

PUBLIC SAFETY, COURTS & CIVIL SERVICE MEETING
DECEMBER 4, 2019

Members Present: Council Member Allison Hiltz, Chair
Council Member Françoise Bergan, Vice Chair
Council Member Dave Gruber
Council Member Nichole Johnston

Others Present: M. Cain, B. Christoffersen, S. Day, P. O'Keefe, R. Thompson, J. Weeks, M. Iovine, T. Tobiassen, D. Wilson, T. Ehgotz, P. Turner, H. Dearman, C. Andersen, D. Haffemen, S. Lowe, D. Cooper, A. Robnett, S. Stowell, M. Smith, V. Wilson, J. Schneebeck, C. Hills, Q. Snowden, M. Gorin, M. Bryant, M. Wheeler, M. Sears, M. Moore, R. Cooper, B. Good, J. Heckman, S. McKittrick, J. Oldenberg, I. Evans, M. Wasserburger, Z. DeBoyes

REVIEW/APPROVAL OF MINUTES

CM Gruber noted a spelling typo. The committee did not note any changes to content and the October 24, 2019, minutes were approved after the typo was corrected.

ANNOUNCEMENTS

None.

CONSENT ITEMS

None.

CAFFE INITIATIVE

Summary of Issue and Discussion

Presiding Judge Shawn Day presented the Cities Addressing Fines and Fees Equitably (CAFFE) initiative update to the committee. The National League of Cities (NLC) approached Aurora about participating in the CAFFE initiative. Aurora was chosen as one of the six cities nationwide to be accepted. The initiative consists of three phases: Phase one consisted of data collection, phase two is focusing on the reform efforts, and phase three will be measuring the success of the reform efforts.

Aurora's initiative focuses on reducing the number of cases referred to collections. Aurora's municipal court is the largest municipal court in the state of Colorado and averages 45K to 60K filings per year. Of those, more than 7,500 are referred to collections every year. In 2018, \$661,689 was sent to collections. Successful collection rates for traffic cases is 15.68% and criminal cases is approximately 5.93%. The NLC asked each participating city to focus on a specific fine or fee. Staff complied and reviewed statistics to determine specific offenses and/or demographics associated with collection referrals and evaluated what could be done to keep a case from being referred to collections. Heat maps and data wheel graph were reviewed showing the breakdown of the data collected. The data indicated the initiative should focus on speeding fees in the demographic of people between 20 and 29 years old. Some reform measures have already been implemented as a result of HB16-1311. Staff will assess the fees for equity and the ability to pay the fee. Cases are also referred to Stay Officers for review of finances, implement payment plans, or file motions if needed.

CM Bergan asked what the timeframe is before late payments are referred to collections and what the range of fees are. Judge Day noted that the timeframe is 90 days and the fees vary significantly based on the charges and/or number of cases. He also noted that each person has the option to set up a payment plan.

CM Gruber noted the fees associated with speeding tickets are to stop or modify the behavior and the fine should be strong enough that the person is deterred from doing it again. It isn't intended to be economically debilitating to the person receiving it. He asked if the data collected indicated the same 20-29 year-olds are receiving multiple tickets. Judge Day said they do see the same individuals with multiple tickets or multiple cases that are referred to collections. CM Gruber noted that the current actions taken are not modifying the behavior and that should be the end goal. Judge Day agreed.

CM Hiltz asked what happens if the individual is not able to pay the fine and if jail time is assessed for non-payment. Judge Day explained the jail time is not imposed for non-payment as a result of HB16-1311 and that the individual is referred to the Stay Officer to establish a payment plan.

CM Bergan asked if the data collected helped law enforcement identify hotspots or if the result of concentrated placement of law enforcement officers. Judge Day explained the data is based on where the person lives as opposed to the location of the ticket issued. Staff has maps available that identify areas where speeding is more prolific. DCM Batchelor noted there was data analysis completed when the photo red light cameras were still active and determined the violations were generally equally distributed across the city. CM Bergan suggested speeding could be reduced with traffic calming devices.

