

Public Safety, Courts & Civil Service (PSCCS) Meeting

August 27, 2020

11:00 AM

WebEx Meeting

Access information provided to Internal Staff

Public Participant Dialing Instructions

Dial Access Number: 1-877-820-7831

Enter Participant Code: 254610#

Council Member Allison Hiltz, Chair
Council Member Curtis Gardner, Vice Chair
Council Member Angela Lawson, Member

Assure a safe community for people

1. Approval of August 13, 2020 Draft Minutes Council Member Hiltz
2. Consent Items (*These items have no presentation unless requested by the Committee*)
3. Community Police Task Force Update (10) Mayor Pro Tem Johnston
4. Crisis Response Models (10) City Manager Jim Twombly
5. Police Policy Review Investigator (30) City Manager Jim Twombly
6. No-Knock Ordinance (Sponsored by CM Lawson) (15) Deputy City Attorney
Nancy Rodgers
7. Employee Psych/Wellness Services (15) Sergeant Mike Pitrusu
8. Arrestable Offenses, Traffic Stops and
Non-Violent Crimes (25) Division Chief Darin Parker
9. Miscellaneous Matters for Consideration
10. Confirm Next Meeting Council Member Hiltz
September 10, 2020, at 11am on WebEx

PUBLIC SAFETY, COURTS & CIVIL SERVICE MEETING
AUGUST 13, 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 Juan Marciano
Council Member Crystal Murillo

Others Present: J. Batchelor, C. Hills, A. Robnett, C. Andersen, D. Patterson, D. Miranda, D. Wilson, D. Parker, F. Gray, H. Glidden, I. Evans, J. Bergeron, J. Twombly, J. Heckman, J. Campbell, J. Schneebeck, K. Leyba, L. Condreay, C. Amsler, M. Sears, M. Dudley, M. Novak, M. Chapman, M. Fassio, M. McClelland, M. Moore, N. Rodgers, R. Weber, S. King, S. Day, S. Stowell, S. Redfearn, T. Buneta, V. Wilson, W. Lippman, Z. DeBoyes

REVIEW/APPROVAL OF MINUTES

July 30, 2020 minutes approved.

ANNOUNCEMENTS

None.

CONSENT ITEMS

Personnel Intervention System

CM Gardner referred to pages 15, 21 and 29 where it talks about the interventions used and the most common intervention method used in all instances, all years, is counseling by the immediate supervisor. He asked what that meant, what it looked like, and what training or resources immediate supervisors have to provide counseling. Chief Wilson explained the supervisor has a conversation with the officer to check and see how they're doing and if there's anything going on in their family that they should be aware of. If information is brought forward during this discussion that warrants additional assistance from the Employee Support and Wellness Unit (ESWU), then a referral is made to ESWU for a confidential consultation. The ESWU can connect them with clinical staff for additional services. Chief Wilson added that she would like to make the program more vibrant and she has some ideas on how to do that in the future. CM Gardner asked how the decision is made to intervene or not. He refers to page 27 and asked what the conversation would look like between the member and supervisor and how it's decided to intervene or not. Chief Wilson explained it starts with a low-level conversation about what could be going on with the member. Complaints would be documented even to the point of an officer being put on a performance plan, if it rises to that level. If there has been serious misconduct or issues the chief has the authority to order a Fit for Duty review through Psychological Services. They evaluate the officer and make recommendations of their ability to maintain their position. If they are, the Psychologist may make recommendation or further considerations for their duty status.

Police claim settlement data

There were no questions or discussion on this item.

Use of Force demographic data

CM Lawson noted that the data provided in the backup was not what she requested. She asked for data broken

down by race in accordance to how particular tactics are used. The information provided was just a snippet of what she requested. CM Lawson noted that some of the information she requested was reported by local news outlets. CM Lawson and Deputy Chief Glidden will get together to discuss the details of her request and the information will be provided to the committee as a future consent item. CM Gardner asked if the Arapahoe County numbers provided includes Aurora or if it is specific to the unincorporated areas of Aurora in Arapahoe County. Deputy Chief Glidden confirmed the data is Arapahoe Country Sheriff's Office data only. The data provided was agency specific from the agencies willing to share the data with staff. CM Gardner noted that he is surprised to see that Aurora's numbers are higher than Denver based upon size and population. He asked what that could be attributed to. Chief Wilson explained that she didn't have an answer at this time. She noted there are several investigations taking place that are looking at past use of force and how to move forward in the future. She's looking forward to the results and perhaps questions such as this one will be answered.

Lobbying Ban Ordinance

There was no discussion and the ordinance will be moved forward to Study Session.

INTERNAL INVESTIGATION UPDATE

Summary of Issue and Discussion

City Manager Jim Twombly provided an update to the committee on the Elijah McClain investigation. Since the last update, they have brought two others to the team. John Smith is the overriding lead who will oversee the investigation. There is also a law enforcement expert and an emergency medicine expert. The law enforcement expert has been identified as Roberto Villasenor. He is a 35-year veteran of the Tucson Police Department (TPD). The last seven years at TPD were spent as the Chief. He was also tapped by President Obama to serve on the 21st Century Policing Task Force that came up with a guidebook for police departments recommendations to make improvements on the way that they do policing, especially community policing. Since his retirement in 2015, he has also served as a monitor for the Department of Justice Civil Rights Investigations related to patterns and practices. He is currently an associate with 21CP Solutions. Dr. Melissa Costello was recently retained as well. She is an emergency medical doctor serving as a medical director for several agencies in southern Alabama and on staff at several hospitals and emergency departments. These three are the team selected to investigate the Elijah McClain incident. The scope of this investigation is to review everything that occurred from the time the call came in, the actions of the officers, the administration of the Ketamine, the review by the Force Review Board, and everything that took place related to that incident.

J. Twombly also provided an update on the review that he announced earlier in the week. This review is in addition the review of the Elijah McClain incident and will be a broader review of the police department's policies, practices and directives to include reviews of use of force, discriminatory policing, bias practices, officer misconduct and accountability, community policing and engagement, technology and resources, civilian complaints, and interactions with vulnerable populations. The firm identified to conduct this review is 21CP Solutions. The founding group of 21CP Solutions is the group that worked on President Obama's Task Force on community policing. They have formed this group that advises and investigates incidents or broader policing issues and they serve as monitors in various cities. There will be robust community involvement in this review and they will be seeking feedback from community members and stakeholders for their view of the police department. The ultimate deliverable from this review will be a strategic reform agenda and reform strategy tailored specifically to the Aurora Police Department and will be made public when completed.

CM Lawson noted that it's important to her that the review includes feedback from youth in the community, specifically youth of color. J. Twombly confirmed it was a good point and is noted. CM Hiltz added this

would be a good time to bring up Young Aspiring Americans for Social and Political Activism (YAASPA) as a group that can be contacted.

CM Gardner noted that the person investigating the Elijah McClain incident is part of the same group reviewing the department in the second investigation. He asked if there would be a firewall between the two to ensure that each review is its own. He is concerned that one might drive the other and the result won't necessarily be an unbiased review. J. Twombly doesn't believe one investigation will bias the other. He added, the scope of the Elijah McClain incident is very narrow, although there was a use of force involved and policies that guide officers' response to certain calls. CM Gardner wants it to be noted that he believes there should be a firewall to make sure that they remain independent and come to their own findings. CM Hiltz added that when they talked to 21CP about the involvement with the Elijah McClain investigation she had similar concerns about some of the other people who worked there. They were very clear that a firewall is something they are open to, even signing a confidentiality agreement in terms of what they're working on. She imagines that if asked to sign an agreement saying there would be a firewall that it wouldn't be a problem with them. The organization isn't housed in a central office but consists of individuals located independently around the country that are part of the same organization. CM Hiltz asked that J. Twombly work with Deputy City Attorney Nancy Rodgers to set up a legal structure to establish the firewall. J. Twombly confirmed he will work with N. Rodgers on this request.

Outcome

Information Only

Follow-up Action

J. Twombly and N. Rodgers will work collaboratively to establish a legal firewall between the two investigations and 21CP investigators.

FIREWORKS UPDATE

Summary of Issue and Discussion

CM Lawson explained that she requested this presentation because there were many complaints that she received this year around the use of fireworks compared to other years. Constituents wanted to know how enforcement was being handled this year and how it would be handled in the future. Some constituents that contacted her stated they were afraid to make calls on their neighbors and didn't want to file complaints even though they knew a certain neighbor might be using illegal fireworks for fear of retaliation. She wants to look at what happened this year where responses were down or in some cases, did not occur at all and what will be done in the future to make sure that occurrences are lower in the future.

