

PUBLIC SAFETY, COURTS & CIVIL SERVICE MEETING
JUNE 18, 2020

Members Present: Council Member Allison Hiltz, Chair
Council Member Curtis Gardner, Vice Chair
Council Member Angela Lawson, Member
Mayor Pro Tem Nicole Johnston
Council Member Alison Coombs
Council Member Dave Gruber
Council Member Juan Marciano

Others Present: J. Batchelor, A. Robnett, C. Andersen, D. Parker, D. Wilson, F. Gray, H. Glidden, I. Evans, J. Twombly, J. Heckman, J. Schneebeck, L. Condrey, M. Dudley, M. Longshore, M. Moore, N. Rodgers, R. Weber, R. Cutbirth, S. Day, S. Stowell, S. Mills, S. McNerny, S. Wright, T. Brown, V. Wilson, W. Lippman, Z. DeBoyes

REVIEW/APPROVAL OF MINUTES

May minutes approved and signed.

ANNOUNCEMENTS

None.

CONSENT ITEMS

None.

ISO UPDATE

Summary of Issue and Discussion

Fire Commander Allen Robnett provided an updated on the ISO Public Protection Classification to the committee. It had been quite some time since the last evaluation of the ISO status. Chief Gray met with ISO Examiner Brian Nichols in October 2017 to discuss the analysis of the community and steps to move forward with acquiring a new classification. The official engagement began in January 2020. AFR capabilities accounts for 50% of the total classification, water supply accounts for 40%, and emergency communications accounts for the remaining 10%. AFR received 42.9 points, water supply received 39.38 points and E-communications received 9.63 points. All were exceptionally high for a total of 93.78 out of 105.5 points. AFR is rated as a 1/1X and only 388 communities have received such a designation and only 80 of those are accredited. Because the water supply received such high score, AFR points were adjusted to balance out the scores. Additionally, bonus points were added for the community risk reduction programs which include code enforcement combined with public safety education and fire investigations programs.

CM Hiltz congratulated AFR for their successful reclassification and all the work that went into acquiring it. CM Gardner also congratulated the group adding the scores speak to how effective AFR is. Chief Gray thanked council and city management for their support. And added that the score reflects the hard work of the public safety dispatchers and water department as well. This is not just an award to AFR but for the whole community.

Outcome

Information Only.

Follow-up Action

None.

TECHNICAL RESCUE TEAMSSummary of Issue and Discussion

Fire Battalion Chief Scott Mills presented this item update to the committee. Technical Rescue Team (TRT) is just one of five special operations programs. The vision of the AFR TRT is to increase the capability and effectiveness of the AFR response plan and enable accomplishment of the department's overall mission. TRT began in 1989 at Station 6 as a High Angle Rescue Team (HART), which focused on rope rescue training, equipment and response. HART evolved in 1992 and expanded to include heavy rescue apparatus and team members were selected. TRT went in service at Station 8 in January 1993 and was staffed by four full-time personnel each day until 2002. In 2002 it was replaced by a truck company and cross-staffed. TRT moved to Station 5 in January 2020. TRT areas of operations include confined space rescue, heavy vehicle and machinery extrication, ice rescue, rope rescue, structural collapse rescue, swift water rescue, and trench rescue. There were 79 TRT responses in 2019.

Training costs for TRT includes an initial, 11-day course. Through 2017 trainees were sent to West Metro Fire Rescue for the course at \$1600 per student. This limited the amount of people that could receive the training to 2-4 students per year. AFR started teaching their own courses in 2018 and have put 30 people through the training at \$810 initially and then \$725 per student. A brief video was played for the attendees showing off the equipment available to the team and photos were provided for the different types of rescues and equipment used.

