



**IntegrAssure**

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

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

## **Reporting Period 6**

**August 16, 2023 - February 15, 2024**

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## I. INTRODUCTION

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

Leadership of the City and in both APD and AFR, as well as the majority of rank-and-file members of each department with whom the Monitor’s team have spoken, have continued to embrace the need for change, and recognize that a culture of continuous improvement is one that will benefit all. The City and its agencies have continued to cooperate with the Monitor in complying with requests and maintaining an open line of communication. Leadership of both APD and AFR have stated that their goal is to make their Departments all they can and should be.

This report covers the sixth reporting period (“RP6”) from August 16, 2023 to February 15, 2024, which concludes Year 2 of the monitorship.

## II. EXECUTIVE SUMMARY

The sixth reporting period (“RP6”) of the Consent Decree ended on February 15, 2024. During the current period, the City and its constituent agencies have continued to cooperate fully with the Monitor and have worked on, and in some cases made significant strides toward, the implementation of the mandated reforms.

Most importantly, RP6 signifies the end of the first two years of the monitorship. In the first two years, the Monitor found twenty-five (25) mandates to be in substantial compliance that do not need to be actively assessed again unless changes are made to the underlying policy or process, and another twenty-seven (27) mandates in substantial compliance in this reporting period. Together, fifty-two (52) of the 78 mandates are now in substantial compliance. This represents 66.7% of the 78 mandates in the Consent Decree. These are significant achievements for APD, AFR, CSC and the City. Of the 26 mandates that are not yet in substantial compliance, 19 are partially compliant on the right track, 4 are partially compliant on a missed deadline track relating to APD’s Managing Bias Training, 2 are partially compliant on a cautionary track because the Monitor is uncertain if the expectations of the Consent Decree will be met and one is on both a cautionary and missed deadline track.

As the monitorship moves into year three onwards, the Monitor’s assessments for each reporting period will include “operational integrity” evaluations to determine whether APD, AFR and CSC have substantially complied with the operational, or functional aspects of the Consent Decree’s mandates for that period, and the Monitor will also provide a summary assessment of operational integrity for each of the seven sections of the Consent Decree. To the extent that there is a lack of operational integrity in the Monitor’s judgment in any one functional mandate within a section, that mandate’s assessment and the summary assessment of operational integrity will reflect the deficit.

The remainder of this report addresses events and issues that were of note (“Focus Issues”) relating to the monitorship and then describes the City’s progress relative to the mandates in the Consent Decree during the sixth reporting period.

#### FOCUS ISSUES FOR THIS REPORTING PERIOD

For this reporting period, the Monitor identified ten Focus Issues that reflect seminal events to the community, significant developments within the monitorship, significant achievements by the City, or areas that APD and the City must prioritize in order to achieve substantial compliance. The specific Focus Issues for this reporting period are:















1. Transitioning from Year 2 to Years 3-5 of the Monitorship
2. The Elijah McClain Trials
3. Chief Acevedo’s Departure
4. National Policing Institute (“NPI”) Report
5. Data Systems
6. APD’s Transparency Portal
7. Recruitment and Hiring Process Improvements
8. Field Training Officer (“FTO”) Training
9. Managing Bias Training

#### SUMMARY OF ASSESSMENTS OF MANDATES

During the sixth reporting period, the Monitor assessed 53 of the 78 mandates included in the Consent Decree, finding 27 mandates in substantial compliance, 19 on the right track, and 7 on a cautionary track, of which 5 involved missed deadlines for the development and/or or delivery of APD’s Bias Training. As described in the Focus Issue on “*Managing Bias Training*” below, the Monitor believes that APD made substantial progress in this area and that the relevant mandates will be fulfilled in a reasonable amount of time. The remaining mandates are on a cautionary track due to ongoing concerns the Monitor has regarding APD’s data capabilities, as described in the “*Data Systems*” Focus Issue below. The summary breakdown of compliance for the 25



mandates previously assessed as well as the 53 mandates assessed in the current reporting period are depicted in the following chart.

		CURRENT PERIOD ASSESSMENTS														T O T A L
S E C T I O N		***	RIGHT TRACK					CAUTIONARY/MISSED DEADLINE TRACK				WRONG TRACK				
	AREA OF THE CONSENT DECREE		 0-24%	 25-49%	 50-74%	 75-99%	 100%	 0-24%	 25-49%	 50-74%	 75-99%	 0-24%	 25-49%	 50-74%	 75-99%	
1.	Policies & Training Generally (APD)	0			1	2	1				1					5
	Policies & Training Generally (AFR)	0				1	4									5
	Policies & Training Generally (CSC)	0					2									2
2.	Addressing Racial Bias in Policing	2			3		2		1		3					11
3.	Use of Force	5			3	5	4									17
4.	Documentation of Stops	5			2											7
5.	Use of Ketamine & Other Chemical Sedatives	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			9	10	27		1	2	4					78
***PREVIOUSLY IN SUBSTANTIAL COMPLIANCE; NO LONGER NEEDS TO BE ACTIVELY MONITORED																

Greater detail for each mandate and its history of compliance is described in the “*Assessment of Mandates for This Reporting Period*” section below and is graphically represented on the Monitor’s Report Card Matrix, attached to this report as Appendix A.

### III. FOCUS ISSUES

As noted in each of the Monitor’s periodic public reports, the Monitor focuses on various timely issues that affect the monitorship of the Consent Decree. The following are the Monitor’s Focus Issues for this reporting period.

#### 1. TRANSITIONING FROM YEAR 2 TO YEARS 3-5 OF THE MONITORSHIP

As noted above, this report covers the period from August 15, 2023 to February 15, 2024 and marks the conclusion of year two of the monitorship. The two-year mark is a significant milestone in the City of Aurora’s journey to reforming public safety. While there have been four Chiefs of Police and two Fire Chiefs during the first two years of the monitorship, the City administration and members of the APD and AFR have been resolute and steadfast in cooperating with the Monitor and moving the process forward toward the ultimate goal of realizing the reforms to which the City agreed in the Consent Decree.

The first two years of the Monitorship concentrated on the reformation of policies and training that were foundational to the reforms. As we transition into the third year, the Monitor’s approach will expand to include rigorous assessments of the implementation of the reformed policies and training initiatives. This phase, known as the Operational Integrity Phase, is aimed at confirming that the theoretical frameworks developed during the Consent Decree’s initial stages are effectively translated into tangible improvements in day-to-day police operations and in fire operations related to the administration of chemical sedatives.

This phase of testing the operational integrity of police and fire operations will involve qualitative assessments of police and fire operations, the objective of which is to identify both areas of strength and opportunities for improvement, strategize measures to correct those areas where improvements are needed, thereby facilitating a culture of excellence with an underlying philosophy of continuous improvement. The Monitor has included two documents as appendices to this report which together explain and delineate the process: Appendix B: “Framework for Assessing Operational Integrity”, and Appendix C: “Assessment Criteria for 360-Degree Operational Integrity Incident Reviews”. In the next reporting period, the Monitor will use these documents to guide its assessments of the operational requirements of the Consent Decree and may refine these documents as needed to better reflect the Monitor’s operational integrity assessment framework and criteria.

As we embark on this next phase, it is important to acknowledge the progress made thus far, while also recognizing the challenges that lie ahead. The journey towards comprehensive public safety reform is complex and requires unwavering dedication to continuous improvement. If we remain true to the goals and mandates of the Consent Decree, public safety will be enhanced,

and community trust will be restored. The two-year milestone not only signifies the achievements of the past two years as detailed in our assessments of individual mandates below, but also sets the stage for the critical work that remains to be done in year three and beyond in assessing how well the City has operationalized the goals and mandates of the Consent Decree.

## 2. ELIJAH MCCLAIN TRIALS

In the period since the Monitor's last report, three APD officers and two AFR paramedics faced criminal trials for the tragic death of Elijah McClain.

One officer, Randy Roedema, was convicted of criminally negligent homicide and third-degree assault. He was sentenced on January 5, 2024 to 14 months in jail and four years of probation. Two other officers were acquitted on all charges, with Officer Nathan Woodyard, who had not been fired prior to his trial, returning to APD after his acquittal. Many in the community were upset regarding Officer Woodyard's return to APD and spoke out against it. Officer Woodyard completed APD's reintegration process, then resigned from APD on January 12, 2024. The other officer who was acquitted, Jason Rosenblatt, was fired from APD prior to his trial.

In the trial of two former AFR paramedics, both Peter Cichuniec and Jeremy Cooper were convicted of criminally negligent homicide.<sup>1</sup> Cichuniec was sentenced to five years in prison; Cooper is awaiting sentencing. The trial of the two paramedics was a rare prosecution of paramedics and highlighted the extent to, and the circumstances under which, criminal liability can attach to emergency medical personnel. The verdict had a significant impact nationwide among the emergency medical professional community, defining parameters of potential criminal liability to circumstances which, before the trial, were generally considered to be subject only to civil litigation for professional negligence.<sup>2</sup>

The reform of public safety through the mandates of the Consent Decree was largely brought about by the tragic in-custody death of Elijah McClain. APD and AFR's policies, training and systems of accountability were found to be significantly lacking. The City recognized that poor

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<sup>1</sup> Cichuniec was also convicted of assault in the third degree and assault in the second degree for the unlawful administration of drugs. Cooper was acquitted of both assault charges.

<sup>2</sup> This concern was felt strongly in Aurora, where all firefighters in the City were required to also be paramedics. The City's fear of a mass exodus of firefighters to other jurisdictions which did not have a similar requirement, led to a suspension of the requirement and the ability of firefighters to request that the Medical Director limit their emergency medical response scope to that of an EMT Basic. As of March 12, 2024, there were 20 paramedics who opted to limit their EMS scope out of 236 paramedics, which so far has had limited impact on AFR's work and their ability to respond to calls since so few paramedics opted to limit their EMS scope.



policies, poor training, and poor systems of accountability, not only created a huge financial risk to the City through civil litigation, but also put those police officers and firefighters serving the public at significantly greater risk of criminal liability. Most importantly, the City recognized that poor policies, training and systems of accountability created perhaps the greatest risk of all: the loss of trust from the community it is constituted to serve.

By entering into the Consent Decree and agreeing with the Attorney General to the reforms mandated by the Decree, the City took steps not only to protect itself financially, and to protect its police officers and firefighters from engaging in conduct that exposes them to criminal liability, but, most importantly, to restore the trust of the community. The reforms are aimed to make every possible effort, in every area of public safety, to do all that can be done to prevent another Elijah McClain incident, with its life-altering consequences for all involved, from ever occurring again. The Monitor reiterates his commitment to helping Aurora accomplish that goal.

### 3. CHIEF ACEVEDO'S DEPARTURE

On January 16, 2024, after serving for just over 13 months, Interim Police Chief Art Acevedo announced his intention to depart APD. Chief Acevedo championed all reform efforts under the Consent Decree and focused on relational policing to strengthen the connections between officers and the community to foster trust and support in the department. During his leadership, the agency made significant progress on the mandates under the Consent Decree.

With a stated intent to provide continuity and stability for APD, City Manager Jason Batchelor appointed Deputy Chief Heather Morris as APD's Interim Chief of Police. Chief Morris had been Interim Deputy Chief since December 2022 and had significant involvement in the department's progress in the past year.

The decision of who serves as permanent Chief of Police for the City of Aurora is a matter which rests with the City Manager. Chief Acevedo cooperated in every way possible to achieve success under the Consent Decree and the Monitor has every reason to believe that Chief Morris will continue that commitment. As the Monitor has said in the past, it is not unusual for departmental leadership changes to occur during the term of a Monitorship and, often, it is the Monitor that becomes the constant during the reform process. The Monitor and his team will work with whomever serves as the Chief to make certain that all is being done to bring the required reforms to the Department on behalf of the people of Aurora.

### 4. NATIONAL POLICING INSTITUTE REPORT ("NPI") REPORT

On December 18, 2023, the Monitor published an introduction to and a report by the National Policing Institute ("NPI") entitled "Enforcement Data Analysis for the Aurora Colorado Police

Department" (the "NPI Report"). The Monitor's Introduction and the NPI Report are attached as Appendix D.

The NPI Report was authored by a research team from NPI led by Dr. Robin Engel, a nationally recognized leader in criminal justice and police reform. Dr. Engel's team is known for their evidence-based approach to policing, emphasizing the importance of data-driven strategies in enhancing public safety and community trust.

The NPI Report provides an in-depth analysis of several aspects of law enforcement in Aurora over a six-year period from January 1, 2017 to December 31, 2022, including trends in criminal incidents, criminal summonses, arrests and uses of force. The NPI Report offers insights into such trends, and disparities among racial and ethnic groups that existed in those aspects of law enforcement during that period of time.

A comprehensive analysis of disparities in law enforcement requires a multi-faceted approach that includes both quantitative and qualitative research, community engagement, and ongoing transparent dialogue. It is through this broader lens that one can begin to fully understand and address the complex issues of potential bias and racial profiling in policing.

The Monitor is committed to utilizing the best measurements and analysis it can to understand the racial/ethnic disparities that may exist in the data and the extent to which bias may be playing a role in those disparities. To that end, the City expressed its commitment to collecting all relevant data necessary for an analysis of the cause of disparities and to attempting to eliminate disparities when possible. The Monitor will continue to work with the parties to better understand and analyze the issues, in order to determine best practices for both the collection and analysis of the data, and potential remediation of such disparities.

## 5. DATA SYSTEMS

Since the Monitor's first report, the Monitor expressed concerns regarding APD's antiquated data collection systems and the lack of progress in implementing updated data systems to aid APD in becoming a data-driven agency. These concerns affect APD's ability to be in substantial compliance with ten mandates of the Consent Decree. Specifically, addressing these concerns is pivotal to achieving substantial compliance with Mandates 6, 7, 16, 19, 27, 32, 33, 39, 67 and 68 relating to Racial Bias in Policing, Use of Force, Documentation of Stops, and Accountability and Transparency. While these concerns do not prevent the Monitor's Assessments of Operational Integrity commencing in the next reporting period, each of these mandates will need to be in substantial compliance and continue in that status in order for the Consent Decree to be fully terminated.

Despite significant progress in the current reporting period, a remaining issue is APD's inability to use its systems to automatically review and analyze its data. For instance, while the Monitor understands that APD obtained the ability to electronically review both aggregate data and individual Contact Data Collection (CDC) Forms during the current reporting period, analysis of such data is only able to be done manually. Having an automated dashboard would provide all APD supervisors and executive leadership with the ability to immediately identify outliers, non-compliance issues, and potentially problematic contacts.

During the current reporting period, there were also issues with APD's new Use of Force Form review process. While immediate supervisors were able to access and review the online Use of Force Forms completed by the officers they oversee, the rest of the chain of command are not able to easily find and review such forms due to the system's limitations. APD personnel have instead developed a work-around solution that requires them to manually pull electronic forms for review by others in the chain of command and the Monitor. While adequate for providing access in the short-term, this workaround is an inadequate solution for the long-term.

Additionally, APD's system does not document deliberations and action items from the Force Review Board.<sup>3</sup> This limitation makes it difficult to confirm that remediations specific to each use of force reviewed have been completed. The Monitor and APD are working on ensuring that all action items, including remedial measures, from the Force Review Board's reviews are fully documented and implemented for past cases since the inception of the monitorship. While the vendor is working on a systems-based solution, APD has taken upon itself to implement a short-term solution to document and track such data. While these efforts are acknowledged and appreciated, there clearly needs to be a solution implemented within APD's systems.

Finally, data relating to individual officers' disciplinary and use of force history are not readily available for analysis and utilization by APD. Because of this, APD does not currently utilize historical officer-specific use of force data in the Force Investigation Unit's presentations to the Force Review Board. This omission is being addressed by APD and the Monitor and will be discussed in the Monitor's next report. The Monitor understands that an officer's prior use of force history is not relevant to the adjudication of a particular use of force, but such information is always important for the determination of appropriate remediation. In the previous reporting period, APD incorporated language for such a protocol into Directive 5.08 (Use of Force Adjudication) which will significantly change the adjudication process for the FRB, but this

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<sup>3</sup> All Tier 2 and 3 uses of force are reviewed and adjudicated by the Force Review Board. Tier 2 uses of force involve use of a weapon other than a deadly weapon or actions that result in injury requiring medical treatment and Tier 3 uses of force involve use of a deadly weapon, lethal force, and/or force where hospitalization or death occurs.

protocol is not yet implemented because APD does not yet have a systems-based capability to review individual officers' disciplinary and use of force history.

The City relied on one vendor to address multiple issues, including those relating to contact data, use of force, personnel and internal investigations, citizen complaints, and early intervention. The laudable goal was for these systems to be capable of communicating with one another and to improve the City's ability to analyze the data. It is clear, however, that the City overestimated the ability of the vendor to address the shortcomings of APD's current systems and its ability to do so simultaneously across multiple platforms. From the first day of the monitorship, the Monitor has been keenly aware of the City's needs and efforts to update its IT infrastructure. Throughout this time, the Monitor met with numerous members of APD, and they have universally lamented the historic lack of investment in this infrastructure. They have also shared their excitement about the level of investment the City is currently making to upgrade its systems. That excitement, however, has been tempered by multiple pushbacks of delivery dates during the monitorship.

As systems are set to be transitioned to APD's new operating software, it is imperative that significant thought and attention be paid to the utilization of data in those systems to inform the department and the public on issues, patterns, and trends as required by the Decree. Most importantly, it is critical that the City and APD make their best efforts to push the vendor to meet its obligations and ensure that these migrations progress expeditiously. Each delay has repercussions beyond just the one system.

In sum, while there has been progress in APD's ability to analyze its data in the current reporting period, the Monitor is still uncertain as to when APD's new systems will be fully implemented in order to provide APD with the ability to analyze its data in the way envisioned and required by the Consent Decree. In the meantime, APD is commendably utilizing internal resources to develop alternative approaches to address its data issues. The Monitor will continue to work with the City to assist in this effort.

## 6. DATA TRANSPARENCY

During the current reporting period, APD and the City prioritized the development and implementation of a public [Transparency Portal](https://apd-transparency-portal-auroraco.hub.arcgis.com).<sup>4</sup> The portal's preliminary design included public dashboards on APD demographics and diversity; crime statistics and mapping; response

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<sup>4</sup> The Transparency Portal can be found at: <https://apd-transparency-portal-auroraco.hub.arcgis.com>

outcomes including arrests, contacts, offense reports, summonses, and uses of force; Consent Decree progress; and disciplinary matters.

The vendor, as anticipated, faced numerous challenges in working with APD's historical data, given the data's well-documented shortcomings. Despite these challenges, through internal resources, APD was able to solve historical data issues. This allowed APD to demonstrate the Beta Test version of Phase 1 of the Transparency Portal to members of the Aurora Community Advisory Council ("CAC") on December 31, 2023, and solicit their feedback in preparation for the portal's publication.

APD published the Beta Test of the Aurora Police Department Online Transparency & Accountability Portal for public feedback on February 14, 2024. Phase 1 included data regarding crime statistics, use of force, department demographic information, and Consent Decree progress including the Monitor's latest Report Card Matrix and progress since the Monitor's last report.<sup>5</sup>

The publication of the Beta Test of the Transparency Portal is a significant accomplishment for APD and stands as a milestone that the Aurora community has long requested and for which APD has long advocated. With the successful roll-out of Phase 1, the Monitor will be working closely with APD on future phases of the Transparency Portal in upcoming reporting periods.

Also of significant note was the implementation on February 26, 2024 of SPIDR Tech's multilingual system to enhance and streamline communications between APD and the community.<sup>6</sup> SPIDR Tech will help APD to leverage their own data and improve transparency by automating the process of keeping victims and 911 callers informed of the status of their case, from status of the initial response and the name of the detective assigned to their case, to the status of any delays, arrests, court proceedings and dispositions. This technology, integrated with APD's systems, is designed to cover 64 specific call types. Once an incident is closed, SPIDR Tech will automatically send an optional feedback survey to the victim/caller. Their feedback will provide valuable information to help APD understand public safety perceptions and improve their services. This is an important development from the perspective of enabling APD to

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<sup>5</sup> The inclusion of interim information regarding consent decree-related progress since the Monitor's last report was the result of a request by the CAC to provide more timely reporting of consent decree-related achievements between the Monitor's semi-annual reports. APD will update the portal to report on any such milestones, such as the completion of training, between the Monitor's official assessments in its semi-annual reports.

<sup>6</sup> The Monitor saw a demo of this system in early March 2024 and will provide further details regarding the status of its implementation in the upcoming reporting periods. While the February 26, 2024 implementation of SPIDR Tech's system and the demo thereof in March are both beyond the current reporting period, the Monitor has included this information in light of their significance with respect to improving community engagement, transparency and accountability.

measurably change APD engagement with the community, and improving transparency and accountability relating to Mandates 6 and 68. Future phases of the Transparency Portal could include data relative to these “customer satisfaction” surveys.

## 7. RECRUITMENT & HIRING PROCESS IMPROVEMENTS

The Monitor published a report on November 14, 2022 entitled “*Report on the Hiring Process of Aurora Police and Aurora Fire Rescue: The Past and a Proposed Future*”. This report is on the Monitor’s website: <https://www.auroramonitor.org/reports>. Recommendations from this report were implemented over the ensuing months with the impact of reforms being at least partially felt in the hiring of APD’s September 2023 class. Shortly after the hiring of that class, the Aurora City Manager asked the Monitor to conduct a review of the impact of the reforms in APD’s recruitment and hiring efforts by comparing the June 2023 and September 2023 hiring processes.

In the current reporting period, the Monitor evaluated APD’s June and September 2023 hiring processes and prepared a preliminary Hiring Report on its findings and recommendations that was provided to the parties in November 2023. APD subsequently informed the Monitor that while many recommendations were implemented to the extent possible for the September 2023 hiring class, there were certain elements that could not be fully implemented. In light of this, APD requested that the Monitor’s Hiring Report be expanded to examine APD’s January 2024 hiring process. The Monitor agreed to the request, believing that publishing the more comprehensive report was preferable to publishing a report that covered only the June and September 2023 classes. As such, the Monitor will, in the next 60 days, publish a report on APD’s June and Sept 2023 and January 2024 hiring classes, including the outcomes relating to the number and demographics of applicants per hiring period and their attrition through the process, as well as APD’s ability to attract, hire and retain diverse candidates through and beyond the hiring period.

## 8. FIELD TRAINING OFFICER TRAINING

Field training is intended to facilitate an officer’s transition from the academic setting to the performance of uniformed law enforcement patrol duties. An officer cannot be expected to immediately assume the full responsibility of an experienced officer after graduating from the academy. This is why newly assigned officers receive additional training in the field, allowing them to learn from officers with patrol experience and develop the necessary skills to perform their duties. Field training introduces newly assigned officers to the personnel, procedures, policies, and purposes of the police department and provides the initial formal and informal training specific to the department and the day-to-day duties of its officers. For new recruits, field training is critical for socializing new employees into the core values, ethics and principles of the organization and the profession, which can remain with the officer throughout their career. Field



training is therefore one of the most direct and effective ways to create transformational change within a police organization.

In order to make their field training as effective as possible, new officers are assigned to a dedicated Field Training Officer (“FTO”) who is an experienced officer selected and trained to conduct this type of training. The FTO is responsible to thoroughly review the field training program guide materials with the new officers and to demonstrate proper patrol procedures.

For FTOs, teaching new officers the right way to do the job can be one of the most significant and fulfilling assignments in all of law enforcement. FTO training programs can also help departments cultivate leadership skills for FTOs, and a strong program can help those same FTOs develop the necessary communication skills to be better leaders as they move up the ranks.

APD held training for 45 FTOs on February 6, 2024. The Monitor observed the training and was impressed to hear consistent messaging from the trainers on the need to coach and mentor new officers, to document and provide appropriate corrective measures for officers who are not performing well, and not to be afraid to identify officers who are not a good fit for the Department. The trainers were consistent with the message that despite the staffing issues at APD, it is far worse to have a sub-par officer working for the Department than to be short-staffed with stellar officers. Most importantly, the trainers emphasized the importance for FTOs to set the right examples for new officers and that it is critical for them to be updated on all policy and training developments to make sure that FTOs are teaching the right standards and protocols to their new officers.

## 9. MANAGING BIAS TRAINING

The Bias Training Development Completion Deadline required by the Consent Decree was February 15, 2023 with a delivery deadline of February 14, 2024. These deadlines were not achieved, but APD has continued to make progress toward the development and delivery of its Bias Training.

As noted in the previous Monitor’s report, with the support of the Monitor, APD convened a working group with diverse members of APD, the subject matter expert from the Monitoring Team, and the City’s Diversity, Equity, and Inclusion (“DEI”) Coordinator to develop APD’s training in a way that fulsomely addresses issues of bias-based policing. Throughout this Reporting Period, the working group has been expeditiously developing the training. A draft of the training was previewed for members of the CAC on November 28, 2023. CAC members shared their thoughts on the draft of the training but asked that they be allowed future opportunities to comment on training development to confirm that the training is responsive to community needs and concerns. In addition to the comments of the CAC, the Monitor recommended content and

strategies aimed at understanding, mitigating and addressing biases within both the police and the community, including further community engagement. By bringing together the collective insights and experiences of community representatives and law enforcement officers, the Monitor's vision is for APD to have a bias training program that not only addresses the nuances of bias in community policing but also resonates deeply with both the officers and the community members they serve. This collaborative approach is fundamental to the Monitor's overarching objective of building empathy, understanding, and mutual respect between APD and the community, thereby contributing significantly to the effectiveness and authenticity of the training.

In response to the Monitor's recommendations, during the current reporting period, APD identified a diverse group of community members to collaborate with and provide input to APD in order to foster a synergistic environment where diverse perspectives are valued and integrated into the course design and delivery. These community members included a pastor who works closely with youth, a DEI expert at a local college, a member of the National Association for the Advancement of Colored People ("NAACP"), and two members of the CAC, one of whom is a DEI expert for a local school district and the other of whom is a Deputy Sheriff and ordained pastor. APD's meetings with this community group started on February 15, 2024.

APD incorporated feedback from community members and other stakeholders in updates to its Bias Training, then provided a preview of such training for all stakeholders, including community members and the Monitor, in early March 2024.<sup>7</sup> Further feedback was provided at that time, which was incorporated into APD's Bias Training. APD has begun delivering and plans to complete the delivery of this training by May 15, 2024.<sup>8</sup> The Monitor will continue to work closely with the Department to confirm that the training not only meets the requirements of the Consent Decree but also offers best-in-class instruction to APD personnel on how to manage bias.

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<sup>7</sup> While March 2024 is beyond the current reporting period, the Monitor has included this information in order to provide the most current information available relative to this important aspect of the Consent Decree.

<sup>8</sup> The Monitor will attend and assess this training in the next reporting period.

#### IV. ASSESSMENT OF MANDATES THIS REPORTING PERIOD

In each Reporting Period, the Monitor assesses various mandates of the Consent Decree based on the 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 this sixth Reporting Period (“RP6”) ended February 15, 2024, the Monitor assessed 53 of the 78 mandates contained in the Consent Decree. The Monitor previously assessed that 25 of the 78 mandates of the Consent Decree were in substantial compliance and no longer need to be monitored. These mandates, once found in substantial compliance, are not assessed again because such mandates only require completion of the task at hand, i.e., a new policy or training, updated recruitment plans, hiring an outside expert, or rule changes around hiring and the disciplinary process. Of the 53 remaining mandates, all were assessed in RP6, with 27 found in substantial compliance, and the remaining 26 mandates were at various stages of compliance. The following table summarizes the current status of the 78 mandates of the Consent Decree:














	<i># of Mandates</i>	<i>% of Mandates</i>
<b>Previously in Substantial Compliance - No Longer Needs to Be Actively Monitored</b>	<b>25</b>	<b>32%</b>
<b>RP6 Findings of Substantial Compliance</b>	<b>27</b>	<b>35%</b>
<b>Total in Substantial Compliance to Date</b>	<b>52</b>	<b>67%</b>
<b>RP6 Partially Compliant – Right Track</b>	<b>19</b>	<b>24%</b>
<b>RP6 Partially Compliant – Cautionary/Missed Deadline Track</b>	<b>7</b>	<b>9%</b>
<b>TOTAL</b>	<b>78</b>	<b>100%</b>

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). 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 evaluative factors. Further, a mandate may be in substantial compliance in one reporting period, but the Monitor’s operational integrity assessments as further described below and in Appendix B may identify issues that cause a mandate to no longer be in substantial compliance in a subsequent reporting period. Also, when 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 as described in this report appears below:

LEGEND	ESTIMATED 0-24% COMPLETE	ESTIMATED 25-49% COMPLETE	ESTIMATED 50-74% COMPLETE	ESTIMATED 75-99% COMPLETE	SUBSTANTIAL COMPLIANCE
RIGHT TRACK (IN LINE WITH MONITOR'S EXPECTATIONS)					
CAUTIONARY/DEADLINE MISSED TRACK (UNCERTAIN IF MONITOR'S EXPECTATIONS WILL BE MET OR DEADLINE MISSED)					
WRONG TRACK OR UNACCEPTABLY OVERDUE (MONITOR'S EXPECTATIONS NOT BEING MET)					

The remainder of this report contains a description of each of the 53 mandates assessed in RP6, organized by the seven sections of the Consent Decree as follows:

1. Policies and Training Generally: assessed 12 of the 12 mandates
2. Addressing Racial Bias in Policing: assessed 9 of the 11 mandates
3. Use of Force: assessed 12 of the 17 mandates
4. Documentation of Stops: assessed 2 of the 7 mandates
5. Use of Ketamine & Other Chemical Sedatives: assessed 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 Monitor includes a general description of the tasks, a brief description of the Methodologies to Aid in the Determination of Compliance (MADCs), along with the Monitor’s assessment of compliance during the previous and current reporting periods.

A summary of the current and historical status of the Monitor’s assessments of each of the Consent Decree’s 78 mandates appears in Appendix A, the Monitor’s Report Card Matrix.

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## POLICIES & TRAINING GENERALLY

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### 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 Consent Decree 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.

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### PREVIOUS FINDINGS OF SUBSTANTIAL COMPLIANCE

In prior reporting periods, none of the mandates relating to this section of the Consent Decree "Policies and Training Generally" 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 all twelve of the twelve mandates in this section of the Consent Decree; five related to APD, five to AFR and two to CSC. Of the five mandates related to APD, the Monitor found that one was on a cautionary/missed deadline track, three were on the right track, and one mandate was in substantial compliance. Four of the five mandates evaluated for AFR were in substantial compliance and the remaining AFR mandate is on the right track. The two mandates assessed relative to the CSC were both in substantial compliance. The Monitor's detailed assessments of these mandates follow.

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## ASSESSMENT OF MANDATE 1A

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**Current Status:**

- 75-99% Complete. Cautionary track for policy-driven mandates - uncertain if Monitor's expectations will be met. Missed deadline relating to training-related mandates, but Monitor expects deadline will be met within a reasonable period.

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

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

This mandate was assessed relative to APD during the previous reporting period and the Monitor found that it was on a cautionary/missed deadline track.

The Monitor assessed this mandate again during the current reporting period and finds this mandate remains on a cautionary/missed deadline track because the two Accountability and Transparency mandates remain on a cautionary track, and there are four training-driven mandates that are on a missed deadline track relating to APD's in-service and academy Bias Training. When APD's Bias Training has been delivered and assessed as substantially compliant, this will be a significant milestone towards substantial compliance with Mandate 1A. The remaining policy and training driven mandates required for compliance with Mandate 1A that are currently on track will also need to be in substantial compliance.

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## ASSESSMENT OF MANDATE 1B

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**Current Status:**

- 75-99% Complete. In line with Monitor's expectations.

Mandate 1B at II (page 4) of the Consent Decree, entitled "Policies and Training Generally (AFR)," requires the Monitor to determine if the APD and AFR are developing comprehensive policies to ensure the implementation of the Consent Decree and that the policies of each department are consistent and complementary. The Monitor will also determine if training is being conducted to ensure coordinated responses and whether officers and firefighters are being held accountable



for violation of policy. The Monitor split this mandate into two parts; as stated above, Mandate 1B deals with the mandate relative to AFR.

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

This mandate was assessed relative to AFR during the previous reporting period and the Monitor found it was on the right track.

The Monitor assessed this mandate again during the current reporting period. During this reporting period, AFR took upon itself to create de-escalation training for their members. This de-escalation training was not required by the Consent Decree but was borne out of AFR's desire to best equip their members responding to people experiencing a crisis. Despite paramedics regularly responding to these types of calls, de-escalation training is rare within fire departments. This was the first time AFR deployed such training. The training comprised two modules consisting of class taught basics on self-reflection for the responder, as well as techniques for addressing/communicating with persons in need of efforts to de-escalate a situation. The third module consisted of scenario-based sessions for all AFR members to de-escalate situations played out by actors, such as a veteran with PTSD or a woman experiencing a mental health crisis. The training was specifically designed for the department by AFR's Medical Director and a licensed clinical social worker. AFR hired the same actors that APD uses for their de-escalation training and utilized the same scenarios to improve coordination between APD and AFR in responding to these types of calls. Lastly, AFR invited certain community members and members of the Attorney General's Office to observe the de-escalation training. Representatives from the Attorney General's Office observed the training and were impressed with the quality of the training. The Monitor commends these efforts.

Other elements of compliance required by Mandate 1B include the following mandates that are not yet in substantial compliance:

- Mandate 31 requires joint APD and AFR training which stresses on-scene coordination. While AFR and APD released such joint training in RP6, the Monitor has not yet confirmed that all appropriate AFR personnel completed such training.
- Mandate 49B requires AFR to transform its recruitment and hiring process to create a more diverse and qualified workforce. While AFR made improvements to its recruitment plan for


its January 2024 class as described below, the Monitor has not yet assessed the implementation of this plan.

The Monitor acknowledges the progress made by AFR relative to Mandate 1B and believes that AFR continues to be on the right track with respect to this mandate.

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#### ASSESSMENT OF MANDATE 2A

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**Current Status:**  - Substantial Compliance

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

The compliance definition, as agreed to in the MADC, necessitates that APD achieve compliance by implementing an appropriate governance process for all 32 different policy-driven mandates and 16 different training driven mandates that: (1) decreases the length of time, wherever possible, for the process by which Consent Decree related policies and training are developed, reviewed, and implemented; (2) the related governance processes are documented within the relevant agency’s procedures and (3) the governance process standards in those procedures are being adhered to.

This mandate was assessed relative to APD during the previous reporting period and the Monitor found that it was on a cautionary track.

The Monitor assessed this mandate again during the current reporting period.


In order to comply with this mandate, as described in prior reporting periods, APD created a Policy Committee, chaired by the Division Chief of the Professional Standards and Training Division, with representatives from: the Office of the Chief, Legal Advisor, Operations Division Chief, Special Operations Division, Investigations Division, Business Services, Professional Standards Services, Training Section, and FOP, with additional attendees as needed and relevant to the policies being discussed, such as representatives from Aurora 911 and additional consultants. These meetings consist of detailed discussions of drafts of all policies and procedures that are being considered for revision or creation. The composition of the Committee was designed to ensure that all perspectives of relevant stakeholders contribute to the development of APD policy.

While the Monitor attended all Policy Committee meetings during the current reporting period, there were some delays with finalizing policies for publication after they had gone through the Policy Committee. In the latter half of the current reporting period, the Monitor implemented bi-weekly check-ins with the Chief and other relevant staff to ensure policies were being reviewed by the Chief and published in a timely manner. After implementation of these check-ins, the Monitor observed multiple policies being published.

The Monitor now finds this mandate is in substantial compliance since the governance processes are speeding up the length of time, where possible, to develop, review and implement the Consent Decree related policies and training; and this governance process is documented and being followed. The Monitor will continue to evaluate this mandate in subsequent reporting periods in order to assess continued compliance.

#### ASSESSMENT OF MANDATE 2B

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**Current Status:**  - Substantial Compliance

Mandate 2 at IIA (page 4) of the Consent Decree, entitled “Policy Development, Review, and Implementation Process (AFR),” requires the Monitor to determine if APD, AFR, and CSC have developed and implemented an appropriate procedure that will govern and speed up the policy development, review, and implementation process. As stated above, Mandate 2B applies to AFR.


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

This mandate was assessed relative to AFR during the previous reporting period and the Monitor found it was in substantial compliance. The Monitor assessed this mandate again during the current reporting period. Since there were no new policies submitted by AFR for the Monitor’s approval, the Monitor continues to find the AFR 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

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**Current Status:**  - Substantial Compliance

Mandate 2 at IIA (page 4) of the Consent Decree, entitled “Policy Development, Review, and Implementation Process (CSC)” requires the Monitor to determine if APD, AFR, and CSC have developed and implemented an appropriate procedure that will govern and speed up the policy development, review, and implementation process. As stated above, Mandate 2C applies to the CSC.

The compliance definition, as agreed to in the MADC, necessitates that CSC achieve compliance with all policy change-driven mandates with decreased time, wherever possible, for the process by which Consent Decree related policies are developed, reviewed, and implemented. Compliance will be reached when the related policies are documented within CSC’s procedures and the standards in those procedures are being adhered to.

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

The Monitor assessed this mandate again in the current reporting period. The Monitor considered whether there are any remaining policy-driven Consent Decree mandates that have not been developed, reviewed and implemented in a timely manner by CSC; there were none. In addition, the Monitor considered whether its June 2023 recommendations on the CSC’s Promotional Process to further enhance fairness and equal opportunity for promotion of all potential candidates should be considered when evaluating compliance with this mandate. The CSC is currently addressing such recommendations, which the CSC and Monitor consider to be supplemental to the requirements of the Consent Decree. Accordingly, the timeline for implementation of such recommendations is not relevant to the assessment of compliance with the timeliness requirement of Mandate 2C. Further, all of CSC’s policy-driven Consent Decree mandates are now in substantial compliance as described in this report and summarized in the Report Card in Appendix A.

In light of each of the Monitor’s assessments, 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 3A

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

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

The compliance definition, as agreed to in the MADC, necessitates that APD achieves compliance with all 32 different policy driven mandates (11 for AFR and eight for CSC). APD, AFR, and CSC must develop and implement all the Consent Decree required policies in coordination with the Monitor to achieve full compliance with Mandate 3. The Monitor split this mandate into three parts: Mandate 3A applies to APD; Mandate 3B applies to AFR; and Mandate 3C applies to the CSC.

Mandate 3A was assessed relative to APD during the previous reporting period and the Monitor found it was on the right track.

During the current reporting period, efforts were made by APD to ensure that the relevant policies were submitted to the Monitor prior to implementation, and there were no instances of failure to do so. More importantly, APD also undertook to review and re-examine new policies based on feedback from the officers and ever-evolving best practices to continuously improve these policies during this reporting period. However, as the Monitor noted above, there was some slowdown of new policy development as well as finalization of policies after review by the Policy Committee which appears to have been resolved with the implementation of bi-weekly check-ins.

In addition, this reporting period prioritized updating Chapter 10 of APD's directives on internal investigations and the disciplinary process. This work started in earnest in the latter half of the current reporting period and APD has made significant progress. The most notable achievement is the development of the disciplinary matrix. The Monitor had recommended that APD adopt a disciplinary matrix in its report on the disciplinary process. The disciplinary matrix aims to 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. The matrix accomplishes this by providing a presumptive penalty for each violation but also provides a range based on potential mitigating and aggravating factors that are officer and incident specific. The Monitor anticipates that the matrix will be published in RP7 along with updated Chapter 10.

In this reporting period, APD also updated and revised Directive 6.01 – Arrest Procedure and Directive 8.52 – Constitutional Policing, both of which were published after approval by the Monitor and APD’s leadership and are included as Appendices E and F to this report.

For the reasons stated above, the Monitor believes this mandate is on the right track. For APD to achieve substantial compliance with this mandate, APD will need to issue its directives relating to internal investigations and the disciplinary process (Chapter 10) as well as its policy relating to pursuits. There are also updates to several other mandates requiring policies that will need to be reviewed by the Monitor prior to being finalized.

### ASSESSMENT OF MANDATE 3B

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

Mandate 3B at IIA (page 4) of the Consent Decree, entitled “Submission of New Policies for Review (AFR),” requires the Monitor to determine if all new or revised policies, procedures and rules called for by the Consent Decree have been submitted to the Monitor for review before implementation. As stated above, Mandate 3B applies to AFR.

The compliance definition, as agreed to in the MADC, necessitates that AFR achieves compliance with all 11 different policy driven mandates. AFR must develop and implement all the Consent Decree required policies in coordination with the Monitor to achieve full compliance with Mandate 3B.

Mandate 3B was assessed relative to AFR during the previous reporting period and the Monitor found it was on the right track. The Monitor assessed this mandate again during the current reporting period and noted that AFR did not submit any policies to the Monitor during this reporting period.

While not specifically required by the Consent Decree, the Monitor recommended in RP5 that AFR 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 Consent Decree.


Notwithstanding the Monitor’s recommendation for inclusion in a separate policy, the Monitor believes this mandate remains on the right track. Substantial compliance will be achieved when the Monitor completes its assessment of the implementation of AFR’s approved recruitment plan for its January 2024 hiring class as required for Mandate 49B.



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### ASSESSMENT OF MANDATE 3C

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**Current Status:**  - Substantial Compliance

Mandate 3C at IIA (page 4) of the Consent Decree, entitled “Submission of New Policies for Review (CSC)” requires the Monitor to determine if all new or revised policies, procedures and rules called for by the Consent Decree have been submitted to the Monitor for review before implementation. As stated above, Mandate 3C applies to CSC.

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

Mandate 3C was assessed relative to CSC during the previous reporting period and the Monitor found that it was in substantial compliance. In the current reporting period, the CSC submitted all new proposed policies and rule changes in a timely manner to the Monitor regarding CSC’s entry-level hiring and the disciplinary process.

As a result, 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 4A

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

Mandate 4A at IIB (page 5) of the Consent Decree, entitled “Incorporation of Best Practices and Scenario-Based Training (APD),” requires the Monitor to determine if APD incorporates best practices into training, including greater use of scenario-based training tools in both of their academies and in-service training. The Monitor split this mandate into two parts: Mandate 4A applies to APD and Mandate 4B applies to AFR.

The compliance definition, as agreed to in the MADC, necessitates that APD achieves compliance by incorporating best practices and using scenario-based training to a greater extent in their training, as identified in the Consent Decree. Substantial compliance in this area will occur when APD develops its bias training, which is then assessed and approved by the Monitor and then delivered.


This mandate was assessed relative to APD during the previous reporting period and the Monitor found it was on the right track. The Monitor assessed this mandate again in the current reporting period.

APD provided scenario-based training on its new Use of Force policy during the current reporting period in September 2023. The training curriculum was based on best practices incorporated into APD's new policy to augment APD's prior training. APD sought input and feedback from the members of the CAC on scenarios they would like the officers to be trained on. That meeting took place on August 25, 2023 and CAC members provided thoughtful input on how some of the draft scenarios could be modified to address certain priority areas of concern for the community. APD was incredibly receptive during this meeting and incorporated the CAC's feedback into the draft curriculum. After the training was completed, the entire training was shared with the members of the CAC. APD met with CAC members in November 2023 to solicit their further feedback and to answer any questions they had about the training. Overall, CAC members were very pleased with the outcome and, most importantly, with APD's willingness to engage in substantive discussions with them regarding the training.

As noted above, APD's delivery of its Bias Training Curriculum will continue in the next reporting period. In order to reach full compliance for this mandate, APD's mandated training needs to be based on best-practices including, to the extent appropriate, scenario-based aspects of the training. The Monitor will assess the delivery of APD's training in the next reporting period, but otherwise believes this mandate is on the right track.

#### ASSESSMENT OF MANDATE 4B

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**Current Status:**  - Substantial Compliance

Mandate 4B at IIB (page 5) of the Consent Decree, entitled "Incorporation of Best Practices and Scenario-Based Training (AFR)," requires the Monitor to determine if AFR incorporates best practices into training, including greater use of scenario-based training tools in their academies and in-service training. As stated above, Mandate 4B applies to AFR.

The compliance definition, as agreed to in the MADC, necessitates that AFR achieves compliance by incorporating best practices and using scenario-based training to a greater extent in their training, as identified in the Consent Decree.

This mandate was assessed for the first time during the current reporting period relative to AFR's de-escalation training. The training comprised two modules consisting of class taught basics on self-reflection for the responder, as well as techniques for addressing/communicating with persons in need of efforts to de-escalate a situation. The third module consisted of scenario-

based sessions for all AFR members to de-escalate situations played out by actors, such as a veteran with PTSD or a woman experiencing a mental health crisis.

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

#### ASSESSMENT OF MANDATE 5A

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

Mandate 5A at IIB (page 5) of the Consent Decree, entitled "Sharing of Training Plans (APD)"<sup>9</sup> requires the Monitor to determine if APD submitted training plans identified in the Consent Decree to the Monitor and sought approval before such training plans were finalized. The Monitor split this mandate into two parts: Mandate 5A applies to APD and Mandate 5B applies to AFR.

The compliance definition, as agreed to in the MADC, necessitates APD achieve compliance by submitting all training plans related to Consent Decree requirements to the Monitor prior to their finalization.

This mandate was assessed relative to APD during the previous reporting period and the Monitor found it was on the right track.

During the current reporting period, all drafts of training curricula were submitted well in advance of the training to the Monitor, and the Monitor and APD had an opportunity to discuss before any training was implemented. The Use of Force scenario training discussed above and drafts of the Bias Training Curriculum were shared throughout their development with the Monitor.

In addition to the training curricula that was reviewed with the Monitor, there are several training requirements in the Consent Decree that have not yet been achieved. In order to achieve substantial compliance with Mandate 5A, the relevant training plans for each of these mandates need to be submitted to the Monitor prior to their finalization. Although not required by the Consent Decree, the Monitor recommends that APD develop a formalized policy or directive regarding finalization of its training curricula in order to ensure APD achieves and then remains


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<sup>9</sup> The title in the Methodologies to Aid in the Determination of Compliance for this mandate incorrectly uses the title for Mandate 4: "Incorporation of Best Practices and Scenario-Based Training". The titles for Mandates 5A and 5B have been updated accordingly in this Report and the Monitor's Report Card Matrix included as Appendix A.

in substantial compliance with the requirements of Mandate 5A, which will then be reviewed, assessed, and approved by the Monitor. The Monitor believes this mandate is on the right track.

#### ASSESSMENT OF MANDATE 5B

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**Current Status:**  - Substantial Compliance

Mandate 5B at IIB (page 5) of the Consent Decree, entitled “Sharing of Training Plans (AFR)”<sup>10</sup> requires the Monitor to determine if AFR submitted training plans identified in the Consent Decree to the Monitor and sought approval before such training plans were finalized. The Monitor split this mandate into two parts: Mandate 5A applies to APD and Mandate 5B applies to AFR.

The compliance definition, as agreed to in the MADC, necessitates AFR achieve compliance by submitting training plans to the Monitor prior to finalizing.

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

The Monitor assessed this mandate again during this reporting period. AFR submitted its de-escalation training modules to the Monitor in a timely manner and sought feedback from the Monitor. AFR also consulted with the Monitor before inviting community members and the Attorney General’s Office to observe the training. The Monitor appreciates AFR’s continuing efforts to seek input and approval in sharing their 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>10</sup> The title in the Methodologies to Aid in the Determination of Compliance for this mandate incorrectly uses the title for Mandate 4: “Incorporation of Best Practices and Scenario-Based Training”. The title for Mandates 5A and 5B have been updated accordingly in this Report and the Monitor’s Report Card Matrix included as Appendix A.

## ADDRESSING RACIAL BIAS IN POLICING

### INTRODUCTION

Despite federal and state laws prohibiting racially biased policing, and internal departmental policies that articulate commitments against bias-based practices, policing across the nation has struggled to consistently administer policing in ways that fully address racial bias in policing. The extent to which racial disparities exist, and whether they are 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 AND BASIS FOR CONSENT DECREE MANDATES

Section 08.32 of APD's Directives Manual, adopted on October 7, 2020, defines biased based policing as "an enforcement action based on a trait common to a group, without actionable intelligence to support consideration of that trait." The directive prohibits APD officers from engaging in biased-based policing predicated on race, ethnicity, gender, national origin, language, religion, sexual orientation, gender identity, age, and disability. The directive further contains provisions relating to traffic stops; the establishment of a citizen 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 use of force, for example, the Attorney General found that APD officers used force, arrested, and filed discretionary charges against Black and non-White people at a significantly higher rate than they did against White people, and that a greater percentage of Black and non-White communities experienced those actions, than did members of White communities. The report also cited the anecdotal experiences of community members and Attorney General investigators

who commented on differences in how APD officers interacted with members of different racial groups, including frequent escalations of force against non-White residents compared to White residents.

The Attorney General’s September 15 report included an admonishment that, to “remedy and eliminate its practice of race-based policing, Aurora must make major changes across the organization to improve its culture, including improving its policies, training, recordkeeping, and hiring.” The Attorney General’s report specifically called for greater detail in APD policies against racially biased policing; more specific standards and expectations for APD officers when they make a stop, 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 Consent Decree seeks to change, in measurable ways, how APD engages with all members of the community, including by reducing any racial disparities in contacts, arrests, uses of force, and engagement with the community, and to improve APD’s transparency in these areas.

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#### PREVIOUS FINDINGS OF SUBSTANTIAL COMPLIANCE

In prior reporting periods, Mandates 9 and 11 were found in substantial compliance for completed Bias-Based Policing and Constitutional Policing policies. These two mandates will not be assessed again unless changes are made to either of these policies 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 Consent Decree. All nine mandates evaluated were with respect to APD. Two of these mandates are now in substantial compliance, three are on the right track, and four are on a cautionary track due to missed deadlines. When APD’s Managing Bias training is successfully completed, the status for these four mandates will be on the right track, and will be reflected as green in the Monitor’s Report Card Matrix. The Monitor’s detailed assessments of these mandates follow.



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## ASSESSMENT OF MANDATE 6

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

Mandate 6 at III A (page 7) of the Consent Decree, entitled "Addressing Racial Bias in Policing – Objectives - Metrics," requires that the City 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.

The compliance definition, as agreed to in the MADC, necessitates that APD 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. Compliance will also be achieved when APD's metrics confirm that APD changed in a positive manner, how it engages with all members of the community, and APD identified and measured ways to assist in the reduction of racial/ethnic disparities that may be indicative or symptomatic of biased policing.

This mandate was assessed during the previous reporting period and found to be on a cautionary track. The Monitor assessed compliance with this mandate during the current reporting period.

APD fully implemented the Contacts Form, which was developed in consultation with the subject matter expert, department-wide, during the second reporting period. Since then, APD worked on improving its data collection, relevant to the Consent Decree's mandates on bias and racial/ethnic disparity with the roll-out of its Contacts Form, which includes data that will be used to measure improvements in how APD engages with the community.

Most importantly, during the current reporting period, APD finally gained the capability to export the data they have been collecting via their Contacts Forms. However, the data has not yet been analyzed to capture metrics that can be used to identify issues, trends, patterns, or practices. Until recently, APD struggled with getting approval for a tool that is used by Denver Police Department to visualize and analyze its contacts data due to concerns raised by the City IT department. However, as of February 14, 2024, the tool was approved and is being installed on crime analyst computers. In addition, APD is now in possession of files that Denver Police Department uses to analyze its data and will leverage those as a starting point for APD's needs; quick adoption is anticipated. Additional resources, such as staffing needs, have been approved by the City Manager and the job descriptions for these positions have been posted. This is a tremendous step forward and the Monitor will work with APD on how this data should be analyzed and reported going forward.

Another accomplishment relating to measuring improvements in how APD engages with the community involves APD's implementation of SPIDR Tech's system on February 26, 2024 that will

automatically send an optional feedback survey to victims/911 callers as described in the Focus Issue entitled “*Data Transparency*”.<sup>11</sup>

The City and the Monitoring Team will also continue to work on establishing baselines regarding what data is currently being collected, what data systems are currently in use, how these systems link together, how data is analyzed, how data analysis is shared, how racial and ethnic disparities are measured and tracked and how the results drive APD’s strategies to reduce biased policing.

Improvements to data collection and the analyses of contacts and use of force data will be foundational to providing guidance to APD’s officers on how to best engage in critical decision-making and use discretion during community interactions.

As described in the Monitor’s Focus Issue above entitled “*National Policing Institute (NPI) Report*”, the Monitor is committed to utilizing the best measurements it can to understand and analyze the racial/ethnic disparities that may exist in the data and the extent to which bias may be playing a role in those disparities. The Monitor will continue to collaborate with the parties to determine best practices for both the collection and analysis of APD’s data. The Monitor will report progress on this front as the work continues.

The Monitor believes the mandate is now on the right track, but APD will need to analyze the data to identify and then address issues, patterns, and trends before APD can achieve substantial compliance with this mandate.

#### ASSESSMENT OF MANDATE 7

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

Mandate 7 at III A (page 7) of the Consent Decree, entitled “Addressing Racial Bias in Policing – Objectives - Transparency,” requires the Monitor to determine if the City has created full public transparency on how APD engages, arrests, and uses force in the community, including any racial disparities in these enforcement actions.

The compliance definition, as agreed to in the MADC, necessitates that APD develop the means to capture relevant data in accordance with applicable state law, implement appropriate attendant policies, periodically post relevant information on a public-facing website, and implement an internal review process to ensure continued compliance.

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<sup>11</sup> While February 26, 2024 is beyond the current reporting period, the Monitor has included this information in order to keep the community informed of the most current information relating to this important mandate.

This mandate was assessed during the previous reporting period and the Monitor found it was on the right track. The Monitor assessed this mandate again during the current reporting period.

As discussed in the Focus Issue entitled “*Transparency Portal*” above, on February 14, 2024, APD and the City published a Beta Test of a public-facing [Transparency Portal](#) as Phase 1 of its efforts to address the requirements of Mandate 7. APD has been advocating for such capability since the summer of 2022. The publication of this Beta Test/Phase 1 of APD’s Transparency Portal is a significant accomplishment for APD. This Beta Test includes:

- Dashboards on agency demographics, including age and years of service; with percentage pie charts for gender, race, ethnicity, full or part-time status, sworn and civilians and rank.
- Crime statistics and mapping by year from 2020 to date for all crimes, and for each of the following crime types: homicide, aggravated assault, robbery, burglary, arson, motor vehicle theft, sexual assault and theft; and by district, ward, beat, zip code and neighborhood for all crimes and for each crime type.
- Uses of force and mapping by year from 2020 to date for all uses of force, with subject information by age, and percentage pie charts for subject race/ethnicity, sex, injury, alcohol and drug impairment; and with officer information by years of service, and percentage pie charts for officer injury and force type.
- Consent Decree progress, including a link to the Monitor’s Consent Decree Reports as issued to date, the MADC, and four Consent Decree related documents<sup>12</sup>); an interactive copy of the Monitor’s most recently issued Report Card Matrix; and a current period roadmap highlighting progress since the Monitor’s last report.

The Monitor will continue to work with APD on future phases of the Transparency Portal to include the following types of information therein:

- Response outcomes from APD’s contacts and summonses.
- Racial disparities relating to APD’s enforcement actions.
- Use of force investigation outcomes, complaint investigation outcomes and disciplinary outcomes.

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<sup>12</sup> These reports comprise the Investigation Report and Recommendations submitted by an Independent Review Panel on February 22, 2021; the Colorado Attorney General’s Investigation report dated September 15, 2021; the complaint filed against the City of Aurora by the Colorado Attorney General on November 23, 2021; and the Consent Decree as agreed between the parties on November 22, 2021.


- The results of APD’s optional “customer satisfaction” feedback surveys from victims and 911 callers.

The next iteration of the Transparency Portal, which is anticipated to occur in RP7, will have contact data and it is the Monitor’s understanding that APD will post ongoing updates to the portal throughout 2024, providing increased visibility to APD’s data.

Further, the Monitor will work with APD to develop an internal review process to review the data collected and reported in the Transparency Portal.

In light of these positive developments with the publication of the Beta Test of the Transparency Portal, the Monitor finds the City remains on the right track. In order to achieve substantial compliance with this Mandate, the above points regarding the remaining content and functionality of the Transparency Portal and the data systems issues noted within the Focus Issue entitled “*Data Systems*” regarding the remaining systems updates will need to be addressed.

#### ASSESSMENT OF MANDATE 8

**Current Status:**  - 75-99% Complete. Missed deadline but Monitor expects deadline will be met within a reasonable period.

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


The compliance definition, as agreed to in the MADDC, necessitates that APD’s policy and training on this topic be developed with the components as required by Mandate 3, approved by the Monitor, disseminated, trained on, and implemented in order to achieve full compliance with Mandate 8.

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 Consent Decree, including work in 2021 on critical decision making in high-risk stops, compliance with this mandate is multi-stepped and can only be completed through the development and delivery of appropriate training on the policies for Contacts, Constitutional Policing, Biased Based Policing, and Use of Force, which were finalized in prior reporting periods (RP3, RP4, and RP5).

The Monitor assessed this mandate again during the current reporting period. As discussed in the Focus Issue entitled “*Managing Bias Training*” above, the Monitor has been working with APD to ensure the training not only meets the requirements of the Consent Decree but is the best possible training in this area for APD. The development of this training was completed in early March 2024 and APD commenced delivery of this training shortly thereafter.<sup>13</sup> The deadline for completion of this training was February 15, 2024 as required by the Consent Decree. APD will need to complete the bias training in order to achieve substantial compliance and because of the missed deadline of February 15, 2024 for the delivery of the bias training, the Monitor continues to find this mandate on a missed deadline track. Nonetheless, APD has made great strides and progress with this mandate, and the Monitor appreciates APD’s focus and continued efforts during the current reporting period.

#### ASSESSMENT OF MANDATE 10

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**Current Status:**  - Substantial Compliance

Mandate 10 at III A (page 8) of the Consent Decree, entitled “Addressing Racial Bias in Policing – Policy Changes – Amendment of Existing Policies – Revision of Directive 6.01 (Arrest Procedure),” requires the Monitor to determine if APD reviewed and revised Directive 6.01 (Arrest Procedure) to prohibit discrimination based on protected class status and conform to the goals of the Consent Decree and applicable state and federal law, including by increasing the level of detail in the policy and providing examples of prohibited behavior.

The compliance definition, as agreed to in the MADC, necessitates that APD revise and disseminate its policy to prohibit discrimination based on protected class status and that the revised policy conforms to applicable state law and the goals of the Consent Decree, including reducing racial and ethnic disparities that are indicative or symptomatic of biased policing, and that it includes examples of prohibited behavior.

This mandate was assessed for the first time during the previous reporting period and the Monitor found it was on the right track. APD’s Arrest Procedure directive and APD’s Constitutional Policing directive, that was incorporated into the Arrest Procedure by reference with a link, were reviewed and revised with APD’s full Policy Committee, with the Monitor participating and approving the final drafts during this reporting period. The revised Constitutional Policing directive explicitly prohibits discrimination based on protected class status and conforms to the goals of the Consent Decree in that it seeks to reduce racial and ethnic

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<sup>13</sup> While March 2024 is beyond the current reporting period, the Monitor has included this information in order to keep the community informed of the most current information regarding this important mandate..

disparities that are indicative or symptomatic of biased policing. In addition, APD's Arrest Procedure includes a provision for arrests where probable cause dissipated or could not be substantiated that requires Watch Commanders<sup>14</sup> to commence initial inquiries into such incidents. If the Watch Commander determines that probable cause did not exist at the time of the arrest, the Watch Commander is required to submit a complaint to APD's Internal Affairs Division for further investigation. The Arrest Procedure directive also includes guidance on alternatives to summary custodial arrest through the issuance of a citation or summons in lieu of a custodial arrest, taking into account but not limited to factors such as the nature of the crime, the arrestee's criminal history, past instances of failing to appear in court, and the positive identification of the individual.

This revised Directive 6.01 (Arrest Procedure) was published and disseminated in the week prior to issuance of this report (see Appendix E), and the incorporated Directive 8.52 (Constitutional Policing) (see Appendix F) was published and disseminated on March 12, 2024.<sup>15</sup> Although both developments were after the end of the current reporting period, 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.

It is important to note that this policy, like all policies, is a living document. Newly appointed Interim Chief Morris has begun a discussion relative to the inclusion in the policy of guidance for alternatives to arrest that include when *not* to arrest, cite or summons, despite the existence of legal authority to do so.

## ASSESSMENT OF MANDATE 12

**Current Status:**  - 75-99% Complete. Missed deadline but Monitor expects deadline will be met within a reasonable period.

Mandate 12 at III C (1-4) (page 9) of the Consent Decree, entitled "Addressing Racial Bias in Policing – Training- Academy Training (Development)," requires the Monitor to determine if APD developed comprehensive academy training to police personnel in 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 uses of force.

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<sup>14</sup> A Watch Commander supervises an entire shift including officers and field supervisors.

<sup>15</sup> While March 2024 is beyond the current reporting period, the Monitor has included this information in order to keep the community informed of the most current information regarding this important mandate.

The compliance definition, as agreed to in the MADC, necessitates that APD develop sufficient training plans that are consistent with the revised policies in these areas and incorporates scenario-based training for the academy 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 uses of force.


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 training on bias.

During the current reporting period, APD implemented scenario-based Use of Force training for in-service personnel that was consistent with the revised policies on deliberate decision-making, including avoiding unnecessary escalation, teaching officers what they should do rather than what they can do, and articulating the specific basis for uses of force. APD also completed the development of its Bias Training as described in the Focus Issue entitled "*Managing Bias Training*".

While APD's scenario-based Use of Force training and APD's development of Bias Training for its in-service officers are both significant milestones, APD needs to develop a new Bias Training Curriculum for the *academy* in order to achieve substantial compliance with this mandate. Due to the missed Bias Training Development Deadline (February 15, 2023), the Monitor's expectations have not yet been met, although the Monitor understands the delay and believes this mandate will be met in a reasonable amount of time, albeit beyond the deadline called for in the Consent Decree.

Based on the missed deadline and lack of scenario-based Bias Training for the academy, the Monitor assessed that this mandate remains on a missed deadline track.

### ASSESSMENT OF MANDATE 13

**Current Status:**  - 25-49% Complete. Missed deadline but Monitor expects deadline will be met within a reasonable period.