Fire Chief Caine Hills presented statistics on complaints, responses, summons, structure and wildland fires. AFR started tracking this data in 2016. He noted a fire ban was in place in 2018 and there were fewer complaints than in 2019 but the responses, much like 2017 were greater than the complaints. What this is attributed to is that the people that were enforcing the ordinance would make contact with the people while driving through the neighborhood as opposed to responding to the queued calls through the Public Safety Communications Dispatch Center (PSC). Data for 2019 was lower than 2018 and was attributed to the amount of rain around the same time that year. The structure fires stayed about the same over all, except 2019 due to the rain. Wildland fires were down for 2019, also due to the moisture. There were 1,987 complaints received in 2020. This is the highest number of complaints received than any other year and responses were significantly down. Wildland fires were average and structure fires were reported as eight.

Planning begins in February with internal stakeholders to include Aurore Fire Rescue, Public Safety Communications, Parks, Recreation, and Open Space (PROS), and Aurora Police. They discuss and evaluate

the environmental climate, communication strategies, complaint process, and enforcement. These meetings take place every month leading up to July 4th. The avenues for complaints include communications center non-emergent line, the 911 line, an events line, and Access Aurora. The events line is separate from the others and is staffed by AFR personnel and additional communications center staff. Issues that they faced this year include: Staffing, APD was unavailable for various reasons on two of the most critical nights of enforcement; Lack of ability to confiscate due to only having three cars available for the whole city, two of which had the ability to confiscate items; Criminal violations require a witness to testify and sign a complaint against the violator. Additional contributing factors include the COVID-19 pandemic, civil unrest, a perception of enforcement, lack of personnel for enforcement, the professional displays were cancelled, and witnesses unwilling to sign a complaint and testify. Enhanced mechanisms for next year include revising the Access Aurora complaint process and form, and scheduled enforcement June 1 through July 15 facilitated by the online complaints. Additional Access Aurora fields suggested includes complainant address, violator address, and confirmation the complainant is willing to sign and testify. AFR inspectors would start enforcement in June based on the Access Aurora submissions. There were 406 complaints entered in Access Aurora on July 4 this year. Through those complaints, they vetted and identified a potential address for each complaint, making contact with 178 community members. Out of all the contacts made, none wanted to file a complaint or was willing to testify. C. Hills believes enforcement from July 1 to July 4 would require 10 cars per district and two personnel per car. Looking at 2020, it has lowest enforcement approach historically. There were 1,987 complaints and 151 responses. Previous years show fewer complaints and responses at about half of those with nine cars allocated from July 1 to July 5. The enforcement approach with nine cars results in contacting half of the complaints. Discussion about number of enforcement cars would be discussed in the planning meetings that begin in February. Social media outreach was also presented to the committee. There were some outliers to the circumstances of enforcement this year that weren't present in years past.

CM Lawson thanked staff for the presentation. She added that she understands the use of the Access Aurora non-emergency line as a method to report illegal firework complaints but that she and other constituents tried to call into the line and couldn't get through. She asked, if they been successful in getting through and able to provide a location where fireworks were being used for hours, would that have resulted in a response? C. Hills explained all three phone numbers available are staffed by PSC personnel. They ask questions of the callers to determine the type of response such as if the fireworks are threatening life, structure, or imminent fire. That is the main criteria to determine to forward to the event line or queue the call for PD or AFR response and enforcement. CM Lawson noted that non-emergency line was on the city website directing people to use but that it was not accessible, and she would like to know if there will be protocol for this in the future for someone that wants to leave a message or get through to a person to report illegal firework complaints She would also like to know if APD and AFR had collaborative meetings beginning in February to discuss possible staffing issues. C. Hills confirmed APD was included in the discussions. He believes that if staffing was the way it was in previous years the ratio of responses would be similar to years past. The critical pieces this year was the reallocation of police to other structures throughout the city due to a protest on July 3 into July 4. V. Wilson confirmed the officers were reallocated in response to the protest at District 1. APD had been responding to protests each weekend for a long period of time that required a great deal of resources. Public Safety Communications Manager Tina Buneta added that the events line was staffed with volunteers and supplemented by emergency communication specialists who were also serving as call-takers on the non-emergency line. During this time frame they were experiencing an influx of opinion calls and reported tens of thousands of calls above the normal call load in the month of June and July resulting in resources being completely overwhelmed. Additionally, they have experienced some turnover as a result of COVID-19 and various other issues. Even with the volunteers, there were times when the delay was in place because they were beyond their bandwidth and the ability to stay on top of the calls.

CM Gardner noted that it was widely publicized that the fireworks issues were a metro-wide issues. It seems

to him that this law is unenforceable with just shy of 2,000 complaints and only three summonses issued. He wants the best use of resources with limited staffing, limited funds, and limited various other things in terms of response. He doesn't believe a response to each valid complaint is possible.

CM Marcano echoes the enforceability concerns mentioned by CM Gardner. He suggested that part of the outreach needs to include the real effects fireworks have on veterans or others with PTSD and pets. Educational information should be distributed because it's more than just a noise and light nuisance as it has detrimental impacts on certain community members. Pushing the animal welfare and the respect for veterans will hopefully help yield greater compliance. It's going to have to come from the community realizing fireworks have consequences rather than the threat of penalizing financially or otherwise.

CM Lawson noted that a concern for her is that she lives in a very close community and people were concerned with the proximity of the fireworks to their homes. Particularly in her neighborhood there are a lot of elderly people and they were scared about the fireworks being ignited near them. She isn't trying to issue tickets but rather bring this up because there was a real concern this year and she's not sure if it's enforceable because it's happening all over, even now. She would like to see the campaign started as early as possible to let people know what's happening in terms of enforcement. Some of her constituents have expressed to her that they would like a ban on all fireworks. She thinks it's something that needs to be addressed in all capacities and is glad they are having this discussion.

C. Hills added that educational information is added to the water bill and they do reference PTSD in the messaging through all the news channels. They will take everything that has been brought up in this conversation and incorporate a bigger and broader messaging plan beginning next year.

MPT Johnston submitted the following comment through the WebEx chat option: I don't need to ask this out loud because of potential time constraints but the recommended June 1 enforcement date is a concern. Police and fire resources writing tickets for violators for a month? I don't know if writing tickets will stop the level of fireworks usage. And Councilmember Gardner addressed a lot of it. Main issue is that June 1 starting date of enforcement.

CM Murillo submitted the following comments through the WebEx chat option: Some recommendations: Put it in the water bill (in May); Reverse phone call or VM drop in June from Fire DP; If we keep fireworks, can we social distance and determine and communicate a Plan A (social distance plan) and Plan B? Perhaps exploring legal time restrictions on firework? I heard firework till 3am+; Can the city help get noise cancelling headphones or contract a deal with a local small business to sound proof homes at cost or a reduced price? They were collaboratively developed with Ward 1 Constituents. I agree with comment on impacts for our Veterans, animals and other who experience anxiety and PTSD. I too have concerns with our ability to enforce the volume of calls on any given year. We need to explore solutions that allow residents to determine the best solution for them.

Outcome

Information Only.

Follow-up Action

None.

FALCK CARDIAC ARREST PRESENTATION

Summary of Issue and Discussion

Fire Commander Rodney Weber introduced Falck Chief Executive Officer David Patterson to start the presentation. The cardiac arrest survival is a systems approach that starts with the public safety

communications professionals, bystanders, APD, AFR, Falck, and hospitals that support the patients. D. Patterson then introduced Shauna King, Falck's Clinical Services Manager, to present to the committee.

S. King presented the 2019 Cardiac Arrest Registry to Enhance Survival (CARES) National Registry report. Sudden cardiac arrest can affect anyone, anywhere at any time. The CARES registry was created by the CDC at Emory School of Medicine in 2004. The mission was to help communities determine standardized outcomes to measure out of hospital cardiac arrests, allowing for quality improvement efforts and benchmarking capabilities to improve care and increase survival. Atlanta, Georgia was the first community to begin data collection and had 600 cases entered in the first year. Now, there are 600 cases entered every three days. CARES has an attachment of 135 million people, or 40% of the US population. To date, the registry has collected over 425,000 records in more than 1,800 EMS communities, and 2,200 households nationwide. Colorado currently has 186 EMS agencies with 63 of those participating in this registry. The goal of CARES is to save more lives. It improves collaboration with 911 call centers, first responders, EMS, and hospitals. What this means is we get real-time CPR instructions to callers, we put first responders with Automated External Defibrillators (AEDs), and EMS and hospitals with feedback on outcomes. This data allows us to answer who are those affected in the community, when and where are cardiac arrests happening, what parts of the system are working well, what parts could work better, and can emergency treatment be improved. All of the data is collected at the local, state, and national level. They look at response intervals, delivery rates for critical intervention, community rates of survival and functional status on discharge.

