remains on track at 50-74% complete. While not moving this mandate to a cautionary track, without significant progress on Chapter 10 and a full understanding and remediation of the issues associated with CDC compliance, this mandate is in jeopardy of being placed on a cautionary track.

#### ASSESSMENT OF MANDATE 20A - USE OF FORCE - OBJECTIVES - APD'S CULTURE OF COORDINATION AND COLLABORATION WITH AFR

**Current Status:**  - Substantial Compliance

The CD and compliance definition for Mandate 20A, as agreed to in the MADC, require APD to create a culture of cooperation and collaboration with AFR to develop policies and address issues where both APD and AFR are affected/involved in public safety matters; if training is being conducted, APD is required to ensure a coordinated response with AFR; and APD officers are held accountable for violations of cooperative policies. This requires APD to meet regularly and coordinate with AFR to address mutual issues and trainings; and to have a cooperative joint response with AFR to incidents involving both APR and AFR.

This mandate was assessed during the previous reporting period and the Monitor found it was in substantial compliance.

In RP7, there were several ways that APD and AFR continued to collaborate. Both agencies continue to share a joint training facility, the City of Aurora Public Safety Training Center ("CAPSTC"), which is used for both Police and Fire recruit and incumbent trainings. The proximity of both organizations within that facility help to foster their collaborative relationship. New




recruits for each organization experience trainings with each other almost immediately upon beginning their tenure with the City. In addition, in RP7, APD and AFR personnel completed joint ASHER training and developed Tactical Combat Casualty Care (“TCCC”) training for delivery in RP8. Further, the training cadre for both APD and AFR continue to look for ways to collaborate with one another, including joint morning physical fitness trainings, scenario-based trainings, development of training plans and training development. Representatives for APD and AFR also continued to work on the development of joint UOF training.

In addition, executives from APD Operations Division and AFR Operations Division continued to participate in joint monthly meetings, covering a myriad of subjects, both small and large, including coordinated responses and collaboration on new ideas and policies, joint training needs, and community concerns. The Monitor will continue to monitor these interagency discussions.

For the reasons stated above, the Monitor believes this mandate remains in substantial compliance and the Monitor will continue to monitor this mandate in future reporting periods.

#### ASSESSMENT OF MANDATE 20B - USE OF FORCE - OBJECTIVES - AFR’S CULTURE OF COORDINATION AND COLLABORATION WITH APD

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**Current Status:**  - Substantial Compliance

The CD and compliance definition for Mandate 20B, as agreed to in the MADC, require AFR to create a culture of cooperation and collaboration with APD to develop policies and address issues where both APD and AFR are affected/involved in public safety matters; if training is being conducted, AFR is required to ensure a coordinated response with APD; and AFR firefighters are held accountable for violations of cooperative policies. This requires AFR to meet regularly and coordinate with APD to address mutual issues and trainings; and to have a cooperative joint response with APD to incidents involving both APR and AFR.

This mandate was assessed during the previous reporting period and the Monitor found AFR was in substantial compliance.


As described in the Monitor’s assessment of Mandate 20A above, AFR continues to cooperate and collaborate with APD, and meets regularly with representatives from APD to develop policies, address public safety issues together, and develop and participate in joint trainings.

For the reasons stated above, the Monitor believes this mandate remains in substantial compliance and the Monitor will continue to monitor this mandate in future reporting periods.

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## ASSESSMENT OF MANDATE 24 - USE OF FORCE – FORCE REVIEW BOARD (RECENT CHANGES)

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**Current Status:**  - Substantial Compliance

The CD and compliance definition for Mandate 24, as agreed to in the MADDC, require APD to discuss with the Monitor any proposed changes to FRB's processes including: (i) a standardized process to review each UOF, (ii) including academy commanders on the FRB to allow for more immediate feedback on training, (iii) including commanders in the FRB discussion of force incidents from that commander's unit, (iv) requiring commanders to follow up on training and tactical issues identified by the FRB with the patrol officers in each district, and (v) adding legal counsel to the FRB.

This mandate was last assessed in RP5 and the Monitor found it was in substantial compliance.

During RP7, the FRB continued to operate with the five processes described above, and APD did not propose any changes to such processes. While the backlog of cases for FRB has grown, APD is actively working on a plan to reduce the backlog, and will be discussing the plan with the Monitor and implementing a solution in the next reporting period. Accordingly, the Monitor believes this mandate remains in substantial compliance and the Monitor will continue to monitor this mandate in future reporting periods.

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## ASSESSMENT OF MANDATE 25 - USE OF FORCE – CHANGES TO PROCESS (FEEDBACK FOR TRAINING)

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**Current Status:**  - 75-99% Complete. In line with Monitor's expectations.

The CD and compliance definition for Mandate 25, as agreed to in the MADDC, require APD to develop, disseminate, and implement its approved and finalized policies related to the FRB processes, specifically the formal process of giving feedback to those in charge of academy and in-service training, District Commanders and AFR, including relating to incidents where no policy violation occurred but practices can be improved.

This mandate was assessed during the previous reporting period and the Monitor found it was on the right track at 75-99% complete.

During RP7, APD established a new adjudication tracking process that involves manual entry of recommendations into AIM, and using AIM's tracking system to assign those recommendations to the proper team/member. Further details about the adjudication tracking process are described in the Monitor's assessment of Mandate 27 below. Where tactics and trainings need improvement as identified within FRB's adjudication process, these will be able to be assigned to

the academy. A process to track systemic improvements has not yet been developed. While a tracking system has not yet been deployed, the Monitor notes that during each FRB meeting, academy staff are present and involved in discussions relative to training modification arising out of the analysis of individual Tier 2 and 3 uses of force, notwithstanding the lack of a policy violation. To the extent that modifications relative to training are called for, these are now being tracked in APD's AIM system.

In light of the above, the Monitor considers this mandate remains on the right track at 75-99% complete, and will continue to monitor compliance with this mandate in future reporting periods.

#### ASSESSMENT OF MANDATE 27 - USE OF FORCE – CHANGES TO PROCESS (MEASUREMENT OF USES OF FORCE)

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**Current Status:**  - 75-99% Complete. In line with Monitor's expectations.

The CD and compliance definition for Mandate 27, as agreed to in the MADDC, require APD to develop, disseminate, and implement appropriate policies, procedures and data collection methods to implement reliable ways to measure the frequency of UOF, 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; and APD's FRB is required to utilize the above information and detail during its review of force consistent with its policy.

This mandate was assessed during the previous reporting period and the Monitor found it was on the right track at 75-99% complete.

During RP7, APD developed and operationalized UOF metrics leveraging data from its UOF Investigation system to automatically update a PowerBI dashboard which has been leveraged for APD's Operational Reviews/RISKS meetings. These operational data points are provided on a weekly basis to APD command staff and the Monitor. APD also implemented a UOF Adjudication process during RP7 which leverages APD's UOF Investigation system to populate a form in its Investigation System. The form allows for recommendations to be made in accordance with conclusions reached by FRB for Tier 2 and Tier 3 UOFs. These recommendations are then applied to a manual workflow which includes manual data entry into APD's AIM system which facilitates tracking and communications to the owner/accountable party. The tracking process includes the date open and date that the specific recommendation/deliverable was identified as closed, then notification goes back to the executive officer responsible for final adjudication, who confirms that the case is closed.

As regards the tracking of action items relating to Tier 1 UOFs identified during APD's RISKS meetings, this is occurring in the same manner as action items arising from FRB adjudications.

Despite the opportunity for significant improvement using automated tracking, the Monitor believes this mandate remains on the right track at 75-99% complete. The Monitor will evaluate progress on all the components of this mandate in the next reporting period but notes that substantial compliance can only be achieved when APD has the ability to systematically track all UOF adjudications and recommendations.

#### ASSESSMENT OF MANDATE 28 - USE OF FORCE – COLLABORATION WITH ACADEMY AND OTHER SECTIONS

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**Current Status:**  - 75-99% Complete. In line with Monitor's expectations.

The CD and compliance definition for Mandate 28, as agreed to in the MADC, require APD to develop, disseminate, and implement its FRB and training policies to require: 1) a member of the academy staff to serve on the FRB; 2) the academy member's expertise in training to be used in the evaluation of UOF cases; 3) the academy member's experience on the FRB to be used in the development of training; and 4) BWC footage shown during FRB reviews to be used in recruit and in-service training, including footage depicting successful use of de-escalation, other techniques by APD officers, and incidents where improvement is recommended or needed.

This mandate was assessed during the previous reporting period and the Monitor found that it was on the right track at 75-99% complete.


APD continues to use BWC as part of its Managing Bias Curriculum. Video has been identified from several FRB's that the Monitor and/or command staff have recommended be leveraged for training purposes. APD has not yet memorialized into policy and procedures the process for including BWC video footage in its training, while ensuring that potentially damaging footage of a subject and/or officer is handled appropriately and does not create a negative training situation.

For the reasons above, the Monitor believes this mandate is on the right track at 75-99% complete, but the last element of this mandate remains to be addressed, namely the use of BWC footage shown during FRB reviews to be used in recruit and in-service training, including footage depicting successful use of de-escalation, other techniques by APD officers, and incidents where improvement is recommended or needed. The Monitor will evaluate the components of this mandate in the next reporting period.

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## ASSESSMENT OF MANDATE 29 - USE OF FORCE TRAINING (SCENARIO-BASED)

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**Current Status:**  - Substantial Compliance

The CD and compliance definition for Mandate 29, as agreed to in the MADDC, require APD to develop and deliver scenario-based UOF training to substantially all police personnel who interact with the public by the deadlines in the CD.

This mandate was assessed during the previous reporting period and the Monitor found that APD was in substantial compliance as it had developed and delivered scenario-based UOF training to all sworn personnel as required. There were no further developments in RP7, so the Monitor believes this mandate remains in substantial compliance. The Monitor will continue to assess this mandate in future reporting periods whenever APD delivers UOF-related training to its personnel.

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## ASSESSMENT OF MANDATE 31 - USE OF FORCE – TRAINING (JOINT APD AND AFR TRAINING)

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**Current Status:**  - 75-99% Complete. In line with Monitor's expectations.

The CD and compliance definition for Mandate 31, as agreed to in the MADDC, require APD to develop and deliver its approved UOF training, which includes joint police and fire on-scene coordination as appropriate, and all appropriate APD and AFR personnel are required to complete the training.

This mandate was assessed during the previous reporting period and the Monitor found that it was on the right track at 50-74% complete because APD had provided a training video to its members to demonstrate the transfer of patient on-scene coordination.

During the current reporting period, APD collaborated with AFR on the development of the required joint UOF training and on TCCC training, both of which are expected to be delivered in RP8. APD also participated in the development and delivery of other joint trainings, including scenario-based training simulations for AFR's academy training for new recruits and joint ASHER training.

While there is forward movement in this area given the development of the joint UOF training, and the Monitor continues to believe APD is on the right track at 75-99% complete with respect to this mandate, substantial compliance will not be achieved until the joint APD/AFR UOF training is developed, submitted to the Monitor for review, and delivered.

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## ASSESSMENT OF MANDATE 32 - USE OF FORCE – GOALS AND MEASUREMENT

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**Current Status:**  - 75-99% Complete. In line with Monitor's expectations.

The CD and compliance definition for Mandate 32, as agreed to in the MADDC, require APD to develop 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.

This mandate was assessed during the previous reporting period and the Monitor found it was on the right track at 50-74% complete because APD had made efforts to analyze its newly collected UOF data using a new analytics tool.

During the current report period, the Monitor found that while the newly established Operational Integrity meetings are capturing the raw data of UOF and complaint statistics, there remain no metrics identified to measure "improvements" in these areas.

The Operational Integrity meetings represent a significant step forward, as APD now has the capability to capture and see the required data points by officer. That being said, the Monitor believes that the baseline for measuring improvements need to be established as soon as possible in order to conduct analysis of subsequent data by officer, unit and districts. Once the metrics are affirmatively stated, the resultant statistical information can be leveraged by its soon-to-be hired data scientist for analyzing these very important areas that will aide in APD's ability to achieve substantial compliance with this mandate.

In light of the above, the Monitor believes progress has been made with this mandate and that it remains on the right track at 75-99% complete.

## DOCUMENTATION OF STOPS (MANDATES 33-39)

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### 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 Fourth Amendment and its prohibition against unreasonable seizures. The U.S. Supreme Court has, for decades, issued opinions in cases arising under the Fourth Amendment that collectively set the constitutional floor for when police seizures (also known as "police stop",

“Terry Stops”<sup>38</sup> 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 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 resulted in the demarcation of different kinds of encounters 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 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 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 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)—is critical for public safety oversight. 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 APD, to report “[a]ll data relating to contacts conducted by its peace officers.” The law defines the term “contact” 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 contacts governed by federal and state constitutional law. “Contact” 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, including frisks and searches.

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<sup>38</sup> “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.



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## HISTORY & BASIS FOR CONSENT DECREE MANDATES

In its September 15, 2021, 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 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 APD’s policies did not provide adequate guidance to officers on when an officer may conduct a Terry Stop or investigative stop.


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## CONSENT DECREE’S OBJECTIVES

The CD 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.

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## OPERATIONAL INTEGRITY ASSESSMENTS RE: DOCUMENTATION OF STOPS

**Current Status:**  Cautionary track: 50-74% aligned with operational integrity criteria.

In RP7, the Monitor assessed whether APD achieved operational integrity with respect to its implementation of the “Documentation of Stops” requirements of the CD. This is the first period for such an assessment. More specifically, the Monitor assessed whether the following operational integrity criteria relating to “Documentation of Stops” are being adhered to:

1. Were all stops reviewed by supervisors or the Monitor constitutional and within policy?
2. Were all unconstitutional stops reviewed by supervisors identified?
3. Was collection of contact data through APD’s CDC forms, substantially compliant with the requirements to collect such data?
4. Was there any significant under-reporting or misreporting of data required to be included in CDCs?
5. Were issues of non-compliance self-identified by APD?
6. To the extent that any stops were found to be unconstitutional or non-compliant with CDC requirements, were they remediated in an appropriate and timely manner through mentoring, coaching, training, and, when necessary, discipline for the relevant individual officers, supervisors, units and/or APD as a whole?
7. Was the data properly reported to the State in accordance with State requirements?

In RP7, analysis by the Monitor and confirmed by APD indicated two areas with compliance issues as noted above. The first involved one officer who listed the race of all individuals stopped by him as mixed race on the relevant CDC forms. BWC footage revealed this was clearly not the case. When questioned regarding why he completed the CDC forms in this manner, the officer expressed that he felt uncomfortable in assessing the race of individuals and believed that all individuals were of mixed race. Once uncovered by the RISKS review process, the issue was immediately dealt with by APD through counseling of the officer and re-instruction on how assess the apparent race of an individual.

The second issue involved a calculated low compliance percentage (below 50%) in one of APD's districts that the Monitor initially identified. APD examined the issue and found that certain systems issues were causing a miscalculation relative to the existence of CDC forms in certain instances. APD has indicated it is confident that the issues can be corrected in RP8.

Because of the low compliance issue in the district referenced above, the Monitor finds operational integrity of this section of the CD to be on a cautionary track, as the Monitor is uncertain that operational integrity will be achieved in a reasonable timeframe. The level of operational integrity is determined to be at 50-74%. That being said, APD is deeply concerned about the potential under-reporting of stops and is actively working to fully resolve it. Specifically, APD is identifying those situations in which under-reporting is occurring, determining the root cause of that under-reporting and addressing those underlying issues. The Monitor is cautiously optimistic that the root cause of the issue will soon be identified and that remediation steps will be taken so as to fully address the issue. The Monitor will continue to monitor the operational integrity of this section for future reporting periods.

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#### PREVIOUS FINDINGS OF SUBSTANTIAL COMPLIANCE

During previous reporting periods, the Monitor found Mandates 34 to 38, inclusive, in substantial compliance. These five mandates relate to APD's Contacts Data Collection policy, Constitutional Policing policy and training thereon.

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

During the current reporting period, the Monitor assessed the status of two of the seven mandates in this section of the CD and found one to be on the right track, and the other to be on a cautionary track. The Monitor's detailed assessments of these mandates follow.

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## ASSESSMENT OF MANDATE 33 - DOCUMENTATION OF STOPS - OBJECTIVES

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**Current Status:**  - 50-74% Complete. In line with Monitor's expectations.

The CD and compliance definition for Mandate 33, as agreed to in the MADDC, require APD to develop its Stops documentation system in compliance with Colorado state law and provide the requisite Stops information to the Division of Criminal Justice ("DCJ") and Colorado Department of Public Safety ("DPS") for publication. APD's system is required to verify that the system permits reviews of officer behavior, and 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.

This mandate was assessed during the previous reporting period and the Monitor found it was on the right track at 50-74% complete.

In RP7, APD operationalized its Contact Data process to include dashboard metrics and exception reporting for its twice-month RISKs meetings relating to:

- Situations where a summons was issued, but no CDC Form was completed, and
- Situations where a UOF investigation was completed, but no CDC Form was submitted.

However, no processes were in place by the end of RP7 to identify or report on situations where a criminal summons was issued or an arrest was made without a corresponding CDC form.<sup>39</sup>

In preparation for APD's RISKs meetings in RP7, APD proactively provided such exception reporting to APD's command staff to allow them time to address with their supervisors and officers the importance of compliance. As this process has been partially operationalized and standardized for some types of encounters, the Monitor believes that a similar reporting and remediation process can relatively easily be implemented for both criminal summonses and arrests.<sup>40</sup> As such, the Monitor believes this mandate remains on the right track at 50-74% compliant. The Monitor will continue to monitor this mandate in the future to confirm APD's dashboard and exception reporting have been expanded to include situations where a criminal summons was issued or an arrest was made without a corresponding CDC form, and that APD's metrics, reporting and remediation processes continue to be used and remain effective.

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<sup>39</sup> Since the end of the current reporting period, APD has updated its CDC tracking to include criminal summons and arrests.

<sup>40</sup> Similar to the above footnote, APD's reporting and remediation processes were updated after the end of the current reporting period to include such encounters.

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## ASSESSMENT OF MANDATE 39 - DOCUMENTATION OF STOPS – GOALS AND MEASUREMENTS

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**Current Status:**  - 50-74% Complete. Cautionary track. Uncertain if Monitor's expectations will be met.

The CD and compliance definition for Mandate 39, as agreed to in the MADDC, require APD to develop, finalize, and disseminate the policies required in Mandates 34-37, and implement an internal review process to monitor compliance with related policies and training. This Mandate also requires full implementation of an approved training curricula related to APD's contacts and stops policies and requires appropriate accountability measures to be utilized in instances of individual failure to comply with contact-related policies and/or training.

During the previous reporting period the Monitor assessed that this mandate was on the right track at 50-74% complete.

During the current reporting period and in the Monitor's testing of operational integrity, it came to light that compliance with the reporting requirement is low, for some districts less than 50%. It was initially unclear whether there was a systems problem that was causing the low compliance rates or a systemic problem with officers' failure to comply with the applicable policy. As noted above in the Operational Integrity section, this apparent failure of compliance coupled with the inability during the current reporting period to fully identify and correct whatever issues actually exist, caused the Monitor's Operational Integrity assessment to be on a cautionary track. The Monitor will be working with APD to help understand and correct this issue.<sup>41</sup>

On a more positive note, after several months of collaboration between APD leadership and City Management the creation of a QA Unit was finalized, and the Department has begun establishing the unit as described in Focus Item 5, "Quality Assurance Unit". Newly identified management is in the process of hiring staff to begin the development of policies and SOP's. In addition, APD members traveled to Baltimore to observe Baltimore Police Department's version of the QA Unit known there as the Sustainability Unit. According to APD, a lot of helpful information was shared and APD will be partnering with that agency to build out to best practices. APD's QA Unit will serve to internally monitor and audit, among other things, compliance with the CDC requirements, the exact methodology of which remains to be developed.

The Monitor fully supports the establishment of APD's QA Unit to enable APD to self-assess its compliance and implement the capability to continuously improve. Once issues are identified, it

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<sup>41</sup> Since the end of the current reporting period, APD identified that, indeed, systems issues are to blame for at least part of the apparent under-reporting. APD has indicated that it believes it can correct these systems issues, and then address any true under-reporting problems that are found to actually exist.

will be up to APD to utilize appropriate accountability measures to address instances of individual failure to comply with contact-related policies and/or training.

For the reasons stated above, the Monitor finds this mandate has regressed and is now on a cautionary track at 50-74% complete. Future assessments by the Monitor will include assessing: (1) the status of APD's implementation of the self-assessment and quality assurance process to monitor its compliance with stops-related policies and training; (2) whether a system has been developed through automated checks of BWC data, traffic summonses, criminal summonses, arrests and uses of force to determine whether CDC forms have been completed for each contact made and (3) whether appropriate accountability measures are being utilized in instances of individual failure to comply with contact-related policies and/or training. Substantial compliance will be achieved when these goals are met.

## USE OF KETAMINE & OTHER CHEMICAL RESTRAINTS (MANDATES 40-48)

### 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.”<sup>42</sup> 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 (“LSD”). However, recent discussion about how excited delirium diagnoses 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 *Diagnoses and Statistical Manual of Mental Disorders*, excited delirium is not listed in the manual.

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<sup>42</sup> 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](#), American Psychiatric Association.) The term has been banned in Colorado since April 4, 2024.

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 assert that chemical restraints are often incorrectly dosed, leading to life-threatening complications for patients who are improperly monitored post-administration. AFR, 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 two slower-acting chemical sedatives, Versed and Droperidol, for those situations which, in the medical judgement of paramedics on the scene, the chemical sedative is medically appropriate. Which sedative to use in any given situation is situationally based with Droperidol presenting potentially less risk in certain situations. This medical judgement is reviewed in every instance by the Medical Director of AFR.

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#### HISTORY & 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. 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 for the use of any other chemical as a restraint.

The CD requires the Monitor to “periodically review AFR’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 APD and AFR to ensure that members of APD do not recommend, suggest, or otherwise encourage the use of any chemical restraint in the field by AFR,” 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.


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#### CONSENT DECREE’S OBJECTIVES

The CD prohibits the use of ketamine by AFR during the Monitorship period without explicit approval from the Monitor, and requires the monitoring of the circumstances of the use of any chemical sedative by AFR.

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#### OPERATIONAL INTEGRITY ASSESSMENTS RE: USE OF CHEMICAL SEDATIVES

**Current Status:**  Operational integrity fully achieved.

In RP7, the Monitor continued to assess operational integrity with respect to AFR’s implementation of the “Use of Ketamine & Other Sedatives as a Chemical Restraint” requirements of the CD. This area was the first area for such an assessment, going back to RP1. More specifically, the Monitor has continued to assess whether the following operational integrity criteria relating to “Use of Ketamine & Other Sedatives as a Chemical Restraint” are being adhered to:

1. Is there any indication that ketamine is being used by AFR?
2. Is there any indication that the use of any other chemical sedative is outside of policy?
3. Is there any indication that any officer from APD has suggested the use of a chemical sedative or in any other way tried to influence the medical judgement of AFR personnel?
4. If ketamine was used, or if any other chemical sedatives were used outside policy, did AFR supervisors identify such uses? And were any instances of inappropriate uses of chemical restraints appropriately remediated in a timely manner through mentoring, coaching, training and, when necessary, discipline?



The Monitor has continued to review the use of chemical sedatives by AFR through the review of BWC videos and reports associated with each instance of the administration of chemical sedatives in the field. In addition, AFR itself is reviewing each such instance, including reviewing the BWC footage. The Monitor has found no instance in which ketamine was used by AFR, and has found each use of other chemical sedatives, specifically Versed or Droperidol, to be reasonable and within policy, and without any influence from APD.

In light of the foregoing, the Monitor finds operational integrity in this area to be fully aligned with operational integrity criteria relating to “Use of Ketamine & Other Sedatives as a Chemical Restraint”. The Monitor will continue to monitor the operational integrity of this section for future reporting periods.

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#### PREVIOUS FINDINGS OF SUBSTANTIAL COMPLIANCE

During the previous reporting period, the Monitor found all nine mandates in this section, Mandates 40 to 48, in substantial compliance.


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

During the current reporting period, the Monitor again assessed the status of all nine mandates in this area of the CD and found that all nine mandates remain in substantial compliance. The Monitor’s detailed assessments of these mandates follow.

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#### ASSESSMENT OF MANDATE 40 - USE OF KETAMINE AND OTHER SEDATIVES AS A CHEMICAL RESTRAINT – OBJECTIVES

**Current Status:**  - Substantial Compliance


The CD and compliance definition for Mandate 40, as agreed to in the MADC, require the City to confirm that ketamine is not being used in the field without explicit approval by the Monitor after appropriate consultation with AFR’s Medical Director.

This mandate was found to be in substantial compliance during the previous 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. In addition, ketamine is not available for use by AFR’s paramedics for any situations. For RP7, AFR 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 this mandate in each future reporting period.

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## ASSESSMENT OF MANDATE 41 - USE OF KETAMINE AND OTHER SEDATIVES AS A CHEMICAL RESTRAINT – OBJECTIVES

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**Current Status:**  - Substantial Compliance

The CD and compliance definition for Mandate 41, as agreed to in the MADC, require AFR to develop, disseminate, and implement an approved policy in compliance with state law and waiver requirements relating to the use of chemical restraints, and any use of chemical restraints in the field adhered to AFR's policies.

This mandate was found to be in substantial compliance during the previous reporting period.


Consistent with AFR's approved policy relating to the use of chemical sedatives, AFR's Medical Director reviews all calls where a chemical sedative was administered to sedate a combative patient and a monthly report is generated that documents the individual calls and the results of the Medical Director's review, which included assessing whether appropriate medical care was provided on these calls. For RP7, this process continued and AFR provided its monthly Medical Director reports to the Monitor.

The Monitor therefore believes that this mandate remains in substantial compliance and the Monitor will continue to review this mandate in the future in order to confirm continued compliance.

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## ASSESSMENT OF MANDATE 42 - USE OF KETAMINE AND OTHER SEDATIVES AS CHEMICAL RESTRAINT – OBJECTIVES

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**Current Status:**  - Substantial Compliance

The CD and compliance definition for Mandate 42, as agreed to in the MADC, require AFR to develop, disseminate, and implement an approved policy related to the use of chemical restraints, that joint APD/AFR training adequately covers this topic, and that APD members or policies do not recommend, suggest or otherwise encourage the use of any chemical restraints by AFR in the field. The CD and compliance definition also require 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.

This mandate was found to be in substantial compliance during the previous reporting period.


In RP7, AFR and APD personnel continued to follow their respective policies with respect to the use of chemical restraints as evidenced by AFR's review of 100% of the BWC videos from incidents

involving the administration of a chemical sedative in RP7,<sup>43</sup> and the Monitor's review of BWC footage from February through July. The Monitor found in every instance reviewed that this was the case, and that AFR's field reports appropriately documented the presence of law enforcement on scene during any call in which a chemical sedative was administered.

The Monitor therefore believes that this mandate remains in substantial compliance and the Monitor will continue to review this mandate in the future in order to confirm continued compliance.

#### ASSESSMENT OF MANDATE 43 - USE OF KETAMINE AND OTHER SEDATIVES AS CHEMICAL RESTRAINT – OBJECTIVES

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**Current Status:**  - Substantial Compliance

The CD and compliance definition for Mandate 43, as agreed to in the MADDC, require APD and AFR to meet and resolve any issues regarding the use of chemical restraints.

This mandate was found to be in substantial compliance during the previous reporting period. During the current reporting period, Monitor found this mandate in substantial compliance since no issues or objections were raised by APD or AFR. As such, the Monitor continues to find this mandate in substantial compliance and will continue monitoring it for compliance in each future reporting period.

#### ASSESSMENT OF MANDATE 44 - USE OF KETAMINE AND OTHER SEDATIVES AS A CHEMICAL RESTRAINT – POLICY CHANGES IF KETAMINE IS USED

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**Current Status:**  - Substantial Compliance

The CD and compliance definition for Mandate 44, as agreed to in the MADDC, require AFR to not use ketamine, or if AFR seeks to resume the use of ketamine as a chemical restraint, AFR will seek approval of a new policy from the Monitor and Medical Director prior to implementation that dictates appropriate dosage recommendations and assessment of the level of patient agitations that would lead to the use of ketamine in the field.