Mandate 13 at III C (1-4) (page 9) of the Consent Decree, entitled "Addressing Racial Bias in Policing- Training-Academy Training (Delivery)," requires the Monitor to determine if APD delivered comprehensive academy training on bias, deliberate decision making, recordkeeping requirements, and specific articulation of the basis for encounters, including stops and uses of force.

The compliance definition, as agreed to in the MADC, necessitates that APD deliver comprehensive academy recruit training on bias, deliberate decision making, recordkeeping



requirements, and specific articulation of the basis for encounters, including stops and uses of force to all appropriate academy recruits/attendees.


This mandate was assessed during the previous reporting period. The academy utilizes scenario-based training covering anti-bias, de-escalation, and critical decision-making. During the previous reporting period, the Monitor learned that the academy had community groups participate in panels in academy classes dedicated to community interactions, which is not part of APD's Managing Bias Curriculum. These community groups included a citizen panel made up of community members upon request, a community re-entry group, and a community program dedicated to serving the refugee community. The Monitor applauded this bias training initiative in his prior report but noted that the community interaction sessions are not formally part of the academy's Managing Bias Curriculum.

The Monitor assessed this mandate during the current reporting period and ultimately concluded that the academy's bias training needs to include the final approved bias training curriculum that is being developed by APD as required by Mandate 13. This will ensure that the same goals, concepts, utilization of videos and discussion opportunities are utilized for recruits as well and that there is consistent messaging and instruction around this important issue. The academy's current course was not necessarily designed to encourage new recruits to meet the defined anti-bias goal required by Mandate 12, nor did it incorporate sufficient examples of actual policing scenarios and discussion points to assist attendees in seeing themselves as officers pursuant to the mitigating bias goal.

APD missed the Bias Training Completion Deadline (February 15, 2024) in the Consent Decree. Because of the missed deadline the Monitor's expectations have not yet been met. As stated above, the Monitor understands the delay in the development of the bias training and believes the training will be delivered in a reasonable amount of time, albeit beyond the deadline called for in the Decree. Accordingly, the Monitor assessed that APD is on a missed deadline track. In order to achieve substantial compliance with this mandate, APD will need to incorporate the developed training into recruit training along with deliberate decision making, recordkeeping requirements, and specific articulation of the basis for encounters, including stops and uses of force to achieve substantial compliance.

#### ASSESSMENT OF MANDATE 14

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**Current Status:**  - Substantial Compliance

Mandate 14 at III C (1-4) (page 9) of the Consent Decree, entitled "Addressing Racial Bias in Policing – Training- In-Service Training (Development)," requires the Monitor to determine if APD developed comprehensive in-service training to police personnel in 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 uses of force.

The compliance definition, as agreed to in the MADC, necessitates that APD develop sufficient in-service training plans which are consistent with the revised policies on these topics and incorporates scenario-based training for in-service 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 uses of force.

This mandate was assessed during the previous reporting period, and it was on a missed deadline track due to delays in developing APD's in-service bias training. The Monitor notes that APD's use of force training development was completed in the previous reporting period.

During the current reporting period, as noted above, APD was still developing its bias training. By March 2024, after the end of the current reporting period,<sup>16</sup> APD completed the development of its bias training and started delivering this training to its officers. With the completion of the development of APD's in-service use of force training in the previous reporting period and its bias training in the current reporting period, the Monitor now believes APD is in substantial compliance with this mandate. The Monitor will continue to evaluate this mandate in subsequent reporting periods in order to assess continued compliance.

#### ASSESSMENT OF MANDATE 15

**Current Status:**  - 75-99% Complete. Missed deadline but Monitor expects deadline will be met within a reasonable period.

Mandate 15 at III C (1-4) (page 9) of the Consent Decree, entitled "Addressing Racial Bias in Policing- Training-In-Service Training (Delivery)," requires the Monitor to determine if APD delivered comprehensive in-service training on bias, deliberate decision making including 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 uses of force.

The compliance definition, as agreed to in the MADC, necessitates that APD deliver comprehensive in-service training on bias, deliberate decision making including unnecessary

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<sup>16</sup> While March 2024 is beyond the current reporting period, the Monitor has included this information in order to keep the community informed of the most current information regarding this important mandate..

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 uses of force to all appropriate in-service personnel.

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

As described above relative to Mandate 14, APD developed and started delivering its Managing Bias training in March 2024<sup>17</sup> for its in-service officers, after the end of the current reporting period and after the Bias Training Completion Deadline of February 15, 2023 as stipulated in the Consent Decree. APD expects to deliver this training to all in-service personnel by mid-May 2024.

Based on the missed Bias Training Delivery deadline, the Monitor assessed that this mandate remains on a missed deadline track until all in-service officers have received APD's Bias Training. The Monitor will assess the delivery of this training in the next reporting period.

#### ASSESSMENT OF MANDATE 16

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

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

The compliance definition, as agreed to in the MADC, necessitates that APD achieve compliance by developing metrics to measure improvements relative to training, recordkeeping on police interactions and documentation and tracking of use-of-force incidents; that APD developed, finalized, and disseminated appropriate policies to adequately address metric data collection and measurement of improvements; and that APD implemented sufficient internal review and accountability processes designed to ensure continued compliance.

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

During the current reporting period, the City and the Monitor continued working on:

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<sup>17</sup> While March 2024 is beyond the current reporting period, the Monitor has included this information in order to keep the community informed of the most current information regarding this important mandate.

- establishing baselines of data currently being collected relating to uses of force, contacts including pedestrian and vehicular stops, calls for service, crime incidents, gun recoveries, and early warning/intervention systems for APD personnel;
- data systems which are currently in use and how these systems link together;
- how data is analyzed and shared to drive strategies to accomplish the goals and objectives of the Consent Decree; and,
- how racial and ethnic disparities are measured and tracked.

The Monitor and APD have also been developing metrics to measure improvements in the trainings that were provided by APD regarding record-keeping, documentation, and tracking of contacts, Constitutional Policing, and Use of Force and anticipate that they will be finalized in RP7. Additionally, the Monitor worked closely with the City of Aurora Municipal Court and APD to monitor and track misdemeanor outcomes for Obstruction, Resisting Arrest, Failure to Obey a Lawful Order, Trespass and related offenses.

Of note, APD's Use of Force Investigation Form was rolled out in this reporting period. These new Use of Force Investigation Forms contain the data fields required by the Consent Decree, drop-down or multi-select values, and little to no free-form text fields. Included with the deployment of the Use of Force Investigation Form via Benchmark, APD now can access its UOF data and weekly reports with visuals that are being distributed to executive command and to the Monitor weekly. With these new Use of Force Investigation Forms and weekly reporting thereon, APD has been able to gather more reliable insight into APD's use of force incidents and whether prohibited class disparities are potentially implicated in such incidents.

Further, in APD's Records Management System, a line was added for "CDC Complete" that notes that a CDC form has been completed. Accuracy and consistency of this field will need to be assessed via Monitor and/or APD reviews, but this is a step in the positive direction.

APD also expended significant efforts to work with its vendor Benchmark to receive aggregate contact data so APD can have the ability to analyze its own data.<sup>18</sup> While APD received the aggregate data, the initial data extract tool from the vendor was unable to fully digest the entire data set, so APD was unable to perform reliable analyses of such data. APD worked with the vendor to fix this and as discussed above, on February 14, 2024, Benchmark provided APD with a tool to visualize its contact data which the Monitor will fully evaluate in the next reporting period.

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<sup>18</sup> APD beta-tested Benchmarks' data export tool at APD's request.

APD is also working with Benchmark to enable APD’s systems to communicate with each other, and formulating an internal review process to ensure compliance with the data collection policy through supervisory review of the data compared to body-worn camera (“BWC”) footage. Now that supervisors have the ability to access these forms in APD’s Benchmark system, they should be reviewing the Contact Forms associated with a random sample of BWC footage. Ultimately, the goal is to link the Contact Forms through APD’s Records Management System (“RMS”), so that when a supervisor approves a general offense report, they can also view the relevant Contact Form to ensure 1) a Contact Form has been completed and 2) it comports with the information in the offense report. During the current reporting period, APD added a line for “CDC Complete” in RMS to denote that a Contact Form has been completed. These efforts by APD to design an internal review process are laudable.

For the reasons stated above, the Monitor believes this mandate is now on the right track and APD made progress with the critical components required by the Consent Decree. The Monitor will be evaluating progress on all the components of this mandate in the next reporting period. The Monitor will need to see that APD adequately and appropriately resolved all the delineated issues above to achieve substantial compliance with this mandate.

## USE OF FORCE

### INTRODUCTION

Unnecessary and excessive uses of force—and uses of force that are perceived to be unnecessary or excessive by community observers—comprise perhaps the single greatest source of police-involved controversies. High-profile use of force incidents have, 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 use of force 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 use of force 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.

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## HISTORY AND 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 use of force requirements, among other force-related policies. Despite APD's collective use of force policies, significant deficiencies were identified in reviews conducted by the Colorado Attorney General's Office.

In its September 15, 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 use of force 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 use of force practices, but that available data and evidence suggested troubling trends. To remedy the adverse findings in the Attorney General's report, the Consent Decree prescribes specific mandates, including a revision of existing force-related policies, the creation of new policies pertaining to coordination between APD and AFR, modifications to the Force Review Board, implementation of new use of force training, and the development of metrics to measure improvements relating to training, use of force incidents and complaints.

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## CONSENT DECREE'S OBJECTIVES

The Consent Decree 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 uses of force,

situations where force should not have been used even if it was legal, and recurring training and tactical issues related to use of force.

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#### PREVIOUS FINDINGS OF SUBSTANTIAL COMPLIANCE

During the previous reporting periods, Mandates 22, 23, 24, 26, and 30 were found 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, and de-escalation training. These mandates will not be assessed again unless changes are 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 Consent Decree. 11 of these mandates related to APD and one related to AFR. All eleven APD mandates are on the right track with four achieving substantial compliance in this reporting period. One mandate for AFR 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

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

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

The compliance definition, as agreed to in the MADC, requires that APD achieve substantial compliance with Mandates 18-32 and APD's policies and training better equip officers to handle challenging situations in ways that: reduce the need to use force when possible; ensure 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.



In the current reporting period, APD finalized a comprehensive overhaul of its use-of-force policies, which marks a major step toward cultural change within the agency. This is an essential step toward building trust, promoting accountability, and ensuring the fair and just treatment of all individuals.

On parallel tracks, APD developed training for its updated use of force policies, which included a process to enable feedback to be incorporated into the final version of APD's use of force policies, before publication. This training was completed by 100% of APD's officers interacting with the community on August 16, 2023.

In addition to the initial training on the new use of force policy, APD rolled out additional scenario-based training in November 2023. APD also voluntarily solicited input from the members of the CAC for incorporation into the training scenarios. This kind of undertaking by APD at their own volition is a vital step toward achieving overall compliance with the Consent Decree, the primary objective of which is to increase trust between APD and the community.

The Monitor believes this mandate continues to be on the right track due to the updated use of force policy and trainings meeting the requirements of the Consent Decree. APD will be able to achieve substantial compliance with this mandate when APD achieves substantial compliance with Mandates 18-32.

#### ASSESSMENT OF MANDATE 18

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

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

The compliance definition, as agreed to in the MADC, defines that APD will achieve substantial compliance with this mandate when APD's policies, training, and accountability measures prioritize de-escalation whenever possible; when use of force incidents indicate that officers have de-escalated when possible, without compromising officer safety; and when use of force 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 a the right track.

In the current reporting period, as part of the Monitor's weekly attendance at the Force Review Board ("FRB"), the Monitor reviewed APD's assessment of every Tier 2 and 3 uses of force. The Monitor found that APD is engaged in an ongoing process of improving the FRB with significant improvement in the functioning of the FRB, which has been consistently more critical in its discussions. In addition, the FRB has taken a significant step forward by incorporating the question, 'What could have been done differently to have potentially achieved a better outcome?' in the review protocol for each use of force reviewed. This question stands as a beacon of continuous improvement and forward-thinking as it fosters a culture of reflection and accountability and it also serves as a catalyst for innovative solutions that prioritize de-escalation, whenever possible. Such a question also encourages introspection and a proactive approach, ensuring lessons learned aren't just passively noted but are instead actively integrated into future strategies. Emphasizing this line of thought transcends mere fault-finding and positions teams to be dynamic, resilient, and ever evolving in their pursuit of excellence in prioritizing de-escalation whenever possible. The Monitor will continue to attend all FRBs going forward, to confirm that this question continues to be addressed. In addition, during the Monitor's upcoming operational integrity protocols, we will be working with APD to collaboratively assess Tier 1 uses of force in a manner similar to that which FRB currently assesses Tier 2 and Tier 3 uses of force. This review will serve as a foundational element where specific challenges and opportunities for improvement will be discussed in detail.

Despite these significant achievements, an issue was identified during the current reporting period regarding insufficient documentation of deliberations and action items from the FRB. APD ran into challenges with its vendor in providing the workflows required to address this through the Adjudication Form and process. However, the Monitor acknowledges APD's expedient response to address this issue in a comprehensive and effective way as soon as it was identified. APD is working on ensuring all action items, including remedial measures, from the FRB's reviews were fully implemented for past cases. APD is also designing a reliable and efficient mechanism to document this type of information going forward, while it waits for further functionalities in APD's Benchmark system (APD's use of force data collection system) to be available for developing long-term solutions.

For the reasons stated above, the Monitor believes this mandate is on the right track. 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, and 2) demonstrate that appropriate de-escalation is occurring, or if not, that appropriate follow-up is consistently occurring in all use of force incidents.

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## ASSESSMENT OF MANDATE 19

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

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

The compliance definition, as agreed to in the MADC, defines that APD will achieve substantial compliance with this mandate when it has developed and improved its accountability mechanisms 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 use of force.

This mandate was assessed during the previous reporting period and the Monitor found APD was on a cautionary track. The Monitor assessed this mandate again during the current reporting period.

APD is improving its accountability processes, including making changes to the work of the Force Review Board ("FRB"). The Monitor continues to review APD's use of force accountability measures, including whether APD is following the FRB's protocols, and is working with APD to determine how to consistently identify situations where force should not have been used even if it was legal under the standards of the FRB, or where a lesser level of force could have been used. The Monitor notes that even though the FRB's processes are evolving, the Monitor observed substantial improvement relative to self-examination of use of force incidents at FRB. APD made notable progress in this area, including asking the question for each reviewed incident of what might have been improved upon. In addition, the Monitor observed a notable reduction in reluctance to engage in these conversations, even when there is perceived to be implicit criticism of the involved officer(s).


In addition, APD implemented its new Use of Force Form which allows the collection of all necessary data needed to analyze uses of force to enable APD to improve its accountability mechanisms. Notwithstanding this achievement, APD is still unable to easily identify the outcome of historical use of force investigations as its AIM system (APD's legacy use of force system) lacks

this capability;<sup>19</sup> APD's new Benchmark system and the collection of data is meant to address this issue. APD has been spending a significant amount of time to clean up the data from its legacy AIM system to make its historical data usable. The inability to analyze historical data limits APD's ability to discern potential risks and to remediate them in a timely and appropriate manner although these limitations will abate with time as more current data is collected.

Notably, APD's new Benchmark system to capture and analyze use of force data does not yet identify FRB outcomes regarding training and tactical issues. Ideally, this system should be able to provide an investigative and remediation workflow to enable the investigation of use of force incidents and tracking of the remediation of any identified deficiencies. The Monitor identifies this as a priority area for APD and the City to accomplish as soon as possible. In order to find APD in substantial compliance with this mandate, APD will need to have a system that is able to reliably export officer's use of force, remediation and disciplinary history.

For the reasons stated above, including the introduction of the Use of Force Form and the significant ongoing efforts by APD to address its systems issues, the Monitor believes this mandate is on the right track and will be evaluating progress on all the components of this mandate in the next reporting period.

#### ASSESSMENT OF MANDATE 20A

**Current Status:**  - Substantial Compliance

Mandate 20A at IV A (Page 11) of the Consent Decree, entitled "Use of Force - Objectives - Culture of Coordination and Collaboration Between APD and AFR (APD)," requires the Monitor to determine if APD and AFR have collaboratively developed policies and addressed issues where both APD and AFR are affected/involved in public safety matters; if training is being conducted to ensure a coordinated response between APD and AFR; and if officers and firefighters are being held accountable for violations of those policies. The Monitor split its assessment of Mandate 20 into two parts: Mandate 20A relates to APD's culture of coordination and collaboration with AFR; Mandate 20B relates to AFR's culture of coordination and collaboration with APD.

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<sup>19</sup> The issue relating to historical data analysis is exacerbated by the Department's AIM system lacking mandatory reporting fields and the fact that many investigations do not indicate a specified outcome. Because of this, it is challenging for APD to determine the outcome of investigations into historical allegations of excessive use of force without manually reviewing each incident. APD is therefore unable to rely on its own system to identify officers with sustained use of force policy violations or to automatically analyze use of force incidents, which means that the Force Investigation Unit cannot easily include officer-specific use-of-force data in its presentations to the FRB.

The compliance definition, as agreed to in the MADC, necessitates that APD implement methods to promote cooperative and collaborative processes between APD and AFR; that APD regularly meets and coordinates with AFR to address mutual issues and trainings; that the Monitor finds no evidence of uncooperative joint response to incidents involving both APR and AFR; and APD personnel are held accountable for violations of cooperative policies.


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

The Monitor assessed this mandate again during the current reporting period. The Monitor found that APD has been working with AFR to improve inter-agency collaboration and coordination, including participating in monthly meetings between APD Operations Division and AFR Operations to problem solve any recent concerns and quarterly meetings with the executive team of both agencies. 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

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**Current Status:**  - Substantial Compliance

Mandate 20B at IV A (Page 11) of the Consent Decree, entitled “Use of Force - Objectives - Culture of Coordination and Collaboration Between APD and AFR (AFR),” requires the Monitor to determine if APD and AFR collaboratively develop policies and address issues where both APD and AFR are affected/involved in public safety matters; if training is being conducted to ensure a coordinated response between APD and AFR; and if officers and firefighters are being held accountable for violations of those policies. The Monitor split its assessment of Mandate 20 into two parts: Mandate 20A relates to APD’s culture of coordination and collaboration with AFR; Mandate 20B relates to AFR’s culture of coordination and collaboration with APD.

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

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


The Monitor assessed this mandate again during the current reporting period. As detailed in Mandate 20A, the Monitor found that the AFR has been working with APD to improve inter-agency collaboration and coordination, including participating in quarterly meetings between

agency executive staff to address myriad issues, including coordinated responses, joint training needs, and community concerns. In addition, APD Operations Division meets monthly with AFR Operations to problem solve any recent concerns. The Monitor will continue to monitor these interagency discussions. Moreover, as discussed above, AFR proactively provided de-escalation training to its members that mirrors APD's de-escalation training to improve joint responses to these calls.

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

#### ASSESSMENT OF MANDATE 21

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**Current Status:**  - Substantial Compliance

Mandate 21 at IV B 1 (Page 11) of the Consent Decree, entitled "Use of Force - Policy Changes," requires the Monitor to determine if APD either adopted the policies recommended by the CJI review and/or subject matter expert or, in the alternative, consulted with the Monitor about alternative policies.

The compliance definition, as agreed to in the MADC, necessitates that APD adopt the policy recommendations of the CJI or of a subject matter expert or, after consultation with the Monitor, adopt alternative policies that address the use of force issues detailed in the Attorney General's report. It further requires that APD's Use of Force policies have been finalized and disseminated.

This mandate was assessed during the previous reporting period and the Monitor found that it was on the right track. This mandate was assessed again during the current reporting period. With the publication of Chapter 5 on August 18, 2023, APD revised the following directives which address CJI's recommended changes to APD's Use of Force policies:

- DM 05.01 Authorized Firing of a Weapon
- DM 05.04 Reporting and Investigating the Use of Tools, Weapons, and Physical Force
- DM 05.05 Authorized Weapons and Ammunition
- DM 05.06 Officer Involved Shootings
- DM 05.07 Recovered and Department-Owned Firearms
- DM 05.08 Less Lethal Devices, Weapons and Techniques
- DM 05.09 Duty to Intervene
- DM 05.10 Officer Relief Process

Accordingly, the Monitor believes this mandate is now in substantial compliance.

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## ASSESSMENT OF MANDATE 25

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

Mandate 25 at IV C (1)(1) (Page 14) of the Consent Decree, entitled "Use of Force – Changes to Process (Feedback for Training)," requires the Monitor to determine if the FRB modified its policies to require a formal process of giving feedback from the FRB to those in charge of academy and in-service training, District Commanders, and AFR in incidents where no policy violation occurred but practices can be improved. This mandate further requires the Force Review Board to promptly update its procedures or policies to evaluate use of force incidents against the updated policies.

The compliance definition, as agreed to in the MADC, necessitates that APD develops, disseminates, and implements 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, including relating to incidents where no policy violation occurred but practices can be improved. The compliance definition also requires APD's FRB to appropriately identify areas where practices could be improved in cases where no violation occurred, and the FRB communicated those findings consistent with FRB policy.

This mandate was assessed during the previous reporting period and the Monitor found it was on the right track. The Monitor assessed this mandate again during the current reporting period.

During the previous reporting period, APD published Directive Manual 5.08, which formalized the FRB membership and its operational mandates. That directive, in part, requires that a summary of the FRB's determinations be routed to the involved member and the member's supervisor to ensure any referrals for training, coaching for improvement, or enhanced supervision are made. It further requires that the training is documented by the person providing it. It was discovered during the previous reporting period that the documentation of such routing was not as robust as anticipated.

Since then, during the current reporting period, APD developed a manual method to track these remediations on a case-by-case basis while the new system is being developed. While APD's manual dashboard improves how remediation is tracked, the process still needs to be improved so it can systematically identify when certain remediations are not being completed in a timely manner. Having said that, the Monitor followed up on certain cases to confirm the noted remediation was implemented in the way it was envisioned during the discussion in FRB. The Monitor was satisfied with the outcome on such cases.

Despite improvements needed to automate the tracking of remediation, the Monitor believes that this mandate is on the right track. Future assessments by the Monitor will include evaluating

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(1) FRB's process of giving feedback to those in charge of academy and in-service training, including relating to incidents where no policy violation occurred but practices can be improved; (2) whether the FRB appropriately identified areas where practices could be improved in cases where no violation occurred, and (3) the FRB communicated its findings consistent with FRB policy.

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#### ASSESSMENT OF MANDATE 27

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

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

The compliance definition, as agreed to in the MADC, necessitates that APD develops, disseminates, and implements its approved and finalized policies related to the analysis of uses of force and other FRB processes, specifically to reliably measure use of force related data, to achieve full compliance with Mandate 27.

This mandate was assessed during the previous reporting period and the Monitor found it was on a cautionary track. The Monitor assessed this mandate again during the current reporting period.

The vendor, Benchmark, delivered a data export tool in the current reporting period which allows APD to access its use of force data and it has resulted in APD providing weekly use of force data analysis to its executive command staff and the Monitor. However, as noted above, the data provided to executive command staff is not in a format to enable the immediate identification of outliers and non-compliance issues, nor does the reporting include historical use of force issues. The vendor is working on developing such reporting.

This mandate also requires the FRB to modify its procedures and policies relating to use of force data collection, analysis, and publication. APD is currently working on developing ways to track use of force metrics and to fully document the deliberations of the FRB. However, as noted above, these changes have not been systematically implemented yet and although the Monitor believes that APD is now on the right track to be able to track use of force metrics and report on the FRB's deliberations in the future, there is still work to be done.

The Monitor will need to see reporting on APD's use of force metrics and FRB's deliberations, and a suitable policy will need to govern such reporting before APD can be found in substantial compliance with Mandate 27.

Despite these deficiencies, the Monitor believes this mandate is on the right track and significant developments have been made in the current reporting period as discussed above with respect to this mandate and Mandate 19. The Monitor will evaluate progress on all the components of this mandate in the next reporting period.

#### ASSESSMENT OF MANDATE 28

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

Mandate 28 at IV C (2) (Page 15) of the Consent Decree, entitled "Use of Force – Collaboration with Academy and Other Sections," requires the Monitor to assess whether the following adopted practices have been formalized in FRB and training policies and that they continue to be implemented: 1. a member of the academy staff serves on the FRB; 2. the academy member's expertise in training is used in the evaluation of use of force cases; 3. the academy member's experience on the FRB is used in the development of training; and 4. body-worn camera (BWC) footage shown during FRB reviews is used in recruit and in-service training classes at the academy, including footage depicting successful use of de-escalation, other techniques by APD officers, and incidents where improvement is recommended or needed.

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

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


A member from the academy serves on FRB and their expertise and training are used in the review of use of force during FRB. That member's experience on FRB is then utilized in developing ongoing training. The Police Academy captain was tasked with pulling BWC footage of good incidents and incidents that need improvement for training of entry-level officers. APD has also created a letter advising officers of APD's intent to use their BWC footage for training purposes. However, this process has not yet been formalized. The Monitor will need to see updates to APD policies and procedures related to this mandate, and the actual intended use of videos in training,

in order for APD to be in substantial compliance. The Monitor will also need to confirm that BWC is being properly utilized in the Academy.

For the reasons above, the Monitor believes this mandate is on the right track. The Monitor will evaluate the components of this mandate in the next reporting period.

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#### ASSESSMENT OF MANDATE 29

**Current Status:**  - Substantial Compliance

Mandate 29 at IV D (1) (page 15) of the Consent Decree, entitled “Use of Force - Training (Scenario-Based Training),” requires the Monitor to determine if APD developed and delivered scenario-based use of force training to substantially all police personnel who interact with the public.

The compliance definition, as agreed to in the MADDC, necessitates that APD develop and deliver scenario-based use of force training to substantially all the police personnel who interact with the public by the deadlines in the Consent Decree.

This mandate was assessed during the previous reporting period and the Monitor found that APD was on the right track.

This mandate was assessed again during the current reporting period. As noted above, APD finalized its work on the new Use of Force policy and completed delivering the training on the new policy to 100% of its sworn members. With its completion of Integrating Communications, Assessment, and Tactics (“ICAT”) training on March 3, 2023, and its completion of additional scenario-based trainings in November 2023 on the principles of the new policy, the Monitor believes this mandate is now in substantial compliance.

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#### ASSESSMENT OF MANDATE 31

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

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

The compliance definition, as agreed to in the MADDC, necessitates that APD develops and delivers the approved Use of Force training, which includes joint police and fire on-scene coordination as appropriate, and that all appropriate APD and AFR personnel have completed the training.

This mandate was assessed during the previous reporting period and the Monitor found that it was on the right track.

During the current reporting period, AFR and APD released a transfer of patient video training, which required on-scene coordination for all members. However, the Monitor will need to see a formalized schedule for joint training and will need to confirm that all appropriate APD and AFR personnel completed such training in order to find APD in substantial compliance.

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

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#### ASSESSMENT OF MANDATE 32

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

Mandate 32 at IV (Page 16) of the Consent Decree, entitled "Use of Force – Goals and Measurement," requires the Monitor to determine if APD developed metrics to measure improvements in participation in Active Bystandership for Law Enforcement (ABLE), crisis intervention, and other voluntary trainings; the number and type of use-of-force incidents; and community and officer complaints.

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

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

During the current reporting period, APD developed an approval process for all voluntary training, and now systematically tracks all voluntary training along with tracking all mandatory APD training. In addition, APD began sending all use of force incident data from its Benchmark system as well as complaint data to both command staff and the Monitor. Further, APD is working with the Monitor to integrate historical use of force and disciplinary data to both foster and enable more fulsome review and analysis of improvements.

In addition, as discussed above, APD has been collecting use of force data using its new Use of Force Form. However, due to shortcomings in APD's legacy AIM system, APD does not have an accurate or reliable way of automatically analyzing and displaying historical community and officer complaints data, including their frequency and types.

APD has been working with its vendor, Benchmark, to migrate its systems with the anticipated implementation dates being pushed back multiple times during the monitorship. While there has been some progress in this area in the current reporting period, the Monitor is still uncertain as

to when the implementation will be completed. It is also uncertain whether, once implemented, the system will provide APD with the ability to analyze its data in the way envisioned and required under the Consent Decree. APD will need to resolve these issues to be in substantial compliance.

In light of the efforts made by APD to analyze its newly collected use of force data and the new tool to analyze its contact data as described above relative to Mandates 6 and 16, the Monitor believes this mandate is now on the right track.

## DOCUMENTATION OF STOPS

### INTRODUCTION

The issue of when police are permitted to interrupt someone's liberty by arresting them, detaining them, or even engaging them in investigative questioning lies at the heart of the U.S. Constitution's 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 stops", "Terry Stops"<sup>20</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.

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<sup>20</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.

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

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## PREVIOUS FINDINGS OF SUBSTANTIAL COMPLIANCE

During the 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 Consent Decree and found both to be on the right track. The Monitor's detailed assessments of these mandates follow.

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### ASSESSMENT OF MANDATE 33

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

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

The compliance definition, as agreed to in the MADC, necessitates that APD develop its Stops documentation system in compliance with Colorado state law, that the requisite Stops information has been provided to the DCJ and DPS for publication, the system permits review of officer behavior, and 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 a cautionary track.

The Monitor assessed this mandate again during the current reporting period. While APD finally gained the ability to retrieve contacts data from its system in the current reporting period, and APD developed a tool to visualize its analysis of the data, the Monitor will need to see this capability operationalized in order to find APD in substantial compliance with this mandate.

The Monitor believes this mandate is now on the right track with the progress APD made during the current reporting period.

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## ASSESSMENT OF MANDATE 39

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

Mandate 39 at V D (Page 19) of the Consent Decree, entitled "Documentation of Stops – Goals and Measurements," requires the Monitor to determine whether APD developed, finalized, and disseminated the policies required in this section, to determine if all appropriate personnel completed APD's training in the time required, and to determine if APD is effectively monitoring compliance with the policies based on performance in the field.

The compliance definition, as agreed to in the MADC, necessitates that APD is in compliance with Mandates 34-37 and implemented an internal review process to monitor its compliance with related policies and training. The MADC for this mandate also requires full implementation of an approved training curricula related to APD's contacts and stops policies, and appropriate accountability measures are being utilized in instances of individual failure to comply with contact-related policies and/or training.

During the previous reporting period the Monitor assessed the status of this mandate as being on a cautionary track. This mandate was assessed again during the current reporting period.

As noted in previous reports, APD trained all of its sworn officers on APD's contact-related policies by RP4; however, APD still needs to develop and implement a process to monitor field compliance with APD's contact-related policies and training. This has not yet been achieved by APD and as described in Mandate 6, it will be difficult to achieve substantial compliance until APD can easily access and assess contact data both by individual officer and in the aggregate. As described above in Mandate 16, while APD has a preliminary plan regarding how to monitor compliance with APD's contact-related policies and training, vendor issues have delayed APD's ability to do such monitoring as APD's use of force and contacts systems are not yet linked.

APD has been actively planning for the implementation of a quality assurance unit that will monitor compliance with APD's contact-related policies and training. This unit is intended to measure APD's organizational compliance in policy and process and develop methodologies to assess field compliance with APD's contact-related policies and training. Specifically, the quality assurance unit will conduct ongoing inspections of key defined areas such as Consent Decree mandates. The Monitor fully supports establishing a quality assurance process as soon as possible so APD can self-assess its compliance and implement the capability to continuously improve. The Monitor will need to see that this quality assurance capability has been implemented in order to find APD in substantial compliance. Further, APD will need to utilize appropriate accountability measures to address instances of individual failure to comply with contact-related policies and/or training.

With the progress made during the current reporting period regarding APD's ability to access and assess contact data, the Monitor finds that this mandate is now on the right track. Future assessments by the Monitor will include assessing: (1) the status of APD's implementation of a self-assessment and quality assurance process to monitor its compliance with stops-related policies and training; (2) whether APD's use of force and contacts systems are linked; and (3) whether appropriate accountability measures are being utilized in instances of individual failure to comply with contact-related policies and/or training.

## USE OF KETAMINE & OTHER SEDATIVES AS A CHEMICAL RESTRAINT

### INTRODUCTION

The term "chemical restraint" comprises a broad category of chemicals that are administered for the purpose of reducing aggression, violence, or agitation in people experiencing acute mental distress, including those experiencing what had often been classified as "excited delirium."<sup>21</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 *Diagnostics and Statistical Manual of Mental Disorders*, excited delirium is not listed in the manual.

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

Although administration of chemical restraints in emergency crisis situations is a common medical practice, the use of chemical restraints is not without controversy. Opponents of the

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<sup>21</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 (Report) American Psychiatric Association.) <https://www.psychiatry.org/File%20Library/About-APA/Organization-Documents-Policies/Policies/Position-Use-of-Term-Excited-Delirium.pdf>

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 sedative, Versed and/or 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 AND BASIS FOR CONSENT DECREE MANDATES

After the death of Elijah McClain, AFR's use of ketamine as a chemical restraint was scrutinized by multiple bodies, including the Colorado Attorney General's Office and an Independent Review Panel (IRP) commissioned by the Aurora City Council. The IRP concluded that AFR personnel committed multiple errors throughout their treatment of Elijah McClain, including during their administration of ketamine, to chemically restrain him. 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 Consent Decree 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 Consent Decree 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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#### PREVIOUS FINDINGS OF SUBSTANTIAL COMPLIANCE

During the previous reporting period, the Monitor found 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 assessed the status of all nine mandates in this area of the Consent Decree again 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

**Current Status:**  - Substantial Compliance

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


The compliance definition, as agreed to in the MADC, is that the City does not use ketamine, or that notification and approval are received from the Monitor prior to its renewed use.

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. AFR has further

continually reiterated its intention to maintain ketamine's removal from its treatment protocols indefinitely. As such, the Monitor continues to find this mandate in substantial compliance and will continue monitoring in each Reporting Period.

#### ASSESSMENT OF MANDATE 41

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**Current Status:**  - Substantial Compliance

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

The compliance definition, as agreed to in the MADC, necessitates that the AFR develop, disseminate, and implement an approved policy related to the use of chemical restraints, 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. During the current reporting period the Monitor again assessed the status of this mandate. The Monitor found that AFR modified its practices to improve oversight of the use of chemical restraints by its personnel. This includes requiring the AFR Medical Director to review all incidents involving administration of a chemical restraint through the agency's Continuous Quality Improvement process. Through this process, the Medical Director reviews a monthly report that compiles information on all calls where a chemical restraint was administered, including outcomes. This process was implemented prior to the Consent Decree's enactment and remains in place.


During the previous reporting period, AFR gained access to APD's BWC system and started its own review of joint responses with APD. This access resulted in AFR formulating a review process within its executive team whereby they forward to the Medical Director any issues that are identified for the Medical Director's review. As discussed in the previous report, AFR is in the process of finalizing its policy on use of BWC for review and remediation, an effort that is being undertaken in the spirit of continuous improvement. This access allowed AFR to identify issues outside of the scope of the Consent Decree that will result in continuous improvement of AFR.

The Monitor continues to believe that AFR is in substantial compliance with this mandate and will continue to review this mandate in the future to confirm continued compliance.

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## ASSESSMENT OF MANDATE 42

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**Current Status:**  - Substantial Compliance

Mandate 42 at VI A (Page 21) of the Consent Decree, entitled “Use of Ketamine and Other Sedatives as Chemical Restraint – Objectives,” requires the Monitor to determine that the coordinated policies of AFR and APD do not recommend, suggest, or otherwise encourage the use of any chemical restraint in the field by AFR. The Monitor will confirm that any decision to use chemical restraints in the field was made by qualified members of AFR only in accordance with the applicable medical protocols in effect and approved by AFR’s medical director in compliance with C.R.S. § 26-20-104 et seq.

The compliance definition as agreed to in the MADC necessitates that the AFR develop, disseminate, and implement an approved policy related to the use of chemical restraints, that joint APD/AFR training adequately covers this topic, and that APD members or policies do not encourage the use of chemical restraints by AFR in the field.


This mandate was found to be in substantial compliance during the previous reporting period. During the current reporting period, the Monitor assessed the status of this mandate. The Monitor found substantial compliance with the mandate because both APD’s and AFR’s policies, including MOP 6.13, are in place and meet the mandate’s requirements. Training and written communications have been implemented to reinforce AFR’s protocols on the use of chemical restraint, and AFR personnel are allowed to treat patients based only on their own medical judgment on the needs of patients in their care. AFR monitors compliance with its chemical restraint policies and modified its field report to include a mandatory data field that documents the presence of law enforcement on scene during any call in which a chemical sedative is administered, and, if so, whether law enforcement made any recommendation or suggestion on the use of the sedative. The Monitor reviewed BWC footage from August through November in which chemical sedative was administered and recorded on BWC to determine if policy was followed. The Monitor found in every instance reviewed that this was the case.

The Monitor continues to find this mandate in substantial compliance and will continue monitoring it for operational compliance during each Reporting Period.

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## ASSESSMENT OF MANDATE 43

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**Current Status:**  - Substantial Compliance

Mandate 43 at VI A (Page 21) of the Consent Decree, entitled “Use of Ketamine and Other Sedatives as Chemical Restraint – Objectives,” requires the Monitor to determine if the APD and


AFR meet to resolve any objections raised by the Monitor relating to the use of ketamine or other sedatives as a chemical restraint.

The compliance definition as agreed to in the MADDC necessitates that APD and AFR 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, the Monitor again assessed the status of this mandate. The Monitor found substantial compliance with the mandate in that 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 operational compliance in each Reporting Period.

#### ASSESSMENT OF MANDATE 44

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**Current Status:**  - Substantial Compliance

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

The compliance definition, as agreed to in the MADDC, necessitates that the AFR does not use ketamine, or if so, receives approval of policy from the Monitor and Medical Director prior to implementation, and that the policy dictate appropriate dosage recommendations.


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



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## ASSESSMENT OF MANDATE 45

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**Current Status:**  - Substantial Compliance

Mandate 45 at VI D (Page 23) of the Consent Decree, entitled “Use of Ketamine and Other Sedatives as a Chemical Restraint – Process Changes,” requires the Monitor to determine if AFR developed a procedure for post-incident analysis before using ketamine in the field.

The compliance definition, as agreed to in the MADC, necessitates that AFR not use ketamine, or if so and has an approved policy and conducts 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 assessed the status of this mandate and found the AFR continues to be in substantial compliance. The Monitor found, as of September 15, 2020, AFR had removed ketamine from its protocols thus prohibiting its administration and has not sought to reinstate its use. AFR has further continually reiterated its intention to maintain ketamine’s removal from its treatment protocols indefinitely. As such, the Monitor continues to find this mandate in substantial compliance and will continue monitoring this mandate in each future Reporting Period.

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## ASSESSMENT OF MANDATE 46

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**Current Status:**  - Substantial Compliance

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

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

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


During the current reporting period, the Monitor again assessed the status of this mandate. The Monitor found, during the previous reporting period, that AFR reviewed 100% of calls involving the use of sedatives to manage combative patients, having started such reviews prior to the Consent Decree's enactment. The reviews were conducted by AFR's Medical Director pursuant to its Continuous Quality Improvement program, and the agency conducted a 6-month retrospective review of relevant calls from July 1, 2023, through December 30, 2023, which sought to identify trends, review current treatment protocols, and determine any training needs.

The Monitor advocated for access by AFR to BWC footage that pertain to incidents of the administration of chemical sedatives 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 it going forward to confirm the 6-month retrospective reviews continue.

#### ASSESSMENT OF MANDATE 47

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**Current Status:**  - Substantial Compliance

Mandate 47 at VI D (2) (Page 23) of the Consent Decree, entitled "Evaluation of Chemical Sedation," requires the Monitor to determine if AFR summarized its periodic reviews to the Monitor at least twice a year, starting 6 months from the effective date of the Consent Decree; 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 compliance definition as agreed to in the MADC necessitates that the AFR conducts the requisite semi-annual review of uses of chemical restraints.

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


During the current reporting period, the Monitor again assessed the status of this mandate. 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 Consent Decree's enactment. The reviews were conducted by AFR's Medical Director pursuant to its Continuous

Quality Improvement program, and the agency conducted a 6-month retrospective review of relevant uses from July 1, 2023 through December 30, 2023, which sought to identify trends, review current treatment protocols, and determine any training needs. The protocol change making the administration of supplemental O2 (post-sedation) mandatory is proactively in patient's best-interest for the types of incidents during which chemical sedation has been deemed necessary. Additionally, the use of Midazolam and Droperidol, both subject to medic protocol standing orders, is in the best interests of patients, bystanders, and emergency response personnel present on the scenes of incidents necessitating the use of chemical sedation.

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

#### ASSESSMENT OF MANDATE 48

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**Current Status:**  - Substantial Compliance

Mandate 48 at VI E (Page 24) of the Consent Decree, entitled "Use of Ketamine and Other Sedatives as a Chemical Restraint – Goals and Measurement," requires the Monitor to review any use of ketamine regularly, and include such review in the Court reports addressing at least the issues identified in the AG's Report, if the City implements the use of ketamine in the field again after completing the Monitor-approved process. In reporting such information, the Monitor will include its assessment of the proper use of ketamine, if any, as described in the Compliance Definition below.

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

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

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

## RECRUITMENT, HIRING & PROMOTION

### INTRODUCTION

Police departments have faced difficulty hiring over the past decade, but those difficulties have been severely exacerbated by high-profile policing controversies whose impact extends beyond the departments in which the controversies originated. Police departments have seen diminished interest in pursuing a career in policing by prospective recruits and diminishing officer morale has led to higher-than-normal attrition in many departments. These trends have been linked by some to recent developments like protests for racial justice and the perception among many officers that public opinion 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 AND 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 both lack significant experience and who must rely on a shrunken pool of senior officers for mentorship and guidance. An associated worry is that these deficiencies could increase the number of critical incident events or worsen their outcomes.

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

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

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#### CONSENT DECREE OBJECTIVES

The Consent Decree seeks to transform APD's and AFR's recruiting and hiring processes to create a more diverse and qualified workforce. It further seeks APD's and AFR's commitment to developing a culture of continuous improvement within each agency and to becoming better police and fire departments overall. Finally, the Consent Decree 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 Consent Decree 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 hiring.

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#### PREVIOUS FINDINGS OF SUBSTANTIAL COMPLIANCE

During the previous reporting periods, Mandates 52 to 60, inclusive, and Mandates 62 to 65, 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. These mandates will not be assessed again unless changes are made to any of these recruitment, hiring and disciplinary processes 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 7 of the 20 mandates in this section of the Consent Decree. One mandate related to APD and one related to AFR were both found to be on the right track. The remaining 5 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

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

Mandate 49 at VII A (Page 25) of the Consent Decree, entitled "Recruitment, Hiring, and Promotion – Objectives (APD)," requires the Monitor to determine if the City transformed recruiting and hiring processes to create a more diverse and qualified workforce and establish APD and AFR's commitments to a culture of continuous improvement and becoming better police and fire departments. The Monitor split this mandate into three parts; Mandate 49A relates to APD; Mandate 49B relates to AFR; and Mandate 49C relates to CSC.

The compliance definition, as agreed to in the MADC, necessitates that APD achieve compliance with all 16 different policy-driven mandates related to recruitment and diversity to create a more diverse, inclusive and qualified APD workforce.

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

After a change in the CSC's rules regarding entry-level hiring, the City and APD inherited the hiring process for the September class from the CSC in the middle of the hiring process. HR and APD worked expeditiously to adapt to the new hiring process. To help ease this transition, the City hired a Public Safety Support Manager to oversee the hiring for APD and AFR and reports to HR. As discussed above, the Monitor reviewed the September 2023 hiring process compared to hiring process for the June 2023 APD class. The Monitor noted that the recruitment and hiring process for APD applicants involved multiple agencies responsible for administering different portions of the process. With no single agency having responsibility for total oversight of the process, there was fragmented data and recordkeeping across each participating agency, including APD, CSC, and HR, with the result that no single entity had the responsibility to track candidate progression throughout the entire process in order to fully understand attrition rates and demographics

throughout the process. Although the agencies worked cooperatively with one another to share data upon request, this ad-hoc coordination proved inadequate for overcoming the compartmentalization and fragmentation of information. This was particularly true given that each entity typically stopped collecting data on candidates once they completed their portion of the recruitment and hiring process, leaving each with very limited visibility into the process both before and after each entity's involvement. Because of these practices, no entity had a particularly deep or informed insight into the overall process, greatly limiting APD's ability to evaluate current recruitment and hiring efforts and proposed improvements.

CSC and the City have collaborated and worked together to address these issues for the January 2024 hiring process, which the Monitor will evaluate in the next reporting period.

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

#### ASSESSMENT OF MANDATE 49B

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

Mandate 49 at VII A (Page 25) of the Consent Decree, entitled "Recruitment, Hiring, and Promotion – Objectives," requires the Monitor to determine if the City transformed its recruiting and hiring processes to create a more diverse and qualified workforce and established APD's and AFR's commitments to a culture of continuous improvement. As noted above, Mandate 49B relates to AFR.

The compliance definition, as agreed to in the MADC, necessitates AFR achieve compliance with all 16 different policy driven mandates related to recruitment and diversity to create a more diverse, inclusive and qualified AFR workforce.

This mandate was assessed during the previous reporting period and the Monitor found that it was on the right track.

The Monitor assessed this mandate again during the current reporting period. The Monitor approved AFR's written recruitment plan during this reporting period. AFR and HR and the Public Safety Support Manager worked closely on implementing the new hiring process for its incoming January 2024 class, the first to be hired under the new process. There were some unanticipated challenges that arose during the hiring process, such as higher than anticipated withdrawals from the hiring process due to the Elijah McClain trial verdicts. The Monitor will need to see this process fully implemented before AFR can be found in substantial compliance. The Monitor will report on AFR's January 2024 class in the next reporting period.


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



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## ASSESSMENT OF MANDATE 49C

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**Current Status:**  - Substantial Compliance

Mandate 49 at VII A (Page 25) of the Consent Decree, entitled “Recruitment, Hiring, and Promotion – Objectives,” requires the Monitor to determine if the City transformed its recruiting and hiring processes to create a more diverse and qualified workforce and established APD’s and AFR’s commitments to a culture of continuous improvement. As noted above, Mandate 49C relates to CSC.

The compliance definition requires that CSC achieve compliance by working with the City to transform APD’s and AFR’s processes to create a more diverse and qualified workforce and establish APD and AFR’s commitment to a culture of continuous improvement and becoming better police and fire departments.

This mandate was assessed relative to CSC previous reporting period and the Monitor found that CSC was on the right track.


This mandate was assessed again for the current reporting period. The Monitor notes that in June 2023, APD’s hiring function and budget were transferred from CSC to the City’s Human Resources department. As a result, CSC transitioned out of APD’s hiring process in the middle of APD’s September 2023 class hiring process.

By transitioning out of APD’s and AFR’s hiring processes, the Monitor believes this mandate is now in substantial compliance. The Monitor will continue to monitor compliance with this mandate for each future reporting period in which APD or AFR have a hiring process.

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## ASSESSMENT OF MANDATE 50

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**Current Status:**  - Substantial Compliance

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

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

This mandate was assessed previous reporting period and the Monitor found that the CSC was on the right track.


The Monitor again assessed this mandate in the current reporting period. The CSC's Rules and Regulations were changed during the previous reporting period, and the modifications described in the rule changes were updated on the CSC's website on March 12, 2024.<sup>22</sup>

The Monitor believes this mandate is now in substantial compliance and the Monitor will continue to assess whether CSC continues to standardize and report on the elements of the disciplinary review process on its website.

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#### ASSESSMENT OF MANDATE 51

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**Current Status:**  - Substantial Compliance

Mandate 51 at VII A (Page 25) of the Consent Decree, entitled "Recruitment, Hiring, and Promotion – Objectives," requires the Monitor to determine whether the CSC improved transparency and accountability relative to the CSC's work, such that community members understand the role the CSC plays in hiring, promotion, and discipline, as well as any changes the CSC makes to those processes.

The compliance definition, as agreed to in the MADC, necessitates that the CSC 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 that the City has 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 on the right track.

During the current reporting period, the Monitor again assessed compliance with this mandate and noted that CSC and the City revamped the CSC's [website](https://www.auroragov.org/cms/One.aspx?portalId=16242704&pageId=16411091)<sup>23</sup> to provide more fulsome information to the community about the CSC's role in hiring, promotion, and discipline. Specific details about what CSC does and how it makes decisions in hiring, promotion, and discipline are now easily accessible. The Monitor worked with CSC on improving these areas by reviewing the proposed changes to the website during the current reporting period. Lastly, the CSC continued

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<sup>22</sup> While March 12, 2024 is beyond the current reporting period, the Monitor has included this information in order to keep the community informed of the most current information regarding this important mandate.


<sup>23</sup> The website url is: <https://www.auroragov.org/cms/One.aspx?portalId=16242704&pageId=16411091>

to provide a virtual option for their monthly meetings in an effort to encourage broader participation.

The Monitor believes this mandate is now in substantial compliance and the Monitor will continue to review in each reporting period in order to assess ongoing compliance.

#### ASSESSMENT OF MANDATE 61

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**Current Status:**  - Substantial Compliance

Mandate 61 at VII C (Page 28) of the Consent Decree, entitled “Recruitment, Hiring, and Promotion – Civil Service Commission (Promotion),” requires the Monitor to determine if the CSC will work with the Monitor and the outside expert to make changes, if any, to the promotional process.

The compliance definition, as agreed to in the MADDC, necessitates that the CSC work with the Monitor and the outside expert to make changes, if any, to the promotional process.


This mandate was assessed for the first time during the previous reporting period and the Monitor found it was on the right track. The Monitor again assessed compliance with this mandate for the current reporting period.

The Monitor published its report reviewing the promotional process on June 30, 2023. CSC staff worked closely with the Monitor to provide information and data to enable the Monitor’s examination of the promotional process. In the current reporting period, CSC updated its promotional rules to address the Monitor’s recommendations, then formally adopted such rules on March 12, 2024.<sup>24</sup>

The Monitor believes this mandate is now in substantial compliance. The Monitor will continue to assess this mandate if future rule changes are made to CSC’s promotional process.

#### ASSESSMENT OF MANDATE 66

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**Current Status:**  - Substantial Compliance

Mandate 66 at VII C (Page 29) of the Consent Decree, entitled “Recruitment, Hiring, and Promotion – Civil Service Commission (Transparency),” requires the CSC to conduct as much of

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<sup>24</sup> While March 12, 2024 is beyond the current reporting period, the Monitor has included this information in order to keep the community informed of the most current information regarding this important mandate.

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.

The compliance definition, as agreed to in the MADC, necessitates that the CSC publish as much of its business as possible on its website.

This mandate was assessed during previous reporting period and the Monitor found the CSC to be on the right track.

During the current reporting period, the Monitor again assessed compliance with this mandate. As part of the revisions to the CSC’s Rules and Regulations adopted on May 9, 2023, CSC formally adopted the practice of publishing all disciplinary appeals received, the associated pleadings with each discipline, including any requests for continuances, and the findings for each discipline on the dedicated CSC website. Since then, no disciplinary appeals have been received. Accordingly, the Monitor believes this mandate is now in substantial compliance. The Monitor will assess compliance with this mandate in future reporting periods as future disciplinary appeals are received.

## ACCOUNTABILITY & TRANSPARENCY

### INTRODUCTION

Institutional accountability and transparency are indispensable in any organization that strives for legitimacy. Police departments are frequently at the center of public calls for accountability and transparency, 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 departments—and by extension the most legitimate—are those whose accountability and transparency policies and practices are motivated by an ethic of continuous institutional improvement in pursuit of those ideals. Demonstrations of this ethic include implementing the accountability mechanisms discussed in the Focus Issue, “*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 AND 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 Decree aims to improve on current practices to maximize accountability and transparency both internally within departmental stakeholders and externally with APD's service community. Among its goals 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 Consent Decree seeks the development of systems for APD to regularly and easily identify trends and patterns in the conduct of its officers for use in decision-making and for transparency to the public.

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## PREVIOUS FINDINGS OF SUBSTANTIAL 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 Consent Decree. Both mandates are related to APD and both are on a cautionary track due to the Monitor's concerns with APD's data collection and analytical capabilities. The Monitor's detailed assessments of these mandates follow.

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### ASSESSMENT OF MANDATE 67

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

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

The compliance definition, as agreed to in the MADC, necessitates that the City develop and disseminate systems that permit APD to identify trends and patterns in the conduct of its officers with indicators including lawsuits, complaints, misconduct, uses of force 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, compliance will be achieved when APD has developed, disseminated, and delivered policies and training on the use of such systems to its current and newly promoted supervisors.

During the previous reporting period, the Monitor assessed the status of this mandate and found it to be on a cautionary track. This mandate was assessed again during the current reporting period.


With many additional systems set to be transitioned to new operating software, including APD's CAD (Computer Aided Dispatch), arrest and incident Record Management System (RMS), Internal Affairs and Use of Force Investigation tracking, and Early Intervention, it is imperative that significant thought and attention be paid to the utilization of data in those systems to inform APD and the public with respect to issues, patterns and trends as required by the Consent Decree It is

critical that the City and APD make their best efforts to stay on top of its vendors to ensure that these migrations progress expeditiously to meet the timeline in the approved plan.

Unfortunately, because of delays in implementing the use of force database within Benchmark, among other issues, there have been delays with the implementation of APD's Early Intervention System, a Benchmark system called First Sign, which is supposed to help APD more easily identify trends and patterns in the conduct of APD officers, including lawsuits, complaints, misconduct, and uses of force. While there has been progress during the current reporting period, this new system is not yet operational. As noted above, APD has been implementing interim solutions to address some of these gaps outside of the new systems that Benchmark is developing. The Monitor applauds these efforts as APD demonstrated its commitment to analyze its data; however, ultimately these functionalities need to be operationalized within an automated system such as First Sign.

For the reasons stated above, although progress has been made with the development of APD's First Sign Early Intervention System, the Monitor continues to believe that this mandate is on a cautionary track. The Monitor will evaluate progress on all these systems in upcoming reporting periods. In order to achieve substantial compliance with this mandate, APD needs to have systems that identify and report on trends and patterns in officer conduct, and APD needs to have policies and train its supervisors on the use of such systems.

#### ASSESSMENT OF MANDATE 68

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

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

The compliance definition, as agreed to in the MADC, necessitates that APD develop and implement a system that tracks and identifies the indicators included in the Initial Measurement Plan (an officer's disciplinary outcomes, identification of trends or patterns of sustained complaints about officers' law enforcement activities, and public reporting of data collection) and disseminate sufficient training or orientation on the system. There must also be sufficient accountability measures for failures to utilize the system or to publicly report on the data.



During the previous reporting period, the Monitor assessed the status of this mandate as being on a cautionary track. The Consent Decree has a deadline of February 15, 2023 for APD to develop the initial plan for the data collection as mandated in this section and the plan was submitted to the Monitor on time. The Monitor has approved the general framework by the deadline and the timeline for the plan and has been closely monitoring APD's progress and compliance in the current reporting period. Yet, as noted above with respect to Mandate 67, APD is in the process of updating multiple systems and is engaging with multiple vendors to develop systems that perform the necessary functions and provide APD with the ability to analyze and report on data both internally and externally through public-facing dashboards.

During the current reporting period, APD and the City prioritized the development and implementation of a public Transparency Portal and published Phase 1 of this Portal on February 14, 2024. Phase 1 included data regarding crime statistics, use of force, department demographic information, and Consent Decree progress.<sup>25</sup>

The publication of APD's Transparency Portal is an important accomplishment for APD and stands as a milestone that the Aurora community has long asked for and that APD has long advocated for. With the successful roll-out of Phase 1, the Monitor will be working closely with APD on Phase 2 which will include reporting on contacts data. A future phase could include the publication of "customer satisfaction" survey results from the SPIDR Tech system as described in the "*Transparency Portal*" Focus Issue above. For further details on the implementation of APD's Transparency Portal, see the Monitor's assessment of Mandate 7 and the Focus Issue entitled "*Data Transparency*".

However, as noted above, APD's inability to consider each officer's disciplinary history still remains a significant concern for the Monitor. This inability is a hindrance to achieving substantial compliance with this mandate. APD will need to prioritize resolving this in the future.

For these reasons, the Monitor believes this mandate is still on a cautionary track but acknowledges APD's significant milestone relating to its publication of Phase 1 of its Transparency Portal.