The city of Aurora tracks closely with state and national percentages with 70% of total cardiac arrests occurring in the home. Because so many occur in the home, focused efforts should be continued on bystander CPR. Many cardiac arrests that occur in the home happen with a bystander present. The community can be impacted greatly with teaching hands-only CPR, giving clear instructions through the 911 dispatch center, and with the activation of Pulse Point which is an application used to notify members of the community that there is a CPR need and a location of an AED. Aurora is currently 8% higher than the national and 10% higher than the state averages for witness cardiac arrests. EMS professionals are initiating CPR 55% of the time. This is not surprising given the short response times and the number of fire stations across the city. However, they would like to see bystander-initiated CPR increase as efforts are focused on pushing hands-only CPR and the addition of Pulse Point. Ninety percent of cardiac arrests have no AED applied prior to EMS arrival. This makes sense because the majority of cardiac arrests occur in the home with no AED access. Aurora is just below state and national bystander intervention rates. When looking at public AED use, Aurora is about 12% lower than the nation and 9% lower than the state. The most common cardiac arrest in Aurora is asystole, or flat-line arrest. This is a non-shockable rhythm and an AED wouldn't be useful. Second most common is VTach/VFib at 31%, which is higher than the national average and AEDs can be used to get a viable perfusing rhythm to save lives. The third most common is called Pulses Electrical Activity (PEA) or Idioventricular (IVR) at 32%. The city of Aurora is 10% higher than the national average and 9% higher than the state average for getting pulses back in the field. Aurora has an 18.5% survival rate for hospital to discharge. That's 6% higher than the state average and 8% higher than the national average. This shows that what police, fire, and EMS are doing is working. Aurora has a 14% cerebral perfusion category score; this is the neurologic outcome or how functional the patient is at discharge. Data shows that if you live in Aurora, you have a one in two chance of survival. This is higher than any other state or national percentages. In conclusion, Aurora recorded 189 transports for cardiac arrests in 2019; more males than females, most occurred in the home, and most were bystander witnessed. Of the 189, 86 survived to hospital admissions, 35 survived to hospital discharge, and 27 of those left with good to moderate cerebral performance.

Outcome

Information Only.

Follow-up Action

None.

HIGH RISK STOPSSummary of Issue and Discussion

Police Sergeant T. John Railsback presented this item to the committee. He noted that there will be several references throughout the presentation for the phrase “totality of the circumstances” and asked the committee to think of that as meaning all things considered or everything police would be looking at on a call. He explained the following presentation would be covering how APD gets information about stolen vehicles and how it is shared. The most common way a stolen vehicle is reported is from a citizen calling to report the vehicle stolen. This is the entry point for getting the vehicle and license plate listed locally through (CCIC) and nationally (NCIC) as stolen. Details can be added to the notes to give officers insight on additional circumstances around the vehicle. The vehicle is also added to the BOSS license plate reader system. There are several BOSS cameras throughout the city in addition to privately owned cameras that also have access. Another common way that officers get alerted to stolen vehicles or misused plates is an officer is dispatched as a result of a call or during proactive enforcement. The officer runs the plate to clear it through CCIC/NCIC and they get confirmation that either the car is reported stolen and/or the plates are misused. Examples of an accurate camera reading and a mis-read from the camera system was provided to the committee. An example of a CCIC query was provided to the committee showing what could be seen.

The current POST required training goals for stolen vehicle response include: Examine the setup of an unknown risk and high-risk traffic contact using appropriate tactics and officer safety; Demonstrate the ability to change from an unknown risk vehicle contact to a high-risk vehicle contact when circumstances dictate; and, through the use of practical exercises, demonstrate the ability to select the appropriate tactics and resources to utilize upon the environment and circumstances of the contact. Current traffic stop options that are currently being used locally and nationally include routine, low to high, and high. Routine could be associated with a speeding ticket. Low to High could start as a routine stop and then officers see something that would escalate such as the presence of a weapon in the vehicle. High risk stops include contact with someone that is known or believed to be armed or involved in violent crimes. At the Chief’s direction, academy staff is discussing adding other levels such as high to low or even low to walk away. In polling other agencies, Aurora would be the first major metropolitan police department to incorporate such changes into training. The high-risk stop can be utilized in situations where you believe the need for more control is warranted. Things to consider might include time of day, location, number of suspects in the vehicle, reason for the stop, and/or compliance of the suspects.

Aurora statistics from the Colorado Bureau of Investigations (CBI) website were provided on stolen versus recovered vehicles for 2015-2019. CBI statistics for motor vehicle nexus to crime in 2019 shows 55.4% as being related to drug/narcotic violations, 30.1% related to weapons violations, and 14.5% related to drug equipment violations. This information would be reported from multiple sources. Statistics on the nexus to stolen vehicles and violent crimes indicate 80% are related to aggravated assaults and 20% related to rape. Further breakdown of the type of crimes is not provided. The direction provided in the academy, on-going training, and directives allow officers some ability to influence tense, uncertain and rapidly evolving situations by evaluating the totality of the circumstances. Officers are encouraged throughout their training at APD to make determinations ongoing about the totality of the circumstances. Current training tactics include, safe response to dangerous calls to keep everyone safe, accurate investigations, slow everything down, calm a tense situation, more control equals rapid de-escalation of force, and decision making based upon the situation. The bias based policing policy dictates that sworn members must have reasonable suspicion supported by specific articulable facts, that persons contacted regarding their identification, activity or location, has, is, or is about to commit a violation of the law or presently constitutes a threat to

the safety of themselves or others. Officers should look at the entire situation, figure out what is going on, and then investigate it. Additionally, as supported by training, directives, and law, bias based policing will not be used as a basis for anything an officer does. Officers should be looking specifically at people's behavior, not who they are, as tactics are chosen.

CM Hiltz, referencing the policy bias-based policing policy, believes that to be the intent when it's written into policy but doesn't believe that to be the case in practice. It looks good on paper to say there is no bias-based policing but to say that anyone isn't biased is not true and she thinks the past several years have confirmed that it isn't true in Aurora. She appreciates that it's in policy but believes there to be a problem and it's much bigger than one incident and it's much bigger than this specific policy. She believes there to be a lot of things in policy that aren't being practiced the way they should be. V. Wilson appreciates the comments and added that APD is working to bring training about the specific issue and she looks forward to the ongoing investigations so APD can make changes, rebuild trust, and make sure to abide by the directives.

CM Hiltz would like to see information on the percentage of stolen vehicles that have a crime attached to them. Of the vehicles stolen, what percentage have connections to crimes. The way the data was presented indicates 100% of the stolen vehicles have one of those three crimes attached. She would like to know if there is a way to break that information down. Sergeant Matt Novak said he didn't have the specific data for this meeting. CM Hiltz would like this data for a future meeting because she would like to see what percentage of cars being pulled over as a stolen vehicle are actually attached to any crimes, overall. Sgt. Novak will reach out to CM Hiltz directly to make sure the information provided is what she is asking for. CM Hiltz confirmed after the meeting that Sgt. Novak did reach out to her and he was asked to formalize the information he provided to in a memo for the September 10 meeting.

CM Gardner, referring to the bias-based policing policy, is concerned that if they are unenforceable or people break them, then they don't amount to much. Specific to this policy, he would like to know how officers are trained to comply with it and how is performance tracked or measured. It would seem somewhat subjective so he's not sure how it would be trained or enforced. Because everyone has bias so it's just a matter of being able to do the police work without bringing those biases forward. V. Wilson confirmed that the academy teaches a bias based policing class. If biases are uncovered through complaints by citizens or complaints by staff, it would be referred for investigation by Internal Affairs. Sgt. Railsback confirmed training above the amount required by POST is provided in the basic academy curriculum for anti-bias and implicit bias. An additional five-hour online training was pushed out to sworn officers this year on implicit bias. The curriculum was selected because it was specific to police officers. CM Gardner would like to get more detail specific to this item when the training presentation is brought to this committee in the future. CM Gardner would like more information about the categories for high-risk stops as presented to understand the thought process when an officer is making that determination. Sgt. Railsback explained the training is consistent with the way Colorado prefers officers to look at all calls. When speaking about the totality of circumstances, the law doesn't make an exhaustive list of all the things that could be possible. What it requires is that the officer consider all the factors to form a schema. When it talks about the time of day there is a lot of data around certain times of day that crime tends to be higher. Sgt. Railsback gave an example of a vehicle parked outside of a business that the officer knows is open so that likely wouldn't rise to the level of concern. However, an officer who is paying attention and is aware of his/her area would know that a certain business wouldn't be open on a Sunday at 2am and question why a car is parked outside. Other considerations would be related to the area and if statistics indicate it is a higher crime area or if there has been an increase of crime recently.