This mandate was found to be in substantial compliance during the previous reporting period.

During the current reporting period, the Monitor found the City continues to be in substantial compliance as AFR has not sought to reinstate the use of ketamine, and AFR reiterated its intention to maintain ketamine's removal from its treatment protocols indefinitely. As such, the


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<sup>43</sup> AFR identified such incidents based on field reporting regarding the administration of chemical restraints.

Monitor continues to find this mandate in substantial compliance and will continue monitoring this mandate in each future reporting period.

#### ASSESSMENT OF MANDATE 45 - USE OF KETAMINE AND OTHER SEDATIVES AS A CHEMICAL RESTRAINT – PROCESS CHANGES

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**Current Status:**  - Substantial Compliance


The CD and compliance definition for Mandate 45, as agreed to in the MADDC, require AFR to have a policy relating to post-incident analysis that was approved by the Monitor and AFR is required to conduct post-incident reviews for each application of ketamine as a chemical restraint.

This mandate was found to be in substantial compliance during the previous reporting period.

During the current reporting period, the Monitor found AFR continues to be in substantial compliance as ketamine was not used, so there was no need to conduct any post-incident reviews related thereto. As such, the Monitor continues to find this mandate in substantial compliance and will continue monitoring this mandate in each future reporting period.

#### ASSESSMENT OF MANDATE 46 - USE OF KETAMINE AND OTHER SEDATIVES AS A CHEMICAL RESTRAINT – EVALUATION OF CHEMICAL SEDATION

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**Current Status:**  - Substantial Compliance

The CD and compliance definition for Mandate 46, as agreed to in the MADDC, require AFR to 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 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.

This mandate was found to be in substantial compliance during the previous reporting period.

During the current reporting period, the Monitor found that AFR reviewed 100% of calls involving the use of sedatives to manage combative patients, having started such reviews prior to the CD's enactment. The reviews were conducted by AFR's Medical Director pursuant to its Continuous Quality Improvement program.


The Monitor previously advocated for access by AFR to BWC footage that pertain to incidents of the administration of chemical sedatives involving a joint response with APD, and as noted above, AFR has this capability now and has been conducting its own BWC reviews. It was agreed with AFR that starting with RP6, AFR will be wholly responsible for conducting 100% of these reviews

and that the Monitor will review samples of these incidents to confirm that AFR's assessments are accurate and reliable and to confirm continuing compliance with this mandate.

The Monitor continues to find this mandate in substantial compliance and will continue to monitor this mandate going forward in order to confirm the 6-month retrospective reviews continue.

#### ASSESSMENT OF MANDATE 47 - EVALUATION OF CHEMICAL SEDATION

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**Current Status:**  - Substantial Compliance

The CD and compliance definition for Mandate 47, as agreed to in the MADDC, require AFR to summarize its periodic reviews of the uses of chemical restraints to the Monitor at least twice a year, starting 6 months from the effective date of the CD; and confirm that the summary includes at a minimum, information about the number of times AFR used chemical sedation as a chemical restraint, the symptoms justifying sedation, the type of chemical restraint used, whether AFR followed policy, what information police officers provided to AFR for compliance with C.R.S. § 18-8-805, and basic information about the use of chemical sedation such as the tabular data included on pages 97-98 of the AG's Report.


The Monitor found APD to be in substantial compliance with this mandate during the previous reporting period.

During the current reporting period, the Monitor found that AFR continued its review of 100% of calls involving the use of sedatives to manage combative patients, having started such reviews prior to the CD's enactment. These reviews were conducted by AFR's Medical Director pursuant to its Continuous Quality Improvement program, and AFR conducted a 6-month retrospective review of relevant uses from January 1 through June 30, 2024, which sought to identify trends, review current treatment protocols, and determine any training needs.

The Monitor finds this mandate continues to be in substantial compliance and will continue monitoring this mandate in the future.

#### ASSESSMENT OF MANDATE 48 - USE OF KETAMINE AND OTHER SEDATIVES AS A CHEMICAL RESTRAINT – GOALS AND MEASUREMENT

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**Current Status:**  - Substantial Compliance

The CD and compliance definition for Mandate 48, as agreed to in the MADDC, require that AFR does not use ketamine, or if AFR uses ketamine, that AFR does so only when symptoms appropriately justify the sedation, when AFR has not been influenced in its decision to use ketamine by APD, and AFR has administered the appropriate dosage of ketamine.

This mandate was found to be in substantial compliance during the previous reporting period.

During the current reporting period, the Monitor found AFR continues to be in substantial compliance as ketamine was not used. As such, the Monitor continues to find this mandate in substantial compliance and will continue monitoring this mandate in each future reporting period.

## RECRUITMENT, HIRING & PROMOTION (MANDATES 49-66)

### 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 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 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 CSC, 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 thus required 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.

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#### HISTORY & BASIS FOR CONSENT DECREE MANDATES

APD’s high attrition rate led to concerns that critical policing functions will either be left unstaffed or will be staffed by newer recruits who lack significant experience and 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 CD mandates a revisitation of the City’s recruitment and hiring of police officers and fire fighters.

These processes have historically been bifurcated between APD/AFR and the CSC, with APD/AFR handling candidate recruitment and CSC exclusively responsible for the hiring process, including making final hiring decisions. Notably, the CSC also oversees both the promotion and disciplinary process for APD and AFR. The CD requires both agencies to work with the CSC to review and identify potential changes to minimum qualifications for new 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.

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#### CONSENT DECREE OBJECTIVES

The CD 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 develop a culture of continuous improvement within each agency and to become better police and fire departments overall. Finally, the CD seeks to improve transparency, accountability, and predictability in each agency’s discipline review process, and to improve the role of the CSC in APD and AFR hiring, promotion, and discipline. With regard to hiring, the CD mandates that APD and AFR have a much greater role in the hiring process and have the final say as to which candidates are ultimately selected for hire.



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**OPERATIONAL INTEGRITY ASSESSMENTS RE: RECRUITMENT, HIRING & PROMOTION**

**Current Status:**  Cautionary track: 50-74% aligned with operational integrity criteria.

In RP7, the Monitor assessed operational integrity with respect to the City’s implementation of the “Recruitment, Hiring & Promotion” requirements of the CD. This is the first period for such an assessment. More specifically, the Monitor assessed whether the following operational integrity criteria relating to “Recruitment, Hiring & Promotion” are being adhered to:

1. Have APD’s and AFR’s recruitment and hiring practices resulted in a more diverse and qualified workforce?
2. If not, could the City or its agencies reasonably have done more to have placed the City in a position to do so? Did HR provide appropriate detailed information relative to the hiring process to APD and AFR so as to allow each agency the best opportunity to identify areas for improvement in their ability to increase diversity?
3. Did APD’s and AFR’s promotional practices reflect the agreed upon changes in their promotional processes?
4. Did APD’s and AFR’s disciplinary practices reflect the agreed upon changes in their disciplinary processes?

As noted in Focus Item 8 above, “Hiring Process Developments & Outcomes to June 2024”, the Monitor, at the request of the City Manager, undertook the production of a report on the effects on hiring pursuant to the changes brought about by the mandates in this section, more fully described below. In essence, the Monitor has taken a deep-dive into the last classes hired by the City and has made a number of recommendations to promote greater diversity (while maintaining quality) amongst the ranks of both APD and AFR.

The Monitor determined that APD’s recruitment and hiring practices for 2024 resulted in a more racially diverse but less gender diverse workforce. AFR’s recruitment and hiring practices for 2024 resulted in the opposite, with a workforce with more gender diversity but less racial diversity.<sup>44</sup> Further, disparities exist in the hiring of certain groups for both APD and AFR, and diversity data with respect to certain groups is not being analyzed.<sup>45</sup>

Through the Monitor’s review, the Monitor learned that HR, which took on the responsibility for the hiring process and all related data, did not appropriately analyze nor provide detailed and timely information to each Department relative to the stage and demographics of applicants

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<sup>44</sup> See the Monitor’s assessments of Mandates 49A and 49B below.

<sup>45</sup> APD and AFR’s hiring metrics are currently focused on assessing diversity with respect to race and gender. Diversity with respect to sexual orientation is not being collected or measured.

eliminated in the hiring process, which meant APD/AFR could not determine whether any aspect of the hiring process might be having an unacceptable adverse impact on diversity. In addition, HR provided limited visibility to APD and AFR into the exact status of applicants during the hiring process, thereby impairing APD and AFR's ability to more fully engage with applicants along the hiring continuum. These shortcomings are attributed in part to systems issues associated with the changeover from CSC to HR.<sup>46</sup> The 2024 Hiring Comparison Report contains a number of recommendations to address these shortcomings, and will be watching closely for the implementation of these recommendations in the next reporting periods.

During RP7, all agreed upon processes for promotion and discipline with respect to both APD and AFR were followed.

For the reasons stated above, the Monitor finds the City is on a cautionary track relative to operational integrity in this area at a level of 50-74% aligned with operational integrity criteria relating to "Recruitment, Hiring & Promotion". The Monitor will continue to monitor the operational integrity of this section for future reporting periods.

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#### PREVIOUS FINDINGS OF SUBSTANTIAL COMPLIANCE

During previous reporting periods, Mandates 49C, and 50 to 66, inclusive, were found in substantial compliance. These thirteen mandates relate to written recruitment plans for APD and AFR, rules changes for CSC involving hiring and discipline, and hiring of an outside expert for CSC.

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

During the current reporting period, the Monitor assessed the status of 7 of the 20 mandates in this section of the CD. One mandate related to APD and one related to AFR were found to be on the right track. The five remaining mandates related to CSC were all in substantial compliance. The Monitor's detailed assessments of these mandates follow.

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#### ASSESSMENT OF MANDATE 49A - RECRUITMENT, HIRING, AND PROMOTION – OBJECTIVES (APD)

**Current Status:**  - 75-99% Complete. In line with Monitor's expectations.

The CD and compliance definition for Mandate 49A, as agreed to in the MADC, require APD to transform its recruiting and hiring processes to create a more diverse and qualified workforce and establish APD's commitment to a culture of continuous improvement and becoming a better police department. This requires the City to implement policies and plans relating to APD's

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<sup>46</sup> CSC used NeoGov as its Applicant Tracking System, while HR uses Workday as its Applicant Tracking System.

recruitment, hiring, promotion and discipline processes as described in Mandates 50-52, 54, 56, 58, 60-64 and 66.

This mandate was assessed during the previous reporting period and the Monitor found it was on the right track at 75-99% complete.

### *DIVERSITY OUTCOMES*

In RP7, based on data provided by HR and analyzed by the Monitor as described in Focus Item 8, “Hiring Process Developments & Outcomes to June 2024”, APD’s 50 new recruits<sup>47</sup> hired in 2024 were **more** racially diverse and **more** gender diverse than APD’s existing sworn workforce as of December 31, 2023. However, by August 15, 2024, APD’s sworn workforce was **less** gender diverse with 71 females than at the end of 2023, with 73 females.

More specifically, as shown in Table 7 below, APD’s BIPOC<sup>48</sup> entry-level recruits in 2024 represented 64% of APD’s total entry-level recruits compared to 23% BIPOC sworn members in APD’s existing sworn workforce at the end of 2023.<sup>49</sup> Looking at this from another perspective, new recruits for APD’s 2024 academies were 36% white, which is significantly less than the 74% white members in APD’s sworn workforce at the end of 2023; it is also less than the 76% white members in APD’s sworn workforce near the end of 2022.<sup>50</sup> As a result of APD’s hiring processes for 2024, coupled with departures to August 15, 2024, APD’s sworn workforce at the end of RP7 was **more** racially diverse than APD’s sworn workforce at the end of the two prior years, with 27% BIPOC and 71% white members at the end of RP7, compared to 74% white members at the end of 2023, and 76% near the end of 2022.

This is good news for APD as it demonstrates APD’s commitment to reforming its overall recruiting and hiring practices to develop a more racially diverse workforce.<sup>51</sup>

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<sup>47</sup> APD hired 27 entry-level recruits for its January 2024 academy, and 26 for its June 2024 academy. Based on available data, 1 of the January recruits and 2 of the June recruits were terminated after the start date of such academies, leaving 50 new recruits for 2024.

<sup>48</sup> The term BIPOC refers to people who self-identified as American Indian/Alaska Native, Asian, Black/African American, Hispanic/Latino, Native Hawaiian/Pacific Islander or Two or More Races.

<sup>49</sup> Ethnicity and gender information for sworn personnel is based on APD’s Affirmative Action Report as of December 31, 2023. Ethnicity and gender information for APD’s 2024 academy hires was determined by the Monitor using the same methodology for consolidated reporting on race/ethnicity for people who self-identified as Hispanic or Latino as used for APD’s Q4 2023 Affirmative Action Report.

<sup>50</sup> APD was unable to provide reporting on its sworn workforce as of December 31, 2022 because of data issues at that time.

<sup>51</sup> Although the Monitor notes that no American Indians or Alaska Natives were hired in 2024, APD’s existing workforce at the end of 2023 had proportionately more American Indians and Alaska Natives than the population of

**Table 7 - APD Workforce Racial Diversity Outcomes to August 15, 2024**

	Sept 30, 2022 Workforce		Dec 31, 2023 Workforce		2024 Entry-Level Hires		Aug 15, 2024 Workforce	
	#	%	#	%	#	%	#	%
BIPOC	164	24%	155	23%	32	64%	184	27%
White	532	76%	492	74%	18	36%	484	71%
Not Identified	0	0%	21	3%	0	0%	18	3%
TOTAL	696	100%	668	100%	50	100%	686	100%

**Table 8 - APD Workforce Gender Diversity Outcomes to August 15, 2024**

	Sept 30, 2022 Workforce		Dec 31, 2023 Workforce		2024 Entry-Level Hires		Aug 15, 2024 Workforce	
	#	%	#	%	#	%	#	%
Female	76	11%	73	11%	6	12%	71	10%
Male	620	89%	593	89%	44	88%	613	89%
Not Identified	0	0%	2	0%	0	0%	2	0%
TOTAL	696	100%	668	100%	50	100%	686	100%

While APD has made significant strides in its efforts to introduce more racial diversity into its ranks as described above, APD's progress on gender diversity is not as significant, with females representing 12% of APD's 2024 new recruits compared to 11% sworn female members at the end of 2023 and 11% near the end of 2022, as shown in Table 8 above. By August 15, 2024, despite the addition of 8 female recruits, APD's female members had declined to 71 females, which represents 10% of APD's total sworn workforce.

APD's female recruit percentage is well below the level that would be necessary to achieve the goals set out in the [30x30 Initiative](#)<sup>52</sup> to increase the representation of women in police recruit classes to 30% by 2030. While this initiative is not mandated by the CD, it is reflective of best practices in policing, supported by decades of research that shows the unique benefits women officers bring to policing agencies. In January 2024, APD announced its commitment to achieving the goals of this 30x30 Initiative. In an effort to attract more female applicants, APD featured women in their digital and print advertising and planned their next bi-annual Future Women of APD recruiting seminar for early in RP8.<sup>53</sup> In addition, APD's Pilot Cadet Program with the Community College of Aurora started in 2024 with 7 females out of 8 students; and 9 of the 17 participants in APD's Explorers educational program for youth ages 14-19 are female.

As next steps, the Monitor recommends that APD and HR study the guidance offered in connection with the 30x30 initiative, in order to understand and address any barriers that need

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City of Aurora. Based on [census data](#) for 2022, American Indians and Alaska Natives represent less than 1% of the City of Aurora's population.

<sup>52</sup> The 30x30 initiative is a joint endeavor of the Policing Project of NYU School of Law and the National Association of Women Law Enforcement Executives.

<sup>53</sup> 33 women attended this event on October 5, 2024, which is beyond the end of the current reporting period.

to be overcome relating to recruiting and hiring to make further progress on gender diversity. The Monitor also recommends that APD and HR study the stage of elimination in APD's hiring process to determine which stages have the greatest adverse impact on females, in order to develop strategies to overcome such disparities.

The Monitors notes that data collection and reporting relating to creating a more diverse workforce have focused on race and gender; data has not been captured and reported for other types of diversity that will be important to measure, for instance, relating to sexual orientation. While APD has extended its recruiting efforts to the LGBTQ community, APD and HR may wish to work together, in collaboration with AFR, to establish a suitable diversity goal and strategy relative to applicants who self-identify as LGTBQ and other types of diversity.

#### *MORE QUALIFIED WORKFORCE*

APD's hiring process for 2024 continues to include minimum qualification criteria, automatic disqualifiers, and a litany of tests<sup>54</sup> designed to rigorously assess whether each applicant is qualified to be offered a position at APD's next academy, and the academy provides further training and tests designed to get new recruits ready for their role as a patrol officer.<sup>55</sup> This robust set of tests for 2024 includes the same tests as in recent years, albeit in a different order. In short, there is nothing to indicate that APD has relaxed its testing processes, nor that APD's recruits in 2024 are not as qualified as in prior years.

#### *HR DATA & REPORTING*

In 2023, the administration of APD's hiring process transitioned from the CSC to HR. All data relating to the hiring process for APD's 2024 academies similarly transitioned from CSC's applicant tracking system to the system used by HR, namely Workday's ATS. Throughout RP7, APD's efforts to improve the diversity of its new recruits were met with challenges obtaining timely and reliable data and stage of elimination reporting from HR, both during and soon after each of APD's hiring processes concluded. Such outcomes reporting was not provided to APD for

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<sup>54</sup> Pre-employment screening tests/processes include: the submission of written forms, an online Frontline exam which assesses how applicants would respond to certain job-specific situations (in the PSSA portion of the exam), and assesses their reading and writing skills; physical fitness/job function testing of endurance and agility including sit-ups, the Illinois Agility Test and a Beep test; an interview; and a background investigation. The background investigation includes criminal record checks; prior employment validation; medical/drug testing; a polygraph; a Job Suitability Assessment that includes Catelli's 16 Personality Factors Test ("16PF") and the California Psychological Inventory 434 Personality Test ("CPI-434") and a virtual interview with a psychologist who is familiar with the applicant's JSA tests; followed by a review by APD's Chiefs who perform a "whole person" assessment.

<sup>55</sup> Testing at the academy includes push-ups in addition to the pre-employment physical fitness testing elements, but with much stricter testing standards as described in [APD's Pre-Academy Fitness Guide](#).

its January and June 2024 hiring classes until early July 2024, and data regarding the status of applicants to APD's 2024 academies was not able to be provided during APD's 2024 hiring processes.<sup>56</sup> This lack of information sharing made it more difficult for APD to proactively engage with its applicants before they withdrew or dropped out of the hiring process. Of note, 564 of APD's applicants for APD's 2024 hiring classes (representing more than 50% of such applicants) withdrew, were unresponsive or were no-shows, and the data is unclear regarding when such withdrawals/dropouts occurred in APD's 2024 hiring process. This meant APD was unable to use a data-driven approach to inform and enhance its recruiting strategies to address the goals of the CD relating to hiring a more diverse and qualified workforce. Despite this lack of data, APD was responsive to applicants who expressed concern about the \$65 cost of APD's entrance exam by offering to pay for the cost of such testing in an effort to remove any financial barriers for such applicants.<sup>57</sup>

Further, the CSC did not receive any disparate impact reporting from HR for each step in APD's hiring process, as required by section II.10 of the [CSC's Rules & Regulations](#).

In addition to the delays/inability to obtain HR data/reporting on APD's hiring process, the data produced by HR in July 2024 (for APD's January and June 2024 academy hiring processes, which included 982 applicants) had various quality issues, including: 43 duplicate applications, incomplete reporting on 15 applicants for APD's January and June 2024 academies, inconsistent race/ethnicity categorizations compared to categorizations used in 2023 for 112 applicants who selected Hispanic/Latino and one or more other races, manual stage of elimination entries that are inconsistent with details contained elsewhere in the data, and unknown status regarding the stage of elimination for 2 applicants. None of these types of problems should exist in hiring data. These and other data issues will be further described in the Monitor's 2024 Hiring Comparison Report, along with recommendations for improvement.

#### *APD'S EFFORTS TO REMOVE A PERCEIVED DISPARATE IMPACT*

Notwithstanding the lack of hiring data/reporting, the Monitor notes that APD's Recruiting Unit completed a review of its 2024 hiring process and found a potential concern related to the Public Safety Self-Assessment ("PSSA") test included in the National Testing Network's ("NTN's")

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<sup>56</sup> HR was able to provide real-time applicant status information to APD for the first time in late September 2024 for applicants to APD's January 2025 academy. While this development arose after the end of the current reporting period, the Monitor has included this information herein in light of its significance in improving APD's ability to proactively engage with applicants during its hiring process from late September 2024 onwards.

<sup>57</sup> Although this is beyond the scope of the Monitor's current report, for APD's January 2025 academy hiring process, APD will provide the entrance exam at no cost to applicants. APD will monitor and assess the impact of this temporary change in order to evaluate whether it should be continued.

FrontLine admissions exam. APD's Recruiting Unit had received numerous verbal complaints from applicants about this test, including that the PSSA process was duplicative of the Job Suitability Assessment ("JSA") which includes a review with a licensed psychologist. APD also noted potential concerns with varied impact among racial and ethnic groups even though APD did not have enough data to assess whether this was a valid concern. These concerns led APD to make a recommendation to the CSC to remove the PSSA from the pre-screening process, which was approved and removed for APD's January 2025 hiring process.

The Monitor applauds APD for its initiative and resourcefulness in assessing and then addressing the perceived disparate impact caused by the PSSA test, despite the lack of timely and reliable data/reporting to make this assessment.

### CONCLUSION

In light of APD's increased racial diversity for 2024 compared to 2023 as described above, and the gender diversity of APD's recruits, coupled with APD's efforts to improve its hiring practices to reduce the perceived disparate impact of its PSSA process, the Monitor believes this mandate remains on the right track at 75-99% complete. The City will achieve substantial compliance with this mandate when APD is receiving relevant, timely and reliable hiring data and reporting, is making data-informed decisions relating to recruiting and hiring, and is able to demonstrate the ability to create a more diverse and qualified workforce as required by the CD, including with respect to both race and gender. The Monitor will continue to assess this mandate for each reporting period for which a hiring process has concluded.

### ASSESSMENT OF MANDATE 49B - RECRUITMENT, HIRING, AND PROMOTION – OBJECTIVES (AFR)

**Current Status:**  - 50-74% Complete. In line with Monitor's expectations.

The CD and compliance definition for Mandate 49B, as agreed to in the MADDC, require the City to transform its recruiting, hiring and promotional processes to create a more diverse and qualified workforce and establish AFR's commitment to a culture of continuous improvement and becoming a better fire department. This requires the City to implement policies and plans relating to AFR's recruitment, hiring, promotion and discipline processes as described in Mandates 50-51, 53, 55, 57, 59-64 and 66.

This mandate was assessed during the previous reporting period and the Monitor found it was on the right track at 75-99% complete.



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## DIVERSITY OUTCOMES

For RP7, the Monitor analyzed AFR's data as described in Focus Item 8, "Hiring Process Developments & Outcomes to June 2024", and found that AFR's 41 new recruits<sup>58</sup> hired in 2024 are more gender diverse but less racially diverse than AFR's existing sworn workforce as of December 31, 2023.

More specifically, as shown in Table 9 below, AFR's BIPOC<sup>59</sup> entry-level recruits in 2024 represented 17.1% of AFR's total entry-level recruits compared to 19.3% BIPOC sworn members in AFR's existing sworn workforce at the end of 2023.<sup>60</sup> In other words, new recruits for AFR's 2024 academies were 82.9% white, which is more than the 76.1% white members in AFR's sworn workforce at the end of 2023. As a result of AFR's hiring processes for 2024, coupled with departures to August 31, 2024, AFR's sworn workforce at the end of August 2024 was less racially diverse than AFR's sworn workforce at the end of the prior year, with 18.9% BIPOC and 76.9% white members at the end of August 2024, compared to 19.3% BIPOC and 76.1% white members at the end of 2023.<sup>61</sup>

This comparison is not good news for AFR as it demonstrates that AFR was unable to hire a more racially diverse workforce in 2024. Further, none of the 95 applicants to AFR's February and August 2024 academies who self-identified as Black/African American, or having two or more races were hired. [Census data](#) for 2022 shows that Black/African Americans represented 16.7% and people with two or more races represented 13.3% of the City of Aurora's population.

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<sup>58</sup> AFR hired 24 entry-level recruits for its February 2024 academy, and 23 for its August 2024 academy. Based on available data, 6 of the February recruits (25%) were terminated within a few days to a few months after the start date of the February 2024 academy, leaving 41 new recruits for 2024. The Monitor does not have information about terminations from the August 2024 academy.

<sup>59</sup> The term BIPOC refers to people who self-identified as American Indian/Alaska Native, Asian, Black/African American, Hispanic/Latino, Native Hawaiian/Pacific Islander or Two or More Races.

<sup>60</sup> Ethnicity and gender information for sworn personnel is based on APD's Affirmative Action Report as of December 31, 2023. Ethnicity and gender information for APD's 2024 academy hires was determined by the Monitor using the same methodology for consolidated reporting on race/ethnicity for people who self-identified as Hispanic or Latino as used for APD's Q4 2023 Affirmative Action Report.

<sup>61</sup> The Monitor extended the period for this comparison to August 31, which is 2 weeks after AFR's August academy began on August 19, 2024, and is after the end of the current reporting period which concluded on August 15, 2024.

**Table 9 - AFR Workforce Racial Diversity Outcomes to August 31, 2024**

	Dec 31, 2023 Workforce		2024 Entry-Level Hires		Aug 31, 2024 Workforce	
	#	%	#	%	#	%
BIPOC	84	19.3%	7	17.1%	89	18.9%
White	332	76.1%	34	82.9%	362	76.9%
Not Identified	20	4.6%	0	0.0%	20	4.2%
TOTAL	436	100.0%	41	100.0%	471	100.0%

**Table 10 - AFR Workforce Gender Diversity Outcomes to August 31, 2024**

	Dec 31, 2023 Workforce		2024 Entry-Level Hires		Aug 31, 2024 Workforce	
	#	%	#	%	#	%
Female	29	6.7%	6	14.6%	35	7.4%
Male	407	93.3%	35	85.4%	436	92.6%
TOTAL	436	100.0%	41	100.0%	471	100.0%

As regards gender diversity, as shown in Table 10 above, the proportion of female recruits for AFR's 2024 academies (of 14.6%) was **more** than double the proportion of females in AFR's existing sworn workforce on December 31, 2023 (of 6.7%). In other words, there were proportionately less male recruits for AFR's 2024 academies than in AFR's sworn workforce at the end of 2023 (85.4% compared to 93.3%). As a result of AFR's hiring processes for 2024, coupled with departures to August 31, 2024, AFR's sworn workforce at the end of August was **more** gender diverse than AFR's sworn workforce at the end of 2023, with 7.4% female and 92.6% male members at the end of August, compared to 6.7% female and 93.3% male members at the end of 2023.

The Monitor notes that AFR's efforts to date relating to creating a more diverse workforce have mainly focused on gender. While AFR's ability to hire a more gender diverse workforce represents progress, there is more to be done to enable AFR to hire a more racially diverse workforce as described above.

In addition, other forms of diversity could be considered, for instance relating to self-identified sexual orientation. AFR and HR may wish to work together, in collaboration with APD, to establish a suitable diversity goal and strategy relative to self-identified sexual orientation.

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### *MORE QUALIFIED WORKFORCE*

AFR's hiring process is similar to the hiring process used by APD, and continues to include minimum qualification criteria, automatic disqualifiers, and a litany of tests<sup>62</sup> that are designed to rigorously assess whether each applicant is qualified to be offered a position at AFR's next academy, and the academy provides further training and tests designed to get new recruits ready for their role as a firefighter. This robust set of tests for 2024 includes the same tests as in recent years, albeit in a different order. In short, there is nothing to indicate that AFR has relaxed its testing processes, nor that AFR's recruits in 2024 are not as qualified as in prior years.