Some issues and operational concerns include maintaining the high level of training and skill, maintain or increase the daily minimum staff of six with a goal of eight per day, establish an equipment replacement schedule, adequate budget support to ensure program sustainability, and ability to adapt to the growth of the city. Minimum staffing for TRT includes one rescue operations officer, one safety officer, two for the entry team, two back up team, one air supply, and one communications officer for a total of eight staff. Next steps for TRT include development of an operations manual to ensure consistency in training and operations, apparatus replacements, updated equipment, increase trained members, increase daily staffing to eight, and establish internal trainers in all areas of operation to maintain training levels.

AFR is one of 28 agencies that are involved in Colorado Task Force 1 (CO-TF1) and has been since the 1990's. There are currently five AFR members on CO-TF1 that include one incident support team member, one search team manager, one hazmat team manager, one hazmat specialist, and one communications specialist.

CM Hiltz asked why the fulltime staffing was removed and is it possible to move it back. Of the three major cities, Aurora was the only one without fulltime TRT staffing and she wonders what would happen if there are two calls when it's cross-staffed. BC Mills explained all special operations apparatus are cross-staffed at this time and the reason for the change in 2002 was to put an additional truck company in service. There wasn't funding at the time for another truck company, so staff ordered an aerial apparatus and put the crew from heavy rescue on the truck company. CM Hiltz would like to continue that conversation with council moving forward.

Outcome

Information Only.

Follow-up Action

None.

USE OF FORCE POLICY & TRAININGSummary of Issue and Discussion

CM Hiltz explained before the presentation that this item did have a time limit for presentation and discussion. Questions would be held until after the presentation starting with Committee members and then other Council Members could ask their questions as time allows. This item can be brought back to a future meeting for more discussion if needed.

Division Chief Lee Condrey and Commander Marcus Dudley presented this item to the Committee. Questions were provided to Staff for response for this presentation. DC Condrey explained he took those questions, combined similar ones and provided responses in the presentation.

The De-Escalation policy is under the Use of Force Directive 5.3 and states; When practicable officers will attempt to de-escalate their use of force and/or the situation so that lesser force, or possible no force, is required. DC Condrey noted this has been the practice for many years and is incorporated into various trainings. APD's Use of Force Continuum requires officers to constantly assess the situation and options to handle the situation as peacefully and non-confrontational as possible.

Chokeholds and Strangleholds has never been allowed by APD. Prior to June 9, 2020, the carotid control hold was allowed, which is compression of the sides of the neck, restricting oxygenated blood flow to the brain resulting in incapacitating the person for a short period of time.

APD has trained with firearms and less lethal options to give verbal warnings, if possible, for decades. As of June 9, 2020, directives have been written that states; The officer must identify himself/herself as an officer and give a clear verbal warning of the intent to shoot with sufficient time for the warning to be observed unless doing so would place the officer(s) at risk of injury, create a risk of death or injury to others, or would be clearly inappropriate or ineffective under the circumstances.

State law that requires officers report the use of excessive force. In anticipation of SB 217, APD has proactively incorporated a directive outlining mandates to intervene. As of June 9, 2020, any sworn member who, while acting in his/her official capacity as a law enforcement officer, witnesses another member (regardless of rank or tenure) acting in his/her official capacity, use force that is clearly beyond that which is objectively reasonable, and lawful, given the totality of the circumstances shall, when in a position to do so, safely and immediately intervene to prevent and/or discontinue the use of force. DC Condrey noted that this directive is to protect community members and officers to help each other having a duty to intervene when someone gets emotionally charged.

APD has always gone above and beyond the minimum requirements of POST. Training on the front end seems to eliminate issues that come up late. Many of the hours are in the classroom and then incorporated and reinforced in the training. Scenario based training puts all the skills learned in action and is reinforced every year in mandatory in-service training.

There is not, technically, a procedure to remove someone based on a complaint. Those decisions are made on a case-by-case basis. However, if the member is involved in a Tier-3 Use of Force, critical incident, they are put on administrative leave with pay for a period of time while the incident is investigated, and the

member must go through steps to return as defined in Directive 2.08.11.