CM Lawson gave an example about her friend that was pulled over for no reasonable cause except that he was driving an expensive vehicle in a certain neighborhood that maybe someone thought he shouldn't have

been in. She would like to know what the implicit bias training will look like if everyone has bias. V. Wilson said the specific example with her friend could be reviewed and identify the reason for the stop. Going forward with the training she plans to work with the Diversity, Equity and Inclusion (DEI) Officer as well as having training staff talk about why stops are made and check implicit biases or anything that may be influencing the decisions being made. Implicit bias conversations are important and one that APD will continue to have.

CM Marcano thanked staff for the presentation. He's happy to see there will be improvements on the policies to allow for leeway. It's evident by the presentation that the stop earlier in the week wasn't executed correctly and appreciates that V. Wilson acknowledges such. He would like to know what actionable steps can be reported back to the community to ensure that this will not happen in Aurora again. V. Wilson noted that while she can't make a guarantee that it will not happen again, she can direct that implicit bias training continues, and conversation are had because people believe that APD is policing with bias and that needs to be addressed. She is going to continue pursuing facilitated training and working with DEI for citywide training on implicit bias. The academy staff are also working on additional training in response to the stop last weekend to make sure everyone knows it is their responsibility to acknowledge when a call is going wrong and feel empowered to correct it. Academy staff is producing a training video that instructs officers to adapt their tactics based on what is in front them and requires them to use common sense.

CM Lawson would like to know if there is some type of training that would conceal the identity of the person so the officers train while not knowing the color of the person in the training scenario until afterwards. This could show if people are being treated equitably. V. Wilson noted that she is looking at many different trainings and will look at incorporating something like this in future training.

CM Marcano suggests that systems of oppression training be added to the curriculum. He believes it to be important because it adds historical context that ties in with implicit bias. More importantly, it allows officers to get another look at how large portions of the population see the relationship of law enforcement and community. Better outcomes could be achieved with this. He added he would also like to see better data related to the nexus of stolen vehicles and other crime. He would also like to reiterate his previous ask regarding gathering socio-economic data because having that could be very useful to lawmakers and representatives to come up with better actions through their role in this process. V. Wilson confirmed she will be requesting DEI to bring multiple trainings forward and the request for socio-economic data is on the list of things to do.

Division Chief Lee Condrey noted that he went on the CBI website to get the data she requested earlier in he presentation. In 2019, there were 22,031 motor vehicle thefts with 4,155 motor vehicle incidents with associated crimes. CM Hiltz noted that those statistics are very telling in how this issue is handled. She requested that the data be provided for the record.

Outcome

Information Only

Follow-up Action

Additional statistics requested by CM Hiltz.

MISCELLANEOUS ITEMS FOR CONSIDERATION

None.

NEXT MEETING AGENDA ITEMS

The next meeting was confirmed for August 27 at 11am. Agenda items will include presentations from Crisis Response Team (CRT), Employee Support and Wellness Unit (ESWU), a presentation from APD on Arrestable offenses, traffic stops and non-violent crime. Also included will be an update from MPT Johnston on the Community Task Force, and CM Lawsons No-Knock Warrant Ordinance.

Future meetings were identified as September 10, September 17, October 8, and October 29. Staff will update the calendar invitations.

Meeting adjourned at 12:55pm

APPROVED: _____
Allison Hiltz, Chair



Public Safety, Courts and Civil Service Policy Committee Agenda Item Commentary

Item Title: Community Police Task Force Update
Item Initiator: Danelle Carrel
Staff Source: Deputy City Manager Jason Batchelor
Deputy City Manager Signature:
Outside Speaker:
Council Goal: 1.0: Assure a safe community for people--2012: 1.0--Assure a safe community for peopl

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

Monthly update to the Committee on the Community Police Task Force

QUESTIONS FOR Committee

EXHIBITS ATTACHED:



**Public Safety, Courts and Civil Service Policy Committee
Agenda Item Commentary**

Item Title: Crisis Response Models
Item Initiator: Danelle Carrel
Staff Source: City Manager Jim Twombly
Deputy City Manager Signature:
Outside Speaker:
Council Goal: 1.0: Assure a safe community for people--2012: 1.0--Assure a safe community for peopl

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*
Verbal presentation from City Manager Jim Twombly and Chairperson Allison Hiltz.

QUESTIONS FOR Committee

EXHIBITS ATTACHED:



Public Safety, Courts and Civil Service Policy Committee Agenda Item Commentary

Item Title: Police Policy Review Investigator Update
Item Initiator: Danelle Carrel
Staff Source: City Manager Jim Twombly
Deputy City Manager Signature:
Outside Speaker:
Council Goal: 1.0: Assure a safe community for people--2012: 1.0--Assure a safe community for peopl

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

Committee members had asked questions regarding the City's engagement with 21CP Solutions and how that scope of work compares to the Patterns and Practice investigation being done by the State Attorney General. In a meeting with members of the Colorado Attorney General's Office they described their approach to conducting the Patterns and Practices investigation as follows. They said they would begin with the Elijah McClain incident looking for violations of law: state, federal or constitutional. They would then look at whether Aurora Police have violated laws with any regularity. Their approach is that they have not prejudged that the department has done this. If they find there has been any pattern or practice if violations they would work with Aurora to find solutions going forward. They are interested in changes already to made to either Police Department Directives or Ordinance amendments, such as the ban on carotid holds. Such changes could alter their investigation and any eventual agreement with the City, if for example they found that use of carotid holds was in violation of an individual's constitutional rights: we would have already implemented the solution. The 21CP Solutions scope of work is that they will conduct a comprehensive assessment of APD's current practices, procedures and operations, including: - use of force - discriminatory policing and bias-free policing practices - officer misconduct and accountability - officer recruitment, hiring and retention - community policing and engagement - technology and resources - civilian complaints - officer wellness, employee assistance and professional development - supervision and leadership development - stops searches and arrests - interactions with vulnerable populations - crisis intervention and interactions with individuals experiencing behavioral health challenges and other topics that might arise during the course of the review. In the course of their work they will: - Review APD policies, procedures, and protocols; - Conduct qualitative audits of APD's use of force and misconduct investigations; - Analyze aggregate data regarding APD enforcement activities; - Convene one-on-one, focus groups, and larger feedback sessions with APD

personnel; - Engage with community members to hear history, experiences, values, concerns, and ideas for the future. In addition to the two investigations noted above, I wanted to initiate a discussion about a position in the City Auditor's office focused on Police. Accountability and transparency are central to fair, safe and effective community policing: it deters misconduct and opens the door for the community to determine whether the department is adhering to its policies and directives, conducting itself in compliance with laws and training and helps to build community trust. The Office of the City Auditor conducts audits each year of the Police department as part of its normal scope of work. In 2020, we initiated an audit of the body worn camera program including the Police Department's policies, assignment and activation, among other aspects of the program. The audit is looking at national best practices compared to our polices, review a sample of cases where activation should have taken place, and overall compliance and documentation. This audit is timely in light of the body worn camera issues during the Elijah McClain incident. I feel that dedicating a full-time position to continue to conduct an audit function of the Police Department is something we can do now to help promote that needed accountability and transparency. In some cities with an independent monitor there is an audit function included in that office. For example, the Austin, Texas Office of the Police Monitor conducts systemic audits of police department activities and makes policy recommendations as does Atlanta's Citizens Review Board. In addition, the National Alliance for Civilian Oversight of Law Enforcement in its primer on civilian oversight says that greater accountability comes with assessing officer and departmental compliance with local policies and directives and state and federal law and institutionalizing and sustaining reforms. It also aids in evaluating the integrity and effectiveness of internal police accountability systems. The job of the police auditor for Aurora would consist of the above. Creation of this position for Aurora would not detract from the effort of evaluating the independent monitor options for our Police Department. Rather, instituting this function now gives us a head start in helping with accountability, integrity and transparency.

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

Update of the Aurora Police Policy investigation for the committee.