### *HR DATA & REPORTING*

In RP7, AFR faced similar challenges to those faced by APD (as described in the Monitor's assessment of Mandate 49A above) relating to obtaining timely and reliable data and outcomes reporting from HR, both during and soon after each of AFR's hiring processes concluded. Specifically, AFR received data about its hiring process outcomes for its February and August 2024 academies after its August 2024 academy began. As a result, AFR was unable to proactively engage with its applicants before they withdrew or dropped out of the hiring process. Of note, 315 of AFR's 2024 applicants (representing almost 44% of AFR's applicants to its 2024 hiring processes) withdrew, were unresponsive or were no-shows, failed to schedule a test, declined an offer, or were eliminated for an unknown reason, and the data is unclear for all withdrawals/dropouts regarding when such withdrawals/dropouts occurred in AFR's 2024 hiring process. This meant AFR was unable to use a data-driven approach to inform and enhance its recruiting strategies to address the goals of the CD relating to hiring a more diverse and qualified workforce.

Further, the CSC did not receive any disparate impact reporting from HR for each step in AFR's hiring process, as required by section II.10 of the [CSC's Rules & Regulations](#).

As regards the quality of AFR's data, there were various quality issues in the data for AFR's 717 hiring process applicants for 2024, including: 3 duplicate applications; rescinded offers for 205 applicants (including 63 BIPOC applicants and 19 female or non-binary applicants), with no indication in the data as to why; and no data to explain why 5 applicants (including 1 non-white applicant) were eliminated from the hiring process. In addition, 5 other applicants (including 4 non-white applicants) were eliminated during the background stage of the pre-employment

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<sup>62</sup> Pre-employment screening tests/processes include: the submission of written forms, an online FireTEAM exam which assesses how applicants would respond to certain job-specific situations (in the PSSA portion of the exam), and assesses their reading and writing skills; physical fitness/job function testing; an interview; and a background investigation; followed by a review by AFR's Chiefs.

screening and testing process, with no indication as to what aspect of the background process led to their elimination. None of these types of problems should exist in hiring data.

### *CONCLUSION*

For all the reasons above, including AFR's declining racial diversity and increasing gender diversity, as well as AFR's inability to receive reliable data and reporting to enable AFR to make data-informed decisions to improve its hiring processes, the Monitor believes this mandate remains on the right track but is now 50-74% complete. The City will achieve substantial compliance with this mandate when AFR is receiving relevant, timely and reliable hiring data and reporting, is making data-informed decisions relating to recruiting and hiring, and is able to demonstrate the ability to create a more diverse and qualified workforce as required by the CD, including with respect to both race and gender. The Monitor will continue to assess this mandate for each reporting period for which a hiring process has concluded.

### ASSESSMENT OF MANDATE 49C - RECRUITMENT, HIRING, AND PROMOTION – OBJECTIVES (CSC)

**Current Status:**  - Substantial Compliance

The CD and compliance definition for Mandate 49C, as agreed to in the MADC, require the City in collaboration with the CSC to transform the City's recruiting and hiring processes to create a more diverse and qualified workforce for APD and AFR, and to establish APD's and AFR's commitments to a culture of continuous improvement in order to become better police and fire departments.

This mandate was assessed relative to the CSC in the previous reporting period and the Monitor found the CSC in substantial compliance.

In the current reporting period, the Monitor examined various aspects of CSC's operations to determine the extent to which such aspects have affected the ability of the City to hire a more diverse and quality workforce.

### *IMPACT OF MINIMUM QUALIFICATIONS & AUTOMATIC DISQUALIFIERS ON DIVERSITY*

In RP7, subsequent to the transition of the majority of the CSC's hiring processes to the City's HR function effective July 1, 2023, the CSC's responsibilities shifted to establishing rules and regulations for recruiting, hiring, promotion and disciplinary hearings for all uniformed APD and AFR personnel including establishing minimum qualifications and automatic disqualifiers for new appointments, and participating during key stages of the hiring, promotion and appeals process. During the course of the Monitor's work on its assessment of the impact of APD's and AFR's hiring processes, the Monitor learned that there are additional disqualifiers that are being applied by

HR that are not listed in the CSC's [Rules & Regulations](#) including a positive drug test for marijuana, and a serious driving conviction within the last three years<sup>63</sup>:

- For APD/AFR applicants who test positive for marijuana during a pre-employment drug test, HR has applied the City's policy which states that such applicants will not be hired and will be ineligible to be employed within the City for one year. This policy is not mentioned in APD/AFR recruiting websites nor in new recruit job postings, nor is it identified in the CSC's [Rules & Regulations](#). Since it is legal to use marijuana in the state of Colorado, applicants should be informed about this policy if it will result in an automatic disqualification in APD's/AFR's pre-employment screening process. Candidates should also be advised about the length of time that marijuana can remain in their system, as it can take several days to more than a month for a marijuana user to pass a drug test.
- For APD/AFR applicants with serious driving convictions within the last 3 years, HR has been using the City's Risk Management Hiring Matrix to determine if an applicant is eligible for hire based on their insurability on the City's commercial auto insurance policy. Although a draft Business Policy Memorandum ("BPM") dated September 15, 2023, suggests an applicant with one serious conviction would be subject to individualized assessment and determination by the City's Risk Management and HR functions, this BPM has not been finalized and implemented, so applicants with such driving convictions are automatically disqualified. This disqualifier is not mentioned on APD's/AFR's recruiting websites, in job postings, nor in the CSC's rules and regulations. Again, applicants should be advised about the serious driving convictions policy if it will result in an automatic disqualification in APD's/AFR's pre-employment screening process.

The Monitor recommends that the CSC consider whether the above disqualifiers should continue to be applied, and if so, the CSC should update its [Rules & Regulations](#) to reflect this. Further, job postings for new applicants and APD's/AFR's recruiting websites should similarly incorporate any additional disqualifiers as concluded by the CSC.

#### *HIRING OUTCOMES & DISPARATE IMPACT REPORTING*

During RP7, the CSC's meeting minutes for the CSC's April 2024 meeting included updates on the status of APD's hiring processes during RP7, and this meeting also included a summary from Commission staff on the CSC's entry-level disqualification appeal process and results. The

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<sup>63</sup> Serious driving incidents include severe moving convictions, such as homicide, assault with a vehicle, leaving the scene of an accident (hit and run), eluding a police officer, driving under the influence ("DUI") (of alcohol or drugs), driving while under the influence of drugs ("DUID"), driving while ability impaired ("DWAI"), any vehicle-related felony, drag racing/exhibition of speed, or reckless driving.

information presented regarding the status of APD's hiring processes did not, however, include an assessment of the hiring process outcomes, for instance relating to number of recruits hired or their diversity, nor did it include an assessment of the disparate impact, if any, from the assessment of minimum qualifications and disqualifications at each step of the hiring process for APD, as required by section II.10a of the updated [CSC Rules & Regulations](#). Further, the minutes don't reflect any questions from the CSC or any briefings by HR regarding the status of such assessments.


The Monitor notes that no presentations or reports were provided to the CSC regarding the outcomes or disparate impacts of AFR's 2024 hiring processes.

As described in the Monitor's assessments of Mandates 49A and 49B above, APD and AFR were unable to receive timely and reliable data/reporting on the outcomes of their hiring processes. To rectify APD's and AFR's information access issues, the Monitor recommends that the reporting requirements (section II.10) of [CSC's Rules & Regulations](#) be further updated to require APD and AFR to receive HR reporting in addition to the CSC, and that the section describing HR as deemed custodian of all candidate testing records be updated to require APD and AFR to have access to such records as needed during the recruiting and hiring process to enable APD and AFR to engage with applicants in an effort to reduce the extent of applicants who withdraw or dropout of the process.

### CONCLUSION

Although there are several points above that are in the realm of the CSC, the Monitor believes this mandate remains in substantial compliance. Having said that, the Monitor expects that the issues identified above will be rectified in order to maintain this assessment. The Monitor will continue to monitor compliance with this mandate for future reporting periods in which APD or AFR have a hiring process.

### ASSESSMENT OF MANDATE 50 - RECRUITMENT, HIRING, AND PROMOTION – OBJECTIVES

**Current Status:**  - Substantial Compliance

The CD and compliance definition for Mandate 50, as agreed to in the MADCD, require the CSC to improve transparency, accountability, and predictability of its review of discipline, and to have a standardized and codified disciplinary review process.


This mandate was assessed in the previous reporting period and the Monitor found the CSC in substantial compliance.

During RP7, on March 12, 2024, the CSC adopted updated [Rules & Regulations](#) that were posted on the CSC's [webpage](#)<sup>64</sup> soon thereafter. No further changes have been made to the CSC's [Rules & Regulations](#) since then.

During RP7, consistent with Section IV, Rule 18B of CSC's updated [Rules & Regulations](#), the CSC Chair announced in the CSC's monthly meetings the receipt of appeals of discipline received since the CSC's last meeting. The CSC's webpage contains a link to a separate Disciplinary Appeals [webpage](#)<sup>65</sup> with an 11-page extract from the CSC's March 12, 2024 [Rules & Regulations](#) entitled Section IV "Appeal of Disciplinary Actions: Filing Procedures, Rules of Procedure for Appeal Hearings." This extract is intended to enable members of the public to learn about the CSC's disciplinary appeals process. The CSC's Disciplinary Appeals webpage also contains links to APD's disciplinary appeal hearings reviewed and being reviewed by the CSC in 2022 and 2024 to date. There were no APD disciplinary appeal hearings in 2023, and no AFR disciplinary appeal hearings from 2022 to 2024 to date.

In light of the above, the Monitor believes this mandate remains in substantial compliance and the Monitor will continue to assess whether CSC continues to standardize and publish the elements of the CSC's disciplinary review process on its webpage.

#### ASSESSMENT OF MANDATE 51 – RECRUITMENT, HIRING AND PROMOTION - OBJECTIVES

**Current Status:**  - Substantial Compliance

The CD and compliance definition for Mandate 51, as agreed to in the MADDC, require the CSC to improve transparency and the accountability of its work such that community members understand the role that the CSC plays in hiring, promotion and discipline, and requires the City to have programs, processes and procedures for ensuring transparency and sustaining community engagement and relations related to CSC's work.

During the previous reporting period, the Monitor assessed CSC's compliance with this mandate and found it to be in substantial compliance.

During RP7, with one exception as noted in the next paragraph, the CSC continued to publish the agendas and meeting minutes for the CSC's regular meetings to its [webpage](#) in order to provide fulsome information to the community about the CSC's role in hiring, promotion, and discipline. Specific details about the CSC's work and how it made decisions in hiring, promotion, and discipline were included in such meeting minutes. Further, in an effort to encourage broader

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<sup>64</sup> The CSC's [webpage](#) is hosted on the City's website.

<sup>65</sup> The CSC's disciplinary appeals [webpage](#) can be accessed from the CSC's webpage.




participation, the CSC continued to offer virtual links to CSC meetings for anyone wishing to attend virtually, and the meeting agendas in RP7 included the CSC's email address in order to request this link. There were typically 6-8 people attending the monthly meetings virtually through this attendance option, however, there were no members of the public in attendance at any of the CSC's meetings in RP7. All of the virtual attendees were invited speakers/guests, or members of the City's staff, APD, AFR, Internal Services or the Monitor's team.

The exception referenced in the paragraph above related to the agenda and minutes for the CSC's June 2024 meeting that were not published on the CSC's webpage until the Monitor alerted the CSC's Administrator of their omission after the end of RP7. In order for the public to be kept informed and have the opportunity to attend and provide public comment at the CSC's meetings on topics of interest, it is important that all agendas be posted to the CSC's website before such meetings occur, as soon as practicable after being provided to the members of the CSC. In an effort to promote further engagement with the public, the Monitor recommends that the CSC's meeting schedule be posted on the CSC's webpage, and that meeting minutes be posted as soon as practicable in order to better engage with and keep the public informed regarding the work of the CSC.

Notwithstanding the missing June 2024 agenda and minutes from the CSC's webpage, and the lack of public attendance at the CSC's meetings, the Monitor believes this mandate is still in substantial compliance given the overall improvement in transparency with the public. The Monitor will continue to assess this mandate in future reporting periods.

#### ASSESSMENT OF MANDATE 61 - RECRUITMENT, HIRING, AND PROMOTION – CSC (PROMOTION)

**Current Status:**  - Substantial Compliance

The CD and compliance definition for Mandate 61, as agreed to in the MADC, require the CSC to work with the Monitor and outside expert to make changes, if any, to the promotional process in order to be consistent with the goals and objectives of the CD.


During the previous reporting period, the Monitor assessed the CSC's compliance with this mandate and found it to be in substantial compliance as the CSC updated its promotional rules on March 12, 2024 to address the recommendations in the Monitor's June 2023 report on its "Assessment of the Promotional Process of the CSC". The CSC's updated promotional rules are contained in "Section III. Promotion Within Civil Service Ranks" of the "[Rules & Regulations](#) of the CSC" included as Appendix C to this report, which are also available on the CSC's webpage within the City of Aurora's website.

Since then, at the CSC's July 2024 meeting that was attended by the Monitor, the CSC approved the use of orientation classes and video recordings<sup>66</sup> to help prospective promotional candidates feel more comfortable with the promotional testing written exam. The content of this orientation is customized by the Consultant for each rank and will be offered as testing occurs on a rolling one-year basis for each rank as described in Section III of the CSC's [Rules & Regulations](#) relating to promotion.

In light of these developments, which the Monitor and CSC's outside expert were engaged in, the Monitor believes this mandate continues to be in substantial compliance. The Monitor will continue to assess this mandate if future changes are made to the CSC's promotional process.

#### ASSESSMENT OF MANDATE 66 - RECRUITMENT, HIRING, AND PROMOTION – CSC (TRANSPARENCY)

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**Current Status:**  - Substantial Compliance

The CD and compliance definition for Mandate 66, as agreed to in the MADC, require the CSC to conduct as much of its business as possible so that the public may easily access it by website, and specifically identify what is not public and the basis for keeping it not public.

During the previous reporting period, the Monitor assessed CSC's compliance with this mandate and found it to be in substantial compliance.

In RP7, the agendas and meeting minutes for the CSC's regular meetings were published on the CSC's [webpage](#). There was one CSC meeting that contained a non-public item that the agenda identified as relating to the receiving of legal advice.

The CSC's monthly meeting minutes also included updates on APD's and AFR's hiring processes, and the April 2024 CSC meeting included a summary from Commission staff on the CSC's entry-level disqualification appeal process and results.

In the CSC's monthly meetings in June and July 2024, the CSC's Chair announced the receipt of a total of three disciplinary appeals received since the last meeting, consistent with Section IV, Rule 18B of the CSC's updated [Rules & Regulations](#) adopted in RP7 on March 12, 2024.<sup>67</sup> The CSC published the documents relating to these disciplinary appeals on the CSC's dedicated

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<sup>66</sup> The video recordings of the live orientation class will be made available to all candidates, including those who cannot attend the live orientation class. This recording will also be included in APD's Officer Development class.

<sup>67</sup> See Appendix C.

disciplinary appeals [webpage](#),<sup>68</sup> including the associated pleadings, discipline decisions, and requests for continuances. One of these appeals was concluded on August 12, 2024, and another on September 4, 2024. In both instances, the CSC’s webpage was updated in a timely manner to reflect the CSC’s decisions, and the webpage also included pleadings, exhibits, notices of hearings of motions. The other disciplinary appeal was heard after the conclusion of RP7, and the CSC’s webpage was similarly updated in a timely manner to reflect the CSC’s decisions.<sup>69</sup>

In light of the extent of information published in the CSC’s meeting minutes and on the CSC’s webpage, the Monitor believes this mandate remains in substantial compliance. The Monitor will assess compliance with this mandate in future reporting periods to confirm that: CSC meeting agendas and minutes continue to be posted to the CSC’s webpage; the agendas and minutes continue to identify as much as possible about the work performed by the CSC; the CSC’s public reporting specifically identifies what elements of the CSC’s business is not public and the basis for keeping such topics non-public; and the CSC continues to be transparent in its reporting of future disciplinary appeals.

## ACCOUNTABILITY & TRANSPARENCY (MANDATES 67-68)

### 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, because of the unique authority bestowed upon them under the law and because 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 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 police departments—and by extension the most legitimate—are those whose accountability and transparency policies and practices are motivated by an ethic of

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<sup>68</sup> The CSC’s [Disciplinary Appeal Hearings](#) webpage is accessible via the CSC’s dedicated webpage in a section entitled “Disciplinary Appeals – Learn about the process and see cases”.

<sup>69</sup> Although this occurred after the end of the current reporting period, the Monitor has included this information for completeness.

continuous institutional improvement in pursuit of those ideals. Demonstrations of this ethic include implementing the accountability mechanisms discussed in the Focus Item, “*Systems to Ensure Best Policing Practices*”, contained in the Monitor’s first report, 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.

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#### HISTORY & BASIS FOR CONSENT DECREE MANDATES

The Colorado Attorney General’s Office September 15<sup>th</sup>, 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 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 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 CD 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 are tracking officers’ disciplinary outcomes, identifying trends and patterns of misconduct, and improving APD’s public reporting.

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#### CONSENT DECREE OBJECTIVES

The CD 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.

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## EARLY INTERVENTION

The Monitor's first report noted that the use of early warning or early intervention systems dates to the late 1990's. The systems and the premises upon which they were built have not changed significantly since then. The systems allow police departments to track certain indicators<sup>70</sup> which when aggregated may cross an established threshold and therefore deem the officer to be "potentially at-risk." A designated supervisor is then tasked to investigate and determine whether the officer is actually at-risk and, if so, to suggest appropriate remediation.

While an important safety net which does have its place, in today's world this is not truly "early" intervention. Rather, because it relies on an aggregation of different events, and does not require investigation until there is some multitude of events that have already occurred, it is, in fact, late intervention.

The better, and more pro-active approach to identify and correct the behavior of potentially at-risk officers is to enhance first-line supervision with appropriate systems and support. Enhanced supervision permits front-line supervisors and the department alike to track and, essentially, continuously monitor officer performance along multiple metrics. This methodology mandates that an officer's immediate supervisor be involved in efforts to identify and remediate concerning behaviors and through the requirement to document those supervisory reviews, allows upper-level management within the department to supervise its supervisors.


With the movement of the Monitorship into an Operational Integrity phase and the introduction of RISKS meetings in full collaboration with APD, together we are attempting to ensure that true intervention is accomplished through the identification of issues observed through intense review of all tier 1 uses of force, pursuits, as well as incidents that have given rise to a complaint, lawsuits, and municipal court cases involving low-level charges that have been dismissed in full by the court. In addition, arrest data, traffic summons data, and contact data are all examined for compliance issues, with a sample of underlying incidents being reviewed as well. As noted in Focus Item 3, "Operational Integrity & RISKS Reviews", these meetings have been running well and have uncovered some significant issues which have been or are being addressed.

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<sup>70</sup> These indicators can include, among others, stops, uses of force, civilian complaints, lawsuits, failure to appear, failure to qualify and negative performance evaluations.

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**OPERATIONAL INTEGRITY ASSESSMENTS RE: ACCOUNTABILITY & TRANSPARENCY**

**Current Status:**  Right track: 50-74% aligned with operational integrity criteria.

In RP7, the Monitor assessed whether APD achieved operational integrity with respect to its implementation of the “Accountability & Transparency” requirements of the CD. This is the first period for such an assessment. More specifically, the Monitor assessed whether the following operational integrity criteria relating to “Accountability & Transparency” are being adhered to:

1. Is APD utilizing data from its systems to analyze trends and patterns in conduct by officers and supervisors, including relating to disciplinary outcomes and sustained complaints about officers’ law enforcement activities?
2. Is APD utilizing data from its systems to address the cause of any trends or patterns and hold officers and supervisors accountable for their conduct?
3. Is APD properly utilizing its systems to track officer conduct with appropriate indicators to help identify potentially at-risk officers?
4. Is APD properly developing policies and training its supervisors to utilize such systems and to analyze trends and patterns by officer, shift, beat and district?
5. Is APD publicly reporting on trends or patterns in the conduct of officers/supervisors by shift, beat or district?
6. Has APD developed an internal review and accountability process designed to ensure continued compliance?

While APD has not met the operational integrity aspects of this section using automation, it has, nonetheless developed methods of extracting and analyzing the relevant data in order to analyze trends and patterns. These workarounds were engendered through the operational integrity review process and RISKS meetings. The workarounds are not perfect and, in many ways, cumbersome, but they do provide much of the necessary data. The data is reviewed by APD with the command staff of each district. Trends and patterns are then discussed at each RISKS meeting.

For the above reasons and those stated below, the Monitor finds operational integrity of this section of the CD to be on the right track at 50-75% aligned with operational integrity criteria relating to “Accountability & Transparency”. That being said, and as noted above, much of APD’s current operational integrity has been achieved through creative analysis of data, rather than through systems that automatically report on such information, including the automated production of exception reports that identify non-compliance across the areas of CD focus. In addition, early intervention through the mandatory supervisory review of designated incidents, so as to allow for the immediate remediation of sub-standard performance, and the recognition of superior performance, must be implemented in the next reporting period in order to maintain

this section on the right track. The Monitor will also be following the recent RFP for the selection of an appropriate system to assist APD in meeting the operational mandates of this section of the CD, including the public reporting on trends and patterns of police conduct as mandated by Mandate 68.

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#### PREVIOUS FINDINGS OF COMPLIANCE

During the previous reporting period, the Monitor found that neither of the mandates relating to accountability and transparency were in substantial compliance.

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

During the current reporting period, the Monitor assessed the status of both mandates in this section of the CD, both of which relate to APD. Both are now on the right track at 50-74% complete.

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#### ASSESSMENT OF MANDATE 67 - ACCOUNTABILITY AND TRANSPARENCY – OBJECTIVES

**Current Status:**  - 50-74% Complete. In line with Monitor's expectations.

The CD and compliance definition for Mandate 67, as agreed to in the MADDC, require the City to develop and disseminate systems that permit APD to identify trends and patterns in the conduct of its officers with indicators including lawsuits, complaints, misconduct, UOF and other repeated conduct; and that such systems have the ability to track among other things, conduct by officer, supervisor, shift, beat and district. In addition, APD is required to develop, disseminate and deliver policies and training on the use of such systems to its current and newly promoted supervisors; and APD is required to develop an internal review and accountability process to ensure continued compliance.

During the previous reporting period, the Monitor assessed the status of this mandate and found it to be on a cautionary track at 50-74% complete.

During the current reporting period, as noted above, the Monitor and APD have begun their RISKS meetings, testing the operational integrity of the reformed policies and training that have been implemented over the first two years of the CD. The methodology of these meetings allows for a qualitative review of specific instances, as opposed to quantitative review of many instances, correcting observed issues of individual officers at the first opportunity, mostly through coaching, mentoring and training, but when needed through the disciplinary process. The Monitor believes that this is the most effective method of improving officers individually, and derivatively improving APD overall.



There are now two traditional early intervention tools working in APD: AIM<sup>71</sup>, APD's legacy system, and First Sign<sup>72</sup>, a new system from Benchmark which APD contracted for that does not meet APD's full operational needs. The continued use of AIM was necessitated by the shortcomings of First Sign. Acting together, these systems are being used to provide data as a safety net to potentially identify issues missed in the RISKS meetings using different methodologies to identify potentially at-risk officers.

Starting with the RISKS meeting on August 15, 2024, at the end of the current reporting period, APD's command staff for District 3 began integrating risk reporting from First Sign which identifies officers flagged for further review due to high levels of arrests, allegations, complaints, investigations or UOF compared to APD and their peers as well as APD's PEIS, which is designed to identify APD members with certain risk indicators that alert to issues that may be affecting their professionalism or indicating stressors in their personal lives. For at least the last 17 years, APD's PEIS system has apparently been automatically sending notifications to supervisors when 10 points have accumulated relating to identified indicators such as UOF,<sup>73</sup> vehicle pursuits, motor vehicle accidents, formal discipline, complaints and exposure to critical incidents; and relating to personal life stressors such as a low sick leave balance, divorce, family suicides and financial troubles as identified by supervisors. When notified, supervisors must take action, including, at a minimum, having a conversation with the relevant member, in an effort to reduce the risk of an adverse event occurring. Training on APD's PEIS system has been mandatory for all sergeants since prior to the implementation of the CD.

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<sup>71</sup> For instance, Benchmark, the vendor of APD's First Sign system uses a proprietary algorithm to compare officers to their peer group. When officers move to another unit, or are assigned a different role, this causes the peer group comparisons to be of limited value. Benchmark also controls the algorithm used to identify officers with an advisable or actionable status, which is effective for one year, regardless of the extent to which additional stressors may arise within that year that should cause their advisable/actionable status to be extended. APD is aware of and working around these limitations but has been unable to get Benchmark to change its algorithms to better reflect the needs of APD. Moreover, Benchmark's First Sign system does not allow for appropriate workflow and tracking of remediations.

<sup>72</sup> There are several limitations with APD's PEIS system, as it does not include lawsuits, and hasn't included UOF since November 2023 when APD's Benchmark system was implemented. Further, PEIS uses a points structure with assigned points for certain stressors that may or may not be reflective of the actual risk. For instance, PEIS assigns 3 points for preventable motor vehicle accidents, 2 points for a written reprimand, and 1 point for most other work stressors including a workplace injury or involvement in an Internal Affairs Investigation. In addition, while PEIS cases are being reported to supervisors, they are not reported to command staff.

<sup>73</sup> UOF were captured in PEIS until November 2023, when UOF information was then tracked in APD's First Sign system (from Benchmark).

While, in the judgment of the Monitor, this is not necessarily early intervention, it is a backup to the qualitative assessments of individual incidents and the daily observations of officers by their supervisors.

Neither AIM nor First Sign contain information regarding officers involved in lawsuits, however this information is provided separately for command staff review during APD's RISKS meetings.

APD has issued an RFP for the purpose of finding a more suitable system that will combine the best of both systems, and will operate holistically with the qualitative reviews performed by supervisors and, for now, overseen in APD's RISKS meetings.

The inclusion of identified at-risk officers from each system in APD's RISKS meetings, as well as the separate reporting on officers involved in lawsuits, demonstrates APD's willingness and creativity to develop a workaround solution to address the requirements of this mandate of the CD. As APD works on addressing its technology limitations, and its supervisors have more complete information regarding the risk indicators affecting the officers they supervise, APD will be able to more efficiently address the requirements of this mandate.

In addition to APD's twice-monthly RISKS meetings, as described in Focus Item 5, "Quality Assurance Unit", APD is in the process of setting up a QA Unit that will assist in both the on-going analysis of data for trends of individual officers and units as well as the identification of individual officers who may need additional mentoring, coaching and training.

In light of the above developments, including both the workaround that has been developed and the progress on the RFP, the Monitor is optimistic about APD's ability to address the requirements of this mandate and now believes this mandate is on the right track at 50-74% complete. In order to achieve substantial compliance with this mandate, APD needs to have fully-matured processes that identify and report on trends and patterns in conduct by officer for all units, and by supervisor, shift, beat and district; APD needs policies relating to whatever EIS system is ultimately adopted and train its supervisors and command staff thereon; and APD will need to have an internal review and accountability process to ensure supervisors are held accountable if they're not monitoring and addressing any concerns flagged by APD's EIS systems and processes in a timely manner.

#### ASSESSMENT OF MANDATE 68 - ACCOUNTABILITY AND TRANSPARENCY - GOALS AND MEASUREMENTS

**Current Status:**  - 50-74% Complete. In line with Monitor's expectations.

The CD and compliance definition for Mandate 68, as agreed to in the MADC, require APD to develop and implement a system that tracks disciplinary outcomes, identifies trends or patterns

of sustained complaints about officers' law enforcement activities, and publicly reports such information. APD is also required to develop internal policies/SOPs on the use of such systems and processes, and to disseminate sufficient training or orientation on such systems and processes to all appropriate supervisory and investigative staff. There must also be sufficient accountability measures for failures to utilize the system or to publicly report on the data, and APD must develop and implement an internal review and accountability process designed to ensure continued compliance.

During the previous reporting period, the Monitor assessed the status of this mandate as being on a cautionary track at 50-74% complete, notwithstanding the significance of the introduction of APD's Transparency Portal.

While APD is examining certain data in detail as part of its operational integrity process and RISKS meetings (as described in Focus Item 3, "Operational Integrity & RISKS Reviews"), during this reporting period another significant milestone has been set into motion. As described in Focus Item 5, "Quality Assurance Unit", APD has planned for the introduction of a Quality Assurance Unit within APD's Professional Standards and Training Division. This unit, for which hiring has already commenced, will establish goals and measurements against indicators that require ongoing compliance and personnel review and conduct quality audits across the department on a rolling calendar basis. The scorecards out of these audits, similar to other large departments, will be designed for public consumption. APD is actively hiring a unit Program Manager who will lead the unit. Sworn and civilian positions will be staffed under this manager over the course of 2024 into 2025.