In response to the question about permitted tactics on handcuffed parties, DC Condreay explained a handcuffed person can still cause harm to officers. Officers' actions will still be based on the threat that the person presents. When someone is just strictly handcuffed and compliant there is not a pain compliance technique or use of force used. APD Directive 5.3 refers to CRS Statutes 18-1-704 and 18-1-707.

No-Knock warrants usually begin with the investigator and district attorney. They are reviewed by a Chief DA and then approved by a judge. They consider two factors in their determination; the likelihood of evidence being destroyed, and the likelihood that the occupants are armed and the likelihood they will utilize their weapons. APD rarely utilizes No-Knock warrants and in 2019 only used two and to date in 2020 there have been four. Of those six, only two that were executed as a traditional no-knock where officers enter without announcing themselves. The other four were executed as an order-out process. Officer's open the door, stand outside the door and announce they are the police and want the occupants to come out with their hands up, which is considered to be a safer process.

The use of "quasi-military" equipment by APD was interpreted as rifles and armored vehicles. There are a number of officers trained to use long rifles. There is a directive that limits when they use it and the training required to use it. These would not be deployed on routine calls. Most likely would be used in active shooter situations or where there are multiple armed suspects. The armored vehicle known as the BEAR was acquired through grant funds and is intended to serve the region in the event of a Chemical, Biological, Radioactive, Nuclear, Explosive (CBRNE) event, other major catastrophic events, active shooter events, or events that require a secure vehicle to rescue citizens and public safety personnel and/or to carry personnel to a location where ballistic protection is desired or required. Because the BEAR is a regional asset, it may be deployed in accordance with existing Inter-Governmental agreements. APD also has an MRAP vehicle that was donated by the military. It's heavily armored on the bottom but not armored on the sides and would not be taken into a shooting situation. It was designed for explosives and it has been used to transport people in severe weather events in the past.

Commander Dudley presented the excessive use of force information to the committee. The statistics provided were for any use of force complaint in the complaint system. It isn't specifically saying there was excessive force, so the assumption is made the complaint for use of force is excessive. Three years of data was provided, 2018-2020. The methods of system entries could be internal entries or external through the Public Web Report. These are then compiled in the same data base. There were a reported 53 internal complaints against officers with the following racial breakdown; 37 White, 2 Black, 6 Hispanic, 1 American Indian, and 7 for two or more races. Information about the race of the complainant was provided for only two of the complaints. There were 16 reported complaints through the Public Web Report. Of those the racial breakdown of officers is 11 White, 3 Black, 1 Hispanic, and 1 of two or more races. The race of the involved parties was not provided in any of these. There may be a feeling by the complainants that the question to provide their race is biased.

Specific policy violations are identified in the complaint system and there are many that could be used associated with de-escalation issues. The way the system works, each complaint would need to be read to get an idea about the issue in the complaint. One directive was reviewed and analyzed for this presentation which was DM 14.2.21 Police-Community Relations. Data for complaints of that directive were provided for 2015-2020 indicating an increase over time for both, internal and external complaints. Sustained findings and number of involved officers varied throughout the years. Data on complaints received for 2015-2020 regarding chokeholds, strangleholds, or carotid control hold were provided. Data reported was very low until 2020 with hundreds of complaints received for Elijah McClain.