Staff contacted the Denver Office of Financial Empowerment and Protection and established a partnership to address the financial empowerment portion of the initiative. Specifically, they have agreed to offer financial coaching through their centers. The idea is that people will be removed from collections and referred to the financial coaching. If they agree to participate in the program they will be given reduced fines. The goal is to get them out of collections, reduce their debt, improve their credit scores, and help them in all aspects of any financial struggles. Judge Day further explained that staff will break up the analysis by offering the option to 50 people already in collections and 50 people that have not yet been referred to collections. The data would then be analyzed to measure the success. He explained staff is seeking guidance from council to determine the incentive for participation. Staff proposes reduction of the outstanding fine owed by 33%, removal from collections status to avoid the added collections costs of 25% or 18%, which equates to a savings of at least 51%.

CM Bergan asked if the people on payment plans follow through or if they default to collections. Judge Day said he didn't know the exact numbers of recurrences. Dr. DeBoyes added that there are some very lengthy payment plans but this initiative would only be applied to traffic fines. CM Bergan asked if repeat offenders that have completed the program would be ineligible for the incentive program a second time. Judge Day explained the goal is to see people be successful with the financial program.

CM Gruber noted that he doesn't want to financially devastate people and would like to see focus on the modification of behavior to reduce the number of speeding tickets issued, but added that he wants to make sure the revenue from fine collections continues.

Judge Day explained that NCL grant funding is currently \$20K and staff is asking if council will approve to match that amount for a total of \$40K. CM Bergan asked if the people providing the counseling are associated with a non-profit and noted that they would likely be seeking grants as well. Judge Day confirmed they are associated with a non-profit and would likely be seeking other grant opportunities. CM Bergan asked how many people are in the counseling sessions. Judge Day confirmed the sessions are personal sessions and include the certified financial counselor and the referred participant only. They are not group

sessions. Judge Day also explained there is an additional ask of \$10K for the partial payment program and reminder system.

CM Bergan asked if this program would be reviewed for success. Judge Day explained the measures of success need to be provided to NCL by June to meet the initiative requirements.

CM Hiltz asked if this program would be expanded to cover other charges and fines. Judge Day explained staff hopes the initiative is successful enough to expand. CM Hiltz also asked if the reduction in fines will be offset by the savings of collections enforcement. Judge Day explained there are no fees incurred for collection referrals. CM Hiltz asked which community partners will also be involved or contacted to weigh in on the inequities in the system. Judge Day explained staff has contacted other city departments, Aurora's Key Community Response Team (AKCRT), Aurora Community of Faith (ACOF), and a few others.

CM Gruber noted there should be a return on investment of the \$20K due to a larger amount of owed funds received by a larger percentage of people that owe money, rather than not receiving the money at all by going through collections. Judge Day confirmed that was the goal.

The committee approved this item to go forward to full council for consideration.

Outcome

Approved to move forward to full council for consideration,

Follow-up Action

None.

CIVIL SERVICE COMMISSION UPDATE

Summary of Issue and Discussion

Matt Cain and Heather Dearman of the Civil Service Commission (CSC) Office provided this update to the committee. The three Charter-derived functions for the CSC are: 1) Administer a fair and impartial entry-level selection process to staff Fire and Police Academies, 2) Administer a fair and impartial promotional selection process for the Civil Service ranks within the Fire and Police departments, and 3) Provide a fair and unbiased process for disciplinary appeals from Civil Service members. Current CSC board members are Pam Turner (Chair), Bob Christoffersen (Vice Chair), Mike Gorin, Tim Ehtagotz, and Jim Weeks. Office staff consists of four members and 12 contract background investigators. The CSC is established in the City Charter and their mission statement states they will administer the City of Aurora's separate Civil Service System to examine and certify highly qualified candidates for Civil Service positions in the Fire and Police Departments; and to provide an appeals process for disciplinary actions for Civil Service employees. The mission statement outlines the CSC merit system principles that include advancing qualified applicants to academies after fair and open competition, treat applicants fairly and equitably, maintain high standards of integrity and concern for the public interest, protect all applicants from nepotism and favoritism, and adhere to the highest ethical standards of conduct on behalf of Aurora residents.