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<sup>25</sup> The last item was from a request from the CAC to provide more timely reporting of achievements APD has made between the Monitor's semi-annual reports. The portal will indicate any such milestones, like completion of training, in between the Monitor's official assessments in its semi-annual reports.



















































## V. CONCLUSION

This sixth reporting period of monitoring activity has been marked by cooperation and apparent goodwill of all parties and stakeholders in the process. The Monitor believes there is genuine interest among the parties to achieve the goals of the Consent Decree 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	RP2	RP3	RP4	RP5	RP6	RP7	RP8	RP9	RP10	RP11	RP12
Legend on page 10		2/15/22-5/15/22	5/16/22-8/15/22	8/16/22-11/15/22	11/16/22-2/15/23	2/16/23-8/15/23	8/16/23-2/15/24	2/16/24-8/15/24	8/16/24-2/15/25	2/16/25-8/15/25	8/16/24-2/15/26	2/16/26-8/15/26	8/16/26-2/15/27
MANDATE NUMBER	TITLE AND SYNOPSIS	COMPLIANCE DETERMINATIONS											
POLICIES AND TRAINING GENERALLY													
1A	<b>Policies &amp; Training Generally (APD):</b> APD will develop policies that are consistent and complimentary with AFR and will conduct training for coordinated response and will hold officers accountable for policy violation												
1B	<b>Policies &amp; Training Generally (AFR):</b> AFR will develop policies that are consistent and complimentary with APD and will conduct training for coordinated response and will hold firefighters accountable for policy violation												
2A	<b>Policy Development, Review &amp; Implementation Process (APD):</b> City will work with the Monitor to evaluate APD policies, training and implementation, and develop process to speed up process												
2B	<b>Policy Development, Review &amp; Implementation Process (AFR):</b> City will work with the Monitor to evaluate AFR policies, training and implementation, and develop process to speed up process												
2C	<b>Policy Development, Review &amp; Implementation Process (CSC):</b> City will work with the Monitor to evaluate CSC policies, training and implementation, and develop process to speed up process												
3A	<b>Submission of New Policies for Review (APD):</b> City must submit any covered APD policies, procedures, rules to the Monitor for review and approval												
3B	<b>Submission of New Policies for Review (AFR):</b> City must submit any covered AFR policies, procedures, rules to the Monitor for review and approval												
3C	<b>Submission of New Policies for Review (CSC):</b> City must submit any covered CSC policies, procedures, rules to the Monitor for review and approval												
4A	<b>Incorporation of Best Practices &amp; Scenario-based Training (APD):</b> APD will incorporate best practices and use of scenario-based training to greater extent and will seek outside SME as needed												

REPORT CARD MATRIX		RP1	RP2	RP3	RP4	RP5	RP6	RP7	RP8	RP9	RP10	RP11	RP12
Legend on page 10		2/15/22-5/15/22	5/16/22-8/15/22	8/16/22-11/15/22	11/16/22-2/15/23	2/16/23-8/15/23	8/16/23-2/15/24	2/16/24-8/15/24	8/16/24-2/15/25	2/16/25-8/15/25	8/16/24-2/15/26	2/16/26-8/15/26	8/16/26-2/15/27
MANDATE NUMBER	TITLE AND SYNOPSIS	COMPLIANCE DETERMINATIONS											
4B	<b>Incorporation of Best Practices &amp; Scenario-based Training (AFR):</b> AFR will incorporate best practices and use of scenario-based training to greater extent												
5A	<b>Sharing of Training Plans (APD):</b> APD will share all training plans with Monitor for approval												
5B	<b>Sharing of Training Plans (AFR):</b> AFR will share all training plans with Monitor for approval												
ADDRESSING RACIAL BIAS IN POLICING													
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 will create full public transparency on how APD contacts, arrests and uses force including racial disparities in each category												
8	<b>Addressing Racial Bias in Policing – Objectives - Policies and Training:</b> City will 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 will review and revise biased-policing policy to prohibit discrimination including more detail and examples												
10	<b>Addressing Racial Bias in Policing – Policy Changes – Amendment of Existing Policies - Revision of Directive 6.01 (Arrest Procedure):</b> APD will review and revise arrest policy to prohibit discrimination including more detail and examples												
11	<b>Addressing Racial Bias in Policing – Creation of New Policies Stops:</b> APD will draft policies on contacts/stops with practical guidance for decision making on the exercise of discretion												

REPORT CARD MATRIX		RP1	RP2	RP3	RP4	RP5	RP6	RP7	RP8	RP9	RP10	RP11	RP12
Legend on page 10		2/15/22-5/15/22	5/16/22-8/15/22	8/16/22-11/15/22	11/16/22-2/15/23	2/16/23-8/15/23	8/16/23-2/15/24	2/16/24-8/15/24	8/16/24-2/15/25	2/16/25-8/15/25	8/16/24-2/15/26	2/16/26-8/15/26	8/16/26-2/15/27
MANDATE NUMBER	TITLE AND SYNOPSIS	COMPLIANCE DETERMINATIONS											
12	<b>Addressing Racial Bias in Policing – Training - Academy Training (Development):</b> Development of Academy based training in bias, decision making, avoiding unnecessary escalation, doing what should be done, recordkeeping requirements and articulation of basis for encounters												
13	<b>Addressing Racial Bias in Policing – Training - Academy Training (Delivery):</b> Delivery of Academy based training in 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> Development of in-service based training in bias, decision making, avoiding unnecessary escalation, doing what should be done, recordkeeping requirements and articulation of basis for encounters												
15	<b>Addressing Racial Bias in Policing – Training – In-Service Training (Delivery):</b> Delivery of in-service based training in bias, decision making, avoiding unnecessary escalation, doing what should be done, recordkeeping requirements and articulation of basis for encounters												
16	<b>Addressing Racial Bias in Policing – Goals and Measurement:</b> APD will develop metrics to measure improvement in training, recordkeeping of police interactions, documentation and tracking of uses of force, misdemeanor arrest outcomes for specified offenses												
USE OF FORCE													
17	<b>Use of Force - Objectives – Policies and Training:</b> City shall create improved policies to handle situations that reduce the UOF and ensure that UOF is in compliance with state and federal law, protect officer and community safety, and build a culture of continuous improvement												
18	<b>Use of Force - Objectives – Culture of De-escalation:</b> City will 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> The city shall improve and develop accountability measures that consistently identify excessive uses of force, 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> The City shall create a culture of collaboration between Aurora Police and Fire												






































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											
20B	<b>Use of Force - Objectives - Culture of Coordination and Collaboration Between APD and AFR (AFR):</b> The City shall create a culture of collaboration between Aurora Police and Fire												
21	<b>Use of Force - Policy Changes:</b> Adoption of CJJ UOF Policies in collaboration with Monitor by UOF Policy Deadline												
22	<b>Use of Force - Amendment of Existing Policies:</b> City will make appropriate changes to Use of Physical and Deadly Force (5.03), Reporting and Investigating Use of Force (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 will create a policy, procedure or other directive to facilitate the comprehensive joint coordination policy between APD and AFR												
24	<b>Use of Force – Force Review Board (Recent Changes):</b> Any changes to recent amendments of policy must go through the Monitor												
25	<b>Use of Force - Changes to Process (Feedback for Training):</b> Additional Changes to UOFRB policies to include formalization of coordination with training, district commanders and AFR staff where practices can be improved												
26	<b>Use of Force - Changes to Process (Review in Context):</b> UOFRB policy to change to mandate review is in context of overall circumstances of encounter including the mental capacity of suspect												
27	<b>Use of Force - Changes to Process (Measurement of Uses of Force):</b> Modification of 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> UOFRB to include Academy staff, BWC video should be used to train showing good and bad techniques for de-escalation and other tactics												

















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											
29	<b>Use of Force – Training (Scenario-based training):</b> All training to be completed by UOF Training completion deadline and must use scenario based training												
30	<b>Use of Force – Training (De-escalation training):</b> All training to be completed by UOF Training completion deadline and must include de-escalation training												
31	<b>Use of Force – Training (Joint APD &amp; AFR Training):</b> All training to be completed by UOF Training completion deadline and must include joint training between AFR and APD and stresses on-scene coordination												
32	<b>Use of Force – Goals &amp; Measurement:</b> APD will develop metrics to include at least ABLE training, crisis intervention training, number and type of use-of-force incidents and complaints												
DOCUMENTATION OF STOPS													
33	<b>Documentation of Stops - Objectives:</b> The City must develop a documentation system that complies with state law that 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 will develop policies that conform with state law that 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 will 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												
36	<b>Documentation of Stops- Policy Changes – Creation of New Policies (Recordkeeping Requirements):</b> APD will create a new policy for implementing the collection of data under CRS provisions												
37	<b>Documentation of Stops – Training Plan Development:</b> APD will develop a training plan in consultation with the Monitor for implementing new policies and for revisions of current policies												

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											
38	<b>Documentation of Stops - Training – Training (Delivery):</b> APD will train all personnel who interact with the public												
39	<b>Documentation of Stops - Goals &amp; Measurements:</b> APD must create the above policies, effectively train, and monitor compliance with the policies in the field; monitoring will include review of BWC videos, review of reports and ride alongs												
<b>USE OF KETAMINE AND OTHER SEDATIVES AS A CHEMICAL RESTRAINT</b>													
40	<b>Use of Ketamine &amp; Other Sedatives as a Chemical Restraint</b> – <b>Objectives:</b> Ketamine will not be used in the field absent a revision of policy reviewed and approved by Monitor												
41	<b>Use of Ketamine &amp; Other Sedatives as a Chemical Restraint</b> – <b>Objectives:</b> Use of other chemical sedatives must be in accordance with state law and waiver requirements and be closely reviewed to ensure same												
42	<b>Use of Ketamine &amp; Other Sedatives as a Chemical Restraint</b> – <b>Objectives:</b> Use of any chemical in the field will be based solely on a medical determination without recommendation or suggestion by APD; policies of both agencies must reflect same												
43	<b>Use of Ketamine &amp; Other Sedatives as a Chemical Restraint</b> – <b>Objectives:</b> If any objections by Monitor there will be a meet and confer process to resolve those objections												
44	<b>Use of Ketamine &amp; Other Sedatives as a Chemical Restraint</b> – <b>Policy Changes if Ketamine is Used:</b> If Ketamine is sought to be used in the field again, AFR will work with Monitor to develop policies and procedures for same												
45	<b>Use of Ketamine &amp; Other Sedatives as a Chemical Restraint</b> – <b>Process Changes:</b> AFR will develop a post-incident analysis procedure for Ketamine if being reintroduced												
46	<b>Use of Ketamine &amp; Other Sedatives as a Chemical Restraint</b> – <b>Evaluation of Chemical Sedation:</b> AFR must review each chemical sedative utilization to determine if use was warranted under policy and law, whether officers were involved in decision, and risk factors												

REPORT CARD MATRIX		RP1	RP2	RP3	RP4	RP5	RP6	RP7	RP8	RP9	RP10	RP11	RP12
Legend on page 10		2/15/22-5/15/22	5/16/22-8/15/22	8/16/22-11/15/22	11/16/22-2/15/23	2/16/23-8/15/23	8/16/23-2/15/24	2/16/24-8/15/24	8/16/24-2/15/25	2/16/25-8/15/25	8/16/24-2/15/26	2/16/26-8/15/26	8/16/26-2/15/27
MANDATE NUMBER	TITLE AND SYNOPSIS	COMPLIANCE DETERMINATIONS											
47	<b>Use of Ketamine &amp; Other Sedatives as a Chemical Restraint – Evaluation of Chemical sedation:</b> The review required in Mandate 46 must be summarized at least twice a year with basic tabular data and in compliance with CRS 18-8-805(2)(b)(1)												
48	<b>Use of Ketamine &amp; Other Sedatives as a Chemical Restraint – Goals and Measurement:</b> If Ketamine is reintroduced the Monitor will regularly review												
RECRUITMENT, HIRING AND PROMOTION													
49A	<b>Recruitment, Hiring &amp; Promotion – Objectives (APD):</b> APD will transform the 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 will transform the 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 will transform recruiting and hiring processes to create a more diverse and qualified workforce and establish APD and AFR's commitments to a culture of continuous improvement												
50	<b>Recruitment, Hiring &amp; Promotion – Objectives:</b> The City will improve transparency, accountability and predictability in discipline review including by facilitating CSC standardization and codification of elements of the disciplinary review process												
51	<b>Recruitment, Hiring &amp; Promotion – Objectives:</b> The City will improve transparency, and accountability in the work of the CSC such that the Community understands the role that the CSC plays in hiring, promotion and discipline												
52	<b>Recruitment, Hiring &amp; Promotion – Recruitment (APD):</b> APD will 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 will 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												

REPORT CARD MATRIX		RP1	RP2	RP3	RP4	RP5	RP6	RP7	RP8	RP9	RP10	RP11	RP12
Legend on page 10		2/15/22-5/15/22	5/16/22-8/15/22	8/16/22-11/15/22	11/16/22-2/15/23	2/16/23-8/15/23	8/16/23-2/15/24	2/16/24-8/15/24	8/16/24-2/15/25	2/16/25-8/15/25	8/16/24-2/15/26	2/16/26-8/15/26	8/16/26-2/15/27
MANDATE NUMBER	TITLE AND SYNOPSIS	COMPLIANCE DETERMINATIONS											
54	<b>Recruitment, Hiring &amp; Promotion – Recruitment (APD):</b> APD's recruitment plan includes 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 includes 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 includes 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 includes 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 includes 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 includes 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												
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 will work with the Monitor and outside expert to make changes to the promotional process												
62	<b>Recruitment, Hiring &amp; Promotion – CSC (Discipline - Timeliness):</b> The CSC will revise rules that reduce the time for a hearing; will strongly consider not allowing a full de novo review of disciplinary cases												

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											
63	<b>Recruitment, Hiring &amp; Promotion – CSC (Discipline):</b> The CSC will revise its rules to revise 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 will revise its rules to make as much of its business easily accessible to the public including discipline decisions, requests for continuance, and identification with reasons for any non-public material												
65	<b>Recruitment, Hiring &amp; Promotion – CSC (Outside Expert):</b> The City and CSC will 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 will 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 AND TRANSPARENCY													
67	<b>Accountability &amp; Transparency - Objectives:</b> The City will develop systems that regularly and easily identify trends and patterns in the conduct of its officers with the ability to track conduct by officer, supervisor, shift, beat and district												
68	<b>Accountability &amp; Transparency - Goals &amp; Measurements:</b> With the Monitor and outside expert, the City will develop a system that tracks disciplinary outcomes, identification of trends or patterns of sustained complaints, and public reporting of data collection												

LEGEND	ESTIMATED 0-24% COMPLETE	ESTIMATED 25-49% COMPLETE	ESTIMATED 50-74% COMPLETE	ESTIMATED 75-99% COMPLETE	SUBSTANTIAL COMPLIANCE
RIGHT TRACK (IN LINE WITH MONITOR'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					
Grey shaded mandate descriptions indicate that operational integrity will be assessed for RP7 onwards for this mandate using the Monitor's Framework and Criteria for Assessing Operational Integrity as described in Appendices B and C to the Monitor's RP6 report.					

**APPENDIX B:**  
**FRAMEWORK FOR ASSESSING OPERATIONAL INTEGRITY:**  
**IN YEAR 3 ONWARDS OF THE CONSENT DECREE**





# FRAMEWORK FOR ASSESSING OPERATIONAL INTEGRITY in Year 3 Onwards of the Consent Decree

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Issued April 15, 2024

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## I. INTRODUCTION

The Independent Consent Decree Monitor’s “Framework for Assessing Operational Integrity” describes the Monitor’s strategic, systematic and continued approach to oversee and assess the extent of adherence to the Consent Decree’s mandates by Aurora Police Department (APD) Aurora Fire Rescue (AFR) and the Civil Service Commission.<sup>1</sup> This Consent Decree (Decree), a pivotal agreement, speaks to the commitment of the City of Aurora (“City”), APD, AFR and CSC to adhere to best practices in public safety, centering on accountability, transparency and community trust. The Decree outlines specific areas of focus and improvement, necessitating a robust and continuous process for assessing operational integrity and ultimately the cultural shift of APD, AFR and the CSC, which is necessary for sustained compliance. The Monitor’s operational integrity assessments are vital for determining whether all mandates of the Consent Decree have been implemented at an operational level, with the goal being to facilitate the lasting integrity of the reforms mandated by the Consent Decree.

### MONITORING IN THE FIRST TWO YEARS

The Consent Decree requires five years of monitoring, with the first two years predominantly focused on monitoring the revision and enhancement of policies and the subsequent training on such policies, as well as on the implementation of systems and processes designed to create lasting reform. During the first two years of the Consent Decree, the Monitor’s Methodologies to Aid in the Determination of Compliance (MADC) were used to assess compliance as agreed to by the Parties. The MADDC continues to be relevant to the monitorship as it describes the specific areas to be monitored, the definitions of compliance, and the monitoring timeline and schedule, particularly for mandates that are not yet in substantial compliance and for mandates with changing circumstances. The MADDC also describes the criteria for full or partial termination of the Consent Decree, and it explains that Technical Assistance may be requested by the City to assist in implementing any of the requirements of the Consent Decree. The MADDC will therefore continue to apply beyond years one and two of the Consent Decree.

### MONITORING IN YEAR THREE ONWARDS

Years three to five of the Consent Decree necessitate a pivotal shift in the monitoring process as this period was strategically designed to assess the operational integrity of the newly implemented policies, training and processes mandated by the Decree. The Monitor’s objective for year three onwards therefore *supplements* the Monitor’s assessments pursuant to the MADDC, whereby the Monitor will use a thorough and dynamic approach to ascertain if the reformed practices are being effectively executed on the streets of Aurora by the APD, AFR and CSC. This supplemental approach to monitoring marks a transition from focusing on the

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<sup>1</sup> While this document is APD-centric, the requirements for AFR and CSC are included where applicable; for instance, see the sections entitled “Administration of Chemical Restraints” and “Recruitment, Hiring & Promotion”.

theoretical policies, training, systems and processes that are foundational to the reforms, to practical, on-the-ground application of the reforms. This phase is crucial for evaluating the real-world impact of the reforms and for making any necessary adjustments as needed to confirm their effectiveness in guiding the conduct and operations of APD, AFR and the CSC as related to the requirements of the Decree.

The Monitor's assessments of the extent of operational integrity are therefore crucial for determining the extent of progress made by APD, AFR and CSC in reforming these agencies, and will form the basis for the Monitor's assessment as to whether APD, AFR and CSC have complied with the implementation-related aspects<sup>2</sup> of the Consent Decree for the remaining three years of the monitorship. Such findings will then be crucial for determining whether APD, AFR and CSC have substantially complied with the implementation-related aspects of the Consent Decree or any sections thereof, as relevant to the determination of whether to terminate the monitoring of any or all sections of the Consent Decree.

#### FRAMEWORK & CRITERIA FOR ASSESSING OPERATIONAL INTEGRITY

The Monitor has articulated its approach to assessing operational integrity in two documents<sup>3</sup> that are intended to be read in conjunction with one another:

- The Monitor's "Framework for Assessing Operational Integrity" (this document) describes the overall structure for the Monitor's assessments of the implementation of the Consent Decree reforms, including the type of assessments to be conducted; the scope, timing and frequency of such assessments; and the type of information to be used for such assessments.
- The Monitor's "Assessment Criteria for 360-Degree Operational Integrity Incident Reviews" describes the specific aspects of policing to be assessed using the Monitor's 360-degree incident review process, and the criteria to be used for such assessments.

The Monitor's approach to assessing operational integrity is designed to rigorously assess operational compliance with the Consent Decree and the related policies, highlighting both areas of concern and exceptional performance. This dual focus will enable potential issues to be addressed and facilitate the recognition and promotion of exemplary behavior and practices.

Throughout the remaining three years of the Consent Decree, the Monitor and APD will implement twice-monthly RISKS meetings to review and address operational integrity challenges and exceptional performance at both line and supervisory levels. RISKS is an acronym for the Remediation of Identified Situations Key to Success.<sup>4</sup> During the RISKS meetings, the

<sup>2</sup> The Monitor's operational integrity reviews will assess whether the policies, training and processes implemented by APD, AFR and CSC have been effectively operationalized.

<sup>3</sup> The Monitor reserves the right to modify its framework and criteria for assessing operational integrity in consultation with the parties as needed to suit the ongoing needs of the monitorship.

<sup>4</sup> See Attachment A to this document for further details regarding these RISKS meetings.

Monitor will provide reporting to APD regarding any issues that warrant remediation through proactive field supervision, targeted coaching, mentoring, training and/or discipline.<sup>5</sup>

The Consent Decree also has many non-operational provisions that relate to APD, AFR and CSC. These non-operational provisions will continue to be monitored pursuant to the MADC.

#### BEYOND THE MONITORSHIP

The Monitor's role relative to operational integrity extends beyond mere compliance checks. The Monitor is tasked with guiding and assisting in implementing the mandated reforms. The Monitor's role is integral to achieving these objectives and serves as a cornerstone for achieving excellence in policing and fire services. Through the Monitor's continuous and comprehensive 360-degree incident reviews, as well as the Monitor's assessment of operational integrity relating to other areas of the Consent Decree, the Monitor aims to determine on-the-ground compliance with the Consent Decree, and to foment a process by which APD, AFR and CSC can set "best practice" standards for their respective roles in public safety, fostering a culture of continuous improvement and unyielding dedication to the community they serve. Specifically, the Monitor will be working closely with APD, AFR and CSC to incorporate many, if not most aspects of the protocols enumerated below in their own processes, so as to continue on a path of continuous improvement once the Monitorship is concluded.

## II. FRAMEWORK FOR ASSESSING OPERATIONAL INTEGRITY

The Monitor's "Framework for Assessing Operational Integrity" is structured to enable the comprehensive oversight and objective assessment of the extent to which the operational requirements of the Consent Decree have been implemented. This section provides an overview of the Monitor's approach, and outlines the scope, timing, frequency, and key components of these assessments.

#### OVERVIEW OF APPROACH RELATIVE TO THE CONSENT DECREE

The Monitor will use a thorough, structured and dynamic review process when performing its operational integrity assessments of police interactions with the public as required by the Consent Decree:

- The Monitor's assessments will employ a combination of both qualitative and quantitative analyses. The Monitor will review certain designated incidents incorporating a 360-degree review of body-worn camera video, officer documentation, and supervisory review thereof. The Monitor will also evaluate trends in designated areas and the way in which sub-standard performance is remediated by the department. Further specifics are described below.

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<sup>5</sup> The Monitor will report any significant unaddressed issues requiring immediate attention to APD at the earliest possible opportunity. The Monitor will continue to summarize its findings for its Semi-Annual Reports as required by the Consent Decree.

- A risk-based approach has been and will continue to be utilized to develop and implement this Framework, to prioritize areas of focus and depth, adapting as necessary based on emerging trends and insights.

When evaluating operational integrity for the other operational aspects of the Consent Decree,<sup>6</sup> the Monitor will employ specific qualitative analyses as described in the MADC.

#### SCOPE OF REVIEW

The Monitor's comprehensive and thorough assessments of operational integrity will encompass:

- A. Ongoing 360-degree reviews of specific types of incidents throughout each 6-month reporting period of the monitorship. The types of incidents to be subject to the Monitor's 360-degree review and the criteria for such reviews are described below.
- B. Periodic rotational reviews of each of APD's districts and specialized units. The areas to be assessed are described below.
- C. Qualitative reviews of the extent to which the other aspects of the Consent Decree have been operationalized, through the Monitor's ongoing and periodic rotational reviews, and through stakeholder interviews and direct observation.

#### COMPLIANCE AND EXCEPTIONAL PERFORMANCE MONITORING

The Monitor's assessments of operational integrity are designed to identify areas of concern as well as exceptional performance. This dual focus is intended to identify and enable APD, AFR and CSC to remediate potential issues while also recognizing and promoting positive behavior and practices. More specifically, the Monitor's assessments will include:

- Compliance checks that focus on the practical implementation of the Consent Decree
- Referring instances of sub-standard performance for remediation
- Identifying exceptional behavior in order to highlight best practices and exemplary conduct

#### STAKEHOLDER INPUT

The Monitor's "Framework for Assessing Operational Integrity" will incorporate any feedback from key stakeholders in the criminal justice system relating to concerns and commendations, including from the Community Advisory Council (CAC), municipal and judicial district prosecutors and public defenders. The CAC is constituted specifically to provide the conduit between the community and the Monitor. Their collective perspectives on police behavior play an important external viewpoint in the Monitor's holistic assessment process.

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<sup>6</sup> Namely Policies and Training Generally; Recruitment, Hiring & Promotion; and Accountability and Transparency.



The Monitor has already requested feedback from these key stakeholders, and has also asked CAC members to solicit and provide any input to the Monitor that they may receive from the community indicating potential sub-standard and/or extraordinary performance of officers.

#### ONLINE SUBMISSIONS

In an effort to engage the broader community and facilitate inclusivity, the Monitor’s website ([auroramonitor.org](http://auroramonitor.org)) will continue to host a dedicated section for the submission of feedback regarding police conduct. This platform allows individuals to report their experiences or observations related to APD’s performance. Recognizing the importance of protecting the identity of those who may have sensitive information, the website facilitates anonymous submissions. This feature is crucial in encouraging candid feedback, especially in cases where individuals might otherwise be hesitant to share their experiences or observations.

#### COMMUNITY ASSISTED MONITORING OF POLICE (“CAMP”)

The Monitor intends to work toward the participation of the community in the Monitor’s operational integrity assessment process. The Monitor has dubbed this initiative “Community Assisted Monitoring of Police (CAMP)”, and it represents a significant step forward in fostering collaborative policing efforts. This initiative envisions a partnership where community involvement enhances transparency, increases accountability, and continues to build trust between law enforcement and the community served.

While the roles, selection process and training requirements for community members in CAMP are yet to be defined, their contribution will be integral in shaping a police force that truly reflects and serves the interests of its community. This CAMP initiative is intended to aid in reinforcing police integrity and empowering the community to participate in understanding and shaping local law enforcement policies and practices. The Monitor intends to structure this initiative by soliciting input from the parties and the CAC.

#### DATA COLLECTION AND MANAGEMENT

The Monitor’s 360-degree operational integrity assessments will involve both qualitative and quantitative assessments of numerous incidents. In order to organize and summarize the Monitor’s findings from such assessments, a systematic and organized approach is needed. More specifically, the Monitor, working with the APD, will develop:

- A systematic approach to data collection to enable accuracy and consistency of the Monitor’s reviews of each incident and aggregate data relating to those incidents.
- A systematic approach to tracking remediations for identified deficiencies pertaining to specific incidents or broader issues.

### III. THE MONITOR'S 360-DEGREE INCIDENT REVIEWS

This section of the “Framework for Assessing Operational Integrity” provides an overview of the Monitor’s 360-degree review process for its ongoing review of incidents, which is an integral component of the Monitor’s oversight strategy. This same framework also applies to the Monitor’s review of a risk-based judgmental sample of incidents from the Monitor’s periodic rotational reviews.

The Monitor’s 360-degree incident reviews rely significantly on the use of body-worn cameras (BWCs). BWCs have become an essential tool in modern policing, offering an objective viewpoint of officers’ interactions and encounters. In order to utilize BWCs to their fullest potential, it is imperative that there is full compliance with APD policy relative to mandatory activation and continued recording of police encounters. The Monitor’s 360-degree incident review process will therefore include a review of BWC videos to confirm compliance with those departmental policies and procedures including: the timeliness of camera activation, continuous recording, appropriate termination of recording, and adherence to audio guidelines. The Monitor’s goal is to confirm that BWCs are used effectively to capture a clear and comprehensive record of events, which, as noted, is crucial for accountability and transparency.

The Monitor’s 360-degree incident review process involves a holistic assessment of various aspects of law enforcement activities. This approach involves a thorough examination of incidents from multiple angles, considering not only the level of compliance with each implicated policy, but also whether a particular incident might have been handled in a different way to potentially obtain a better result. Specifically, for each incident selected for a 360-degree review either in the Monitor’s ongoing incident reviews or as part of the Monitor’s periodic rotational reviews, the Monitor will assess the following, noting instances of non-compliant, sub-standard or exemplary/commendable conduct:

- Compliance with BWC policy
- How the incident arose (self-initiated or dispatched or direct citizen complaint)
- Planning, internal communications and decision making
- Legal predicate for initial contact with subject
- Communication with subject(s)
- De-escalation of contact
- Evaluation of any use force (including legal justification, duty to intervene, medical response, and relief protocol adherence)
- Evaluation of any pursuit
- Evaluation of any complaint (including interviews, evidence collection and review, the investigation of the complaint, and the investigation report)
- Evaluation of constitutional rights including fourth amendment issues relating to any frisk, search, detention, handcuffing, and arrests; fifth amendment issues relating to Miranda warnings; fourteenth amendment issues regarding biased policing; and first amendment issues including freedom of speech and assembly, and the ability of the public to record incidents

- Tactics of officers
- Professionalism of officers
- Equipment issues
- Documentation by officers including completion of APD's Contact Data Collection (CDC) form when required
- Policy and related training implications of incident
- Response and action of any on-scene supervisor, supervisory review of incidents including whether appropriate remedial action was taken, if necessary, and whether that remedial action was effective
- Continuous improvement assessment regarding whether an alternative approach could have achieved a better outcome

Each 360-degree incident review will look at the “whole incident” and will be grounded in objectivity, thoroughness, and a commitment to best practices. The Monitor’s review of each incident will be fully documented with recommendations for improvement, and in notable instances of exceptional conduct, for commendation. Issues that are identified will be referred to APD for coaching, mentoring and training, discipline when necessary, discipline, and communication to relevant APD members regarding noteworthy exemplary conduct.

The Monitor’s 360-degree incident review process aims to provide a comprehensive picture of police operations, identifying opportunities for improvement and highlighting areas of excellence. This approach aligns with the Consent Decree’s required commitment to continuous improvement in law enforcement, confirming that officers not only adhere to laws and policies but also respond effectively to the evolving needs and expectations of the communities they serve.

Indeed, the aspiration is that the Monitor’s process of critical assessment process becomes integrated in both supervisory reviews and self-assessments by officers so that critical self-assessment becomes a cornerstone of APD’s culture. Such integration holds the potential to foster a continuous learning environment where officers reflect on their actions, particularly considering alternative approaches to incidents, thereby cultivating a mindset geared towards growth and improvement. This kind of introspection is invaluable; it would not only enhance individual officer performance but would also contribute significantly to the department's overall evolution. Such a practice would underscore a commitment to excellence in policing, encouraging officers to consistently evaluate and elevate their approach to law enforcement, thereby driving departmental progress and reinforcing community trust.

#### IV. OPERATIONAL INTEGRITY REVIEW COMPONENTS

The Monitor's operational integrity assessment process involves a number of different components, which, when taken together are aimed at determining the extent to which various mandates of the Consent Decree are being implemented and followed operationally by APD and AFR. These reviews are integral to promoting a culture of continuous improvement within APD, confirming that each officer and the department as a whole are consistently aligning with best practices and community expectations. The following are the four types of reviews to be conducted, the components of which are further described below:

- A. Ongoing 360-degree incident reviews of specific critical aspects of APD's and AFR's operations, including use of force incidents; officer pursuits; arrests for Obstruction, Resisting Arrest, Failure to Obey a Lawful Order, and/or Trespass which have had a declination to prosecute or where such cases have been dismissed in whole; complaints against police officers; incidents underlying any lawsuits filed; and the use of chemical sedatives.<sup>7</sup> Further details regarding the criteria for these assessments are described in the Monitor's "Assessment Criteria for 360-Degree Operational Integrity Incident Reviews".<sup>8</sup>
- B. Periodic rotational reviews of other relevant activities of each of APD's three districts and Special Operations Bureau (SOB). The Monitor will use its 360-degree incident review criteria to assess a risk-based judgmental sample of incidents that were not previously assessed in the Monitor's ongoing incident reviews as described in the section A above, including citations, traffic citations, and contacts (especially contacts with the unhoused and people with psychological issues).<sup>9</sup> In addition, the Monitor's periodic rotational reviews will comprehensively assess compliance across other dimensions of APD's functioning as relevant to policing operations governed by the Consent Decree including body-worn camera and contact data collection compliance. Further details regarding the criteria for these periodic rotational reviews are described below.
- C. Assessing potential protected-class disparities arising in APD operations, and assessing APD's analyses of its statistical data and trends regarding those disparities.

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<sup>7</sup> The Monitor will begin its 360-degree operational integrity assessments with a sampling rate of 100% which may, as the process continues, be reduced, once it is determined that APD's supervisory review of these incidents is fulsome and appropriate. This was the case with the Monitor's assessments of operational integrity regarding the use of chemical sedatives; during the first 18 months of the Consent Decree, the Monitor examined every incident in which chemical sedatives were administered but subsequently moved to reviewing a random sample of 50% of such incidents, although a full review of each incident is still and will continue to be conducted by AFR. The Monitor reserves the right to review additional types of incidents, as may, in the Monitor's sole discretion, be warranted.

<sup>8</sup> These assessment criteria apply to policing incidents. See below for details regarding the Monitor's assessments of the use of chemical sedatives.

<sup>9</sup> These additional areas may, at the discretion of the Monitor, be reviewed in an on-going fashion and included in the Monitor's reporting meetings with APD, which are referred to as RISKS meetings as described later in this document.

- D. Continued review of various mandates of the Consent Decree pursuant to the operational integrity provisions in the MADC relating to internal practices relating to policies and training generally; recruitment, hiring and promotion; and accountability and transparency.

#### A. ONGOING INCIDENT REVIEWS

The Monitor's on-going reviews of specific types of incidents will systematically assess APD's interactions with the public using the Monitor's 360-degree incident review process. This approach enables a thorough and multi-faceted assessment of each incident. In addition, the Monitor will continue to review AFR's use of chemical sedatives as a chemical restraint, as per the MADC. The Monitor will review the following specific incident types on an on-going basis. Other types of incidents may be reviewed using a risk-based approach.

##### USES OF FORCE

The Monitor's on-going reviews will evaluate Tier 1 Uses of Force incidents. These reviews are crucial for understanding the context and appropriateness of the force used, assessing compliance with APD policies, and identifying areas for potential improvement. All Tier 2 and 3 Use of Force incidents will continue to be reviewed by the Monitor in accordance with the Monitor's participation in APD's Force Review Board (FRB) process.<sup>10</sup>

##### PURSUIITS

APD pursuits will be evaluated for compliance with APD's pursuit policy.

##### COMPLAINTS AGAINST OFFICERS

Incidents involving complaints will be reviewed at two points: when received by APD and after completion of APD's investigation thereof.

For complaint incidents received by APD, the Monitor will first assess whether there are any issues that need to be addressed and remediated immediately through coaching, mentoring, and training, and if so, whether APD has done so.

For complaint investigations that are complete, the Monitor will assess whether or not the investigation appropriately conducted and fair in its approach and conclusions, and whether APD assessed and addressed any potential patterns in the officers' conduct. This review will provide the Monitor with insights into APD's performance, which will aid in proactive risk management by APD.

<sup>10</sup> Tier 1 Uses of Force (low level) involve actions taken to control a subject that are neither likely nor intended to cause injury. Tier 2 Uses of Force (intermediate level) involve actions taken to control a subject that are likely to cause pain or injury to the subject. Tier 3 (lethal level) involve actions taken in which the outcome could be serious bodily injury or death.

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#### LAWSUIT ANALYSIS

For all lawsuits filed against APD, the Monitor will review the underlying incidents to determine whether APD was either aware of and investigating the allegations contained in the lawsuit, or has opened a complaint investigation relative to the allegations in the lawsuit. This review of all lawsuits' underlying incidents will provide the Monitor with insights into APD's performance and legal challenges faced by APD, which will aid in proactive risk management by APD.

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#### ARRESTS INVOLVING DESIGNATED CHARGES

For the following four types of arrests: Obstruction, Resisting Arrest, Failure to Obey a Lawful Order, and Trespass, the Monitor will review the particulars of any arrests that were dismissed (or not prosecuted) in whole. The Monitor will assess whether such arrests were made appropriately and whether an alternative approach could have been more suitable under the circumstances.

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#### ADMINISTRATION OF CHEMICAL RESTRAINTS

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. AFR suspended its use of ketamine as a chemical restraint after the tragic death of Elijah McClain, and now uses two slower-acting sedatives, Versed and/or Droperidol, for those situations in which a chemical restraint is considered medically appropriate by AFR's paramedics.

The Monitor will continue to assess AFR's use of chemical sedatives as a form of chemical restraint using the approach described in the Methodologies to Aid in the Determination of Compliance (MADC). Such assessments include (1) reviewing instances involving the use of ketamine as a chemical restraint; (2) determining whether APD interfered in any AFR medical decisions, including by recommending, suggesting or otherwise encouraging the use of any chemical restraint; and (3) assessing the degree of cooperation between APD and AFR in incidents where both agencies are involved.

### B. PERIODIC ROTATIONAL REVIEWS

The Monitor's Periodic Rotational Reviews are designed to supplement the on-going reviews described above, by providing a broader view of police operations in all of APD's three police districts and the Special Operations Bureau (SOB).<sup>11</sup> Each of these four reviews will be structured to enable assessment of overall compliance and delve deeply into selected incidents using the Monitor's 360-degree incident review process.

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<sup>11</sup> The SOB comprises two units: the Direct Action Response Team (DART) and the Gang Intervention Unit (GIU).

In these reviews, the Monitor will choose a particular shift or shifts for the review and will start with the roster for the shifts being reviewed. The Monitor will then chronologically list and review all relevant data points, including Computer Aided Dispatch events, BWC activations, CDC forms completed, traffic and non-traffic summons issued, summary arrests, pursuits, and reported uses of force. This exhaustive listing will provide a comprehensive view of the activities during the shift and allow for a quick analysis with respect to BWC activation and CDC form completion compliance.

The primary goal is to assess how policies and training are being applied in real-world situations in areas other than those being tested during the Monitor's on-going incident reviews. The Monitor aims to understand the decision-making process of officers in various scenarios and identify areas where alternative approaches could have been more effective. Special attention will be given to encounters involving vulnerable populations, such as the unhoused or individuals with psychological issues, to evaluate opportunities for alternative interventions to citation or arrest.

As noted, this review process will assess items not covered by the Monitor's on-going reviews, thereby providing additional information relative to the operational integrity of APD. By scrutinizing all aspects of a given shift, these periodic rotational reviews enable a thorough and nuanced understanding of operational practices, highlighting both compliance and areas for improvement. This approach is pivotal in confirming that the APD's actions are consistently aligned with the Consent Decree mandates and community expectations. Specifically, the Monitor will evaluate the following:

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#### REVIEW OF CHRONOLOGICAL ANOMALIES

The Monitor will review the combined chronological detail of shift activity to determine if there are anomalies that might indicate a lack of adherence to policy. These anomalies could include:

- Computer aided dispatch (CAD) assignments in which a BWC recording would be expected but is not present.
- BWC activations without either a CAD entry or CDC form.
- A summons without a BWC activation.

If any of the incidents were reviewed by any of the supervisors prior to the Monitor's review, the supervisory review and any remedial actions will be evaluated to determine whether the supervisor sufficiently evaluated the incident and identified potential issues and remediated them appropriately.

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#### BWC AND CDC FORM COMPLIANCE

The Monitor will review BWC video for CDC forms completed and will determine whether the CDC form was completed accurately. The Monitor will note any issues with the accuracy of the form, with BWC compliance, with the constitutionality of the stop, and the post stop actions of the officer. The Monitor will also review BWC video for certain categories of CAD calls to



attempt to determine if there were any unreported or misreported stops, where CDC forms should have been completed but were not, or where the CDC forms were inaccurate. Some of these incidents will have been reviewed already in the Monitor's ongoing reviews described above. The Monitor will conduct a 360-degree incident review, as described above for a sample of incidents that have not already been reviewed.

The Monitor will also review BWC video footage captured but not associated with a CDC form, arrest or citation, in order to determine whether there was an encounter or use of force that should have been reported that was not.

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#### ARREST AND CITATION COMPLIANCE

The Monitor will review BWC video for arrests and citations not already reviewed pursuant to the Monitor's ongoing reviews or CDC form inquiry, to determine if arrests were compliant with policy and whether any other issues exist employing the Monitor's 360-degree incident review process detailed above.

For misdemeanor arrests, the Monitor will determine the ultimate outcome of the case, paying special attention to court or prosecutorial dismissals, especially for Obstruction, Resisting Arrest, Failure to Obey a Lawful Order, and Trespass.

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#### USE OF FORCE COMPLIANCE

Typically, uses of force should have already been reviewed as part of either the Monitor's ongoing reviews or pursuant to the Force Review Board. The Monitor will confirm that is the case, and to the extent that there are any uses of force not previously reviewed, the Monitor will review those pursuant to its 360-degree incident review process.

### C. ASSESSING PROTECTED-CLASS BIAS

The Monitor will, in its semi-annual reports, describe any issues of protected-class bias observed in its reviews, as well as any complaints alleging biased-policing. In addition, the Monitor will work with the parties to confirm whether APD is collecting all data necessary in order for it to properly evaluate any disparities and trends relative to disparities in enforcement actions taken by its officers.<sup>12</sup>

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<sup>12</sup> As described in the Monitor's RP6 report, APD will, in consultation with the Monitor and the parties, continue to refine its collection and analysis of data in order to determine whether existing disparities may be attributed to protected-class bias.

## D. OTHER TYPES OF OPERATIONAL REVIEWS

When evaluating operational integrity for APD's internal practices,<sup>13</sup> the Monitor will holistically: (1) review the functional aspects of the Consent Decree mandates applicable to APD's internal practices pursuant to the MADC; (2) qualitatively assess whether the relevant requirements of the Consent Decree have functioned or are functioning as required by the Consent Decree.

### POLICIES & TRAINING GENERALLY

In order to assess APD's operational integrity relating to policies and training generally, the Monitor will holistically assess whether the functional aspects of the relevant policies and training mandates of the Consent Decree have been implemented; whether APD has created new or revised policies pursuant to APD law enforcement developments and/or agreed recommendations arising from the Monitor's operational integrity reviews described above; and whether all officers have completed APD's approved training curricula, including any new or updated training to address any new or revised policies.

### RECRUITMENT, HIRING & PROMOTION

In order to assess APD's operational integrity relating to recruitment, hiring and promotion, the Monitor will holistically assess whether the functional aspects of the relevant recruitment, hiring and promotion mandates of the Consent Decree have been implemented; whether APD's recruitment and hiring practices have resulted in hiring a diverse qualified cohort of new recruits that better reflects the diversity of the City of Aurora; and whether APD's recent promotions reflect agreed-upon changes in APD's promotional process.

### ACCOUNTABILITY & TRANSPARENCY

In order to assess APD's operational integrity relating to accountability and transparency, the Monitor will holistically assess whether the functional aspects of the relevant accountability and transparency mandates of the Consent Decree have been implemented in order to improve APD's policing practices; whether APD is using information regarding trends and patterns from its data systems to hold officers and supervisors accountable for their conduct; and whether APD is using information from its data systems to assess and address the cause of any trends or patterns in the conduct of officers/supervisors by shift, beat or district.

<sup>13</sup> Namely Policies and Training Generally; Recruitment, Hiring and Promotion; and Accountability and Transparency.

## V. REPORTING & ANALYSIS

The reporting and analysis of the results of the Monitor's Operational Integrity reviews is pivotal in the establishment of continuous improvement of the APD. The insights gained from the Monitor's assessments will be effectively communicated to help instill that philosophy in the department. The Monitor will discuss any significant unaddressed issues with APD upon discovery, with recommendations for any necessary remediation of those discovered issues.

### CONTEMPORANEOUS REPORTING TO APD

The Monitor's approach includes reporting significant unaddressed findings to APD in a contemporaneous fashion. This means that as soon as significant findings from ongoing reviews, periodic rotational reviews, chemical sedative reviews, or stakeholder input are identified that have not previously been addressed, they will be promptly communicated to the relevant individuals within APD. This immediate reporting is designed to facilitate swift responses and interventions where necessary, so performance issues can be corrected in a timely manner by APD as they arise rather than waiting for RISKS meetings to occur. Such issues would then be tracked by the Monitor and discussed in subsequent RISKS meetings as described below.

### RISKS MEETINGS

As part of the Monitor's ongoing 360-degree incident reviews, the Monitor expects to review documentation, supervisory reviews and body-worn (BWC) camera videos for incidents involving a use of force, pursuit, arrests involving wholly dismissed cases based on charges for Obstruction, Resisting Arrest, Failure to Obey a Lawful Order, and /or Trespass, a complaint, or commendation. In addition, as part of the Monitor's periodic rotational reviews, the Monitor expects to review a risk-based judgmental sample of incidents that have not previously been reviewed in the Monitor's ongoing incident reviews, citations, traffic citations, and contacts (especially contacts with the unhoused and people with psychological issues). Each review will be documented utilizing the Monitor's assessment criteria for its 360-degree incident reviews<sup>14</sup> then the findings and recommendations from such reviews will be discussed in regular twice-monthly meetings to review and address the Remediation of Identified Situations Key to Success (RISKS).<sup>15</sup> These RISKS meetings are a strategic imperative for APD in instilling an underlying philosophy of continuous improvement. The Monitor will also track and report on any repeated findings by officer in these RISKS meetings, in order to supplement the early intervention provided by the Monitor's 360-degree incident reviews. Further, the Monitor will track and report on the status and timeliness of implementation of all agreed recommendations arising from prior RISKS meetings.

<sup>14</sup> See the Monitor's "Assessment Criteria for 360-Degree Operational Integrity Incident Reviews" for further details.

<sup>15</sup> See Attachment 1 for further details regarding these RISKS meetings.

## SEMI-ANNUAL AGGREGATE REPORTS

For each reporting period of the Consent Decree, the Monitor will present relevant aggregate data relating to its operational integrity assessments for each section of the Consent Decree, identifying and discussing significant trends, patterns, and areas of concern or excellence arising from the Monitor's findings and from APD's metrics. In addition, the Monitor will work with the parties to determine the extent to which third party review of the Monitor's work product and findings can be accomplished during each reporting period.

## VI. CONCLUSION

The Monitor's structured approach to testing APD's operational integrity is designed to uncover both exceptional and sub-standard performance then inform APD of its performance and areas for growth. Through consistent timely communications from the Monitor, APD can be proactive in recognizing and promoting exceptional conduct as well as addressing challenges and capitalizing on opportunities for improvement.

The ultimate goal of the Monitor's reviews is to foster continuous improvement within APD. The insights provided through this process are intended to inform policy adjustments, training enhancements, and operational changes. Through such reviews and an open and constructive dialogue with APD, the Monitor aims to assist in APD's ongoing efforts to align with the best practices in law enforcement and to uphold the principles outlined in the Consent Decree.

**ATTACHMENT 1:****RISKS Meetings: Remediation of Identified Situations Key to Success Meetings**

## RISKS: Remediation of Identified Situations Key to Success

One of the major goals of the Consent Decree is to instill in APD an underlying philosophy of continuous improvement. In furtherance of that goal, and in order to reinforce APD's operational integrity<sup>1</sup> with the requirements of the Consent Decree, as significant operational issues are identified, they need to be remediated at the earliest possible opportunity through proactive field supervision, targeted coaching, mentoring and training and/or through discipline, as necessary.<sup>2</sup> In order to meet these dual objectives, working together with APD, the Monitor has instituted regular twice-monthly meetings to review and address the Remediation of Identified Situations Key to Success (RISKS). During these meetings, the Monitor will work together with APD to review operational compliance with the Consent Decree.

### RISKS MEETINGS – A STRATEGIC IMPERATIVE

RISKS meetings are pivotal to the department's strategy for enhancing operational efficiency, improving community relations, and ensuring the wellness and safety of its officers. RISKS meetings will serve as a foundational element where specific challenges and opportunities for improvement are discussed in detail, highlighting a commitment to establish a culture of continuous improvement within the APD. This initiative positions APD at the forefront of a national effort to address longstanding issues that have diminished public trust in law enforcement. By adopting a proactive risk mitigation strategy that emphasizes the early identification of problems and addresses them through proactive field supervision, targeted coaching, mentoring, training, and/or discipline, APD will maximize the potential of every officer and, by extension, elevate APD to its highest possible standard of service and integrity. Additionally, exceptional work by the members of the APD will be highlighted, with the hope of potentially using such exceptional work as a model for other line officers and supervisors.

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#### A. *RISKS Meeting Structure, Attendees and Frequency*

**Rotating RISKS Meetings:** The RISKS meetings will be held on the first and third Thursday of each month, with each session dedicated to one of the four APD units per session; the three districts and the Special Operations Bureau, on a rotating basis. This rotation will enable focused attention on the specific challenges and opportunities within each unit, allowing for a more tailored approach to risk mitigation and operational improvement within the unit. The meeting will focus on the preceding two months of activity as noted below.

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<sup>1</sup> The determination of "Operational Integrity" is geared toward evaluating whether the policies, procedures and training that have now been reformed as required by the Consent Decree, are being followed by officers in their operations on the streets of Aurora.

<sup>2</sup> There will invariably be occasions where discipline is required and imposed.

*Attendance at RISKS Meetings:* The Monitor will lead the RISKS meetings along with APD Command Staff. APD Command Staff will determine the relevant personnel from each unit to attend each meeting. This typically would include the Commanding Officer of the Unit and relevant supervisors.

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#### *B. Pre-Meeting Preparation*

At least one week prior to each RISKS meeting, an Operational Review “Book” containing a comprehensive review of the district or bureau's metrics will be compiled and distributed by the APD to the Monitor and people expected to attend each meeting. In addition, the Operational Review “Book” will identify specific incidents, as selected by the Monitor, for a more in-depth discussion in the upcoming RISKS meeting. This “Book” will include the following information for the unit under review for the period covered by the meeting:

- Number of officers working
- Number of supervisors working
- Number of contacts with associated CDC Forms, including outcome information regarding post-stop actions
- Number of arrests delineated by felony, misdemeanor, index crimes and gun arrests
- Number of arrests for designated offenses<sup>3</sup> and outcomes
- List of dismissed designated offenses<sup>3</sup>
- List of misdemeanor citations
- List of traffic citations
- List of complaints received and related incident number(s)
- List of complaints resolved and related incident number(s)
- List of commendations received
- List of uses of force (all tiers reported; only Tier 1’s relevant for RISKS meetings)
- List of pursuits
- List of lawsuits filed and related incident number(s)

In preparation for these RISKS meetings, the Monitor will also identify any officers with repeated findings, and will follow-up on remediations that were recommended in previous RISKS meetings. Agreed-upon recommendations will be tracked by the Monitor and the APD, and the status and timeliness of implementation of such recommendations will be included in the Operational Review “Book” distributed prior to each RISKS meeting.

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<sup>3</sup> There are four types of designated offences that are currently relevant to the Monitor: Obstruction, Resisting Arrest, Failure to Obey a Lawful Order, and Trespass.



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### *C. RISKS Meeting Location and Format*

The Monitor and APD will meet in person for the RISKS meetings in those weeks that the Monitor is in Aurora, otherwise meetings will be virtual.<sup>4</sup> It is expected that relevant personnel from each unit, as determined by APD, will be present for the RISKS meetings. In addition, Monitor personnel relevant to the reviews will attend. The format of the meeting, which will be subject to continuous improvement, will start with a presentation from the Monitor on the meeting and its purpose followed by a discussion of the various statistics that have been gathered for review. The Monitor will then lead the discussion into incidents with specific “issues or observations of note”, including incidents that may require remediation as well as incidents that may be worthy of commendation. The RISKS meetings will also include follow-up on any outstanding remediations and discussion regarding any operational issues and barriers to success from the point of view of the APD.

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### *D. Additional Participants*

The Monitor will work with APD to determine the extent to which non-participating observers should be allowed at the meetings and the extent to which one or more community members should be included in the meetings in order to enhance transparency and collaboration.

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### *E. Key Components of RISKS Meetings*

#### *1. First Meetings with Each Unit*

During the first meeting for each unit, the Monitor will explain and discuss the purpose of the meetings and how the meetings will progress over time.

#### *2. Overview of Issues and Items of Note*

Each meeting will review the metrics that have been collected for the meeting as well as issues or observations of note relating to specific incidents reviewed by the Monitor that may require remediation as well as incidents that may be worthy of commendation.

#### *3. Remediation Planning*

For each identified issue or observation of note, a discussion with participants will take place, with an agreed-upon remediation plan when necessary. This plan should outline specific actions to be taken, assign responsibilities, and set timelines. Metrics will be established for evaluating effectiveness of the remediation process and tracked for follow-up by the APD and the Monitor.

#### *4. Success Sharing*

Part of the meeting will be dedicated to sharing success stories from previous remediation efforts. This not only recognizes the hard work of the department's members but also

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<sup>4</sup> It will be up to APD to decide whether APD attendees will gather together in one room for the virtual RISKS meetings with the Monitor.

provides valuable lessons that can be applied in other areas. In addition, observations relative to exceptional conduct will be discussed.

5. [Tracking Prior Remediations](#)

The agreed-upon remediations will be tracked and followed by APD and the Monitor. The Monitor will discuss the mechanisms for continuous monitoring of remediation plans, including regular updates in subsequent RISKS Meetings. This will ensure accountability and allow for adjustments as necessary based on real-world outcomes.

6. [Feedback Loop](#)

The Monitor will work with the department to establish a structured feedback loop that allows for the collection and analysis of feedback from both within the department and from the community. This feedback will inform future meetings and the ongoing development of risk mitigation strategies.

## CONCLUSION

The implementation of the RISKS Meetings for APD represents a method for the Monitor to gauge operational integrity, and also represents a proactive approach for APD to address operational and strategic challenges through continuous improvement and collaboration. By focusing on the Remediation of Identified Situations Key to Success (RISKS), APD can enhance its effectiveness, build stronger community relations, and provide a safer environment for officers and the public alike.

## APPENDIX C:

### ASSESSMENT CRITERIA FOR 360-DEGREE OPERATIONAL INTEGRITY INCIDENT REVIEWS

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# ASSESSMENT CRITERIA FOR 360-DEGREE OPERATIONAL INTEGRITY INCIDENT REVIEWS

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Issued April 15, 2024

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## I. INTRODUCTION

This document describes the criteria that the Monitor will use when conducting comprehensive 360-degree reviews of the Aurora Police Department (APD) and its various law enforcement activities, including uses of force, vehicle pursuits, complaints, stops and other community interactions.

The Monitor's "Framework for Assessing Operational Integrity" is addressed in a separate document that describes the overall structure for the Monitor's assessments of the implementation of the Consent Decree reforms, including the type of assessments to be conducted; the scope, timing and frequency of such assessments; and the type of information to be used for such assessments. This "Assessment Criteria for 360-Degree Operational Integrity Reviews" is intended to cover the key points from the framework document so that this Assessment Criteria document can stand alone, as required. This means there is some overlap and repetition between the Monitor's Framework and Criteria documents.

The objective of the Monitor's 360-degree incident reviews is to determine whether all law enforcement actions reviewed were conducted in compliance with legal standards, departmental policies and ethical guidelines in order to maintain accountability, transparency and trust in APD's law enforcement practices. The Monitor's 360-degree incident reviews serve as the basis of the Monitor's philosophy relative to police performance improvement: identify and correct small mistakes before they become larger and, whenever possible, correct them through coaching, mentoring and training. This methodology provides the best early warning system, as performance issues are identified and corrected as they arise rather than waiting for multiple events to occur. Its main purpose is to make all officers the best that they can be, and derivatively make the department all that it can be.

The Monitor notes that performance issues may not always be caused by police conduct issues. Policies, training, supervision and systems of accountability are vital components of continuous improvement and are separate tracks that the Monitor has and will continue to assess in conjunction with the 360-degree incident reviews described herein.

The Monitor reserves the right to update this document as needed to better reflect the Monitor's approach to assessing operational integrity.

## II. THE MONITOR'S PHILOSOPHY OF COLLABORATIVE OVERSIGHT

The Monitor firmly embraces a philosophy of collaborative oversight in its 360-degree incident review process. This approach is rooted in the principle that effective oversight should not be a punitive "gotcha" mechanism, but rather a constructive partnership aimed at continuous improvement. The Monitor's goal is to work closely with command staff and other stakeholders, fostering an environment of open dialogue, mutual understanding and a shared commitment to excellence in law enforcement practices. The Monitor aims to embed its collaborative oversight philosophy and methodology into APD, so this philosophy continues after the monitorship concludes. Practical aspects of this approach include:

- Early feedback and communication
- Open dialogue on issues
- Joint determination of remediation
- Effective implementation of remediation
- Focus on learning and growth

### A. EARLY FEEDBACK AND COMMUNICATION

The Monitor prioritizes providing feedback to APD Command Staff at the earliest opportunity. This timely communication allows for immediate awareness and understanding of any issues or concerns identified during the Monitor's 360-degree incident reviews.

### B. OPEN DIALOGUE ON ISSUES

By engaging in candid discussions about the issues uncovered, the Monitor aims to create a space where insights are shared openly, and perspectives are broadened. This dialogue is crucial for a comprehensive understanding of the context and nuances surrounding each issue.

### C. JOINT DETERMINATION OF REMEDIATION

The Monitor believes in collaboratively determining the extent of remediation necessary. While the Monitor will provide preliminary recommendations to APD regarding any issues identified, the Monitor plans to work together with APD Command Staff to evaluate the impact of any issues identified during the Monitor's 360-degree incident review process, and decide on the most effective and appropriate course of action for remediation.



#### D. EFFECTIVE IMPLEMENTATION OF REMEDIATION

The process of effecting remediation is a cooperative effort. The Monitor will assist in developing strategies and actions that are both corrective and proactive in nature, and that the measures taken are practical, sustainable, and aligned with the best practices in policing. The Monitor will document agreed-upon remediations and will track the status of completion of such remediation.

#### E. FOCUS ON LEARNING AND GROWTH

The Monitor's approach is underpinned by a commitment to learning and growth, with each 360-degree incident review being an opportunity for development and improvement, rather than merely a compliance check. Through this collaborative oversight approach, the Monitor will work together with APD to strengthen its practices and policies, thereby enhancing its ability to serve and protect the community effectively. The Monitor's role is not only to monitor, but to be a facilitator of positive change, guiding and supporting APD in its journey towards excellence in policing.

### III. SCOPE OF REVIEW

The scope of the Monitor's 360-degree incident reviews will encompass a broad range of activities:

- *Use of Force:* Assessment of instances where physical force or weapons were used by officers, evaluating their necessity, proportionality, and legality, consistent with APD policy. The Monitor will also assess issues related to the duty to intervene; the duty to provide medical assistance; and the requirements relative to relief of involved officers.
- *Pursuits:* Analysis of vehicle pursuits to assess adherence to safety protocols, decision-making processes, and compliance with pursuit policies.
- *Complaints:* Assessment of complaints lodged against officers or the department to confirm whether a thorough investigation, fair adjudication, and appropriate response occurred.
- *Contacts:* Assessment of consensual encounters, stops, citations and arrests (traffic or pedestrian) to confirm whether the contact, and the reason(s) behind the contact, were consistent with the law; and assessment of the rationale and conduct of officers during these interactions for professionalism and compliance with department policy.

#### IV. THE MONITOR'S 360-DEGREE INCIDENT REVIEW PROCESS

The Monitor's 360-degree incident review process is grounded in objectivity, thoroughness, and a commitment to best practices. It involves:

- A detailed examination of incident reports, body-worn camera footage, witness statements, and any other relevant documentation as well as review and assessment of supervisory reviews.
- Determining whether all actions by law enforcement personnel are legally justified, ethical, and within policy guidelines.
- Application of established legal standards and departmental policies as benchmarks for evaluation.
- Documenting the findings from each of the Monitor's 360-degree incident reviews and recommendations relative to both individual officer performance and wider-reaching issues. For each of the areas assessed in the Monitor's 360-degree incident reviews, the Monitor will indicate whether there is an "Issue or Notable Observation" or not.

#### V. OUTCOMES AND RECOMMENDATIONS

The outcomes of the Monitor's 360-degree incident reviews are aimed at:

- Identifying areas where officers have excelled in their duties and those areas where improvements are needed.
- Recommending specific remediation for particular officers involved in an incident.
- Recommending changes or enhancements in training, policies, and practices to prevent future occurrences of any identified issues.
- Strengthening community relations by demonstrating a commitment to accountability and excellence in policing.
- Examining the role of supervisory actions and review in the Monitor's reviews in order to understand how supervisors and command staff respond to and manage situations involving uses of force, pursuits, complaints, and stops.

## VI. COMMITMENT TO CONTINUOUS IMPROVEMENT

The Monitor's 360-degree incident review process reflects the Monitor's efforts to promote APD's commitment to continuous improvement. Effective policing requires not only adherence to laws and policies but also responsiveness to the evolving needs and expectations of the community. Through these incident reviews, the Monitor will require and assist APD in its pursuit of upholding the highest standards of law enforcement and fostering a culture of integrity, respect, and professionalism. The philosophy of continuous improvement is a major focus, and the Monitor will discuss each incident with APD in the context of determining whether anything could have reasonably been done differently to have potentially and reasonably achieved a better outcome.

## VII. MONITOR'S 360-DEGREE INCIDENT REVIEW CRITERIA

The Monitor's assessment criteria for its 360-degree incident reviews are detailed below.<sup>1</sup>

### A. BODY WORN CAMERA UTILIZATION

Proper use of body-worn cameras (BWCs) ensures that a clear and comprehensive record of events is maintained, which is invaluable for post-incident reviews, investigations, and building community trust. The Monitor's assessment of BWC utilizations is therefore integral to ensuring that the benefits of BWC technology are fully realized relating to enhanced policing standards and practices. Key considerations for the Monitor's BWC utilization assessment include:

- *Activation Compliance:* Were BWCs activated at the start of an incident or encounter, in accordance with departmental policies?
- *Continuation of Recording:* Did BWCs remain active throughout the duration of the incident, ensuring continuous and uninterrupted recording?
- *Termination of Recording:* Was termination of the BWC recording appropriately timed to capture the entire incident?
- *Muting and Audio Considerations:* Were there any instances where audio was muted or disabled?

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<sup>1</sup> The Monitor estimates it will comprehensively review 100% of approximately 15-20 incidents per week on average, based on incident metrics for the first quarter of 2024. As the monitoring process continues, and after the Monitor concludes that supervisory review of these incidents is fulsome and otherwise appropriate, the Monitor may reduce its sample sizes.

## B. PLANNING, INTERNAL COMMUNICATIONS AND DECISION-MAKING

Police actions at the inception and early stages of an incident often reflect the level of preparedness and situational awareness of the officers involved. Evaluating these actions offers insight into officers' readiness to handle unexpected situations and adherence to training and protocols. Specifically, reviewing these actions can reveal how well officers assess and manage risks before engaging in a situation. This includes understanding the environment, potential threats, and available resources, including appropriate communications with supervisors. Similarly, the making of sound decisions based on sound judgment and intelligence is a crucial skill for an officer which needs to be evaluated. Key considerations for the Monitor's assessment of planning, internal communications and decision-making include:

- *Pre-Incident Information Gathering:* Did the officers gather sufficient information before the incident, when available, indicating their effectiveness in understanding the situation they were about to engage in?
- *Planning:* Were plans of an appropriate quality developed, when possible?
- *Pre-Incident Decisions:* Were the decisions made by officers before or in the early stages of the incident of an appropriate quality, in light of the available information and circumstances?
- *Internal Communications:* Did the officers communicate appropriately with each other and their supervisor before and in the early stages of an incident?

## C. LEGAL PREDICATE FOR CONTACT WITH SUBJECT

Intrusive law enforcement interactions must be predicated on reasonable suspicion, probable cause, or other legal justification, such as fulfilling a caretaker function. By assessing whether there is an appropriate legal basis for the interaction, officers demonstrate a commitment to upholding legal standards and protecting the rights of individuals. This can enhance public trust in law enforcement agencies by reassuring the community that officers are acting within the scope of their authority and respecting citizens' rights. Key considerations for the Monitor's assessment of legal predicate for contact with subject include:

- *Encounter Permissible:* Was the level of the encounter supported by objectively reasonable facts from the perspective of the involved officer so as to make the encounter constitutionally permissible?
- *Consensual Encounter:* With respect to a consensual encounter, was the individual free to leave and not answer any questions?
- *Terry Stop Reasonable Suspicion:* With respect to a Terry Stop, did the officer have a specific, articulable, and reasonable suspicion, not a mere hunch, that the person is, or is about to be, or was involved in criminal activity? This suspicion must be supported by specific facts or observations.

- *Terry Stop Brief and Focused:* In the case of a Terry Stop, was the stop brief and focused on confirming or dispelling the officer's suspicion?
- *Arrest Probable Cause:* In the case of an arrest, was there probable cause to make the arrest?

#### D. COMMUNICATION WITH SUBJECT(S)

Communication plays a critical role in law enforcement interactions, especially in high-stress situations like those involving use of force. Effective communication can de-escalate tensions, clarify intentions, and prevent misunderstandings, while poor communication can exacerbate a volatile situation. Key considerations for the Monitor's assessment of officer communications with subject(s) include:

- *Clarity of Communication:* How clearly and effectively did the officer communicate with the subject? This includes the use of clear language, appropriate tone, and understandable instructions.
- *De-escalation Efforts:* Were attempts made by the officer to de-escalate the situation through verbal communication? This could include calming the subject, negotiating, or employing other crisis intervention techniques. It also includes active listening to understand the subject's concerns or state of mind, the use of empathetic and non-confrontational language, and the avoidance of language or gestures that could escalate tension.
- *Command Presence and Authority:* Did the officer balance assertiveness with respectfulness to maintain control of the situation without escalating tensions?
- *Use of Verbal Warnings:* Did the officer provide adequate verbal warnings or make the consequences of non-compliance clear to the subject?
- *Responsiveness to Subject's Communication:* Did the officer listen and respond appropriately to the subject's verbal and non-verbal cues?
- *Cultural and Linguistic Considerations:* Did the officer adapt their communication to accommodate any cultural or linguistic differences?

#### E. DE-ESCALATION

De-escalation is key to good policing, especially in situations where use of force is or may become involved. Even in non-use-of-force contacts with civilians, the level of an officer's de-escalation skills can affect the outcome of an encounter. Key considerations for the Monitor's assessment of de-escalation include:

- *Verbal De-escalation:* Did officers use their verbal and non-verbal communication skills to de-escalate tension? This includes tone of voice, choice of words, and body language; providing clear and simple instructions or requests; actively listening in order to understand the subject's concerns or state of mind; acting empathetically and non-confrontationally; and

avoiding the use of language or gestures that could escalate tension, such as profanity or aggressive demeanor.

- *Efforts to Slow Down or Stabilize the Situation:* Did tactical decisions slow the pace of the encounter, allowing more time for a peaceful resolution? This includes avoiding rushing or forcing a resolution unless immediate action is necessary for safety; and creating a controlled environment where both the officer and the subject have time to think and communicate.
- *Attempts to Understand and Empathize with the Subject:* Did the officer empathize with the subject, considering their emotional, mental, and situational state? Did the officer recognize signs of mental illness, substance abuse, or emotional distress? Did the officer show compassion and understanding, which can help in gaining the subject's trust and cooperation?
- *Utilization of Space, Barriers, or Tactical Repositioning:* Did officers use physical space and positioning to reduce the immediacy of a threat and increase safety? This includes maintaining a safe distance to reduce perceived aggression, using barriers (like vehicles or furniture) as protection and to create a buffer zone and repositioning to avoid cornering or overwhelming the subject.
- *Decisions to Wait for Additional Resources or Specialized Units:* Did officers exercise appropriate judgment in deciding to wait for backup, specialized units, or crisis negotiators? Did the officers recognize when the situation was beyond their training or required specialized skills? Did the officers use the time before additional resources arrived to stabilize the situation as much as possible?

#### F. LEGAL JUSTIFICATION FOR USE OF FORCE

Assessing the legal justification for each use of force is a critical component of any comprehensive use of force review. This assessment determines whether force was used in compliance with legal standards, departmental policies, and ethical considerations. Key considerations for the Monitor's assessment of legal justification for each use of force, include:

- *Alignment with Legal Standards:* Did the use of force comply with relevant legal standards, including constitutional guidelines and state law including §18-1-707 C.R.S.? Were each involved officer's actions objectively reasonable considering the circumstances, without the benefit of 20/20 hindsight? This means evaluating the situation from the perspective of a reasonable officer on the scene, rather than with the clarity often available after the fact, while considering: (1) the severity of the crime, if any; (2) any immediate threat to involved officers or others; and (3) whether the subject was actively resisting or evading arrest by flight.
- *Other Factors:* Were alternative methods of capture or restraint considered in light of other potentially relevant factors such as the number of suspects versus officers, and the size, age, and condition of the suspect versus the officers?