QUESTIONS FOR Committee

EXHIBITS ATTACHED:



Public Safety, Courts and Civil Service Policy Committee Agenda Item Commentary

Item Title: An Ordinance of the City Council of the City of Aurora, Colorado, adopting Section 2-234(b) of the City Code Pertaining to the Prohibition of No-Knock Warrants by Law Enforcement
Item Initiator: Danelle Carrel
Staff Source: Deputy City Attorney Nancy Rodgers
Deputy City Manager Signature:
Outside Speaker:
Council Goal: 1.0: Assure a safe community for people--2012: 1.0--Assure a safe community for peopl

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

Councilmember Lawson requested staff prepare an ordinance pertaining to a prohibition on the execution of no knock warrants following the tragic death of Breonna Taylor in Louisville, Kentucky.

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

This ordinance would require that the Aurora Police Department have a policy prohibiting APD officers from executing a warrant that does not require the officer to first announce the officer's presence and authority before forcibly entering a premise.

QUESTIONS FOR Committee

Does the Committee agree to move this item forward to City Council for discussion at the next available Study Session?

EXHIBITS ATTACHED:

Lawson - No Knock Ordinance (PSCCS 8-27-20).pdf

ORDINANCE NO. 2020- ____

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA,
COLORADO, ADOPTING SECTION 2-234(b) OF THE CITY CODE PERTAINING TO THE
PROHIBITION OF NO-KNOCK WARRANTS BY LAW ENFORCEMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA,
COLORADO:

Section 1. The City Code of the City of Aurora, Colorado, is hereby amended by adding a subsection, to be numbered 2-434(b), which subsection reads as follows:

Sec. 2-434 –Police Practices

- (b) Prohibition of No-Knock Warrants. The Aurora Police Department shall adopt policies, subject to the approval of the City Manager or his or her designee, prohibiting an Aurora police officer from executing a warrant that does not require the law enforcement officer serving the warrant to provide notice of the officer’s authority and purpose before forcibly entering a premise.**

Section 2. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 3. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this Ordinance shall be by reference, utilizing the ordinance title. Copies of this Ordinance are available at the Office of the City Clerk.

Section 4. All acts, orders, resolutions, ordinances, or parts thereof, in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

INTRODUCED, READ AND ORDERED PUBLISHED this ____ day of _____, 2020.

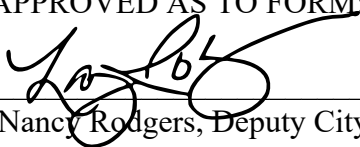
PASSED AND ORDERED PUBLISHED this _____ day of _____, 2020.

MIKE COFFMAN, Mayor

ATTEST:

Susan Barkman, Interim City Clerk

APPROVED AS TO FORM:



Nancy Rodgers, Deputy City Attorney



Public Safety, Courts and Civil Service Policy Committee Agenda Item Commentary

Item Title: Employee Support and Wellness Unit Presentation
Item Initiator: Danelle Carrel
Staff Source: Sergeant Mike Pitrusu
Deputy City Manager Signature:
Outside Speaker: Dr. Jamie Brower, CEO and Founder of Brower Psychological
Council Goal: 1.0: Assure a safe community for people--2012: 1.0--Assure a safe community for peopl

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

Presentation will discuss the basic programs and support services provided by the Employee Support and Wellness Unit (ESWU). The attached Power Point highlights those ESWU programs and goes into detail about the police department's reintegration program, and more specifically, post-critical incident reintegration. The supporting documentation includes police policies 2.08 Duty Status of Members and 05.06 Officer Involved Shootings, which supports/directs the actions taken by ESWU. The IACP (International Association Chiefs of Police) Officer-Involved Shooting Guidelines are the minimum standards for pre and post-critical incident care. These standards were developed by the IACP Psychological Services Section and recently re-ratified in 2018. The IACP Police Psychological Services Section is comprised of experienced police psychologists. Dr. Jaime Brower (Brower Psychological -APD contracted clinician) is a American Board Certified Police and Public Safety Psychology and serves on the IACP board as their academy president. The recommendations in the IACP Officer-Involved Shooting Guidelines were in place at the Aurora Police Department prior to SB19-091 being passed last year, which Dr. Brower assisted in writing as a subject matter expert. The supporting material titled, Pillar 6-Officer Wellness and Safety is pulled from the Final Report of the President's Task Force on 21st Century Policing. There were six pillars identified for police reform, Officer Wellness being one.

QUESTIONS FOR Committee

EXHIBITS ATTACHED:

2.08 Duty Status of Members-Reintegration.pdf
21st century policing.pdf
5.6 Officer Involved Shootings.pdf
ESWU Public Safety 2020.pdf
IACP Officer Involved Shooting Guidelines 2018.pdf

Employee Support & Wellness Unit

SERGEANT MIKE PITRUSU
OFFICER EMILY HITCHINGS



Resiliency from Hire to Retire

Start Strong.
End Stronger.



Support Services



Peer Support



Lethal Response Team



Psychological Services



Chaplaincy Program

What we do...

- ▶ Peer Support Program
- ▶ Trauma Response Team
- ▶ Lethal Response Team
- ▶ Pre-retirement education & support*
- ▶ Family Academy & Family events
- ▶ Reintegration Program
- ▶ Individualized Care Plans
- ▶ Increased recruit training
- ▶ Officer/Supervisor Training
- ▶ Wellness Check-Ins
- ▶ On-going resiliency programs
- ▶ “Resilient Officer” forums
- ▶ On-site physical therapy clinic*
- ▶ Liaison with city HR for FMLA, and any member on “other than full duty” status
- ▶ Financial counseling

*Programs in Development

Reintegration Program

- Program that promotes a healthy return to duty
- Absence from duty
 - Critical incident
 - Military service over 90 days
 - Extended absence of 90 days+ from enforcement duties
 - Any extended absence as identified by Chief of Police
- Administered by ESWU
 - Training Academy, Psychological Services, FTO Coordinator, Military Liaison Officer and others
- Individualized plan
 - Based on nature, duration and significance of absence
 - Focus on psychological health, physical skills and job transition
 - Plan customized by ESWU, involved member and other specialists
- ▶ **Critical Incident Reintegration**
 - ▶ Incident involving deadly force
 - ▶ Incident resulting in death or SBH
 - ▶ Member suffering significant injury by offender
 - ▶ Any incident deemed by Chief of Police
- ▶ Response by LRT and other trained personnel
- ▶ Administrative leave for 5 days, subject to extension
- ▶ Mandated visit with psychological services clinician
- ▶ Non-enforcement detail
- ▶ Reintegration Program/Individualized Plan
- ▶ CISM debriefing
- ▶ Administrative Review for full duty return

Questions?

PILLAR 6. OFFICER WELLNESS & SAFETY

The wellness and safety of law enforcement officers is critical not only to themselves, their colleagues, and their agencies but also to public safety.

Most law enforcement officers walk into risky situations and encounter tragedy on a regular basis. Some, such as the police who responded to the carnage of Sandy Hook Elementary School, witness horror that stays with them for the rest of their lives. Others are physically injured in carrying out their duties, sometimes needlessly, through mistakes made in high stress situations. The recent notable deaths of officers are stark reminders of the risk officers face. As a result, physical, mental, and emotional injuries plague many law enforcement agencies.

However, a large proportion of officer injuries and deaths are not the result of interaction with criminal offenders but the outcome of poor physical health due to poor nutrition, lack of exercise, sleep deprivation, and substance abuse. Yet these causes are often overlooked or given scant attention. Many other injuries and fatalities are the result of vehicular accidents.

The wellness and safety of law enforcement officers is critical not only to themselves, their colleagues, and their agencies but also to public safety. An officer whose capabilities, judgment, and behavior are adversely affected by poor physical or psychological health not only may be of little use to the community he or she serves but also may be a danger to the community and to other officers. As task force member Tracey Meares observed, "Hurt people can hurt people."¹⁰⁶

106. Listening Session on Officer Safety and Wellness (comment of Tracey Meares, task force member, for the President's Task Force on 21st Century Policing, Washington, DC, February 23, 2015).

Commenting on the irony of law enforcement's lack of services and practices to support wellness and safety, Dr. Laurence Miller observed in his testimony that supervisors would not allow an officer to go on patrol with a deficiently maintained vehicle, an un-serviced duty weapon, or a malfunctioning radio—but pay little attention to the maintenance of what is all officers' most valuable resource: their brains.¹⁰⁷

Officer suicide is also a problem; a national study using data of the National Occupational Mortality Surveillance found that police died from suicide 2.4 times as often as from homicides. And though depression resulting from traumatic experiences is often the cause, routine work and life stressors—serving hostile communities, working long shifts, lack of family or departmental support—are frequent motivators too.