The CSC's responsibilities for the Fire and Police hiring process begins with coordinating and accepting online applications via NeoGov. Applicants that meet minimum qualifications are invited to participate in the Ergometrics Video-Based exam. Basic minimum qualifications for entry level Police and Fire applicants must be 21 years old by the start of the academy, a citizen of the United States or lawfully admitted or permanent resident in accordance with the Immigration and Nationality Act, high school education or GED,

and have a valid driver's license. There are also screening questions related to drug use, criminal violations and traffic violations that would result in an automatic disqualification. Police applicants must pass a fitness test and are required to attend a "So you want to be a cop?" seminar conducted by the Police Recruiters. Fire applicants must have a valid Candidate Physical Abilities Test (CPAT) certificate before the start of the academy. Top applicants are invited to further testing including the Job Suitability assessment (JSA), polygraph exam, and a complete background investigation. At the conclusion of the assessments and exams, the background investigator will provide a summary of their findings and present the summary to the Commissioners. Applicants identifying information is removed and assigned a number to maintain a fair and equitable review. The commissioners and a representative from the appropriate department then meet to review each file to determine eligibility for job offers. Only the commissioners provide a vote during this process, but the representative is able to provide their opinion during discussion. If selected by the commission, applicants are offered a post-offer psychological assessment, medical exam and substance abuse screening. After successful completion of all of these steps and assessments, the applicants are entered into a 13-week academy training with Fire or 28-week academy training with Police.

CM Hiltz asked if the Chiefs or department representatives are allowed to participate in the discussions. M. Cain confirmed they do participate in a meaningful way and are encouraged to provide their thoughts. Fire Commander Robnett noted that he has participated in one process so far and it went well. CM Hiltz asked why the representative does not have a vote. M. Cain explained City Charter is clear that it's the Commission that decides who is provided an offer. CM Gruber noted that he can see where the vote could be an issue if a lawsuit is filed. Having said that, he's glad that the Fire and Police representatives have been added to the boards. Since this was requested by both departments, he asked the Fire and Police Chiefs if the current process is where they want to be or if they recommend changing the process again. Fire Chief Gray noted that he thinks this is a very good start and agrees that the process needs to be adaptive not only for disciplinary issues but also the hiring process. Demographics and values of potential applicants, and what they consider a great opportunity, changes over time. How they are hired and retained needs to change as well. Deputy Chief O'Keefe added that he believes this is the first step in what could be a multi-step process. Recruiting, retaining, and hiring quality people is more difficult than it has ever been. CM Bergan asked if this means standards will be lowered in any way. Staff explained that would not be the case. Staff noted that the process doesn't currently allow interaction between the commissioners and the applicants. M. Cain explained the interaction is between the applicants and the background investigators. CM Bergan asked if they were sitting in on the interviews. Deputy Chief O'Keefe explained that the representatives only sit in on the conversations, not the interviews. Chief Gray believes personal interaction may be a possible step in the future. CM Bergan asked if there are opportunities for personal interaction before they are hired. Chief Gray confirmed there is some interaction during the recruiting process but as they go through the hiring process there is no interaction. Deputy Chief O'Keefe added that the recruiting process involves a percentage of the applicants. Until the selection or applicants are completed, there is no opportunity to meet staff before showing up for the first day of the academy. Occasionally, there are questions that come up in backgrounds that could be addressed in a face-to-face meeting. CM Gruber noted that the separation of the CSC and the departments is beneficial for the process. CM Hiltz agreed and added council will have additional discussions about that separation regarding civilian oversight.