- *Consistency with APD Policies:* Did the use of force align with the specific policies and procedures of APD?
- *Proportionality:* Was the level of force used proportional to the threat presented and the subject's actions?
- *De-escalation:* Were de-escalation techniques properly employed?
- *Officer Training and Experience:* Did the officers' decision-making reflect the training and experience of the officer(s) involved?
- *Alternative Options:* Were other less intrusive options available that were not used?
- *Reporting and Supervisory Review:* Was the documentation of the use of force and the supervisory review thereof thorough, accurate and complete?

#### G. DUTY TO INTERVENE

The duty to intervene, as required by §18-8-802 C.R.S., and as trained on by APD in its participation in ABLE training, is a critical component of law enforcement accountability and ethics. It refers to the obligation of an officer to step in when they observe another officer engaging in excessive use of force or conduct that violates a person's rights, departmental policies, or laws. This duty is rooted in the principle of upholding justice, protecting civilians from harm, and maintaining the integrity of the law enforcement profession. The evaluation of this duty is essential to promote a culture of accountability and to assess whether all officers adhere to ethical standards and legal guidelines. Key considerations for the Monitor's assessment regarding whether there was appropriate discharge of the duty to intervene, include:

- *Identifying the Need to Intervene:* Was there a clear and apparent need for an officer to intervene in the situation? The nature of the incident, the actions of the involved officers, and the level of force used are relevant to this assessment.
- *Officer's Response to the Situation:* Did officers at the scene respond in a timely and effective manner to any improper conduct? Did they take appropriate actions to prevent, stop, or report the misconduct?
- *Barriers to Intervention:* Were there any potential barriers that might have prevented an officer from intervening, such as hierarchical constraints, perceived peer pressure, or fear of retaliation?
- *Training and Policy Awareness:* Did the officers possess the knowledge and understanding of relevant policies and training regarding intervention duties? Did the situation reflect a need for enhanced training or clearer policies?
- *Reporting and Follow-up Actions:* Was the incident reported appropriately by the officers following the incident, in line with departmental policy? Were the actions taken by APD upon receiving the report appropriate?



## H. MEDICAL RESPONSE AFTER A USE OF FORCE

The provision of medical response after a use-of-force incident is a fundamental duty of law enforcement officers. It involves assessing the medical needs of individuals involved in the incident and assessing whether appropriate medical care was provided promptly. This duty reflects a commitment to preserving life and health, even in situations where force was necessary. Evaluating this aspect is crucial for assessing whether policies and practices prioritize the well-being and rights of all individuals, align with humanitarian principles, and comply with legal obligations. Key considerations for the Monitor's assessment of medical response after a use of force include:

- *Timeliness of Medical Assessment and Response:* Did officers assess the need for medical assistance in a timely manner after the use of force, and did they promptly provide and/or call for medical aid?
- *Adequacy of Medical Care Provided:* Was the first aid or medical care provided by the officers adequate, if applicable, and was the care appropriate for the injuries or conditions observed?
- *Training and Knowledge:* Did the officers' actions reflect their training and knowledge regarding medical response and first aid?
- *Escalation to Medical Professionals:* Was the officers' decision-making timely and appropriate regarding when to escalate to medical professionals, such as calling an ambulance or EMT? Did APD and AFR fully cooperate and coordinate their interactions?
- *Documentation and Reporting:* Did the officers' documentation of the medical response accurately and thoroughly reflect the medical care provided and the condition of the individual?
- *Policy Adherence:* Were the officers' actions in compliance with departmental policies and protocols related to medical response after the use of force?
- *Consideration of Special Medical Needs:* Did officers consider and appropriately respond to any known special medical needs or conditions of the individual?

## I. RELIEF PROTOCOLS IN USE OF FORCE INCIDENTS

Relief protocols in use-of-force incidents typically mandate that an officer involved in a significant use of force should be relieved from direct contact with the subject at the earliest opportunity by an available officer. This protocol serves as post-force de-escalation of tension between a subject and officer involved in a use of force, allowing for decompression of the situation and the most professional handling of post-force police operations. Adhering to relief protocols is fundamental in assessing whether use-of-force incidents are managed with the utmost professionalism and consideration for all involved. Compliance with these protocols reflects APD's commitment to responsible and ethical law enforcement practices. Key considerations for the Monitor's assessment of relief protocol include:



- *Timeliness of Relief:* Was the involved officer promptly relieved following the use of force incident? If not, were any delays reasonable in light of the circumstances?
- *Implementation of Relief:* Was relief implemented in a manner that maintained the dignity and rights of the subject while ensuring the safety of all parties?
- *Documentation and Reporting:* Was documentation regarding the relief process in the incident report accurate and complete, especially regarding the timeliness and description of the relief action?
- *Policy Adherence:* Did relief actions taken comply with the APD's relief protocols and policies? If not, were any deviations from the protocol justified in light of the circumstances?

## J. PURSUITS

In incidents involving pursuits, it is critical for public and officer safety that pursuits align with departmental policies and legal standards, and that they prioritize public and officer safety at all stages of the pursuit, including the initiation, conduct, and termination of the pursuit. Key considerations in the Monitor's pursuit assessment include:

- *Justification for the Pursuit:* Was the pursuit initiated based on a clear and justifiable reason, and aligned with APD policies and legal standards?
- *Adherence to Pursuit Policies:* Did officers involved in the pursuit adhere to departmental policies regarding when to initiate or terminate a pursuit?
- *Risk Assessment:* Did the risk assessment conducted by officers before and during the pursuit, appropriately consider the safety of the public, the officers, and the suspect?
- *Decision-making and Communication:* Was the decision-making process and the communication among officers and with dispatch during the pursuit effective and appropriate?
- *Outcome of the Pursuit:* Was the conclusion of the pursuit, including any arrests, injuries, or property damage, handled appropriately?
- *Documentation and Supervisory Review:* Was the documentation relative to the pursuit complete and accurate and was the supervisory review appropriate in documenting the supervisor's assessment of the pursuit including lessons learned and any corrective actions to be taken?

## K. COMPLAINT INVESTIGATION

For complaint investigations, the thorough and impartial assessment of how police departments investigate citizen complaints is a cornerstone of maintaining integrity and public trust in law enforcement. Such evaluations are pivotal for assessing compliance with legal and ethical standards and for reinforcing a culture of accountability within police agencies. Reviewing the

investigative processes and reporting mechanisms of complaints enables an assessment of whether each case was handled with the utmost diligence, fairness, and transparency. This type of review is essential in identifying strengths and areas for improvement in the department's approach to internal oversight. It serves as a critical mechanism for promoting organizational learning, enhancing community relations, and upholding the principles of justice and professionalism that are fundamental to the mission of law enforcement. In the pursuit of transparency and accountability, APD has established a robust and accessible system for receiving citizen complaints to include a wide array of channels to accommodate the diverse needs and preferences of the community. Complaints can be submitted through the department's website, via email, by phone, through traditional US mail, or directly to an officer or at a police facility. Internally, complaints may originate from supervisors or fellow officers who observe conduct that warrants review. For each incident review involving a complaint, the Monitor will note the origin of the complaint. Key considerations in the Monitor's assessment of complaint investigations include:

#### Interviews:

- *Selection of Interviewees:* Were all potential witnesses properly identified and interviewed, including the complainant, the accused personnel, bystanders, and other relevant parties? Interviews are a pivotal component of the investigative process in resolving internal and citizen complaints within law enforcement agencies. They provide an opportunity to gather firsthand accounts, clarify details, and understand the perspectives of all involved parties.
- *Comprehensive and Impartial interviews:* Were the interviews conducted comprehensive and impartial? Effective interviews can illuminate the facts of the case, reveal inconsistencies, and contribute significantly to establishing the veracity of the complaint. Conducting comprehensive and impartial interviews is essential for assessing the thoroughness and fairness of the investigation.
- *Appropriateness of Questioning:* Was a structured approach employed in the interviews that established a conducive environment? Were open-ended, non-leading questions used to elicit detailed responses? Were the questions free of any bias or preconceptions on the part of the investigator? Were follow-up questions utilized to confirm that all relevant information was obtained? Were witnesses interviewed separately and in-person when practical and beneficial?
- *Interview Recording and Documentation:* Were all interviews recorded and was the documentation of such interviews accurate and complete?

#### Evidence Collection and Review:

- *Evidence Collection:* Were all relevant forms of evidence actively collected, including body-worn camera footage, any additional video from the scene, photographs, and diagrams of the incident location?

- *Documentation of Physical Scene:* Was the scene of the incident adequately documented when necessary, including the taking of photographs and creating diagrams when beneficial for understanding the case to capture a clear and detailed representation of the physical context in which the incident occurred?
- *Completeness of Documentary Evidence:* Were all documents pertinent to the matter gathered and reviewed including officer reports, witness statements, and any administrative paperwork related to the incident, or the individuals involved?
- *Review of Video Evidence:* Was body-worn camera footage and other video evidence reviewed to provide a clear and objective account of the events as they unfolded, including an analysis of actions, behaviors, and any verbal exchanges captured in the footage?
- *Evidence Preservation:* Was evidence integrity maintained throughout the process, with appropriate measures taken to preserve such evidence, including the safeguarding of digital data, maintaining a chain of custody for physical evidence, and ensuring that evidence is not tampered with or degraded?
- *Use of Video Evidence:* Was video evidence such as BWC footage appropriately utilized during interviews to clarify events, challenge inconsistencies, and corroborate statements?

*Complaint Investigation Process:*

- *Leads:* Did the investigator pursue all relevant and material leads during the investigation, including tracking down additional witnesses, seeking out further evidence, and exploring any new information that arose during the investigation?
- *Bias:* Was there any indication of bias or unfairness in the conduct of the investigation? This entails examining the investigator's approach to all parties involved, ensuring that actions and decisions were based on evidence and facts rather than preconceived notions or prejudices.
- *Comprehensiveness:* Was the investigation comprehensive and meticulous, covering all aspects of the incident? This includes a complete examination of the circumstances, context, and actions of all individuals involved.
- *Consideration of All Evidence:* Was there any minimization or disregard of any evidence that could impact the outcome of the investigation? All evidence, regardless of whether it supported or contradicted initial assumptions, was given appropriate consideration and weight.
- *Objective:* Did the investigator maintain an objective standpoint throughout the process, analyzing evidence and statements critically and without bias? This includes evaluating the credibility of all sources and cross-referencing information to confirm its accuracy.
- *Transparency:* Was the investigation conducted transparently, with clear and comprehensive documentation of each step and finding? Does such documentation comprehensively record the investigative process? And does such documentation support the conclusions reached?

- *Timeliness:* Was the complaint investigation completed in a timely manner from date of intake to the date of completion? The prompt resolution of internal and citizen complaints is crucial in maintaining the integrity and efficacy of police oversight mechanisms. Swift investigative action not only demonstrates the department's commitment to accountability but also helps in preserving the trust and confidence of the community. It is essential, however, to recognize that the time necessary to thoroughly investigate a complaint can vary widely, depending on the complexity of the complaint and the intricacies of the underlying incident. A balanced approach is required to assess whether investigations are conducted as expeditiously as possible, without compromising the thoroughness and fairness needed to reach just and accurate conclusions. Timely investigations can prevent the escalation of community concerns, reduce the potential for misinformation, and enable the timely implementation of corrective actions or disciplinary measures.

#### Investigation Report:

The creation of clear, concise, and unbiased complaint investigation reports is important as complaint investigation reports serve as the official record of the investigation and also as a testament to the department's commitment to transparency, accountability, and justice. A well-crafted report is essential for several reasons: it provides a trustworthy account for all parties involved, including the complainant, the subject of the complaint, and the community at large; it enables the investigative process to be documented in a manner that is easily understandable and free from ambiguity; and it upholds the integrity of the investigation by presenting facts and findings in an impartial and objective manner. The quality of these reports is a direct reflection of the department's dedication to upholding the highest standards of law enforcement practice and to fostering trust within the community it serves. Key considerations in the Monitor's assessment of a complaint investigation report include:

- *Report Layout:* Was the report structured in a logical, coherent manner, facilitating clear understanding and ease of navigation through the document? Was the presentation of information, findings, and conclusions well organized?
- *Investigation Synopsis:* Did the report include a concise and accurate synopsis of the complaint, providing a clear understanding of the allegations and the context of the investigation?
- *Appropriate Discussion of Each Allegation:* Did the report thoroughly address each specific allegation made in the complaint? This involves an individual examination of the facts and evidence relevant to each allegation.
- *Appropriate Conclusions:* Were the conclusions in the report appropriate, based on evidence, sound reasoning and supported by the investigation's findings?

- *Avoidance of Unsupported Conclusory Statements:* Did the report refrain from making conclusory statements without proper evidentiary support? Were all conclusions and assertions backed by specific findings from the investigation?
- *Identification of Exculpatory Evidence:* Did the report identify and consider all exculpatory evidence that could suggest the innocence or mitigate the responsibility of the subject of the complaint?
- *Identification of Inculpatory Evidence:* Did the report identify and evaluate all inculpatory evidence that could indicate the culpability of the subject of the complaint?
- *Neutral Tone:* Did the report maintain a neutral tone throughout, devoid of any evident bias towards either party? Were the facts and findings presented in an impartial and objective manner?

## L. CONSTITUTIONAL RIGHTS

The Constitution provides fundamental rights that must be respected in all law enforcement activities, and it serves as a safeguard against potential civil rights violation. Compliance with constitutional standards is paramount in upholding the rule of law in all encounters between police and the public, and in protecting the rights of individuals. It also reinforces the commitment of law enforcement agencies to ethical and lawful practices. Key considerations in the Monitor's assessment of compliance with fundamental Constitutional rights include:

- *Frisk:* If the encounter involved a frisk, was the frisk legal and appropriate? Did the officers have reasonable suspicion to believe that the person was armed and dangerous, as required by Terry v. Ohio? Was such suspicion based on specific and articulable facts, not just a hunch? And was the frisk limited to a pat-down of the outer clothing for weapons?
- *Search:* If the encounter involved a search, was the search conducted in compliance with fourth amendment protections against unreasonable searches? Was there proper legal justification for the search, such as consent, a warrant, incident to arrest, inventory, or exigent circumstances? The warrantless search of a detained individual or his or her belongings is only permissible in the case of a detention if a legally permissible frisk has determined the presence of that which reasonably is felt to be a weapon.
- *Detention:* If the encounter involved a detention, was the detention legal and appropriate, based on reasonable suspicion or probable cause? Was the detention not unduly prolonged or unduly restrictive as to the place and condition to ensure the safety of officers or others and/or to prevent an escape or willful refusal to comply with an order of detention?
- *Handcuffing:* If the encounter involved the use of handcuffs or other restraints, was their use reasonable and necessary under the circumstances, and did the use of such restraint not constitute excessive or punitive restraint? Handcuffing is generally associated with an arrest, which requires probable cause to believe that the person has committed a crime. Officers may

also use handcuffs during a Terry Stop for safety reasons if they reasonably believe that their safety, or that of others, is at risk, or that the detainee is a flight risk. This must be justified by specific circumstances suggesting the individual may be armed, dangerous, or a flight risk. The use of handcuffs during a stop does not automatically turn the encounter into an arrest, but it does increase the level of scrutiny regarding the lawfulness of the police action.

- *Arrests:* If the encounter involved an arrest, was the arrest legally made, supported by probable cause and conducted in accordance with legal procedures?
- *Miranda Warnings:* If the encounter involved a Miranda warning, was it properly administered, and were suspects informed of their rights before any custodial interrogation, as mandated by the *Miranda v. Arizona* decision?
- *Protected Class Bias:* Was the encounter conducted in an unbiased manner in whole and in part, without any indication of protected class bias affecting the officer's enforcement actions? Protected class bias refers to bias based on race, ethnicity, gender, national origin, language preference, religion, sexual orientation, gender identity, age, or disability.
- *First Amendment Issues:* Did the officers fully respect individuals' exercise of freedom of speech and assembly, and their ability to record incidents?

#### M. PROFESSIONALISM

Professionalism in the context of law enforcement encounters refers to the conduct, demeanor, and adherence to the ethical and procedural standards expected of law enforcement officers. The professionalism of law enforcement officers is fundamental to maintaining public trust and confidence in the criminal justice system. It is essential for the fair and effective administration of justice and for fostering positive community relations. By continually evaluating and reinforcing professional standards, police departments evidence their commitment to the highest ideals of law enforcement and community service. Key considerations in the Monitor's assessment of professionalism include:

- *Consistency with Training and Policy:* Was the officer's behavior consistent with APD's training and policy guidelines?
- *Interaction with the Public:* Did the officers demonstrate courtesy, respect, and ability to effectively communicate in their interactions with the public?
- *Handling of Stressful Situations:* Did the officer effectively handle stress and maintain professionalism in challenging or high-pressure situations?
- *Impartiality and Fairness:* Were the officer's actions and decisions impartial and fair, free from bias or prejudice?



## N. TACTICS

Effective and safe tactical execution is essential for the success of law enforcement operations and for the protection of officers and the public. Reviewing the tactics employed in various incidents can foster an environment of continuous tactical improvement, heightened safety, and professionalism in APD's practices. Key considerations in the Monitor's assessment of tactics include:

- *Appropriateness of Tactics:* Were the tactics used appropriate for the situation, considering factors such as the nature of the incident, the level of threat, and the available resources?
- *Officer Safety:* Did the tactics employed prioritize officer safety, including the use of protective equipment, adherence to safety protocols, and situational awareness?
- *Public Safety:* Was the impact of officers' tactics on public safety reasonable, including risk mitigation strategies to protect bystanders and prevent unnecessary harm or escalation?
- *Tactical Training and Preparedness:* Did the tactics employed align with the officers' training and preparedness, and did the officers apply tactical knowledge and skills effectively?
- *De-Escalation Techniques:* Did the officers use effective de-escalation techniques as part of their tactical approach, to enable the resolution of situations with minimal force and conflict?
- *Decision-Making and Judgment:* Did the officers exercise effective decision-making and judgment in choosing and implementing tactics?
- *Compliance with Policy and Best Practices:* Were the tactics employed in compliance with departmental policies and recognized best practices in law enforcement?

## O. EQUIPMENT ISSUES

Various types of specialty equipment are used in policing. Malfunctioning or improper use of equipment can affect policing outcomes; accordingly, it is important to avoid such issues. Key considerations in the Monitor's assessment of equipment issues include:

- *Equipment Malfunction and Failure:* Were there any instances of equipment malfunction or failure during the incident, and did such equipment malfunctions or failures affect the outcome of the incident?
- *Inappropriate Use of Equipment:* Was any equipment used inappropriately or contrary to training and protocols?
- *Training and Handling:* Did the officers' handling of equipment during the incident align with standard training and protocols?

## P. OFFICER(S) DOCUMENTATION

Officer documentation of police incidents is a critical aspect in policing. The written and recorded accounts of incidents must be thorough, accurate, reliable, and timely, thereby supporting the principles of accountability, transparency, and continuous improvement in policing practices. Key considerations in the Monitor's assessment of officer documentation include:

- *Completeness and Accuracy:* Did officer documentation thoroughly and accurately represent the events of the incident, with sufficient detail and clarity in the descriptions provided?
- *Consistency with Evidence:* Was officer documentation, including CDC form completion, consistent with other available evidence, such as video footage?
- *Timeliness and Procedure Compliance:* Was officer documentation completed in a timely manner following the incident?
- *Transparency and Objectivity:* Did officer documentation have any signs of bias, subjectivity, or omission of critical information?

## Q. POLICY AND RELATED TRAINING IMPLICATIONS

Police work needs to adapt and evolve in response to changing environments, particularly relating to social evolution, technology, criminal trends, legal trends, and evolving citizen expectations. In order to keep pace with evolving challenges and remain responsive and relevant to the public safety needs of the community, periodic updates need to be made to law enforcement policies and practices and related training. Assessing the need for potential policy changes and training updates in the wake of a specific incident is an important component of ensuring that law enforcement practices remain responsive to evolving challenges. Key considerations in the Monitor's assessment of policy and related training implications include:

- *Relevance and Effectiveness of Current Policies and Training:* Did the policies and related training implicated in the incident provide appropriate guidance for officers to follow under the circumstances of the incident?
- *Policy/Training Gaps or Deficiencies:* Did the existing controlling policies and related training relevant for the incident have any gaps or deficiencies that influenced the decisions and/or actions of officers and the outcome of the incident?
- *Best Practices and Benchmarking:* Are the current policies and related training aligned with best practices and standards considering any insights from other agencies or jurisdictions that have successfully implemented policies and training addressing similar issues?



## R. SUPERVISORY REVIEW

Assessing the role of the supervisor in, and any supervisory review of, a specific police incident is crucial to determine whether oversight mechanisms are functioning effectively. A thorough, appropriate and effective supervisory review, including supervisory response, on-scene supervision and supervisory investigation (where required), is essential for ensuring accountability, transparency and fairness within law enforcement. It serves as a key mechanism for overseeing the decisions and conduct of officers and maintaining high standards of conduct in the handling of incidents. This standard serves to enhance public trust, and fosters continuous improvement through applied coaching and mentoring when performance can be improved. Key considerations in the Monitor's assessment of supervisory review include:

- *Comprehensiveness of the Review:* Was the supervisory review thorough, appropriate and effective? Did the supervisory review examine all aspects of the incident, including the decisions and actions of involved officers and the situational context? Did the supervisory review adequately consider all relevant evidence, including documentation, witness statements, and any available audio-visual material?
- *Adherence to Procedures and Standards:* Was the supervisory review conducted in accordance with established departmental procedures, industry standards, legal requirements and ethical obligations?
- *Objectivity and Impartiality:* Was the supervisory review conducted in an impartial manner, with no conflicts of interest or biases that could have influenced the outcome? Was the supervisory review conducted in an objective manner, free from external pressures or influences?
- *Timeliness and Responsiveness:* Was the supervisory review conducted in a timely manner, considering the urgency and seriousness of the incident, that allowed for prompt corrective action and response?
- *Outcomes and Recommendations:* Were the conclusions and recommendations made as a result of the supervisory review effective? Were the actions taken as a result of the supervisory review effective, including disciplinary measures, policy changes, or additional training?

## S. CONTINUOUS IMPROVEMENT AFTER ACTION REVIEW

The question: "What could have been done differently to have reasonably achieved a potentially better outcome?" is an essential component of a continuous improvement philosophy in the assessment of police incidents. While this is an assessment that the Monitor will make in its reviews, the intention is for APD officers to ask this question of themselves for all facets of their law enforcement activities, from pre-incident planning through supervisory review of the incident, leading to a refinement of incident response strategies and management practices, in turn leading to more effective and safer outcomes in future situations. Regularly questioning and

analyzing incident outcomes fosters a proactive mindset, emphasizing the importance of ongoing improvement and adaptation in law enforcement practices. When done properly, this process not only aids in identifying areas for growth and development but also reinforces a commitment to excellence, accountability, and progressive change in law enforcement. Key considerations in the Monitor's assessment of different approach/better outcome include:

- *Alternative Approach/Better Outcome:* Could officers have executed alternative strategies, decisions, or actions to have reasonably achieved a potentially better outcome?
- *Alternatives to Arrest:* Were there opportunities where alternatives to arrest could have been employed, in line with a compassionate and community-focused approach to policing, in particular with respect to unhoused individuals and individuals with mental health and substance abuse issues?
- *Reflective Mindset:* Is there evidence that the officers used a reflective and analytical approach in their self-evaluation of the incident? Did the officers exhibit a mindset of learning and improvement?

## VIII. MONITOR'S INCIDENT REPORTING

The Monitor's findings from its 360-degree incident reviews will be fully documented and reported to command staff as soon as practical after the Monitor's review. Thereafter, the Monitor will discuss its findings with APD Command Staff at twice-monthly RISKS meetings and collaborate with APD command staff regarding what, if any, actions should be taken in light of the findings. The Monitor will track recommendations and remediations that have been mutually agreed upon. These recommendations will fall into two major buckets: those that are specific to an individual officer and those that have broader applicability to specific units or APD as a whole.

### A. SUMMARY OF INCIDENT REVIEW AND ITEMS FOR DISCUSSION

When the Monitor's 360-degree incident review is complete for each incident, the Monitor will prepare a consolidated summary of the key issues and unresolved questions identified during the incident review and summarize any exemplary conduct identified in the incident using the report template included as Attachment 1. The aim is to provide a clear and concise overview of the areas that require further attention, resolution, or action; and to recognize any exemplary conduct identified. This summary serves as a guide for prioritizing efforts in addressing the challenges uncovered and in formulating strategies for improvement and a roadmap for emulating exemplary conduct.

The purpose of this summary is to:

- Highlight critical issues that emerged during the review.
- Outline significant questions that remain unresolved or require deeper investigation, thereby setting the agenda for subsequent analysis, discussion, and decision-making.
- Highlight any exemplary conduct that was identified in the review.

While this summary is specific for each incident reviewed, it is also forward-looking, intending to inform future policy decisions, training programs, and operational strategies. It is designed to address the specifics of the incident and contribute to the broader goal of continuous improvement.

## B. RECOMMENDATIONS

After completion of the Monitor's incident review summaries, the Monitor will outline its recommendations from the Monitor's comprehensive 360-degree incident review. These recommendations are designed to address specific issues and exemplary conduct identified during the review and to promote overall improvement in law enforcement practices. The aim is to provide targeted guidance for remedial actions, policy enhancements, and training initiatives. The Monitor's recommendations are broken down into three major categories: Specific Officer Remediation; General Departmental Recommendations; Specific Officer Commendation.

1. *Specific Officer Remediation:* The Monitor will detail any recommendations for individual officers involved in the incident, focusing on areas such as additional mentoring, coaching, training, counseling, or disciplinary actions, as warranted by the findings of the 360-degree incident review.<sup>2</sup> Each recommendation will be tailored to the circumstances and actions of the specific officers, ensuring a personalized and effective response to the issues identified.
2. *General Departmental Recommendations:* The Monitor will propose any broader training, policy and equipment recommendations that extend beyond the scope of the individual officers involved as raised by the specific incident under review. Recommendations focus on enhancing overall departmental preparedness, responsiveness, and adherence to best practices and could include updates to existing policies, introduction of new training modules, and leveraging technology for education purposes.
3. *Recommendations for Officer Recognition:* The Monitor will recognize exemplary conduct of officers in any of the areas assessed as it is just as important to recognize model conduct and use it as a teaching tool as it is to address and use potential issues.

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<sup>2</sup> It will be incumbent on the supervisory and chain of command of any individual officer to ensure that recommended remediations are, in fact, completed.

### C. POST-REVIEW CONFERENCE WITH APD

Documentation of each 360-degree incident review will be shared with APD. In twice-monthly post-assessment meetings with APD Command Staff and relevant personnel, the Monitor will review all issues and notable observations relating to each incident. These meetings are a cornerstone of the Monitor's collaborative review process, designed to comprehensively discuss the findings and recommendations emanating from the Monitor's 360-degree incident reviews in order to remediate any issues found. These meetings are called RISKS meetings; RISKS is an acronym for the Remediation of Identified Situations Key to Success.

- *Documentation of Findings:* For each incident reviewed, the Monitor will present documentation relating to its review, including any issues and notable observations regarding exemplary conduct in any of the assessment areas. The documentation is structured to facilitate a clear understanding of the Monitor's observations and the underlying data supporting them.
- *Discussion of Recommendations:* The Monitor will discuss its recommendations regarding actionable steps for improvement and the rationale behind each recommendation. During these meetings, the Monitor will encourage open dialogue, allowing APD representatives to provide context, ask questions, and express concerns.
- *Collaborative Action Planning:* The core of each RISKS meeting involves collaboratively developing an action plan to address any notable observations. This process ensures that the recommendations are feasible and aligned with APD's operational capabilities and strategic goals.
- *Accountability:* The Monitor has established a mechanism for follow-up and accountability, to confirm that agreed upon timelines for implementing the action plan are met.

## ATTACHMENT 1: Monitor's 360-Degree Incident Review Report Template

## Monitor's 360-Degree Incident Review Report Template

### THE INCIDENT

The following incident was reviewed by the Monitor:

<b>APD Incident Number:</b>	
<b>APD UOF Number:</b>	
<b>Command:</b>	
<b>Date of Incident:</b>	
<b>Time of Incident:</b>	
<b>Place of Incident:</b>	
<b>Incident Summary:</b>	
<b>Incident Initiated By:</b>	

### REVIEW DETAILS

The details of the review are as follows:

<b>Date of Review:</b>	
<b>Reviewer(s):</b>	
<b>Reason For Review:</b>	
<b>Documents Reviewed:</b>	
<b>Stop/Contact Data Form Completed:</b>	

### INVOLVED OFFICER(S) AND SUBJECT(S)

The following were involved in this incident:

<b>Involved Officer(s):</b>	
<b>Involved Subject(s):</b>	

### BODY WORN CAMERA ASSESSMENT

BWC was reviewed as follows: (Note: The listing of a review does not necessarily mean that the entire BWC video of that officer was reviewed.)

<b>BWC Officers Reviewed:</b>	
<b>BWC Assessment:</b>	
<b>BWC Comment:</b>	

## Monitor's 360-Degree Incident Review Report Template

### IMPLICATED POLICIES

The following policies are implicated in this incident and review:

**Applicable Policies Implicated:**

### PLANNING, INTERNAL COMMUNICATIONS AND DECISION-MAKING

The assessment of each of the following pre-incident (pre-UOF):

**Pre-Incident Info Gathering  
and Planning Evaluation:**

☐ ISSUE OR NOTABLE OBSERVATION

☐ NO ISSUE OR NOTABLE OBSERVATION

**Pre-Incident Info Gathering  
and Planning Evaluation  
Comment:**

### LEGAL PREDICATE FOR CONTACT WITH SUBJECT

The following is the assessment of the legal predicate for contact with the subject:

**Level of Initial Contact:**

**Assessment of Legal Predicate  
for Contact with Subject:**

☐ ISSUE OR NOTABLE OBSERVATION

☐ NO ISSUE OR NOTABLE OBSERVATION

**Legal Predicate for Contact  
with Subject Comment:**

### COMMUNICATIONS WITH SUBJECT(S)

The following is an assessment of officer-subject communication:

**Communications Assessment:**

☐ ISSUE OR NOTABLE OBSERVATION

☐ NO ISSUE OR NOTABLE OBSERVATION

**Communications Assessment  
Comment:**

### DE-ESCALATION

The following is an assessment of de-escalation techniques utilized by officers:

**De-escalation and Alternative  
Assessment:**

☐ ISSUE OR NOTABLE OBSERVATION

☐ NO ISSUE OR NOTABLE OBSERVATION

**De-escalation and Alternative  
Comment:**

## Monitor's 360-Degree Incident Review Report Template

### USE OF FORCE

The following areas involving any uses or displays of force were assessed as follows:

<b>UOF Employed:</b>		
<b>UOF Other (if checked):</b>		
<b>UOF Description:</b>		
<b>Legal Justification of Use of Force:</b>		
<b>Legal Justification of Use of Force Comment:</b>		
<b>Duty to Intervene Assessment:</b>	<input type="radio"/> ISSUE OR NOTABLE OBSERVATION	<input type="radio"/> NO ISSUE OR NOTABLE OBSERVATION
<b>Duty to Intervene Comment:</b>		
<b>Medical Response Assessment:</b>	<input type="radio"/> ISSUE OR NOTABLE OBSERVATION	<input type="radio"/> NO ISSUE OR NOTABLE OBSERVATION
<b>Medical Response Comment:</b>		
<b>Relief Protocols Assessment:</b>	<input type="radio"/> ISSUE OR NOTABLE OBSERVATION	<input type="radio"/> NO ISSUE OR NOTABLE OBSERVATION
<b>Relief Protocols Comment:</b>		

### PURSUIITS

The following relates to the assessment of the pursuit:

<b>Pursuit Assessment:</b>	<input type="radio"/> ISSUE OR NOTABLE OBSERVATION	<input type="radio"/> NO ISSUE OR NOTABLE OBSERVATION
<b>Pursuit Comment:</b>		

### COMPLAINT INVESTIGATION

The following areas are relative to the assessment of the complaint investigation:

<b>Complaint ID:</b>		
<b>Complaint Date:</b>		
<b>Intake Method:</b>		
<b>Complainant Info:</b>		
<b>Complaint Investigation to Consent Decree Monitor:</b>		
<b>Time from Receipt to Consent Decree Monitor Review:</b>		
<b>Complaint Timeliness:</b>	<input type="radio"/> ISSUE OR NOTABLE OBSERVATION	<input type="radio"/> NO ISSUE OR NOTABLE OBSERVATION
<b>Timeliness Comment:</b>		



## Monitor's 360-Degree Incident Review Report Template

<b>Investigative Issues:</b>	<input type="radio"/> ISSUE OR NOTABLE OBSERVATION	<input type="radio"/> NO ISSUE OR NOTABLE OBSERVATION
<b>Investigative Issue Comments:</b>		
<b>Evidence Collection and Review:</b>	<input type="radio"/> ISSUE OR NOTABLE OBSERVATION	<input type="radio"/> NO ISSUE OR NOTABLE OBSERVATION
<b>Evidence Collection Comment:</b>		
<b>Other Investigative Issues:</b>	<input type="radio"/> ISSUE OR NOTABLE OBSERVATION	<input type="radio"/> NO ISSUE OR NOTABLE OBSERVATION
<b>Other Investigative Issues Comment:</b>		
<b>Report Issues:</b>	<input type="radio"/> ISSUE OR NOTABLE OBSERVATION	<input type="radio"/> NO ISSUE OR NOTABLE OBSERVATION
<b>Report Issues Comment:</b>		
<b>Preliminary Resolution of Complaint:</b>	<input type="radio"/> ISSUE OR NOTABLE OBSERVATION	<input type="radio"/> NO ISSUE OR NOTABLE OBSERVATION
<b>Preliminary Resolution Comment:</b>		

### CONSTITUTIONAL RIGHTS

The following assessment relates to whether there were any potential constitutional rights violations by the involved officers:

<b>Constitutional Rights Assessment:</b>	<input type="radio"/> ISSUE OR NOTABLE OBSERVATION	<input type="radio"/> NO ISSUE OR NOTABLE OBSERVATION
<b>Constitutional Rights Comment:</b>		

### PROFESSIONALISM

The following assessment relates to the professionalism of the involved officers:

<b>Professionalism Assessment:</b>	<input type="radio"/> ISSUE OR NOTABLE OBSERVATION	<input type="radio"/> NO ISSUE OR NOTABLE OBSERVATION
<b>Professionalism Comment:</b>		

### TACTICS

The following assessment relates to an assessment of tactics of involved officers:

<b>Tactical Assessment:</b>	<input type="radio"/> ISSUE OR NOTABLE OBSERVATION	<input type="radio"/> NO ISSUE OR NOTABLE OBSERVATION
<b>Tactical Comment:</b>		

## Monitor's 360-Degree Incident Review Report Template

### EQUIPMENT ISSUES

The following relates to any equipment issues noted in the assessment of this incident:

<b>Equipment Issue Assessment:</b>	<input type="radio"/> ISSUE OR NOTABLE OBSERVATION <input type="radio"/> NO ISSUE OR NOTABLE OBSERVATION
<b>Equipment Issues Comment:</b>	

### OFFICER(S) DOCUMENTATION

The following relates to any documentation issues noted by involved officers:

<b>Assessment of Officer(s) Documentation:</b>	<input type="radio"/> ISSUE OR NOTABLE OBSERVATION <input type="radio"/> NO ISSUE OR NOTABLE OBSERVATION
<b>Assessment of Officer(s) Documentation Comment:</b>	

### POLICY AND RELATED TRAINING IMPLICATIONS

The following relates to any need for policy and related training review as brought to light by this incident:

<b>Policy Issue(s) Assessment:</b>	<input type="radio"/> ISSUE OR NOTABLE OBSERVATION <input type="radio"/> NO ISSUE OR NOTABLE OBSERVATION
<b>Policy Issue(s) Comment:</b>	

### SUPERVISORY REVIEW

The following areas involving the supervisory review of any uses of force were assessed as follows:

<b>Overall Assessment of Supervisory Review:</b>	<input type="radio"/> ISSUE OR NOTABLE OBSERVATION <input type="radio"/> NO ISSUE OR NOTABLE OBSERVATION
<b>Assessment of Supervisory Comment:</b>	

## Monitor's 360-Degree Incident Review Report Template

### CONTINUOUS IMPROVEMENT AFTER ACTION REVIEW

The following is our assessment of whether a different approach could have potentially and reasonably yielded a better outcome:

<b>Different Approach/Better Outcome:</b>	<input type="radio"/> ISSUE OR NOTABLE OBSERVATION	<input type="radio"/> NO ISSUE OR NOTABLE OBSERVATION
<b>Different Approach/Better Outcome Comment:</b>		

### SUMMARY OF ASSESSMENT ISSUES FOR DISCUSSION AND RECOMMENDATIONS

The following section summarizes our assessment of this incident.

<b>Summary Assessment and Observations and Issues:</b>	<input type="radio"/> ISSUE OR NOTABLE OBSERVATION	<input type="radio"/> NO ISSUE OR NOTABLE OBSERVATION
<b>Recommendations Comment:</b>		

**APPENDIX D:**  
**MONITOR’S INTRODUCTION AND**  
**NATIONAL POLICING INSTITUTE REPORT ON**  
**“ENFORCEMENT DATA ANALYSIS FOR THE**  
**AURORA COLORADO POLICE DEPARTMENT”**



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# MONITOR'S INTRODUCTION TO THE NPI REPORT: ENFORCEMENT DATA ANALYSIS FOR THE AURORA, COLORADO POLICE DEPARTMENT

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December 18, 2023



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## INTRODUCTION

As part of our role as Independent Consent Decree Monitor, we are releasing a Report by NPI entitled "Enforcement Data Analysis for the Aurora Colorado Police Department" (the "Report"). The Report provides an in-depth analysis of law enforcement activities in Aurora over a six-year period, offering insights into the trends and dynamics of policing in the community.

The Report was authored by a research team from the National Policing Institute (NPI), led by Dr. Robin Engel, a nationally recognized leader in criminal justice and police reform. The NPI team is known for their evidence-based approach to policing, emphasizing the importance of data-driven strategies in enhancing public safety and community trust. NPI's commitment to advancing effective, just, and equitable policing aligns with the values of the Consent Decree.

The Report examines several key aspects of policing activities in Aurora, including trends in criminal incidents, criminal summonses, arrests, and uses of force, from January 1, 2017, to December 31, 2022.

The Report provides insights into disparities that exist in enforcement activity and potential gaps in policies and procedures and how data should be collected moving forward.

## METHODOLOGY AND INHERENT LIMITATIONS OF THE NPI ANALYSES

The Report fully details the methodologies that were employed by NPI in its analyses and the inherent strengths and limitations of each methodology. Of note are the following:

- In order to analyze whether APD arrests people or uses force against them at different rates depending on their race/ethnicity, the NPI Report in part used "benchmark comparisons." This means that NPI compared (1) the percent of people arrested, or against whom force is used, who are of a certain race/ethnicity to (2) the percent of people in a benchmark comparison group who are of that same race/ethnicity.<sup>1</sup> Each benchmark comparison group yields a different outcome relative to disparities between racial/ethnic groups.<sup>2</sup>
- Although both census and non-census benchmarks are included in the Report, NPI believes that "non-census benchmarks," i.e., benchmark comparison groups that do not rely on the census population, are more meaningful because they better approximate the population of individuals who are "at risk" of enforcement action.<sup>3</sup> NPI used two kinds of

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<sup>1</sup> See NPI Report pg. 21-22, 54.

<sup>2</sup> See NPI Report pg. 21.

<sup>3</sup> See NPI Report pg. 22.

non-census benchmarks: (1) people reported to APD as being criminal suspects, and (2) people who were arrested or issued criminal summonses.<sup>4</sup>

- NPI notes, that if bias affects who becomes a part of a benchmark comparison group to begin with, this may cause the benchmarking analysis to underestimate the amount of racial/ethnic disparity in police enforcement actions.
- Similarly, NPI notes that because criminal suspect data depends on choices made by members of the public regarding who to report as potential criminal suspects and which crimes to report, “reported crimes may themselves be biased against offenders of certain racial/ethnic groups.”<sup>5</sup>
- NPI also conducted multivariate regression analysis to predict to what extent race/ethnicity might influence whether APD uses force.<sup>6</sup> This analysis, by design, utilized data for all arrested individuals with the express purpose of making predictions as to how likely it is that force was used against an individual of a particular race or ethnicity who is arrested.<sup>7</sup> The Report did not analyze how likely it is that force is going to be used against an individual who is not arrested.

Most notably, with respect to the presence of bias or racial profiling, the Report points out that limitations arise from both the nature of the data available and the complexities inherent in policing and social interactions. While the report is able to measure racial disparities (as opposed to bias or racial profiling) and indicates small to marginal disparities in arrests and uses of force for Black individuals compared to White individuals, any level of disparity is a matter of concern. Specifically, the Report cautions:

*It is important to note two caveats to the findings presented in this report. First, no statistical analysis using these data can determine if APD officers engage in racially biased enforcement actions. While it is possible to estimate racial disparities in enforcement actions (i.e., differences in outcomes across racial/ethnic groups) using a combination of statistical analyses, it is beyond the scope of any quantitative analysis to determine if any disparities observed are due to officer bias or discrimination.*

*Second, no single analysis can determine definitively if APD enforcement actions are racially disparate. Each type of statistical analysis has strengths and limitations that should be considered when interpreting the findings. It is possible that analyses employing different techniques or data sources produce conflicting findings. The purpose of conducting multiple analyses using a variety*

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<sup>4</sup> See NPI Report pp. 4-8, 21-22, 48, 55.

<sup>5</sup> See NPI Report pg. 21-23.

<sup>6</sup> See NPI Report pg. 67.

<sup>7</sup> See NPI Report pg. 62-63.



*of data sources is to develop a more comprehensive understanding of APD enforcement patterns.<sup>8</sup>*

In light of all these limitations, it is essential that findings from the Report are interpreted with caution. While they provide valuable insights, they represent a piece of a much larger puzzle. A comprehensive assessment of bias or racial profiling in law enforcement requires a multi-faceted approach that includes qualitative research, community engagement, and ongoing, transparent dialogue. It is through this broader lens that we can begin to more fully understand and address the complex issues of bias and racial profiling in policing.

## NOTABLE FINDINGS

The report contains several notable findings:

- **Decrease in Criminal Summons Issued:** The report notes a consistent decline in the number of criminal summonses issued by the Aurora Police Department (APD) over the six-year period. From a peak of over 5,000 in 2017, there was a significant drop to around 2,300 in 2022. This decline amounted to 54.1% over six years.
- **Stable or Reduced Racial Disparities in Criminal Summons:** The racial and ethnic distribution of individuals who received criminal summonses remained consistent from 2017 to 2022. Despite the overall reduction in summonses, the distribution across racial and ethnic groups did not show significant disparities. This stability suggests that the decrease in summonses was applied uniformly across different demographics.
- **Significant Decline in Arrests Post-COVID:** The Report highlights a substantial reduction in APD arrests following the onset of the COVID-19 pandemic. There was a nearly 47% decline in overall arrests in the post-2020 period compared to the pre-2020 period. This decrease was consistent across all racial and ethnic groups and was more pronounced for less serious offenses.
- **Reduced Racial Disparities in Arrests:** Using its non-census benchmarks, the Report found small to marginal racial/ethnic disparities in arrests, with post-COVID disparities decreasing and, in some benchmarks, showing that Black and Hispanic individuals were less likely to be arrested compared to White individuals.
- **Increased Proportion of Arrests for Serious Offenses Post-COVID:** Although there was a decline in the total number of arrests post-COVID, the proportion of arrests for more serious and violent offenses increased.
- **Stability in Use of Force Incidents:** The number of individuals against whom force was used by the APD remained relatively stable throughout the six-year period. This stability,

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<sup>8</sup> See NPI Report pg. ix.  
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coupled with the significant decrease in arrests, resulted in an increased percentage of arrestees experiencing use of force. However, the overall number of uses of force incidents did not increase significantly.

- **No Significant Disruptions in Use of Force Post-COVID:** Unlike the trends observed in criminal summonses and arrests, the use of force by APD officers did not experience significant disruptions due to the onset of the COVID-19 pandemic or other seminal events during the study period.
- **Significant Racial Disparities in Use of Force Continue to Exist:** Looking at the population of arrestees, while Black arrestees are significantly more likely to have force used against them compared to White arrestees (after controlling for situational, legal and arrestee characteristics), there are no statistical differences in use of force against Hispanic arrestees compared to White arrestees. Racial differences were reduced post-COVID compared to the prior three years.
- **Increase in Serious Violent Crime:** From 2017 to 2022, the city of Aurora experienced a 44% increase in Part I crimes (serious crimes such as murder, rape, robbery, aggravated assault, burglary, larceny, auto theft, and arson) and an 82% rise in violent crime. This persistent upward trend of reported crime was not significantly altered by external events like the COVID-19 pandemic, indicating a growing concern for public safety.

## IMPACT OF COVID-19 AND OTHER SEMINAL EVENTS

While the onset of the COVID-19 pandemic in March 2020 was found to mark a significant turning point in some data trends, the COVID emergency coincides and overlaps with several other seminal events that potentially influenced law enforcement activities and crime patterns. The Report acknowledges the complexities in attributing specific changes to these individual events.

Among these other post-COVID seminal events that may have had an effect on law enforcement activity and crime patterns are the following:

- Officer-involved death of George Floyd in Minneapolis – May 2020
- Enactment of Colorado SB 20-217: Enhance Law Enforcement Integrity – July 2020
- AG launches pattern or practice investigation – August 2020
- Independent Review Panel report released - February 2021
- Indictment of officers involved in McClain death - September 2021
- City enters into Consent Decree - November 2021
- Monitor Selected and Monitorship Begins – February 2022
- APD Chief Vanessa Wilson terminated - April 2022
- Interim APD Chief Dan Oates hired - June 2022

While It is clear that the significant shifts in crime and law enforcement activities started with the onset of COVID, teasing out the specific impact of the remaining seminal events beyond COVID on the observed changes presents a complex challenge for several reasons:

- A number of the seminal events occurred in close temporal proximity to each other and to the onset of the COVID-19 pandemic. This makes it difficult to isolate the effects of individual events on law enforcement and crime trends.
- Each event had its own set of implications, and their effects are likely to be multifaceted and interconnected. This complexity adds to the challenge of attributing specific changes in crime and enforcement patterns to individual events.
- The data used in the report may not have the granularity or the specific variables necessary to directly link changes in crime and enforcement activities to particular seminal events. Without detailed, event-specific data, drawing direct causal links remains speculative.
- A number of the seminal events, along with the COVID-19 pandemic, had broad socioeconomic and psychological impacts on the community. These broader effects could indirectly influence crime rates and police activity, further complicating the analysis.

Given these challenges, it is not feasible to definitively attribute the changes observed in the report to specific seminal events. However, acknowledging the presence and potential influence of these events is important in understanding the broader context of the observed trends.

## CONCLUSION

In conclusion, the Report offers a multifaceted, but nonetheless limited, view of law enforcement in Aurora. It highlights trends in the areas which were analyzed over the period of time examined. As we move forward, we will utilize this information, along with other information coming from a variety of other sources, in determining the progress that Aurora is making in its reform efforts pursuant to the Consent Decree.

## APPENDIX A: ENFORCEMENT DATA ANALYSIS FOR THE AURORA COLORADO POLICE DEPARTMENT (NPI)

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# ENFORCEMENT DATA ANALYSIS FOR THE AURORA, COLORADO POLICE DEPARTMENT

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**PREPARED FOR:**

IntegrAssure, LLC., the City of Aurora, and the Aurora Police Department

**PREPARED BY:**

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**DECEMBER 2023**



The findings and recommendations presented within this report are from the authors and do not necessarily reflect the official positions or opinions of IntegrAssure, LLC., the City of Aurora, or the Aurora Police Department. Please direct all correspondence regarding this report to Robin S. Engel, Ph.D., Senior Vice President, National Policing Institute, 2550 S. Clark Street, Suite 1130, Arlington, VA 22202; 202-833-1254; [rengel@policinginstitute.org](mailto:rengel@policinginstitute.org).

### **About the National Policing Institute**

Established in 1970, the National Policing Institute (NPI, formerly the National Police Foundation) is the oldest nationally known 501(c)(3) nonprofit, nonpartisan, independent research organization dedicated to improving policing in the United States. The National Policing Institute supports change-makers in policing, communities, and government by harnessing the power of science and innovation to promote public safety for all. The National Policing Institute operates with independence and objectivity. Our work identifies ways to improve policing, ignite a spirit of collaboration among officers and the communities they serve, and use rigorous scientific study results to address the most complex public safety issues facing neighborhoods, cities and towns, states, and the nation. Over the last 53 years, the National Policing Institute's work has remained a catalyst for significant change in policing and communities, contributes to scholastic exploration and discovery, informs policymakers, community members, and practitioners alike, and serves as a model for the systematic and fact-based examination of real-world challenges. To accomplish this mission—Pursuing Excellence through Science and Innovation—the National Policing Institute works closely with those working in and affected by policing across the United States and internationally. Today, the National Policing Institute continues to advance the principles of 21st-century democratic policing through its work. Though many may have ideas worthy of consideration, the National Policing Institute offers actionable solutions to the challenges confronting communities and policing leaders.



## About the Authors

**Robin S. Engel, Ph.D.**, serves as Senior Vice President at the National Policing Institute, following over 25 years in academic positions within higher education institutions. As an award-winning researcher, she has partnered with dozens of police agencies in the U.S. and internationally, served as Principal Investigator for over 100 research studies and projects, and ranked among the top academics nationally in criminal justice/criminology. From 2015 – 2019, she served as Vice President for Safety and Reform at the University of Cincinnati, where her executive duties included oversight of daily operations and successful implementation of comprehensive police reforms in the aftermath of a fatal police shooting of an unarmed motorist.

Dr. Engel's partnerships with law enforcement agencies have been honored with the 2008 IACP/Motorola Webber Seavey Award for Excellence in Law Enforcement, the 2009 IACP/West Award for Excellence in Criminal Investigations, and the 2008 National Criminal Justice Association's Outstanding Criminal Justice Program Award. She received the Distinguished Alumni Award from the University at Albany in 2017, and the 2022 O.W. Wilson Award from the Academy of Criminal Justice Sciences. As a top scholar and trusted leading authority in police science, Dr. Engel oversees the Institute's vast scientific investments designed to translate and integrate research into practice.

Dr. Engel has led traffic/pedestrian stop and use of force studies for the Pennsylvania State Police, Ohio State Highway Patrol, Arizona Department of Public Safety, Nebraska State Patrol, State of Vermont, and American Civil Liberties Union, along with local police departments in Cincinnati (OH), Seattle (WA), Tulsa (OK), Oklahoma City (OK), Colorado Springs (CO), and Fairfax County (VA). She has also published extensively on the topics of traffic stop and use of force data analyses within the top academic peer-reviewed journals in the field, has served as an expert on invited panels and conferences, and provided expert testimony.

**Jennifer Calnon Cherkauskas, Ph.D.**, is a Director at the National Policing Institute. Dr. Cherkauskas previously worked as a Senior Research Associate and a Research Consultant at the International Association of Chiefs of Police (IACP)/University of Cincinnati (UC) Center for Police Research and Policy. Over the last twenty years, she has worked with state, local, and campus police agencies on a variety of research and technical assistance projects. She currently works with police agencies across the country as part of multiple research projects examining police use of force, traffic stops, and training evaluations. Dr. Cherkauskas earned her Ph.D. in Crime, Law, and Justice from The Pennsylvania State University.

**Nicholas Corsaro, Ph.D.**, serves as a statistical consultant to the NPI team. He is an Associate Professor of Criminal Justice at the University of Cincinnati. Dr. Corsaro has served as a principal investigator for multiple contracts and grants totaling over seven



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# EXECUTIVE SUMMARY

On November 16, 2021, the Colorado Office of the Attorney General announced its initiation of a consent decree with the City of Aurora, Colorado that mandated oversight of the Aurora Police Department (APD), Aurora Fire Rescue, and Aurora Civil Service Commission. It was specifically recommended by an investigative team appointed by Colorado's Attorney General, Phil Weiser, to conduct a pattern or practice investigation. On February 14, 2022, IntegrAssure, LLC., was appointed as the Independent Consent Decree Monitor to oversee these agencies' implementation of consent decree mandates and ensure progression toward compliance goals.

IntegrAssure engaged the National Policing Institute (NPI) to support the development of baseline measures that may be used to examine changes in police enforcement actions as the APD implements efforts to meet consent decree requirements. This work will facilitate IntegrAssure's assessment of changes in the APD's engagement with community members, including changes to racial disparities in officers' interactions, arrests, and uses of force in the community over time.

The data collection and analytic strategy for this work was guided by six research questions pertaining to the enforcement activities of the APD over time and across groups of community members. These questions included:

1. What are the trends and patterns in APD's criminal summonses, arrests, and uses of force over time?
2. Does the frequency of criminal summonses, arrests, and uses of force shift significantly after seminal events?
3. Do rates of arrest and use of force experienced by different racial/ethnic groups align with their representation among the populations at risk of experiencing enforcement actions by the APD?
4. What factors predict the likelihood of use of force by APD officers?
5. Are community members' race, ethnicity, or gender associated with the type or severity of force used by APD officers?
6. What factors predict the likelihood of injuries to community members or officers during use of force incidents?

## DATA SOURCES

Four data sources were examined to identify trends in APD's enforcement activities over a six-year period (Jan 1, 2017 – Dec 31, 2022), including (1) reported criminal offenses, (2) criminal summonses, (3) arrests, and (4) uses of force. The collection and management process for three of the four data sources (reported criminal offenses,



criminal summonses, and arrests) were conducted with efficacy and provide an acceptable level of confidence in the reliability and validity of the data and subsequent analyses. However, significant data limitations and quality concerns with the APD's use of force reporting constrained the NPI team's capacity to compile and analyze use of force data to support this study. In particular, the inability to link officers and subjects in use of force incidents and the prevalence of missing data on use of force reports prohibited many of the analyses initially planned by the NPI team. As a result, research questions 5 and 6 could not be answered.

Data Provided by APD to Support Analyses (2017–2022)	
Reported Criminal Offenses	<ul style="list-style-type: none"> <li>• Data aggregated to incident (n = 33,495 incidents) and suspect (n = 35,889 suspects) levels.</li> <li>• Used to examine trends in criminal incidents, provide context to APD enforcement activities, and facilitate benchmark comparisons to known criminal suspects.</li> </ul>
Criminal Summonses	<ul style="list-style-type: none"> <li>• Charge-level data aggregated to the individual level (n = 20,922 individuals). Excludes traffic summons (without a criminal charge).</li> <li>• Used to examine trends in criminal summonses and facilitate benchmark comparisons for those who experienced use of force by APD officers.</li> </ul>
Arrests	<ul style="list-style-type: none"> <li>• Data aggregated to the individual arrestee level (n = 44,954 arrestees).</li> <li>• Used to examine arrest trends, examine racial/ethnic disparities, create benchmark comparisons for individuals who experience use of force by APD officers, and identify factors that predict use of force against arrestees.</li> </ul>
Use of Force	<ul style="list-style-type: none"> <li>• Data analyzed at the subject level (i.e., individual who experienced use of force in a single incident) (n = 3,783 subjects; across 3,518 use of force incidents).</li> <li>• Used to examine trends in APD officers' use of force and facilitate benchmark comparisons using force data as the numerator.</li> </ul> <p><b>*Note:</b> Use of force data were extracted for the NPI team at multiple units of analysis (e.g., incident, officer, subject, force action), complicating data aggregation to the subject level. Inconsistencies in these data limited the analysis of APD's use of force data.</p>



## STATISTICAL ANALYSES

The purpose of this report is to develop baseline measures in APD enforcement patterns to assess the agency's progress over time as reform efforts are implemented. Based on the APD enforcement data available, four types of statistical analyses are conducted to examine enforcement patterns and trends: (1) descriptive analyses, (2) time series analyses, (3) benchmark comparisons, and (4) multivariate analyses.

Descriptive analyses summarize and present outcome count data. They provide a basis for understanding basic patterns and distributions in the data and offer an initial assessment of the general trends for a single variable or the potential correlations between two variables.

Time series analyses consider how patterns and trends in police enforcement actions fluctuate over time. Across the six-year period examined, numerous seminal events occurred that may have impacted – or disrupted – preexisting patterns in crime and police enforcement. The NPI team identified ten seminal events to consider when analyzing trends in crime and APD enforcement activities over time.<sup>1</sup> The impact of these events on APD enforcement activities is assessed using interrupted time series analyses.

Benchmark analysis is a statistical method used to examine and assess potential disparities in outcomes across racial/ethnic groups using a reference point (or benchmark) against which rates for different groups can be compared. This analysis relies on the availability of reliable and valid benchmark comparisons. To examine disparities in APD police enforcement activity, the benchmark population should accurately estimate the population *at risk* of being issued a criminal summons, arrested, or having force used against them.<sup>2</sup> Only the presence of disparities can be calculated with benchmark analyses, not the presence of bias.

Finally, multivariate regression modeling is a statistical technique that creates a mathematical equation to estimate the influence of multiple variables on an outcome. While it is often convenient to focus on any given single factor that may affect officer decision-making, (e.g., subject's race) multivariate regression analyses are typically

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<sup>1</sup> The seminal events examined using interrupted time series analyses include: (1) death of Elijah McClain, (2) Colorado Executive Order declaring COVID-19 Disaster Emergency, (3) officer-involved death of George Floyd in Minneapolis, (4) enactment of Colorado SB 20-217: Enhance Law Enforcement Integrity, (5) AG launch of pattern or practice investigation, (6) Independent Review Panel report released, (7) indictment of officers involved in McClain death, (8) city enters into Consent Decree, (9) APD Chief Vanessa Wilson terminated, and (10) Interim APD Chief Dan Oates hired.

<sup>2</sup> The NPI team used eight benchmarks in various analyses, including: (1) residential population data, (2) individuals issued criminal summonses, (3) all arrested individuals, (4) individuals arrested for Part I offenses, (5) individuals arrested for Part I violent offenses, (6) all crime suspects as reported to the police, (7) crime suspects for Part I offenses, and (8) crime suspects for Part I violent offenses.



considered more scientifically valid because these approaches quantify the impact of multiple factors simultaneously and estimate how confident we can be that the associations revealed are not due to random chance. Using multivariate regression analyses, the NPI team examined the likelihood of police use of force against subjects who have been arrested.

Combining statistical approaches allows for more comprehensive policy recommendations by understanding patterns and trends over time (descriptive analyses, interrupted time series analyses), addressing observed disparities (benchmark analyses), and identifying possible contextual factors that contribute to police enforcement actions (multivariate regression analysis). Although benchmarking is valuable for identifying and quantifying racial disparities, multivariate regression analyses supports the examination of the complex interplay of contributing factors. A holistic approach incorporating all statistical methods can offer a more comprehensive understanding of racial disparities in policing outcomes and inform effective policy interventions.

## FINDINGS

It is important to note two caveats to the findings presented in this report. First, no statistical analysis using these data can determine if APD officers engage in *racially biased* enforcement actions. While it is possible to estimate *racial disparities* in enforcement actions (i.e., differences in outcomes across racial/ethnic groups) using a combination of statistical analyses, it is beyond the scope of any quantitative analysis to determine if the disparities observed are due to officer bias or discrimination.

Second, no *single* analysis can determine definitively if APD enforcement actions are racially disparate. Each type of statistical analysis has strengths and limitations that should be considered when interpreting the findings. It is possible that analyses employing different techniques or data sources produce conflicting findings. The purpose of conducting multiple analyses using a variety of data sources is to develop a more comprehensive understanding of APD enforcement patterns. With these caveats in mind, several notable findings are summarized below.

### **1) Crime, especially serious and violent crime, steadily increased in Aurora from 2017 to 2022. This increase was not disrupted or accelerated by any seminal event examined.**

The increase in crime in Aurora across this six-year period includes a 20% increase in total criminal incidents, a 44% increase in reported criminal incidents involving Part I offenses, and an 82% increase in criminal incidents involving Part I violent offenses.

Time series analyses indicate a consistent upward trend of reported crime that was not significantly reduced or accelerated by seminal events, including the onset of the COVID-19 pandemic.



**2) As crime continued to increase from 2017 to 2022, the number of criminal summonses and arrests significantly decreased. This decline in enforcement activity was accelerated by the onset of the COVID-19 pandemic.**

The onset of the COVID-19 pandemic disrupted APD enforcement activities, significantly reducing the number of criminal summonses and arrests. No other seminal events were shown to significantly change criminal summonses and arrests. The significant increase in reported crimes in Aurora did not result in increased APD enforcement activity.

- APD officers issued 20,922 criminal summonses from 2017 to 2022, but there was a linear decline during this period. The onset of the COVID-19 pandemic significantly reduced the issuance of criminal summonses by an additional 11.2% (over and above the pre-established linear decline).
- APD officers arrested 44,954 individuals from 2017 to 2022. The onset of the COVID-19 pandemic significantly disrupted APD arrest activity, reducing it by approximately 50%. Decreases in arrests for less serious offenses were the primary drivers of this reduction. Therefore, although overall arrest counts decreased, the proportion of those arrests post-COVID for more serious and violent offenses increased.

**3) The annual number of subjects who had force used against them by APD officers remained relatively stable across the six-year period. This pattern was not interrupted by the COVID-19 pandemic, or any other seminal event examined.**

The number of individuals who had force used against them during this six-year period (total n = 3,783) did not significantly fluctuate annually.

- Despite stability in the number of individuals subjected to police use of force, the percentage of arrestees who had force used against them significantly increased. This was due to the decline in the number of arrests while use of force counts remained constant.

Unlike both criminal summonses and arrests, use of force was not significantly disrupted by the onset of the COVID-19 pandemic. Data limitations prevented an in-depth analysis of factors contributing to the stability in use of force over time.





