

BY EMAIL

April 1, 2022

Philip J. Weiser, Attorney General
Eric R. Olson, Solicitor General
Janet Drake, Deputy Attorney, Criminal Justice
Alexa D. Jones, Special Counsel for Civil Rights
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 10th Floor
Denver, CO 80203

Daniel I. Brotzman, Aurora Colorado City Attorney
Julie A. Heckman, Deputy City Attorney
Peter A. Schulte, Public Safety Client Group Manager
City Attorney's Office
15151 E. Alameda Pkwy, Suite 5300
Aurora, CO. 80012

Re: State of Colorado, ex rel. Philip J. Weiser, Attorney General v. City of Aurora (Case Number: 2021CV32026)

Dear Attorney General Weiser and City Attorney Brotzman:

As you are aware, IntegrAssure was engaged as the Independent Consent Decree Monitor (“the Monitor” or the “Monitor Team”), with me serving as the lead Monitor, on February 15, 2022. Prior to filing our first quarterly report with the Court pursuant to section IX-A-5 of the Consent Decree, I wanted to provide you with a formal interim update on the Monitor’s activities during our first six weeks of operation. This information, along with activities from the second half of the first quarter of operation, will be captured and reported to the Court and public through our first Quarterly Report which will cover the first full three months of the monitorship (February 15, 2022 through May 15, 2022), and will be delivered to the Court and published on our website on or before July 15, 2022.

Since our appointment as Monitor, we have undertaken a number of activities designed to set the foundation of the Monitorship by establishing a strong relationship with the parties and other stakeholders and establishing the framework of the methodologies that will be employed throughout the Monitorship in order to determine the City’s level of compliance with each of the terms of the Consent Decree. We have also engaged in a number of ride-alongs with both APD and AFR and have established a Monitor website for the dissemination of information to the public, and receipt from the public of comments, questions and information. As you know, we have also participated in one public forum with the Community in which we explained the Consent Decree and the role of the Monitor. As an outgrowth of that meeting, and separate meetings with Community leaders, we have established a Community Advisory Council and will be building the membership of the Council in the weeks to come.

Importantly, in all of our activities, we have received exemplary cooperation from the City, the City Attorney’s Office, the APD and AFR, as well as the Civil Service Commission, beginning the establishment of good working relationships that I believe will benefit the Monitorship throughout its tenure.

In sum, I believe that we are off to a very good start to achieving the goals of the Decree. In the following portions of this letter, I provide more detail as to each of our activities thus far.

Site Visits

Our first site visit to Aurora came the day after that IntegrAssure was confirmed as the Monitor by the City Council. We arrived on February 15, 2022, and spent three days in Aurora. This initial visit was spent introducing ourselves to various City stakeholders and meeting with the parties. We introduced an additional team member, Ed Dadowski, to the City and AFR. Ed, a former firefighter, who will be interfacing with AFR on their Consent Decree issues. We also met with representatives from the IAFF and the FOP.

Our second site visit began on March 14 with some members of the team remaining in Aurora through March 18. Notable events from that trip included an additional meeting with the IAFF, a public meeting with the Civil Service Commission, and our first “All-Parties Meeting” which will be a monthly event in which we provide updates to the parties relative to our activities and the progress of the City in meeting the mandates of the Consent Decree. (The president of the FOP was present at this meeting, and we will ensure that going forward the president of the IAFF is also invited.) Additionally, during this site visit we met with APD, AFR, and the Civil Service Commission relative to the Methodologies to Aid in the Determination of Compliance (MADCs) discussing the proposed “goal-posts” for each of the various mandates contained in the Decree.

Due to a variety of factors, including the fact that PSP will be in Aurora during the week of April 11, we have pushed our third site visit to the week of April 18th.

Meetings with Stakeholders

The building of relationships with stakeholders is the most important foundational aspect of the Monitor’s work. In order to build these relationships, we have met with the various and diverse stakeholders in Aurora. In total, we have held more than **70** meetings with stakeholders through March 31, 2022. These meetings occurred both while the Monitoring team was on-site in February and March of 2022 and using videoconferencing when not on-site. The meetings ranged from APD and AFR executive leadership, various APD and AFR staff who oversee wide-ranging areas from operations to recruitment, City management, the Internal Police Auditor, the Civil Service Commission, the leadership of FOP and IAFF, community leaders, and the members of the AG’s Office.