Working alongside this unit, APD is actively hiring a Data Scientist who will work to establish statistical measurements and KPIs which will allow APD to proactively assess and address where performance has not met KPIs, and also identify when performance is exceeding APD and "best practice" expectations.

In addition, as described in Focus Item 7, "Customer Service Communications", APD introduced SPIDR Tech's system, which is designed in part to survey those who have received service of certain types from APD. Although, the parameters of the survey tool need to be further refined in order to provide the best possible indication of public sentiment about the services being provided, this is certainly a step in the right direction, and it is fully anticipated that the results of these surveys will be made public, and that they will be utilized to improve service to the public.

Lastly, while not specifically required by the CD, APD is preparing to expand its Transparency Portal in the upcoming reporting periods and has solicited input from the Monitor regarding potential data to include in the Portal. The Monitor has provided its wishlist to APD, and is further soliciting input from the community relative to additional data to include in the portal.

As a result of these initiatives, the Monitor now believes this Mandate is on the right track at 50-74% complete. In order to achieve substantial compliance with this mandate, APD will need to move each of the above initiatives forward, including identifying and publicly reporting on trends and patterns of police conduct.

## V. CONCLUSION

This seventh reporting period of monitoring activity has been marked by considerable progress in many areas of the CD, including with respect to operational integrity. The Monitor continues to believe there is genuine interest among the parties to achieve the goals of the CD and effectuate its provisions as quickly as possible so that the resulting reforms are fully seen and felt on the streets of Aurora as soon as possible.

## APPENDIX A: REPORT CARD MATRIX

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
Legend on page 10		COMPLIANCE DETERMINATIONS											
MANDATE NUMBER	TITLE AND SYNOPSIS	POLICIES & TRAINING GENERALLY											
<b>OPERATIONAL INTEGRITY re: POLICIES &amp; TRAINING GENERALLY:</b> APD/AFR must adhere to the following operational excellence criteria: APD/AFR distributed all CD-related policies and revisions thereof; all APD/AFR members attended training thereon; and all new policies/trainings were approved by Monitor													
1A	<b>Policies &amp; Training Generally (APD):</b> APD must develop/implement policies to address 32 APD policy-driven mandates, and develop/deliver training as required by 17 training-driven mandates, plus policy to hold officers accountable for policy violation												
1B	<b>Policies &amp; Training Generally (AFR):</b> AFR must develop/implement policies to address 10 AFR policy-driven mandates, and develop/deliver training require by 2 training-driven mandates, plus policy to hold firefighters accountable for policy violation												
2A	<b>Policy Development, Review &amp; Implementation Process (APD):</b> APD must implement an appropriate governance process that: decreases the length of time for APD policy/training development, review and implementation (for all 32 policy mandates and 17 training mandates); is documented; plus standards are being adhered to												
2B	<b>Policy Development, Review &amp; Implementation Process (AFR):</b> AFR must implement an appropriate governance process that: decreases the length of time for AFR policy/training development, review and implementation (for all 10 policy mandates and 2 training mandates); is documented; plus standards are being adhered to												
2C	<b>Policy Development, Review &amp; Implementation Process (CSC):</b> CSC must implement an appropriate governance process that: decreases the length of time for CSC policy/training development, review and implementation (for all 8 CSC policy mandates); is documented; plus standards are being adhered to												
3A	<b>Submission of New Policies for Review (APD):</b> APD must submit all CD-related policies, procedures or rules to the Monitor for review and approval before implementation												
3B	<b>Submission of New Policies for Review (AFR):</b> AFR must submit all CD-related policies, procedures or rules to the Monitor for review and approval before implementation												
3C	<b>Submission of New Policies for Review (CSC):</b> CSC must submit all CD-related policies, procedures or rules to the Monitor for review and approval before implementation												

REPORT CARD MATRIX Legend on page 10		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											
4A	<b>Incorporation of Best Practices &amp; Scenario-based Training (APD):</b> APD must incorporate best practices into CD-required training, including greater use of scenario-based training												
4B	<b>Incorporation of Best Practices &amp; Scenario-based Training (AFR):</b> AFR must incorporate best practices into CD-required training, including greater use of scenario-based training												
5A	<b>Sharing of Training Plans (APD):</b> APD must share all training plans with Monitor for approval prior to finalization												
5B	<b>Sharing of Training Plans (AFR):</b> AFR must share all training plans with Monitor for approval prior to finalization												
<b>ADDRESSING RACIAL BIAS IN POLICING</b>													
<b>OPERATIONAL INTEGRITY OF BIAS-FREE POLICING:</b> APD must adhere to the following operational excellence criteria: no indication of racial bias in any incident; if any were found, they were self-identified by APD, appropriately investigated and remediated; and any quantitative data regarding protected-class disparities analyzed to determine cause													
6	<b>Addressing Racial Bias in Policing - Objectives- Metrics:</b> City must measurably change APD engagement with community including reducing racial disparities in contacts, arrests and uses of force												
7	<b>Addressing Racial Bias in Policing – Objectives - Transparency:</b> City must create full public transparency on APD contacts, arrests and uses force including racial disparities in each category												
8	<b>Addressing Racial Bias in Policing – Objectives - Policies and Training:</b> APD must improve policies and training in contacts, arrests and uses of force giving concrete guidance on decision-making and discretion, including role of bias and strategies to combat bias												
9	<b>Addressing Racial Bias in Policing – Policy Changes – Amendment of Existing Policies - Revision of Directive 8.32 (Biased-based policing):</b> APD must review and revise its biased-policing policy to prohibit discrimination including more detail and examples												



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
Legend on page 10													
MANDATE NUMBER	TITLE AND SYNOPSIS	COMPLIANCE DETERMINATIONS											
10	<b>Addressing Racial Bias in Policing – Policy Changes – Amendment of Existing Policies - Revision of Directive 6.01 (Arrest Procedure):</b> APD must review and revise its arrest policy to prohibit discrimination including more detail and examples												
11	<b>Addressing Racial Bias in Policing – Creation of New Policies - Stops:</b> APD must draft policies on contacts/stops with practical guidance for decision making on the exercise of discretion												
12	<b>Addressing Racial Bias in Policing – Training - Academy Training (Development):</b> APD must develop Academy training on bias, decision making, avoiding unnecessary escalation, doing what should be done, recordkeeping and articulating basis for encounters												
13	<b>Addressing Racial Bias in Policing – Training - Academy Training (Delivery):</b> APD must deliver Academy training on bias, decision making, avoiding unnecessary escalation, doing what should be done, recordkeeping requirements and articulation of basis for encounters												
14	<b>Addressing Racial Bias in Policing – Training – In-Service Training (Development):</b> APD must develop in-service based training on bias, decision making, avoiding unnecessary escalation, doing what should be done, recordkeeping and articulation of basis for encounters												
15	<b>Addressing Racial Bias in Policing – Training – In-Service Training (Delivery):</b> APD must deliver in-service training on bias, decision making, avoiding unnecessary escalation, doing what should be done, recordkeeping and articulation of basis for encounters												
16	<b>Addressing Racial Bias in Policing – Goals and Measurement:</b> APD must develop metrics to measure improvement in training, recordkeeping of police interactions, documentation and tracking of uses of force, and misdemeanor arrest outcomes for specified offenses												
USE OF FORCE													
<b>OPERATIONAL INTEGRITY re: USE OF FORCE:</b> APD must adhere to the following operational excellence criteria: officers used appropriate levels of force; UOFs were reviewed on a timely basis; all UOF issues were identified by supervisors and remediated in a timely/appropriate manner; no issues with FRB operation nor coordination with AFR													
17	<b>Use of Force - Objectives – Policies and Training:</b> APD must create improved policies to handle situations that reduce need to use force, and ensure UOFs are compliant with state and federal law, protect officer and community safety, and build a culture of continuous improvement												


























REPORT CARD MATRIX Legend on page 10		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											
18	<b>Use of Force - Objectives – Culture of De-escalation:</b> APD must create a culture that prioritizes de-escalation in compliance with Colorado law, without compromising officer safety												
19	<b>Use of Force - Objectives – Accountability Measures:</b> APD must develop/improve accountability mechanisms to consistently identify excessive UOFs, situations where force should not have been used even though legal, and recurring training or tactical issues related to UOF												
20A	<b>Use of Force - Objectives - Culture of Coordination and Collaboration Between APD and AFR (APD):</b> APD must create a culture of collaboration between APD and AFR regarding policies, training and accountability												
20B	<b>Use of Force - Objectives - Culture of Coordination and Collaboration Between APD and AFR (AFR):</b> AFR must create a culture of collaboration between APD and AFR regarding policies, training and accountability												
21	<b>Use of Force - Policy Changes:</b> APD must adopt CJI UOF Policies in collaboration with Monitor by UOF Policy Deadline												
22	<b>Use of Force - Amendment of Existing Policies:</b> City must make appropriate changes to policies on Use of Physical and Deadly Force (5.03), Reporting & Investigating UOF (5.04), Dealing with Persons with Mental Health Disorders (6.13), Coordination with AFR (9.06), and limits on UOF												
23	<b>Use of Force - Creation of New Policies:</b> City must create a policy, procedure or other directive to facilitate comprehensive joint coordination policy between APD and AFR												
24	<b>Use of Force – Force Review Board (Recent Changes):</b> APD must discuss proposed changes to FRB processes with Monitor												
25	<b>Use of Force - Changes to Process (Feedback for Training):</b> APD must develop, disseminate and implement approved FRB policies, including formalizing feedback for training on incidents where no policy violation occurred												
26	<b>Use of Force - Changes to Process (Review in Context):</b> APD must change FRB policy to ensure review is in context of overall circumstances of encounter including mental capacity of suspect												

REPORT CARD MATRIX Legend on page 10		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											
27	<b>Use of Force - Changes to Process (Measurement of Uses of Force):</b> APD must modify policies to develop reliable metrics for frequency of UOF, compliance with policy, injuries to subjects, officer safety, mental health holds and other relevant metrics												
28	<b>Use of Force – Collaboration with Academy and Other Sections:</b> APD must develop, disseminate and implement its FRB and Training policies to include Academy staff on the FRB, and require BWC to be used to train showing good and bad techniques for de-escalation and other tactics												
29	<b>Use of Force – Training (Scenario-based training):</b> APD must develop and deliver scenario-based UOF Training by completion deadline												
30	<b>Use of Force – Training (De-escalation training):</b> All APD UOF/de-escalation training must be completed by UOF Training completion deadline												
31	<b>Use of Force – Training (Joint APD &amp; AFR Training):</b> APD must develop and deliver its approved UOF training, including joint APD/AFR coordination, to all appropriate APD/AFR personnel												
32	<b>Use of Force – Goals &amp; Measurement:</b> APD must develop metrics to include at least ABLE training, crisis intervention training, number and type of UOF incidents and complaints												
DOCUMENTATION OF STOPS													
<b>OPERATIONAL INTEGRITY re: DOCUMENTATION OF STOPS:</b> APD must adhere to the following operational excellence criteria: all stops reviewed were constitutional and within policy; no indication of unreported or misreported stops; supervisors identified any unconstitutional stops and any unreported/misreported stops; and APD appropriately remediated all issues with stops; and all stops data properly reported to state													
33	<b>Documentation of Stops - Objectives:</b> APD must develop a stops documentation system that complies with state law, allows for prompt and transparent review of officer behavior and allows APD to identify successes and areas for improvement												
34	<b>Documentation of Stops – Policy Changes (General Principle):</b> APD must develop policies that conform with state law, reduce the need for multiple trainings and policy updates, and allows information to flow into a system that links officer information with stop info												
35	<b>Documentation of Stop – Policy Changes - Creation of New Policies (Legal Requirements for Stops):</b> APD must create a new policy that provides legal guidance on the different types of contacts officers make including an encounter, a detention (Terry stop) and arrests												

REPORT CARD MATRIX Legend on page 10		RP1 2/15/22- 5/15/22	RP2 5/15/22- 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											
36	<b>Documentation of Stops- Policy Changes – Creation of New Policies (Recordkeeping Requirements):</b> APD must create a new policy for implementing the collection of data under CRS provisions												
37	<b>Documentation of Stops – Training Plan Development:</b> APD must develop a training plan in consultation with the Monitor for implementing new policies and for revisions of current policies												
38	<b>Documentation of Stops - Training – Training (Delivery):</b> APD must train all personnel who interact with the public on its stops policies												
39	<b>Documentation of Stops - Goals &amp; Measurements:</b> APD must finalize the above policies, effectively train, and monitor compliance with such policies; monitoring will include review of BWC videos, review of reports and ride alongs												
<b>USE OF KETAMINE &amp; OTHER SEDATIVES AS A CHEMICAL RESTRAINT</b>													
<b>OPERATIONAL INTEGRITY re: USE OF KETAMINE &amp; OTHER CHEMICAL RESTRAINTS:</b> AFR must adhere to the following operational excellence criteria: no indication of use of ketamine or other chemical restraints outside policy; if there were any, supervisors identified any such uses; all inappropriate uses were appropriately remediated													
40	<b>Use of Ketamine &amp; Other Chemical Restraints – Objectives:</b> Ketamine must not be used in the field without explicit approval by the Monitor after appropriate consultation with AFR's Medical Director												
41	<b>Use of Ketamine &amp; Other Chemical Restraints – Objectives:</b> AFR must develop, disseminate and implement an approved policy on any use of chemical sedatives in accordance with state law and waiver requirements												
42	<b>Use of Ketamine &amp; Other Chemical Restraints – Objectives:</b> AFR must develop, disseminate and implement an approved policy requiring any use of chemical restraints to be based solely on a medical determination without recommendation or suggestion by APD												
43	<b>Use of Ketamine &amp; Other Chemical Restraints – Objectives:</b> APD/AFR must meet and confer with the Monitor regarding any issues with the use of chemical restraints												
44	<b>Use of Ketamine &amp; Other Chemical Restraints – Policy Changes if Ketamine is Used:</b> If Ketamine is sought to be used in the field again, AFR must work with Monitor to develop policies and procedures for same												

REPORT CARD MATRIX Legend on page 10		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											
45	<b>Use of Ketamine &amp; Other Chemical Restraints – Process</b> <b>Changes:</b> AFR must develop a post-incident analysis procedure for Ketamine if being reintroduced												
46	<b>Use of Ketamine &amp; Other Chemical Restraints – Evaluation of Chemical Sedation:</b> AFR must review each chemical sedative utilization to determine if use was warranted under policy and law, whether police officers were involved in decision, and risk factors												
47	<b>Use of Ketamine &amp; Other Chemical Restraints – Evaluation of Chemical sedation:</b> AFR must provide semi-annual summaries of its reviews required in Mandate 46 with basic tabular data and in compliance with CRS 18-8-805(2)(b)(1)												
48	<b>Use of Ketamine &amp; Other Chemical Restraints – Goals and Measurement:</b> AFR must not use ketamine, or if AFR uses ketamine, AFR will only do so when symptoms justify its use, when AFR has not been influenced by APD and appropriate dosage was administered												
<b>RECRUITMENT, HIRING &amp; PROMOTION</b>													
<b>OPERATIONAL INTEGRITY re: RECRUITMENT, HIRING &amp; PROMOTION:</b> City must adhere to the following operational excellence criteria: APD's/AFR's recruitment and hiring practices resulted in hiring a more diverse qualified cohort of recruits; APD's/AFR's recent promotions and disciplinary outcomes followed agreed promotional/disciplinary processes; and HR provided appropriate data/reporting during/post each hiring process													
49A	<b>Recruitment, Hiring &amp; Promotion – Objectives (APD):</b> APD must transform its recruitment and hiring process to create a more diverse and qualified workforce and create a culture of continuous improvement												
49B	<b>Recruitment, Hiring &amp; Promotion – Objectives (AFR):</b> AFR must transform its recruitment and hiring process to create a more diverse and qualified workforce and create a culture of continuous improvement												
49C	<b>Recruitment, Hiring &amp; Promotion – Objectives (CSC):</b> The City and CSC must transform the City's recruiting and hiring processes to create a more diverse and qualified workforce for APD and AFR, and establish APD and AFR's commitments to a culture of continuous improvement												
50	<b>Recruitment, Hiring &amp; Promotion – Objectives:</b> The CSC must improve transparency, accountability and predictability in discipline review including by facilitating CSC standardization and codification of elements of the disciplinary review process												

REPORT CARD MATRIX Legend on page 10		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											
51	<b>Recruitment, Hiring &amp; Promotion – Objectives:</b> The CSC must improve transparency and accountability in its work to enable community understanding of CSC's role in hiring, promotion and discipline; and City must have processes to sustain community engagement re: CSC's work												
52	<b>Recruitment, Hiring &amp; Promotion – Recruitment (APD):</b> APD must review and revise its 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	<b>Recruitment, Hiring &amp; Promotion – Recruitment (AFR):</b> AFR must review and revise its 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												
54	<b>Recruitment, Hiring &amp; Promotion – Recruitment (APD):</b> APD's recruitment plan must include an examination of minimum qualifications for both new recruits and lateral hires in consultation with the CSC												
55	<b>Recruitment, Hiring &amp; Promotion – Recruitment (AFR):</b> AFR's recruitment plan must include an examination of minimum qualifications for both new recruits and laterals in consultation with the CSC												
56	<b>Recruitment (Outreach for Diversity) (APD):</b> APD's recruitment plan must include an outreach to community leaders and stakeholders, to increase the diversity of APD's applicant pool and identify candidates that are committed to community policing and have skills to succeed												
57	<b>Recruitment (Outreach for Diversity) (AFR):</b> AFR's recruitment plan must include an outreach to community leaders and stakeholders, to increase the diversity of AFR's applicant pool and identify candidates and have skills to succeed												
58	<b>Recruitment, Hiring &amp; Promotion – Recruitment (APD):</b> APD's recruitment plan must include broad distribution of career opportunities and details pertaining thereto in the metro Denver area, and makes the same info available on the website with direct contact to recruiting member												
59	<b>Recruitment, Hiring &amp; Promotion – Recruitment (AFR):</b> AFR's recruitment plan must include broad distribution of career opportunities and details pertaining thereto in the metro Denver area, and make the same info available on the website with direct contact to recruiting member												

REPORT CARD MATRIX Legend on page 10		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											
60	<b>Recruitment, Hiring &amp; Promotion – CSC (Hiring of Entry-Level Police Officers &amp; Firefighters):</b> APD and AFR must assume a much more active role in the hiring of individuals from the eligibility lists and have the final say on which candidates get hired												
61	<b>Recruitment, Hiring &amp; Promotion – CSC (Promotion):</b> The CSC must work with the Monitor and outside expert to make changes to the promotional process to be consistent with the goals of the CD												
62	<b>Recruitment, Hiring &amp; Promotion – CSC (Discipline - Timeliness):</b> The CSC must revise rules that reduce the time for a hearing; and strongly consider not allowing a full de novo review of disciplinary cases												
63	<b>Recruitment, Hiring &amp; Promotion – CSC (Discipline):</b> The CSC must revise its rules regarding the content of decisions so as to contain a plain statement of the actual allegation, defenses, findings and basis of decision that public can understand												
64	<b>Recruitment, Hiring &amp; Promotion – CSC (Discipline):</b> The CSC must 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	<b>Recruitment, Hiring &amp; Promotion – CSC (Outside Expert):</b> The City and CSC must hire an outside expert to assist in developing best practices for recruiting and hiring												
66	<b>Recruitment, Hiring &amp; Promotion – CSC (Transparency):</b> The CSC must conduct as much of 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 & TRANSPARENCY													
<b>OPERATIONAL INTEGRITY re: ACCOUNTABILITY &amp; TRANSPARENCY:</b> City must adhere to the following operational excellence criteria: APD is using data re: trends and patterns to assess/address the causes and hold officers and supervisors accountable for their conduct; is identifying potentially at-risk officers; is publicly reporting on trends/patterns in officer/supervisor conduct; and has an internal review and accountability process													
67	<b>Accountability &amp; Transparency - Objectives:</b> The City must 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												



REPORT CARD MATRIX Legend on page 10		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											
68	<b>Accountability &amp; Transparency - Goals &amp; Measurements:</b> The City must develop a system that tracks disciplinary outcomes, identification of trends or patterns of sustained complaints, and provides public reporting thereon												

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

\* For operational integrity, instead of measuring completeness, the measurement relates to alignment with operational excellence criteria

## APPENDIX B: APD'S RISKS MEETING TOPICS

## **APD's RISKS Meeting Topics – in August 2024**

- a) UOF overview metrics and data, including the number of UOF by unit and by officer, demographics, subject condition and levels of resistance.
- b) Tier 1 UOFs identified by the Monitor that may require remediation or may be worthy of commendation.
- c) Arrest metrics and data, including the total number of arrests, the number of arrests involving weapons or firearms, arrestee demographics, the reasons for arrest, whether the arrests were for a felony or misdemeanor, the top charges and number of each type of charge, and the number of arrests by officer.
- d) Traffic citation metrics and data, including the total number of summonses, the total number of charges, the top charges, and top summons count by organization; exception reporting on the number of incidents without a Contact Data Collection (CDC) Form; and the percentage of CDC Form completion by unit, team and officer.
- e) Complaints and commendations metrics and data, including the number of complaints submitted in the period, the number and names of officers involved in such complaints, the number of complaints by type, the findings on adjudicated complaints, and the number and names of officers with citizen commendations.
- f) Vehicle pursuits metrics and data, including the total number of vehicle pursuits, the type of events preceding the pursuit, how the pursuits were terminated, and whether the subject was apprehended or escaped.
- g) CDC metrics and data, including the total number of CDCs completed, the number of subjects involved, the extent of UOF by tier, the reason and result for each contact, the contact's behavior (compliant, non-compliant, verbally or physically resistant), any language barriers, and the racial breakdown of contacts by officer.
- h) SPIDR Tech customer service survey results, including the number of calls for service, survey completion rates and outcomes from the Computer Aided Dispatch ("CAD") survey, the Investigation Update Module ("IUM") survey and the Victim Acknowledgment Module ("VAM") survey relating to response times, officer professionalism and satisfaction with APD's services.
- i) The current status of lawsuits and claim notices from the City's Risk department involving APD officers for the current year to date.

- j) Outcomes from City of Aurora Municipal Court cases involving misdemeanor arrests for Obstruction, Resisting Arrest, Failure to Obey a Lawful Order, Trespass and related offenses and examination of dismissed cases for potential constitutional violations or other concerns.
- k) Early Intervention System (“EIS”) risk reporting from First Sign and PEIS relating to officers flagged for further review due to high levels of arrests, allegations, complaints, investigations or UOF compared to APD and their peers; and a qualitative discussion regarding whether such officers would benefit from enhanced supervision, mentoring or coaching.

**APPENDIX C:**  
**RULES & REGULATIONS OF THE CIVIL SERVICE**  
**COMMISSION**  
**EFFECTIVE MARCH 12, 2024**

# **R U L E S & R E G U L A T I O N S**

## **OF THE CIVIL SERVICE COMMISSION AURORA, COLORADO**

(Updated March 12, 2024)

The rules and regulations contained in this manual are intended to effectuate the purposes of the City of Aurora's Civil Service System. These rules are not intended to create any contractual rights for applicants or employees. These rules are subject to change at any time by formal action of the Civil Service Commission. All applicants for original appointment and all employees for promotion shall be subject to the same rules and regulations as all other applicants or employees for the same eligibility list.

### **CONTENTS:**

**SECTION I – GENERAL INTENT AND STRUCTURE OF THE  
CIVIL SERVICE COMMISSION**

**SECTION II – ORIGINAL APPOINTMENTS: ENTRY-LEVEL,  
LATERAL, REINSTATEMENT, WORK FORCE REDUCTION**

**SECTION III – PROMOTION WITHIN CIVIL SERVICE  
RANKS**

**SECTION IV – DISCIPLINARY APPEALS PROCEDURE**

## **SECTION I. GENERAL INTENT AND STRUCTURE OF THE CIVIL SERVICE COMMISSION.**

For Additional detail, please see Appendix A

1. **CIVIL SERVICE COMMISSION.** The Aurora Civil Service Commission (hereinafter referred to as the "Commission") was created in 1967 by the City Charter of Aurora, Colorado (hereinafter referred to as the "Charter") and is charged with the responsibility of administering a separate Civil Service system for uniformed members of the Fire and Police departments. The Commission is committed to the support of the City of Aurora's policy of equal employment opportunity as well as upholds the Civil Service Commissioner Code of Ethics (Resolution No. R2000-81, signed November 27, 2000, when hearing disciplinary appeals).
  - a. **Members.** The Commission is composed of not less than three (3), nor more than five (5) members, as determined by the Aurora City Council (hereinafter referred to as "City Council") by Charter. Commissioners shall be residents of and registered electors of the City of Aurora, Colorado, prior to their appointment as Commissioners. Should a Commissioner cease to be a resident or elector of the City of Aurora, the Commissioner must resign. According to the Charter, no member of the Commission may hold any other position in the City of Aurora for which he/she receives either a per diem or salary compensation. A waiver of any such per diem or salary compensation may not circumvent this provision, nor may any member of the Commission be an appointive member of any other Board or Commission serving the City of Aurora.
  - b. **Commissioner Term.** All Commissioner appointments shall be for a three (3) year period, up to three (3) consecutive terms. Commissioners shall be selected and appointed by a majority vote of the City Council.
  - c. **Duties.** The Commission is responsible for establishing rules and regulations to administer the separate Civil Service system of the Fire and Police departments. It is responsible for:
    - (1) Establishing qualifications and service requirements, examination and certification of all applicants for original (cadet and entry-level) and lateral-entry appointment to the Civil Service system; and
    - (2) Promotional appointment within the Civil Service system; and
    - (3) Conducting Civil Service disciplinary review hearings. Compensation and Classification of Commissioners
  - d. **Compensation and Classification of Commissioners.** Commissioners are compensated as set forth in Section 102-69 of the City Code. Pursuant to IRS regulations and a 1995 legal opinion, Commissioners are classified as employees of the City of Aurora.
  - e. **Compensation and Classification of Commission Staff.** Pursuant to City Charter, the City's Personnel Policies and Procedures Manual, and legal opinions,



most recently July 2014, Commission Staff are "at will" employees subject to the Policies and Procedures established by the Civil Service Commission. The Commission sets its own classification and compensation system for their staff. Commission staff shall receive the same benefits as Career Service employees (annual and sick leave, medical, retirement contributions, etc.), although they are not able to appeal any discipline to the Career Service Board. Oversight for this compensation system comes only from the City Council as part of the annual budget proposal process.

2. **COMMISSION MEETINGS.** Regular meetings shall be held as determined by a majority of Commissioners. The Chairperson may call special meetings at any time, provided each Commissioner is given twenty-four (24) hours notice thereof and the provisions of the Colorado Sunshine Act, C.R.S. 24-6-402, are met. A meeting will be called if requested by a majority of Commissioners, subject to the twenty-four-(24) hour notice requirement.
  - a. **Notice of Meetings.** Meetings at which a majority of the Commission is in attendance, or is expected to be in attendance, and at which the adoption of any proposed policy, position, rule, regulation, or formal actions are expected or occurs shall be held only after full and timely notice to the public. Full and timely notice shall be deemed to have been given when the notice of the meeting is posted within the boundaries of the Commission offices and/or forwarded for posting in the City of Aurora Municipal Building in the normal location for such posting no less than twenty-four (24) hours prior to the holding of the meeting. Individual electronic notification will specifically be given to the Deputy City Manager, Police and Fire Chiefs.
  - b. **Quorum.** Two (2) Commission members shall constitute a quorum with a three member Commission, and three (3) members shall constitute a quorum with a four or five member Commission. Any vote cast shall constitute "one vote." All actions determining Commission policy shall require a majority vote of the full body.
  - c. **Agendas.** Agendas of regular meetings shall be prepared in advance by the Commission staff. Any Commissioner may place items on the agenda. Items may be placed on the agenda at regular meetings with concurrence of the majority of Commissioners present at the meeting.
  - d. **Procedure for Meetings.**
    - (1) At the first meeting in December, or at the earliest possible date thereafter, the Commission shall elect a Chairperson and Vice Chairperson from its members by a majority vote of those Commission members present. The Chairperson and Vice Chairperson shall serve for that calendar year. If the position of Chairperson or Vice Chairperson becomes vacant between annual elections, an election will be held as soon as possible by a majority vote of the remaining Commissioners to fill such vacancy.