**4) Substantively small to marginal racial/ethnic disparities in arrests were found using non-census benchmark comparisons.<sup>3</sup> For the most recent period (post-COVID), racial/ethnic disparities decreased and some benchmarks showed that Black and Hispanic individuals were *less likely* to be arrested compared to White individuals.**

Of the 44,954 individuals arrested by APD officers, 40.3% were Black, 30.8% were White, 25.8% were Hispanic, and 3.1% were of other or unknown racial/ethnic backgrounds.

The NPI team compared the representation (%) of each racial/ethnic group in the population of arrested individuals to their representation in four different benchmarks, including (a) residential population, (b) all crime suspects, (c) crime suspects for Part I offenses, and (d) crime suspects for Part I violent offenses.

- Disparities in arrests for Black individuals compared to White individuals decreased post-COVID across all suspect-based benchmarks. For Hispanic individuals, two of the three suspect-based benchmarks also declined post-COVID. The post-COVID arrest disparity ratios based on Part I violent suspects show that both Black and Hispanic individuals were *less likely* to be arrested than their White counterparts.
- Although disparities in arrests for both Black and Hispanic individuals increased post-COVID when using the residential population-based benchmark, the validity of this benchmark (as an accurate measure of the population at risk of arrest) has been widely questioned and questioned by many experts.

**5) Substantively small or no racial/ethnic disparities in uses of force were found using non-census benchmark comparisons. These small disparities were further reduced in the most recent time period (post-COVID).**

Of the 3,783 individuals who had force used against them, 43.1% were Black, 33.5% were White, 15.3% were Hispanic, 5.7% were of unknown race/ethnicity, and 2.5% were other racial/ethnic backgrounds.

The NPI team compared the representation (%) of each racial/ethnic group in the population of those who experienced force to their representation in eight different benchmarks, including (a) residential population, (b) criminal summonses, (c) all

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<sup>3</sup> All benchmarks have limitations and vary in the extent to which they accurately estimate the population of individuals “at risk” of police enforcement actions. Based on research regarding the validity of different benchmarks and the factors that influence police behavior, criminal suspect-based benchmarks are considered stronger approximations of the population at risk of arrests or use of force compared to other benchmarks, while residential census data is widely considered an unreliable and invalid comparison measure (Alpert et al., 2004; Fridell, 2004; Geller et al., 2021; Smith et al., 2019) and arrest data may mask or underestimate racial/ethnic disparities (Knox et al., 2020a, 2020b).





arrestees, (d) arrestees for Part I offenses, (e) arrestees for Part I violent offenses, (f) all crime suspects, (g) crime suspects for Part I offenses, and (h) crime suspects for Part I violent offenses.

- Benchmark analyses for use of force show small or no racial/ethnic disparities for Black individuals in use of force across most of the eight benchmarks examined.
- Disparities in use of force for Black individuals compared to White individuals decreased post-COVID across all benchmarks, while no disparities in use of force for Hispanic individuals were evident across the benchmarks either before or after the onset of COVID.
- As with arrests, only the residential population benchmark demonstrated racial/ethnic disparities in police use of force, and only for Black individuals compared to White individuals.

**6) When examining only arrestees, multivariate analyses show that Black arrestees are significantly more likely to have force used against them compared to White arrestees after controlling for other situational, legal, and arrestee characteristics. Hispanic arrestees are *not* significantly more likely to experience force compared to White arrestees.**

Although the differences in the likelihood of use of force for Black compared to White arrestees is statistically significant, it represents a substantively small difference in the predicted probability of use of force. These racial differences are also reduced in the post-COVID period compared to the approximately three years prior.

- The multivariate analyses also show that Hispanic arrestees were *not* significantly more likely to experience a use of force than White arrestees during the six-year period after controlling for other situational, legal, and arrestee characteristics.
- The results of the multivariate analyses must be interpreted cautiously because the strongest known predictors of use of force (e.g., suspect resistance, intoxication, presence of a weapon, etc.) could not be included in the statistical models due to limitations in the available arrest data.

**7) Collectively, the analyses suggest that any differences in APD enforcement actions across racial/ethnic groups are small to marginal, and disparities that initially exist have significantly declined over time.**

Taken as a whole, the statistical analyses examining racial/ethnic disparities in APD enforcement actions are small in magnitude, reducing over time, and in some cases, do not exist in the data analyzed. Note however that these analyses have methodological and data quality limitations and should, therefore, be interpreted with caution. The best use of this information is to establish a series of repeated measures to explore the impact of police reform efforts over time.



## RECOMMENDATIONS

Based on the findings reported above, the NPI team provides the following five recommendations for APD's continued improvement in data collection, policy, training, and operational enforcement practices.

### **Recommendation 1: Continue data collection system overhaul.**

The APD has been actively developing a new system for reporting and collecting use of force data that should be operational soon. Improvements to the reporting system will assist in better understanding the dynamics of use of force interactions, exploring whether there are racial/ethnic differences in correlates of use of force, and examining the factors that predict subject and officer injuries, all of which can potentially inform additional improvements to use of force policy and training.

### **Recommendation 2: Add more accountability checks for accurate data collection to demonstrate its importance.**

For APD to continue to be data-driven in its practices and to provide transparency to the community, the department must improve the quality of its use of force data. The APD should develop or enhance reliability and validity checks, including validation measures within the data reporting system, APD's chain of command review processes, and periodic data audits.

### **Recommendation 3: Continue updates in UOF policy and training.**

As part of its ongoing effort to update policies and procedures, the APD should consider revising Directive 05.05 *Reporting Use of Force* to reclassify the pointing of a firearm from Tier Zero to Tier One. This would facilitate more detailed reporting and evaluation by supervisors and commanders to ensure these actions align with department policy and reduce the risk of accidental or unjustified shootings.

In 2023, the APD trained its personnel in the Police Executive Research Forum's (PERF) Integrating, Communications, Assessment, and Tactics (ICAT) de-escalation training. The NPI team recommends that the APD implement strategies for maximizing and sustaining the benefits of de-escalation training, as outlined in a recent PERF implementation guide.

### **Recommendation 4: Continue to track changes in racial/ethnic disparities in APD enforcement actions using multiple measures and analytical techniques.**

Determining whether racial/ethnic disparities exist in enforcement actions can be complex but is necessary for guiding any law enforcement agency's approach to addressing them. The information provided in this report should be used by the Independent Consent Decree Monitor, the City, and the APD to assist the department in



meeting consent decree mandates and aligning with best practices. The APD should consider partnering with an independent research team to continue this work.

The findings presented within this report are based on multiple data sources and statistical techniques. Rather than estimating the amount of racial/ethnic disparity in APD enforcement activities, these findings are better used as baseline measures for comparisons over time. Regardless of the specific level of disparities – which vary based on the data used and analyses conducted – progress toward the reduction of disparities over time can be estimated as reforms are implemented.

**Recommendation 5: Implement effective and equitable crime reduction strategies immediately – especially focused on violence – and continually monitor the impact on reported crime, enforcement disparities, and community sentiment.**

It is critical for the APD and the City of Aurora to implement strategies that can effectively address the rise in violent crime without exacerbating racial disparities in APD enforcement outcomes or sacrificing community trust in the police. Specific consideration should be given to evidence-informed, place-based, and individual-oriented strategies to address factors that contribute to violent crime. Implementing a comprehensive, city-wide violence prevention strategy focusing on the highest-risk places and people can help Aurora reduce violence while maintaining positive reductions in racial disparities across policing outcomes.

## CONCLUSION

This report provides baseline measures for examining racial disparities in enforcement against which the APD can compare future years of data. However, the findings should be interpreted with caution. Regardless of the available data or statistical analyses employed, this aggregate, quantitative examination of patterns and trends in enforcement outcomes cannot determine whether APD officers have made enforcement decisions based on racial bias. Data collection and analyses, however, can provide police executives with the necessary information to examine potentially problematic areas more closely and identify opportunities for improvement where warranted. It also demonstrates transparency to the public and commitment toward evidence-based policing practices that can help to make police encounters with the public safer and more equitable.



# SECTION 1: INTRODUCTION

On November 16, 2021, the Colorado Office of the Attorney General announced its initiation of a consent decree with the City of Aurora, Colorado following the recommendations of an investigative team appointed by Colorado's Attorney General, Phil Weiser, to conduct a pattern or practice investigation. The investigative report, released on September 15, 2021, documented the APD's engagement in activities related to racially biased policing, the use of excessive force, and the failure to record pertinent information in officers' interactions with community members (see Weiser, 2021, p. 1, par. 1). The consent decree mandated oversight of the APD, as well as the Aurora Fire Rescue and Aurora Civil Service Commission, with all three agencies ordered to amend current policies, procedures, and training to increase public trust, enhance the legitimacy and transparency of emergency services, and advance community safety in Aurora.

On February 14, 2022, IntegrAssure, LLC., was appointed as the Independent Consent Decree Monitor to oversee these agencies' implementation of consent decree mandates and ensure progression toward compliance goals that align with state and federal laws. To support their monitorship, IntegrAssure engaged the National Policing Institute (NPI) to conduct statistical analyses and interpret APD enforcement data to develop baseline measures that may be used to examine changes in police activity and outcomes as the APD implements efforts to meet the consent decree requirements. This work will facilitate IntegrAssure's assessment of whether the City has changed "in measurable ways, how Aurora Police engages with all members of the community, including by reducing any racial disparities in how Aurora Police engages, arrests, and uses forces in the community" (Consent Decree, 2022, p.7).

## Current Work

In April 2023, the NPI team produced a technical report describing the research plan to establish baseline measures for the City, including a description of the data sources, methodologies, and statistical techniques to be used. The current report presents the findings from the NPI team's examination of the patterns and trends in the APD's enforcement activities over time (2017-2022). Using multiple data sources and analytic approaches, this report outlines key baseline measures across reported criminal offenses, criminal summonses, arrests, and uses of force that may be used for comparison in future examinations of the APD's enforcement practices and racial/ethnic disparities in enforcement. This report is organized as follows:

**Section 2** identifies the research questions, data sources, and analytic strategies used to examine APD's enforcement activities over time. This description includes the strengths



and limitations of the data, measures, and analytic strategies used by the NPI team. **Section 3** examines trends and patterns in reported criminal offenses, criminal summonses, arrests, and use of force over time. **Section 4** presents benchmark comparisons of the rates of arrest and use of force experienced by different racial/ethnic groups to different comparison populations. **Section 5** presents findings from analyses examining the predictors of APD officers' use of force during arrests. Finally, **Section 6**, summarizes the main findings of the report and provides recommendations for the Independent Consent Decree Monitor and the APD to consider opportunities to continuously improve use of force data collection, policy and training and to promote community and officer safety.



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## SECTION 2: METHODOLOGY

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This section presents the research questions guiding the NPI team's data collection and analytic strategy and describes the data sources used to examine APD's enforcement activities. An overview of the main techniques used in the analysis plan is also provided, along with a comprehensive assessment of the reliability and validity of the available data.

### RESEARCH QUESTIONS

The data collection and analytic strategy for this work were guided by six research questions pertaining to the enforcement activities of the APD over time and across groups of community members. These questions included:

- (1) What are the trends and patterns in APD's criminal summonses, arrests, and uses of force over time?
- (2) Does the frequency of criminal summonses, arrests, and uses of force shift significantly after seminal events (i.e., events at discrete points in time believed to influence police-citizen encounters)?
- (3) Do rates of arrest and use of force experienced by different racial/ethnic groups align with their representation among the populations at risk of experiencing enforcement actions by the APD?
- (4) What factors predict the likelihood of use of force by APD officers?
- (5) Are community members' race, ethnicity, or gender related to the type or severity of the force used by the police?
- (6) What factors predict the likelihood of injuries to community members or officers during use of force incidents?

Notably, research questions 5 and 6 could not be answered due to limitations in the data collected by the APD. It is unknown whether individuals' demographic characteristics are related to the type or severity of force used by APD officers. Additionally, the factors contributing to the likelihood of injury to community members or police officers during use of force incidents cannot be identified. These limitations are discussed further below.



## DATA DESCRIPTION

Several official APD data sources were used to triangulate findings and provide a holistic understanding of the factors influencing police enforcement actions. The primary APD data sources include:

- (1) Reported criminal offenses (including suspect information, when available)
- (2) Criminal summonses
- (3) Arrests
- (4) Uses of force

Electronic data was received from the City of Aurora and the APD for six consecutive years: January 1, 2017–December 31, 2022.

### Criminal Offense Data

The reasons to consider criminal offense data in the development of baseline measures for APD's enforcement activities are two-fold. First, the review of reported criminal offenses allows for the examination of trends in criminal incidents over time, providing important context for APD's enforcement activities. Second, the examination of reported criminal offenses supports the identification of benchmark populations for known criminal suspects (described later in this section). These benchmark populations facilitate comparisons of rates of enforcement activities experienced across groups to understand if racial disparities exist.

**Table 2.1** displays the measures used by the NPI team from the criminal offense data provided by the APD. These data identify 49,173 criminal offenses reported to the APD during the six-year period of interest. Criminal offense data contain information about the reported criminal incident and the suspect (if known). A single criminal incident can involve more than one offense. Similarly, a single incident can involve more than one suspect. For the present analyses, reported criminal offense data were aggregated to the incident and suspect levels using the incident number, date, and suspect identifier. This aggregation identifies 35,889 individuals involved in 33,495 criminal incidents over the six-year period.

Offense data fields were used to create crime-type categories. The variables created for Part I crimes and Part I violent crimes should be interpreted as the percentage of incidents or suspects with at least one Part I offense or Part I violent offense.



**Table 2.1. Available Measures in APD Criminal Incident Data**

Variable Name	Description	Recorded Variables Used in Analyses
<b>Month of Criminal Incident<sup>4</sup></b>	Jan–Dec Incident Dates (by Month)	1 = Jan, 2 = Feb, 3 = Mar, 4 = Apr, 5 = May, 6 = Jun, 7 = Jul, 8 = Aug, 9 = Sep, 10 = Oct, 11 = Nov, 12 = Dec Q1 = Jan-Mar, Q2 = Apr-Jun, Q3 = Jul-Sep, Q4 = Oct-Dec
<b>Year of Criminal Incident</b>	Six years: 2017–2022	Numeric value of year
<b>Time of Day</b>	Time of incident collected using the 24-hour clock	Binary variable <i>Daytime incident</i> 0 = night (7:00 PM–6:59 AM) 1 = day (7:00 AM–6:59 PM)
<b>Location</b>	Latitude and longitude, or street address of criminal incident	Latitude and longitude or street address used to geocode/map crime incidents
<b>Criminal Offense</b>	Charge/offense and associated UCR codes	348 charge codes, recorded into two categories: Part 1 violent = aggravated assault, rape, robbery, murder Part 1 overall = larceny, burglary, motor vehicle theft, and all Part 1 violent
<b>Suspect Gender</b>	Gender of the criminal suspect	Binary variable, 0 = female, 1 = male
<b>Suspect Race/Ethnicity</b>	Race/ethnicity of criminal suspect; original race categories include: White, Black, American Indian or Alaskan Native, Asian or Pacific Islander, unknown Original ethnicity categories include: Hispanic, not Hispanic, unknown	<i>Race/ethnicity</i> 1 = White (non-Hispanic) 2 = Black (including Hispanic Black) 3 = Hispanic (including White or unknown race) 4 = Other (American Indian or Alaskan Native, Asian or Pacific Islander, unknown)
<b>Suspect Age</b>	Age of suspect at time of incident	Continuous variable measured in years between date of birth and criminal incident date

## Criminal Summons Data

APD uses both physical (or custodial) arrests, where a person is taken into police custody, and criminal summonses, where a person is issued a summons to appear in court but is not taken into custody. The criminal summons data are described below, followed by the custodial arrest data.

For the six-year study period (2017–2022), the summons data provided to the NPI team included 91,990 rows of data corresponding to each charge rather than each person

<sup>4</sup> The incident date and time fields were received in a short text data format. They were converted to a date and time format to facilitate time series analyses by creating monthly counts.





charged.<sup>5</sup> This information was aggregated to the individual (person-charged) level. Once aggregated, 57,586 individuals<sup>6</sup> received summonses during the six-year period; however, 64% (36,664 individuals) were excluded from analyses because they were issued traffic summonses with no criminal charge.<sup>7</sup> In total, the criminal summons data examined in Section 3 is based on 20,922 individuals issued criminal summonses from 2017–2022 by APD officers.

These data allow for the examination of the trends in the number of individuals issued criminal summonses over time and are used as a benchmark population comparison for those who experienced force. **Table 2.2** displays the variables and recoded measures for the criminal summons data, including incident characteristics, legal factors, and demographic characteristics of individuals issued summonses.

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<sup>5</sup> That is, a person issued a summons for a single charge had one row of data, whereas a person issued a summons for three charges had three rows of data.

<sup>6</sup> Individuals may appear in the dataset more than once for different incidents.

<sup>7</sup> Those issued only traffic summonses were excluded from this report because there are no analyses included for traffic stops (data not collected by APD during the study period).

**Table 2.2. Available Measures in APD Criminal Summons Data**

Variable Name	Description	Recoded Variables Used in Analyses
<b>Month of Summons</b>	Jan–Dec Incident Dates (by Month)	1=Jan, 2=Feb, 3=Mar, 4=Apr, 5=May, 6=Jun, 7=Jul, 8=Aug, 9=Sep, 10=Oct, 11=Nov, 12=Dec Q1=Jan-Mar, Q2=Apr-Jun, Q3=Jul-Sep, Q4=Oct-Dec
<b>Year of Summons</b>	Six years: 2017–2022	Numeric value of year
<b>Day of the Week</b>	Day of week summons issued	Binary variable <i>Weekend</i> 0 = work week (Mon–Thu) 1 = weekend (Fri–Sun)
<b>Time of Day</b>	Time of summons, collected using 24-hour clock	Binary variable <i>Daytime incident</i> 0 = night (7:00 PM–6:59 AM) 1 = day (7:00 AM–6:59 PM)
<b>Multiple Subjects</b>	Incident involved more than one person issued criminal summons	Binary variable <i>Multiple_People</i> 0 = single person issued summons 1 = multiple people in single incident issued summonses
<b>APD District</b>	APD patrol district where summons issued, based on incident address/location	<i>APD district</i> 0 = missing or out of district, 1 = District 1, 2 = District 2, 3 = District 3
<b>Subject Gender</b>	Gender of the criminal suspect	Binary variable, 0 = female, 1 = male
<b>Subject Race/Ethnicity</b>	Race/ethnicity of the person issued a summons. Original race categories include: White, Black, American Indian or Alaskan Native, Asian or Pacific Islander, unknown Original ethnicity categories include: Hispanic, not Hispanic, unknown	<i>Race/ethnicity</i> 1 = White (non-Hispanic) 2 = Black (including Hispanic Black) 3 = Hispanic (including White or unknown race) 4 = Other (American Indian or Alaskan Native, Asian or Pacific Islander, unknown)
<b>Subject Age</b>	Age of subject at time of summons	Continuous variable measured in years between date of birth and criminal summons date

## Arrest Data

APD policy requires that custodial arrests result in documentation (i.e., arrest reports), including arrestee demographic characteristics, specific criminal charges, and some situational characteristics of the incident. These arrest data are collected and stored in the APD's Versadex data management system. For the study period (2017–2022), the data provided to the NPI team included 46,932 rows of data, corresponding to each specific criminal charge for all arrestees.<sup>8</sup> This information was aggregated to the

<sup>8</sup> For example, an individual arrested for a single charge had one row of data, whereas an individual arrested for three charges had three rows of data.



individual arrestee level for a total of 44,954 individuals arrested.<sup>9</sup> The majority of APD arrests involve individuals with a single charge, as only 1,753 (3.9%) of those arrested have two or more charges per custodial event.

The arrest data are used for four purposes: (1) to examine arrest trends over time and across arrestees' race/ethnicity, (2) to examine racial/ethnic disparities in arrests with benchmark analyses, (3) to create benchmark populations for comparisons to those who experienced force, and (4) to understand the factors that predict whether arrestees have force used against them. For the last analysis, arrestees and uses of force are linked by a unique identifier, where applicable.

**Table 2.3** displays the variables and recoded measures for the arrest data, including incident characteristics, legal factors, and arrestee demographics. Notably, the arrest data do not include relevant additional information, including arrestees' compliance or resistance, mental health considerations, drug or alcohol use, or presence of a weapon (absent a weapon charge). These situational factors (unmeasured in the APD data) have routinely been shown as the strongest predictors of officer use of force.<sup>10</sup>

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<sup>9</sup> A single person could be arrested multiple times over the six-year period, and in those cases, each arrest for the person counts as an individual-arrest (multiple dates for the same person). Thus, the total of 44,954 individual arrestees is not equivalent to 44,954 *unique* individuals arrested. Additionally, multiple individuals could be arrested in a single incident (on the same date/time), and in those cases, each person-incident is also counted separately.

<sup>10</sup> For example, see Engel, 2015; Engel et al., 2000; Engel & Swartz, 2014; Garner et al., 2002; Gau et al., 2010; Kramer & Remster, 2018; Ressler & Terrill, 2017; Smith et al., 2022; Strohshine & Brandl, 2019; Terrill & Mastrofski, 2002.

**Table 2.3. Available Measures in APD Arrest Data**

Variable Name	Description	Recoded Variables Used in Analyses
<b>Month of Arrest</b>	Jan–Dec Incident Dates (by Month)	1=Jan, 2=Feb, 3=Mar, 4=Apr, 5=May, 6=Jun, 7=Jul, 8=Aug, 9=Sep, 10=Oct, 11=Nov, 12=Dec Q1 = Jan-Mar, Q2 = Apr-Jun, Q3 = Jul-Sep, Q4 = Oct-Dec
<b>Year of Arrest</b>	Six years: 2017–2022	Numeric value of year
<b>Day of the Week</b>	Day of week arrested	Binary variable <i>Weekend</i> 0 = work week (Mon–Thu) 1 = weekend (Fri–Sun)
<b>Time of Day</b>	Time of arrest collected using 24-hour clock	Binary variable <i>Daytime incident</i> 0 = night (7:00 PM–6:59 AM) 1 = day (7:00 AM–6:59 PM)
<b>Outstanding Warrant</b>	Arrestee has outstanding warrant	Binary variable <i>Outstanding Warrant</i> 0 = No outstanding warrant 1 = Outstanding Warrant
<b>Violent Offense</b>	Charges against arrestee include Part I violent offense charges	<i>Violent Offense Arrest:</i> 0 = no violent offense charges 1 = At least one charge for Part I violent offense
<b>Multiple Arrestee</b>	Incident involved more than one person arrested	Binary variable <i>MultiArrest</i> 0 = single arrestee 1 = arrestee one of multiple arrestees
<b>APD District</b>	APD patrol district where arrest occurred, based on incident address/location	<i>APD district</i> 0 = missing or out of district, 1 = District 1, 2 = District 2, 3 = District 3
<b>Arrestee Gender</b>	Gender of arrestee	Binary variable, 0 = female, 1 = male
<b>Arrestee Race/Ethnicity</b>	Race/ethnicity of arrestee. Original race categories include: White, Black, American Indian or Alaskan Native, Asian or Pacific Islander, unknown Original ethnicity categories include: Hispanic, not Hispanic, unknown	<i>Race/ethnicity</i> 1 = White (non-Hispanic) 2 = Black (including Hispanic Black) 3 = Hispanic (including White or unknown race) 4 = Other (American Indian or Alaskan Native, Asian or Pacific Islander, unknown)
<b>Arrestee Age</b>	Age of subject at time of arrest	Continuous variable measured in years between date of birth and arrest date

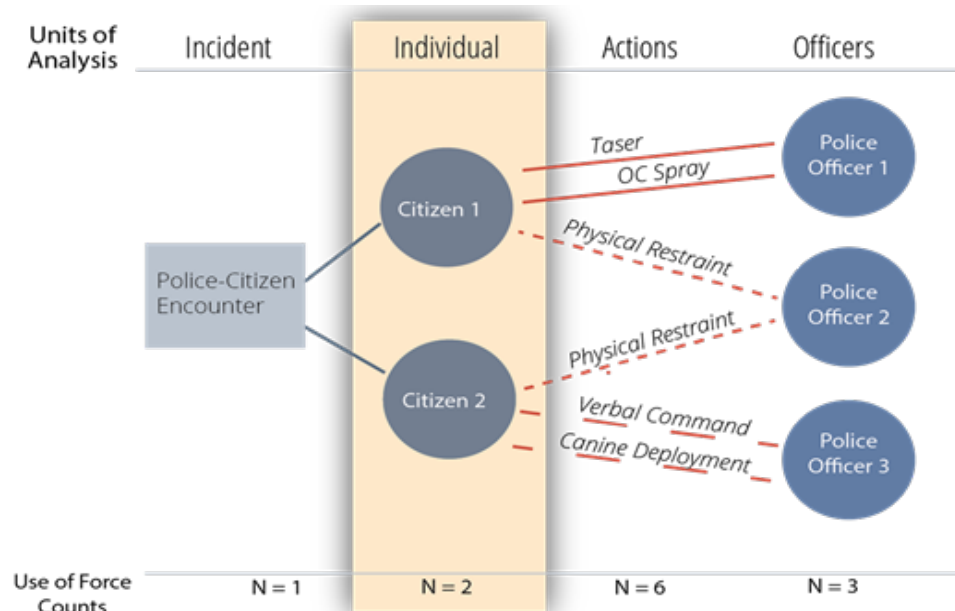
## Use of Force Data

When APD officers use force against individuals, their supervisor is required to complete a Use of Force Report. These reports are completed in APD’s AIM (Administrative Investigations Management) system and include information about the incident, the involved officer(s), the subject(s), the reason for force, force actions used, and any resulting injuries to the officers or subjects. For analytical purposes,



information from the force reports must be aggregated to the unit of analysis of interest. The possible units of analysis are graphically displayed in **Figure 2.1**.

**Figure 2.1: Hypothetical Example of Use of Force Measures by Unit of Analysis**



Note: The individual level is the unit of analysis used in this study.

Source: Engel, R. S., Corsaro, N., Isaza, G. T., & McManus, H. D. (2022). Assessing the impact of de-escalation training on police behavior: Reducing police use of force in the Louisville, KY Metro Police Department. *Criminology & Public Policy*, p.211.

The counts of use of force can vary dramatically depending on which unit of analysis is selected (Engel et al., 2022). For example, in the example above, there is one incident, two subjects or individuals, six force actions, and three officers. This distinction in units of analysis is noted in APD's publicly available use of force reports.<sup>11</sup> For all analyses in this report, use of force is analyzed at the *individual/subject level* (i.e., an individual who experiences a use of force within a single incident) given the interest in examining differences in uses of force across individuals of different racial/ethnic groups.

Analyses at the subject level required aggregating information from multiple use of force data tables at various levels within the APD's AIM database to the subject level for all use of force incidents. As described in detail below, this process of aggregating information from different units of analysis to the subject level was analytically

<sup>11</sup> For example, see the 2020 Annual Use of Force Report that included 500 use of force incidents, 644 subjects, 413 officers, and 1,579 applications of force. [https://cdnsm5-hosted.civiclive.com/UserFiles/Servers/Server\\_1881137/File/Residents/Public%20Safety/Police/Public%20Reports%20and%20Crime%20Data/2020%20Annual%20Use%20of%20Force%20Report.pdf](https://cdnsm5-hosted.civiclive.com/UserFiles/Servers/Server_1881137/File/Residents/Public%20Safety/Police/Public%20Reports%20and%20Crime%20Data/2020%20Annual%20Use%20of%20Force%20Report.pdf)



challenging. Ultimately, for the six-year study period, the use of force data includes 3,783 individuals involved in 3,518 incidents.

**Table 2.4** displays the variables and recoded measures for the use of force data, including incident characteristics, type of force used, demographics of the individuals against whom force was used, and injuries. Notably, despite resistance being defined in the APD Use of Force Glossary, a measure of subject resistance was not captured in the data provided to the NPI team. The APD is actively revising the department's use of force data collection, with information on individuals' resistance to be systematically captured in the updated use of force reporting protocol.<sup>12</sup>

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<sup>12</sup> Current definitions of subject resistance can be found in APD Directive 05.01 *Use of Force* at <https://public.powerdms.com/AURORAPD/tree/documents/3167288>

**Table 2.4. Available Measures in APD Use of Force Data**

Variable Name	Description	Recoded Variables Used in Analyses
<b>Incident ID</b>	Unique numeric identifier to link use of force files	Measured as collected (string identifier)
<b>Day of the Week</b>	Day of week arrested	Binary variable <i>Weekend</i> , 0 = work week (Mon–Thu), 1 = weekend (Fri–Sun)
<b>Time of Day</b>	Time of incident collected using 24-hour clock	Binary variable <i>Daytime incident</i> , 0 = night (7:00 PM–6:59 AM), 1 = day (7:00 AM–6:59 PM)
<b>Address of incident</b>	Incident address linked to the various geographic files	Each location has a unique identifier
<b>Subject gender</b>	Gender of use of force subject	Binary variable, 0 = female, 1 = male
<b>Subject race/ethnicity</b>	Use of force subject race/ethnicity Original race/ethnicity categories include: White, Black, Hispanic <sup>13</sup> , American Indian, Asian, Hawaiian or Pacific Islander, Mixed, Other, Unknown	Subject Race/ethnicity coded as 1 = White, 2 = Black, 3 = Hispanic and 4 = Other (including all other categories)
<b>Subject age</b>	Age of subject at time of force	Continuous variable measured in years between date of birth and use of force date
<b>Subject alcohol or drug impairment</b>	Use of force subject perceived to be impaired by alcohol or drugs	Binary variable <i>Substance Impairment</i> , 0 = not impaired, 1 = impaired by drugs or alcohol
<b>Reason for force</b>	Officer's legal justification for using force	Necessary to: 1 = effect arrest, 2 = prevent a crime 3 = defend another, 4 = defend officer 5 = prevent a crime, 6 = for subjects' safety, 7 = failure to obey
<b>Type of force</b>	Officer-level input, aggregated to the individual-incident level (i.e., if any officer used any of the following actions in the incident against the person)	1 = control techniques (twist locks, takedowns, etc.), 2 = hobble, 3 = O.C. spray, 4 = punches, strikes, kicks, 5 = Baton, 6 = Taser, 7 = police canine, 8 = launchable impact weapons, 9 = Other (i.e., PIT maneuver, stop sticks), 10 = Deadly force
<b>Type of offenses</b>	Offense use of force subject charged with	1 = Misdemeanor, 2 = Felony, 3 = Protective custody, 4 = Petty offense
<b>Subject arrested</b>	Use of force subject arrested	Binary variable coded as 0 = No, 1 = Yes
<b>Subject injury</b>	Use of force subject injured	Binary variable coded as 0 = No, 1 = Yes
<b>Subject preexisting injury</b>	Use of force subject preexisting injury	Binary variable coded as 0 = No, 1 = Yes
<b>Subject treatment</b>	Use of force subject provided medical treatment	0 = not needed; 1 = Treated/release; 2 = Professional medical treatment; 3 = Hospitalized
<b>Officer injured</b>	Officer injured in use of force incident	0 = No injury; 1 = Injury
<b>Officer (injury) treatment</b>	Type of treatment officer injury	0 = Treatment not needed; 1 = Treated/released; 2 = Hospitalized

<sup>13</sup> Unlike arrest data where race and ethnicity are two separate data fields, subject race/ethnicity is captured as a single race/ethnicity field in the use of force report.



**Table 2.5** displays the tiered system the APD uses to classify types of force. The reporting, investigatory, and review processes vary by force tier. Most types of force were introduced in APD policy as "Incidents that Require Notification and Reporting" on January 3, 2015, without the associated tiers.<sup>14</sup> On January 1, 2016, Tier Zero force types were introduced in APD policy, and the preexisting types of force were categorized into the tiers the APD presently uses. All other types of force introduced later are noted with their effective date in parentheses in Table 2.5. The APD released an updated version of its Reporting Use of Force policy on August 18, 2023.<sup>15</sup>

This report only examines Tiers One to Three uses of force; Tier Zero incidents do not result in a report. As a result, the frequency or patterns and trends associated with the APD's use of pointing a firearm cannot be assessed. By way of comparison, recent research examining use of force by the Colorado Springs Police Department found that the pointing of a firearm comprised approximately two-thirds of the department's use of force (Brown et al., 2022).

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<sup>14</sup> APD Policy DM 05.04 - Reporting and Investigating the Use of Tools, Weapons, and Physical, p.1, Section 5.4.1, 2015.

<sup>15</sup> Table 2.5 differs from that shown in the *Technical Report* (issued in April 20223), as it has been updated to reflect policy changes.



**Table 2.5. APD Types of Force by Tier**

Tier Level	Types of Force Included
<b>Tier Zero</b> Statutory use of force per C.R.S. § 18-1-707 or display of force by a sworn member of APD	Firearm Gun Point (Handgun, Rifle, Shotgun)
	Less Lethal Shotgun, Projectile Launcher, Taser, OC Pointing
	Arrest with Handcuffs (Introduced as Tier Zero 10/07/2020)
	Handcuff and Release with no arrest or summons
	Pat-Down for weapon (Introduced as Tier Zero 10/07/2020)
	Physically redirecting a person that does not involve overcoming resistance (Introduced as Tier Zero 10/07/2020)
	Consensual Search of a Person (Introduced as Tier Zero 10/07/2020)
<b>Tier One</b> Use of force with no or minor injury used to overcome physical resistance	Take Down (Introduced as Tier One 01/01/2016)
	Use of control weapon (Baton or SD-1) for leverage or control purposes (no strikes or thrusts)
	BolaWrap™ (Introduced as Tier One 08/18/2023)
	WRAP™ or Restraint Chair
	Restraining measures to assist AFR, EMS, and/or medical personnel
<b>Tier Two<sup>16</sup></b> Use of a weapon other than a deadly weapon or actions that result in injury requiring professional medical treatment	Oleoresin Capsicum (pepper spray)
	Baton Strikes/Thrusts
	Launchable Impact Weapons
	CEW
	Use of Personal Weapons (e.g., strikes, punches, kicks)
	Police Canine Sent with the Intent to Bite
	Pitting and/or Boxing of a Moving Vehicle (Introduced as Tier Two 01/01/2016)
	Tire-deflation device used on a vehicle in motion with successful tire deflation (Introduced as Tier Two 10/07/2020)
<b>Tier Three<sup>17</sup></b> Use of a deadly weapon, lethal force, and/or force where hospitalization or death occurs	Use of Lethal Force regardless of injury <sup>18</sup>
	Use of force, tools, or weapons which result in hospitalization or death <sup>19</sup>
	Intentional use of a vehicle against a person on foot (Introduced as Tier Three 08/18/2023)
	Any incident where a sworn member discharges a firearm and a person is struck by a bullet outside of a training environment

Source: Adapted from APD's UOF Matrix (Vers 4), APD's DM 05.04 – Reporting and Investigating the Use of Tools, Weapons, and Physical (Vers 0-14), and APD's 05.05 Reporting Use of Force Policy

<sup>16</sup> Carotid Control was classified as a Tier Two type of force on Jan 1, 2016, and was **prohibited** from use on Jun 9, 2020. Therefore, it is excluded from the table that reflects current tiers of force.

<sup>17</sup> When a supervisor, in conjunction with the Duty Executive, believes that a use of force warrants a higher or lower Tier Classification and response, they can adjust accordingly.

<sup>18</sup> Effective Dec 7, 2016, "except in incidents involving a firearm, when the use of a tool or weapon that is considered potentially deadly force is used to overcome resistance resulting in no injury, or injury not requiring professional medical treatment, the Duty Captain, in consultation with the Duty Executive, may direct that the incident be investigated as a Tier Two use of force."

<sup>19</sup> Effective May 13, 2019, "when a person is hospitalized due to use of force that would otherwise be considered a Tier Two use of force such as but not limited to Taser, K9 or less lethal deployment, the Duty Executive may determine that a Tier Two response (including all reporting) is appropriate."



## DATA LIMITATIONS

Significant data limitations and quality concerns constrained the NPI team's capacity to compile and analyze the data provided by the APD to support this study. The NPI team collaborated directly with the APD and City of Aurora IT personnel to collect and prepare the required data. The data collection and transfer process involved multiple requests, various iterations of data submission, and a series of conversations with APD and City employees to extract necessary information and document how datasets are maintained and matched across the APD's systems. Once data was received, the preparation process involved merging multiple data tables and manually cleaning numerous free text fields.

The comprehensive data collection and management process for data relating to reported criminal offenses, criminal summonses, and arrests provided the NPI team with an acceptable level of confidence in the reliability of the data and subsequent analyses of the outcomes of interest. In contrast, the NPI team identified fundamental issues with the APD's use of force data that prohibited many originally planned analyses, detailed below. Notably, the NPI team cannot speak to the quality of the use of force data stored in the APD's original PDF Use of Force Reports. The examination detailed below is based only on the electronic data that was extracted by APD personnel for the purpose of this study.<sup>20</sup>

### Linking Officers and Subjects

Using the APD's electronically available use of force data, the NPI team was unable to consistently link use of force subjects to the officer who used force against them. Use of force information was provided to the NPI team in multiple tables that had to be manually linked by incident number and individuals' unique identifiers. Notably, the APD's AIM system includes an "employee person link" that permits an analyst to connect the specific force actions and resulting injuries between each officer and subject for each force event. Unfortunately, this link is not reliably available for all cases. More than a third ( $n = 1,291$ , 34.1%) of the 3,783 individuals who had force used against them could not be reliably linked to the officers who used force. An examination of the data by year indicates that the issue with missing linkage information improved significantly over

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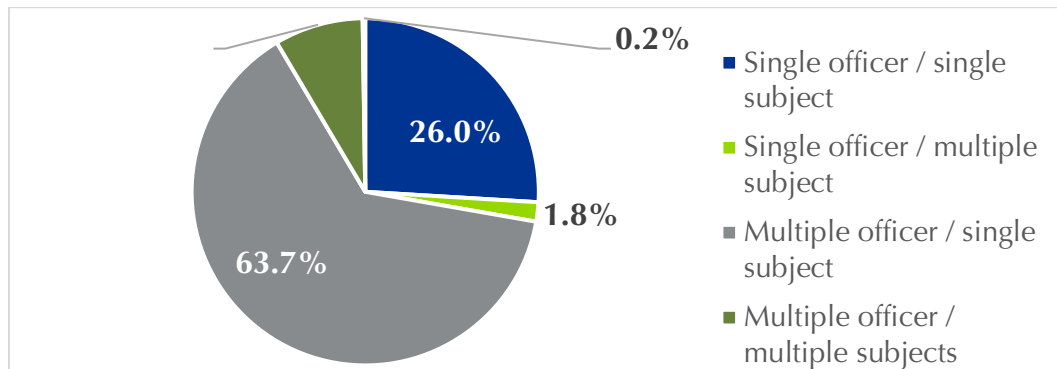
<sup>20</sup> The only exception includes the NPI team sending a list to the APD of 23 incident numbers to assess whether the data issues identified were related to the original data reported or the data extraction process. Using the original AIM reports provided to the monitor, the NPI team compared the provided data with the original reports for this small sample. The findings of these comparisons are incorporated into the discussion below of each data issue discovered throughout the data preparation process.



time, declining from one-third of the cases in 2017 that could not be linked to less than 1% of cases in 2022.<sup>21</sup>

The prevalence of multi-officer use of force incidents further complicated the capacity to link officers and subjects. As displayed in **Figure 2.2**, only 26% of individuals (n = 982) who experienced force were involved in a single officer, single subject event. The remaining majority (over 70%, n = 2,754) were involved in a multi-officer event.

**Figure 2.2. Distribution of Officers and Subjects Within Use of Force (n = 3,783)**



The problem with linking officer and subject information in these incidents is best illustrated by the data fields related to “reason for force” and “type of force.” Reason for force is missing for only 53 of the 3,783 individuals who had force used against them (1.4%). However, it is captured at the incident level rather than the officer or subject levels. As such, the NPI team could only document the reason for force recorded by all officers against all subjects within the incident rather than for each individual officer’s application of force against individual subjects. While there is likely to be a high level of uniformity in the reason for force across single-subject, multi-officer incidents, this may not necessarily be the case for the roughly 10% of individuals involved in multiple-subject use of force incidents. Based on the available linkage information, the NPI team could not identify the reason for force for 39.4% of the 3,783 individuals who had force used against them.

Type of force information is collected at the subject-officer level. The “employee person link” described above connects each officer to each subject and lists the type of force used. Unfortunately, this information was only available for 65.9% of the cases. Furthermore, even among the linked cases, the type of force was missing for 160 individuals. Therefore, only 61.6% of the individuals who experienced force had reliable information to identify the specific type of force used against them. Finally, type of force was also included in the incident level data provided to the NPI team, but this

<sup>21</sup> Of the 1,291 cases where officer and subjects could not be linked, 33.0% occurred in 2017, 25.7% in 2018, 21.9% in 2019, 13.6% in 2020, 5.0% in 2021, and 0.8% in 2022.



information aggregated all types of force across officers and subjects, so it cannot be presumed to be accurate for individuals involved in multiple-subject incidents.

## Missing Data

The use of force data also had many missing values across multiple measures necessary for substantive analyses of use of force. The missing information for various data fields is displayed in **Table 2.6**. Missing data for many of these measures is attributable to original reports not being fully completed and problems with the data extraction.

**Table 2.6. Missing Data in Use of Force Data (n = 3,783)**

Fields	% Missing
Date	0.0%
Time	5.9%
Location	27.8%
Subject Date of Birth (Age)	5.8%
Subject Race	5.5%
Subject Gender	4.8%
Subject Alcohol impairment	76.8%
Subject Drug impairment	76.6%
Subject Arrested	44.0%
Subject Injured (Yes/No)	75.6%

For example, when considering where the use of force incident occurred, 27.8% of the individuals had missing data for the location of their use of force incident (n = 1,051). In reviewing the sample of AIM reports, the NPI team discovered two separate fields for "location" and "address." Based on a review of the sampled cases, these fields are used interchangeably by APD personnel.<sup>22</sup> Unfortunately, the data pulled for the NPI team only included the "location" field. It is unknown why both fields are included in the report or how the APD personnel are trained to complete the "location" and "address" data fields, but there are inconsistencies in their use.

Based on the 2,732 use of force subjects with provided location data, the NPI team was able to geocode the incidents using street addresses for 1,840 (a 67.3% hit rate). The NPI team then geocoded an additional 1,301 cases (34.4% of the total dataset) based on address information included in the arrest and crime incident datasets after linking. Finally, an additional 216 cases were identified for manual geocoding via Google Maps and partial information located in the raw data. In total, 426 cases (11.3%) could not be

<sup>22</sup> For example, street addresses may be included under "location" with "address" missing and vice versa. In addition, sometimes a location type or business name is provided in the "location" field while the street address is reserved for the "address" field.



geocoded, equating to a total geocoding hit rate of 88.7%, which is above the typical minimum standard (Ratcliffe, 2004).

Similar missing data issues were discovered for subjects' characteristics. As shown in **Table 2.6**, the missing data for subjects' age, race, and gender was approximately 5-6%. This may be due to the use of force within crowd control situations. The remaining subject data fields are considerably more problematic. More than 75% of the individuals who had force used against them had missing data regarding whether the officer perceived them to be impaired by drugs and/or alcohol.<sup>23</sup>

The data field indicating whether a subject was arrested during a use of force incident is unreliable as it is missing for 44% of the individuals. As a result, the NPI team manually linked the use of force subjects with arrest data by using the incident number and unique subject identifier. Not everyone with force used against them was arrested, but the missing data cannot be presumed to be equivalent to "no arrest" as there is a response option for "no." The NPI team was able to link approximately half of the records missing data in the "subject arrested" field to the arrest data.

Finally, the APD's use of force data includes several injury-related fields with considerable missing data and logical inconsistencies. There are slight differences in the injury questions across Tier One, Two, and Three use of force summary reports. Each tier report includes two key questions: (1) whether the subject was injured (yes/no), and (2) the nature of the subject's injury (free text field). At the subject level, 75.6% of individuals who had force used against them (2,858 out of 3,783) do not have a valid entry for whether a subject was injured. Of those 2,858 individuals, 94% were also missing the nature of the subject injury.<sup>24</sup>

In other cases, the injury-related fields contradicted one another.<sup>25</sup> For example, for 111 individuals, the yes/no "subject injured" field indicated no injury, but an injury description was provided. In some instances, this may be due to information being provided in the injury description field that was related to a pre-existing injury rather than an injury associated with the current use of force.<sup>26</sup> Finally, data fields for officer and subject injury are not linked to the force type used. In cases where an officer used

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<sup>23</sup> The response options for the alcohol and drug impairment data fields include: no, suspected, yes, and unknown. Despite the "unknown" response field, the percentage of missing data remains very high for these two variables.

<sup>24</sup> When there was an entry for nature of the subject injury, all but one said "unknown."

<sup>25</sup> Another example of inconsistency in injury-related data fields was found among the sampled cases. Within a single incident, the same injury nature was listed for multiple subjects "OC spray in the eye" but in the yes/no "subject injured" data field, yes was selected for some and no was selected for others.

<sup>26</sup> Specifically, the use of force reports include fields prompting the description of a subject's pre-existing injury and the nature of that injury. However, many reports documented pre-existing injuries within the "subject injury" description field reserved to describe injuries resulting from use of force. This created inconsistencies in the data reported.



a single type of force, reported injuries can logically be linked to that force type. However, in cases where more than one type of force was used, the data do not permit analyses related to the types of force that led to officer or subject injuries.

## Summary

Despite multiple attempts to correct issues with the APD use of force data, the combination of these problems does not allow for valid and reliable analyses typically found in a use of force study, including:

1. Analyses of the type(s) of force used, including the effectiveness of each force action.
2. Analyses of the differences in use of force patterns across organizational units or geographic areas.
3. Analyses of types of force, injuries, or geographic patterns of use of force across racial/ethnic groups.
4. Analyses predicting the likelihood and severity of injuries to the officer or subject during use of force incidents.

Correcting the problems in APD's previously collected data is both time-intensive and cost-prohibitive. It would involve reading each report narrative to complete missing data or clarify contradictory data, if possible. Therefore, the NPI team proceeded with the best available information and limited analyses to those that could be conducted with confidence using these data. These analyses include: (1) time series analyses examining the trends in use of force counts, (2) the calculation of use of force disparity ratios by race/ethnicity based on benchmark comparisons, and (3) multivariate analyses predicting the likelihood of an arrest resulting in a use of force. The results of these analyses provide baseline measures against which the APD can compare future years of data.

## STATISTICAL ANALYSES

To examine patterns and trends in APD enforcement data, four statistical analyses are conducted: (1) descriptive analyses, (2) time series analyses, (3) benchmark comparisons, and (4) multivariate analyses. These statistical techniques, their limitations, and the appropriate interpretation of their findings are described below.

### Descriptive Analyses

To understand police enforcement actions, the first step is to describe the data available, and examine the patterns and trends of these data. Descriptive analysis is a fundamental component of data analysis that involves summarizing and presenting outcome count data. These analyses provide a clear and concise overview of key characteristics and patterns within a dataset, allowing analysts to gain insights into the data's central





tendencies, variability, and distribution (Witte & Witte, 2015). Bivariate analyses or crosstabulations are a type of descriptive analysis examining the association between two variables (e.g., race and use of force). Descriptive analyses provide a critical basis for understanding basic patterns and distributions in the data and offer an initial assessment of the general trends and potential correlations between the predictor and outcome variables before primary analytical techniques are employed. Descriptive analyses are often limited in scope, cannot be used to explain or predict trends, and provide limited implications regarding findings. Thus, they are typically used as a precursor to more complex statistical techniques and illuminate appropriate methodological approaches (Witte & Witte, 2015).

### Interrupted Time Series Analyses

It is important to consider how patterns and trends in police enforcement actions fluctuate over time. Interrupted time series analyses are considered one of the strongest quasi-experimental designs to determine whether the timing of a relevant intervention (e.g., police training or policy change) or a seminal event of interest (e.g., an arrest or use of force incident of public interest) corresponds with a significant shift in count outcomes, such as arrests or use of force counts (see Hudson et al., 2019). The key feature of interrupted time series analysis is the collection of data on the frequency of a specific outcome aggregated at regular time points before and after the intervention or event. It is considered best practice to aggregate the data into a monthly<sup>27</sup> time series format with a sufficiently long pre-intervention period (i.e., at least two years of monthly data) that allows researchers to determine whether there is a statistically significant change in the outcome immediately following the intervention, while also accounting for any pre-existing trends or patterns in the data. Time series analyses also require a sufficiently long post-period, which ranges from a minimum of seven to 12 months.<sup>28</sup>

Across the six-year period examined, numerous seminal events occurred that may have impacted – or disrupted – preexisting patterns in crime and police enforcement in Aurora. The NPI team identified ten such significant events to consider when analyzing trends in crime and APD enforcement activities over time, which are listed in **Table 2.7**

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<sup>27</sup> Traditionally, monthly event counts are preferred over weekly event counts because the data are more stable and consistent across multiple years of observations.

<sup>28</sup> CrimeSolutions.gov is a warehouse for the National Institute of Justice's evidence-based strategies and programs, which experts review and score for their scientific merit. For these programs, any strategy that has a follow-up period of less than 7-months is gauged as a 'short term' program, while a one-year follow-up is required to be considered a long-term program. Consistent with this framework, we obtain 7 to 12 months post-period for time series assessments to be consistent with rigorous evaluations. See also Corsaro (2022).



below. These ten specific events of interest served as intervention points in the time series analyses presented in Section 3.

**Table 2.7. Seminal Events and Dates Examined with Interrupted Time Series (ITS) Analyses**

Seminal Event	Event Date
1. Death of Elijah McClain	August 2019
2. Colorado Executive Order declaring COVID-19 Disaster Emergency	April 2020 <sup>29</sup>
3. Officer-involved death of George Floyd in Minneapolis	May 2020
4. Enactment of Colorado SB 20-217: Enhance Law Enforcement Integrity	July 2020
5. AG launches pattern or practice investigation	August 2020
6. Independent Review Panel report released	February 2021
7. Indictment of officers involved in McClain death	September 2021
8. City enters into Consent Decree	November 2021
9. APD Chief Vanessa Wilson terminated	April 2022
10. Interim APD Chief Dan Oates hired	June 2022

## Benchmark Comparisons

Benchmarking analyses are often used to examine racial disparities in policing outcomes by comparing data against established “benchmarks” to assess fairness and equity in law enforcement practices. Benchmarking provides a standardized basis for evaluating disparities by comparing outcomes across racial or ethnic groups using an external data source to represent the “expected” population for that outcome. For example, to determine racial disparities in arrests, the percentage of the arrestee population who are Black is compared to the percentage of the benchmark population who are Black. The estimated “at risk” benchmark population that is selected drives the results. Studies have consistently demonstrated that the use of different benchmark populations can result in dramatically different findings. Therefore, it is critical to know and understand the strengths and limitations of the benchmark population being used. All benchmarks have limitations and vary in the extent to which they accurately estimate the population of similarly situated individuals “at risk” of police enforcement actions, assuming no bias exists (Engel & Calnon, 2004; PERF, 2021; Tillyer et al., 2010).

For benchmark analysis, the groups are compared in the frequency with which they experience a particular outcome (usually calculated as a rate), using some scaling factor

<sup>29</sup> The Colorado Governor’s Executive Order occurred on March 10, 2020. Because the interrupted time series analysis requires monthly data, April 1, 2020 is used in all models to distinguish the pre- and post-COVID onset as the first full month with Executive Order in effect. This may slightly underestimate its effect.





(such as the underlying population). If certain groups are found to experience significantly higher rates than expected based on their underlying risk set, this is typically interpreted as evidence of disparity. Conducting benchmark analyses promotes transparency and accountability and has been applied across various outcomes in criminal justice to highlight areas where disparities are more pronounced. It can be used by policymakers and law enforcement executives to provide context, help guide reform efforts, and monitor the impacts of reform-related changes over time. For this report, benchmarking analysis is employed to examine racial/ethnic disparities in arrests and use of force. The general description of the procedure used by the NPI team below applies to both arrests and use of force analyses.

The most widely used external benchmark is the residential population, which compares the frequency of an outcome (e.g., arrest) by racial group to their representation in the residential population. Although intuitive, this methodology has been routinely demonstrated as flawed in its ability to identify and quantify racial disparities in law enforcement outcomes (Alpert et al., 2004; Fridell, 2004; Smith et al., 2019). This is because not all people who reside in a city or neighborhood have the same “risk” of police enforcement activity. For example, the risk of being arrested is influenced by many factors – including involvement in criminal activity – which may not be evenly distributed across the residential population. Census data do not measure the types of characteristics shown by research to put individuals at risk of experiencing force, including several legally relevant behaviors including subjects’ resistance, presence of a weapon, and criminal behavior (Engel et al., 2000; Garner et al., 2002; Morgan et al., 2020). Using the residential population as a comparison benchmark does not include any accounting of the likelihood or risk of police enforcement activity, and, therefore, is one of the weakest benchmark comparisons. Also note that benchmark analyses (regardless of the comparison data source) lack the depth to explain the reasons behind any reported disparities by failing to consider the complex factors potentially contributing to differential outcomes across racial and ethnic groups.

The NPI team compares non-census-derived benchmarks that better approximate the risk of contact with police that could result in enforcement action to the percentage of racial/ethnic groups that receive police enforcement actions. These include the percentage of racial/ethnic groups among the following comparison data sources: (1) individuals issued criminal summonses, (2) arrested individuals (all offenses, Part I only, and Part I violent only), and (3) crime suspects as reported to the police (all suspects, Part I suspects only, and Part I violent suspects only).

Most individuals who experience use of force are arrested (Davis et al., 2018; Garner et al., 2018; Hickman et al., 2008), making arrest data a viable proxy measure for assessing risk of use of force. However, if there is police bias in who is arrested, then using arrest data to approximate the expected racial/ethnic percentages of those who experience



force violates the assumption that no bias exists and may underestimate disparity (Cesario et al., 2019; Geller et al., 2021; Knox et al., 2020a, 2020b; Knox & Mummolo, 2020). Furthermore, not all use of force situations result in arrests. This is another limitation of using arrest data as a benchmark for measuring racial/ethnic disparities in use of force.

Criminal suspect data is another benchmark used to approximate risk of police enforcement contacts. This information is collected by the police through crime reports. Here the information is based on community members' experiences and descriptions (Ridgeway & MacDonald, 2010; Smith et al., 2022). While this addresses one of the limitations of arrest benchmarks (potential officer bias in arrests), the criminal suspect-based benchmarks may reflect the likelihood of community members reporting certain types of crimes more than others (e.g., violent crimes more so than property crimes) (Klinger & Bridges, 1997), which may or may not be related to the likelihood of use of force. Likewise, reported crimes may themselves be biased against offenders of certain racial/ethnic groups based on the willingness of community members to report victimization.

The research available regarding the validity of different benchmarks and the factors that influence police behavior suggests that criminal suspect-based benchmarks are stronger approximations of the population "at risk" of being arrested or having force used compared to other benchmarks, while residential census data is widely considered an unreliable and invalid comparison measure (Alpert et al., 2004; Fridell, 2004; Geller et al., 2021; Smith et al., 2019; Smith et al., 2022).

To examine racial disparities in arrest and use of force, the NPI team calculates *disparity ratios*, a useful and easily interpretable technique for comparing groups who experienced force (or arrest) to those groups at risk for force relative to the non-Hispanic, White population (Smith et al., 2019). The calculation of the disparity ratio is a two-step process. First, the disproportionality index (DI) is calculated by dividing a racial group's representation in use of force incidents (or arrests) by the same group's representation in the comparison benchmark (e.g., suspect population). The result of this calculation measures within-group differences. Values greater than one indicate that the group experienced police enforcement actions more often than would be expected based on their representation in the benchmark. In contrast, a value of less than one indicates they experienced enforcement actions less often than expected based on the same benchmark. Second, the disparity ratio can be calculated to measure between-group differences by dividing the DI of the minority group by the DI of the majority group. A disparity ratio greater than one suggests that Black or Hispanic individuals were more likely than their White counterparts to experience police enforcement actions based on the benchmark used, whereas a disparity ratio less than one indicates the opposite. While disparity ratios are a useful method of estimating the size of disparities, there is



no threshold value at which disparity can be attributed to racial *bias* (Fridell, 2004; Geller et al., 2021). For example, disparity ratios greater than one do not imply the existence of police bias; likewise, disparity ratios equal to one do not imply the absence of bias. Only the presence of disparities can be calculated with benchmark analyses, not the presence of bias.

Previous research shows that benchmark comparisons based on population statistics nearly always show racial/ethnic disparities in use of force, while benchmarks based on arrests or reported crime suspects show reduced or no racial/ethnic disparities (Brown et al., 2022; Cesario et al., 2019; Fryer, 2019; Geller et al., 2021; Ross et al., 2020, Tregle et al., 2019). Despite its limitations, the NPI team includes benchmark comparisons based on the 2020 US Census, along with non-census benchmarking, for two narrow purposes. First, these analyses provide a baseline of how different racial/ethnic groups experience enforcement actions. Second, the comparison of disparity ratios across a variety of benchmarks helps to determine the validity of the analytical technique for representing the population at risk police enforcement actions.

### Multivariate Logistic Regression Analyses

Multivariate regression modeling is a statistical technique that creates a mathematical equation that considers the influence of multiple variables on an outcome. For example, to understand the impact of subjects' race on the likelihood of having force used, a multivariate regression model can estimate the impact of various factors (other than race) on the likelihood of use of force of persons who are arrested. Here, the population (arrestees) is known (through arrest reports); likewise, whether force is used during the arrest encounter is also known (through use of force reports). The mathematical equation generated for regression modeling helps to predict or understand how changes across multiple factors might affect the likelihood of police use of force.

While they are different analytical techniques, benchmark analyses are complemented by multivariate regression analysis. Unlike benchmark analyses, there is no need to make comparisons to an estimated benchmark population because both populations (arrestees and those who had force used against them) are known and used in regression analyses. While benchmarking may help identify disparities, multivariate regression modeling helps uncover those complex underlying factors contributing to different outcomes. Multivariate regression provides a more nuanced understanding by considering multiple variables simultaneously, offering insights into the interplay of factors contributing to racial disparities. For example, to know if Black subjects are more likely than White subjects to have force used against them during arrest situations, it is important to simultaneously consider other factors (e.g., other characteristics of the person, situation, and neighborhood) that may also impact if force is used. Instead of focusing on just one component that may affect officer decision-making, (e.g., subject's



race), multivariate regression quantifies the impact of multiple factors simultaneously and estimates how confident we can be that these results are not due to random chance.

Multivariate logistic regressions are typically employed to investigate complex relationships between multiple variables and assess their collective influence on binary outcomes, such as the decision to use force (Long, 1997; Witte & Witte, 2015).<sup>30</sup> Multivariate logistic regression techniques quantify the strength and direction of associations between various factors and the likelihood of use of force, while controlling for potential confounding influences (Hanushek & Jackson, 1977; Meyers et al., 2016). The key factors (i.e., independent variables) typically included in analyses to predict use of force within arrests include: (1) legal characteristics (e.g., outstanding warrants, type of criminal charges, presence of weapon, suspects resistance, etc.), (2) incident or situational characteristics (e.g., incident location, day, time, presence of bystanders, etc.), and (3) subject's demographic characteristics (e.g., age, race/ethnicity, gender).

Within logistic regression models, the estimated effects of the different variables are typically expressed as *odds ratios*, which indicate how strongly those factors are related to the outcome using a standardized scale.<sup>31</sup> An odds ratio greater than one indicates the variable is associated with higher odds of the event occurring, while an odds ratio less than one suggests association with lower odds of that occurrence. The standard guidance regarding the size of odds ratios suggests that odds ratios less than 1.5 are substantively small, 1.5 to 2.5 are medium, and 2.6 or greater are substantively large (Chen & Chen, 2010). The reported regression results also include point estimates (measuring the average change in the outcome when a factor changes) and significance values indicating our confidence in the results for the regression models.<sup>32</sup>

*Predicted probability* analyses precisely estimate how independent variables in the regression models impact a specific outcome. The predicted probability indicates the likelihood of an event (e.g., the chance of force during an arrest) while controlling for the rest of the factors in the model. These estimation methods reveal what factors are statistically associated with the outcome (e.g., use of force) and after considering everything else included the model, the exact chances of that event occurring.

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<sup>30</sup> Multilevel modeling is appropriate for data collected across different units of aggregation and produces unbiased estimates at each of the analysis levels (Raudenbush & Bryk, 2002). Importantly, the arrest data include variables that cross units of analysis (i.e., nested data). Arrest incidents are nested within officers, which are nested within geographic units. The NPI team attempted multi-level modeling, however the lack of statistical power and reliability concerns with geographic mapping coordinates (derived from various sources), as well as the proportion of use of force cases that occurred outside of Aurora's boundaries, limited the capacity to conduct multilevel modeling.

<sup>31</sup> The odds ratio is the exponentiated coefficient given the logarithmic distribution used in logistic regression models.

<sup>32</sup> Statistical significance is expressed as a p-value of 95% confidence intervals, which are the standard of scientific rigor required in most social sciences (Betensky, 2019)



The major limitation in multivariate regression models is that the results only measure variables included in the analysis. Unmeasured or unincluded variables can potentially bias estimates and results. This is referred to as *model misspecification* or *omitted variable bias* (Hanushek & Jackson, 1977; Jung et al., 2018; Marvell & Moody, 1996). This is an important limitation because no single data form or report can reliably quantify all relevant information regarding officer decision-making. When interpreting the multivariate regression results, the NPI team takes care to note what the models mean and what they do not mean (based on omitted variables, where they exist). As noted previously, the APD arrest data do not include several potential explanatory factors of use of force, including measures of resistance, impairment, and weapon presence.<sup>33</sup> The exclusion of these factors from the statistical models severely limits our confidence in the validity of the findings.

## Summary

Each type of statistical analysis has strengths and limitations that should be considered when interpreting the findings. Combining statistical approaches allows for more comprehensive policy recommendations, by understanding patterns and trends over time (descriptive analyses, interrupted time series analyses), addressing observed disparities (benchmark analyses) and identifying possible contextual factors that contribute to police enforcement actions (multivariate regression analysis). Although benchmarking is valuable for identifying and quantifying racial disparities, multivariate regression analyses supports the examination of the complex interplay of contributing factors. A holistic approach incorporating all statistical methods can offer a more comprehensive understanding of racial disparities in policing outcomes and inform effective policy interventions.