CM Hiltz explained that she is aware of applicants that are disqualified from Aurora's process, but they will get hired by neighboring agencies. She would like to know if this is due to the questions being asked and the way they are being asked, if staff is considering extenuating circumstances, and if it's known if other departments allow for these conversations. M. Cain explained there are five commissioners and they have robust conversations about each applicant and their individual summaries. There are split votes from the commissioner and if they need more information or context they will request it. He noted that the recruitment and hiring process is very competitive. The CSC has hired additional background investigators to get through the applicants faster but there are times the applicant will take the first job offered.

CM Johnston asked if staff has considered evaluating the standards for applicants that don't have a lengthy personal history to consider or if there is just one standard for drug use, charges or convictions. M. Cain noted that the CSC adjusted the drug-use standard in August of 2016 and this seems to be consistent in the area. Deputy Chief O'Keefe explained there would be some cases that would not meet the minimum standard, but each individual case would be reviewed. CM Bergan added, that as a citizen, she appreciates the standards and would have a hard time knowing that someone charged with enforcing the law could have a history of criminal activity and hopes staff does not change their standards.

Police and Fire lateral applications are administered by the respective department. The CSC determines the minimum qualifications of the applicants and then passes them on to the departments for processing and hiring. CM Bergan asked if the lateral applicants are still required to perform the fitness test and other assessments that the basic applicants must complete. H. Dearman explained that they do participate in the assessments and processes similar to the basic applicants.

The CSC is responsible for the promotional processes of Fire captain, lieutenant, engineer-driver, investigator technician, rescue technician, Police captain, lieutenant, sergeant, and agent. Eligible candidates must meet service and education requirements. The CSC office staff contract with a bid-selected company to run the assessment centers. Police and Fire select Subject Matter Experts (SMEs) consisting of panelist of the promotion rank or higher from other local and nationwide agencies. They will then work together to establish the written exam. If the applicant passes the written exam they will then participate in the assessment center and/or Oral Board with the SMEs. Performance evaluations, education, training, and work history are evaluated during this process. The scores are tallied, and an eligibility list is certified by the CSC. City Charter's, Rule-of-One dictates that all promotions shall be made by appointing the first person on the eligibility list.

The CSC is also tasked with the disciplinary appeals process. Matt Cain explained this process may be instituted after the Fire or Police Chief has made their final determination of discipline. The affected service member has the right to appeal, per City Charter, to the CSC. The CSC conducts a multi-day hearing where the member's representation and the City Attorney's Office present evidence to the CSC for consideration. The commission deliberates and presents their findings based solely on the evidence presented in the hearing.

CM Bergan asked if outside information, that was not part of the evidence, could be considered by the CSC for determining findings. M. Cain explained that only the evidence presented during the hearing is considered and the reason for that is it must meet the rules of evidence, much like in a judicial setting. The commission is advised not to search the internet or consider information provided outside the hearing. CM Bergan asked if the Fire or Police Chief do not issue a disciplinary action, then the Civil Service member could not appeal to the CSC. M. Cain confirmed this was true.

CM Hiltz asked if the appeal process can be adapted related to the relevancy of prior discipline and time frames. She further notes that society has changed and issues by today's standard could be different than in previous years. M. Cain explained the evidence presented is agreed upon prior to the hearing. CM Hiltz noted that questions raised from previous appeals perhaps provided some lessons for future appeal hearings.

The Department of Justice (DOJ) asked if the testing process is neutral, benefiting, or hindering diversity. M. Cain explained diversity statistics capture race and gender. The diversity percentage of applicants for Fire is 37% and Police is 50%. The overall diversity of entry level Fire applicants that were offered jobs is 33% and entry level Police applicants is 41%.