(2) The Chairperson shall preside at all Commission meetings and shall direct the business and affairs of the Commission in an orderly manner, as approved by Commission members. In the absence of the Chairperson, the Vice-Chairperson shall preside at meetings, sign necessary documents, and perform other duties ordinarily performed by the Chairperson. Should both Chairperson and Vice Chairperson be unavailable for conduct of Commission business including, but not limited to, chairing meetings and signing correspondence, the remaining Commissioners may, by majority vote, elect an Acting Chairperson from their number for conduct of such business.

(3) The Chairperson or Vice Chairperson may be removed from such position during term of office by a majority vote of Commissioners at a special meeting convened for that purpose.

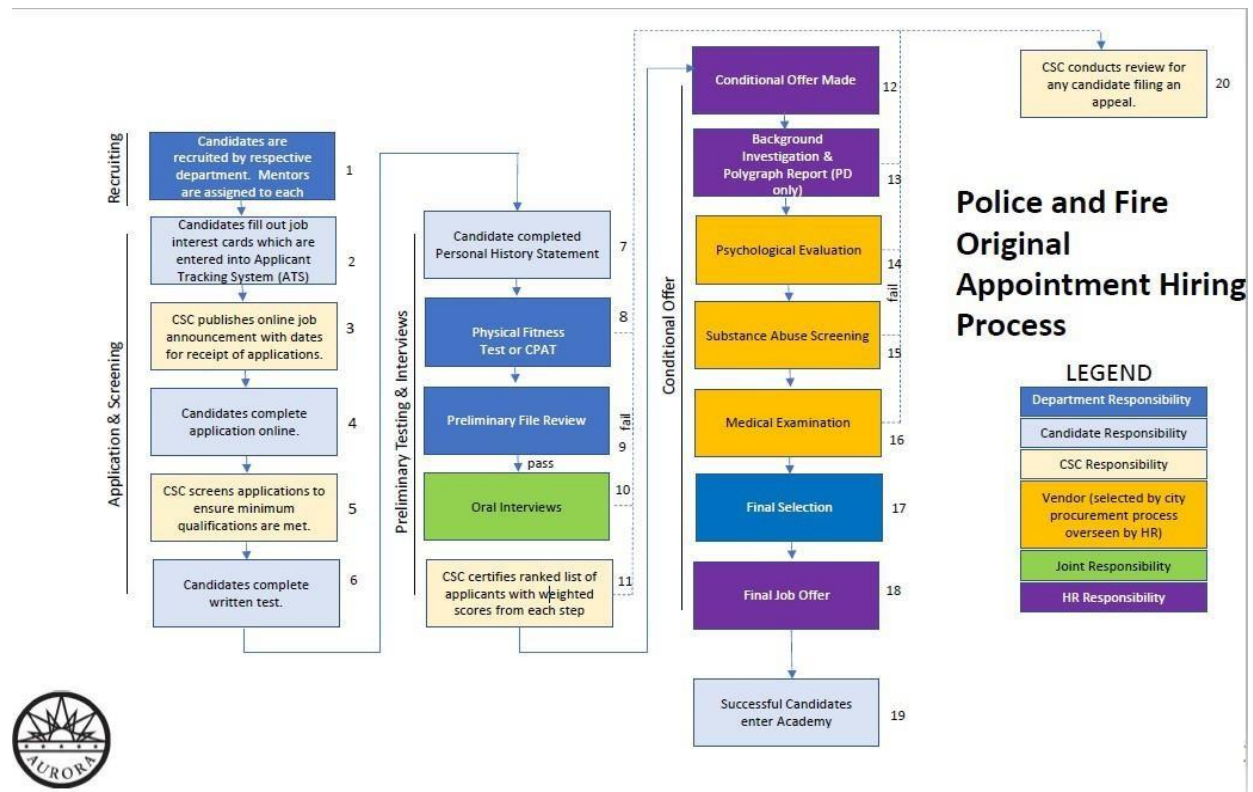
**e. Minutes.** A record, in the form of minutes, shall be kept at each meeting of the Commission. Minutes shall note time and place of meeting, names of Commission members present and absent, and all official acts of the Commission during the meeting. A draft of the minutes shall be transcribed and distributed to Commissioners prior to the next regular meeting via email, and shall be approved by Commission members as presented or amended. After Commission approval, minutes shall be signed by the Chairperson, attested to by the staff member appointed by the Commission acting as recording secretary, and permanently maintained in Commission files.

**3. COMMISSION OFFICE HOURS.** Commission business shall normally be conducted Monday through Friday, from 8:00 a.m. to 5:00 p.m., and shall be closed on Saturdays, Sundays, certain off-site testing dates, and City recognized holidays. The Commission must specifically approve changes to this schedule.

## SECTION II. ORIGINAL APPOINTMENTS: ENTRY-LEVEL, LATERAL, REINSTATEMENT, WORK FORCE REDUCTION.

**Section Summary:** Applicants for original appointment including Entry-Level, Lateral, and Reinstatement appointments to Civil Service positions of the Aurora Fire Rescue or Aurora Police Department shall be subject to qualification and examination procedures stated in the following paragraphs. All applicants who possess the minimum qualifications established by the Commission shall be allowed to participate in the initial examination process. This process seeks to provide the Aurora Fire Rescue, Aurora Police Department, and all Aurora citizens with the most qualified applicants irrespective of the applicant's race, creed, color, gender, age, national origin, sexual orientation, religion, or political opinions or affiliations.

The full process effective for the Academies beginning after July 1, 2023 is detailed in the flowchart below. The Civil Service Commission Rules and Regulations lay out the responsibilities of the Civil Service Commission. Please note the Legend lays out the responsibilities of other city departments throughout the hiring processes which has been discussed with all stakeholders.



### **Application and Screening Section**

#### **1. JOB ANNOUNCEMENT.** Box #3 from flowchart:

- a. The Civil Service Commission publishes the online job announcement with dates for receipt of applications based on the job descriptions, including application and testing deadlines, provided by the respective departments, and reviewed by Human Resources.
- b. The Civil Service Commission shall initiate a process to create a Certified Eligibility List for one or more Academies as described below.

#### **2. SCREENING APPLICATIONS.** Box #5 from flowchart: Civil Service Commission screens applications to ensure minimum qualifications are met.

- a. The Civil Service Commission shall determine the minimum qualifications for original appointment to include:
  - i) Entry-Level Police applicants shall be 21 years old by the projected end date of the Academy. Entry-level Fire applicants shall be 18 years old by the projected start date of the Academy. Proof of age shall be either a copy of a state, or municipality-issued original Birth Certificate, Passport of the United States of America, or evidence of Naturalization.
  - ii) Be a citizen of the United States of America or a person who is lawfully admitted for permanent residence in accordance with the Immigration and Nationality Act. Proof of citizenship shall be either a copy of a state or municipality-issued original Birth Certificate, Passport of the United States of America, or evidence of Naturalization.
  - iii) Have completed a minimum education of high school completion, or GED equivalency. Proof shall be a copy of the High School Diploma, copy of the GED Certificate, or successful completion letter from an accredited school's Principal or District Superintendent, or other documentation approved by the Commission. Candidates who have completed any credit hours from an accredited college/university must also include a copy of college transcripts from all post-secondary schools attended along with any of the accepted documentation above when requested. If home-schooled, documentation must meet the standards of the state of matriculation. If the home-schooled candidate has been accepted in any accredited post-secondary institution, it shall be determined that they have met all the above education requirements.
  - iv) Must have a valid driver's license and if not a Colorado driver's license, be able to obtain a Colorado driver's license by the start of the Academy.
  - v) Be able to perform minimum essential job functions of the recruit position.
- b. The Civil Service Commission shall determine automatic grounds for disqualification from the hiring process to include:
  - i) Conviction of, or deferred judgment for, a crime which is a felony under state or federal law; or military conviction by a court-martial that is comparable to a felony conviction.

- ii) Conviction of any crime or ordinance violation, which would bar the applicant from possessing a firearm or ammunition under Federal or Colorado law. (For Police Officer Applicants only.)
  - iii) Conviction of, deferred judgement for, or combination of any misdemeanor causing disqualification under POST standard 24-31-305. (For Police Officer Applicants only.)
  - iv) Illegal distribution of any controlled substances or drugs, including steroids, in the last (3) years. Frequency of behavior, quantity of drugs involved, and type are considered at time of background.
  - c. The Commission shall notify any applicant whose application has been disqualified during the application screening process via the applicant tracking system (ATS) and shall identify the Commission Rule(s) for such disqualification.
  - d. Applicants who have been disqualified due to factual errors in their applications may appeal their disqualification to the Civil Service Commission under the established appeal procedures in Section II Rule (9).
- 3. ENTRANCE EXAMINATION.** Box #6 from flowchart: Candidates complete written test.
- a. The Civil Service Commission shall collaborate with the departments and Human Resources to choose the written examination, the testing vendor, and the minimum passing score and deadlines for the examination period.
  - b. The Civil Service Commission shall receive the testing results and notify Human Resources of all candidates with passing scores.
  - c. The Commission shall notify any candidate whose application has been disqualified during the entrance examination via the ATS.
  - d. Candidates who have been disqualified may appeal their disqualification to the Civil Service Commission under the established appeal procedures in Section II Rule (9).

### **Preliminary Testing and Interview Section**

- 4. PRELIMINARY FILE REVIEW.** Box #9 from flowchart:
- a. Candidates who have been disqualified during the preliminary file reviews conducted by the respective department may appeal their disqualification to the Civil Service Commission under the established appeal procedures in Section II Rule (9).
- 5. ORAL INTERVIEWS.** Box #10 from flowchart: Department led interview panels administered by Human Resources.
- a. At the discretion of the Civil Service Commission, Commissioners may elect to; 1) score applicants as board members, 2) serve as a non-scoring monitor on each interview panel, or 3) decline participation.

- b. The number and content of interview questions, number of interview panels and assessors for each panel shall be determined through collaboration with the Commission, the applicable Department, and Human Resources.
  - c. Oral Interviews shall have a minimum combined passing score of 70%.
  - d. Candidates who have been disqualified may appeal their disqualification to the Civil Service Commission under the established appeal procedures in Section II Rule (9).
- 6. CERTIFIED ELIGIBILITY LIST.** Box #11 from flowchart: Civil Service Commission certifies ranked list of qualified entry-level applicants for original appointment.
- a. Each entry-level applicant who successfully completes each step of the testing process to this point shall be given a position in rank order by final score on a certified eligibility list.
  - b. The applicant's position on the certified eligibility list shall be determined by averaging the passing entrance examination score with the passing oral interview score. Preference points shall then be added to this averaged score. The relative scoring weights of each component of the final score shall be determined by the Civil Service Commission in collaboration with the respective department and Human Resources. For illustration purposes, the following formula represents the final combined score calculation: Passing Entrance Exam score X .5 (50%) + Passing Oral Interview score X .5 (50%) + any applicable preference points = Applicant's final combined score for ranking on the certification list.
  - c. Preference points, as determined by the Civil Service Commission, shall be applied to the candidate's passing combined score in accordance with the following policies outlining these points:
    - i) Veteran's Preference points shall be added in accordance with the provisions of Section 15, Article XII of the Colorado State Constitution prior to final ranking.
    - ii) [Language Proficiency Preference points](#) shall be added in accordance to the policy outlining these points and qualifications.
    - iii) [Aurora Police Explorer Preference points](#) shall be added in accordance to the policy outlining these points and qualifications.
    - iv) [Aurora Fire Explorer Preference points](#) shall be added in accordance to the policy outlining these points and qualifications. [Colorado POST Certifiable Preference points](#) shall be added in accordance to the policy outlining these points and qualifications.
  - d. In the event a tie final score occurs, rank order priority shall be based on the date and time the application was received with the earlier taking precedence.
  - e. The certified eligibility list shall be reviewed and signed by the Civil Service Commission. The list shall be published to the respective department and Human Resources.
  - f. Civil Service shall notify candidates of their ranking on the eligibility list.

- g. Candidates on the certified eligibility list may request a deferment from the Civil Service Commission to a future Academy. Candidates shall provide the request in writing along with appropriate backup documentation detailing the reasons for the request.
- h. When considering the request for deferment, the Commission may consider any candidate testing results, number of recruits needed by the department for the academy, the validity of the reasons for the request, and any other information deemed of value to the Commission.
- i. If approved, the deferred candidate may be re-certified on the next certified eligibility list (following the deferral period) in a position corresponding to the ranking based on the candidate's final combined score.

**Conditional Job Offer, Background Investigation, and Final Job Offer Section**

At this point forward the respective departments shall utilize the rank ordered certified eligibility list prepared by the Civil Service Commission.

- 7. **POST CONDITIONAL JOB OFFER TESTING.** Box #12 through #16 from flowchart:
  - a. Background investigation and post conditional job offer examinations are determined and conducted by Human Resources.
  - b. Candidates who have been disqualified may appeal their disqualification to the Civil Service Commission under the established appeal procedures in Section II Rule (9).
- 8. **FINAL SELECTION AND FINAL JOB OFFER.** Box #17 through #19 from flowchart:
  - a. The respective department, with assistance from Human Resources, shall determine and administer the final selection process.
  - b. Remaining candidates shall receive a final job offer in the order in which they are certified on the eligibility list. The respective Chief of the department shall have the final say on which candidates are selected to receive a final job offer.
  - c. Candidates not selected to receive a final job offer are not eligible to appeal to the Civil Service Commission.
- 9. **APPEAL PROCEDURE.** Box #20 from flowchart: Civil Service Commission conducts review for any candidate filing an appeal.
  - a. Any candidate disqualified from the entry-level application process may file an appeal with the Civil Service Commission.
  - b. Candidates shall provide the appeal in writing along with appropriate backup documentation detailing the reasons for the appeal.
  - c. The appeal must be received by the Commission within seven (7) business days from the date of the notice of disqualification to the candidate.



- d. A copy of the appeal shall be provided to Human Resources. Human Resources shall provide a summary of the testing results of the candidate and any additional information for the Commission to consider within (10) ten business days from the date the appeal is received by the Commission.
- e. Commissioners having any personal conflict-of-interest concerns shall recuse themselves from the appeal process for that candidate.
- f. The appeal shall be reviewed by a majority of remaining Commissioners within five (5) business days of receipt of the summary of testing results and any additional information provided by Human Resources.
- g. The Commission may seek guidance on an appeal from the City Attorney's Office representative assigned to the Civil Service Commission.
- h. A majority of Commissioners shall decide one of the following options to resolve the appeal;
  - i) Additional or clarifying information is needed from either the applicant or Human Resources with deadlines for such information to be decided by the Commission based on the complexity of the information requested.
  - ii) To reinstate the candidate into the application process at the point of disqualification.
  - iii) To uphold the disqualification of the candidate from the testing process.
- i. A summary of the Commission's decision on the appeal shall be provided in writing to the candidate and Human Resources. The appeal decision of the Commission shall be final.

#### **10. REPORTING REQUIREMENTS.**

- a. The Civil Service Commission shall receive reports from Human Resources on disparate impact on protected classes, if any, from assessments of minimum qualifications and disqualifications at each testing step.
- b. Human Resources shall be deemed to be the custodian of all candidate testing records including all applications, personal history statements, interview materials, background investigations, external vendor reports, and medical records.

#### **11. LATERAL ENTRY.**

- a. In accordance with the City Charter, Article III, Section 3-16, paragraph (10), the Civil Service Commission establishes the following conditions and regulations which shall apply to Lateral-entry appointment. The Civil Service Commission strongly encourages each Department to adhere to this following stipulation from Ordinance Number 89-88, "WHEREAS, lateral entry will also assist the Police and Fire Departments in implementing their affirmative action programs."
- b. At the time of application, unless otherwise noted, applicants for lateral- entry appointment to Civil Service fire and police positions shall;
  - i) Lateral Police applicants shall be 21 years old by the projected end date of the Academy for which they are applying. Lateral Fire applicants shall be 18

- years old by the projected start date of the Academy for which they are applying. Proof of age shall be either a copy of a state, or municipality-issued original Birth Certificate, Passport of the United States of America, or evidence of Naturalization.
- ii) Be a citizen of the United States of America or a person who is lawfully admitted for permanent residence in accordance with the Immigration and Nationality Act. Proof of citizenship shall be either a copy of a state or municipality- issued original Birth Certificate, Passport of the United States of America, or evidence of Naturalization.
  - iii) Have completed a minimum education of high school completion, or GED equivalency. Proof shall be a copy of the High School Diploma, copy of the GED Certificate, or successful completion letter from an accredited school's Principal or District Superintendent, or other documentation approved by the Commission.
  - iv) For Police Applicants only: Have three (3) years previous related experience in good standing within the four (4) year period immediately preceding the application. Related experience shall consist of full-time paid employment as a Police Officer in a full service Police department. (The previous sentence is suspended until 07/25/2025) For Fire Applicants only: Have three (3) years paid related experience in good standing within the four (4) year period at the time of application.
  - v) Be able to perform the essential functions of the position.
- c.** Per City Charter, the Civil Service Commission shall establish an unranked pool of qualified individuals who meet the minimum qualifications. To establish this unranked pool of qualified individuals, the Civil Service Commission shall accept applications for Lateral-entry employment.
  - d.** All applicants who meet the minimum qualifications established by the Civil Service Commission shall form the unranked pool of qualified individuals.
  - e.** Qualified individuals in the unranked pool shall then be subject to appropriate testing by the Chiefs of the respective Departments, with assistance from Human Resources, which may include, but not necessarily consist of a medical, background, polygraph and psychological examinations. The Chiefs of the respective Departments may, at their sole discretion, select qualified individuals from the remaining unranked pool of individuals.
  - f.** No person can remain on the lateral entry appointment list for more than two (2) years without reapplication.
  - g.** The Commission shall notify any applicant whose application has been disqualified for failing to meet the minimum qualifications via the ATS.
  - h.** The Chiefs of the respective Departments, with assistance from Human Resources, shall notify any applicant whose application has been disqualified as a result of testing and/or the review process.

- i. Human Resources shall be deemed to be the custodian of all lateral applicant testing records including all applications, personal history statements, interview materials, background investigations, external vendor reports, and medical records.

## **12. REINSTATEMENT.**

- a. Any former Civil Service member of the Fire or Police departments who successfully completed the probationary period as defined in Section 3-16 of City Charter and was in good standing at the time of resignation, (satisfactory performance reports and no pending disciplinary actions), may apply in writing to the Commission for reinstatement to the department within thirty-six (36) months from the effective date of resignation or retirement. Any member of the Civil Service who resigns or retires from the Fire or Police departments must meet all minimum qualifications for original applicants, to include education, at the time the former member submits his/her request for reinstatement. No applicant shall be reinstated without the specific approval and testing of the Commission. An applicant may be reinstated only once in a lifetime. The decision of the Commission shall be final. (Note: At the Commission's discretion, any officer may have the time limit extended to allow for continuity of City government, or in the event of contingencies, disasters, emergency staffing requirements, or military service obligations.)

## **13. REINSTATEMENT PROCEDURES.**

The Commission recognizes that there may be delays in the reinstatement process because of weather, availability of key personnel or examiners; however an effort should be made to complete the reinstatement procedures within a reasonable time frame. The procedures for reinstatement are as follows:

- a. The applicant's written request for reinstatement must be accompanied by letters of favorable recommendation from the Deputy City Manager and the Chief of the department and must be received by the Commission within the eighteen-month period stated above.
- b. The Commission may conduct a personal interview with the Chief of the appropriate department, and review with him the applicant's official personnel file.
- c. The Commission may conduct a personal interview with the applicant.
- d. The applicant may be required to undergo any or all of the following examinations prior to reinstatement: polygraph, substance abuse screening, fitness test, full or partial medical, a background investigation, and any other examination deemed appropriate by the Commission. The applicant must meet the standards of entry-level applicants on all examinations, as required by the Commission.

- e. The applicant shall be notified in writing of the Commission's FINAL decision. A copy of the notification shall be forwarded to the Chief of the appropriate department. There shall be no further appeals to the Commission.
- f. If approval is granted by the Commission, reinstatement must become effective within 180 days of the Commission's approval for hire. No individual may be reinstated after this 180-day period. Such individual, when reinstated, shall retain the rank held at the time of resignation, except that in no case shall an individual be reinstated at any rank higher than Police Officer or Firefighter, Grade I, or Rescue Technician. The reinstated officer shall be eligible to test with the Civil Service Commission for the next higher rank in the first scheduled promotion testing following reinstatement, provided time and service requirements for testing are met. In the event an applicant declines reinstatement when it is offered, such applicant shall not be offered an opportunity for reinstatement again.
- g. Should there not be a vacancy at the time a reinstatement request is approved; the Chief of the appropriate department must notify the Commission in writing of the anticipated date of the first available Civil Service vacancy, which must be no later than 180 days following the Commission's approval for hire.

**14. WORK FORCE REDUCTION (LAYOFF).**

Work force reductions may apply to Civil Service members of the Fire and Police departments whose job position is removed or eliminated through any budgetary consideration upon review and approval of City Council and implementation by the City Manager. The respective department Chief shall notify the Commission of any work force reduction of Civil Service members. Any work force reduction of Civil Service members in either department must be in accordance with the City Manager's Work Force Reduction (Layoff) Plan and Layoff Rules outlined in the City of Aurora Personnel Policies and Procedures Manual, with the following exceptions:

- a. When the Civil Service work force in either department is reduced through budgetary consideration which has been reviewed and approved by City Council and implemented by the City Manager, the Civil Service member last certified for employment to such department shall be the first laid off. For purposes of this rule, Civil Service members on the same certified list shall be laid off in reverse order of their original certification for employment, except members not eligible for veteran's preference under Article XII, Section 15 of the Colorado Constitution shall be separated before those so entitled.
- b. When the Civil Service work force in such department is increased, Civil Service members laid off shall be reinstated in the order of their original certification for employment in accordance with paragraph 79, Reinstatement Procedures for Work Force Reductions, provided the member has notified the Civil Service Commission in writing of his/her desire to be reinstated.

## **15. APPEAL PROCEDURES FOR WORK FORCE REDUCTION.**

Civil Service members of the Fire and Police departments who wish to have a hearing before the Civil Service Commission to appeal their work force reduction (layoff) must submit a written request to the Commission no later than seven (7) business days following the effective date of the work force reduction. The request for hearing before the Commission must include a summary of the reasons for the appeal based on the following considerations. Hearings on such appeals shall be scheduled in accordance with the practices of the Commission. The Commission shall base its decision on the following considerations:

- a. Is there evidence that the City Manager's expressed reasons for affecting the lay-off are not the actual reasons?
- b. Were there procedural defects in executing the layoff, or in granting retention rights, which were detrimental to the employee?
- c. Was the layoff affected in an arbitrary and unreasonable fashion?

## **16. REINSTATEMENT PROCEDURES FOR WORK FORCE REDUCTION.**

A former Civil Service member who is terminated because of a work force reduction may be reinstated by the Commission provided the member meets all minimum medical and fitness qualifications of the position to which the member is seeking reinstatement.

- a. Upon receiving written notification from the Chief of the appropriate department, accompanied by approval from the City Manager, that the department's Civil Service work force shall be increased, the Commission shall send such notification by registered mail to the Civil Service member's last known official residence address on file with the City of Aurora Human Resources Department. Former Civil Service members who were terminated under a work force reduction shall be responsible for ensuring their current residence addresses are on file.
- b. The former Civil Service member must express a desire to be reinstated to the Commission in writing within ten (10) business days from the date of receipt of the Commission's notice that the department's Civil Service work force shall be increased. Former Civil Service members who do not respond during the specified time period shall be ineligible for reinstatement, and no further consideration shall be given, unless otherwise directed by the Commission. If the member was serving during the original appointment probation period when laid off, the member shall complete the remaining portion of such probation period.
- c. The applicant may be required to undergo any or all of the following examinations: polygraph, substance abuse screening, fitness, full or partial medical, background investigation, and any other examination deemed appropriate by the Commission, prior to reinstatement.
- d. The Commission may also conduct a personal interview with the applicant.

- e. The applicant shall be notified in writing of the Commission's FINAL decision. A copy of the notification shall be forwarded to the Chief of the appropriate department. There shall be no further appeals to the Commission.
- f. Upon Commission approval, reinstatement shall be effective on the date established in the department's notification letter pertaining to an increase in the Civil Service work force, or a subsequent date agreed to by the department, the Commission, and the member.

**17. SERVICE IN THE ARMED FORCES.**

- a. A Civil Service member of either department who enters upon active duty or in active duty for training in the Armed Forces of the United States in response to an order or call to active duty shall be entitled to reemployment rights and may be reinstated to the department in accordance with appropriate federal statutory guidelines. If the probation period following an original appointment was interrupted by service in the Armed Forces, the Civil Service member, upon reinstatement, shall complete the remaining portion of such probation period before permanent appointment. The Civil Service member must request reinstatement in accordance with appropriate federal statutory guidelines. The request must include a copy of the member's military discharge, DD Form 214, and a copy of the official notification letter ordering the member to active duty.

### **SECTION III. PROMOTION WITHIN CIVIL SERVICE RANKS**

1. **GENERAL.** The Commission is required by City Charter to conduct testing for all promotional ranks in the Fire and Police departments. The department Chief shall notify the Commission of his/her intent to create, abolish or modify a current promotional rank, as soon as possible, but no later than 4 months prior to the recommended effective date so that the Commission may evaluate the impact of the proposed change and adjust its rules, policies, procedures and processes. The department Chief or designee will also supply at least 2-3 Subject Matter Experts (SME's) to the Commission whose responsibility it will be to determine a reading list and content of the assessment center in conjunction with the Consultant and assisted by CSC staff. Members of the Civil Service system who desire to participate in promotional testing for Fire or Police positions shall be subject to the qualification and examination procedures stated below. Promotional appointment lists will be created as follows:
  - a. Examinations for promotional appointment shall take place no less than once per year for each promotional rank. Applicants who are successful in completing all examination requirements will have their names placed on a certified list for promotional appointments in rank order.
  - b. Each certified list for promotional appointments shall expire after one year from date of certification, except that in the event a vacancy should exist in one of the Departments and the certified list for that position is scheduled to expire and a new list is not available, the Civil Service Commission may extend the list, one time only, for a period not to exceed ninety (90) days.
2. **APPLICATION PROCEDURES.** Civil Service members of the Fire and Police departments who desire to participate in promotional testing shall register with the Commission by the closing date that is published on the posting. An official college or university transcript(s) must be in possession of the Commission, if applicable to the tested rank, prior to the commencement of testing, per the official posting. Other documents, as determined by the Commission, may be required for each promotional examination. The Civil Service member has sole responsibility to ensure his/her registration and applicable documents are received by the Commission.
3. **PROMOTION ELIGIBILITY REQUIREMENTS.** All Civil Service ranks of the Fire and Police departments above the rank of Police Officer and Firefighter shall be filled by promotion from within the respective departments under service and educational requirements, and examination procedures outlined by the Commission. Any Civil Service member with cumulative discipline equal to or greater than an 80 hour suspension, to include involuntary demotion, within the two (2) year period preceding the first day of testing shall be ineligible to test. Civil Service members with appeals pending to the Civil Service Commission of cumulative discipline equal to or greater than an 80-hour suspension, to include involuntary demotion, shall be ineligible to test. The date of the discipline shall be the date of the Disciplinary



Order. To be eligible for promotional examinations, candidates for the rank being examined, must meet the following service, certification, education, and training requirements as of the first day of testing in the promotional series:

### Fire Engineer

SERVICE	EDUCATION	TRAINING
3 years regular service with Aurora Fire Rescue <b>AND</b> Currently holding the rank of Firefighter Grade I or Fire Medic.	No college requirement for this position.	Successful completion of the Aurora Fire Department Acting Driver / Operator Training Program.