Furthermore, to support Aurora’s efforts in achieving the goals under the National Public Safety Partnership (PSP) being funded by the U.S. Department of Justice, the Consent Decree Monitor team met with and will be coordinating with the PSP team in order to reduce the data-request strain on APD and to help ensure that crime reduction efforts are conducted in accordance with the mandates of the Consent Decree. We have reiterated our position that the Consent Decree mandates must and, in our experience, will serve to enhance public safety through crime reduction. Put another way, constitutional and best-practice policing are not in any way at odds with building community trust and enhancing public safety.

In addition to meetings with stakeholders, the Monitor Team also observed **12** APD events and internal meetings in that same time period. As noted above, the cooperation and open access that we have been provided by APD (as well as AFR) has been noteworthy and commendable.

Moreover, Monitor Team members attended **five** public facing events including the aforementioned DOJ-hosted community forum on March 15, 2022. Two other public meetings involved the Civil Service Commission. The first of those took place on March 8th in which introduce the Monitoring Team was introduced to all the sitting Commissioners. After that meeting, a special commission meeting was convened on March 15th to further discuss the Monitor’s approach and the necessary steps in working together with the Commission and its staff.

The Monitor Team was also introduced during City Council’s Public Safety Committee meeting on March 10th and attended a public forum convened by the Crime and Justice Institute on February 15 to solicit the

community's thoughts on which elements and principles should be incorporated in the APD's use of force policy.

Methodologies to Aid in the Determination of Compliance

Key to the success of the Consent Decree is a universal recognition and appreciation of what is required of the City and its agencies in order to reach substantial compliance with each mandate of the Decree. The Methodologies to Aid in Determination of Compliance ("MADCs") are designed to provide that information. The MADCs set forth the definition of substantial compliance for each mandate and proscribes how and when the Monitor will be assessing the degree of compliance as well as the data that will be required from the City for that assessment. The MADCs will serve as the roadmap to substantial compliance focused on the goals of the Decree.

As you know, the Monitor shared a notional draft of the Methodologies to Aid in the Determination of Compliance (MADCs) with the City on March 4th and has since met extensively with the City and its agencies to discuss, clarify, and modify that draft with their input. A new version of the MADCs, as revised through the various meetings noted above, was shared with the AG's Office which delivered their comments. We have circulated a revised a final draft and will be publishing a final version by April 15, 2022.

All-Parties Meeting

The Consent Decree Monitoring team conducted its first all-parties meeting on March 16, 2022. The meeting was attended by the parties and City agency representatives. The meeting is designed to update all those present on the current status of the Decree and the Monitor's work. In addition, it is a venue to address any issues that the parties may have. The meeting will be a combination of in-person and virtual and it will occur in conjunction with the Monitor's monthly site visit.

Ride-alongs

Various members of the Monitor team participated in ride-alongs with APD and AFR. These ride-alongs are extremely valuable as they offer opportunities to engage in frank and candid discussions with officers and firefighters on the issues which the Consent Decree is addressing and the manner in which they are being addressed. Additionally, it allows Monitor Team members to observe first-hand how officers and firefighters conduct themselves in the field. We will be continuing these ride-alongs during each of our future site visits.

Website

The Monitor Team has established a website for the monitorship at auroramonitor.org, a domain which the City secured for this express purpose.

The Monitor Team has been working on designing and developing the website and anticipates a launch date on or before April 15. The website will contain a landing page where the community can learn how the Consent Decree came about, the substance of the Consent Decree, and how the City will be assessed and evaluated during the duration of the Consent Decree. Most importantly, the website will be utilized to inform the public about the progress the City is making toward compliance and to provide the community a platform to directly contact the Monitor with comments, questions or concerns.

Community Engagement

In addition to attending the DOJ-hosted community forum mentioned above, members of the Monitoring team have met with community leaders to prioritize soliciting and encouraging community participation in the monitorship. We are in the midst of establishing a Community Advisory Council which will be comprised of representative members of the community who will provide their input and insight on Decree-related

matters to the Monitor. We anticipate that the membership of the Advisory Council and its duties and responsibilities will be finalized by April 15, 2022.

Organization and structure

The Monitor Team has expended significant resources and time on establishing and implementing both internal and external protocols to ensure efficient and effective communication and data-sharing to meet the mandates and the objectives of the Consent Decree. This investment has yielded a smooth and productive working relationship with the various City stakeholders, and we are confident that this will continue throughout the monitorship.

In sum, during the first 45 days of the Monitorship, we have worked hard to lay the foundation upon which our monitoring efforts and technical assistance can be built. Assuming the cooperation which we have seen to date continues, we are optimistic that the goals of the Decree can be met in a timely fashion and that Aurora can become a model of reform which builds public trust and confidence while at the same time significantly improving public safety and officer wellness.

Sincerely,


Jeff Schlager
Monitor