In this pillar, the task force focused on many of the issues that impact and are impacted by officer wellness and safety, focusing on strategies in several areas: physical, mental, and emotional health; vehicular accidents; officer suicide; shootings and assaults; and the partnerships with social services, unions, and other organizations that can support solutions.

107. Listening Session on Officer Safety and Wellness (oral testimony of Laurence Miller, psychologist, for the President's Task Force on 21st Century Policing, Washington, DC, February 23, 2015).

Physical injuries and death in the line of duty, while declining, are still too high. According to estimates of U.S. Bureau of Labor Statistics, more than 100,000 law enforcement professionals are injured in the line of duty each year. Many are the result of assaults, which underscores the need for body armor, but most are due to vehicular accidents.

To protect against assaults, Orange County (Florida) Sheriff Jerry Demings talked about immersing new officers in simulation training that realistically depicts what they are going to face in the real world. "I subscribe to an edict that there is no substitute for training and experience . . . deaths and injuries can be prevented through training that is both realistic and repetitive."¹⁰⁸

But to design effective training first requires collecting substantially more information about the nature of injuries sustained by officers on the job. Dr. Alexander Eastman's testimony noted that the field of emergency medicine involves the analysis of vast amounts of data with regard to injuries in order to improve prevention as well as treatment.

In order to make the job of policing more safe, a nationwide repository for [law enforcement officer] injuries sustained is desperately needed. A robust database of this nature, analyzed by medical providers and scientists involved in law enforcement, would allow for recommendations in tactics, training, equipment, medical care and even policies/procedures that are grounded in that interface between scientific evidence, best medical practice, and sound policing.¹⁰⁹

108. Listening Session on Officer Safety and Wellness: Officer Safety (oral testimony of Jerry Demings, sheriff, Orange County, FL, for the President's Task Force on 21st Century Policing, Washington, DC, February 23, 2015).

109. Listening Session on Officer Safety and Wellness: Officer Safety (oral testimony of Dr. Alexander Eastman, lieutenant and deputy medical director, Dallas Police Department, for the President's Task Force on 21st Century Policing, Washington, DC, February 23, 2015).

Poor nutrition and fitness are also serious threats, as is sleep deprivation. Many errors in judgment can be traced to fatigue, which also makes it harder to connect with people and control emotions. But administrative changes such as reducing work shifts can improve officer's feelings of well-being, and the implementation of mental health strategies can lessen the impact of the stress and trauma.

However, the most important factor to consider when discussing wellness and safety is the culture of law enforcement, which needs to be transformed. Support for wellness and safety should permeate all practices and be expressed through changes in procedures, requirements, attitudes, and behaviors. An agency work environment in which officers do not feel they are respected, supported, or treated fairly is one of the most common sources of stress. And research indicates that officers who feel respected by their supervisors are more likely to accept and voluntarily comply with departmental policies. This transformation should also overturn the tradition of silence on psychological problems, encouraging officers to seek help without concern about negative consequences.

Partnerships are another crucial element. An agency cannot successfully tackle these issues without partners such as industrial hygienists, chaplains, unions, and mental health providers. But no program can succeed without buy-in from agency leadership as well as the rank and file.

The "bulletproof cop" does not exist. The officers who protect us must also be protected—against incapacitating physical, mental, and emotional health problems as well as against the hazards of their job. Their wellness and safety are crucial for them, their colleagues, and their agencies, as well as the well-being of the communities they serve.



Elliot Cohen of the Maryland State Police speaks about technology usage while Madhu Grewal of the Constitution Project waits her turn to testify, Cincinnati, January 31, 2015. PHOTO: DEBORAH SPENCE

6.1 RECOMMENDATION: The U.S. Department of Justice should enhance and further promote its multi-faceted officer safety and wellness initiative.

As noted by all task force members during the listening session, officer wellness and safety supports public safety. Officers who are mentally or physically incapacitated cannot serve their communities adequately and can be a danger to the people they serve, to their fellow officers, and to themselves.

6.1.1 ACTION ITEM: Congress should establish and fund a national “Blue Alert” warning system.

Leveraging the current Amber Alert program used to locate abducted children, the Blue Alert would enlist the help of the public in finding suspects after a law enforcement officer is killed in the line of duty. Some similar state systems do exist, but there are large gaps; a national system is needed. In addition to aiding the apprehension of suspects, it would send a message about the importance of protecting law enforcement from undue harm.

6.1.2 ACTION ITEM: The U.S. Department of Justice, in partnership with the U.S. Department of Health and Human Services, should establish a task force to study mental health issues unique to officers and recommend tailored treatments.

Law enforcement officers are subject to more stress than the general population owing to the nature of their jobs. In addition to working with difficult—even hostile—individuals, responding to tragic events, and sometimes coming under fire themselves, they suffer from the effects of everyday stressors—the most acute of which often come from their agencies, because of confusing messages or non-supportive management; and their families, who do not fully understand the pressures the officers face on the job. And as witness Laurence Miller said, “When both work and family relations fray, the individual’s coping abilities can be stretched to the limit, resulting in alcohol abuse, domestic violence, overaggressive policing, even suicide.”¹¹⁰

110. Listening Session on Officer Safety and Wellness (oral testimony of Laurence Miller, psychologist, for the President’s Task Force on 21st Century Policing, Washington, DC, February 23, 2015).

To add to the problems of those suffering from psychological distress, law enforcement culture has not historically supported efforts to treat or even acknowledged mental health problems, which are usually seen as a sign of “weakness.” The challenges and treatments of mental health issues should therefore be viewed within the context of law enforcement’s unique culture and working environment.

This task force should also look to establish a national toll-free mental health hotline specifically for police officers. This would be a fast, easy, and confidential way for officers to get advice whenever they needed to; and because they would be anonymous, officers would be more likely to take advantage of this resource. Since nobody understands the challenges an officer faces like another officer, it should be peer driven—anonously connecting callers to officers who are not in the same agency and who could refer the caller to professional help if needed. An advisory board should be formed to guide the creation of this hotline service.

6.1.3 ACTION ITEM: The Federal Government should support the continuing research into the efficacy of an annual mental health check for officers, as well as fitness, resilience, and nutrition.

Currently, most mental health checks are ordered as interventions for anger management or substance abuse and are ordered reactively after an incident. Mental health checks need to be more frequent to prevent problems. Because officers are exposed to a wide range of stressors on a continuous basis as part of their daily routines, mental and physical health check-ups should be conducted on an ongoing basis. Furthermore, officer nutrition and fitness issues change with time, varying widely from those of the new academy graduate

to those of the veteran who has spent the last five years sitting in a squad car. Many health problems—notably cardiac issues—are cumulative.

6.1.4 ACTION ITEM: Pension plans should recognize fitness for duty examinations as definitive evidence of valid duty or non-duty related disability.

Officers who have been injured in the line of duty can exist in limbo, without pay, unable to work but also unable to get benefits because the “fitness for duty” examinations given by their agencies are not recognized as valid proof of disability. And since officers, as public servants, cannot receive social security, they can end up in a precarious financial state.

6.1.5 ACTION ITEM: Public Safety Officer Benefits (PSOB) should be provided to survivors of officers killed while working, regardless of whether the officer used safety equipment (seatbelt or anti-ballistic vest) or if officer death was the result of suicide attributed to a current diagnosis of duty-related mental illness, including but not limited to post-traumatic stress disorder (PTSD).

Families should not be penalized because an officer died in the line of duty but was not wearing a seat belt or body armor. Though these precautions are very important and strongly encouraged, there are occasions when officers can be more effective without them.¹¹¹

A couple of situations were mentioned by task force member Sean Smoot, who described the efforts of an officer who took off his seat belt to tend to the injuries of a victim in the back of the car as his partner sped to the hospital. Another

111. Listening Session on Officer Safety and Wellness: Voices from the Field (oral testimony of William Johnson, executive director, National Association of Police Organizations, for the President’s Task Force on 21st Century Policing, Washington, DC, February 23, 2015).

scenario he mentioned was the rescue of a drowning woman by an officer who shed his heavy body armor to go into the water. Charles Ramsey, task force co-chair, also noted that these types of situations could be further mitigated by the invention of seatbelts that officers could quickly release without getting tangled on their belts, badges, and radios, as well as body armor that is lighter and more comfortable.