### Fire Lieutenant

SERVICE	EDUCATION	TRAINING
5 years regular service with Aurora Fire Rescue <b>AND</b> 2 years as an Aurora Firefighter, Grade 1, Fire Medic, Engineer, or any combination thereof totaling 2 years <b>AND</b> Currently holding the rank of Aurora Firefighter, Grade 1, Fire Medic, or Engineer.	60 earned semester or 90 earned quarter hours of college level course work from an accredited college or university.  Minimum cumulative GPA of 2.0 on a 4.0 scale.	Successful completion of the Aurora Fire Department Development Program or the Acting Officer Program on record with Fire Administration <b>AND</b> Successful completion of the Aurora Fire Department Officer 1 Program, or equivalent as approved by the CMCB Board of Directors.

### Fire Captain

SERVICE	EDUCATION	TRAINING
7 years regular service with Aurora Fire Rescue. 2 years as an Aurora Fire Lieutenant. Currently holding the rank of Aurora Fire Lieutenant.	60 earned semester or 90 earned quarter hours of college level course work from an accredited college or university.  Minimum cumulative GPA of 2.0 on a 4.0 scale.	Successful completion of the CMCB Fire Officer 2 program, or equivalent as approved by the CMCB Board of Directors.

### Police Agent

SERVICE	EDUCATION
3 years as Police Officer <b>AND</b> Currently holding the rank of Police Officer, Grade I.	No college requirement for this position.

## Police Sergeant

SERVICE	EDUCATION
2 years as Agent or Police Officer, Grade I, or any combination thereof <b>AND</b> A minimum of 5 years regular, continuous service *Lateral officers are eligible with at least 3 years regular continuous service with the Aurora Police Department <i>and</i> at least 5 years as a full-time paid officer in good standing in any jurisdiction. <b>AND</b> Currently holding the rank of either Police Officer I, or Agent <b>AND</b> (Education requirement, see right)	60 earned semester or 90 earned quarter hours of college level course work from an accredited college or university.  Minimum cumulative GPA of 2.0 on a 4.0 scale.

## Police Lieutenant

Police Lieutenant Service and Education Option A	
SERVICE	EDUCATION
2 years in grade as Sergeant, <b>AND</b> Currently holding the rank of Sergeant, <b>AND</b> (Education requirement, see right)	A Bachelor's Degree from an accredited college or university.

Police Lieutenant Service and Education Option B	
SERVICE	EDUCATION
4 years in grade as Sergeant <b>AND</b> Currently holding the rank of Sergeant <b>AND</b> (Education requirement, see right)	60 earned semester or 90 earned quarter hours of college level course work from an accredited college or university.  Minimum cumulative GPA of 2.0 on a 4.0 scale.

## Police Captain

SERVICE	EDUCATION
2 years in grade as Lieutenant, <b>AND</b> Currently holding the rank of Lieutenant <b>AND</b> (Education requirement, see right)	A Bachelor's Degree from an accredited college or university.

#### **4. SCORING WEIGHTS FOR PROMOTIONAL EXAMINATION:**

The following are examinations administered by the Civil Service Commission with the following scoring percentage weights applied to determine the final score. All exercises in the Assessment Center and Practical are weighted equally in compiling the final score with the overall pass-point set at 70%, unless otherwise determined by the Commission.

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##### **FIRE DEPARTMENT**

<b>Position</b>	Written Exam	Assessment Center or Practical Exam	Records Evaluation
<b>Engineer-Driver</b>	35%	50%	15%
<b>Investigator Tech</b>	30%	55%	15%
<b>Lieutenant</b>	30%	55%	15%
<b>Captain</b>	30%	55%	15%

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##### **POLICE DEPARTMENT**

<b>Position</b>	Written Exam	Assessment Center or Practical Exam	Records Evaluation
<b>Agent</b>	30%	55%	15%
<b>Sergeant</b>	30%	55%	15%
<b>Lieutenant</b>	25%	60%	15%
<b>Captain</b>	N/A	85%	15%

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**EXAMINATIONS FOR PROMOTIONAL APPOINTMENT**

- 5. GENERAL.** Examinations shall be open to all candidates who meet the minimum established qualifications. The Commission shall be responsible for the types of examinations to be used, which may include written, oral, assessment center, practical, records evaluation, or any combination thereof, and any other examination which the Commission may consider helpful in evaluating the candidate's ability to serve in the position. All examinations for promotion shall be competitive among such members of each department as are qualified and desire to submit themselves to examination. The following procedures shall be used as guidance for the conduct of all promotional examinations unless otherwise specified by the Commission.
- a.** If it is determined by the Commission that not enough applicants with the required qualifications sign up to take a specific examination, the Commission may invite additional promotional ranks to test or lower regular service requirements for only that particular promotional examination.
  - b.** At its sole discretion, the Commission shall determine the relative weight for each portion of the examination series and shall set minimum passing scores. Failure in any portion of the examination series shall be grounds for disqualifying the candidate from further participation in the current examination process.
  - c.** Examinations shall be held on specified dates and at times determined by the Commission. Rules for starting time, scoring and conducting an examination shall be posted prior to the examination.
  - d.** Written examinations shall be administered in the presence of a Commissioner, Chief Examiner or designee.
  - e.** Requests for exceptions from the testing schedule, which may include changes to time, date, place, and examiner, will be considered only if the request is submitted in writing at least three (3) working days prior to the first day of testing and (1) the candidate is assigned to military duty, or (2) the candidate is assigned by the department for specialized training or public duty during the time the written test is to be administered. For all requests for exception from the testing schedule, the Commission will consider factors involved in arranging proctoring, etc., in each individual case before granting or denying a request. Applicable USERRA provisions shall be considered in attempting to accommodate promotional candidates assigned to military duty, however all testing shall be completed prior to establishing the certification list.
  - f.** The Commission may, at its sole discretion, make the following exceptions for failure to appear at the scheduled time for promotional written examinations only provided the candidate can be rescheduled during the normal conduct of the examination. However, the Commissioner(s) present at the examination also may use his/her/their sole discretion to excuse an applicant after the examination has begun if one of the following should occur:

- (1) a candidate's supervisor (Battalion Chief, Police Captain or above) contacts the Commission office prior to commencement of the examination to indicate the candidate is on duty and, due to an emergency situation, cannot be removed from his or her duty location.
- (2) a candidate is hospitalized or suffering from a serious illness, and provides written documentation from a treating physician stating that the candidate is incapacitated. Notification must be provided to the Commission prior to the commencement of the scheduled examination. If approved, the candidate must submit medical documentation to the Commission confirming an improved health condition before the examination is administered.
- g.** Candidates shall not use books, references or other data, except as expressly authorized by the Commission, and shall not confer with each other during the examination.
- h.** The Commission may review complaints regarding any errors or alleged errors made by examiners or consultants and may order a correction or reexamination where it appears proper.
- i.** Candidates for promotion will be required to acknowledge confidentiality statements for each examination in the promotional testing series indicating that testing materials and results are confidential until such results are formally released in writing by the Commission. Any candidate who breaches, or attempts to breach, the confidentiality on any examination, or any candidate who uses such information in any manner prior to the proper release of the information by the Commission, may be disqualified from further consideration for promotion in the current testing cycle. In addition, such an individual may be removed from the current certification list for promotional appointment, if already certified.
- j.** Examination results will be posted by the Commission at the earliest reasonable time as determined by the Commission. Examination results shall be provided to candidates by email prior to posting. Any candidate who does not successfully complete any examination for the promotional position shall be disqualified from further consideration in the current testing process. The decision of the Commission is final. There shall be no further appeal to the Commission.
- k.** Final examination results certified eligibility lists will be posted at the earliest practical date as determined by the Commission after completion of all examinations. Per City Charter, the Commission shall submit to the appointing authority the list with the names of all members who have satisfactorily passed the entire examination, in the order in which their grades placed them.
- l.** The Commission may, at its discretion, cancel or postpone an examination as long as such action is not in conflict with applicable Charter provisions.

- m. The Commission may establish such other examination rules or regulations as are deemed necessary to carry out its duties under the Charter and Ordinances of the City of Aurora.
6. **WRITTEN EXAMINATION.** Written examinations shall be conducted by the Commission in accordance with the following procedures:
- a. Examination starting and ending times shall be fixed. Individuals arriving for the examination after the starting time will not be allowed to take the examination at that time except under the conditions outlined in the "General" paragraph above.
  - b. Only testing material and equipment furnished or approved by the Commission shall be used during the examination. Should the candidate be required to bring personal items, such as a calculator, etc., to the examination, the candidate will be instructed to do so in the written notice of the time and location of the examination.
  - c. All tests and supplies shall be distributed at the time of the examination.
  - d. Candidates shall be assigned an identification number (I.D.) which shall be the only personal identifying mark to appear on the examination papers. This identification number shall be used to identify the candidate throughout the promotional testing process. The Commission may prescribe additional safeguards, as deemed necessary, to ensure examination papers remain anonymous.
  - e. Candidates shall return all testing materials and supplies at the conclusion of the test.
  - f. In the event of any irregularity or suspected irregularity, the test administrator shall file a written report with the Commission as soon as possible, but no later than five (5) business days after the irregularity is discovered.
  - g. Promotional candidates who participate in a written examination may be granted a maximum of one hour to review their examination and results by notifying the Commission. The Commission office must receive requests for review by the deadline established by the Commission.
  - h. In the event a question is challenged, the candidate shall complete a dispute form provided by the Commission stating the reasons in support of his/her challenge. A separate dispute form must be submitted for each question challenged by the candidate. The candidate shall further submit to the Commission by the deadline established by the Commission, any written documentation from the references listed on the reading list for each question challenged that support his/her challenge. The Commission will consider only written documentation submitted by the deadline.
7. **ASSESSMENT CENTERS.** An assessment center panel (two separate panels are utilized) for promotional testing shall consist of three (3) to five (5) members, optimally: one (1) Aurora citizen selected by the Commission be used (on non-technical panels only), and two (2) Firefighters or Police Officers, from another

jurisdiction and ranked at or above the position level being tested selected by the assessment center consultant. Evaluators should come from the immediate geographical area as determined by the Commission, when possible, and meet the qualifications of the Commission. Ratings shall be averaged to determine the final assessment center score for each candidate. Assessment Center scheduled start times for candidates shall be established in advance. Assessment Centers will not be cancelled or delayed because of the lack of selected evaluators provided that the minimum number is present. Individuals arriving for the examination after the starting time may not be eligible to participate in the examination, at the discretion of the Commission. Whenever practical, feedback will be provided to all candidates participating in the assessment center. All assessment center results are final. There shall be no further appeal to the Commission.

- 8. PRACTICAL EXAMINATION.** A practical examination shall be conducted for the Engineer-Driver promotional rank. Practical examinations will generally consist a minimum of one (1) rater observing each graded part of the examination. The Commission may utilize one of its Commissioners, the Chief Examiner, or their designee to monitor each part of the practical examination.
- a.** Each rater present shall make an independent rating of each candidate observed. Ratings shall be averaged to determine the final practical examination score for each candidate. Candidates shall be required to achieve a passing score, as determined by the Commission, on each part of the practical examination to be certified as eligible for promotion.
  - b.** A promotional candidate who participates in a practical examination will receive written feedback regarding their performance. Feedback will be summary in nature and the anonymity of the ratings and comments of the individual raters shall be preserved.
  - c.** Practical examination starting times for candidates shall be fixed. Individuals arriving for the examination after the starting time will not be allowed to take the examination.

**9. RECORDS EVALUATION.**

- a.** Records evaluations may differ between Police and Fire promotional candidates. Fire Candidates ONLY will not be required to submit anything to the Civil Service Commission. A Civil Service staff member will obtain all documents needed through Fire Administration and score the Records Evaluation accordingly. Police candidates will be required to submit a standardized record evaluation document containing information regarding job performance, and other areas as specified by the Commission. Specific requirements and procedures for the candidate-testing file will be published by the Commission to include: formatting, content and submittal instructions. Note: Some promotional positions may require extensive departmental training; in that case the Commission may elect to validate the training record and promote in lieu of any other testing.



- b. Additional information voluntarily submitted by the candidate will be removed and not considered for scoring.
  - c. At the Commission's option either a staff member (for Fire), or experienced personnel from outside agencies (for either Fire or Police), at a rank at or above that being tested, will score the records evaluations books based on the method established by the Commission.
  - d. The candidates' scores will be submitted to the Commission for inclusion in the overall scoring process for promotion.
  - e. A passing score is not currently established by the Commission for the records evaluation document.
- 10. EXAMINATION RECORD RETENTION.** All examination papers and results thereof shall be retained in Commission files in accordance with Colorado State Archives and Colorado Open Records Act, as revised. Results of examinations will be released only to applicants pursuant to the Colorado Open Records Act, C.R.S. 24-72-204.
- 11. TIE BREAKING.** In case of a tie for promotional appointment, prior to certification, seniority in the department as members of the Civil Service shall be considered first.

**ELIGIBILITY LISTS FOR PROMOTIONAL APPOINTMENT AND PROBATIONARY PERIOD FOLLOWING APPOINTMENT.**

**12. CERTIFICATE OF ELIGIBILITY LISTS FOR PROMOTION.**

- a. Certificate of Eligibility Lists for promotion to positions in the Civil Service shall contain the names of all candidates who satisfactorily passed all required examinations in the order in which their scores placed them.
- b. Certificate of Eligibility Lists for promotional positions shall expire one (1) year from the date of certification. However, in the event a position vacancy should exist in one of the departments and the list for that position is scheduled to expire or a new list is not available, the Commission may extend such list, one time only, for a period not to exceed ninety (90) days.
- c. Certificate of Eligibility Lists for promotion to positions in the Civil Service are considered confidential until officially released in writing by the Commission. Any candidate who breaches, or attempts to breach, the confidentiality on any examination, or any candidate who uses such information in any manner prior to the proper release of the information by the Commission, may be disqualified from further consideration for promotion in the current testing cycle. In addition, such an individual may be removed from the current certification list for promotional appointment, if already certified.
- d. Once completed, the Commission shall submit to the appointing authority the Certificate of Eligibility List, and the appointing authority, after having received a list duly certified, shall make promotions in the order in which the names appear.
  - (1) Any member of the civil service may decline promotion from the Certificate of Eligibility List when that member is the next to be promoted. That individual must indicate that he/she intends to decline the pending promotion in writing to the Civil Service Commission through the Chief of the Department. The declination of promotion must take place before the effective date of the promotion.
  - (2) If it is the declining individual's first request from the list, it shall be without prejudice, and the individual will remain in the same position on the list and eligible for the next following promotion should one be available before the list expires. The Chief of the Department will then promote the next individual(s) in rank order after the declining individual. Multiple promotions may occur on the same date and will not affect the declining individual's position of remaining at the top of the list. The next subsequent date that promotions are to be made off the list shall constitute a new promotion opportunity and the rules under paragraphs d. 3) through d. 5) apply.
  - (3) If an individual who has requested a first declination of promotion requests a second declination from the same list (following procedures outlined in d. 1)

above), that individual will then be automatically placed at the end of the Certificate of Eligibility List.

- (4) If an individual is in the final remaining rank order next to be promoted and declines the promotion, the list will then be declared exhausted without the promotion taking place.
- (5) Upon notification in writing by the Department Chief that an individual has declined a promotion, the Civil Service Commission shall republish the promotion eligibility list, reflecting the new order of candidates, or, if applicable, deem the current list exhausted.

**13. PROBATIONARY PERIOD FOLLOWING PROMOTIONAL APPOINTMENT.**

A person receiving a promotional appointment shall complete a one (1) year probationary period after appointment, at the end of which they shall either be permanently appointed to said grade or rank or be demoted to the rank or grade that he/she previously held. (NOTE: If an individual decides to voluntarily vacate a promotion during the probation period, the individual will revert to the last rank held and must retest for any future promotional rank because the action falls outside of the voluntary demotion rules). In the event an individual, in the opinion of the Chief of the department, fails to satisfactorily perform the duties of the position to which promoted, the Chief shall have the right to serve such individual with an order of demotion in accordance with Charter provisions. A copy of the demotion order shall be filed with the Commission. Within ten (10) days after receipt of an order of demotion, the Commission shall approve or deny the Chief's action. The decision of the Commission in this matter shall be final, subject only to judicial review.

**14. POLICE CHIEF BYPASS OF A CANDIDATE ON CERTIFIED PROMOTION**

**LIST.** For police promotions the Chief of Police, for a specific reason(s) without consideration of any legally protected characteristics pursuant to applicable federal, state, or local law, has the authority to bypass any candidate on the promotion eligibility list and move to consider the next candidate on the eligibility list. If a candidate on the eligibility list is bypassed by the Chief of Police and not promoted, the candidate may appeal the Chief's decision to the Civil Service Commission.

**15. APPEAL PROCESS FOR POLICE CHIEF BYPASS OF A CANDIDATE ON CERTIFIED PROMOTION LIST.**

Within 10 days of a candidate becoming eligible for promotion based on an open position and the candidate's position on the certified eligibility list, the Police Chief shall file a written Declaration Of Bypass with the Civil Service Commission and the candidate to be bypassed. The Declaration Of Bypass shall contain the specific reason(s) for the bypass of the candidate. Once a Declaration of Bypass has been filed, that promotion spot on the certified eligibility list shall be held until the conclusion and outcome of the appeal process. If the candidate wishes to appeal the bypass, the candidate shall file a written appeal to the Commission within ten (10) days of the Declaration Of Bypass. Within ten (10) days after the receipt of the written appeal from the candidate, the Commission

shall review both the Declaration Of Bypass and the appeal from the candidate and approve or deny the Chief's action. In making the determination, the Commission shall evaluate if there was a valid specific reason(s) identified by the Police Chief in arriving at the decision to bypass the candidate, without consideration of any legally protected characteristic(s) pursuant to applicable federal, state or local law. The Commission shall notify the Police Chief and the candidate of their decision in writing. The Commission may either overturn the Chief's decision and the candidate would be placed back on the certified promotion list in the order in which they were certified, or the Commission may uphold the Chief's decision and the candidate would be removed from the certified promotion list. Nothing in the Commission's ruling on this appeal would prevent the candidate from participating in future promotional opportunities, provided the applicant meets all requirements to test for that process. Upon completion of any appeal from a bypassed candidate, promotions may then resume from the certified eligibility list.

#### **SECTION IV. APPEAL OF DISCIPLINARY ACTIONS: FILING PROCEDURES, RULES OF PROCEDURE FOR APPEAL HEARINGS.**

**Section Summary:** These rules and regulations establish a community review, through the Civil Service Commission, of disciplinary decisions of Civil Service members of each department. These rules and regulations are intended to inspire public confidence and ensure transparency while providing due process to Civil Service members through de novo hearings in appeals of discipline.

The full process for disciplinary appeals is detailed in the flowchart below:

Current APD/AFR Civil Service members who receive a discipline greater than a written reprimand may appeal that discipline to the Commission within 10 business days from the date of the reprimand.

The appeal shall be in writing and contain a copy of the discipline, a summary of reasons for the appeal, and whether the appellant desires an open or closed hearing.

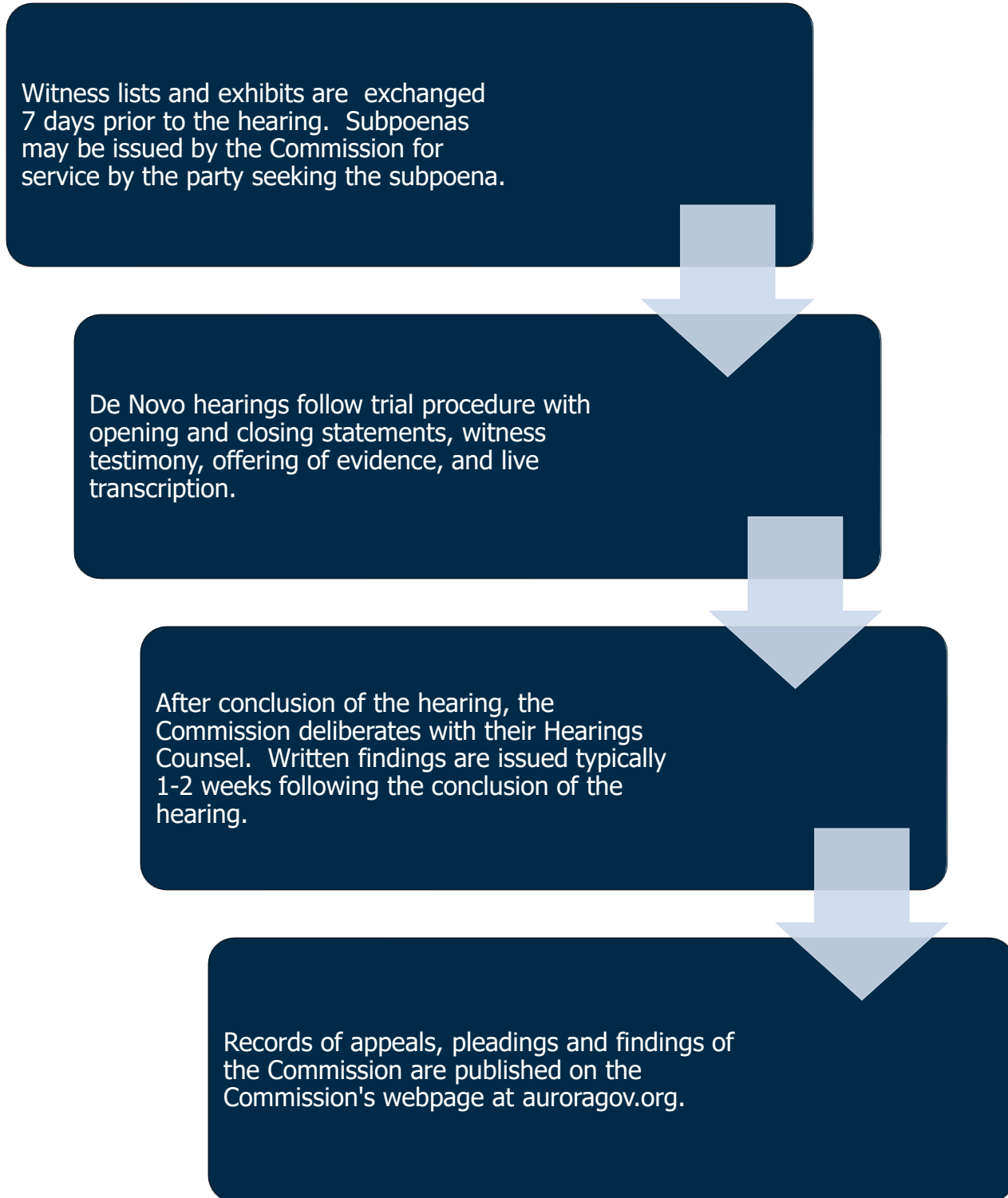
The Commission shall set a hearing date 15-30 days from the date the appeal is received by the Commission. This date may be continued upon agreement of all parties or good cause shown to the Commission.

Parties shall participate in Discovery as guided by the Commission's Rules and Regulations.

Pre-hearing conferences are held by the Commission's Hearings Counsel. The conferences are intended to create a list of stipulated facts to present to the Commission at the hearing and limit testimony only to those facts in dispute.

Flowchart continued on next page.

The full process for disciplinary appeals is continued in the flowchart below:



**1. DISCIPLINARY ACTIONS SUBJECT TO APPEAL.** Civil Service members of the departments may appeal any disciplinary action, except written and oral reprimands, to the Commission. Written and oral reprimands are not subject to the Commission appeal and hearing procedure.

**2. FILING PROCEDURES FOR DISCIPLINARY APPEALS.**

- a. Any member of the Civil Service against whom a covered disciplinary order has been issued, and who desires to appeal, shall have ten (10) business days, as defined in Article III, Section 3-16(8)(e) of the City Charter, from the date of service of the disciplinary order in which to file an appeal of the order with the Commission.
- b. The petition for appeal shall be in writing; contain the name and address of the appellant; a copy of the written command order being appealed; and a brief summary of the reasons for the appeal.
- c. A member of the Civil Service system who has filed an appeal may be represented by someone of his/her choosing. The representative's name and mailing address shall be provided, in writing, to the Commission prior to scheduling a hearing date.
- d. The petition for appeal shall state whether the appellant desires to have the hearing open or closed to the public, a brief summary of the reasons for this position, and include the requirements outlined in Section IV Rule 6 Pleadings, of these Rules and Regulations.
- e. Upon receipt of an appeal, the Commission shall promptly provide a copy of the appeal to the office of the City Attorney. The City Attorney's Office shall have five (5) business days to provide any response opposing the position of the appellant for the desire to have the hearing be open or closed to the public with a brief summary of the reasons for this position.
- f. In the event the parties agree that the hearing shall be open or closed to the public, the Civil Service Commission shall accept this agreed upon position. In the event the parties disagree whether the hearing shall be open or closed to the public, the Civil Service Commission shall decide following the procedure outlined below in Section IV, Rule 11 Motions.
- g. The Commission will comply with the Open Meetings Act, C.R.S. 24-6-402 in determining whether a hearing shall be open or closed to the public.

**3. PROCESSING DISCIPLINARY APPEALS.**

- a. Upon receipt of an appeal of a disciplinary action, the Commission shall set a date for a hearing on the appeal, to be held no less than fifteen (15) calendar days nor more than thirty (30) calendar days from the date the appeal is received by the Commission.
- b. After a hearing date has been set, it may be continued only upon agreement of all the parties or upon good cause shown to the Commission. Commission staff

will notify the parties of the new hearing date within ten (10) working days of the Commission approving the continuance.

- c. Failure of the member to cooperate in the resetting may result in a finding that the member has waived his/her right to appeal.
- d. The new date shall be set within 60 days of the granting of the continuance unless good cause is shown to the Commission.
- e. The hearings shall be recorded by a court reporter or an electronic recording device. When the Commission deems it advisable, the hearings may be chaired by the appeals counsel for the Commission.

#### **4. OTHER LEGAL MATTERS.**

- a. When an appeal concerning a disciplinary action is filed with the Commission, or when there is a subsequent judicial appeal from a decision of the Commission, the Commission may retain an attorney to render impartial advice and/or advocate the Commission's position before the reviewing court.
- b. When the Commission renders its decision concerning the disciplinary action originally imposed by the City on a civil service member, and there is an appeal filed by the civil service member, the Commission may request that the City Attorney represent the Commission before the reviewing court, unless the City has filed or intends to file an appeal based upon the Commission's modification of the disciplinary action.
- c. In situations where either the City is appealing a decision of the Commission or where both parties are appealing the decision, the Commission shall retain its own attorney. Nothing stated herein shall infringe upon the Commission's right to exercise at any time its discretion to retain legal counsel concerning any matter.
- d. The Civil Service Commission recognizes the Independent Review Board (IRB) as a process that encourages open and frank discussions between the parties, their representatives, and within the IRB board itself. To facilitate the use of the IRB without limiting the Commission's consideration of disciplinary appeals as authorized by Charter, recommendations or conclusions of the IRB shall not be presented or disclosed during a disciplinary appeal hearing before the Commission, as long as it is clear that the existence of the IRB does not interfere with an Officer's access to appeal a discipline to the Commission and that the ability of the Civil Service Commission to conduct a fair and impartial hearing is preserved.
- e. Any dispute over the admissibility of recommendations or conclusions of the IRB shall be resolved by motion prior to the hearing.
- f. Consistent with a de novo presentation of evidence to the Civil Service Commission during disciplinary appeal hearings, a witness who testifies before the IRB can testify in a Commission disciplinary hearing without impeachment from their testimony to the IRB.



- g. Under no circumstances will settlement discussions between the parties be admitted during Commission disciplinary hearings.

### **Rules of Procedure For Disciplinary Hearings**

**5. GENERAL.** Rules of procedure governing the conduct of Disciplinary Appeal Hearings follow. These Rules are intended to be supplemental to and not in derogation of the provisions set forth in Section IV of the Commission Rules and Regulations as well as other provisions of the Aurora City Charter.

**6. PLEADINGS.**

- a. The appeal to the Commission shall be initiated by a petition for appeal. In addition to the requirements set forth in Section IV, Rule 2 of these Rules and Regulations, the Petition shall conclude with a concise paragraph describing with specificity, each reason the Petitioner asserts the disciplinary action was incorrect.
- b. Any issue not specifically raised in the Petition will not be heard by the Commission. The Petition may be amended to include additional issues identified as a result of discovery and preparation for the hearing, but such amendments must be made in a timely manner. Copies of the Petition, as well as any amendments must be provided to the City. No written response to the Petition or any amendments is required by the City except as otherwise noted in determining whether a hearing will be open or closed to the public.