CM Gardner asked for clarification on the training hours provided and if there is a governing body for the standard of training provided. DC Condrey explained the hours provided were just for the basic recruit academy training and that the standards of training are based on the POST Board. They require a minimum number of hours and annual in-service training. APD follows and exceeds their requirements. CM Gardner would like to get the on-going training information as well. DC Condrey will provide that information after the meeting. CM Gardner would like the use of force data to be broken down by tier. DC Condrey explained that data is provided in the Quarterly Report and he can provide that to the committee. CM Gardner added that he would be interested in seeing the additional data, especially related to tier-0. Interim Chief Wilson added that use of force tiering data begins at 2016 so that is as far back as staff can provide information on. CM Gardner asked Interim Chief Wilson to expand on the case-by-case evaluations for returning to work after a critical incident. Interim Chief Wilson explained that information would be able to provide details about the steps for returning to work. With regard to returning to work after a critical incident, APD follows the Internal Association of Chiefs of Police (IACP) guidelines. The general guideline is approximately 45 days before someone is considered for return either in a detail capacity or full duty. They go through psychological services and additional training to make sure they are mentally and physically ready to come back. A presentation can be provided by the Employee Support and Wellness Unit at a future meeting. CM Gardner asked if that process was for any or all employees involved in any tier of use of force. Interim Chief Wilson noted that officer involved shootings would be treated at the highest level and others would be considered on case-by-case and could be reviewed for criminality and that there are no directive violations requiring they be removed from their assignment. CM Gardner would like to see a presentation from ESWU if the Chair would approve it.

CM Lawson noted that she is interested in the implicit bias training of only two hours and noted that implicit association testing is available because everyone has bias and identifying that would be helpful. She asked if the scenario-based training situations would include an example of officers identifying three African American men driving a Lexus or other people of color and are pulled over by the officer for suspicious reasons. If bias is identified with a particular officer, are they provided more training. Interim Chief Wilson explained there is required annual training that is video-based implicit bias training provided by Police One. Additionally, she is working with Janice Napper to bring implicit bias training to all city employees. She is also having conversations about providing implicit bias testing for anyone that wants to take them. She would like to make these tests mandatory in the future. Officer Virgil Majors, who is the PD rep on the Community Task Force, brought some ideas about surveys and race discussions that she would like to build upon. She is also working with Dr. Brenda J. Allen to help with what to do once it's identified. CM Lawson asked Cmdr. Dudley to clarify the data provided of the total number of complaints received in 2018. She is concerned with the accuracy of the data because of his earlier comments regarding having to read each one. Cmdr Dudley noted that was an excellent point adding that there are multiple policies that someone could view as a complaint about de-escalation. His point was that for him to have identified the other categories of policy violations that perhaps met the de-escalation categories he would have had to review each one of them manually and agreed there are possibly more than noted in the data. CM Lawson reiterated that the data provided is very questionable because the review wasn't done.

CM Johnston asked how the city is meeting the requirements of HB 1119 regarding access to records of completed Internal Affairs investigations conducted by police departments. Cmdr Dudley explained HB 1119 is similar to the IAB Annual Report. Staff is also working to build a webpage for access to complete case information. Interim Chief Wilson added that staff has built a webpage that they hope to get out soon. She hopes to bring it back to the committee before making it live. She added that she agrees that there could be better ways to track complaints and APD could do better by reaching out to other agencies to see what they use. She and Cmdr Dudley will have ongoing conversations about possible solutions. City Attorney Nancy Rodgers added that APD does have a fulltime records coordinator that processes requests meeting the requirements for HB 1119 and those are being responded to.

CM Marcano asked when the MRAP was acquired and what was used prior to the BEAR and MRAP. He referred back to the part of the presentation about the MRAP being used in inclement weather and added that he thought this was the responsibility of AFR and would like to know why APD is using the MRAP for this purpose. Interim Chief Wilson explained the MRAP was acquired in 2008 from the 1033 program and the decision was made during the Bomb Cyclone and other weather events to use the MRAP to help get people off the roads and to safety as a teamwork situation. The PD doesn't want anyone to freeze to death, so they used what was available and worked in coordination with AFR. Chief Gray added that they try to utilize all resources available in those situations. CM Marcano asked if there was an established procedure such as medical equipment stored on the MRAP or if medics ride along with PD. Interim Chief Wilson explained there is not an established procedure but there are emergency blankets available for distribution. The intent is to get people off the highway and to medical for evaluation if needed.