6.2 RECOMMENDATION: Law enforcement agencies should promote safety and wellness at every level of the organization.

Safety and wellness issues affect all law enforcement professionals, regardless of their management status, duty, or tenure. Moreover, line officers are more likely to adopt procedures or change practices if they are advised to do so by managers who also model the behavior they encourage. According to witness David Orr, buy-in from the leaders as well as the rank and file is essential to the success of any program.¹¹²

6.2.1 ACTION ITEM: Though the Federal Government can support many of the programs and best practices identified by the U.S. Department of Justice initiative described in recommendation 6.1, the ultimate responsibility lies with each agency.

112. Listening Session on Officer Safety and Wellness (oral testimony of David Orr, sergeant, Norwalk (CT) Police Department, to the President's Task Force on 21st Century Policing, Washington, DC, February 23, 2015).

Though legislation and funding from the Federal Government is necessary in some cases, most of the policies, programs, and practices recommended by the task force can and should be implemented at the local level. It is understood, however, that there are no "one size fits all" solutions and that implementation will vary according to agency size, location, resources, and other factors.

6.3 RECOMMENDATION: The U.S. Department of Justice should encourage and assist departments in the implementation of scientifically supported shift lengths by law enforcement.

It has been established by significant bodies of research that long shifts can not only cause fatigue, stress, and decreased ability to concentrate but also lead to other more serious consequences.¹¹³ Fatigue and stress undermine not only the immune system but also the ability to work at full capacity, make decisions, and maintain emotional equilibrium. Though long shifts are understandable in the case of emergencies, as a standard practice they can lead to poor morale, poor job performance, irritability, and errors in judgment that can have serious, even deadly, consequences.

6.3.1 ACTION ITEM: The U.S. Department of Justice should fund additional research into the efficacy of limiting the total number of hours an officer should work within a 24–48-hour period, including special findings on the maximum number of hours an officer should work in a high risk or high stress environment (e.g., public demonstrations or emergency situations).

113. Bryan Vila, *Tired Cops: The Importance of Managing Police Fatigue*, (Washington, DC: Police Executive Research Forum, 2000), Mora L. Fiedler, *Officer Safety and Wellness: An Overview of the Issues* (Washington, DC: Office of Community Oriented Policing Services, 2011), 4, <http://cops.usdoj.gov/pdf/OSWG/e091120401-OSWGReport.pdf>.



Christina Brown of Black Lives Matter Cincinnati speaks about mass demonstrations while Superintendent Garry McCarthy of the Chicago Police Department looks on, Cincinnati, January 30, 2015.

PHOTO: DEBORAH SPENCE

6.4 RECOMMENDATION: Every law enforcement officer should be provided with individual tactical first aid kits and training as well as anti-ballistic vests.

Task force witness Dr. Alexander Eastman, who is a trauma surgeon as well as a law enforcement professional, noted that tactical first aid kits would significantly reduce the loss of both officer and civilian lives due to blood loss. Already available to members of the military engaged in combat missions, these kits are designed to save lives by controlling hemorrhaging. They contain tourniquets, an Olaes modular bandage, and QuikClot gauze and would be provided along with training in hemorrhage control. Dr. Eastman estimated that the kits could cost less than \$50 each and require about two hours of training, which could be provided through officers who have completed “train the trainer” programs.¹¹⁴

This would be a national adoption of the Hartford Consensus, which calls for agencies to adopt hemorrhage control as a core law enforcement skill and

114. Listening Session on Officer Safety and Wellness: Officer Safety (oral testimony of Dr. Alexander Eastman, lieutenant and deputy medical director, Dallas Police Department, for the President’s Task Force on 21st Century Policing, Washington, DC, February 23, 2015).

to integrate rescue/emergency medical services personnel into community-wide active shooter preparedness and training. These activities would complement the current “Save Our Own” law enforcement-based hemorrhage control programs.¹¹⁵

To further reduce officer deaths, the task force also strongly recommends the provision of body armor to all officers with replacements when necessary.

6.4.1 ACTION ITEM: Congress should authorize funding for the distribution of law enforcement individual tactical first aid kits.

6.4.2 ACTION ITEM: Congress should reauthorize and expand the Bulletproof Vest Partnership (BVP) program.

Created by statute in 1998, this program is a unique U.S. Department of Justice initiative designed to provide a critical resource to state and local law enforcement. Based on data collected and recorded by Bureau of Justice Assistance staff,

115. M. Jacobs Lenworth, Jr., “Joint Committee to Create a National Policy to Enhance Survivability from Mass Casualty Shooting Events: Hartford Consensus II,” *Journal of the American College of Surgeons* 218, no. 3 (March 2014): 476–478.

in FY 2012 protective vests were directly attributed to saving the lives of at least 33 law enforcement and corrections officers.

6.5 RECOMMENDATION: The U.S. Department of Justice should expand efforts to collect and analyze data not only on officer deaths but also on injuries and “near misses.”

Another recommendation mentioned by multiple witnesses is the establishment of a nationwide repository of data on law enforcement injuries, deaths, and near misses. Though the Federal Bureau of Investigation (FBI) does maintain a database of information pertinent to police procedures on officers killed in the line of duty, it does not contain the medical details that could be analyzed by medical providers and scientists to improve medical care, tactics, training, equipment, and procedures that would prevent or reduce injuries and save lives. The Police Foundation, with the support of a number of other law enforcement organizations, launched an online Law Enforcement Near Miss Reporting System in late 2014, but it is limited in its ability to systematically analyze national trends in this important data by its voluntary nature.¹¹⁶

6.6 RECOMMENDATION: Law enforcement agencies should adopt policies that require officers to wear seat belts and bullet-proof vests and provide training to raise awareness of the consequences of failure to do so.

According to task force witness Craig Floyd, traffic accidents have been the number one cause of officer fatalities in recent years, and nearly half of those officers were not wearing seat belts.¹¹⁷ He

116. Deborah L. Spence, “One on One with LEO Near Miss,” *Community Policing Dispatch* 8, no. 2 (February 2015), http://coops.usdoj.gov/html/dispatch/02-2015/leo_near_miss.asp.

117. Listening Session on Officer Safety and Wellness (oral testimony of Craig Floyd, National Law Enforcement Officer Memorial Foundation, for the President’s

suggests in-car cameras and seat belt sensors to encourage use along with aggressive safety campaigns. Some witnesses endorsed mandatory seat belt policies as well.

The Prince George’s County (Maryland) Arrive Alive Campaign initiated by task force witness Chief Mark Magraw to promote 100 percent seat belt usage relied on incentives and peer pressure for success. The message was, “it is not just about you, it is also about your family and your department.”¹¹⁸

There were also many calls for mandatory requirements that all officers wear soft body armor any time they are going to be engaging in enforcement activities, uniformed or not. It was also suggested that law enforcement agencies be required to provide these for all commissioned personnel.

6.7 RECOMMENDATION: Congress should develop and enact peer review error management legislation.

The task force recommends that Congress enact legislation similar to the Healthcare Quality Improvement Act of 1986¹¹⁹ that would support the development of an effective peer review error management system for law enforcement similar to what exists in medicine. A robust but nonpunitive peer review error management program—in which law enforcement officers could openly and frankly discuss their own or others’ mistakes or

Task Force on 21st Century Policing, Washington, DC, February 23, 2015).

118. Listening Session on Officer Safety and Wellness (oral testimony of Mark Magraw, chief, Prince Georges County [MD] Police Department, for the President’s Task Force on 21st Century Policing, Washington, DC, February 23, 2015).

119. The Health Care Quality Improvement Act of 1986 (HCQIA), 42 USC §11101 et seq., sets out standards for professional review actions. If a professional review body meets these standards, then neither the professional review body nor any person acting as a member or staff to the body will be liable in damages under most federal or state laws with respect to the action. For more information, see “Medical Peer Review,” American Medical Association, accessed February 28, 2015, <http://www.ama-assn.org/ama/pub/physician-resources/legal-topics/medical-peer-review.page>.