**7. HEARING DATES AND CONTINUANCES.**

- a. The City Charter requires the Commission to conduct a hearing on the appeal not less than fifteen (15) nor more than thirty (30) days after receipt of a petition for appeal.
- b. The Civil Service Commission shall reserve a minimum of two continuous days each month in a calendar year for a potential hearing. These reserved hearing dates shall be provided to the City Attorney's Office and hearings counsel for the respective labor groups by the end of November for the subsequent year. Any hearing shall be completed in succession once started regardless of how many days it takes.
- c. Upon receipt of a petition for an appeal of discipline, the next available set of previously reserved days shall become the days for the hearing for that petition. A Notice of Hearing shall then be provided to all parties.
- d. The Charter further provides that after a hearing date has been set, it may be continued only upon agreement of all parties or upon good cause shown to the Commission. Continuances are discouraged.
- e. Commission hearings may be conducted by less than all of its members, but in no event will a hearing be conducted by less than a majority of its members.
- f. At the time of setting, each party shall be responsible for informing the Commission if they believe the hearing would last more than two continuous

days. The Commission shall attempt to set such dates in consultation with the parties or their representatives.

- g. If the date for a hearing was cleared in advance with the parties or their representatives, no continuance will be granted except upon a showing of good cause, which could not reasonably have been foreseen at the time the hearing date was initially set.

## **8. DISCOVERY.**

- a. **Initial disclosures.** Each party shall, without awaiting a discovery request, provide to the other party:

- (1) The name and, if known, the address and telephone number of each individual likely to have discoverable information relevant to the issues set forth in the Petition or the underlying event that resulted in disciplinary action; and
- (2) A listing, together with a copy of, or a description by category and location of all documents, data compilations, and tangible things in the possession, custody, or control of the party that are relevant to the issues set forth in the Petition or that relate to the underlying event that resulted in disciplinary action.

Such initial disclosures shall be provided by the earlier of (a) twenty (20) days of the date the Commission receives the petition for appeal, or (b) ten (10) days before the date of the appeal hearing.

- b. **Supplemental discovery.** In addition to the initial disclosures, either party may file a request for production of documents. Written responses must be provided to such requests by the earlier of (a) twenty-five (25) days of the date of such request for production of documents, or (b) ten (10) days before the date of the appeal hearing, unless some other date is mutually agreed to by both parties.
- c. **Claims of Privilege or Protection of Trial Preparation Materials.** If a party, in connection with its initial disclosure or in response to a supplemental discovery request, withholds information required to be disclosed by claiming that it is privileged or subject to protection as trial preparation material, the party shall make the claim expressly and shall describe the nature of the documents, communications, or things not produced or disclosed in a manner that, without revealing information itself privileged or protected, will enable the other party to assess the applicability of the privilege or protection.
- d. **Duty to Supplement Disclosures or Responses.** A party is under a duty to supplement its disclosures and responses when the party learns that in some material respect the information disclosed is incomplete or incorrect and if the additional or corrective information has not otherwise been made known to the other party during the disclosure or discovery process.

- e. **Signing of Disclosures and Responses.** Every disclosure, supplemental discovery request or discovery response, including objections thereto, made pursuant to the provisions of this Rule shall be signed by at least one attorney of record in the attorney's individual name. A party not represented by an attorney shall sign the disclosure and state the party's address. The signature of the attorney or party constitutes a certification that to the best of the signer's knowledge, information, and belief, formed after a reasonable inquiry, the disclosure is complete and correct as of the time it is made and that the request, response or objection is made in good faith and not interposed for any improper purpose such as to harass the other party, or delay the proceeding or needlessly increase the cost of the hearing.
  - f. **Filing of Disclosures, Supplemental Discovery Requests and Responses.** Initial disclosures by the parties, supplemental discovery requests and discovery responses need not be filed with the Commission unless a dispute arises which requires the Commission's involvement to resolve.
  - g. **Discovery Disputes.** The parties are encouraged to conduct discovery informally and freely exchange materials without involving the Commission. If it becomes necessary for a party to file a formal motion to compel discovery with the Commission, such request shall include a certification by the party or their representative that all reasonable efforts have been made to resolve the discovery issue informally between the parties.
- 9. SUBPOENAS.**
- a. Upon request of either party or their representative, the Chair or Vice Chair or the Commission shall issue subpoenas to desired witnesses requiring their attendance at the hearing.
  - b. It shall be the responsibility of the party seeking the subpoena, to have it served on the witness, in the manner provided by the Colorado Rules of Civil Procedure.
  - c. If a witness has been properly subpoenaed and fails to appear for the hearing, the Commission may apply to a court of competent jurisdiction for issuance of a subpoena, enforceable through the contempt powers of the Court.
- 10. WITNESSES AND EXHIBITS.**
- a. No later than seven (7) days before the hearing each party shall provide the opposing party or their representative with a list of each witness they intend to call and a copy of each exhibit they intend to introduce.
  - b. Any witness not disclosed to the opposing party shall not be permitted to testify at the hearing, except upon a showing of good cause for such failure.
  - c. Any exhibit not disclosed to the opposing party shall not be admitted at the hearing, except upon a showing of good cause for such failure.
  - d. All exhibits shall be marked in advance of the hearing. The City shall mark their exhibits using numbers and the Petitioner shall mark their exhibits using letters.

- e. Copies of all exhibits, preferably arranged in a notebook, shall be provided to the Commission members at the time of the hearing.
- f. Parties are encouraged to stipulate to the admissibility of as many exhibits as possible in advance of the hearing and through their cooperative efforts to avoid duplication of exhibits.

#### **11. MOTIONS.**

- a. In general, written motions are discouraged, but permitted. One copy of the motion and any attachments must be filed with the Commission. In addition an electronic copy of the motion and attachments must be provided to the Commission and the opposing party.
- b. All written motions must be filed no less than ten (10) days before the hearing, unless good cause is shown for the failure to do so. The opposing party shall have five (5) days to file a written response to the motion, if so desired. No reply shall be permitted by the moving party, except with the express consent of the Commission or hearing counsel.
- c. In addition to the printed copy of the response filed with the Commission, an electronic copy of the response must be provided to the Commission and the opposing party.
- d. In their discretion the Commission or hearing counsel may request oral argument or an evidentiary presentation on the motion or they may resolve the motion based solely on the written submissions by the parties.
- e. In the discretion of the Commission, motions may be ruled on prior to commencement of the hearing.
- f. The Commission may, in its discretion, delegate resolution of pre-hearing motion to hearing counsel. Any decision or ruling by hearing counsel may be revised by the Commission prior to the hearing.

#### **12. PRE-HEARING CONFERENCES.**

- a. The parties or their representatives shall be required to attend, either by phone or in person, a pre-hearing conference to be conducted by hearing counsel for the Commission. The Commission may or may not be present at such pre-hearing conference.
- b. The parties shall be prepared to address the following issues at the pre-hearing conference:
  - (1) Procedural issues, including but not limited to timing and availability of witnesses, whether the hearing will be open or closed, and anticipated length of hearing.
  - (2) Discovery issues
  - (3) Exhibits
  - (4) Issues to be presented at the hearing. Parties shall be prepared to identify and confirm, with specificity, the actual issues to be presented to the

Commission at the hearing. All issues that a party no longer intends to pursue shall be identified and eliminated from the proceedings.

- (5) Stipulation as to undisputed facts. Upon request of hearing counsel, prior to the pre-hearing conference the parties shall exchange lists of disputed and undisputed facts that they believe are relevant to their case or defense. A party shall stipulate to any fact that they do not have a good faith, articulable basis for disputing.
- (6) Motions. Hearing counsel may resolve all motions at or as a result of the pre-hearing conference.
- (7) Other pre-hearing matters requested by the parties or raised by hearing counsel. Such pre-hearing conferences may be conducted at any time prior to the hearing.

**13. OPENING AND CLOSING STATEMENTS.**

- a. Opening statements are to be limited to ten (10) minutes per party, unless a greater amount of time has been granted to the party in advance by the Commission.
- b. Closing statements will generally be permitted to be made orally but should be kept as concise as possible. In its discretion, the Commission may request that closing arguments be submitted in writing.

**14. ORDER OF PRESENTATION.**

- a. The City has the burden of persuasion and shall present its case in chief first. This shall be followed by the case in chief of the Petitioner.
- b. In the discretion of the Commission either party may be permitted to provide rebuttal evidence. The Commission may inquire into the purpose of rebuttal evidence prior to its presentation.

**15. EVIDENCE.**

- a. All witnesses shall take an oath or be sworn by the reporter or by hearing counsel for the Commission.
- b. In general, the Colorado Rules of Evidence shall govern the admissibility of evidence presented to the Commission. However, the Commission may receive and consider evidence not admissible under such Rules if it possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs, and if the Commission concludes such evidence is necessary to enable the Commission to ascertain the facts affecting the substantial rights of the parties.
- c. The Commission may consider discipline imposed upon other civil service personnel on matters of a similar nature if it possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs. All comparisons shall indicate the Chief that imposed the discipline. Deference shall be given to discipline imposed by the same Chief of Police or Fire Chief who imposed the discipline which is on appeal.

- d. The Commission may also consider any disciplinary matrix adopted by, as applicable, the Police or Fire Department.
- e. Hearing counsel for the Commission shall initially rule on all evidentiary matters during the hearing or, for the purposes of judicial economy, prior to the hearing. If any Commissioner disagrees with the ruling of hearing counsel to the Commission, then the issue will be resolved by a vote of a majority of the Commissioners presiding over the hearing. All votes taken shall be on the record. In the event of a tie vote, the evidence or material will be admitted. A record may be made setting forth the reasoning behind a dissenting vote.

**16. QUESTIONS BY THE COMMISSION.**

- a. Commissioners shall be permitted to ask questions during a hearing of any witness, party, or representative of a party.

**17. TEMPLATE FOR FINDINGS**

- a. The template contained in Appendix B shall be utilized for all disciplinary hearing findings of the Civil Service Commission

**18. PUBLICATION OF CIVIL SERVICE COMMISSION DISCIPLINARY DOCUMENTS.**

- a. The Civil Service Commission shall publish all petitions for appeals of discipline received on the webpage within the City of Aurora website dedicated to the Civil Service Commission. The associated pleadings and discipline decisions and all requests for continuances shall also be published. Specific identification of what is not public and the basis for keeping it not public shall also be published.
- b. The Civil Service Commission shall announce at their public meetings any new receipt of a petition for appeal of discipline as well as any newly published findings.

**19. TRANSCRIPT ON APPEAL.**

- a. In accordance with the Colorado Rules of Civil Procedure, if a party chooses to appeal the Commission's decision, such appeal shall be filed in the District Court. If an appeal is filed, the Commission is required by the court to file the record of such disciplinary hearing. The cost of preparing the record, including the transcript fee, shall be advanced by the appellant, unless the Court otherwise orders.
- b. Upon receipt by the Commission of written notice that an appeal has been filed in District Court, the Commission shall transmit to the appellant an estimate of the cost of preparing the record. The appellant shall advance to the Commission the estimated cost of preparing the record, including the transcript fee. Upon receipt of such payment, the Commission shall prepare the record, including the transcript, and submit it to the District Court, as provided by the Colorado Rules of Civil Procedure. Failure of the appellant to tender the requisite fee in a timely manner may be brought to the attention of the Commission, who may then

recommend appropriate action including requesting dismissal of the appeal for failing to tender the requisite fee in a timely manner.

## **APPENDIX A**

The following supplements the information contained in Section I of these Rules and Regulations pertaining to "General Intent and Structure of the Civil Service Commission":

1. **Attendance Standards** - Commissioners shall attend 80% of regular meetings during their term. With a minimum of one Commissioner per testing series, each Commissioner shall attend one written exam, one assessment center and one additional exam per year. Three Commissioners are required, as a minimum, for each disciplinary appeal hearing. Three Commissioners are required, as a minimum, for each Approval/Disapproval of entry-level candidate files.
2. **Press/Public Policy** - The Chair, on behalf of the Commission, shall conduct all interviews with members of the press, authorize statements, and be the primary media contact. Requests to address, or Commissioner initiatives to attend groups, shall be referred to and coordinated with the Chair. In the absence of the Chair, the Vice-Chair may speak to the press on behalf of the Commission. Due to the sensitive and confidential nature of Public Safety information, only publicly available information should be discussed with the Press/Public.
3. **Organizational Structure** – Pursuant to the Aurora City Charter, the Commission shall hire an Administrator who serves at the pleasure of the Commission. The Administrator shall be responsible for hiring the staff and assigning tasks and duties in any manner that will ensure the successful completion of Charter requirements. The staff works for, and is responsible to, the Administrator although hiring and termination of staff employees shall be at the recommendation of the Administrator with approval from the Commission. The Commission shall direct requests for special projects to the Administrator who will determine how best to accommodate such requests. The Commission, as a whole, shall function as the Department Director. Issues regarding staff conflicts and complaints shall be resolved by the Administrator with the Chair and/or Legal representative involved when full resolution is not possible.
4. **Overtime Compensation for Exempt Employees** – The City of Aurora and Civil Service Commission recognize that there are certain times when employees who are classified as "exempt" for purposes of the Fair Labor Standards Act should receive compensation for hours worked beyond the normal 40-hour work week. Compensation shall be only in the form of compensatory time and will not be granted on a direct hour-to-hour basis but will be determined by the Administrator. In the event an employee terminates his or her employment with the City, the employee shall not be compensated for any compensatory time not used.
5. **Procedure for Violations of these Policies** – Alleged violations of these Policies and subsequent remedial steps shall be determined by the Commission with



assistance, as necessary, from other Departments within the City as requested by the Commission.

## **APPENDIX B**

The following template shall be utilized for all disciplinary hearing findings of the Civil Service Commission:

CIVIL SERVICE COMMISSION, CITY OF AURORA, COLORADO

### **FINDINGS, CONCLUSIONS AND ORDER**

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IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST: \_\_\_\_\_, A MEMBER OF THE AURORA CIVIL SERVICE, AURORA \_\_\_\_\_ DEPARTMENT, Petitioner.

[SUMMARY OF APPEAL] This matter involves Officer/Firefighter \_\_\_\_\_'s appeal of discipline imposed by Aurora \_\_\_\_\_ Chief \_\_\_\_\_ based on allegations that Petitioner violated Directive(S) \_\_\_\_\_, \_\_\_\_\_, resulting in Chief \_\_\_\_\_ imposing \_\_\_\_\_ as discipline.

Date and place of hearing:

The Petitioner elected to have the hearing be open/closed.

Commissioner's present:

Parties and their counsel:

### **1. PROCEDURAL HISTORY**

Date of disciplinary order:

Discipline imposed:

Date of filing appeal petition:

### **2. DIRECTIVES INVOLVED**

#### **a. First Directive**

(1) Title of Directive

(2) Relevant text of Directive:

#### **b. Second Directive**

(1) Title of Directive:

(2) Relevant text of Directive:

### **3. FINDINGS AND CONCLUSIONS**

#### **a. Whether the City established that Petitioner violated the First Directive**

[Insert findings and conclusions based on the evidence presented as to the first Directive]

Accordingly, the violation of the First Directive, Directive \_\_\_\_\_ – \_\_\_\_\_, is SUSTAINED/NOT SUSTAINED.

**b.** Whether the City established that Petitioner violated the Second Directive

[Insert findings and conclusions based on the evidence presented as to the Second Directive]

Accordingly, the violation of the Second Directive, Directive \_\_\_\_\_ – \_\_\_\_\_, is SUSTAINED/NOT SUSTAINED.

**4. DISCIPLINE**

- a.** After giving due consideration to the Chief's need for administrative control over the Department, was the discipline imposed by the Chief appropriate for the sustained violations?

[Insert findings based on evidence presented]

- b.** If the discipline imposed by the Chief was not appropriate, what lesser discipline should be imposed?

[Insert findings based on evidence presented]

**5. ORDER**

Based on the foregoing findings and conclusions, the Commission hereby [sustains/does not sustain] the violations and [approves the Chief 's discipline/orders that Petitioner's discipline be modified as follows: \_\_\_\_\_].

ENTERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 202\_.

AURORA CIVIL SERVICE COMMISSION

\_\_\_\_\_  
Chair

**APPENDIX D:**  
**PURSUIT POLICY**  
**EFFECTIVE OCTOBER 14, 2024**

# AURORA POLICE DEPARTMENT

## DIRECTIVES MANUAL

### 04.15 POLICE VEHICLE PURSUITS

<b>Approved By:</b>	Todd Chamberlain, Chief of Police
<b>Effective:</b>	Oct-14-2024
<b>Revised:</b>	Oct-14-2024
<b>Associated Policy:</b>	DM 04.02, 05.05, 16.04
<b>References:</b>	C.R.S. § 42-4-108
<b>Review Authority:</b>	Policy and Compliance Unit, Training Division Chief, and APD Legal Advisor(s)

#### 4.15.01 PURPOSE

The purpose of this directive is to provide sworn members with clear guidance on the authorization to initiate a police vehicle pursuit, guidelines for engagement in a pursuit, and the factors required to be continually assessed in determining whether to continue or terminate a pursuit. The primary goal is to provide sworn members with a means to immediately apprehend violent and dangerous suspects while mitigating the risk of injury or damage posed by engaging in the pursuit.

#### 4.15.02 SCOPE

This directive applies to all sworn members of APD.

#### 4.15.03 POLICY

Sworn members will engage in the pursuit of motor vehicles only as stated in this directive. A sworn member is authorized to initiate or to continue a pursuit only if, after consideration of the factors stated in this directive, they reasonably believe that the need for immediate apprehension of the suspect outweighs the risk of harm to the public.

#### 4.15.04 DEFINITIONS

**Additional Support Units:** Sworn members responding to an anticipated termination point of the pursuit to assist in an ancillary capacity are not involved in the pursuit but are part of the pursuit response.

**Blocking Vehicle:** A motor vehicle positioned to control and direct traffic.

**Boxing / Heading Off:** This maneuver involves surrounding the subject's vehicle with moving police vehicles or getting in front of the subject's vehicle with a single police vehicle. Sworn members then reduce their speed in a controlled manner to slow the subject vehicle to a stop.

**Deliberate Vehicle Contact:** Any action by the member intended to result in contact between a police vehicle and the suspect's vehicle, such as the vehicle containment maneuver, the precision immobilization technique (PIT), or the controlled contact intervention.

**Vehicle Containment Maneuver:** A calculated maneuver or tactic utilizing vehicle contact to immobilize a target vehicle before the driver can escape or elude police by means of the vehicle. This tactic may be used to prevent a pursuit or at the termination point of a pursuit.

**Precision Immobilization Technique (PIT):** This technique employs deliberate vehicle contact, involving contact between the front quarter panel of a moving police vehicle and the rear quarter panel of a moving

vehicle intending to cause the vehicle to spin away from the direction of travel and stop the pursuit. PIT should not be employed when the vehicles involved in the pursuit travel more than 45 mph.

Controlled Contact Intervention: A member's deliberate collision of a police vehicle into a subject vehicle with the intent to disable the suspect's vehicle.

Divided Roadway: A road that includes a painted median or physical barrier between traffic traveling in opposite directions.

Eluding: Occurs when a sworn member driving a marked police vehicle gives a visual and/or audible signal(s) such as lights and/or siren directing the operator of a motor vehicle to bring their vehicle to a stop. The operator fails to stop and willfully increases their speed, extinguishes their lights, or takes other evasive action to avoid apprehension by the sworn member.

Emergency Response/Operation: Driving a marked or unmarked police vehicle with the emergency lights and/or siren in operation according to the Colorado Revised Statutes and applicable municipal ordinances.

Failure to Yield: This occurs when a sworn member driving a police vehicle gives a visual and audible signal(s) directing the operator of a motor vehicle to bring their vehicle to a stop. The operator fails to stop but does not willfully increase their speed, extinguish their lights, or take other evasive action to avoid apprehension by the sworn member.

Funneling: A controlled attempt to guide the suspect vehicle towards a predetermined route and influence the suspect driver to reduce its speed. This does not include driving directly alongside or in front of the subject vehicle.

Non-Originating Jurisdiction: A jurisdiction entered during a pursuit when the pursuit began in another jurisdiction.

Originating Jurisdiction: The jurisdiction where a pursuit begins.

Primary Jurisdiction: The jurisdiction of the sworn member driving the primary vehicle.

Primary Vehicle: The police vehicle driven by the sworn member initiating a pursuit or a marked police vehicle taking the lead vehicle position.

Pursuit: An active attempt by a sworn member to apprehend an operator of a motor vehicle who, after having been given a visual and audible signal (emergency lights and siren) directing such operator to bring the vehicle to a stop, fails to obey such direction AND takes overt action to avoid apprehension by the sworn member.

Pursuit Supervisor: A supervisor responsible for overseeing and making critical decisions during a vehicle pursuit.

Roadblock: A restriction or obstruction intended to prevent the free passage of motor vehicles.

Secondary Vehicle: A police vehicle that becomes involved in a pursuit immediately following the primary vehicle and acts as the primary vehicle's backup.

Special-Purpose Police Vehicle: Any police department-owned or operated vehicle other than a marked police vehicle operated by a sworn member. Special-purpose police vehicles include but are not limited to canine vehicles, motorcycles, and unmarked vehicles.

Street Paralleling: Driving a police vehicle on a nearby street in the vicinity of the pursuit with the intent to assist at the scene of the pursuit termination and the taking into custody of the suspect(s). Paralleling units are making a concentrated effort to keep up with the pursuit, and they shall have lights and sirens activated.

Tire-Deflation Device: A device designed to penetrate and deflate the tire(s) of a moving target vehicle, reducing the target vehicle's mobility.

Uninvolved Command Officer: A supervisor at the rank of Lieutenant or higher who did not actively participate in the vehicle pursuit. Approving, acknowledging, or coordinating a vehicle pursuit is not considered actively involved.

#### 4.15.05 CORE PRINCIPLES

Sanctity and Dignity of All Individuals: Sworn members shall make every effort to respect and preserve human life and always uphold the value and dignity of all persons. The life, safety, and welfare of all persons are paramount when carrying out the duties of a peace officer.

Balance of Need to Pursue versus Risk of Injury: A sworn member's mission to enforce the law and to protect life and property includes the need to apprehend suspects who may seek to avoid apprehension by fleeing in a motor vehicle. Engaging in a motor vehicle pursuit poses a risk of loss of life, serious bodily injury, and serious property damage to the sworn members involved, the suspect driver and their passengers, and innocent bystanders. This directive balances the need to pursue a suspect against the risk of injury posed by engaging in the pursuit. Sworn members shall only initiate or continue a pursuit as stated in this directive.

Authorization to Initiate or to Continue Pursuit: A sworn member's decision to initiate or to continue an authorized pursuit must be based on facts known at the time of the determination to pursue. It shall include factors such as the seriousness of the suspected offense, ability to apprehend later, availability of alternative methods of apprehension, weather, traffic, roadway conditions, time of day, and the nature of the area where the pursuit occurs. A sworn member is authorized to initiate or to continue a pursuit only if they reasonably believe that the need for immediate apprehension of the suspect outweighs the risk of harm to the public.

Continuous Assessment: Sworn members shall continuously balance the need for immediate apprehension of the suspect(s) with the need to protect the public from the increased danger caused by the pursuit. This evaluation includes not only the decision to pursue but also continues during the pursuit. Whenever the risk to the public outweighs the benefit of immediate apprehension, all members involved in the pursuit have the responsibility to discontinue the pursuit. Additionally, sworn members shall continually assess whether the initial justification for the pursuit continues to exist as the circumstances of the pursuit change.

Duty to Drive with Due Regard: Although Colorado law may suspend an officer's duty to obey traffic laws when operating an emergency vehicle in pursuit, sworn members shall be required to conduct a pursuit with due regard for the safety of all persons, including themselves, other sworn members, the suspect driver and their passengers and innocent bystanders.

Guidelines for the Pursuit: Only the primary and one secondary vehicle, plus a supervisor, shall be directly involved in a pursuit unless the Pursuit Supervisor or involved member authorizes or requests additional units. The Pursuit Supervisor may authorize additional units if the circumstances dictate (multiple armed/violent suspects) or as required to control the course of the pursuit and/or at the point of termination. Only marked patrol vehicles or special-purpose vehicles equipped with an emergency light and an audible device may be involved in a pursuit. All sworn members involved in a pursuit will perform their respective roles and responsibilities as stated in this directive.

Forcible Termination of Pursuit: Only sworn members trained on department-approved and trained methods of forcible termination may use such methods to terminate a pursuit. Department-approved and trained

methods of forcible termination include tire deflation devices and deliberate vehicle contact, such as the vehicle containment maneuver, precision immobilization technique (PIT), or controlled contact intervention. Sworn members shall obtain supervisory approval before using forcible termination methods unless there are extenuating circumstances that would necessitate their implementation and the involved members have the present ability to perform them. Sworn members must clearly articulate why supervisor approval was not possible.

Pursuit Reporting and Review: All sworn members involved in a pursuit shall follow the reporting and review requirements stated in the directive. All pursuits shall be reviewed to determine whether they were within the departmental directive, whether any training needs should be considered, and whether any changes to the directive are required.

#### 4.15.06 AUTHORIZATION TO INITIATE PURSUIT

A supervisor shall authorize a sworn member's initiation of a pursuit or may pre-authorize a vehicle pursuit to commence.

A sworn member may pursue any person attempting to escape in a vehicle only when, at the time a decision is made to pursue, the sworn member reasonably believes that the suspect driver or occupant:

1. Has committed or is committing a felony and presents a serious risk to public safety if they are not immediately apprehended; or
2. Is driving while under the influence of alcohol and/or drugs (DUI).
  - a. Under this criteria, the decision to engage must weigh the seriousness of the offense against the potential risks of the pursuit, with safety as the primary concern.

Pursuing sworn members shall use their discretion to order the pursuit discontinued if they reasonably believe that the danger to the sworn members engaged in the pursuit, the suspect driver, their passengers, or the public outweighs the need for immediate apprehension of the suspect.

#### 4.15.07 PURSUIT GUIDELINES

In all police vehicle pursuits, sworn members are reminded that their primary responsibility is the safety and welfare of the public and shall be continually assessed during the pursuit.

Sworn Members actively involved in the pursuit will activate their body-worn cameras in compliance with [DM 16.04 - Body-Worn Cameras](#).

Factors in Deciding to Initiate/Continue a Pursuit:

1. A sworn member shall continually evaluate the following factors in weighing the need for immediate apprehension of the suspect versus the risk of injuring themselves, members of the public, or the suspect by initiating and continuing in the pursuit:
  - a. Suspect Identification: Knowledge about the suspect being pursued. The suspect has been positively identified or identifying suspect characteristics and/or vehicle registration are known to the point where later apprehension is possible.
  - b. Vehicular Traffic: Volume, speed, and direction of vehicular traffic and direction of pursuit.



- c. Nature of the Area: residential, commercial, school zone, highway, etc.
- d. Pedestrian Traffic: Population density, volume, and time of day.
- e. Environmental Factors: Adverse weather conditions, darkness, etc.
- f. Road Conditions: Construction, poor repair, extreme curves, etc.
- g. Capabilities of the Involved Vehicles: Perceived performance capabilities and conditions of the fleeing vehicle compared to the police vehicle. Officers shall consider the capabilities of their own vehicles before engaging or continuing in a pursuit, i.e., avoid pursuing an off-road vehicle with a non-four-wheel drive low clearance police vehicle off the pavement.
- h. Speed: The speed of the fleeing vehicle and the officer's vehicle, especially in relation to the speed limit and customary flow of traffic.
- i. Distance: The distance between the primary and secondary units and the fleeing vehicle.
- j. Apprehension: Likelihood of successful apprehension.

#### Number and Types of Vehicles Authorized:

Only the primary and one secondary vehicle, plus a supervisor, shall be directly involved in a pursuit unless the Pursuit Supervisor or involved member authorizes or requests additional units. When authorizing additional units, the Pursuit Supervisor may consider factors such as the number of suspects in the subject vehicle, weapons involved, traffic conditions, and environmental factors, among others. The Pursuit Supervisor shall balance the most effective number of police vehicles needed to successfully apprehend the suspect with the need to minimize risks to the public and sworn members.