Outcome

Information Only.

Follow-up Action

Council will send additional questions to staff for follow-up at the next meeting.

COURT UPDATES

Summary of Issue and Discussion

Presiding Judge Shawn Day updated the committee about the court and the re-opening of the court. He credited Dr. Zelda DeBoyes, City Attorney Julie Heckman, and Chief Public Defender Doug Wilson for their many hours and meetings to get to the point to re-open the courts. The court re-opened with restricted access on June 1, 2020. They do require masks to be worn while in the building and restricted the number of people in the building to people with appointments or proceedings or docketed matters. Social distancing and temperature checks are required. Citizens do have the option to appear for proceedings virtually. However, virtual court for jury or bench trials, traffic offenses or other hearings where there is a requirement of evidentiary hearings or mandatory appearances such as sentencing hearings, is not available. Domestic violence dockets are still mandatory court appearances for at least the arraignments, but pre-trial conferences can be virtual.

Dr. DeBoyes explained the substantial precautions that have been made throughout the building and presented pictures showing the signage and instructions inside the courthouse. Temperatures are taken at a kiosk upon entry. Anyone registering with a temperature at 100.4 or more is allowed to sit and cool down and try one more time. If they do not meet the temperature their information will be taken, and admittance will not be permitted. The Marshal's station was fully enclosed to make sure they are safe in dealing with the individuals coming through. If someone is not willing to wear a mask into the building admittance will not be permitted. Automatic hand sanitizer stations are available throughout the building. Plexiglass was used to enclose the witness box so they can remove their mask while testifying. All the courtrooms are marked out to show social distancing. Only two people are allowed to ride on an elevator at one time. There are one-way halls designated in the City Attorney's area. Dividers were installed in the Public Defender area, so people do not stand next to each other. The traffic area was redesigned with instructions to walk only in certain directions or areas and chairs were removed to provide space for social distancing. Plexiglass was installed around other areas for protection.

Outcome

Information Only.

Follow-up Action

None.

CHOKEHOLD AND CAROTID HOLD ORDINANCESummary of Issue and Discussion

CM Lawson and CM Marcano are bringing forth this ordinance to codify APD Directive 5.8.3. With everything going on in the Nation, most councils and states are implementing similar ordinances into their city code. CM Marcano noted that they had started this draft prior to the directive changes implemented on June 9, 2020 by Interim Chief Wilson. He added they want to make sure this ordinance has the force of law and future leadership is unable to easily change it as they feel these are best practices that are commonly accepted throughout the Nation and this is one of the easiest things they can do to show the community that council is listening to them and council is taking action.

CM Hiltz asked how this ordinance is different from the state law that was just passed. N. Rodgers explained the new state law includes chokeholds and carotid holds, meaning these would overlap. The difference is that the state law makes it unlawful to do these and there are potential consequences and would be excess force. The proposed ordinance mandates a policy that confirms it which then ties to discipline that the Police Chief could impose. They have the same subject matter but different outcomes.

Outcome

Approved to move to full council for discussion at the next Study Session.

Follow-up Action

None.

MISCELLANEOUS ITEMS FOR CONSIDERATION

None.

NEXT MEETING AGENDA ITEMS

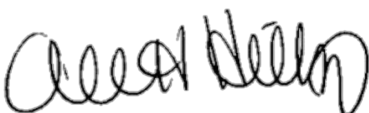
The next meeting was confirmed for July 16 at 11am. July items will include follow-up on the use of force and training presentation from this meeting, Fitzsimons campus response from AFR, duty to intervene, disciplinary process and how the grievance process works , and memberships to lobbying organizations from APD.

The Community Task Force will provide regular written updates to the committee.

August items include Detox and Mental Health from Dr. DeBoyes and Implicit bias training updated from APD.

Meeting adjourned at 12:45pm

APPROVED: _____



Allison Hiltz, Chair