## SECTION SUMMARY

The NPI team analyzed several official APD data sources using multiple statistical techniques to understand patterns and trends in APD enforcement for the period of January 1, 2017 – December 31, 2022. The primary data sources used were (1) criminal offenses (incidents and suspects), (2) criminal summonses, (3) arrests, and (4) use of force.

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<sup>33</sup> It is important to note that arrest data include charges, and criminal suspects may be charged with public intoxication, operating a motor vehicle under the influence, disorderly conduct, and resisting arrest (among others). However, these are not systematically available in all arrest reports, but rather would only represent when an officer charges the individual with an offense within these various categories. Since these situational characteristics are only collected when arrest charges occur, they are not included in any systematic analysis.





The NPI team used the criminal offense data to (1) examine trends in criminal *incidents* over time as context for the analyses of trends in APD enforcement activities (n=33,495 incidents) and (2) facilitate benchmark comparisons between racial/ethnic percentages of those who were arrested or experienced force and racial/ethnic percentages of known criminal *suspects* (n=35,889). The NPI team used the data on 20,922 individuals issued criminal summonses to examine trends over time and to facilitate benchmark comparisons for those who experienced force. The NPI team used data for 44,954 arrested individuals for three purposes: (1) to examine arrest trends over time and across race/ethnicity, (2) to facilitate benchmark comparisons for those who experienced force, and (3) to understand the factors that predict whether arrests result in force. The NPI team analyzed data for 3,783 individuals who had force used against them during 3,518 use of force incidents to examine trends over time and across race/ethnicity and to facilitate benchmark comparisons using force data as the numerator. Unfortunately, data limitations restricted the team's ability to complete an in-depth analysis of APD's use of force data.

The statistical analyses conducted with these data include basic descriptive analyses, time series analyses, benchmark analyses, and multivariate statistical modeling. *Descriptive analyses* provide researchers with a foundation for further data analysis, hypothesis testing, and decision-making by offering insights into the data's central tendencies, variability, and distribution. *Time series analyses* test whether the timing of a relevant intervention or seminal event corresponds with a significant shift in counts of outcomes of interest (e.g., crime, arrests, use of force), controlling for time-varying factors. The NPI team examined the impact of ten seminal events that occurred nationally and locally during the study period and their impact on monthly counts of different APD outcomes.

*Benchmark analyses* examine patterns of racial disparity by comparing the percentage of racial/ethnic groups arrested or experiencing force with the percentage of racial/ethnic groups' representation in comparison data sources (i.e., the benchmarks) that attempt to approximate the risk of use of force or arrest. *Multivariate analyses* simultaneously consider different factors and estimate significant predictors of the likelihood of force being used during arrests. This allows for estimating the individual impact of race/ethnicity while accounting for other key factors that may impact whether officers use force.

In summary, the NPI team conducted a series of statistical analyses to better understand APD's enforcement activities from 2017 to 2022. It is important to consider the results collectively, while considering the strengths and weaknesses of the data sources and statistical techniques used. Further, the findings should be interpreted through an understanding of the context in which enforcement decisions are made by officers. The

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findings that emerge using multiple approaches can then be used as baseline measures to examine the impact of police reforms implemented by the APD over time.



## SECTION 3: CRIME, CRIMINAL SUMMONSES, ARRESTS, AND USES OF FORCE – TRENDS OVER TIME

In this section, the NPI team examines patterns and trends reported by the APD of the following: (1) criminal incidents, (2) criminal summons, (3) arrests, and (4) uses of force. These data points and their sources are described in Section 2. The NPI team examines these data sources for a six-year period, from Jan 1, 2017–Dec 31, 2022.

One of the analytical techniques used to explore the patterns and trends of these data is interrupted time series analysis, specifically to determine the impact of seminal events that occurred during the six-year period (list of seminal events provided in Section 2). The purpose is to determine if these data should be examined as a continuous, uninterrupted data source or if a particular event or series of events changed the trajectory or pattern of criminal or police activity. Note that many of the seminal events of interest were relatively close to one another in time, making interpreting the findings challenging. Nevertheless, the time series analyses exploring crime and police activity in Aurora – including individual examinations by racial/ethnic groups – demonstrate that one event, in particular, had an abrupt and disruptive influence on otherwise pre-existing and stable patterns of activity. Specifically, the onset of the COVID-19 pandemic produced an unmistakable, immediate impact on the counts of certain types of police activity. The results from these analyses are presented in detail below. **Our overall takeaway is that the APD enforcement data from the six-year period of interest should be analyzed separately as two distinct and comparative periods: (1) Pre-COVID (Jan 2017–Mar 2020), and (2) Post-COVID (Apr 2020–Dec 2022).**

### APD REPORTED CRIMINAL INCIDENTS, JAN 2017–DEC 2022

From January 1, 2017, to December 31, 2022, the NPI team received data for 49,173 criminal offenses resulting from 33,495 incidents involving 35,889 individuals. This section examines trends in the 33,495 criminal incidents over time to understand patterns in APD enforcement activities. **Figure 3.1** displays the annual counts of overall criminal incidents, which includes any incident with at least one criminal offense (felony or misdemeanor) for the six-year study period (2017–2022). Likewise, **Figure 3.2**

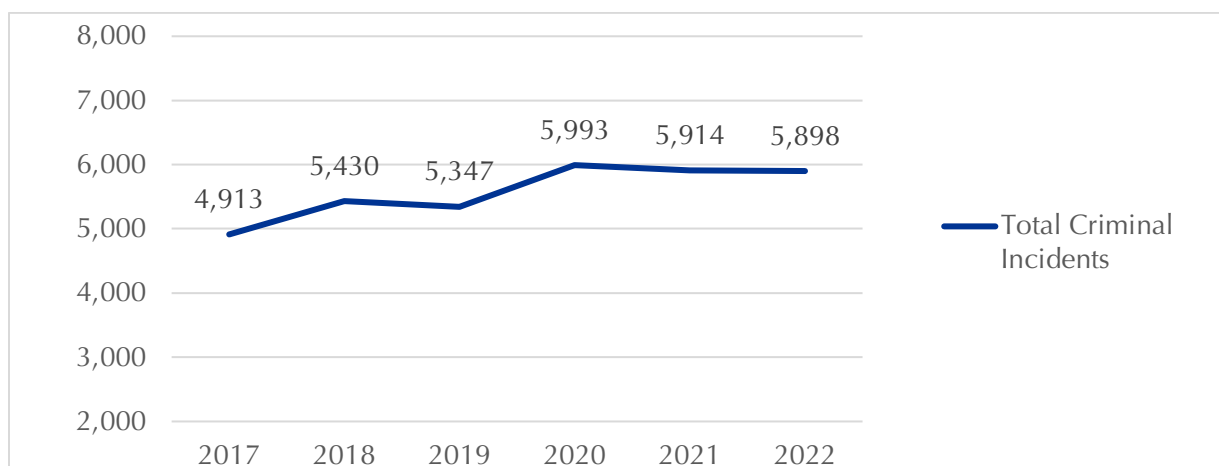




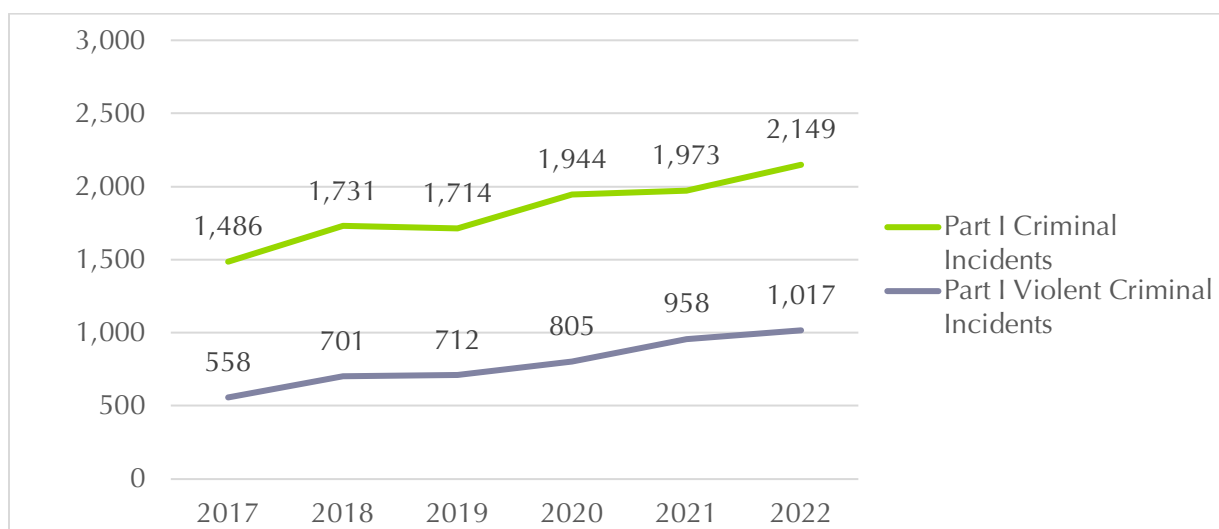
displays the annual counts of all reported criminal incidents with at least one Part I offense (burglary, larceny, motor vehicle theft, and Part I violent offenses), along with the subset of reported criminal incidents with at least one Part I violent offense (aggravated assault, robbery, rape, and murder).

Figures 3.1 and 3.2 below show that criminal incidents in the City of Aurora have steadily increased since 2017. Overall, there was a 20% increase in total criminal incidents from 2017 to 2022, including a 44% increase in total Part I offenses and an 82% increase in Part I violent offenses across this six-year period.

**Figure 3.1. Annual Counts of Criminal Incidents Reported to APD, 2017–2022 (n = 33,495)**



**Figure 3.2. Annual Counts of Part I and Part I Violent Criminal Incidents Reported to APD, 2017–2022**



To provide additional context, the NPI team conducted supplemental time series analyses using ten different intervention dates of interest to examine trends in reported crime after seminal events. None of the time series analyses demonstrated a statistically



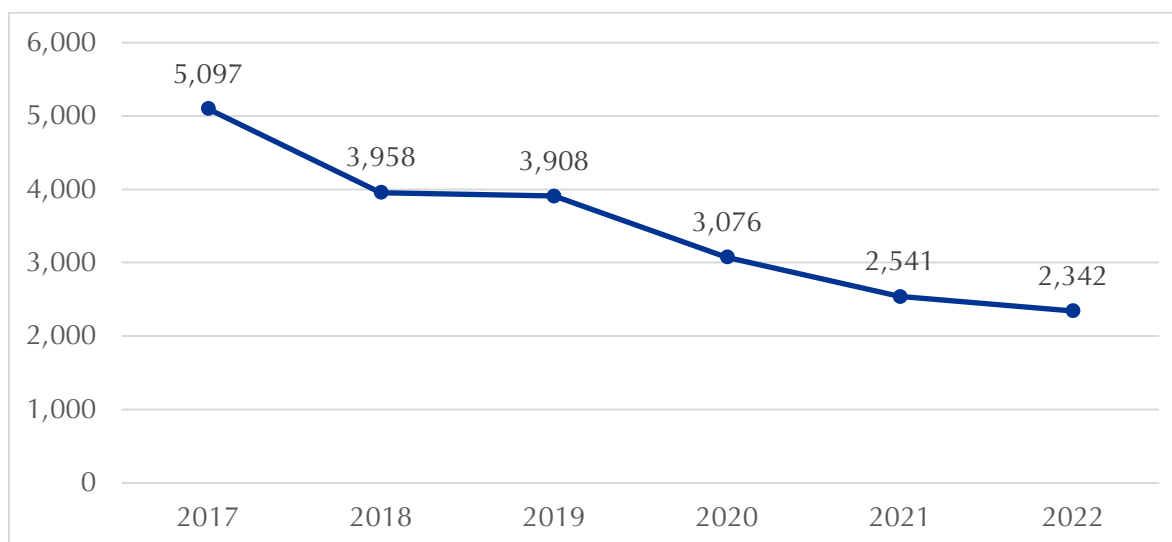
significant shift for reported criminal incidents in Aurora (results available upon request). Instead, criminal incidents appeared to follow a consistent upward trend that was not significantly altered (reduced or accelerated) by the seminal events examined, including the onset of the COVID-19 pandemic post-March 2020.

## APD CRIMINAL SUMMONSES, JAN 2017–DEC 2022

While arrests are the primary source of contact where APD charges individuals with criminal offenses, they are not the only type of enforcement contact between APD officers and members of the public. APD officers also issue criminal summonses (i.e., a summons to appear in court where the person is not taken into custody). In total, APD officers issued 20,922 criminal summonses from 2017 to 2022, which are the focus of analyses in this section.

**Figure 3.3** shows the trends in criminal summonses from Jan 1, 2017–Dec 31, 2022. Analyses of criminal summonses highlight a linear decline across the entire six-year period and a specific post-COVID decline. Criminal summonses peaked with over 5,000 issued at the beginning of the period examined (2017) but declined significantly to 3,958 and 3,908 in 2018 and 2019, respectively. This decline continued to just over 3,000 summonses in 2020 and lowered further to just over 2,500 and 2,300 in 2021 and 2022, respectively. Over the six-year period, the number of criminal summonses issued by the APD declined by 54.1%.

**Figure 3.3. Annual Counts of APD Criminal Summonses, 2017–2022 (n = 20,922)**





As shown in **Table 3.1**, the racial and ethnic distribution of individuals who received criminal summonses was consistent from 2017 to 2022, with a relatively uniform distribution across the entire period. The reduction in criminal summonses did not impact the distribution across racial and ethnic groups. Criminal summonses declined by greater than 50% from 2017 to 2022 for White (-54.4%), Black (-50.3%), and Hispanic (-50.7%) individuals.

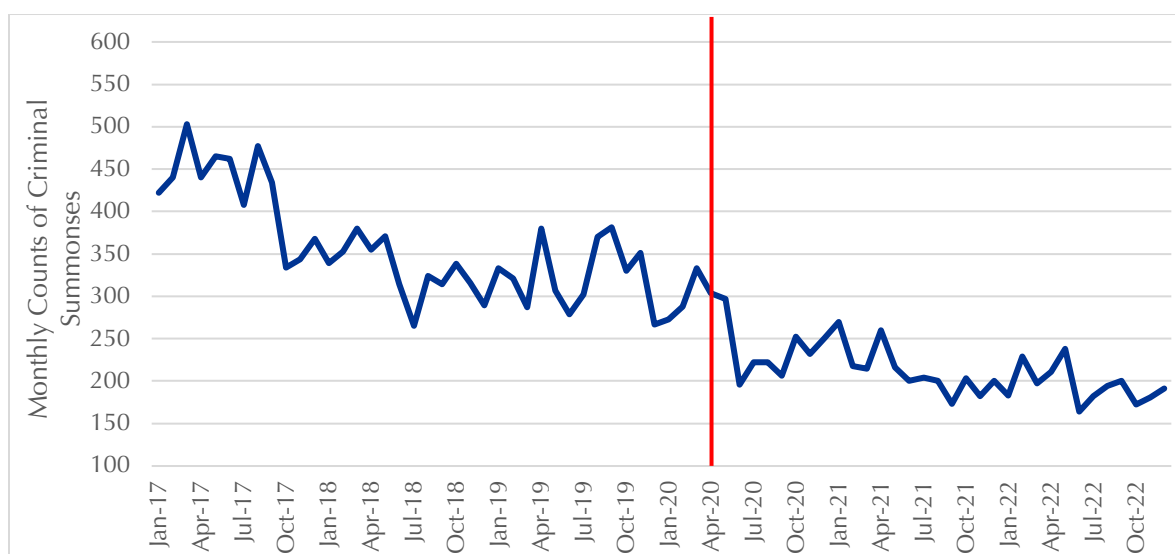
**Table 3.1. Annual Counts of APD Criminal Summonses by Race/Ethnicity, 2017–2022**

	Total 2017- 2022	2017	2018	2019	2020	2021	2022	% Change 2017-2022
White	6,990	1,667	1,329	1,227	1,089	918	760	-54.4%
Black	7,590	1,758	1,393	1,466	1,181	919	873	-50.3%
Hispanic	5,342	1,288	998	1,060	723	638	635	-50.7%

NOTE: This table excludes 1,000 criminal summonses issued to individuals of “other” (n=597) or “unknown” (n=403) races across the six-year period.

As with our examination of reported crime, the NPI team considered whether the trends in issuing criminal summonses were altered by any seminal events using interrupted time series analyses. The monthly trends are graphically displayed in **Figure 3.4**, demonstrating the downward linear trend in criminal summonses. Again, ten dates of seminal events that could potentially impact police enforcement activities (see Section 2) were examined for changes in the monthly counts of total criminal summonses and by racial/ethnic group.<sup>34</sup>

<sup>34</sup> The criminal summonses time series also required the inclusion of a linear trend control variable to account for the constant linear decline/shift in the monthly count of criminal summonses for the entire time series period.

**Figure 3.4. Monthly Counts of APD Criminal Summonses, 2017–2022 (n = 20,922)**

The interrupted time series analyses demonstrate that the sole seminal event that significantly impacted the issuing of criminal summonses was the onset of the COVID-19 pandemic (post-March 2020). While the linear trend of criminal summonses counts by month had been steadily decreasing, the sudden impact related to COVID-19 accelerated this decline, over and above what would be expected from the pre-existing trends and seasonal variations. As reported in **Table 3.2**, post-March 2020, there was a statistically significant reduction in total criminal summonses of 11.2%, which can be attributed to the shift in summonses from April 2020 through December 2022.

**Table 3.2. Interrupted Time Series Analyses for APD Criminal Summonses, 2017-2022**

	Total Summonses	Standard Error	Exp(B)-1
	B		
Intercept	6.05*	0.038	--
Post-COVID	-0.119*	0.052	-0.112

NOTE: All regression models include February – December monthly dummy variables (included in models but excluded from tables for parsimony) and a linear-trend variable. \*p < 0.05

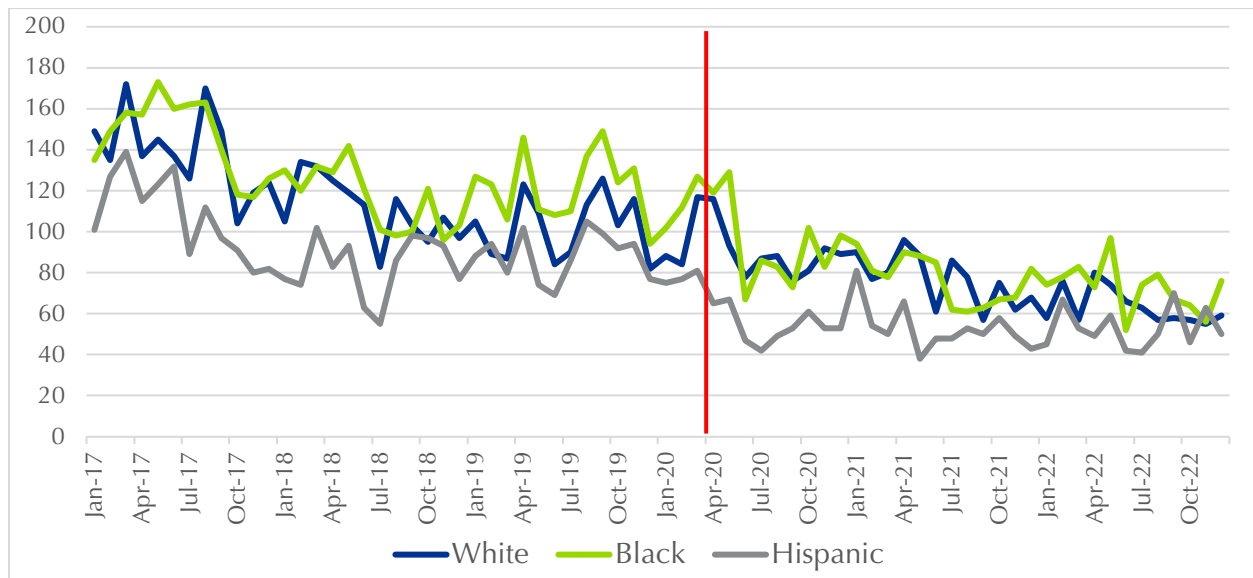
**Figure 3.5** shows that the number of Black, White, and Hispanic individuals who received criminal summonses declined linearly from 2017 to 2022. The trend analyses indicate a reduction in criminal summonses that transcended the race/ethnicity of suspects. However, time series analyses modeling the impact of the COVID-19 pandemic on changes in criminal summonses across race/ethnicity indicate that there was not the same abrupt, permanent shift post-March 2020 period for White suspects relative to Black and Hispanic suspects. While the reductions over time were similar across all three racial and ethnic groups, the COVID-19 shift only impacted reductions

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in criminal summonses issued to Black and Hispanic individuals. Unfortunately, the character and quality of the criminal summons data did not allow the NPI team a reasonable method for examining the frequency and impact of different types of summonses.<sup>35</sup>

**Figure 3.5. Monthly Counts of APD Criminal Summonses by Race and Ethnicity, 2017–2022 (n = 20,922)**



## APD ARRESTS, JAN 2017–DEC 2022

As noted in Section 2, individual arrests are counted at the incident-person level. For example, a single person could be arrested multiple times over the six-year period. Each arrest incident involving the same person is counted as an independent arrest in these situations. In addition, multiple individuals could be arrested in a single incident (i.e., on the same date/time at the same location, involving the same circumstances). In these situations, each individual is counted as an independent arrest. Using this definition, across the APD, officers arrested 44,954 individuals during the six-year study period.

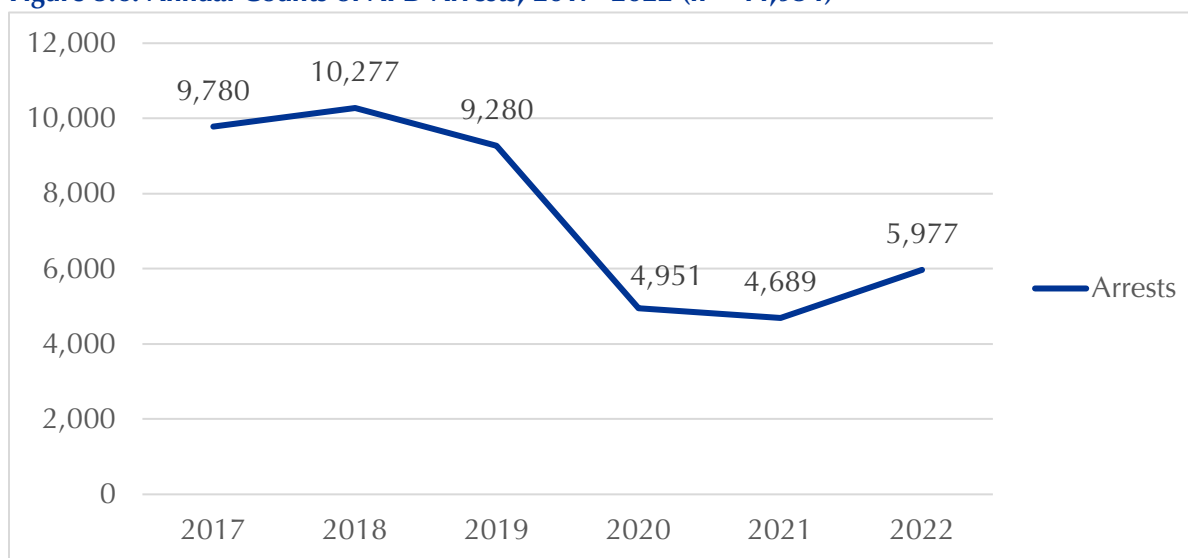
**Figure 3.6** graphically displays the distribution of arrests by year. As shown, the number of arrested individuals was roughly stable from 2017–2019 (avg = 9,779 per year) before a steep decline from 2020–2022 (avg = 5,200 per year). When considered as distinct three-year periods (2017–2019, compared to 2020–2022), there is a nearly 47% decline

<sup>35</sup> The criminal summons data included 1,039 different manual entries or “string” text fields; examination of these data fields (which would have required hand coding) was beyond the scope of NPI’s engagement.



in overall arrests in the post-2020 period relative to the pre-2020 period.<sup>36</sup> This arrest decline occurred simultaneously with a significant increase in reported crime in the City of Aurora across the full six-year period, including an 82% increase in violent incidents.

**Figure 3.6. Annual Counts of APD Arrests, 2017–2022 (n = 44,954)**



Further examination of APD arrest trends shows that the decline in arrests beginning in 2020 occurred across all racial/ethnic groups (see **Table 3.3**). Specifically, average yearly arrests of White individuals declined by 49.8% comparing the periods pre- and post-2020, followed closely by a 47.3% decline in arrests of Black individuals and a 41.2% decline in arrests of Hispanic individuals.

**Table 3.3. Annual Counts of APD Arrests by Race/Ethnicity, 2017–2022**

	Overall 2017- 2022	2017	2018	2019	Avg 2017- 2019	2020	2021	2022	Avg 2020- 2022	% Change Between Aves
White	13,838	3,098	3,289	2,826	3,071	1,470	1,398	1,757	1,542	-49.8%
Black	18,137	3,906	4,098	3,874	3,959	2,074	1,842	2,343	2,086	-47.3%
Hispanic	11,579	2,445	2,534	2,313	2,431	1,282	1,313	1,692	1,429	-41.2%

NOTE: 1,400 arrestees of “other” (n=1,069) or “unknown” (n=331) races are excluded from this table.

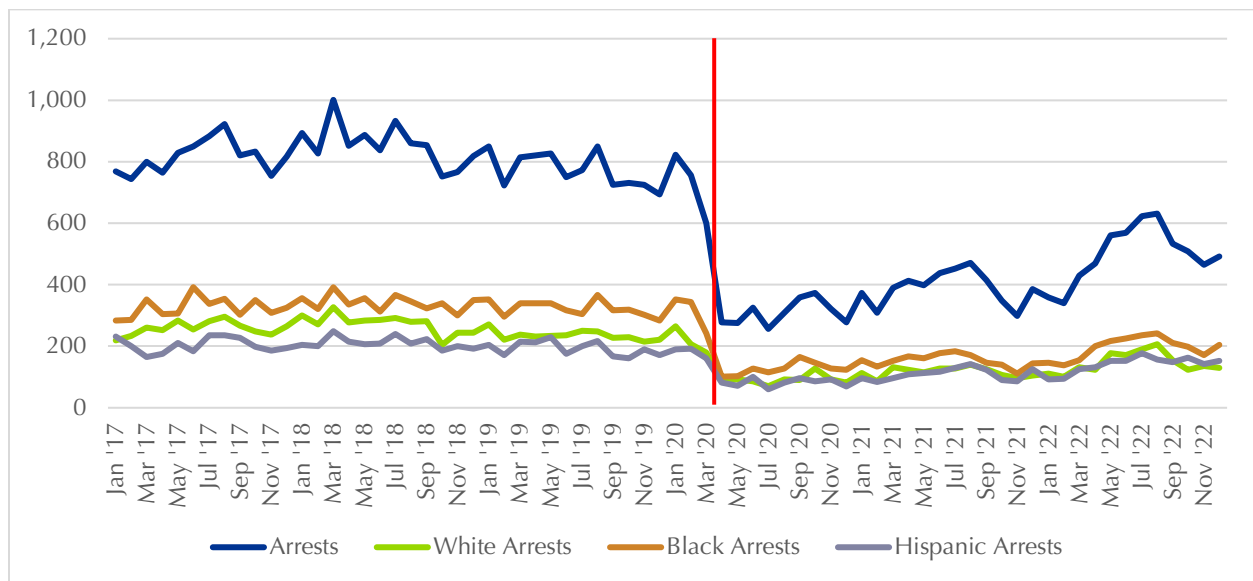
<sup>36</sup> Percentage change is a bivariate change only, meaning it examines the distinct shift in arrest counts between the two time periods but does not account for any seasonal fluctuations or trends in the data.

## AURORA POLICE ENFORCEMENT DATA ANALYSIS



To better understand APD arrest patterns, the NPI team conducted interrupted time series analyses<sup>37</sup> on monthly arrest data. **Figure 3.7** below disaggregates the monthly arrest counts by suspects' race/ethnicity. As shown, the monthly bivariate trend change indicates that all arrests – across racial/ethnic groups – declined considerably in April 2020.

**Figure 3.7. Monthly Counts of All APD Arrests, 2017–2022 (n = 44,954)**



The interrupted time series analyses results in **Table 3.4** demonstrate that the total number of APD arrests was significantly influenced (i.e., abruptly reduced) by the onset and response to the COVID-19 pandemic in mid-March, resulting in a 49.8% reduction in arrests for the post-March 2020 period examined.

**Table 3.4: Interrupted Time Series Analyses for APD Arrests, 2017–2022**

	Total Arrests	Standard Error	ExpB-1
	B		
Intercept	6.70*	0.030	--
Post-COVID	-0.690*	0.041	-0.498

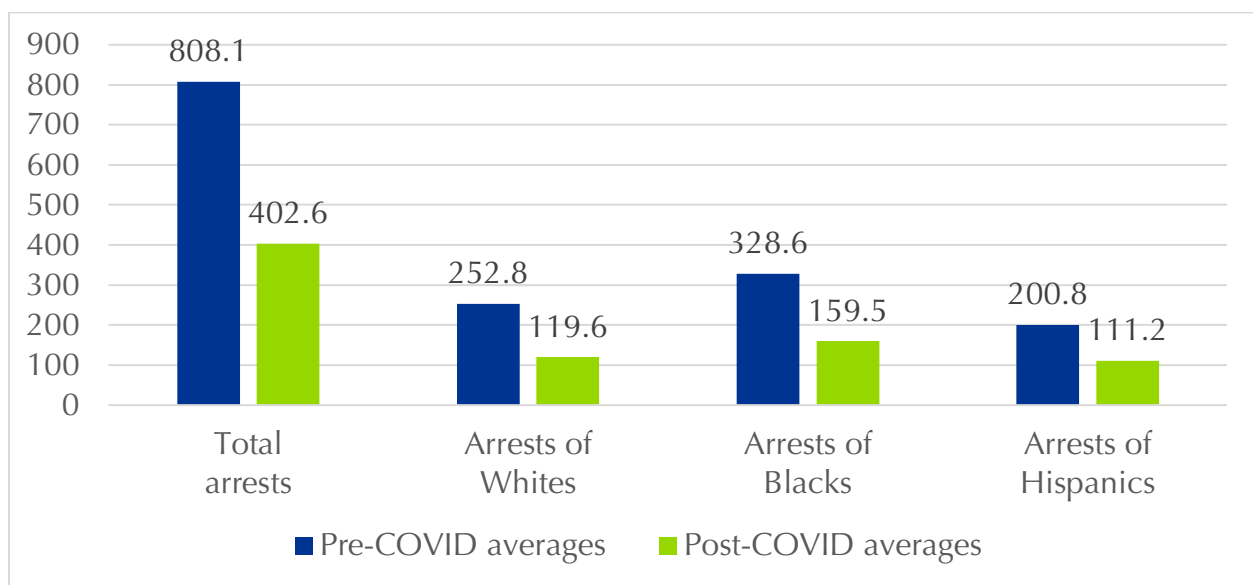
\*All regression models include February – December monthly dummy variables (included in models but excluded from tables for parsimony) \*p < 0.05

<sup>37</sup> The details of interrupted time series analyses are described in Section 2. Each statistical model included monthly dichotomous variables to account for seasonality, and robust standard errors to mute a degree of the presence of serial autocorrelation between residuals (to address that the time periods immediately preceding and following a specific period are correlated over time).



Additional time series analyses (available upon request) demonstrate that the post-March 2020 period reduction was significant across racial/ethnic groups. **Figure 3.8** displays these declines from the pre-COVID (Jan 2017–Mar 2020) to post-COVID (Apr 2020–Dec 2022) periods, where the pre-COVID average total arrests per month (808.1) was reduced by 50.2% to 402.6 arrests per month post-COVID. These analyses account for seasonal fluctuations in the data and are more accurate and precise estimates of change relative to the earlier bivariate percentage change in arrests. As shown, arrests of White individuals declined by 52.7%, arrests of Blacks individuals declined by 51.5%, and arrests of Hispanic individuals declined by 44.6% in the post-COVID period.<sup>38</sup>

**Figure 3.8. Pre & Post-COVID Comparison of Average APD Arrests, Overall and by Race, 2017–2022 (n = 44,954)**



A second statistically significant change in arrest patterns was observed when examining the seminal event of the murder of George Floyd in Minneapolis in late May 2020. Although APD arrests declined immediately following the onset of the pandemic (post-March 2020), as shown in **Table 3.5**, the independent variable that captures the post-May 2020 period (i.e., post-George Floyd period) saw a *rebound* and significant *increase* in total arrests by roughly 50% (i.e., an increase of half of the 50% decline in total arrests that occurred post-COVID). This statistically significant increase in arrests beginning in June 2020 was observed across all racial and ethnic groups. However, the increase for Black arrestees was slightly higher than that of other racial/ethnic groups (results available upon request).

<sup>38</sup> These percentages are calculated as follows: (value 2 - value 1)/value 1 x100. For example, for arrests of Blacks (159.5 – 328.6)/328.6 = -.5146 x100 = -51.46% change or 51.46% decrease.



**Table 3.5. Interrupted Time Series Analyses for APD Arrests, 2017–2022**

	Total Arrests	Standard Error	ExpB-1
	B		
Intercept	-1.08*	0.027	--
Post-Floyd	0.409*	0.040	[0.505]

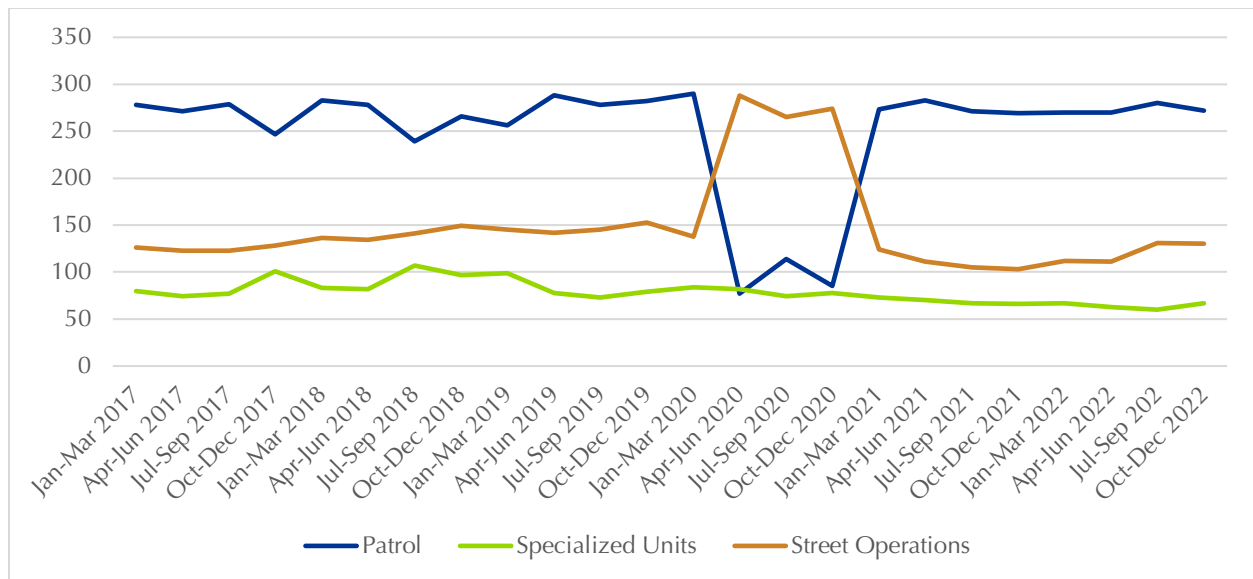
\*All regression models include Feb – Dec monthly dichotomous variables (excluded from tables for parsimony) \*p < 0.05

### Examining Reductions in Arrests

Again, it is important to note that the observed significant reduction in APD arrests occurred during increased reported crime and violence. This suggests the change in arrest patterns observed was potentially a product of changes in APD's approaches to various operational issues (potentially associated with the COVID-19 pandemic or post-Floyd response) rather than a change in crime.

To examine these possibilities, the NPI team conducted simple trend comparisons of quarterly counts of personnel assigned to APD patrol operations during this period. As shown in **Figure 3.9**, outside of a brief period in 2020 where patrol personnel declined and street operations personnel increased, the quarterly counts of APD personnel demonstrate a relatively stable patrol operational force during this study period. The proportion of APD personnel assigned directly to patrol showed a similar pattern, with patrol comprising an average of 38% of the total personnel (outside of the divergence in 2020). Thus, the overall change in arrests was not associated with a significant shift in the number of sworn APD personnel. While there was a reduction in the number of personnel assigned to patrol in the 2020 COVID year, the number of overall sworn personnel was stable. Furthermore, the shifting of personnel assignments returned to a similar pre-COVID level in 2021 while the sustained decline in arrests continued. Combined, these patterns suggest the abrupt and sustained decline in arrests is not a product of APD personnel changes.

## AURORA POLICE ENFORCEMENT DATA ANALYSIS

**Figure 3.9. Quarterly Counts of APD Employees by Unit, 2017–2022**

As a final step in understanding the decline in arrests, the NPI team examined arrest trends involving different offense charges, focusing on which charges declined the most in the post-March 2020 period. For any arrested individual, there may be one or more charges issued. **Figure 3.10** below shows the pre- and post-March 2020 (COVID-19 pandemic) percentage changes for arrest *charges* of interest. In summary, the bivariate descriptive analyses indicate the following patterns:

- A sizable and long-term post-March 2020 decline occurred in arrest charges involving drug and alcohol charges, traffic charges, obstruction of justice charges, and miscellaneous charges.<sup>39</sup> The declines for these specific charges occurred *above and beyond* the average decline in total arrest charges.
- A relatively small but still statistically significant reduction occurred post-March 2020 in serious arrest charges (e.g., violence, weapon, and Part I offenses), including a 14.6% decline in total violence-related charges, a 17.2% decline in weapons-related charges, and a 31.2% decline in Part I charges.<sup>40</sup> Charges for Part I violence increased 12.3%.

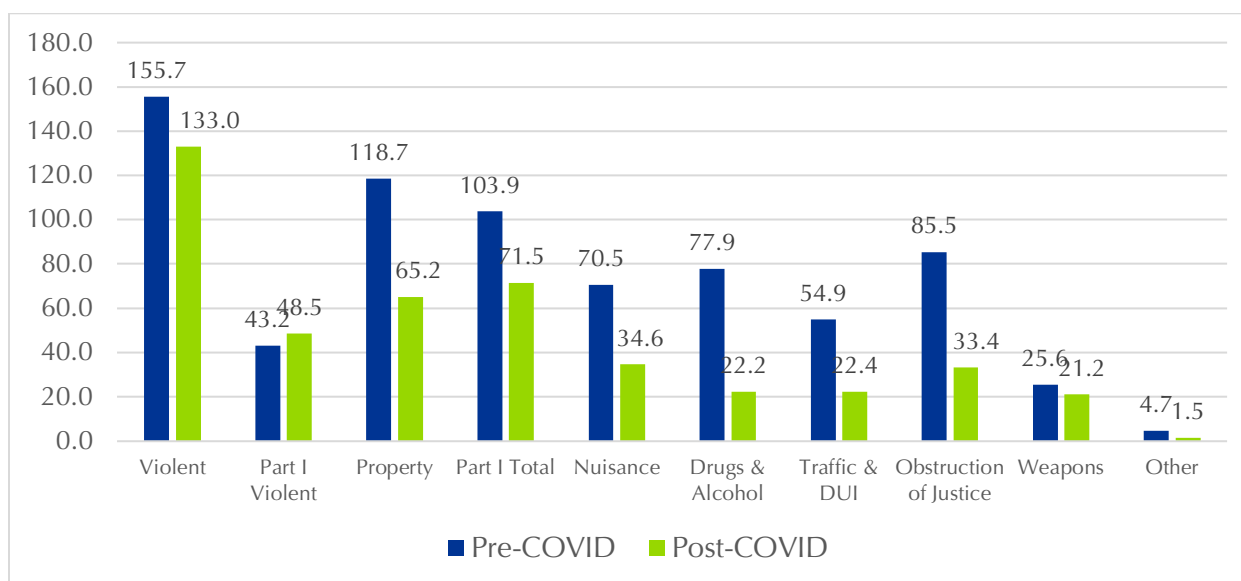
<sup>39</sup> Of the arrests involving traffic-related charges: 68.2% were DUI, and 15.2% were moving and/or texting violations. Drug and alcohol charges were comprised primarily of specific drug charges (40% of which were amphetamine charges) and alcohol possession (roughly 8% of all charges in this category). Since DUI charges were the product of a traffic stop, DUI charge counts were counted as traffic charge counts, and not drug/alcohol charge counts (since those charges were primarily comprised of public intoxication, possession, etc.). Other miscellaneous arrests were fewer than four arrests per month (89% for child neglect). Obstruction charges were primarily failure to appear in court (55%), failure to comply with judicial order (22%) and contempt of court (9%).

<sup>40</sup> The percentages were calculated as follows: violent percentage change =  $(133.0 - 155.7) / 155.7 = -14.6\%$ . The same formula was for all other charge-specific arrest categories.



Thus, despite a consistent, pre-existing upward trend in reported criminal offenses, the data shows a significant reduction in arrests post-March 2020, with roughly half of the decline observed for more discretionary charges (e.g., obstruction of justice, drugs and alcohol, and nuisance offenses), and smaller reductions in more serious charges (e.g., violence and weapon-related charges).

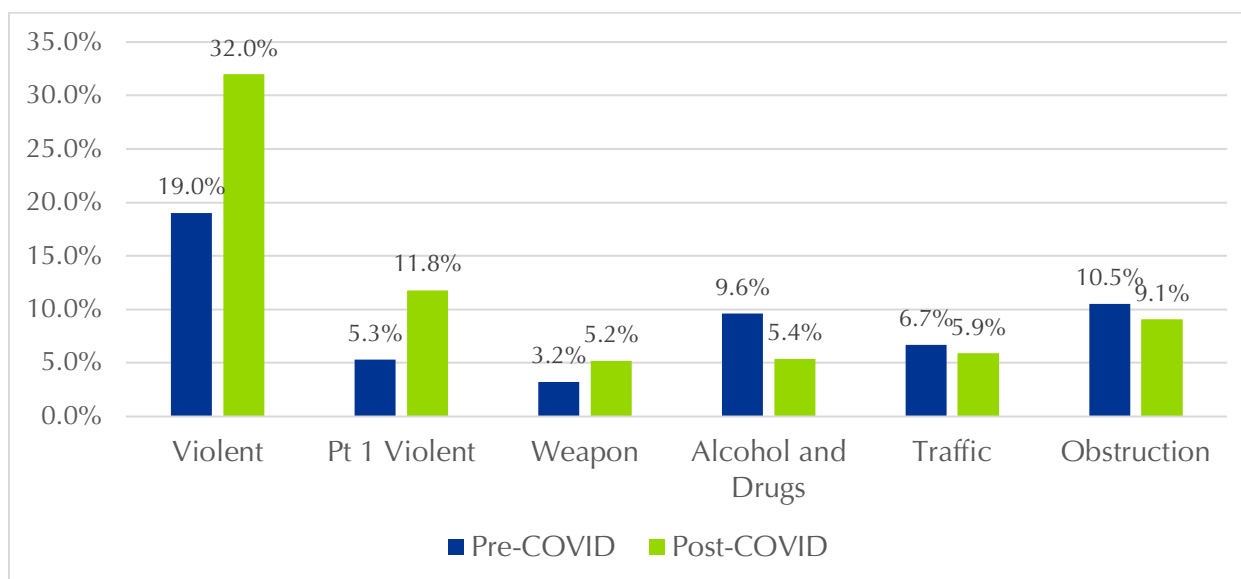
**Figure 3.10. Pre & Post-COVID Bivariate Change in Arrest Charge Categories**



An alternative presentation of these changes is shown in **Figure 3.11** below, where the overall percentage for each arrest category is displayed by comparing the two time periods. For example, 19% of all arrests in the pre-COVID period were for violent offenses, compared to 32% in the post-COVID period. Conversely, drug and alcohol arrests comprised nearly 10% of all arrests in the pre-COVID period but only 5.4% in the post-COVID period. In short, although overall APD arrests decreased, the proportion of those arrests post-COVID for more serious offenses increased.



**Figure 3.11. Pre & Post-COVID Bivariate Change in the Proportion of Total Arrests by Charge Category**



## APD USE OF FORCE, JAN 2017–DEC 2022

As noted in Section 2, use of force can be counted at multiple units of analysis. The NPI team aggregated information to the individual level from data tables at the incident, officer, subject, and force action levels. Like the arrest data, a single person could have force used against them more than once over the six-year period. In these situations, each incident involving the same person is counted as an independent individual experiencing use of force. In addition, multiple individuals could be involved in a single incident (i.e., on the same date/time at the same location, involving the same circumstances). In these situations, each subject is counted as an independent individual experiencing use of force.

Using this definition, across the APD, officers used force against 3,783 individuals during the six-year study period. Of these, 2,608 individuals who had force used against them were arrested (68.9%). Roughly 30% of individuals who had force used against them were not ultimately arrested.

APD uses a tiered system to classify types of force. A full description of the tiers of force is included in Section 2, but a brief overview is provided below:

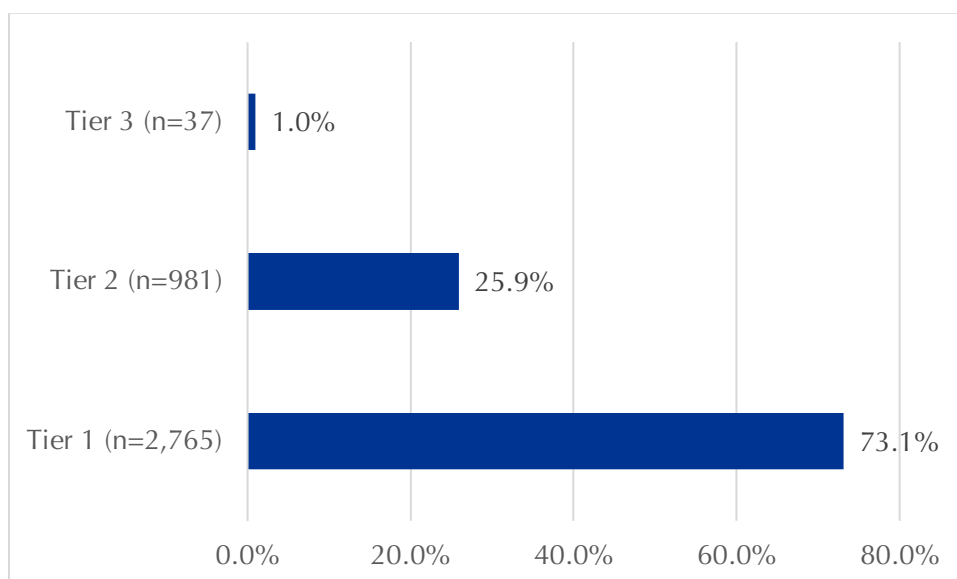
- Tier Zero: Statutory Use or Display of Force (including pointing of a firearm or pointing of a less lethal weapon or OC)
- Tier One: Use of Force with No or Minor Injury/ Use of Restraint



- Tier Two: Use of weapon other than a deadly weapon to overcome resistance or when subject is injured by member's use of force requiring professional medical treatment
- Tier Three: Use of a deadly weapon, deadly force, or potentially deadly force regardless of any injury

The NPI team examined only Tiers 1–3 use of force reports since Tier Zero does not result in a force report. Thus, the current report cannot assess the frequency, patterns, or trends associated with the APD's use of pointing a firearm.<sup>41</sup> **Figure 3.12** displays the overall distribution of use of force by tier.<sup>42</sup> For the six-year study period, most individuals had less severe force used against them, with 73.1% categorized as Tier One, 25.9% as Tier Two, and only 1.0% as the most serious (Tier Three).

**Figure 3.12. Highest Tier Force Experienced by Individuals Who Had Force Used Against Them, 2017–2022 (n = 3,783)**



**Figure 3.13** shows the distribution of annual counts across the six-year period of the 3,783 individuals who had force used against them by the APD. The annual number of subjects who had force used against them by APD officers remained relatively stable

<sup>41</sup> Research in another Colorado police department showed pointing of a firearm comprised approximately two-thirds of the department's use of force and varied across racial/ethnic groups (Brown et al., 2022).

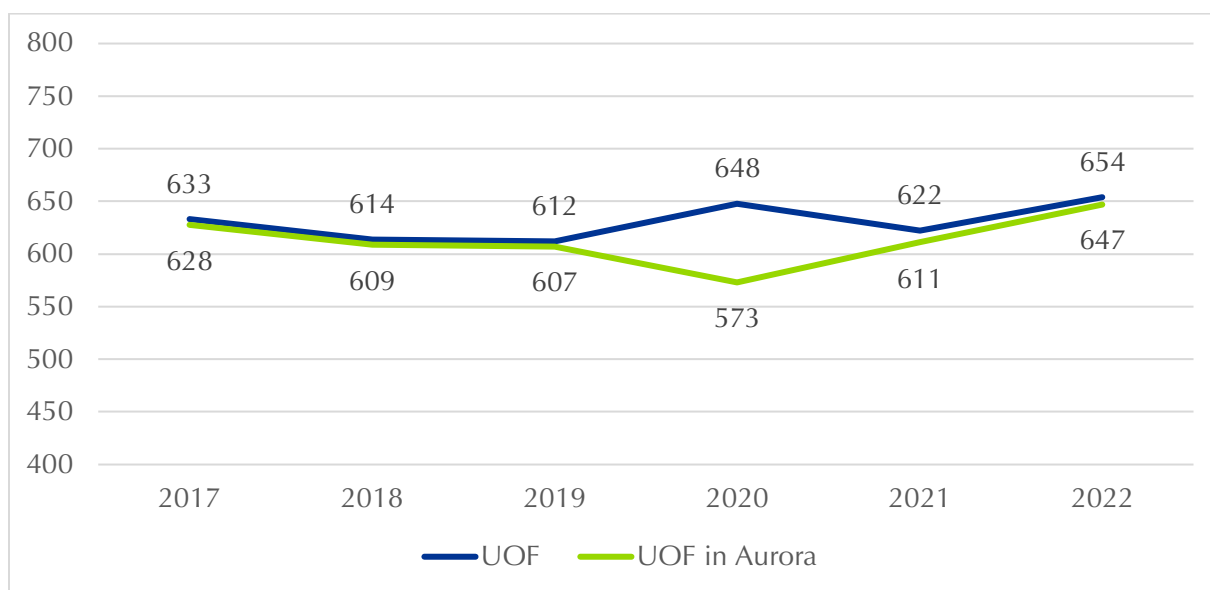
<sup>42</sup> Due to issues linking subject and incident data (described in Section 2), the NPI team relied on the tier level reported at the incident level. Therefore, the percentages in Figure 3.12 represents the *highest tier* for the overall incident; this may not necessarily apply for the 10% of individuals involved in multi-subject use of force incidents.

## AURORA POLICE ENFORCEMENT DATA ANALYSIS



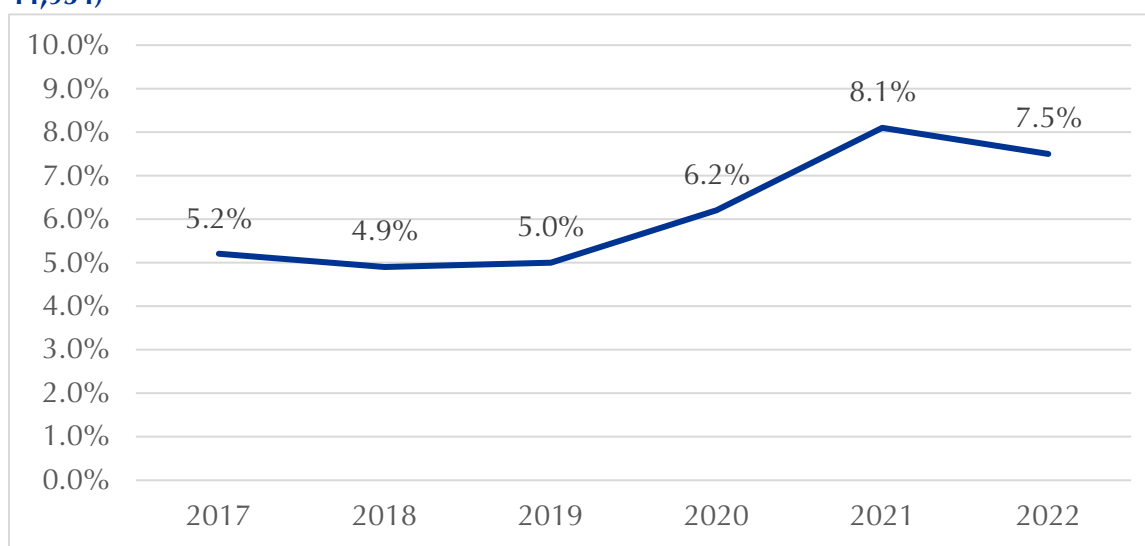
(each year's use of force count is within 5% of the prior year's count). Note in 2020, 75 individuals who had force used against them by APD officers were involved in incidents outside the City of Aurora.

**Figure 3.13. Annual Counts of Individuals Who Experienced Use of Force (n = 3,783)**



As shown in Figure 3.13 above, in contrast to the trends reported for criminal summonses and arrests, the number of individuals who had force used against them has not significantly decreased. Rather, given the significant reductions in the number of arrestees, the percentage of arrestees who have force used against them significantly *increased* over time (see **Figure 3.14**).

**Figure 3.14. Annual Percentages of Arrested Individuals Who Experienced Use of Force (n = 44,954)**





To further explore the trends in APD use of force, **Table 3.6** below reports the number of individuals who had force used against them by APD officers within different organizational boundaries.<sup>43</sup> As noted above, in 2020, 75 individuals who had force used against them by APD officers were involved in incidents outside the City of Aurora; 65 of these occurred in Denver. Most of these were related to APD's participation in the police response to protests following the death of George Floyd. Where appropriate, these uses of force are removed from analyses (and noted in the text).

**Table 3.6. Annual Counts of Individuals Who Experienced Use of Force by Year (n = 3,783), 2017–2022**

	Overall	2017	2018	2019	2020	2021	2022
APD	3,783	633	614	612	648	622	654
District 1	1,543	298	280	250	198	255	262
District 2	1,200	195	196	207	195	188	219
District 3	506	81	76	90	81	85	93
Outside of City	108	5	5	5	75	11	7
Unknown	426	54	57	60	99	83	73

As with criminal summonses and arrests, the NPI team conducted interrupted time series analyses on the monthly counts of individuals who experienced use of force. **Figure 3.15** shows these monthly counts. Although there is seasonal fluctuation and a one-month spike in the number of individuals experiencing use of force, at the bivariate level, the averages pre- and post-COVID and pre- and post-George Floyd protests are similar.<sup>44</sup> Similarly, the time series analysis demonstrated no significant disruption corresponding to any of the examined seminal events (results available upon request). In sum, unlike the significant shifts in the time series for criminal summonses and arrests, neither the

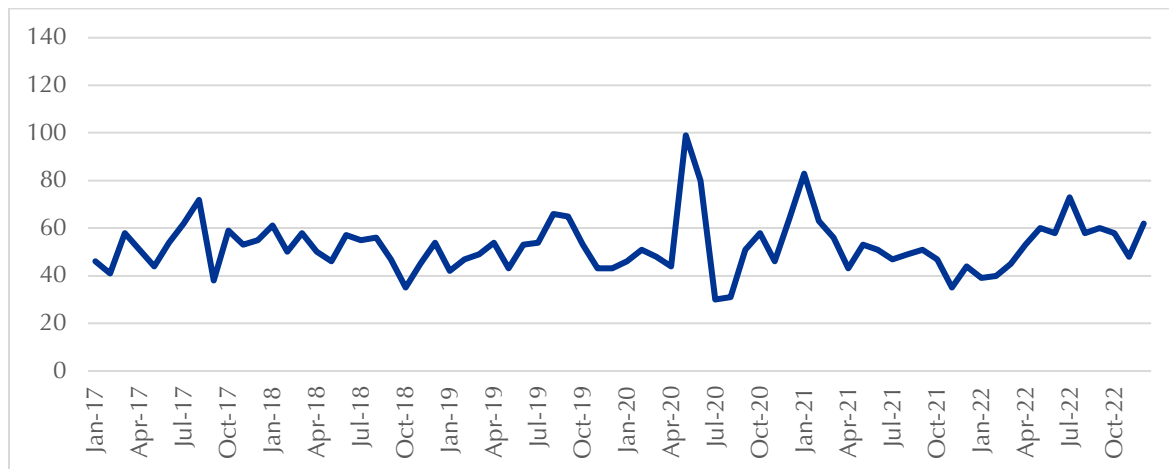
<sup>43</sup> The APD is organized into three patrol districts. The NPI team had intended to examine outcomes of interest at the district level whenever possible to illustrate similarities and differences to assist APD administrators in identifying outliers. Unfortunately, this was not a viable option for two reasons. First, as noted in Section 2, 11.3% of all individuals who had force used against them had missing or incomplete address information in the use of force data, and the district location of their use of force was not able to be determined. Second, there is limited variability across the three districts due to their large spatial distributions. An alternative approach is to use smaller units of analysis; however, in Aurora, the 27 subarea zones could not be used due to limited statistical power.

<sup>44</sup> The average number of individuals who experienced force pre-COVID was 51.4 compared to 53.9 post-COVID. The average number of individuals who experienced force pre-Floyd protests was 51.2 compared to 54.2 post-Floyd protests.



onset of the COVID-19 pandemic nor any other seminal event resulted in a significant, sustained shift in the number of individuals who had force used against them.

**Figure 3.15. Monthly Counts of All Individuals Who Had Force Used Against Them, 2017–2022 (n = 3,783)**



## SECTION SUMMARY

In this section, the NPI team examined trends over time for criminal incidents, criminal summonses, arrests, and use of force using descriptive, bivariate, and interrupted time series analyses. The following key findings are noted.

- (1) Crime, especially serious crime (Part I offenses) and serious violent crime (Part I violent offenses), significantly increased in Aurora from 2017 to 2022.
- (2) APD officers issued 20,922 criminal summonses from 2017 to 2022. Criminal summonses declined linearly from 2017 to 2022 but were also significantly reduced by 11.2% by the onset of the COVID-19 pandemic (over and above the pre-established linear decline).
- (3) APD officers arrested 44,954 individuals from 2017 to 2022. The onset of the COVID-19 pandemic significantly disrupted APD arrest activity, reducing it by approximately 50%. The reduction was primarily driven by decreases in arrests for less serious offenses. The overall proportion of arrests post-COVID increased for more serious and violent offenses.
- (4) APD officers used force against 3,783 individuals from 2017 to 2022. The annual number of subjects who had force used against them by APD remained relatively stable, but the percentage of arrestees who experienced use of force significantly increased because of the decline in the number of arrests. Unlike criminal summonses and arrests, use of force was not significantly disrupted by the onset of the COVID-19 pandemic.





## SECTION 4: ARREST & USE OF FORCE BENCHMARK COMPARISONS

This section examines the racial/ethnic composition of the population of arrested individuals and those who had force used against them by APD officers. As described in Section 2, understanding whether racial/ethnic disparities exist in police enforcement outcomes requires comparing the percentages of individuals with those outcomes to a valid benchmark group. A benchmark should estimate similarly situated people at risk of experiencing these outcomes, assuming no bias exists (Engel & Calnon, 2004; PERF, 2021; Tillyer et al., 2010). A benchmark analysis involves comparing the percentage of racial and ethnic groups who experience arrests or force and the percentage of racial and ethnic groups in the estimated population of similarly situated people. Section 2 summarized the strengths and limitations of various benchmarks to approximate those at risk of experiencing these outcomes, including the calculation of disproportionality indices and disparity ratios for interpreting benchmark comparisons.

This section provides arrest disparity ratios based on four benchmarks and use of force disparity ratios based on eight benchmarks. Given the differences in reported crimes, criminal summonses, arrests, and uses of force across periods identified using interrupted time series analyses in Section 3, the NPI team also calculated and compared disparity ratios for two distinct periods:

- Period 1: Jan 2019–Mar 2020 (Pre-COVID)
- Period 2: Apr 2020–Dec 2022 (Post-COVID)

Based on the known limitations of various benchmarks (see Section 2), the NPI team relied on several benchmarks to provide a more holistic picture of racial/ethnic disparities across different data sources.

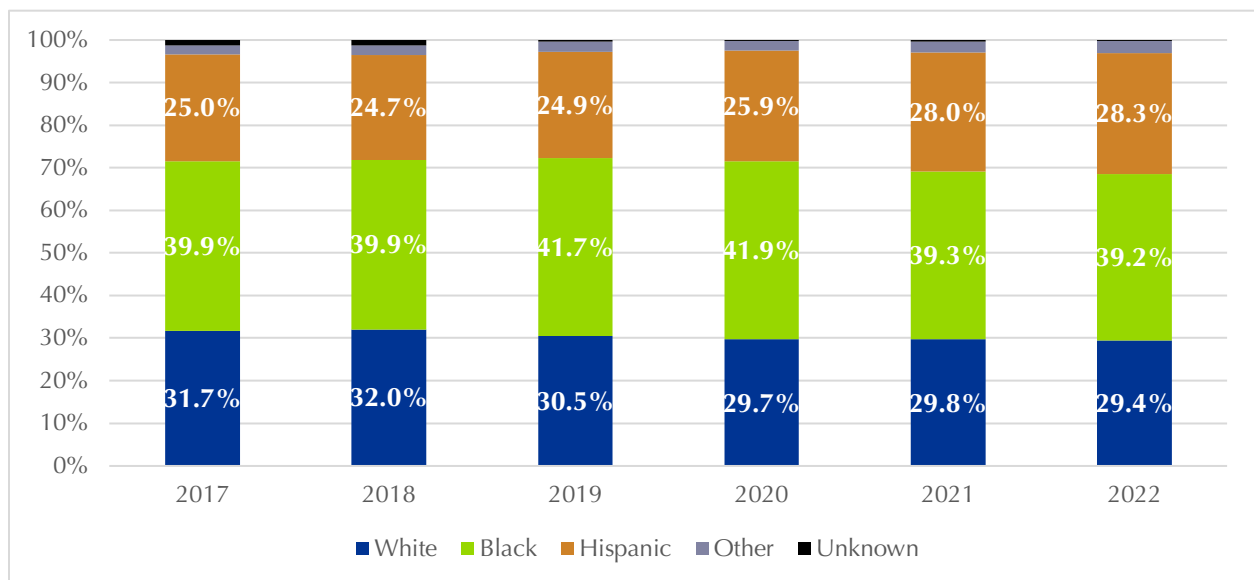
### ARREST BENCHMARKS

**Table 4.1** shows the percentage of arrested individuals by race/ethnicity in the study period. Of those arrested, 40.3% were Black, 30.8% were White, and 25.8% were Hispanic. Other or unknown race/ethnicity categories comprised the remaining 3.1%.