M. Cain notes six policy changes made by the CSC since 2016 include: 1) CSC approved inviting a

representative from Police and Fire to participate in Final Review hiring decision; 2) Revised citizenship rule to allow applicants with a legal right to work in the US to apply; 3) Hired additional contract background investigators to speed up the background process; 4) Approved receiving Police entry-level applications year-round; 5) Contracted with National Testing Network to accept Frontline Exam scores from out-of-state applicants to reduce their number of trips and expand the potential applicant pool; and 6) Adjusted entry-level qualifications related to drug usage, including lowering marijuana use standards from any use within the past three years to one year.

CM Gruber asked if the applicant speaks with the CSC. M. Cain explained the entry-level applicants do not meet with the CSC. The entry-level applicant meets staff during the JSA and meet with the background investigator. DOJ recommended changes that, by design, was to help ensure each applicant is treated the same with a standardized process. CM Bergan asked what kind of input could be provided during the review process from the department representative. Cmdr. Robnett explained the commissioners will evaluate and weigh the background summary of each applicant. CM Gruber noted that he's been involved in the military selection process for many years. He found the personal interaction to be powerful in determining the intentions and determination of the applicant. M. Cain explained the applicant is asked those kinds of questions at least twice during the process. CM Gruber asked if an after-action review is conducted when applicants drop out of the academy. Fire Deputy Chief Andersen explained there is follow-up with the candidates and they have an opportunity to meet with the Chief of Police. Deputy Chief O'Keefe explained that as the academy progresses each candidates progress is tracked. If it comes to a point where separation is the most obvious choice, there is discussion about the merit of extended training or offering them a civilian position within the department, so the time and effort invested hasn't gone to waste. M. Cain noted that there is a good feedback loop for those that have dropped out from the departments back to the CSC so they can implement changes if possible.

CM Hiltz noted that future discussion is needed about the hiring process in general.

Outcome

Information Only.

Follow-up Action

None.

NEXUS GRANT FUNDING RECOMMENDATIONS

Summary of Issue and Discussion

Shelley McKittrick presented the annual Nexus funding recommendations to the committee. Available funding has been reduced due to the elimination of the Photo Red Light program. The Triage Program was eliminated on June 30, 2019 and the Stride Community Health Center will be eliminated on December 31, 2019. This cut the overall need for funding. The application review team included Shelley McKittrick, Deputy Chief O'Keefe, Division Chief Wilson, and Carole O'Shea. The purpose of the program is to fund organizations that have a nexus to law enforcement. There are currently five eligible programs that have applied for a renewal of funding for 2020. They include Gateway Domestic Violence Center, Sungate Kids, Aurora Mental Health Services, Comitis Crisis Center, and Metro Community Provider Network. Staff presented two options for the committee to consider; 1) apply 10% reduction to all programs; or 2) reduction on a scale of 9-11%, based on the review committee's scoring.

CM Bergan asked if there was an overall reason from the reviewers for scoring given to the detox program. S. McKittrick explained scoring did not include narrative summaries for the choices. CM Bergan added her

opinion that staff should honor the rankings provided in the exercise.

CM Hiltz asked how staff can help the hospitals find an alternative to the Triage Program. DCM Batchelor explained he would be meeting with the hospital partners to discuss future options. CM Hiltz asked why the program didn't meet their metrics. S. McKittrick explained it was a partnership of three programs and after one closed, it was not sustainable for the remaining two programs to continue. CM Hiltz asked how to connect AFR's High-Utilizer program with what the Crisis Response Team (CRT) is doing to have more cross-over and reach more people. DCM Batchelor explained that further discussion and continued work will be done to compliment the efforts of CRT and community health. Police Division Chief Wilson explained she will be meeting with Fire staff to discuss Fire personnel in the CRT program, if staffing allows. CM Gruber asked if the hospital's involvement in the program is freely given and would it help if council tried to form something to create a consortium. DCM Batchelor explained he will have conversations with University and look at the opportunity to expand it with other hospitals. CM Hiltz would like to see progress happen quicker than other initiatives have taken.