The Pursuit Supervisor or involved member authorizes or requests additional units if warranted (multiple armed/violent suspects, etc.) or as required to control the course of the pursuit and/or at the point of termination. Only marked patrol vehicles or special-purpose vehicles equipped with an emergency light and an audible device may be involved in a pursuit. All sworn members involved in a pursuit will perform their respective roles and responsibilities as stated in this directive. The pursuit supervisor shall be aware of and approve the number of units actively involved. Sworn members not authorized by a supervisor shall not participate in the pursuit.

#### Special-purpose police vehicle restrictions:

1. A marked police vehicle is the most suitable vehicle to conduct a pursuit. A special-purpose police vehicle may initiate a pursuit. However, the special-purpose police vehicle will relinquish primary unit status immediately upon the participation of a marked police vehicle. The special-purpose police vehicle will relinquish secondary vehicle status when a marked police vehicle can assume that status.
2. A motorcycle officer shall not initiate a pursuit except in life-threatening situations, which cannot be based solely on the articulation of driving impairment due to alcohol or drugs.

#### Adherence to Law During a Pursuit:

All sworn members operating a vehicle during a pursuit will do so according to the provisions of the Colorado Revised Statutes, specifically C.R.S. § 42-4-108, in its entirety. State law suspends compliance with some traffic laws. Still, it does not relieve sworn members of the responsibility of driving with due regard for the safety of others. Members, when engaging in a pursuit, may:

1. Proceed past a red or stop signal or stop sign, but only after slowing down as may be required for safe operation.
2. Exceed the lawful speed limits so long as the member does not endanger life or property.
3. Disregard regulations governing directions of movement or turning in specified directions.

Sworn members operating a police vehicle in a pursuit shall use emergency equipment (emergency lights and siren) to give adequate warning to motorists and pedestrians of its approach.

#### Failure to Yield

Sworn members may continue to follow with lights and sirens activated and in compliance with traffic laws as long as the operator's driving actions meet the failure to yield definition. If the motor vehicle operator takes any overt action to avoid apprehension, members may initiate a pursuit if otherwise authorized.

#### Restrictions on Police Vehicle Pursuits:

It is the policy of the Aurora Police Department that pursuits shall not be conducted under the following circumstances:

1. Without emergency lights and siren warning devices activated by all pursuing vehicles.
2. In a direction opposite to traffic flow on a divided roadway. Members are prohibited from pursuing against the flow of traffic on a divided roadway. Members may pursue on the other side of the divided roadway with the flow of traffic.
3. Continue a motor vehicle pursuit if the primary unit, any secondary unit, or any supervisor orders the pursuit to be terminated.
4. When transporting a member of the public (disabled motorist, courtesy ride, etc.) or a person in custody, members shall not engage in a pursuit.
  - a. Members may engage in a pursuit with a civilian city employee passenger or a civilian passenger who has signed a department waiver and shall immediately turn over the pursuit upon the entry of a relief unit unless authorized by a supervisor to continue engagement in the pursuit.
5. Continuing to "follow" at a rate of speed exceeding the posted speed limit and/or in violation of other traffic laws when a pursuit is not authorized. The mere act of extinguishing emergency equipment does not imply the discontinuation of a pursuit.
6. Terminating a pursuit with a roadblock, as this is not an authorized termination technique.

#### Roles and Responsibilities:

##### Pursuing Member Responsibilities:

When a sworn member initiates a pursuit, they will immediately broadcast details of the pursuit over a primary talk group until a secondary vehicle joins the pursuit. These details will include, at a minimum:

1. Declaration of the pursuit

2. Location and the direction of travel
3. Vehicle Description
4. Occupant description(s)
5. Reason for the pursuit
6. Speed of the pursuit
7. Traffic conditions
8. Road conditions

The primary pursuing sworn member shall update the location, direction of travel, speed, traffic, and road conditions with any significant change.

A secondary pursuing sworn member shall assume the responsibility of broadcasting the above details upon joining the pursuit.

Pursuit Supervisor Responsibilities:

The authorizing supervisor shall assume incident command upon the declaration of a pursuit unless relieved by a higher-ranking supervisor or a supervisor directly involved in the pursuit. An on-duty Watch Commander or command officer shall acknowledge via radio that they are aware of the active pursuit. The acknowledgment of a pursuit by a Watch Commander or command officer does not relieve the Pursuit Supervisor of the responsibility of evaluating the conditions of the pursuit and managing it appropriately, including terminating the pursuit if circumstances warrant.

The Pursuit Supervisor:

1. Shall assess the risks and hazards involved in allowing the pursuit to continue.
2. Shall allow the pursuit to continue only if the pursuit meets this directive's authorization and justification criteria.
3. Shall order the pursuit discontinued if they reasonably believe that the danger to the sworn members engaged in the pursuit, the suspect driver, their passengers, or the public outweighs the need for immediate apprehension of the suspect.
4. May authorize additional sworn members to street parallel and monitor the area of the pursuit as required.
5. May authorize additional sworn members to assist with traffic control along the anticipated route of the pursuit.
6. May assign additional sworn members to render assistance at the termination or discontinuation point of the pursuit.
7. Shall coordinate with an uninvolved command officer (i.e., Lieutenant) to start the review process once the incident has concluded.

Supervisor Discontinuation of a Pursuit:

Supervisors who have knowledge of facts that cause them to reasonably believe that the risks posed by the pursuit outweigh the need for immediate apprehension may modify the decision of the Pursuit Supervisor and discontinue the pursuit.

Watch Commander/Command Officer Responsibilities:

A Watch Commander or command officer shall acknowledge the initiation of a pursuit over the air as soon as practical. While the Pursuit Supervisor is responsible for the tactical level supervision of a pursuit, such as the number of units directly involved, street paralleling units, environmental factors, termination tactics, and related responsibilities, the Watch Commander or command officer is expected to ensure basic policy adherence, including reviewing the reason for the pursuit, number of police units involved and assigned responsibilities. This ensures that there is a second level of review and allows the Pursuit Supervisor to focus on command and control of the pursuit itself.

**4.15.08 STREET PARALLELING**

Sworn members must have supervisor approval to participate in street paralleling. Sworn members shall operate their police vehicles with emergency lights and sirens while street paralleling. Sworn members participating in street paralleling will be considered to be actively participating in the pursuit. The Pursuit Supervisor will have the authority and the expectation to determine the number of vehicles involved in street paralleling.

**4.15.09 TRAFFIC CONTROL**

Sworn members participating in traffic control efforts are not authorized as part of the pursuit and will adhere to [DM 04.02 - Emergency Response](#). The purpose of sworn members involved in traffic control is to block traffic at intersections for public safety purposes and enhance the safety of uninvolved motorists. Sworn members providing traffic control will utilize lights and sirens when violating any traffic codes and utilize such emergency equipment to control traffic flow and warn uninvolved members of the public. Sworn members shall notify Aurora911 via radio of the locations where they are providing traffic control upon their arrival. Traffic control is considered part of the pursuit response. Traffic control shall not be used as a roadblock.

**4.15.10 ADDITIONAL SUPPORT UNITS**

Sworn members may respond to anticipated termination points of a pursuit with the intent to provide quick assistance as additional support units. For this purpose, sworn members operating a police vehicle in violation of traffic laws shall adhere to [DM 04.02 - Emergency Response](#). Sworn members acting only as additional support units will not be considered involved in a police pursuit but rather part of the pursuit response.

**4.15.11 TECHNIQUES FOR STOPPING VEHICLES**

When the situation justifies the need for immediate apprehension of a fleeing suspect, pursuing members may need to employ forcible termination techniques. Sworn members shall obtain approval from the Pursuit Supervisor prior to initiating any forcible termination method unless there are extenuating circumstances that would necessitate their implementation and the involved members have the present ability to perform them. Sworn members must clearly articulate why supervisor approval was not possible. Only Department-approved and trained methods of forcible termination shall be used, and only sworn members trained in their use may use forcible termination methods.

When a pursuit is forcibly terminated, an uninvolved supervisor will initiate the appropriate use of force investigation. Upon forcible termination of a pursuit, a command officer not involved in the pursuit will conduct the pursuit review.

If no command officer is available at the pursuit termination point, an uninvolved supervisor will photograph the scene and document the units involved in the pursuit. This information will be provided to an uninvolved command officer, who will then conduct the review.

Department-approved and trained methods of forcible termination include the following:

Tire Deflation Devices:

1. Tire deflation devices are authorized to immobilize vehicles, but their use against moving vehicles poses significant risks to officers. Their deployment should prioritize officer safety, including clear communication with pursuing vehicles and strict adherence to training protocols.
2. Tire-deflation devices shall not be used on vulnerable vehicles such as:
  - a. Motorcycles, MOPEDS, three-wheeled vehicles, etc.
  - b. ATVs
  - c. Trucks with passengers riding in the bed/cargo area.
  - d. Vehicles with placards showing hazardous cargo.
3. The use of a tire-deflation device against a moving vehicle is a Tier 1 level of review unless it is the primary cause of an injury requiring professional medical treatment (Tier 2) or where hospitalization or death occurs (Tier 3). A Tier 1 and Tier 2 level of review will be adjudicated in conjunction with the vehicle pursuit review but will require its own report. The Force Review Board will adjudicate a Tier 3 level of review.

Boxing / Heading Off:

This technique is to be used only when sworn members suspect that the subject driver is incapable of stopping the vehicle on their own and there is no nexus to a criminal event. Vehicle contact is expected. If this technique is used for a medical emergency, not including intoxication due to drugs or alcohol, the sworn member must reasonably believe that the driver is experiencing a medical emergency, and the member will communicate this fact over the radio.

Funneling:

1. A funneling technique shall not be established until all pursuing sworn members are made aware of it and its location and have acknowledged this awareness.
2. Once a funneling technique has been established, and a vehicle or barricade has been positioned, there will be an adequate distance for the suspect to see the funnel and safely stop their vehicle, and there will be an "escape" route available to prevent a collision. The speed of the suspect vehicle shall be considered, and the size and width of the path that the suspect is expected to navigate will be adjusted accordingly. Funneling is commonly used with a tire deflation device to direct the subject vehicle's path over the tire deflation device.
3. Vehicles used to funnel shall be unoccupied.

Precision Immobilization Technique (PIT):

1. Trained members employing the PIT will plan for the execution of the technique. Executing members shall select a location that provides sufficient width, free of obstructions, with the intent to allow the vehicles to implement the technique and come to rest without impacting any other object or person(s).
2. When performing the PIT maneuver, sworn members shall, unless there are extenuating circumstances which the member can clearly articulate:
  - a. Obtain supervisor approval.
  - b. Broadcast via the police radio that they are about to perform the PIT.
  - c. Ensure that emergency lights and sirens are activated prior to and during the technique.
  - d. Employ the PIT at speeds 45 mph or less. Lower speeds minimize the likelihood of injury.
3. The Precision Immobilization Technique (PIT) shall not be utilized when the following circumstances exist:
  - a. Speed is greater than 45 mph.
  - b. The subject vehicle is a:
    1. Motorcycle, MOPED, three-wheeled vehicles, etc.
    2. ATV
    3. Truck with passengers riding in the bed/cargo area.
    4. Vehicle with placards showing hazardous cargo.
    5. Bus
    6. Large Commercial Vehicle
    7. Recreational Motor Home
4. Factors required to be evaluated for the implementation of the PIT maneuver are the following:
  - a. Pedestrians Present.
  - b. Type of Area (e.g., commercial, residential, school, etc.).
  - c. Traffic Congestion.
  - d. The vehicle's contact points or bumpers, especially when the points or bumper(s) cannot match the police vehicle.
  - e. Elevation of the Roadway (incl., highway on and off-ramps).
  - f. Blind Curves.

- g. The vehicle's center of gravity, especially when it is a high center of gravity, such as campers, pick-up trucks, and some sports utility vehicles.
  - h. Roadside Obstacles (e.g., ditches, construction, curbs, traffic signs, guardrails, barriers, etc.)
5. Upon completing the PIT, pursuing units should attempt a vehicle containment maneuver in accordance with training to prevent the driver from attempting to flee in the vehicle.

Vehicle Containment Maneuver (VCM):

1. The vehicle containment maneuver is a coordinated maneuver where one or more vehicles block the movement of a target vehicle with the intent to restrict or prevent the target vehicle from moving without causing substantial damage to all vehicles involved. The positioning of police vehicles should be against the front and/or rear bumpers of the target vehicle to prevent spacing that the driver could use to escape in the vehicle. The vehicle containment maneuver does not involve performing a controlled contact intervention on the target vehicle. The vehicle containment maneuver is a Tier 0 Level of Review.
2. When a sworn member(s) utilizes the vehicle containment maneuver, they shall complete a general offense (GO) report or supplemental report and articulate their justification for using the maneuver in their report.
3. The initiating sworn member is responsible for coordinating the vehicle containment maneuver with involved members, consistent with department training and policy, unless coordination is assumed or assigned by a supervisor.
4. In circumstances where the target vehicle may be contained by utilizing an environmental object (i.e., concrete wall, hardened barrier, etc.), the sworn member should assess the stability of the object and the likelihood it will be able to hold the containment.
5. The vehicle containment maneuver shall only be employed by sworn members who have received training in such tactics and within the following parameters:
  - a. Other reasonable intervention techniques have failed or appear ineffective.
  - b. Employing the vehicle containment maneuver does not unreasonably increase the risk to the public, the sworn member(s), and persons in the target vehicle.
  - c. The target vehicle is stationary.
    1. The department recognizes that the target vehicle may unexpectedly move, leading to a collision between the target vehicle and the police vehicle. Under such circumstances, the sworn member's attempted vehicle containment maneuver will be considered within the stationary vehicle requirement if the intended and likely outcome of the member's actions was minimal risk of significant damage or injury.
    2. A sworn member shall not attempt the vehicle containment maneuver when the target vehicle moves before the vehicle containment maneuver is performed, and the sworn member has time and distance to cease the attempt.
  - d. The contact points or bumpers of the target vehicle and police vehicle(s) are similar in height.
6. For specialized units with specially equipped vehicles, multi-officer vehicles, and/or training in unit tactics and procedures for high-risk vehicle engagements, a vehicle containment maneuver is authorized when

it is determined to be the safest option and is dictated by that specialized unit's standard operating procedures (SOPs) and chain-of-command. Specialized units that are authorized to employ the vehicle containment maneuver based on their SOPs are the following:

- a. Special Weapons and Tactics (SWAT)
- b. Direct Action Response Team (DART)
- c. Gang Intervention Unit (GIU)

Controlled Contact Intervention (CCI):

1. A controlled contact intervention must be objectionably reasonable based on the totality of the circumstances. Sworn members should only perform a controlled contact intervention when:
  - a. The fleeing suspect reasonably appears to represent a serious threat to the public if not immediately apprehended,
  - b. Other reasonable tactical means at the member's disposal have been exhausted or reasonably appear that they would be ineffective, and
  - c. The CCI does not unduly endanger the public, sworn members, or persons in the target vehicle.
2. A controlled contact intervention does not include a precision immobilization technique or vehicle containment maneuver, as those are performed using a controlled speed not intended to cause substantial damage.
3. A controlled contact intervention is a Tier 2 level of review unless it is the primary cause of hospitalization or death (Tier 3). A controlled contact intervention classified as a Tier 3 level of review requires a scene response and investigation by members of the Traffic Section.

#### 4.15.12 AIR SUPPORT UNIT

An air support unit provides rapid response, aerial patrol, and observational support for police-related activities. Sworn members may consider requesting the assistance of an air support unit in conjunction with or as an alternative to a vehicle pursuit.

#### 4.15.13 INTER-JURISDICTIONAL PURSUITS

The following procedures shall be followed:

Notifications:

Whenever a pursuit enters a non-originating jurisdiction, sworn members shall request dispatch to notify the non-originating jurisdiction of the existence of and reason for the pursuit as well as when a pursuit is discontinued or reaches termination.

Supervisory Responsibilities:

An APD supervisor shall respond to the termination or discontinuance scene and request a supervisor from the other jurisdiction to respond. The APD supervisor shall coordinate with the other jurisdiction's



supervisor to gather information concerning the circumstances of its sworn members who participated in the pursuit and coordinate the investigation efforts.

#### Outside Agency Pursuits Entering Aurora:

A supervisor from APD may assign sworn members to assist with traffic control, render assistance at the termination or discontinuation point, or monitor a pursuit that originated in another jurisdiction. Such sworn members shall not be considered directly involved in the pursuit.

Upon request from an outside agency for assistance, an APD Supervisor will consider the justification for their pursuit to ensure APD pursuit criteria have been met. If the criteria are met, the APD Pursuit Supervisor may authorize and assign APD units to actively participate in the pursuit. The APD supervisor who authorizes the pursuit will be the pursuit supervisor for the duration of the involvement of APD sworn members.

The overall command of the pursuit will rest with the primary jurisdiction.

#### **4.15.14 PURSUIT REPORTING AND REVIEW**

Upon termination of the pursuit, the Pursuit Supervisor will determine what reports will be completed by participating sworn members. In all pursuit cases in which the department actively participated, regardless of the outcome, an APD sworn member will complete a General Offense Report documenting the offense(s) and justification for the pursuit. All other members involved in the pursuit response, including those participating in street paralleling activities, participating in traffic control, and providing additional support, shall complete a report pursuant to [DM 08.10 - Reports](#). If the incident involved a use of force, including the use of the PIT maneuver or vehicle containment maneuver resulting in a Tier 3 Level of Review or any controlled contact intervention, a second supervisor will investigate those uses of force in accordance with Aurora Police Department directive [DM 05.05 - Reporting Use of Force](#).

On all vehicle pursuits, an uninvolved command officer will be responsible for completing a preliminary review, entering the information into the administrative management system for reporting and review, and making an initial recommendation in the report. Any PIT or vehicle containment maneuver associated with a vehicle pursuit resulting in a Tier 2 Level of Review or less shall be included in the vehicle pursuit review.

The uninvolved command officer reviewing a vehicle pursuit shall forward the report to the appropriate Commander or designee. The Commander or designee will review the report for completeness and thoroughness. The Commander or designee will forward the report to the appropriate Division Chief. Should the primary sworn member not report to a Commander, the report will be forwarded directly to the appropriate Division Chief. The Division Chief will adjudicate the pursuit and close the report.

Annually, the analytical results of police vehicle pursuit incidents, including a review of pursuit policies and reporting procedures, will be disseminated to Command Staff for suggestions regarding potential policy revisions, equipment modifications, disciplinary concerns, and/or training needs based on issues or trends identified in the analysis. The Training Section will conduct this annual analysis.

## APPENDIX E: ACRONYMS & ABBREVIATIONS USED IN THE MONITOR'S REPORTS

## Acronyms, Abbreviations & Terminology

### Used in the Monitor's RP7 Report

**16PF:** Cattell's 16 personality factor psychological test, which gives insight into a candidate's strengths, motivations and potential behavioral tendencies

**ABLE:** Active Bystander for Law Enforcement training

**Academy:** Recruit training for APD and AFR entry-level police officers and firefighters, held at the City of Aurora Public Safety Training Center (CAPTSC), comprising 26 weeks of training for APD new recruits, and 24 weeks of training for AFR new recruits

**Adverse Impact:** There's an adverse impact if the selection rate of a protected group is less than 80% of the selection rate for a non-protected group; similarly, there's an adverse impact if the de-selection rate of a non-protected group is less than 80% of the de-selection rate for a protected group (in other words the de-selection calculation is the inverse of the selection calculation). See the Monitor's October 2024 Hiring Comparison Report for further details.

**AFR:** Aurora Fire-Rescue

**AG Report:** The report of the Attorney General of Colorado on the findings of its investigation pursuant to the authority granted to the Attorney General by Senate Bill 217

**AG:** The Attorney General of Colorado

**APD:** Aurora Police Department

**AIM:** APD's Administrative Investigation Management system

**ASHER:** Active Shooter Hostile Event Response training

**ATS:** Applicant Tracking System, used to track the status of applicants through the hiring process; also see "NeoGov" and Workday" below

**Aurora:** The City of Aurora, Colorado

**Benchmark:** APD's system containing data relating to police operations, including contacts and UOF; this system was intended to replace APD's AIM system

**BIPOC:** Technically, this term means "Black, Indigenous, and people of color". For the Monitor's reports, this term refers to people who self-identified as American Indian, Alaskan Native, Asian, Black or African American, Hispanic/Latino, Native Hawaiian or Other Pacific Islander, or Two or More Races

**BPM:** Business Policy Memorandum

**BWC:** Body-worn camera

**CAC:** Community Advisory Council for the City of Aurora

**CAD:** Computer aided dispatch

**CAMP:** Community Assisted Monitoring of Police initiative to foster collaboration between APD, the Monitor and the community in the oversight of APD's policing

**CAPSTC:** City of Aurora Public Safety Training Center, which is used for APD and AFR recruit and incumbent training

**CBI:** Colorado Bureau of Investigation

**CD:** Consent Decree

**CDC:** Contact Data Collection form

**CDCs:** Contact Data Collection forms (plural)

**CIRT:** Critical Incident Response Team, a fact-finding group of impartial experts who are independent of APD

**CIT:** Crisis Intervention Training

**City:** The City of Aurora, Colorado

**CPI-434:** California Psychological Inventory 434 Personality Test, containing 434 true/false questions that measure personality traits

**CSC:** Aurora Civil Service Commission

**CSR:** Community Service Representative, an unarmed representative of the APD who responds to traffic collisions

**DART:** Direct Action Response Team

**DCJ:** Division of Criminal Justice - one of six divisions within the Colorado Department of Public Safety

**DPS:** Colorado Department of Public Safety

**DUI:** Driving under the influence (of alcohol or drugs)

**DUID:** Driving under the influence of drugs

**DWAI:** Driving while ability impaired

**EIS:** Early Intervention System

**EWS:** Early Warning System

**FIU:** Force Investigation Unit, a unit that presents APD's UOF cases to the FRB

**First Sign:** Benchmark's Early Warning System

**Focus Items:** Events and issues of note that reflect seminal events to the community, significant achievements, significant developments, or areas that must be prioritized in order to achieve substantial compliance with the CD

**FRB:** Force Review Board, with responsibility to adjudicate uses of force (UOFs)

**FrontLine:** National Testing Network's entrance exam for all entry-level applicants for sworn roles with APD and AFR

**FTO:** Field Training Officer

**GIU:** Gang Intervention Unit

**HR:** The City of Aurora's Human Resources Department

**ICAT:** Integrating Communications, Assessment and Tactics training

**IntegrAssure:** IntegrAssure, LLC, founded in March 2021 by its President and Chief Executive Officer, Jeff Schlanger, upon his retirement as the Deputy Commissioner of Risk Management Bureau for the New York City Police Department

**IRP:** Independent Review Panel commissioned by Aurora City Council into the death of Elijah McClain and AFR's use of ketamine as a chemical restraint

**IUM:** Investigation Update Message module of SPIDR Tech's customer communications/survey system

**JSA:** Job Suitability Assessment, a pre-employment screening assessment for APD and AFR recruits; it includes two online personality tests and a review with a licensed clinical psychologist

**KPIs:** Key Performance Indicators

**LMS:** Learning Management System

**LSD:** Lysergic acid diethylamide, a hallucinogenic drug

**MADC:** Methodologies to Aid in the Determination of Compliance

**Monitor:** The Independent Consent Decree Monitor for the City of Aurora, IntegrAssure, LLC

**MOP:** AFR's Manual of Procedures

**NAACP:** National Association for the Advancement of Colored People

**NeoGov:** A public sector ATS used by the CSC until HR implemented Workday to track applicants through the hiring process for APD's January 2024 Academy

**Non-Binary:** This is an umbrella term for people who do not identify as male or female.

**Non-Male:** People who self-identified as female or non-binary

**NPI:** National Policing Institute, engaged by IntegrAssure and the City of Aurora to conduct statistical analyses and interpret enforcement data collected by APD

**NTN:** National Testing Network, the vendor who provides APD's Front Line entrance exam for new applicants to entry-level sworn positions within APD and AFR

**OIS:** Officer Involved Shooting

**PCP:** Phencyclidine, a type of hallucinogen, commonly known as "angel dust"

**PEIS:** APD's Police Early Intervention System

**POST:** Colorado's Peace Officer Standards & Training, a unit of the Criminal Justice section of the Colorado Attorney General's Office that documents and manages the certification and training of all active police officers in Colorado

**PowerBI:** APD's interactive data visualization software that was developed by Microsoft

**PSSA:** Public Safety Self-Assessment, one of the tests included in APD's online entrance exam included in the National Testing Network's FrontLine exam

**QA Unit:** APD's Quality Assurance Unit that will serve as the standards section within APD's Office of Constitutional Policing

**Race/Ethnicity Categories:**

- **American Indian or Alaska Native:** A person having origins in any of the original peoples of North, Central, and South America, including, for example, Navajo Nation, Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, Native Village of Barrow Inupiat Traditional Government, Nome Eskimo Community, Aztec, and Maya
- **Asian:** A person having origins in any of the original peoples of Central or East Asia, Southeast Asia, or South Asia, including, for example, Chinese, Asian Indian, Filipino, Vietnamese, Korean, and Japanese
- **Black or African American:** A person having origins in any of the Black racial groups of Africa, including, for example, African American, Jamaican, Haitian, Nigerian, Ethiopian, and Somali
- **Hispanic or Latino:** A person of Mexican, Puerto Rican, Salvadoran, Cuban, Dominican, Guatemalan, and other Central or South American or Spanish culture or origin, regardless of race
- **Middle Eastern or North African:** A person having origins in any of the original peoples of the Middle East or North Africa, including, for example, Lebanese, Iranian, Egyptian, Syrian, Iraqi, and Israeli

- **Multiracial and/or Multiethnic:** A person who self-identifies with multiple races/ethnicities
- **Native Hawaiian or Other Pacific Islander:** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands, including, for example, Native Hawaiian, Samoan, Chamorro, Tongan, Fijian, and Marshallese
- **White:** A person having origins in any of the original peoples of Europe, including, for example, English, German, Irish, Italian, Polish, and Scottish

**RFP:** Request for Proposal

**RISKS:** Remediation of Identified Situations Key to Success, a joint initiative of the Monitor and APD that involves reviewing individual incidents and wider trends in each district and SOB every two months in order to identify areas for improvement and best practices to be commended and leveraged as exemplars for further improvement throughout APD

**RMS:** Records Management System

**RP1:** First reporting period of the Consent Decree, from February 15 to May 15, 2022

**RP2:** Second reporting period of the Consent Decree, from May 16 to August 15, 2022

**RP3:** Third reporting period of the Consent Decree, from August 16 to November 15, 2022

**RP4:** Fourth reporting period of the Consent Decree, from November 16, 2022 to February 15, 2023

**RP5:** Fifth reporting period of the Consent Decree, from February 16 to August 15, 2023

**RP6:** Sixth reporting period of the Consent Decree, from August 16, 2024 to February 15, 2024

**RP7:** Seventh reporting period of the Consent Decree, from February 16 to August 15, 2024

**RP8:** Eighth reporting period of the Consent Decree, from August 16, 2024 to February 15, 2025

**SB20-217:** Colorado’s Senate Bill 20-217, which requires each local police department to report all data relating to contacts conducted by its peace officers, where “contact” means “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”, and “contact data” that must be reported includes 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, including frisks and searches

**SOB:** Special Operations Bureau of the APD

**SPIDR Tech:** APD’s multi-lingual system used to enhance and streamline communications between APD and the community

**TCCC:** Tactical Combat Casualty Care training

**Terry Stop:** A police stop, that 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

**Tier 1 UOF:** A Tier 1 UOF (low level) involves actions taken to control a subject that are neither likely nor intended to cause injury

**Tier 2 UOF:** A Tier 2 UOF (intermediate level) involves actions taken to control a subject that are likely to cause pain or injury to the subject

**Tier 3 UOF:** A Tier 3 UOF (lethal level) involves UOF for which the outcome could be serious bodily injury or death

**Transparency Portal:** APD's public-facing online dashboard reporting website

**UOF:** Use of Force

**UOFs:** Uses of Force

**VAM:** Victim Acknowledgment Message module of SPIDR Tech's customer communications/survey system

**Whole Person Approach:** This approach involves considering an applicant's full background before an employment eligibility decision is made

**Workday:** APD's cloud-based human capital management system, including an applicant tracking system used by HR to track applicants through the hiring process, starting with applicants for APD's January 2024 hiring class and AFR's February 2024 hiring class