**Table 4.1. Race/Ethnicity of Individuals Arrested by Year, 2017–2022 (n = 3,783)**

Arrest	Race/Ethnicity N (%)				
	White	Black	Hispanic	Other	Unknown
Total 2017-2022 (n = 44,954)	13,838 (30.8%)	18,137 (40.3%)	11,579 (25.8%)	1,069 (2.4%)	331 (0.7%)
2017 (n = 9,780)	3,098 (31.7%)	3,906 (39.9%)	2,445 (25.0%)	202 (2.1%)	129 (1.3%)
2018 (n = 10,277)	3,289 (32.0%)	4,098 (39.9%)	2,534 (24.7%)	221 (2.2%)	135 (1.3%)
2019 (n = 9,280)	2,826 (30.5%)	3,874 (41.7%)	2,313 (24.9%)	236 (2.5%)	31 (0.3%)
2020 (n = 4,951)	1,470 (29.7%)	2,074 (41.9%)	1,282 (25.9%)	116 (2.3%)	9 (0.2%)
2021 (n = 4,689)	1,398 (29.8%)	1,842 (39.3%)	1,313 (28.0%)	120 (2.6%)	16 (0.3%)
2022 (n = 5,977)	1,757 (29.4%)	2,343 (39.2%)	1,692 (28.3%)	174 (2.9%)	11 (0.2%)

**Figure 4.1** graphically displays the percentage of arrested individuals by race/ethnicity by year. As shown, across all years, Black individuals represented the largest percentage of APD arrests, while White individuals consistently comprised the second highest percentage of arrested individuals, followed by Hispanic individuals. The racial/ethnic distribution of arrested individuals was relatively consistent over time, although the percentage of Hispanic arrestees slightly increased in 2021 and 2022. Individuals of other or unknown races represented a small percentage of arrestees across all years.

**Figure 4.1. Race/Ethnicity of Arrested Individuals by Year, 2017–2022 (n = 3,783)**



As described in Section 2, simply knowing the racial/ethnic breakdown of arrested individuals is not useful without a comparison to a valid benchmark. **Table 4.2** displays the values of the disproportionality indices and disparity ratios comparing the percentage of racial and ethnic groups among arrestees with the percentage of racial and ethnic groups among four comparison data sources (or benchmarks)<sup>45</sup> described in Section 2. These include:

- (1) residential population
- (2) all crime suspects
- (3) crime suspects of Part I offenses
- (4) crime suspects of Part I violent offenses

**Table 4.2. Comparison of APD Arrest Racial/Ethnic Disparity Ratios Across Benchmarks**

	Percent Race/Ethnicity			Disproportionality Indices			Disparity Ratios	
	White	Black	Hispanic	White	Black	Hispanic	Black	Hispanic
% Arrests (N = 44,954) <sup>46</sup>	30.8% (13,838)	40.3% (18,137)	25.8% (11,579)	--	--	--	--	--
Benchmark 1: % Residential Population	43.5%	16.6%	29.0%	0.71	2.43	0.89	<b>3.43</b>	<b>1.26</b>
Benchmark 2: % Suspect Population (All Crimes)	34.6%	36.5%	21.9%	0.89	1.10	1.18	<b>1.24</b>	<b>1.33</b>
Benchmark 3: % Suspect Population (Part I Crimes)	31.6%	39.0%	22.0%	0.98	1.03	1.17	<b>1.06</b>	<b>1.20</b>
Benchmark 4: % Suspect Population (Part I Violent Crime)	24.5%	45.5%	24.4%	1.26	0.89	1.06	<b>0.70</b>	<b>0.84</b>

To aid in comparing across benchmarks, **Figure 4.2** visually displays the arrest disparity ratios for Black and Hispanic individuals based on the four benchmarks reported in Table 4.2. The red line indicates no racial/ethnic disparities detected (DR = 1.0). Bars

<sup>45</sup> Unlike use of force benchmark comparisons presented later in this section, arrest-based benchmarks are not included in Table 4.2 or Figure 4.2 since the numerator is the racial/ethnic percentages of all arrests.

<sup>46</sup> Not displayed in tabular or graphic format are 1,400 arrested individuals who were reported to belong to "other" racial/ethnic groups or were of unknown race/ethnicity.



above the 1.0 threshold show that Black and Hispanic individuals were *more likely* than White individuals to be arrested (based on the respective benchmark). In contrast, bars under the red line demonstrate that Black and Hispanic individuals were *less likely* than White individuals to be arrested (based on the respective benchmark).

**Figure 4.2. Comparison of APD Arrest Racial/Ethnic Disparity Ratios Across Benchmarks**

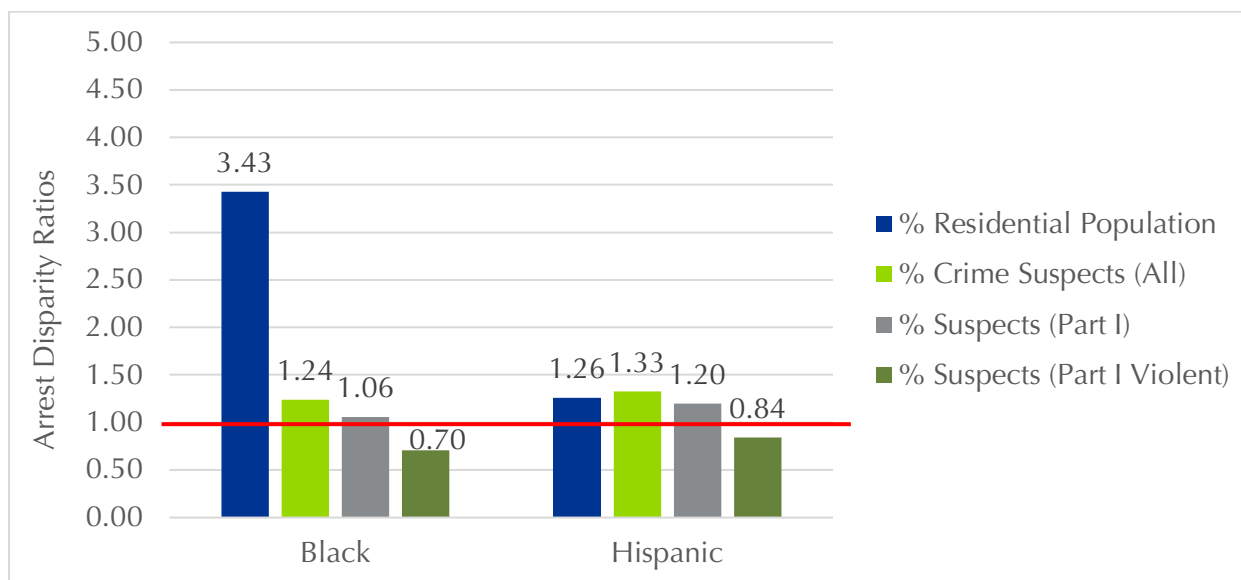


Table 4.2 and Figure 4.2 show that the highest disparity ratio for Black individuals (3.43 = 2.43/0.71) results from census-based residential population comparisons. Black individuals were 3.43 times more likely to be arrested than White individuals based on each group's representation in the residential population. A similar finding, though smaller in magnitude, is noted for Hispanic individuals. The disparity ratio for Hispanic individuals was 1.26, so Hispanic individuals were slightly more likely to be arrested compared to White individuals based on residential population statistics.

In Table 4.2, the NPI team also presents three comparisons of arrested individuals to those reported as criminal suspects (all suspects, Part I crime suspects, Part I violent crime suspects). Using all crime suspects as the benchmark, the disparity ratio for Black individuals is 1.24, indicating that Black individuals were somewhat more likely than White individuals to be arrested. The disparity ratios for Black individuals are closer to 1.0 when the criminal suspect benchmark is limited to Part I criminal suspects (DR=1.06) and less than 1.0 when based on Part I violent crime suspects (DR=0.70). This highlights that Black individuals were *less likely* than White individuals to be arrested based on their groups' representation among the violent criminal suspect population. For Hispanic individuals, the disparity ratio based on all crime suspects is 1.33, and all Part I suspects is 1.20, indicating that Hispanic individuals were somewhat more likely than White individuals to be arrested based on each group's representation among the suspect



comparison sources. Compared to the Part I violent crime suspect benchmark, the disparity ratio for Hispanics is less than 1.0, indicating they are less likely than White individuals to be arrested.

The arrest disparity ratios demonstrate that comparing residential population-based benchmarks produces a vastly different picture of racial/ethnic disparities in arrests than suspect-based benchmarks that better estimate individuals *at risk* of interacting with and being arrested by the police. The validity of using census-based benchmarks has been routinely called into question by policing scholars (Alpert et al., 2004; Engel & Calnon, 2004; Engel et al., 2023; Fridell, 2004; Geller et al., 2021; Smith et al., 2019).

### Arrest Benchmark Comparisons Over Time

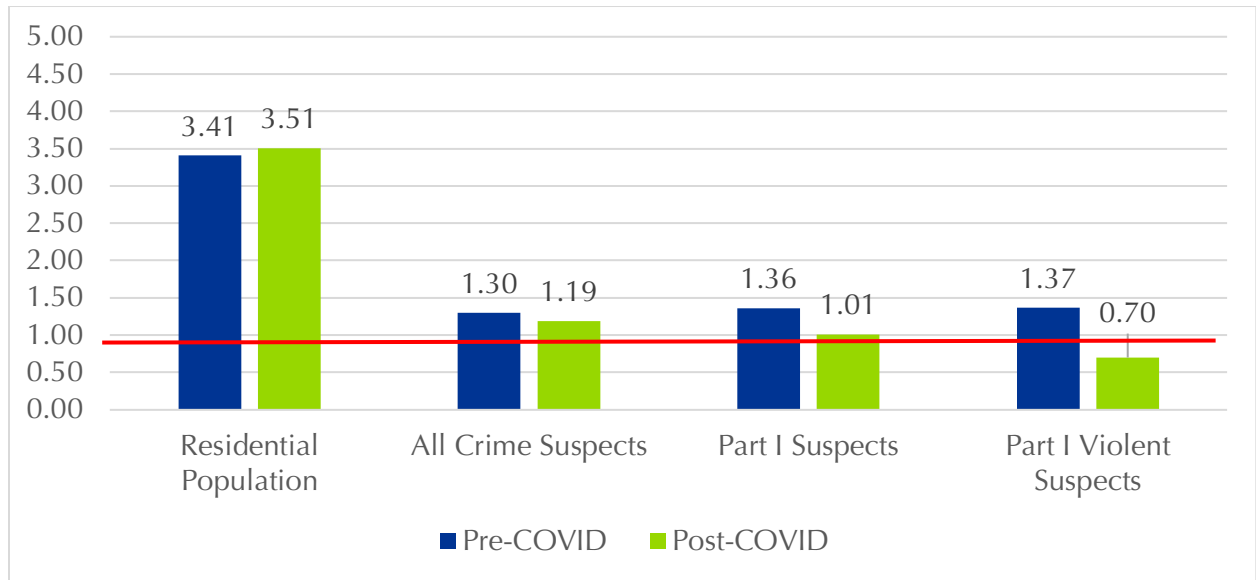
The interrupted time series analyses presented in Section 3 demonstrated significant shifts in enforcement activities after the onset of the COVID-19 pandemic. None of the other seminal events the NPI team examined significantly shifted enforcement activities. Given the clear differences in enforcement activities pre- and post-COVID, separating these periods for additional analyses is helpful. Specifically, the NPI team calculated and compared disparity ratios for two distinct time periods:

- Period 1: Jan 2019–Mar 2020 (Pre-COVID)
- Period 2: Apr 2020–Dec 2022 (Post-COVID)

**Figure 4.3** displays the arrest disparity ratios for Blacks compared to Whites, while **Figure 4.4** displays the same information for Hispanics compared to Whites. The table documenting these calculations is included in the Appendix. As shown, the disparity ratio based on residential population data from the census slightly increased after the onset of COVID-19 from 3.41 to 3.51. However, across all suspect-based benchmarks, the arrest disparity ratios for Blacks compared to Whites are *lower* for the post-COVID period. The post-COVID disparity ratio based on Part I suspects suggests that Blacks are equally likely to be arrested compared to Whites based on Part I suspects and less likely to be arrested based on Part I violent suspects. This suggests that the decline and sustained reduction in arrests documented in Section 3 has also reduced arrest disparity ratios for Blacks.



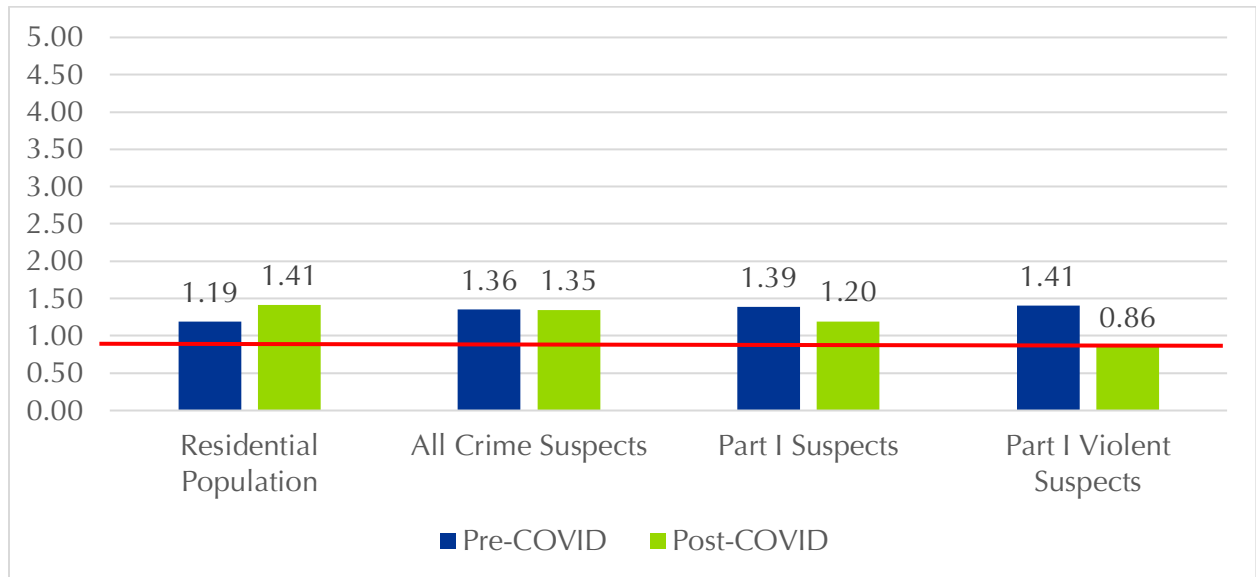
**Figure 4.3. APD Arrest Disparity Ratios Comparing Blacks to Whites, Pre-COVID vs. Post-COVID**



For Hispanic individuals, the arrest disparity ratios show a similar pattern in the census-based benchmark, which increases from 1.19 to 1.41 after the onset of COVID-19. There is virtually no change in the disparity ratio based on all crime suspects; Hispanics remain approximately 1.35 times more likely to be arrested than Whites compared to their representation in the crime suspect population. The disparity ratio based on Part I suspects is slightly reduced after the onset of COVID-19 from 1.39 to 1.20. Finally, similar to the pattern for Blacks, the post-COVID disparity ratio based on Part I violent suspects shows that Hispanics were less likely to be arrested than Whites.



**Figure 4.4. APD Arrest Disparity Ratios Comparing Hispanics to Whites, Pre-COVID vs. Post-COVID**



## USE OF FORCE BENCHMARKS

**Table 4.3** shows the percentage of individuals who had force used against them by race/ethnicity in the six-year period. Of those who had force used against them, 43.1% were Black, 33.5% were White, and 15.3% were Hispanic. Other or unknown race/ethnic categories comprised the remaining 8.2%.



**Table 4.3. Race/Ethnicity of Subjects Who Had Force Used Against Them by Year, 2017–2022 (n = 3,783)**

Use of Force	Race/Ethnicity				
	N (%)				
	White	Black	Hispanic	Other	Unknown
Total 2017-2022 (n = 3,783)	1,267 (33.5%)	1,629 (43.1%)	578 (15.3%)	93 (2.5%)	216 (5.7%)
2017 (n = 633)	210 (33.2%)	280 (44.2%)	119 (18.8%)	16 (2.5%)	8 (1.3%)
2018 (n = 614)	187 (30.5%)	291 (47.4%)	106 (17.3%)	13 (2.1%)	17 (2.8%)
2019 (n = 612)	211 (34.5%)	289 (47.2%)	86 (14.1%)	22 (3.6%)	4 (0.7%)
2020 (n = 648)	181 (27.9%)	214 (33.0%)	75 (11.6%)	14 (2.2%)	164 (25.3%)
2021 (n = 622)	229 (36.8%)	283 (45.5%)	98 (15.8%)	11 (1.8%)	1 (0.2%)
2022 (n = 654)	249 (38.1%)	272 (41.6%)	94 (14.4%)	17 (2.6%)	22 (3.4%)

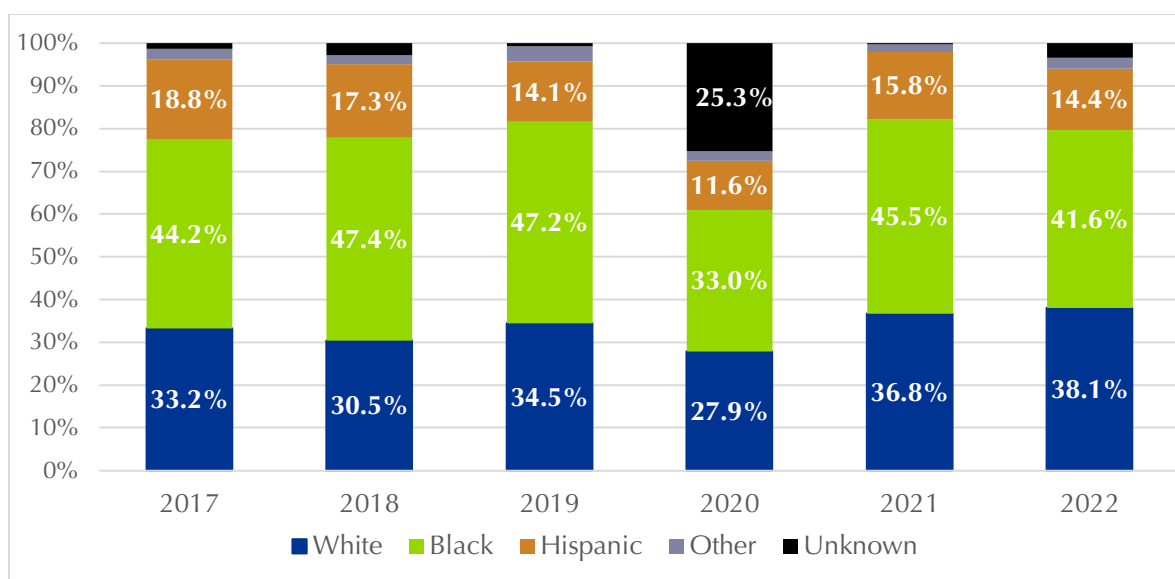
NOTE: Other race includes Asian, Hawaiian or Pacific Islander, and American Indian or Alaska Native

**Figure 4.5** graphically displays the percentage of individuals who had force used against them by race/ethnicity and year. As shown, across all years, Black individuals represented the largest percentage of those who had force used against them by APD officers. Whites consistently comprised the second-highest percentage of individuals who had force used against them. Hispanics were the third most common racial/ethnic group represented among those who had force used against them except in 2020. The racial/ethnic distribution of individuals who had force used against them was relatively consistent, except in 2020 when 25.3% of individuals were reported to be of unknown race, and the percentages of all other race/ethnicity categories decreased.





**Figure 4.5. Race/Ethnicity of Subjects With Force Used by Year, 2017–2022 (n = 3,783)**



As described in Section 2, simply knowing the racial/ethnic breakdown of individuals who had force used against them is not useful without a comparison to a valid benchmark. **Table 4.4** includes disproportionality indices and disparity ratios that compare the percentage of racial and ethnic groups who experienced force with the total percentage of racial/ethnic groups within eight comparison data sources (or benchmarks) previously described in Section 2. These include:

- (1) residential population
- (2) criminal summonses
- (3) all arrestees
- (4) arrestees for Part I offenses
- (5) arrestees for Part I violent offenses
- (6) all crime suspects
- (7) crime suspects of Part I offenses
- (8) crime suspects of Part I violent offenses

**Table 4.4. Comparison of APD Use of Force Racial/Ethnic Disparity Ratios Across Benchmarks**

	Percent Race/Ethnicity			Disproportionality Indices			Disparity Ratios	
	White	Black	Hispanic	White	Black	Hispanic	Black	Hispanic
% Use of Force (n = 3,783) <sup>47</sup>	33.5% (1,267)	43.1% (1,629)	15.3% (578)	--	--	--	--	--
Benchmark 1: % Residential Population	43.5%	16.6%	29.0%	0.77	2.60	0.53	3.37	0.69
Benchmark 2: Criminal Summons Population	33.4%	36.3%	25.5%	1.00	1.19	0.60	1.18	0.60
Benchmark 3: % Arrestee Population (All crimes)	30.8%	40.3%	25.8%	1.09	1.07	0.59	0.98	0.55
Benchmark 4: % Arrestee Population (Part I Crimes)	29.6%	43.2%	24.3%	1.13	1.00	0.63	0.88	0.56
Benchmark 5: % Arrestee Population (Part I Violent Crimes)	24.7%	46.6%	25.8%	1.36	0.92	0.59	0.68	0.44
Benchmark 6: % Suspect Population (All Crimes)	34.6%	36.5%	21.9%	0.97	1.18	0.70	1.22	0.72
Benchmark 7: % Suspect Population (Part I Crimes)	31.6%	39.0%	22.0%	1.06	1.10	0.69	1.04	0.65
Benchmark 8: % Suspect Population (Part I Violent Crimes)	24.5%	45.5%	24.4%	1.37	0.95	0.63	0.69	0.46

To aid in comparing across benchmarks, **Figure 4.6** displays the use of force disparity ratios for Black and Hispanic individuals based on each of the eight benchmarks reported in Table 4.4. Again, the red line indicates no racial/ethnic disparities detected (DR = 1.0). Bars above the 1.0 threshold show that Black and Hispanic individuals were *more likely* than White individuals to have force used against them (based on the respective benchmark), while bars under the red line demonstrate that Black and

<sup>47</sup> Not displayed in tabular or graphic format are 309 individuals of “other” or unknown race/ethnicity who had force used against them.



Hispanic individuals were *less likely* than White individuals to have force used against them (based on the respective benchmark).

**Figure 4.6. Comparison of APD Use of Force Racial/Ethnic Disparity Ratios Across Benchmarks**

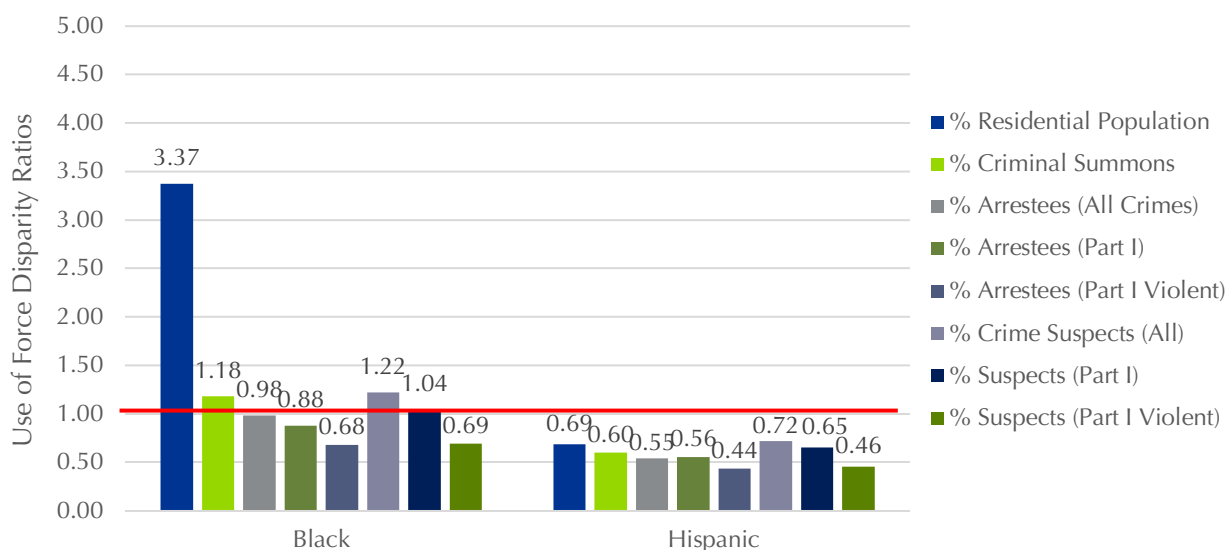


Table 4.4 and Figure 4.6 show that the highest disparity ratio for Black individuals ( $3.37=2.60/0.77$ ) results from census-based residential population comparisons. Black individuals were 3.37 times more likely to be arrested than White individuals based on each group's representation in the residential population. By contrast, the disparity ratio for Hispanic individuals was 0.69. Thus, Hispanic individuals were less likely to have force used against them compared to White individuals based on the underlying residential population. When the residential population is used as a benchmark comparison to estimate risk for police use of force, Black individuals, but not Hispanic individuals, were overrepresented in use of force compared to their White counterparts.

Comparing individuals who had force used against them to those who received a criminal summons shows a disparity ratio for Black individuals that is much closer to 1.0 ( $DR=1.18$ ), while for Hispanic individuals, the criminal summons-based disparity ratio is less than 1.0 ( $DR=0.60$ ). Next, the NPI team examined use of force by race/ethnicity compared to the race/ethnicity of the APD arrestee population from 2017 to 2022. As shown in Table 4.4 and Figure 4.6, the disparity ratio based on total arrests is 0.98 for Black individuals and 0.55 for Hispanic individuals. In comparison to the residential population-based disparity ratios, the summons- and arrest-based benchmark comparisons illustrate that using benchmarks that estimate individuals *at risk* of police use of force produces a different picture of racial/ethnic disparities in use of force.

When the benchmark is changed to only Part I crime arrests or Part I violent crime arrests, the disparity ratios drop even further for Blacks to 0.88 and 0.68, respectively.



Disparity ratios less than 1.0 indicate that Black and Hispanic individuals were underrepresented among individuals who had force used against them compared to White individuals based on their representation in the Part I crime and Part I violent crime arrestee populations.

Finally, the NPI team conducted benchmark analyses based on criminal suspect data, using the race/ethnicity recorded by APD for individuals reported as criminal suspects by the public when reporting criminal events. Using all crime suspects as the benchmark, the disparity ratio for Blacks is 1.22, indicating that Black individuals were somewhat more likely than White individuals to experience force. The disparity ratios for Black individuals are closer to 1.0 when the criminal suspects benchmark is limited to Part I criminal suspects (DR=1.04) and less than 1.0 when based on Part I violent crime suspects (DR=0.69), showing that Black individuals were *less likely* than White individuals to have force used against them based on their groups' representation among the violent criminal suspect population. For Hispanic individuals, regardless of which suspect benchmark is used, the disparity ratios are all less than 1.0, indicating they are *less likely* than White individuals to experience force based on their representation in the suspect-based benchmarks.

These findings, particularly for Blacks who experienced use of force by APD officers, are consistent with previous studies that have compared variation in racial/ethnic disparities across different benchmarks. As illustrated, the use of force disparity ratios created using non-census data sources are all close to, or less than 1.0, indicating that there is limited or no disparity between Black or Hispanic individuals' likelihood of having force used against them in comparison to White individuals. Additionally, using some benchmarks, Black and Hispanic individuals were underrepresented in the use of force population compared to White individuals, given their representation in several benchmark populations.

### Use of Force Benchmark Comparisons Over Time

Given the significant shifts in enforcement activities described in Section 3, the NPI team also calculated and compared disparity ratios for two distinct periods:

- Period 1: Jan 2019–Mar 2020 (Pre-COVID)
- Period 2: Apr 2020–Dec 2022 (Post-COVID)

**Figure 4.7** displays the use of force disparity ratios for Black individuals compared to White individuals, while **Figure 4.8** displays the same information for Hispanic individuals compared to White individuals. The table documenting these calculations is included in the Appendix. As shown, across all benchmarks, the disparity ratios for Black compared to White individuals are *lower* for the post-COVID period. During Period 2, two of the eight benchmarks are between 1.0 and 1.1, while five are less

## AURORA POLICE ENFORCEMENT DATA ANALYSIS

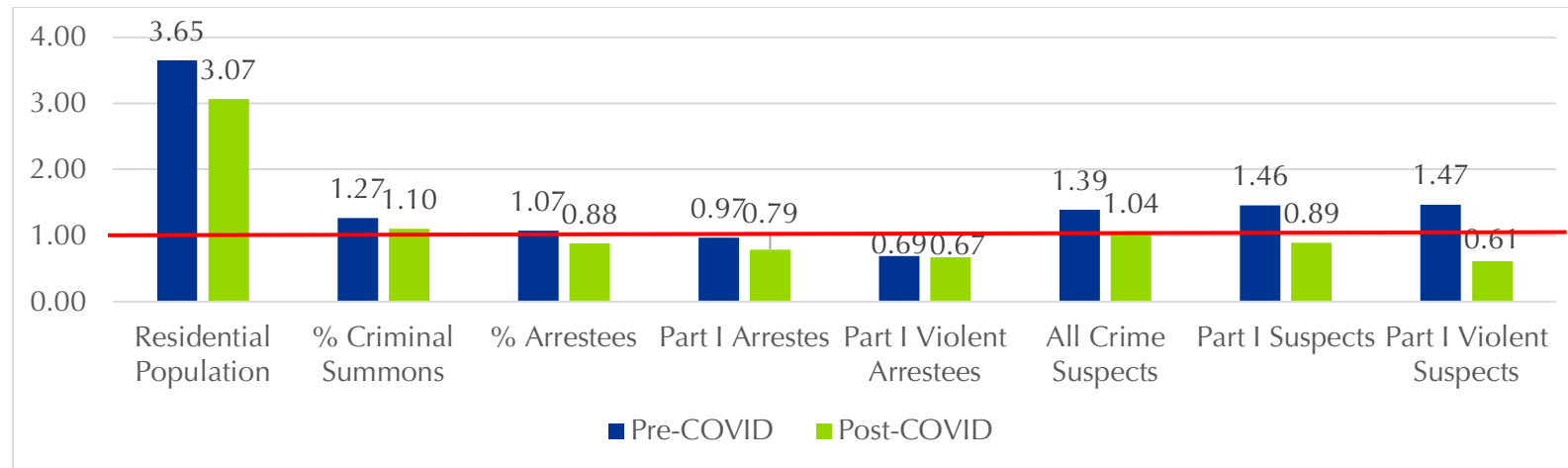


than 1.0, indicating that Black individuals were *less likely* than White individuals to experience force based on their representation in those comparison populations. This suggests that the decline and sustained reduction in arrests documented in Section 3 has also reduced use of force disparity ratios for Black individuals.

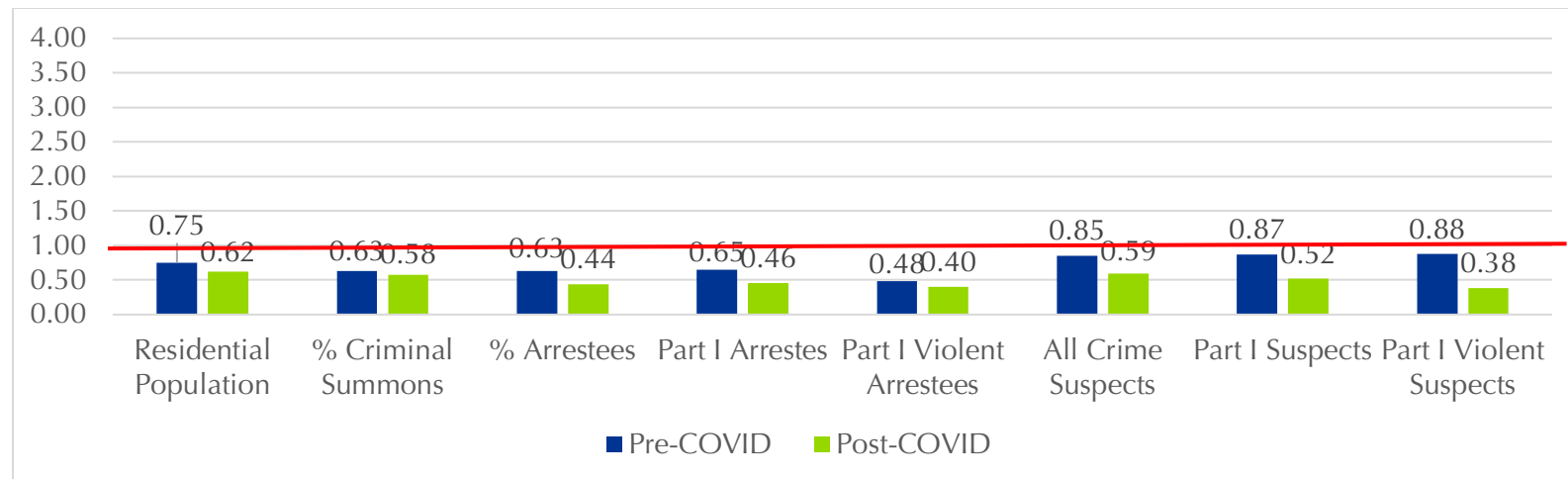
For Hispanic individuals, the use of force disparity ratios were all 1.0 or less in both the pre-COVID and post-COVID periods. This is consistent across all benchmarks. Again, this indicates that Hispanic individuals experience less use of force than White individuals, given the expected rate of force based on each group's representation among Aurora residents, those who received criminal summonses, arrestees, or reported criminal suspects.



**Figure 4.7. APD Use of Force Disparity Ratios Comparing Blacks to Whites, Pre-COVID vs. Post-COVID**



**Figure 4.8. APD Use of Force Disparity Ratios Comparing Hispanics to Whites, Pre-COVID vs. Post-COVID**





## SECTION SUMMARY

All benchmarks have limitations and vary in the extent to which they accurately estimate the population of similarly situated individuals “at risk” of police enforcement actions, assuming no bias exists (Alpert et al., 2004; Engel & Calnon, 2004; Engel et al., 2023; Fridell, 2004; Geller et al., 2021; PERF, 2021; Tillyer et al., 2010). For example, residential population-based benchmarks do not include measures of factors that influence an individual’s risk of police enforcement activity, including subjects’ resistance, presence of a weapon, and criminal behavior. Similarly, using arrest data as a comparison for use of force benchmark analyses may underestimate disparities because of the possible (unmeasured) bias in who is arrested (Geller et al., 2021; Knox et al., 2020a, 2020b). Arrest data is also challenging as an independent benchmark because arrest disparities are passed on to the next analysis, compounding the possible differences across racial/ethnic groups (Fenton et al., 2020; Knox & Mummolo, 2020).

Based on the known limitations of certain benchmarks, the NPI team relied on various benchmarks using different data sources to provide a more holistic picture of racial/ethnic disparities. The results of the benchmark analyses should be interpreted with caution and consideration of how well each benchmark estimates the “similarly situated” or at-risk population for police enforcement actions. Findings can vary dramatically based on the chosen benchmarks. Previous research suggests that racial/ethnic disparities in use of force are almost always the largest when comparisons are based on residential population and considerably smaller when based on arrest and suspect-based benchmarks that capture the risk of police interactions that may result in use of force (Cesario et al., 2019; Fryer, 2019; Geller et al., 2021; Ross et al., 2020; Smith et al., 2019; Smith et al., 2022; Tregle et al., 2019). Finally, benchmark analyses (regardless of the comparison data source) cannot explain the reasons behind any reported disparities because they do not consider the complex factors that may contribute to differential outcomes across racial and ethnic groups.

For the six-year study period, APD arrested 44,954 individuals. Of these, 40.3% were Black, 30.8% were White, 25.8% were Hispanic, and 3.1% were of other or unknown racial/ethnic backgrounds. The NPI team compared the percentage of racial/ethnic groups’ representation in the population of arrested individuals to racial/ethnic groups’ representation in four different benchmarks, including (1) residential population, (2) all crime suspects, (3) crime suspects for Part I offenses, and (4) crime suspects for Part I violent offenses. Although the population-based disparity ratios for both Blacks and Hispanics increased after the onset of COVID-19, disparities in arrests for Blacks compared to Whites decreased post-COVID across all suspect-based benchmarks. For Hispanics, two of the three suspect-based benchmarks also declined post-COVID. The post-COVID arrest disparity ratios based on Part I violent suspects show that both Black and Hispanic individuals were less likely to be arrested than their White counterparts.

## AURORA POLICE ENFORCEMENT DATA ANALYSIS



During the study period, 3,783 individuals had force used against them. Of these, 43.1% were Black, 33.5% were White, 15.3% were Hispanic, 5.7% were of unknown race/ethnicity, and 2.5% were of other racial/ethnic backgrounds. The NPI team compared the percentage of racial/ethnic groups' representation in the population of those who experienced force to racial/ethnic groups' representation in eight different benchmarks, including (1) residential population, (2) criminal summonses, (3) all arrestees, (4) arrestees for Part I offenses, (5) arrestees for Part I violent offenses, (6) all crime suspects, (7) crime suspects for Part I offenses, and (8) crime suspects for Part I violent offenses. Disparities in use of force for Blacks compared to Whites decreased post-COVID across all benchmarks, while no disparities in use of force for Hispanics were evident across all benchmarks either before or after COVID-19 onset.





## SECTION 5: PREDICTING USE OF FORCE DURING ARRESTS

Given that use of force is more common during police encounters involving arrests (Garner et al., 2018; Hickman et al., 2008), the overall decline in APD arrests since 2020 is essential for understanding the APD's use of force patterns and trends. In this section, the NPI team compares the percentage of arrestees that have force used against them over time and by racial/ethnic groups. The remainder of this section focuses on using multivariate statistical analyses to better understand what factors predict whether arrested individuals experience use of force.

### DESCRIPTIVE ANALYSES

During the six-year study period, APD officers arrested 44,954 individuals during encounters with police. Despite the increased risk for confrontation that these encounters present, most arrestees did not experience use of force by the APD. On average, approximately 5.8% of arrested individuals ( $n = 2,608$ ) had force used against them. **Table 5.1** below shows the distribution of arrested individuals who had force used against them.

**Table 5.1. APD Arrest Counts and Use of Force Counts Within Arrests, 2017–2022 ( $n = 44,954$ )**

	Overall 2017-2022	2017	2018	2019	2020	2021	2022
Number of Arrestees	44,954	9,780	10,277	9,280	4,951	4,689	5,977
Number of Arrestees with Use of Force	2,608	504	504	463	307	381	449
% Arrestees with Use of Force	5.8%	5.2%	4.9%	5.0%	6.2%	8.1%	7.5%

NOTE: The totals in this table include all arrests, geocoded/mapped or not, and represent 100% of the total distribution of APD arrests.

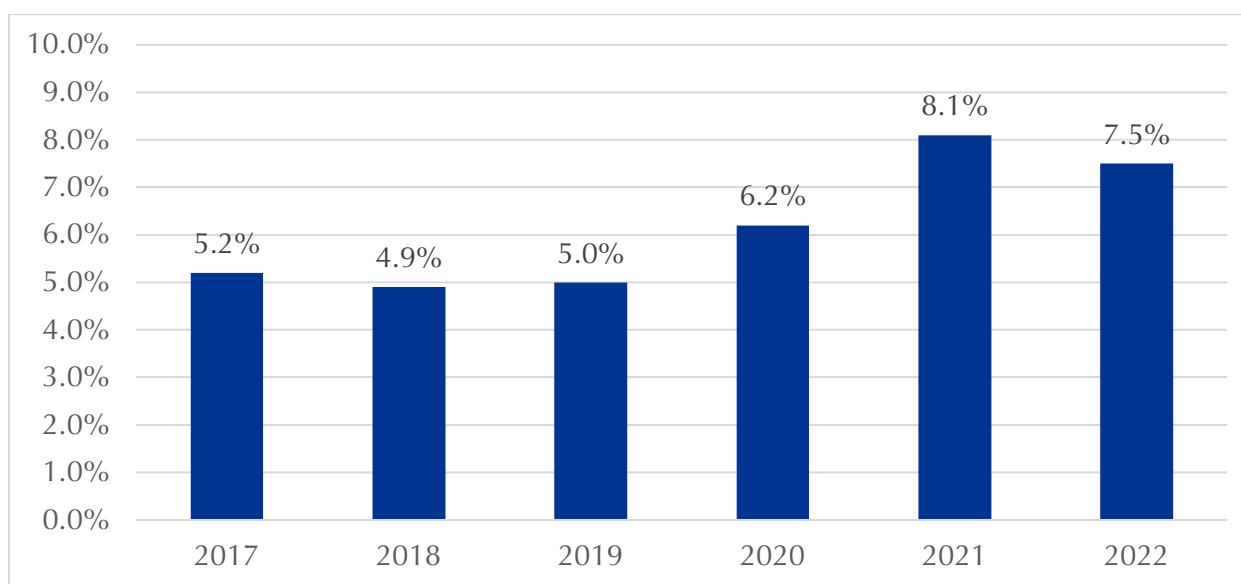
Note that the individuals included in the statistical analyses in this section only included 68.9% ( $n = 2,608$ ) of all individuals ( $n = 3,783$ ) who experienced force during this six-year period. Roughly 30% of the individuals who had force used against them were not arrested by the APD, and therefore, are not included in the arrest database. The analytical techniques used within this section are applied to the arrest database rather than the use of force database. The purpose is to understand what factors predict the



likelihood of force in the situations that are most at-risk of involving force. In this case, the population of arrested individuals is known; and we seek to explore what factors predict the likelihood of experiencing force among the 5.8% of arrestees who have force used against them during incidents with police.

**Figure 5.1** graphically displays the annual percentage of individuals arrested by APD officers who experienced use of force. It is important to note that although *fewer* individuals had force used against them in 2020–2022 compared to 2017–2019, a *larger* percentage of arrestees had force used against them. As shown in Figure 5.1, the percentage of arrestees who had force used against them was relatively stable between 2017 and 2019 (3-year avg = 5.0%), however, this percentage increased from 2020 to 2022 (3-year avg = 7.3%) as the number of arrests decreased. This represents a percentage change increase of 46% between the two periods (2017–2019 compared to 2020–2022).

**Figure 5.1. Percentage of Arrested Individuals Who Experienced Use of Force by Year (n = 44,954 arrestees)**





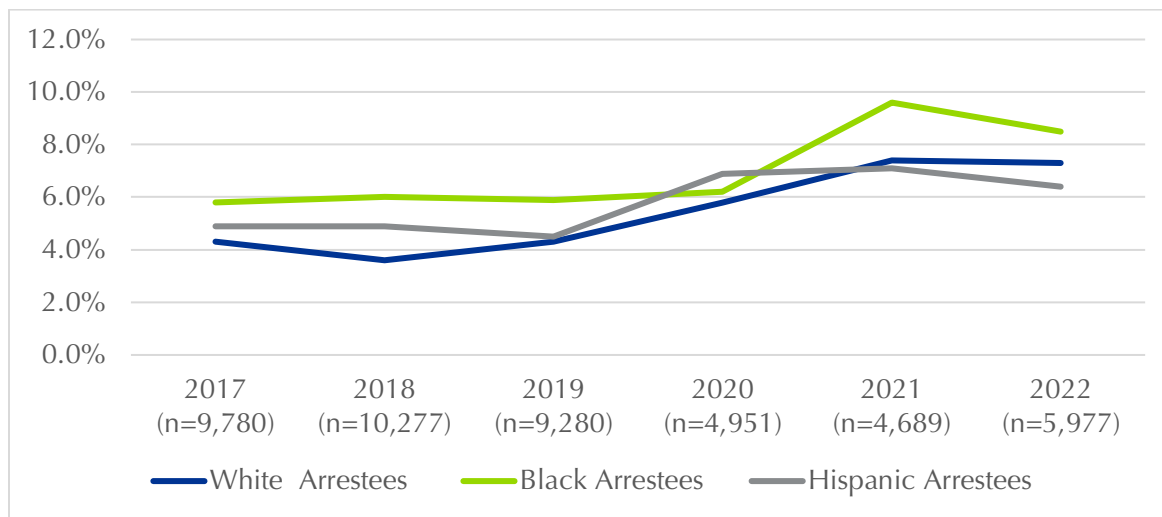
**Table 5.2** shows the percentage of arrested individuals who experienced use of force from 2017 to 2022 by race and ethnicity.

**Table 5.2. Percentage of Arrested Individuals Who Experienced Use of Force by Race/Ethnicity**

	2017-2022 (n = 44,954)	2017 (n = 9,780)	2018 (n = 10,277)	2019 (n = 9,280)	2020 (n = 4,951)	2021 (n = 4,689)	2022 (n = 5,977)
All Arrestees	5.8%	5.2%	4.9%	5.0%	6.2%	8.1%	7.5%
White Arrestees	5.0%	4.3%	3.6%	4.3%	5.8%	7.4%	7.3%
Black Arrestees	6.6%	5.8%	6.0%	5.9%	6.2%	9.6%	8.5%
Hispanic Arrestees	5.5%	4.9%	4.9%	4.5%	6.9%	7.1%	6.4%

As graphically displayed in **Figure 5.3**, the percentage of arrestees who had force used against them increased across all racial/ethnic groups, although there was variation in the magnitude of this increase.

**Figure 5.3. Percentage of Arrested Individuals Who Experienced Use of Force by Race/Ethnicity by Year, 2017–2022 (n = 44,954 arrests)**



- White Arrestees:
  - Use of force ranges from 3.6% (2018) to 7.4% (2021) of arrestees
  - Average 2017–2019 = 4.1% arrestees with force
  - Average 2020–2022 = 6.8% arrestees with force



- Increase of 65.9% arrestees with force (2017–2019 avg vs. 2020–2022 avg)
- Black Arrestees:
  - Use of force ranges from 5.8% (2017) to 9.6% (2021) of arrestees
  - Average 2017–2019 = 5.9% arrestees with force
  - Average 2020–2022 = 8.1% arrestees with force
  - Increase of 37.3% arrestees with force (2017–2019 avg vs. 2020–2022 avg)
- Hispanic Arrestees
  - Use of force ranges from 4.5% (2019) to 7.1% (2021) of arrestees
  - Average 2017–2019 = 4.8% arrestees with force
  - Average 2020–2022 = 6.8% arrestees with force
  - Increase of 41.7% arrestees with force (2017–2019 avg vs. 2020–2022 avg)

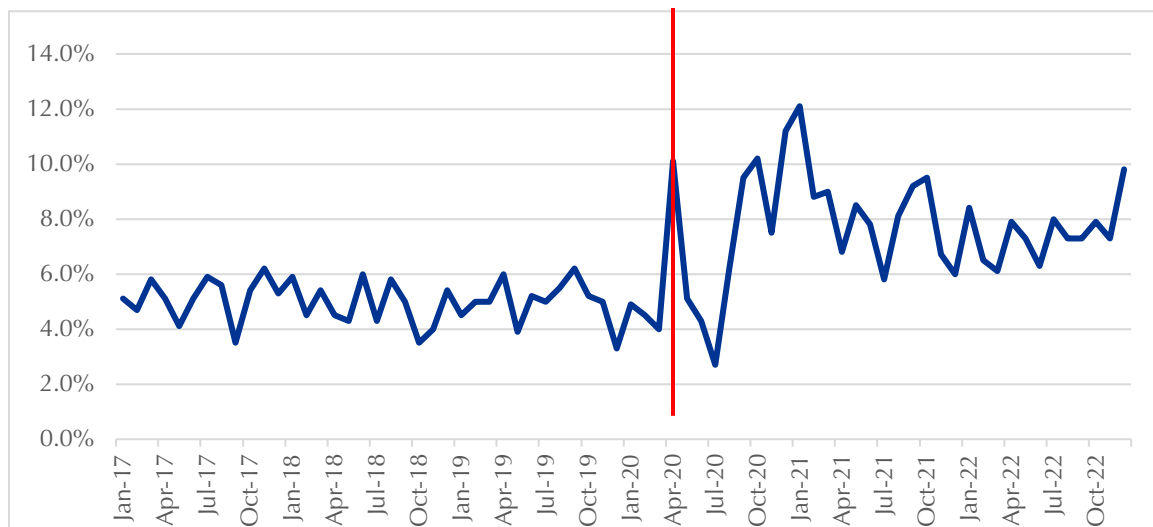
In short, although Black arrestees were more likely to have force used against them, White arrestees experienced the largest increase in the likelihood of force.

## TIME SERIES ANALYSES

Finally, it is instructive to consider the change in the percentage of arrestees who had force used against them over time as related to seminal events. **Figure 5.4** shows the monthly percentage of APD arrestees that had force used against them from 2017 to 2022. Again, there is a consistent pattern of proportional stability in arrestees who experienced force between January 2017 and March 2020. Beginning in April 2020 (following the onset of the COVID-19 pandemic social changes), the proportion of arrestees who had force used against them *doubled* to roughly 10% for that month. After October 2020, the ratio of arrestees who experienced force remained consistently higher than in the pre-COVID period. On average, 5.0% of arrested individuals had force used against them up until March 2020, while the post-March 2020 period accounted for the highest percentage of arrestees who experienced force (an average of 7.7% from April 2020 to December 2022, with a high of 12.1% of all arrests in January 2021).



**Figure 5.4. Percentage of Arrested Individuals Who Experienced Use of Force by Month, 2017–2022 (n = 44,954)**



The results of the interrupted time series models below show the change in the force counts while controlling for the number of arrest incidents (equating to a ratio of force counts per arrest) while accounting for seasonal monthly trends and previously established patterns.<sup>48</sup> **Table 5.3** shows that net of seasonality, the ratio of force counts to arrest counts increased by 108% in the post-COVID period. When the NPI team disaggregated the change in force by race, there was a statistically significant difference across all racial/ethnic groups on this rate of change in arrestees experiencing force. Specifically, counts of force (per arrest count) for White individuals increased by 120% compared to 83.3% and 80.7% increases for Black and Hispanic individuals, respectively.

**Table 5.3. Interrupted Time Series Analyses for APD Use of Force Within Arrests, 2017-2022**

	Total UoF	White UoF	Black UoF	Hispanic UoF
	B (SE) [Exp(B)-1]	B (SE) [Exp(B)-1]	B (SE) [Exp(B)-1]	B (SE) [Exp(B)-1]
Intercept	-2.73* (0.057)	-3.73* (0.093)	-3.50* (0.085)	-4.51* (0.142)
Post-COVID	0.738* (0.033) [1.08]	0.791* (0.057) [1.20]	0.606* (0.056) [.833]	0.592* (0.085) [0.807]

\*All regression models include February – December monthly dummy variables (they are excluded from tables for parsimony). Count of arrests serves as the exposure variable (Coefficients are a rate change of arrests). \*p < 0.05

<sup>48</sup> The models include seasonal monthly dummy variables and control for the monthly count of arrests as the exposure variable. It treats the post-COVID change in arrest as the denominator (i.e., the exposure variable) with the change in uses of force among arrestees serving as the numerator (i.e., force per arrest), equating to an analysis of the change in ratios of force-within-arrests over time.



## MULTIVARIATE RESULTS: USE OF FORCE WITHIN ARRESTS

As described in Section 2, multivariate models measure each predictor variable's individual and independent impact on the outcome (i.e., force) while holding all other variables in the model constant. This analysis allows the NPI team to isolate the impact of the key variable of interest – arrestee race/ethnicity – on force given similar characteristics of the incident, arrest, and person included in the model.

**Table 5.4** below provides the descriptive statistics for the full arrest data<sup>49</sup> where the outcome of interest is use of force (0 = no force, 1 = force used). In approximately 39% of all encounters that resulted in arrest, the suspect had an outstanding warrant at the time of the arrest. For the six-year period, roughly 6% of all arrested individuals had force used against them, and 30% were arrested post-March 2020 (i.e., COVID-19 pandemic). Approximately 40% of all arrestees were Black, compared to 31% White and 26% Hispanic.

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<sup>49</sup> The total number of arrestees = 44,954; however, 37 cases were removed from the analyses due to missing data on one or more of the variables included in the analyses.

**Table 5.4. Descriptive Statistics for Model Predicting Use of Force Within Arrests (n = 44,917)**

Variables	Mean	Standard Deviation	Minimum	Maximum
Force	0.06	0.234	0	1
<b><i>Legal Characteristics</i></b>				
Arrestee had outstanding warrant	0.39	0.487	0	1
Violent offense charge	0.07	0.260	0	1
<b><i>Incident Characteristics</i></b>				
Post-March 2020	0.30	0.458	0	1
Quarter 1	0.26	0.440	0	1
Quarter 2	0.25	0.432	0	1
Quarter 3	0.26	0.438	0	1
Quarter 4	0.23	0.421	0	1
Weekend	0.46	0.499	0	1
Nighttime	0.48	0.499	0	1
Multiple arrestees	0.10	0.302	0	1
<b><i>Arrestee Characteristics</i></b>				
Male	0.74	0.441	0	1
Age	32.7	11.56	< 1	83
White	0.31	0.445	0	1
Black	0.40	0.490	0	1
Hispanic	0.26	0.437	0	1
Other/Unknown	0.03	0.174	0	1

Given the sizable shift in arrests due to the onset of the COVID-19 pandemic – verified through the time series analyses in Section 3 – the NPI team conducted two regression analyses using different periods:

Period 1: Jan 1, 2017–Mar 31, 2020

Period 2: Apr 1, 2020–Dec 31, 2022

In essence, the NPI team split the data into the pre- and post-COVID periods to assess whether there were notable changes in the predicted probabilities of force within arrests by race/ethnicity after the number of arrests was essentially cut in half (post-COVID). **Table 5.5** below shows the results of statistical analyses predicting the factors that



influence whether arrestees had force used against them after controlling for legal, incident, and arrestee characteristics.

First, Black arrestees were 1.37 times more likely than White arrestees to have force used against them pre-COVID, even after accounting for other factors. However, the strength of this effect (odds ratio) is substantively small in magnitude and decreases after the onset of COVID-19. During Period 2, Black arrestees were 1.17 times more likely than White arrestees to have force used against them. Hispanic arrestees, by contrast, did not differ significantly from White arrestees during Period 1. After the onset of COVID-19, Hispanic arrestees were 1.24 times less likely to experience force than White arrestees. Additionally, across both periods, males were 1.35 times more likely than females to have force used against them. Finally, if an individual was arrested with multiple arrestees in the same incident, that individual was 1.8 to 1.9 times more likely to have force used in the arrest, depending on whether the arrest occurred before or after the onset of COVID-19.

Multivariate analysis can only statistically control those variables that are measured. Specification error occurs due to the inability to specify all factors that might influence the outcome. If these unmeasured variables vary across racial/ethnic groups, their inclusion in the statistical models would increase or lessen the predicted impact of individuals' race/ethnicity on the likelihood of force. The interpretation of multivariate results must keep this limitation in mind.





**Table 5.5. Logistic Regression Predicting Use of Force Within APD Arrests, 2017–2022 (n = 44,917)**

	Period 1 (n = 31,497)		Period 2 (n = 13,420)	
Independent Variables	B (SE)	Odds Ratio	B (SE)	Odds Ratio
Intercept	-2.647* (0.125)	---	-1.907* (0.179)	---
<b>Legal Characteristics</b>				
Arrestee had outstanding warrant	-1.792 (0.087)	5.99	-1.091 (0.089)	2.98
Violent offense charge	0.010 (0.097)	--	0.337 (0.086)	1.40
<b>Incident Characteristics</b>				
2018	-0.027 (0.063)	---	---	---
2019	0.066 (0.065)	---	---	---
2021	---	---	0.142 (0.094)	---
2022	---	---	0.100 (0.090)	---
Quarter 2	0.002 (0.073)	---	-0.134 (0.103)	---
Quarter 3	0.073 (0.071)	---	-0.052 (0.101)	---
Quarter 4	-0.017 (0.075)	---	0.074 (0.102)	---
Weekend	-0.125* (0.053)	1.13	-0.010 (0.066)	---
Nighttime	0.423* (0.054)	1.53	0.006* (0.067)	---
Multiple arrestees	0.663* (0.068)	1.94	0.604* (0.095)	1.83
<b>Arrestee Characteristics</b>				
Male	0.298* (0.064)	1.35	0.190* (0.078)	1.21
Age	-0.017* (0.002)	1.02	-0.019* (0.003)	1.02
Black	0.311* (0.065)	1.37	0.156 (0.080)	1.17
Hispanic	-0.040 (0.076)	---	-0.215 (0.091)	1.24
Other/Unknown	0.091 (0.148)	---	-0.307 (0.222)	---
<b>Model Fit Statistics</b>				
	Nagelkerke R-Square value = 0.098		Nagelkerke R-Square value = 0.061	

\*p < 0.05; only statistically significant odds ratios are presented. Odds ratios for negative coefficients are calculated as 1/expB



## Predicted Probability of Force from Regressions

While the odds ratios (displayed in the table above) can describe the strength of a measure relative to other variables in the model, predicted probabilities are a more precise estimation method that demonstrates the impact of the independent variables in a regression model. A predicted probability is simply the probability of an event occurring; in this case, the probability that an individual is involved in police use of force in the arrest.<sup>50</sup>

**Figure 5.5** shows the predicted probability of force being used in an arrest based on the arrestee's demographic characteristics, net of all other factors in the model. There are three noteworthy findings regarding the likelihood of force within arrests by race/ethnicity in the period when arrests were more commonplace (Model 1, pre-COVID) and when they were considerably restricted (Model 2, post-COVID).

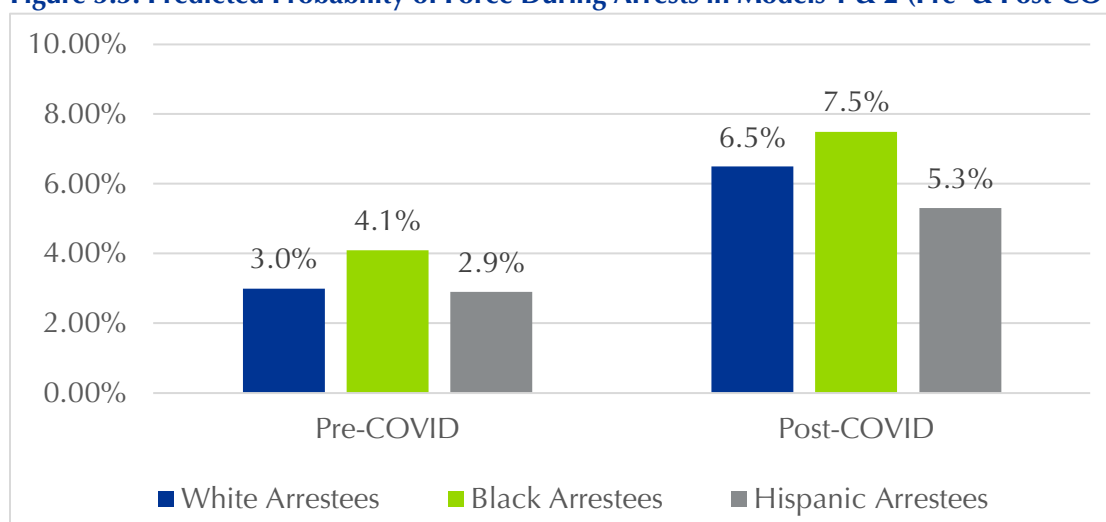
- The probability of force being used during arrests increased over time.
- As arrest counts declined, partly due to reduced arrests for less serious offenses, the probability that force was used increased for all racial/ethnic groups.
  - White arrestees 3.0% pre-COVID, 6.5% post-COVID
  - Black arrestees 4.1% pre-COVID, 7.5% post-COVID
  - Hispanic arrestees 2.9% pre-COVID, 5.3% post-COVID
- The differences in the probability of force being used during arrests across racial/ethnic groups (i.e., the differences across the groups relative to each other) were cut in half. The remaining differences in probability of experiencing force during arrest were reduced considerably post-COVID.

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<sup>50</sup> The baseline predicted probability is the foundation of the regression model, where all estimates are set to their average values. To determine the effect size of statistically significant independent variables, the average values are changed to the low-to-high values of the measures – which can be interpreted as, “all else being equal in the model, the likelihood that x is associated with y” is demonstrated by a given predicted probability.



**Figure 5.5. Predicted Probability of Force During Arrests in Models 1 & 2 (Pre- & Post-COVID)**



## SECTION SUMMARY

The analyses in this section examined use of force within arrests, as use of force is most common during situations that involve arrests. These analyses are based on a sample of 44,954 arrested individuals to better understand why 2,608 of those arrestees experienced force. The NPI team compared the percentage of arrestees that had force used against them over time, by racial/ethnic groups, and used multivariate statistical analyses to better understand what factors predict whether force is used against arrested individuals.

On average, approximately 5.8% of arrested individuals also had force used against them. Although *fewer* individuals had force used against them from 2020 to 2022 compared to 2017 to 2019, a *larger* percentage of arrestees had force used against them because of the post-COVID decline in the overall number of arrestees. Accounting for seasonality, the ratio of force counts to arrest counts increased by 108% in the post-COVID period. This increase was universal across all racial/ethnic groups but demonstrated a larger, statistically significant increase for White arrestees (120%) than for their Black (83.3%) and Hispanic (80.7%) counterparts.