The committee approved moving the item to the next Study Session. CM Hiltz would like more information about what would be getting cut from each organization. S. McKittrick explained that would be up to the program as to how they spend the money. CM Hiltz noted that she believes it would be a benefit to the ACOT team to have AFR personnel on the ACOT bus during activations. Chief Gray explained that he would follow-up with the participants and get their feedback.

Outcome

Approved to move to the next Study Session.

Follow-up Action

None.

FITZSIMONS CAMPUS – AFR RESPONSE

Summary of Issue and Discussion

Fire Commander Allen Robnett provided the presentation to the committee. There are approximately 5 million square feet on the Fitzsimons campus, the majority of this is UC Health and the Veteran's Affairs building. Future plans project a daytime population of 25K with a projected increase to 50K when it's built out. Most of the buildings on campus are research and education. There has been some success on the campus response due to partnerships with UC campus and that Comitis has changed their lottery from one night to three weeks. UC campus has instituted a response team for inside their facilities. They now take their patients to the care they require rather than calling 911, which is significantly faster than AFR responding. They also have a community health officer that focuses on specific high users.

AFR's top five users include UC Campus, Comitis, Day Resource Center, AuMHC, and Anschutz outpatient center. CM Bergan asked what most of the calls are related to at the Day Resource Center. Staff advised they broke down the acuity of the calls into three levels. Analysis shows an almost even split between level two and three indicating the calls were medical and/or drug related. Chief Gray advised they have deployed their community health lieutenant to proactively address needs at the high-utilizer addresses. That data analysis is showing a reduction. The initiative was implemented in July 2019 and staff hopes the 2020 numbers will show a significant improvement.

CM Hiltz noted that the Day Resource Center should consider staffing a paramedic on site. DCM Batchelor

noted that staff is working to manage and triage calls for service at the Day Resource Center and Comitit and agreed with CM Hiltz. CM Bergan asked if patients of the drug related calls are referred for follow-up care for addiction assistance. Staff advised they treat the patient and transport to the ER. CM Bergan added that the DRC was supposed to be a referral center for detox, counseling, work programs, and drug addiction resources. DCM Batchelor added that the DRC is a very low or no-barrier point of service, so they won't require those services to be allowed in. Mile High Behavioral Health Center does have the services available, but some people do not take advantage of the services.

CM Gruber asked for clarification of the business model asking if this change has generated an ability to move people around as needed on the campus. Chief Gray confirmed that this is true but there could still be times when an emergent response is necessary. People that call from cell phones will go directly to city dispatch, but they are working to put something in place to redirect those calls. The goal is to keep emergency response personnel available for emergencies. CM Gruber asked if there was an option to outsource transports to Falck. Chief Gray advised he did have the discussion with the campus personnel and they chose to initiate the internal response. CM Gruber asked if there was an option to be more forceful for staff to use Falck for transports. Chief Gray advised the next objective is to work with other agencies on the campus and solutions available. CM Gruber recognized the efforts of staff and the cost savings is evident based on the numbers provided. He advised this initiative would continue to be evaluated and possibly deployed to other areas to ensure resources are available for higher priority calls.

Cmdr. Robnett noted that some of the additional solutions include the MSU at Station 2 and the community health officer that actively seeks solutions with community partners.

Outcome

Information only.

Follow-up Action

None.

MISCELLANEOUS ITEMS FOR CONSIDERATION

CM Bergan asked if there would be tracking of the approved item from the council workshop. Chief Gray advised the transition for the added MSU to Station 2 and truck company would occur in January 2020.

CM Gruber advised funding for the fire trucks and dump trucks was reviewed by M&F and the lease program came in at 1.78% interest.

NEXT MEETING AGENDA ITEMS

Agenda items to be determined by the 2020 Public Safety, Courts and Civil Service Committee.

The meeting adjourned at 12:45 pm.

APPROVED: _____

Allison Hiltz, Chair