Multivariate analyses show small to marginal disparities in use of force for Black arrestees compared to White arrestees. Still, these disparities are smaller after March 2020 than in the period before COVID-19 (odds ratios = 1.37 pre-COVID, 1.17 post-COVID). Hispanic arrestees were not more likely to experience use of force than White arrestees in either period and were 1.2 times significantly less likely to have force used against them post-COVID.



## SECTION 6: CONCLUSION

To support its monitorship of the Colorado Attorney General's Office consent decree with the City of Aurora, IntegrAssure engaged the National Policing Institute (NPI) to analyze and interpret enforcement data from the Aurora Police Department to develop baseline measures that may be used to examine racial disparities in police activity and outcomes over time. This report presents the findings from the NPI team's examination of the patterns and trends in the APD's criminal summonses, arrests, and use of force reported from 2017 to 2022 to inform future analyses. This section summarizes the main findings of the report and provides recommendations for IntegrAssure and the APD to support comprehensive data collection of the APD's enforcement activities and implement policies and training to promote community and officer safety.

### KEY FINDINGS

The NPI team conducted a series of statistical analyses to understand APD's enforcement activities better. The key findings are summarized below.

- Crime, especially serious and violent crime, steadily increased from 2017 to 2022 in the City of Aurora. There has been a 20% increase for all criminal offenses from 2017 to 2022. When serious crime is considered, Uniform Crime Reports (UCR) Part I crimes (murder, rape, robbery, aggravated assault, burglary, larceny, auto theft, and arson) have increased 44% over the past six years, and violent crime has risen 82%. Time series analyses indicate a consistent upward trend of reported crime that was not significantly reduced or accelerated by seminal events, including the onset of the COVID-19 pandemic.
- As crime continued to increase from 2017–2022, the number of criminal summonses and arrests significantly decreased. This decline in enforcement activity was accelerated by the onset of the COVID-19 pandemic in March 2020, resulting in significant reductions in the use of criminal summonses (11.2% decline) and arrests (approximately 50% decline) that continued through 2022.
- The number of subjects who had force used against them by police was relatively stable across the six-year period. This pattern was not interrupted by the COVID-19 pandemic or any other seminal event examined. However, as arrests declined, the percentage of arrestees who experienced police force significantly increased



post-COVID. On average, 5.0% of arrested individuals experienced force until March 2020, while the average from April 2020 to December 2022 was 7.7%.

- Limitations associated with the APD's use of force data restricted the NPI team's ability to conduct more in-depth analyses of patterns and trends that might explain the stability in use of force despite the decline in arrests and summonses.
- Several different analytic approaches were used to estimate the presence and level of racial/ethnic disparities in APD arrests and uses of force, including both benchmark and multivariate regression models. Combined, these findings suggest small to marginal disparities in arrests and uses of force for Black subjects when compared to White subjects. For Hispanic subjects, small to marginal disparities in arrests were evident, but there were no disparities in use of force for Hispanic subjects when compared to their White counterparts.
- Of the 44,954 individuals arrested by APD officers, 40.3% were Black, 30.8% were White, 25.8% were Hispanic, and 3.1% were of other or unknown racial/ethnic backgrounds. *Arrest benchmark analyses* compared these percentages to four comparison populations: (1) residential population, (2) all crime suspects, (3) crime suspects for Part I offenses, and (4) crime suspects for Part I violent offenses.
  - These analyses show small to marginal (DR=1.06 to 1.33) or no (DR=0.70-0.84) racial/ethnic disparities for Black and Hispanic individuals in arrests using non-census benchmark comparisons.
  - For the most recent period (post-COVID), racial/ethnic disparities decreased, and some suspect-based benchmarks showed that Black and Hispanic individuals were less likely to be arrested than White individuals.
  - The residential population benchmarks produced a disparity ratio of 3.43 for Black individuals and 1.26 for Hispanic individuals. The validity of this benchmark (as an accurate measure of the population at risk of arrest) has been widely questioned and debunked by many experts.
- Of the 3,783 individuals who had force used against them, 43.1% were Black, 33.5% were White, 15.3% were Hispanic, 5.7% were of unknown race/ethnicity, and 2.5% were other racial/ethnic backgrounds. *Use of force benchmark analyses* compared these percentages to eight comparison populations: (1) residential population, (2) criminal summonses, (3) all arrestees, (4) arrestees for



- Part I offenses, (5) arrestees for Part I violent offenses, (6) all crime suspects, (7) crime suspects for Part I offenses, and (8) crime suspects for Part I violent offenses.
- The NPI team found substantively small ( $DR=1.04-1.22$ ) and, in some cases, no disparities ( $DRs$  less than 1.0) in use of force for Black individuals when using non-census benchmark comparisons.
  - After the onset of COVID-19, these small to marginal disparities were further reduced or eliminated across all benchmarks.
  - As with arrests, only the residential population benchmark demonstrated racial/ethnic disparities in police use of force, and only for Black compared to White individuals.
  - No disparities in use of force for Hispanic individuals were evident across all benchmarks either before or after the onset of COVID-19 (all  $DRs$  less than 1.0).
  - *Multivariate analyses* were used to explore the factors that influence whether arrestees experience force. The results of the multivariate analyses must be interpreted cautiously because the strongest known predictors of use of force (e.g., suspect resistance, intoxication, presence of a weapon, etc.) could not be included in the statistical models.
    - These analyses show that Black arrestees were significantly more likely to have force used against them compared to White arrestees after controlling for other situational, legal, and arrestee characteristics. Although the differences in the likelihood of use of force for Black compared to White arrestees is statistically significant, it represents a substantively small difference in the predicted probabilities of use of force (4.1% for Black arrestees vs. 3.0% for White arrestees pre-COVID and 7.5% for Black arrestees and 6.5% for White arrestees post-COVID).
    - Furthermore, the racial differences are smaller after March 2020 than pre-COVID (odds ratios=1.37 pre-, 1.17 post).
    - The multivariate analyses also show that Hispanic arrestees were *not* significantly more likely to experience force than White arrestees during the six-year period after controlling for other situational, legal, and arrestee characteristics.
    - Post-COVID, Hispanic arrestees were 1.2 times significantly *less* likely to experience force post-COVID than White arrestees.
    - The differences in the probability of force within arrests across racial/ethnic groups were cut in half as White arrestees' probability of



force increased more than Black and Hispanic arrestees' probability of force post-COVID.

## RECOMMENDATIONS

Based on the findings reported above, the NPI team recommends five primary actions to support improvements to APD policy, training, and supervision.

### **Recommendation 1: Continue data collection system overhaul.**

Before NPI's work with the APD, the department had already recognized the limitations of its use of force reporting system. APD has been actively developing a new system for reporting and collecting use of force data that should be operational soon. Unfortunately, the NPI team was reliant on historical use of force data to establish patterns and trends, and the available data limited the NPI team's analyses. The APD has been actively developing a new system for reporting and collecting use of force data that should be operational soon. Improvements to the reporting system will assist in better understanding the dynamics of use of force interactions, exploring whether there are racial/ethnic differences in correlates of use of force, and examining the factors that predict subject and officer injuries, all of which can potentially inform additional improvements to use of force policy and training.

The limitations to the use of force data included problems with the reliability and validity of existing data fields and the failure to capture key information on APD officers' use of force in both arrest and use of force reporting systems. The APD's use of force data would be greatly improved by expanding the data fields collected within the use of force report (e.g., subject resistance) and improving the reliability and validity of the data captured within the existing fields (see Recommendation 2). The NPI team has reviewed and provided recommendations to the APD's working draft of an updated use of force report. However, the APD should also review the Police Executive Research Forum's (PERF) Use-of-Force Data Framework for a comprehensive list of data fields to consider including.<sup>51</sup>

APD personnel responsible for enhancing the use of force reporting system should carefully review the limitations in the data collected that are noted throughout this report, paying particular attention to the system's ability to ensure data fields are collected at the appropriate unit of analysis. For example, reason for force, type of force, and injuries would ideally be connected to each officer's use of force against each subject. This link between officers and subjects is critical for in-depth analyses of types of force (and their effectiveness) and officer and subject injuries.

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<sup>51</sup> See: <https://www.policeforum.org/assets/PERFUOFDataFramework.xlsx>





The APD should also consider adding data fields to the arrest reporting system to understand the factors influencing whether officers use force during arrests. Although arrest reports are completed based on administrative and legal requirements, the addition of a small number of key data fields (e.g., subject resistance, whether a weapon was present, and whether an individual was impaired) would assist greatly in the understanding of officer decision-making related to use of force.

**Recommendation 2: Add accountability checks for accurate data collection to demonstrate its importance.**

For APD to continue to be data-driven in its practices and to provide transparency to the community, the department must improve the quality of its use of force data. As APD is developing its new use of force data collection system, care should be taken to develop or enhance reliability and validity checks, including validation measures within the data reporting system, APD's chain of command review processes, and periodic data audits.

In the NPI team's experience (Engel et al., 2023), law enforcement agencies can make dramatic improvements in missing data and logical inconsistencies by setting up the reporting system to:

- use drop-down categorical menus where appropriate,
- open certain data fields only when needed,
- make certain data fields mandatory,
- warn personnel of possible data entry errors in the report before submission.

These validation checks are illustrated using the injury data fields as an example:

- To minimize missing data on whether a subject was injured, the reporting system should be set to mandate a valid response (yes, no, unknown) for injury or warn officers when the field lacks a valid response.
- The injury nature field should be set only to open when the response to "subject injured" is yes.
- If there is an injury, having categories of injuries (e.g., abrasions, TASER probes, fracture, etc.) to select from would provide some uniformity to the injury nature field<sup>52</sup> that would make coding the injury nature variable far less cumbersome and facilitate injury type and severity analyses.

Following the completion of use of force reports, reviewers in the chain of command should ensure that all necessary data fields are completed and send them back for

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<sup>52</sup> For the six years of provided data, there were 1,100 different responses for injury nature.





corrections as needed. APD should consider periodic data audits of the various data collection systems, especially for use of force, to check for inaccuracies and maintain quality control. Including these measures to improve the quality of data collection will reinforce to personnel completing use of force reports that accuracy and completeness in reporting are essential.

### **Recommendation 3: Continue updates in use of force policy and training.**

The APD is already in the process of revising (and renumbering) use of force-related policies.<sup>53</sup> As part of these updates and as previously recommended in the *Technical Report*, APD should consider revising Directive 05.05 *Reporting Use of Force*<sup>54</sup> to reclassify the pointing of a firearm from Tier Zero to Tier One.<sup>55</sup> This would facilitate more detailed reporting and evaluation by supervisors and commanders to ensure these actions are in line with department policy and reduce the risk of accidental or unjustified shootings.<sup>56</sup>

Under existing APD policies, all levels of force have associated reporting requirements, each with detailed instructions on recording the event and the required phases of supervisory review. Based on recent policy updates, APD Directives 05.05 and 05.06 direct that any uses of Tier Zero, One, or Two types of force require the officer who used that force to complete a Contact Data Collection (CDC) Report in the Benchmark System. For Tier Zero, if there is no associated CAD call, the officer must create a CAD call, notify their supervisor, and complete the CDC form. Importantly, this results in differences in the information collected for Tier Zero since Tiers One and Two have additional reporting requirements. It is unknown to the NPI team how the APD plans to analyze the use of force information collected via the CDC report compared to the use of force reports. Regardless of whether pointing of a firearm remains a Tier Zero or becomes a Tier One reportable force, it is recommended that the available data on the use of pointing of firearms be analyzed and reviewed regularly.

In 2023, the APD trained its personnel using the PERF's de-escalation training: *Integrating, Communications, Assessment, and Tactics (ICAT)*. Research evaluating the

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<sup>53</sup> [https://www.auroramonitor.org/files/ugd/074938\\_7218e294cc8547e19dd325af72875a55.pdf](https://www.auroramonitor.org/files/ugd/074938_7218e294cc8547e19dd325af72875a55.pdf)  
<https://public.powerdms.com/AURORAPD/tree>

<sup>54</sup> This was formerly 05.04 Reporting and Investigating the Use of Tools, Weapons, and Physical Force.

<sup>55</sup> Since January 1, 2016, the APD has classified the pointing of a firearm as a Tier Zero type of force; this level of force is described by department policy as a "display of force." DM 05.05 *Reporting and Investigating the Use of Tools, Weapons, and Physical Force*  
<https://public.powerdms.com/AURORAPD/tree/documents/107>

<sup>56</sup> Notably, recent research suggests that police agencies with policies requiring documentation of pointing of a firearm have significantly lower rates of officer-involved shootings. This policy was not associated with increased injury or death rates among officers (Jennings & Rubado, 2017; Shjarback et al., 2021).



ICAT training demonstrated significant reductions in officer use of force and community member and officer injuries (Engel et al., 2022). PERF recently published an ICAT training implementation guide for agencies with several strategies for maximizing and sustaining the benefits of de-escalation training (PERF, 2023). The NPI team recommends that the APD continue to implement these and other evidence-based approaches.

**Recommendation 4: Continue to track changes in racial/ethnic disparities in APD enforcement actions using multiple measures and analytical techniques.**

Determining whether racial/ethnic disparities exist in enforcement actions can be complex. Nevertheless, understanding the extent to which disparities exist and under what circumstances can provide critical information to guide any law enforcement agency's approach to addressing them. The current report provides valuable baseline measures for trends in crime, enforcement outcomes, and racial/ethnic disparities from 2017 to 2022.

IntegrAssure, in their role as the Independent Consent Decree Monitor, can use the information provided in this report to aid in their ongoing assessments of whether the City has changed "in measurable ways, how Aurora Police engages with all members of the community, including by reducing any racial disparities..." (Consent Decree, 2022, p.7). The APD should also use this information to establish their own measures and expectations for performance and enforcement operations to ensure the department meets consent decree mandates and adopts best practices.

The APD should continue to monitor trends in enforcement and racial/ethnic disparities with additional years of data as it becomes available. The APD should also begin regular analysis of the Contact Data Collection forms, which were initiated in July 2022 to document all enforcement or investigatory interactions with the public. A comprehensive understanding of enforcement patterns and trends requires analysis of multiple data sources and statistical techniques. In addition, a totality of the circumstances approach to understanding racial/ethnic disparities in enforcement should incorporate the perspectives of multiple stakeholders within the department, City of Aurora leadership, and community members. Therefore, the APD should consider partnering with an independent research team to continue this work.

These quantitative and qualitative data can increase understanding of the factors influencing police enforcement actions, the role of race/ethnicity, and strategies to ensure fair and impartial policing in all encounters with the public.

**Recommendation 5: Implement effective and equitable crime reduction strategies immediately – especially focused on violence – and continually monitor the impact on reported crime, enforcement disparities, and community sentiment.**



The findings related to crime trends in Aurora indicate that there was a substantial increase in Part I offenses and violent crime from 2017 to 2022. The time series analyses highlighted that, although COVID-19 did not impact this crime trend, it significantly reduced the overall number of criminal summonses and arrests by the APD. At the same time, disparities in arrests and uses of force decreased for Black and Hispanic individuals in the post-COVID period. Thus, it is critical for the APD and the City of Aurora to implement strategies that can effectively balance violent crime reductions while maintaining the progress that has been achieved in reducing racially disparate outcomes.

In the last 10-15 years, several evidence-based strategies have proven to be effective at reducing violent crime while avoiding exacerbating racial disparities (McManus et al., 2020). In particular, it is important to recognize that violence is highly concentrated among a small number of people and places, often as a result of historical underinvestment and neglect. Many promising violence reduction strategies focus on those two elements specifically, and for most cities, a combination approach is the most effective.

Some effective place-based strategies include Place-Network Investigation (Herold et al., 2020), hot-spots policing (Braga et al., 2019; Corsaro et al., 2021; Weisburd et al., 2022), cleaning/greening vacant lots (Branas et al., 2018; Sadatsafavi et al., 2022), abandoned buildings remediation (Kondo et al., 2015; Jay et al., 2019; South et al., 2021), improved street lighting (Chalfin, 2021; Mitre-Becerril et al., 2022), and community reinvestment (Culyba et al., 2016; Kondo et al., 2018; Sharkey, 2018).

In addition, it is important to focus on those individuals at the highest risk of violent victimization or commission by using strategies such as street outreach and violence interruption programs (Buggs et al., 2021; Roman et al., 2017; Webster et al., 2013), hospital-based violence intervention programs (Affinati et al., 2016; Bell et al., 2018; Purtle et al., 2013), employment programming (Heller et al., 2017; Bhatt et al., 2023), and focused deterrence strategies (Braga et al., 2018; Corsaro & Engel, 2015; Engel et al., 2013).

Moving towards a comprehensive, city-wide violence prevention strategy that uses evidence-based strategies focusing on the highest-risk people and places would help Aurora reduce violence while maintaining the positive improvement in racial disparities in policing outcomes.

## CONCLUSION

In conclusion, the findings presented within this report identify critical baseline measures that may be used to compare patterns, trends, and outcomes associated with the Aurora Police Department's enforcement activities over time. In examining racial/ethnic disparities, the present analyses suggest that differences in the APD's enforcement actions across racial/ethnic groups are statistically small and decreasing

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over time. However, the methodological and data quality limitations affecting these analyses warrant caution in interpreting these findings. It is important to note that, regardless of the available data or statistical analyses employed, the aggregate, quantitative examination of patterns and trends in enforcement outcomes *cannot* determine whether racial bias is the source of the differences observed in APD officers' enforcement actions. As such, the information presented within this report is best used to establish measures that may be examined over time to identify patterns and trends in APD enforcement activities and assess changes in policing outcomes as additional reforms are implemented to align with consent decree mandates.

Pairing continuous assessment with the implementation of reforms can support the APD in building evidence around the impact of their practices and inform alterations to training, policy, and protocols (as appropriate) to achieve desired outcomes.



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# APPENDIX: SUPPLEMENTARY TABLES

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## AURORA ENFORCEMENT DATA ANALYSIS

**Table A.1. Comparison of APD Use of Force Racial/Ethnic Disparity Ratios Across Benchmarks Pre & Post COVID**

	Pre/Post COVID		Percent Race/Ethnicity			Disproportionality Indices			Disparity Ratios	
			White	Black	Hispanic	White	Black	Hispanic	Black	Hispanic
% Use of Force	Pre	(N=1902)	32.8% (658)	45.7% (916)	16.4% (328)	--	--	--	--	--
	Post	(N=1572)	34.2% (609)	40.1% (713)	14.1% (250)	--	--	--	--	--
Benchmark 1: % Residential Population <sup>57</sup>	Pre		43.5%	16.6%	29.0%	0.75	2.75	0.57	<b>3.65</b>	<b>0.75</b>
	Post		43.5%	16.6%	29.0%	0.79	2.42	0.49	<b>3.07</b>	<b>0.62</b>
Benchmark 2: Criminal Summons Population	Pre		32.6%	35.8%	25.8%	1.01	1.28	0.64	<b>1.27</b>	<b>0.63</b>
	Post		35.1%	37.3%	25.0%	0.97	1.08	0.56	<b>1.10</b>	<b>0.58</b>
Benchmark 3: % Arrestee Population (All crimes)	Pre		31.3%	40.7%	24.9%	1.05	1.12	0.66	<b>1.07</b>	<b>0.63</b>
	Post		29.6%	39.6%	27.9%	1.16	1.01	0.51	<b>0.88</b>	<b>0.44</b>
Benchmark 4: % Arrestee Population (Part I Crimes)	Pre		30.1%	43.4%	23.3%	1.09	1.05	0.70	<b>0.97</b>	<b>0.65</b>
	Post		28.7%	42.8%	26.0%	1.19	0.94	0.54	<b>0.79</b>	<b>0.46</b>
Benchmark 5: % Arrestee Population (Part I Violent Crimes)	Pre		23.8%	48.2%	24.9%	1.38	0.95	0.66	<b>0.69</b>	<b>0.48</b>
	Post		25.7%	44.8%	26.7%	1.33	0.90	0.53	<b>0.67</b>	<b>0.40</b>
Benchmark 6: % Suspect Population (All Crimes)	Pre		36.3%	36.3%	21.3%	0.90	1.26	0.77	<b>1.39</b>	<b>0.85</b>
	Post		32.6%	36.8%	22.8%	1.05	1.09	0.62	<b>1.04</b>	<b>0.59</b>
Benchmark 7: % Suspect Population (Part I Crimes)	Pre		37.1%	35.4%	21.3%	0.88	1.29	0.77	<b>1.46</b>	<b>0.87</b>
	Post		29.3%	38.7%	23.1%	1.17	1.04	0.61	<b>0.89</b>	<b>0.52</b>
Benchmark 8: % Suspect Population (Part I Violent Crime)	Pre		37.3%	35.4%	21.1%	0.88	1.29	0.78	<b>1.47</b>	<b>0.88</b>
	Post		23.4%	44.7%	25.7%	1.46	0.90	0.55	<b>0.61</b>	<b>0.38</b>

<sup>57</sup> The pre- and post-residential population percentages for Tables A.1 and A.2 are the same because all population-based benchmarks are derived from 2020 U.S. Census data.

## AURORA POLICE ENFORCEMENT DATA ANALYSIS

**Table A.1. Comparison of APD Arrest Racial/Ethnic Disparity Ratios Across Benchmarks Pre & Post-COVID**

	Pre/Post COVID		Percent Race/Ethnicity			Disproportionality Indices			Disparity Ratios	
			White	Black	Hispanic	White	Black	Hispanic	Black	Hispanic
% Arrests	Pre	(N=31,515)	31.3% (9,863)	40.7% (12,815)	24.9% (7,835)	--	--	--	--	--
	Post	(N=13,439)	29.6% (3,975)	39.6% (5,322)	27.9% (3,744)	--	--	--	--	--
Benchmark 1: % Residential Population	Pre		43.5%	16.6%	29.0%	0.72	2.45	0.86	<b>3.41</b>	<b>1.19</b>
	Post		43.5%	16.6%	29.0%	0.68	2.39	0.96	<b>3.51</b>	<b>1.41</b>
Benchmark 2: % Suspect Population (All Crimes)	Pre		36.3%	36.3%	21.3%	0.86	1.12	1.17	<b>1.30</b>	<b>1.36</b>
	Post		32.6%	36.8%	22.8%	0.91	1.08	1.22	<b>1.19</b>	<b>1.35</b>
Benchmark 3: % Suspect Population (Part I Crimes)	Pre		37.1%	35.4%	21.3%	0.84	1.15	1.17	<b>1.36</b>	<b>1.39</b>
	Post		29.3%	38.7%	23.1%	1.01	1.02	1.21	<b>1.01</b>	<b>1.20</b>
Benchmark 4: % Suspect Population (Part I Violent Crime)	Pre		37.3%	35.4%	21.1%	0.84	1.15	1.18	<b>1.37</b>	<b>1.41</b>
	Post		23.4%	44.7%	25.7%	1.26	0.89	1.09	<b>0.70</b>	<b>0.86</b>

APPENDIX E:  
APD'S REVISED DIRECTIVE 6.01  
(ARREST PROCEDURES)

# AURORA POLICE DEPARTMENT

## DIRECTIVES MANUAL

### 06.01 ARREST PROCEDURE

<b>Approved By:</b>	Heather Morris, Interim Chief of Police
<b>Effective:</b>	<b>ENTER DATE PUBLISHED</b>
<b>Revised:</b>	<b>ENTER DATE PUBLISHED</b>
<b>Associated Policy:</b>	DM 06.05, 06.09, 08.10, 08.20, 11.02
<b>References:</b>	C.R.S. § 16-3-102, 16-3-405, 18-8-405, 19-2-508 Forms: 073, 196, 197; City Code 2-234(b)
<b>Review Authority:</b>	Professional Standards and Training Division Chief and APD Legal Advisor(s)

#### 6.1.01 PURPOSE

The purpose of this directive is to clearly outline the limitations of authority, acceptable conduct, and practices expected from sworn members of the Aurora Police Department (APD) during the process of making arrests. The outlined procedures are designed to ensure the safety of sworn members and the public, protect the constitutional rights of individuals, and promote consistency, professionalism, and accountability in instances of arrests. This directive aims to enhance public trust in law enforcement by providing comprehensive guidelines while facilitating the lawful and efficient apprehension of individuals suspected of criminal activity.

#### 6.1.02 SCOPE

This directive applies to all sworn members of APD.

#### 6.1.03 DEFINITIONS

**Body Cavity Search:** Any visual or manual inspection of a person's mouth, nose, ear canal, anus, genital region, and in rare instances, organs such as the stomach, with or without physical contact with, or intrusion, into a body cavity.

**Court of Competent Jurisdiction:** A court with the legal authority to hear and decide a particular case.

**Custodial Arrest:** Seizure of a person for the purpose of taking them to a detention facility for booking procedures and the subsequent filing of criminal charges.

**Levels of Proof:**

**Reasonable Suspicion:** Articulable facts and circumstances known to the sworn member at the time of a contact when taken as a whole, that would lead a reasonable officer to reasonably suspect that a particular person has committed, is committing, or is about to commit a specific crime(s). Reasonable suspicion is more than a hunch; however less than probable cause. The person is not free to leave during a detention based on reasonable suspicion.

**Probable Cause:** Facts and circumstances taken as a whole that would lead a reasonable officer to believe that a particular person has committed or is committing a crime.

**Non-custodial Arrest:** Seizure of a person for the purpose of issuing them a summons to court to face criminal charges. For the purposes of effecting an arrest, sworn members who conduct a non-custodial arrest have the same legal authority as when they conduct a custodial arrest.



Status Offense: Offenses that would not be a crime if committed by an adult (e.g., runaway, truancy, beyond parental control, minor in possession of alcohol, and curfew violations).

Strip Search: Consistent with CRS 16-3-405(2), “strip search” means having an arrested person remove or arrange some or all of their clothing so as to permit a visual inspection of the genitals, buttocks, anus, or female breasts of such a person.

#### 6.1.04 POLICY

It is the policy of the Aurora Police Department to conduct arrests in accordance with the rights protected by the U.S. Constitution and laws of the United States and the State of Colorado. This policy establishes guidelines for APD members to follow when arresting persons with or without a warrant based on probable cause. The principles underlying this policy and the directives contained within apply to all arrests, regardless of the age or status of the arrestee. Members should consider the issuance of a citation or summons in lieu of a custodial arrest, taking into account factors such as the nature of the crime, the arrestee's criminal history, past instances of failing to appear in court, the positive identification of the individual, and other relevant factors. (see [DM 08.52 – Constitutional Policing](#) for further information).

#### 6.1.05 CORE PRINCIPLES

The core principles detailed in [DM 8.52 - Constitutional Policing](#) are applied to this directive and are the expectations of APD members when in contact with a member of the public.

#### 6.1.06 ARRESTS WITHOUT A WARRANT

Members will notify a supervisor as soon as practical whenever a custodial arrest without a warrant is made. This notification may be made by phone, radio, or electronic message. All affidavits for arrest without a warrant must be approved before returning to service. The member's District Watch Commander should approve warrantless arrest affidavits. If the member's District Watch Commander is unavailable, another supervisor may approve the affidavit with notification to the District Watch Commander. Affidavits prepared by detectives will be approved by their immediate supervisor or Lieutenant when available. Otherwise, detectives may get approval from a District Watch Commander.

#### 6.1.07 RELEASE OF ADULTS ARRESTED WITHOUT A WARRANT

When an adult is arrested without a warrant, the individual should be released as soon as practical if one of the following circumstances exists:

1. The sworn member no longer believes probable cause exists to support the allegation against the individual. A Watch Commander must promptly review the facts of the case and determine whether probable cause no longer exists. If so, the Watch Commander should approve the arrestee's immediate release. The Watch Commander will ensure that a supervisor prepares a supplemental report, thoroughly documenting the circumstances and reasons that led to the determination that probable cause no longer existed and the date and time of the release from custody.
2. The offense for which the person was arrested is a misdemeanor or petty offense that allows incarceration, and the sworn member is reasonably satisfied that the person arrested will obey a summons commanding their appearance in court at a later date. The individual may be processed through the Aurora Detention Center to obtain current identification information before the issuance of a summons. Upon issuance of a summons to appear, the individual may be released. The sworn member will issue the summons to the arrestee and advise the individual of the court date and location to appear.

3. If one of the above circumstances is not present and there is an arrest for a crime with the following statutory designations requiring the issuance of a mandatory protection order [C.R.S. § 18-1-1001(5)], the arrestee will be taken to a detention center and held on the appropriate bond.
  - a. Domestic violence, as defined in C.R.S. § 18-6-800.3(1);
  - b. Stalking pursuant to C.R.S. § 18-3-602; and
  - c. Unlawful sexual behavior pursuant to C.R.S. § 16-22-102(9).

If the arrestee is admitted to a hospital at the time of arrest, a Duty Chief may request a [Virtual Court Appearance](#) from the appropriate prosecutor's office.

If a virtual court appearance is granted, a sworn member or an APD-contracted security guard will be required to remain with the arrestee unless one of the following circumstances happens:

- d. A court releases the arrestee on a personal recognizance bond and the court serves a mandatory protection order to the arrestee.
- e. A court determines that probable cause does not exist to hold the arrestee for the charged violations.

If the arrestee is given a bond, a sworn member or an APD-contracted security guard shall remain with the arrestee after the virtual court appearance. When the arrestee is released from the hospital, a sworn member shall transport the arrestee to a detention center.

If a virtual court appearance is not available upon request, a sworn member or an APD-contracted security guard will be assigned to watch the arrestee until they are discharged.

In all other cases, adults arrested without a warrant will be held for bond in accordance with the established bond schedule.

Virtual court appearances may be considered for other criminal offenses in addition to the statutory designations outlined in subsection 3 of this section. With the approval of the Duty Chief, any supervisor can initiate discussions with a prosecutor's office about a virtual court appearance for a specific arrestee.

Service of protection orders for virtual court appearances requested in accordance with this section is not the responsibility of sworn members.

#### 6.1.08 RECORD CORRECTIONS

When it is determined that probable cause for the arrest cannot be substantiated and the arrestee has already been processed through the Aurora Detention Center, an immediate request to correct the arrestee's record will be submitted to a Records Unit Supervisor. Requests made within two hours of processing may be corrected without further approval from the chain of command. When the time period exceeds two hours, a formal request through the Chief of Police or designee is required.

#### 6.1.09 SUPERVISOR REVIEW AND DOCUMENTATION

Whenever a person is arrested and then released because probable cause dissipated or could not be substantiated, the reviewing Watch Commander will ensure that a supplemental report is completed that accurately describes the details leading to the release.

In addition, the Watch Commander will commence an initial inquiry into the incident. When the Watch Commander determines that probable cause was not present at the time of arrest, the Watch Commander shall enter a complaint into the administrative management system and track it to the Internal Affairs Unit for review.

#### 6.1.10 ARREST WARRANTS

Sworn members will advise the Records Section of all warrant arrests as soon as possible so warrants may be confirmed when required.

Three categories of warrants are entered into the Colorado Crime Information Center (CCIC).

1. Colorado Integrated Criminal Justice Information System (CICJIS): Warrants that are entered into CCIC electronically by the county and district courts and do not require confirmation. CICJIS warrants are issued for felony, misdemeanor, and traffic charges and may or may not be extraditable. Sworn members shall confirm the extradition.
2. Non-CICJIS warrants: Warrants that are entered into CCIC electronically or manually by municipalities and counties and may or may not require confirmation as indicated on the warrant. Non-CICJIS warrants are issued for felony, misdemeanor, and traffic charges and may or may not be extraditable. Sworn members shall confirm the validity and extradition of the warrant.
3. Municipal Probable Cause Warrants: Warrants that are issued by the municipal court for city ordinance violations. Sworn members shall confirm the validity of these warrants.

Warrants entered into NCIC require confirmations from Aurora when they are extraditable. NCIC warrants are issued for felony, misdemeanor, and traffic charges and may or may not be extraditable.

Requirements and extradition limits should be explained in the Headers, Miscellaneous (MIS) fields, and Extradition Limitation (EXL) fields of CCIC and NCIC warrants. Sworn members needing confirmation for a warrant(s) must contact the Records Unit. Members of the Records Unit are the only APD members with authorization and permission to complete this task. If a warrant is confirmed, but circumstances lead to the arrestee being released without posting a bond (i.e., admitted to the hospital), then the sworn member shall contact the Records Unit and have them reenter the warrant into NCIC/CCIC.

#### 6.1.11 WARRANTS INITIATED BY OTHER JURISDICTIONS

Persons arrested by an APD member for warrants initiated by another jurisdiction may be incarcerated in the Aurora Detention Center. The arresting/transporting sworn member will complete a General Offense Report detailing the reason for the contact and the warrant confirmation information (not necessary for CICJIS warrants).

If the arrestee is transferred to another agency, the sworn member shall document the transfer in a general offense report and will include the name and employee identification number or badge number of the receiving jurisdiction's member.

### 6.1.12 SUMMONSES, FORMS, AND PAPERWORK

In the event of a warrantless arrest, the involved sworn members shall thoroughly and accurately document the incident in the Records Management System (RMS), adhering to [DM 08.10 - Reports](#). Any involved sworn member shall submit all related reports before the end of watch.

Any summons(es), associated forms, and/or paperwork stemming from an in-custody arrest or a next-day court arraignment shall promptly be submitted to the Records Unit. Submission should occur after the transfer of custody to Aurora Detention Center personnel and before the member leaves either the Aurora Detention Center or Police Headquarters.

If supervisor approval is needed for any summons(es), forms, or paperwork, these items should be presented to a supervisor as soon as practical for approval. Subsequently, the approved items will be forwarded to the Records Unit.

In instances where immediate submission of summons(es), associated forms, and/or paperwork to the Records Unit is unfeasible after the transfer of custody to Detention Center personnel, the sworn member shall notify and request approval from a Watch Commander. A Watch Commander will communicate the delay to the Records Unit and specify the anticipated submission timeframe for the summons(es), forms, and/or paperwork.

In cases where arrest processing takes place offsite, any summons(es), forms, and/or paperwork must be promptly delivered to the Records Unit at Police Headquarters.

### 6.1.13 RELEASE OF HANDCUFFED PERSONS FOLLOWING INVESTIGATORY STOP

When it is determined that the threat to the safety of the investigating sworn member(s) is over and/or the handcuffed person should be released without charges or pending further investigation, the detaining sworn member(s) shall un-handcuff and release the person without delay. The sworn member shall notify a supervisor as soon as practical and document the Tier Zero (0) physical force in a Contact Data Collection (CDC) Form in accordance with [DM 8.50- Contact Data Collection](#).

[DM 08.52 - Constitutional Policing](#), section [8.52.06 Guidelines Related to Person Contacts](#), provides further information regarding when a sworn member applies handcuffs or directs a person to stand, sit, or position themselves in a manner not of their choosing.

### 6.1.14 CIVIL ARREST WARRANTS

The Aurora Police Department makes civil arrests only for warrants issued by a court of competent jurisdiction for civil contempt or for violation of valid restraining orders. Sworn members shall confirm the validity of and the extradition of civil arrest warrants before transporting an arrestee to a detention facility.

### 6.1.15 INCIDENTS INVOLVING A BAIL BONDSMAN

The Aurora Police Department shall not assist nor be dispatched to requests for assistance from bail bondsmen, bounty hunters, or other private parties to arrest a subject involved in a private contract between both parties unless there is an allegation a crime has occurred.

If there is criminal activity, sworn members will notify a supervisor and take appropriate action.

If there is no criminal activity, sworn members will only assist in determining whether there is a valid warrant for the arrest of the suspect and that extradition is authorized. If a legitimate warrant does exist, the sworn members will dismiss the private parties from the area and follow normal protocols and procedures to enforce a legitimate warrant for the suspect's arrest.

#### 6.1.16 SEARCH INCIDENT TO ARREST

When an individual is placed under custodial arrest by a sworn member, a sworn member shall search the arrestee's person. A search may be performed of any items in the arrestee's immediate possession at the time of arrest, and, if appropriate, of the area immediately around the arrestee at the time they were arrested. The search of the area around the arrestee will be performed immediately after formal arrest while the arrestee is still present and should not extend beyond the area within the arrestee's immediate control at the time of arrest.

Members may also rely on consent to conduct a search of a person or vehicle at any time prior to or post-arrest but must ensure the party providing consent has apparent authority to do so.

Any sworn member who transports an arrestee shall search that arrestee before accepting custody.

[\*DM 08.52 - Constitutional Policing\*](#), section [\*DM 8.52.14 - Searches\*](#), provides further information regarding searches of persons, places, vehicles, or things that are only permissible under certain circumstances governed by the Fourth Amendment.

#### 6.1.17 VEHICLE SEARCHES

Members are permitted to search a vehicle incident to arrest only when the officer has a reasonable belief that evidence of the arresting crime may be found during the search. The search must be tied to the nature of the crime for which the arrest is made. The nature of the crime will determine the scope of the search. For example, a search of a vehicle will likely not be reasonable if the arresting crime is only a traffic stop.

Members may also impound a vehicle incident to arrest and pursuant to legitimate community caretaking considerations so long as the inventory is carried out pursuant to [\*DM 08.16 - Towing and Release of Vehicles and Property\*](#).

#### 6.1.18 STRIP AND BODY CAVITY SEARCHES

Strip searches and body cavity searches will be conducted according to *C.R.S. § 16-3-405 Strip Searches - When Authorized or Prohibited*. This statute covers searches with or without a warrant.

##### Strip Searches:

Strip searches will only be performed in a detention facility or medical facility. Sworn members will obtain approval from the Duty Executive before performing a strip search. The Duty Executive shall select the sworn member to perform the search, taking into consideration the gender identity of the person to be searched. Sworn members of a unit that has a standard operating procedure for performing a voluntary strip search and who follow that procedure will be in compliance with this section of this directive.

Any strip search of an adult or juvenile will require the completion of [\*APD Form 196 - DM 06.01 - Strip Search Authorization Form\*](#) and documentation in a written report as required under [\*DM 08.10 - Reports\*](#). The form will be filled out completely, and an authorizing command officer's signature will be obtained before the search.

If the strip search is of a juvenile, the juvenile's parent or legal guardian will be notified and present at the location of the search before the search is performed, if possible.

All strip searches must be performed in an area where the search can only be observed by the sworn member who is physically searching and one witness sworn member.

Any additional sworn member(s) serving as a cover officer conducting the strip search will position themselves outside of the strip search room, ready for immediate entry should problems arise. Should member or arrestee safety concerns arise, additional members are permitted to enter the search room, regardless of gender, until the threat is deemed negated.

After the search, sworn members are responsible for ensuring the arrestee is fully clothed and prepared for movement before leaving the search area.

#### Body Cavity Searches:

All body cavity searches of an adult or juvenile, other than searches of the oral cavity (mouth), nose, and ear canal, shall require the prior issuance of a search warrant and will only be performed by a licensed physician or nurse.

A body cavity search of any area other than the oral cavity (mouth), nose, and ear canal shall also require the completion of [APD Form 197 - DM 06.01 - Body Cavity Search Authorization Form](#) and documentation in a written report as required under [DM 08.10 - Reports](#). The form will be filled out completely, and an authorizing command officer's signature will be obtained before the search.

Should emergency medical treatment be required, sworn members will request Aurora Fire Rescue (AFR). If the medical emergency should result in the removal of evidence from a body cavity to protect the life or safety of the arrestee, that evidence should be secured, preserved intact at the point of removal, and not further examined or tested until a warrant is obtained. Removal of evidence should not cause further harm to the arrestee or delay access to medical personnel or access to medical treatment. A sworn member shall remain present during medical treatment, if possible, to take possession of any removed evidence.

A body cavity search of any area other than the oral cavity (mouth), nose, and ear canal will be performed under sanitary conditions in an area where the search cannot be observed by a person not physically searching.

If the body cavity search is of a juvenile, the juvenile's parent or legal guardian will be notified and present at the location of the search before the search is performed, if possible.

A sworn member must constantly observe the arrestee before the body cavity search is performed.

Any sworn member(s) serving as backup during a body cavity search will position themselves outside of the room, ready for immediate entry should problems arise unless the physician or nurse requests the sworn member's presence.

In the event an arrestee becomes combative during the search, the sworn member(s) will enter the room to control the arrestee. Once the arrestee is controlled, the sworn member(s) will return to the position outside the room unless the safety of the physician or nurse requires the sworn member(s) to stay in the room to control the arrestee.

Sworn members shall document the identity of any medical staff who handled evidence resulting from the body cavity search.

If the arrestee is taken into police custody and transported, sworn members are responsible for ensuring the arrestee is fully clothed and prepared for movement before leaving the search area.

Sworn members must be aware that any sworn member or employee of a police department who knowingly and intentionally fails to comply with any provision of *C.R.S. § 16-3-405* commits second-degree official misconduct, as defined in *C.R.S. § 18-8-405*.

#### 6.1.19 DISTRICT HOLDING CELL AND PROCESSING ROOM PROCEDURES

APD holding cells and processing rooms are intended for the short-term placement of detainees. Processing rooms will be equipped with a phone, chairs, and desks for the members and a secure holding area for detainees. The rooms are constructed with walls between holding cell rooms to allow the separation of adults and juveniles and separation by gender.

A sworn member shall position themselves where visual and audio observation of the detainee can be maintained pending the detainee's transfer or until released.

The following procedures will be adhered to when utilizing the holding cells/processing rooms to prevent escape by the detainee and for the safety of members and detainees:

1. Members may retain their firearm secured in their holster while placing a detainee in or taking the detainee out of the holding cell if the detainee is handcuffed and the member has a level one or greater security holster for their firearm.
2. When handcuffing or unhandcuffing a detainee, there shall be two sworn members present.
3. Members who need to enter a holding cell with a detainee for a significant time (more than just placing in or taking out) will secure their firearm in the provided lock boxes. At least two members should be present in these instances.
4. Members may secure their firearm in the lock boxes at their discretion whenever they feel it is required.
5. Members will search detainees and visually inspect the area for contraband items or potential weapons before placing a detainee in the cell/room. Members will visually inspect the area for contraband items and potential weapons following the removal of a detainee.
6. Holding cells and processing rooms are not equipped with duress alarms. Members requiring assistance will notify communications via verbal or digital radio communication or telephone.
7. Detainees requesting access to a restroom/water will be escorted to the nearest facility as soon as practical and when it will not interfere with processing and the collection of evidence.
8. Detainees will not be supplied with meals.
9. Members may remove handcuffs from detainees who are secured in holding cells.
10. Detainees will not be secured in any fashion to any stationary object.
11. Members will not place detainees of different genders or an adult and a juvenile in the same holding cell. Members will not have an adult and a juvenile together in the same processing room.
12. Only those members directly involved with the incident related to the detainee(s) should be allowed in

the area. Visitors of the detainee will not be allowed in the holding cell area.

13. Members will complete the Holding Cell Log, APD Form 073, for all persons detained in a holding cell, regardless of the duration or the purpose of the detention.



**APPENDIX F:**  
**APD'S REVISED DIRECTIVE 8.52**  
**(CONSTITUTIONAL POLICING)**

**AURORA POLICE DEPARTMENT  
DIRECTIVES MANUAL****08.52 CONSTITUTIONAL POLICING**

<b>Approved By:</b>	Heather Morris, Interim Chief of Police
<b>Effective:</b>	Feb-14-2023
<b>Revised:</b>	Mar-12-2024
<b>Associated Policy:</b>	DM 08.48, 08.50
<b>References:</b>	C.R.S. § 24-31-901(1), C.R.S. § 16-3-103(1)
<b>Review Authority:</b>	Professional Standards and Training Division Chief and APD Legal Advisor(s)

**8.52.01 PURPOSE**

The purpose of this policy is to ensure Aurora Police Department (APD) sworn members conduct all encounters as well as the associated weapon pat-downs and searches in accordance with the rights secured and protected by the United States Constitution, federal and state law, case law, and APD policy. Persons contacted include those who are in vehicles or as pedestrians and encompass consensual, investigatory (reasonable suspicion), arrest (probable cause), and emergency mental health (M-1) situations. Contacts can be officer-initiated, person-initiated, or result from a call for service. This policy also provides guidance to supervisors on proper review and documentation of APD sworn members' contacts with persons.

**8.52.02 SCOPE**

This directive applies to all sworn members of APD.

**8.52.03 DEFINITIONS**

Consensual: An encounter where the sworn member has no lawful authority to direct or detain the person and is voluntary on the part of the person. The person is free to decline or revoke the consent at any time and leave without interference or implied authority of the sworn member. These encounters could result from a sworn member's suspicion or a hunch but do not rise to the level of reasonable suspicion required to detain a person.

Contact: as defined by C.R.S. § 24-31-901(1), means an in-person 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.

Custodial Arrest: Seizure of a person for the purpose of taking them to a detention facility for booking procedures and the subsequent filing of criminal charges.

Encounter: Whenever a sworn member is interacting with a member of the public while in a sworn law enforcement capacity (in-person).

Non-custodial Arrest: Seizure of a person for the purpose of issuing them a summons to court to face criminal charges or issue them a verbal warning. For the purposes of effecting an arrest, sworn members who conduct a non-custodial arrest have the same legal authority as when they conduct a custodial arrest.

Pat-Downs: A physical check of a person's outer clothing using hands for readily accessible weapons. Consent or reasonable suspicion to believe the person is armed and presently dangerous to the sworn

member or to others is required. A pat-down does not involve entering pockets or manipulating objects in the pockets unless the object is perceived as a weapon.

Pointing a Firearm at a Person: When a sworn member intentionally points a firearm in the direction of a person, and if the sworn member were to pull the trigger of the firearm, the likely outcome would be that person being struck by a bullet.

Levels of Proof:

Reasonable Suspicion: Articulable facts and circumstances known to the sworn member at the time of a contact when, taken as a whole, that would lead a reasonable officer to reasonably suspect that a particular person has committed, is committing, or is about to commit a specific crime(s). Reasonable suspicion is more than a hunch; however less than probable cause. The person is not free to leave during a detention based on reasonable suspicion.

Probable Cause: Facts and circumstances taken as a whole that would lead a reasonable officer to believe that a particular person has committed or is committing a crime.

Pretextual Stop: Stopping a person or occupants of a vehicle to investigate other suspected crimes or violations for which the sworn member has neither reasonable suspicion nor probable cause. Sworn members must have reasonable suspicion or probable cause for a violation for which they are actually stopping the person or vehicle rather than relying only on the pretense of suspected crimes or violations for which the sworn member has not yet established reasonable suspicion or probable cause.

Search: A search is a physical inspection of a person, vehicle, location, or item that the sworn member has the lawful authority to perform under consent or probable cause.

Witness: A person who is not believed to be involved in criminal activity; however, someone whom the sworn member believes may have information relating to suspected criminal activity or an event of public interest the member is involved in.

#### 8.52.04 POLICY

The policy of the Aurora Police Department is that sworn members contact persons in a manner that is unbiased and recognizes the constitutional protections afforded to all persons. Sworn members should recognize the value of creating opportunities to improve the perceived legitimacy of the agency by the public. Contacts with persons should reflect respect and impartiality and promote trust between the APD and the community we serve. Additionally, this policy provides guidance on documentation and review regarding person contacts. See related [DM 08.48 - Suspicious Calls](#) and [DM 08.50 - Contact Data Collection](#) for further information.

#### 8.52.05 CORE PRINCIPLES

The following principles are expectations of APD sworn members when in contact with a member of the public:

Relational-Based Policing: Every interaction with a member of the public is an opportunity to build respect, legitimacy, and trust with the public. These interactions increase cooperation, strengthen connections between APD and the public, and advance public safety. We share a responsibility with the public to develop strategies to decrease crime and improve the quality of life for our community and visitors.

Constitutional Policing: Every encounter shall be conducted lawfully under the First, Fourth, and Fourteenth Amendments to the United States Constitution and in accordance with state law and this policy.

Procedural Justice: Members will treat people with fairness, dignity, and respect and, whenever possible, take time to explain the actions of a member and answer questions.

Open Dialogue | Voice: Members of the public should be given a voice during encounters when it is safe to do so, regardless of the nature of the contact.

Anti-Bias Policing: Members will not initiate or continue any contact based on a person's race, ethnicity, national origin, religion, gender, sexual orientation, age, disability, or gender identity, except when such an attribute is part of a suspect-specific description identified by the member. The suspect-specific description must be combined with other non-demographic identifying factors in such cases.

Accountability: Contacts, detentions, searches, or arrests that do not conform to policy or law shall result in an administrative investigation. Members are expected to hold themselves and other members accountable to the Vision, Mission, and Core Values of the Aurora Police Department.

#### 8.52.06 GUIDELINES RELATED TO PERSON CONTACTS

During a contact, the sworn member's authority varies depending on the level of proof that has been established for the contact. The following are associated actions that can take place depending on the level of proof that exists:

1. Applying handcuffs or directing a person to stand, sit, or position themselves in a manner not of their choosing:

The sworn member shall establish reasonable suspicion or probable cause and articulate why it is objectively reasonable, based on the totality of the circumstances, for the person to assume the position directed by the sworn member. Such articulation may include but is not limited to enhancing specific officer safety concerns, bystanders' safety, the subject's safety, reducing the risk of the subject fleeing, and specific environmental factors.

2. Pointing a firearm at a person:

When a sworn member points a firearm at a person, it is a seizure under the Fourth Amendment to the United States Constitution. In these circumstances, the sworn member shall be able to articulate an objectively reasonable fear for their or another's safety, based on the totality of circumstances, and that the use of deadly force would be objectively reasonable and permissible under department policy under those circumstances.

3. Use of Force:

In these circumstances, the sworn member shall articulate why it is objectively reasonable to use force either to effect an arrest, protect the person or another, or involuntarily detain the person during an investigation.

Contacts Transition into Another Level of Proof:

Sworn members shall articulate when a contact transitions to another level of proof, thereby changing the lawful authority of the sworn member and the rights of the person contacted. Examples include when reasonable suspicion is dispelled, and the sworn member informs the person that they are free to leave, or during an investigatory consensual encounter when the sworn member develops reasonable suspicion to detain a person. When an encounter transitions to another level of proof, the sworn member shall document the facts and circumstances that led to that change. Documentation shall be in CAD notes, general offense (GO) reports, or supplemental reports.

**8.52.07 CONSENSUAL ENCOUNTERS**

Consensual encounters are the foundation of enhancing communication, trust, legitimacy, and understanding between APD and members of the public. The outcome of such interactions are information sharing, strong relationships, and public support in crime prevention and intervention efforts. These interactions are based on mutual respect and are professional in nature. People should always feel free to discontinue a consensual encounter without pressure or repercussions. Additionally, the fact that a person declines to participate in a consensual encounter cannot be used as a basis for the sworn member to escalate the contact or further intrude on the person. Sworn members should be aware that they can imply detention through tone, verbiage, and actions.

Can the person refuse the contact:	Yes
Contact Data Collection Form Required:	No
BWC Activation Required:	No
Member has Authority to Detain:	No
Member has Authority to Pat-Down:	No
Member has Authority to Search:	No
Member must provide Business Card:	Upon Request

**8.52.08 INVESTIGATORY CONSENSUAL CONTACTS**

Consensual contacts can be investigatory, either of the person being contacted or witnesses, victims, etc. In these cases, the sworn member does not have specific articulable facts amounting to reasonable suspicion; however, for other reasons may believe criminal activity is afoot. In these cases, sworn members are reminded that the person involved in the consensual contact is free to disengage at any time and that the sworn member is not permitted to imply detention through words, tone, or actions.

Can the person refuse the contact:	Yes
Contact Data Collection Form Required:	Yes
BWC Activation Required:	Yes
Member has Authority to Detain:	No
Member has Authority to Pat-Down:	With Consent
Member has Authority to Search:	With Consent
Member must provide Business Card:	Yes

**8.52.09 INVESTIGATORY DETENTIONS / TERRY STOPS**

An investigatory detention based on reasonable suspicion occurs when a sworn member uses words or takes actions to stop a person, keep a person in place, or compel a person to do something. Reasonable suspicion affords the sworn member the authority to detain the person involuntarily to

either confirm or dispel the suspicion. If the sworn member's suspicion is dispelled at any time, the sworn member shall, without delay, advise the person that they are free to leave. C.R.S. § 16-3-103(1) provides that sworn members can require a person to give their name, address, ID (if available), and an explanation of their actions.

The scope of questioning during an investigatory detention shall be consistent with the suspected criminal activity, and the duration of the contact shall be proportional to the suspected criminal activity. An investigatory detention shall be discontinued when the duration of the contact is no longer proportional to the suspected criminal activity being investigated.

Investigative stops may not be based solely on a person's presence in a location known for criminal activity. Investigative stops must be supported by other articulable facts that amount to reasonable suspicion for a specific crime(s). Additionally, a pat-down for weapons is not assumed unless the sworn member has reasonable suspicion that the person is armed and presently dangerous to the sworn member or to others.

When discontinuing an investigatory stop when the person(s) is released, an explanation for the stop shall be provided, and the sworn member shall take a reasonable amount of time to answer questions.

Can the person refuse the contact:	No
Contact Data Collection Form Required:	Yes
BWC Activation Required:	Yes
Member has Authority to Detain:	Yes
Member has Authority to Pat-Down:	If reasonable suspicion for a weapon is present.
Member has Authority to Search:	With Consent
Member must provide Business Card:	Yes

#### 8.52.10 PAT-DOWNS

A pat-down as the result of a lawful *Terry* stop is not intended to discover evidence of a crime. To perform a pat-down, the sworn member must have articulable reasonable suspicion why they believe the person is armed and presently dangerous to the sworn member or to others. Reasonable suspicion of a crime does not necessarily presume reasonable suspicion of a weapon, and both must be articulated independently. The scope of a pat-down can extend to bags or other property only when the sworn member has a reasonable belief that the bag or property could contain a weapon and is within the person's reach.

Sworn members must provide specific information when articulating their reasoning for a pat-down other than general statements such as "officer safety" or "high crime area." The aforementioned statements alone do not solely provide justification for a pat-down.

Some factors sworn members should consider when determining whether a pat-down is lawful include the following:

1. Type of crime suspected - particularly in crimes of violence where the use or threat of weapons is involved.
2. Sworn member versus subject factors (i.e., age, size, relative strength, skill level, injury/exhaustion, and number of officers versus subjects)
3. Prior knowledge of the subject's use of force or propensity to carry weapons

## 4. The appearance or demeanor of the subject (e.g., bulky clothing or jacket on a warm day)

The following factors may, in and of themselves, constitute reasonable suspicion for a pat-down, such as a visual indication that the person is carrying a firearm or other weapon and the sworn member has reason to believe the person is armed and presently dangerous to the sworn member or to others. During a pat-down, if the sworn member feels an item that is immediately apparent as a weapon or contraband (plain-feel doctrine based on probable cause), the sworn member may reach into or disturb the article of clothing to retrieve the item. A pat-down does not involve entering pockets or manipulating objects in the pockets unless the object is perceived as a weapon or contraband. If the sworn member discovers contraband or evidence of a crime, the sworn member may lawfully seize those items, and they may be considered when establishing probable cause to arrest or further search the person.

Alternatives to a pat-down could include directing a person to either remove or not remove their hands from pockets or separating a person from unsearched bags or areas that may contain a weapon. When returning unsearched items to a person, a sworn member may briefly manipulate the exterior to determine if it may contain a weapon if the sworn member reasonably suspects that harm may result if returned to the person unchecked. If a pat-down is performed, irrespective of whether a weapon is found, the sworn member will document the contact to include the justification for the stop and pat-down.

Can the person refuse the contact:	No
Contact Data Collection Form Required:	Yes
BWC Activation Required:	Yes
Member has Authority to Detain:	Yes
Member has Authority to Pat-Down:	If reasonable suspicion for a weapon is present.
Member has Authority to Search:	With consent, probable cause, or a warrant.
Member must provide Business Card:	Yes

**8.52.11 ARRESTS**

An arrest can be custodial (physical arrest) or non-custodial (i.e., summons, warning, etc.). A physical arrest is effected when the sworn member has achieved probable cause and physically restrains the person or advises the person they are under arrest, and the person submits. The person is not free to leave, and a search incident to arrest is authorized.

Can the person refuse the contact:	No
Contact Data Collection Form Required:	Yes
BWC Activation Required:	Yes
Member has Authority to Detain:	Yes
Member has Authority to Pat-Down:	Yes
Member has Authority to Search:	Yes
	<ul style="list-style-type: none"> <li>- <u>Custodial Arrest</u>: Complete Search</li> <li>- <u>Non-Custodial Arrest</u>: Search only for the instrumentality of the crime for which the suspect is being issued a summons.</li> </ul>
Member must provide Business Card:	Yes

**8.52.12 EMERGENCY MENTAL HEALTH HOLDS (M-1)**

A sworn member may initiate an emergency mental health hold (M-1) when the sworn member believes the person may be a danger to themselves, danger to others, or gravely disabled due to their mental state, whether a crime has been committed or not.

A crime may or may not have been committed, and any crime committed may be mitigated by the person's mental culpability. A sworn member's intent during such contact generally must be to care for the person's welfare and protect others. A sworn member has the authority to detain in this context and shall only use force as a last resort when other options have been ineffective or are not practical to protect the person or others.

Can the person refuse the contact:	No
Contact Data Collection Form Required:	Yes
BWC Activation Required:	Yes
Member has Authority to Detain:	Yes
Member has Authority to Pat-Down:	Yes
Member has Authority to Search:	Yes
Member must provide Business Card:	Yes

**8.52.13 PRETEXTUAL STOPS**

Pretextual stops involve situations in which sworn members utilize minor infractions, such as traffic violations, as a pretext to initiate an inquiry into potential criminal activity beyond the initial violation. These stops require careful consideration within legal and ethical frameworks to ensure fairness, impartiality, and the prevention of discrimination.

Pretextual stops should only occur when sworn members have articulable information beyond the infraction, which may or may not amount to reasonable suspicion, indicating that the individual being stopped may be connected to a crime or criminal activity.

The underlying motive for such a stop shall not, under any circumstances, stem from an individual's membership in a protected demographic group. Factors like race, ethnicity, national origin, religion, gender, sexual orientation, age, disability, and gender identity or expression shall not influence the decision to initiate or avoid a pretextual stop. Traits that are associated with a credible suspect description in a criminal investigation and are clearly observable may be used to influence a pretextual stop.

These stops, whether involving a vehicle(s) or pedestrian(s), hold the potential for the seizure of weapons and/or contraband, thereby safeguarding the public against serious and potentially violent crimes. Nonetheless, such stops can inconvenience, confuse, and/or distress members of the public. Sworn members should provide a general explanation to the individual of the pretextual stop unless doing so would jeopardize tactics, operational security, and investigative continuity. An appropriate brief explanation could be:

*"I stopped you because your taillight is out. Also, we have recently had several residential burglaries in this area, and your vehicle is similar to the description of the suspect vehicle."*

Sworn members shall not unreasonably extend the duration of the stop without additional articulable reasonable suspicion or probable cause of criminal activity that would justify extending the duration or expanding the scope of the detention.



Sworn members are encouraged to narrate on their BWC their basis for initiating their pretextual stop. Sworn members shall complete a report (i.e., general offense, supplemental, or CAD notes) whenever they conduct a pretextual stop outlining their reasonable suspicion and/or probable cause for the stop and articulable suspicion or hunch relative to a specific crime or criminal activity for the pretextual stop (see [DM 08.10 - Reports](#) for further information).

Can the person refuse the contact:	No
Contact Data Collection Form Required:	Yes
BWC Activation Required:	Yes
Member has Authority to Detain:	Yes
Member has Authority to Pat-Down:	If reasonable suspicion for a weapon is present.
Member has Authority to Search:	With consent, probable cause, or a warrant.
Member must provide Business Card:	Yes

#### 8.52.14 SEARCHES

Searches of persons, places, vehicles, or things are only permissible under certain circumstances governed by the Fourth Amendment. A consensual search is permitted if the person freely consents to a sworn member's request, and the person has the authority to permit such search regarding ownership or lawful control of such place or thing. Consistent with C.R.S. § 16-3-310, a request for consent must be accompanied by a statement that the consent can be revoked at any time. Non-consensual searches are permitted when the sworn member has a warrant approving such search or when there is a valid exception to the warrant requirement.

Can the person refuse the contact:	Depends upon the level of proof
Contact Data Collection Form Required:	Yes
BWC Activation Required:	Yes
Member has Authority to Detain:	Yes
Member has Authority to Pat-Down:	N/A
Member has Authority to Search:	With consent, probable cause, or a warrant.
Member must provide Business Card:	Yes

#### 8.52.15 WITNESSES

Encounters with witnesses are consensual, and the witness cannot be detained, compelled to speak with the sworn member, or compelled to identify themselves regardless of the suspected crime.

Can the person refuse the contact:	Yes
Contact Data Collection Form Required:	No
BWC Activation Required:	Yes
Member has Authority to Detain:	No
Member has Authority to Pat-Down:	With Consent
Member has Authority to Search:	With Consent
Member must provide Business Card:	Yes

#### 8.52.16 VEHICLE STOPS

A vehicle stop is a contact that involves the involuntary detention of the occupants of a vehicle based on reasonable suspicion or probable cause. During a vehicle stop based on a traffic violation by the

driver, other occupants may be detained but cannot be compelled to identify themselves. A vehicle stop for the purposes of issuing a summons is a seizure; however, the stop should not last longer than the time required to issue the summons. This time can include checking the driver's license status, checking for warrants, and checking vehicle registration and proof of insurance. Deliberately prolonging a stop for any reason not amounting to reasonable suspicion is a Fourth Amendment violation.

In the event the stop is based on articulable reasonable suspicion of another crime the sworn member reasonably believes the vehicle's occupants are involved in, the sworn member can request identifying information of those persons. A contact form is required to be completed for the driver of the vehicle and any occupant who is questioned under reasonable suspicion.

Sworn members are permitted to conduct a protective sweep of a vehicle in a limited capacity to within arm's reach of the person when the member has reasonable suspicion to believe the occupant may have a weapon in the area searched and it presents a danger. Occupants may be ordered from the vehicle during a protective sweep.

Can the person refuse the contact:	No
Contact Data Collection Form Required:	Yes
BWC Activation Required:	Yes
Member has Authority to Detain:	Yes
Member has Authority to Pat-Down:	If reasonable suspicion for a weapon is present.
Member has Authority to Search:	With consent, probable cause, or a warrant.
Member must provide Business Card:	Yes