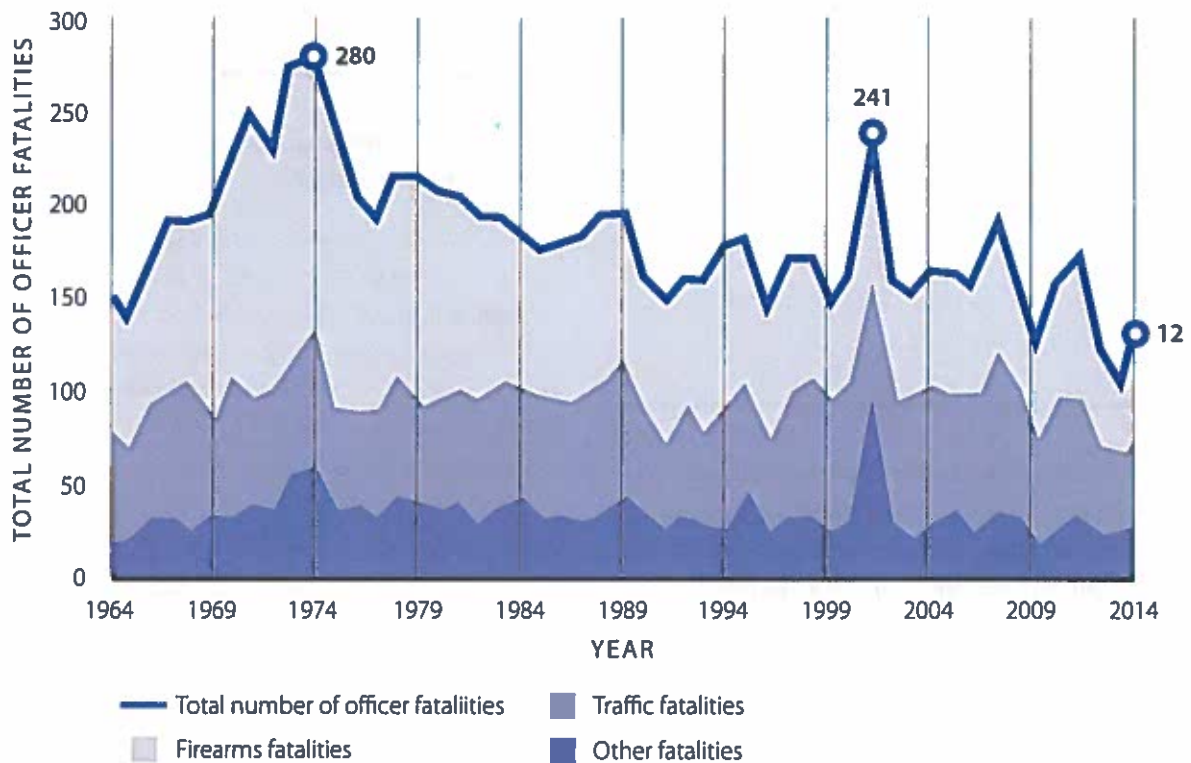
near misses *without fear of legal repercussions*— would go a long way toward reducing injuries and fatalities by improving tactics, policies, and procedures. Protecting peer review error management findings from being used in legal discovery would enable the widespread adoption of this program by law enforcement.

The Near Miss anonymous reporting system developed by the Police Foundation in Washington, D.C., currently collects anonymous data that can be very helpful in learning from and preventing mistakes, fatalities, and injuries—but a program that enabled peer review of errors would provide even more valuable perspectives and solutions.

6.8 RECOMMENDATION: The U.S. Department of Transportation should provide technical assistance opportunities for departments to explore the use of vehicles equipped with vehicle collision prevention “smart car” technology that will reduce the number of accidents.

Given that the FBI's 2003 to 2012 Law Enforcement Officers Killed in Action report showed that 49 percent of officer fatalities were a result of vehicle-related accidents, the need for protective devices cannot be understated. New technologies such as vehicle collision prevention systems should be explored.

Figure 3. Total law enforcement fatalities from 1964–2014



Source: “126 Law Enforcement Fatalities Nationwide in 2014,” *Preliminary 2014 Law Enforcement Officer Fatalities Report* (Washington, DC: National Law Enforcement Officers Memorial Fund, December 2014), <http://www.nleomf.org/assets/pdfs/reports/Preliminary-2014-Officer-Fatalities-Report.pdf>

Officer-Involved Shooting Guidelines
Ratified by the IACP Police Psychological Services Section
Orlando, Florida 2018

1. Purpose

- 1.1. It is widely accepted that officers involved in shootings or other significant critical incidents require immediate support.¹ The goal of these guidelines is to provide recommendations to public safety agencies, and the mental health providers who provide the service, to prepare and respond to the health and well-being of law enforcement personnel following an officer-involved shooting. The guidelines were developed not to provide a rigid protocol but to offer information and recommendations to public safety agencies and their mental health providers that can be flexibly applied in response to the complex demands that may vary across jurisdictions following these incidents. Many of these recommendations are applicable not only to officer-involved shootings but also other potentially distressing critical incidents (e.g., horrific motor vehicle accidents, grotesque crime scenes, child fatality) and help to identify and assist those individuals at higher risk for experiencing and/or developing resultant mental health problems. Decades of experience by police and public safety mental health professionals, along with scientific research, suggest that following these guidelines can promote positive outcomes following such incidents.

2. Limitations

- 2.1. The term “guidelines” in this context refers to recommended procedures for agencies. Guidelines are not mandatory; they are aspirational in intent. Guidelines are not intended to be mandatory or exhaustive and may not be applicable to every situation. They are not definitive, and they are not intended to take precedence over the judgment of the agency or their mental health provider. Each of the guidelines may not apply in a specific case or in all situations. The decision as to what is or is not done in a particular instance is ultimately the responsibility of the agency.

3. Pre-Incident Preparation

- 3.1. Officers and agencies, and all those involved in investigating and making official determinations about officer-involved shootings, should become informed about the science of human performance factors² that influence behavior during high stress, time pressured, deadly force confrontations.

- 3.2. Command and line staff should be made aware of the residual emotional, psychological, and behavioral effects often associated with officer-involved shootings and other potentially distressing critical incidents. Agencies are encouraged to train all their personnel in both normal and problematic posttraumatic reactions and appropriate ways to respond to employees who have been involved in a traumatic incident. Training should include what to expect personally (including the effect on family members), professionally, departmentally, and legally after a shooting or other significant use-of-force incidents. Such training may occur as part of the initial academy training and/or as part of the department's ongoing in-service training program. The training material should be made widely available to personnel to use as reference material in the event they become involved in a deadly force or other critical incident.
 - 3.2.1. As part of the agency training, personnel should be made aware of specific counseling options offered by their agency, when available, for both the involved officers and their families following an officer-involved shooting or other critical incident.
- 3.3. Prior to any shooting incident, it is recommended that the agency establish a working relationship with one or more qualified, licensed mental health professionals experienced in the law enforcement culture as well as in the provision of post-shooting or other critical incident interventions. The department should notify their mental health resource as soon as possible following an officer-involved shooting or other critical incident, so that an appropriate intervention can be facilitated in a timely fashion.
- 3.4. Agencies should consider developing a regularly updated roster, containing the names and contact numbers of family members and significant others whom such personnel would like to have notified in the event that they are injured on duty and are unable to contact them personally. Officers should also identify two or three fellow officers, in order of preference, whom they would like to have contact their family or significant other when feasible if they are unable to personally make contact after a shooting or comparable critical event. Agencies should make this information readily available at the time of an incident while at the same time taking steps to prevent disclosure to unauthorized personnel. While it is preferable to have contact made by an officer who is known to family members, this may not be feasible and agencies should ensure that contacts with family and significant others are made by personnel trained to make such notifications.

- 3.5. Members of the community, including the media, would benefit from education regarding procedures, protocols, and human performance factors related to police use of force, especially deadly force encounters. It is recommended that police agencies assist these community education efforts by providing information about factors involved in police use of deadly force including officer safety issues and pertinent laws.

4. At the Scene and Immediately Following

- 4.1. Immediately after an officer-involved shooting (or other critical incident), involved personnel should receive physical and psychological first aid (e.g., emotional support, reassurance, assignment of a companion officer to any officer who is directly involved in a shooting and is separated from others pending investigative procedures) from qualified mental health and/or designated support personnel. Supportive interventions should focus on reducing physical and emotional stress and restoring and/or reinforcing the officers' sense of safety and control.
 - 4.1.1. Inasmuch as officers who did not fire their weapons are often overlooked in the aftermath of a shooting event, agencies should be mindful that "involved officers" may include not only those who fired their weapon, but also officers who were at the scene and either did not, or could not, fire their weapons. Such witness officers are often strongly impacted. It is possible that similar reactions by such officers may also take place following other critical incidents. This is not intended to expand the scope of rights that witness officers may or may not have with regard to the investigation, but should be strongly considered in providing support and mental health assistance to all "involved" personnel.
- 4.2. After providing needed public safety information, officers who fired a weapon or were directly involved in a critical incident should be encouraged to step immediately away from the scene and be transported to a safe and supportive environment by a trusted peer or supervisor. To ensure officers are not isolated once transported from the scene, whenever possible the agency should ensure there is a companion officer of the officer's choice, a chaplain, or a supportive peer available. Often the best support person is a fellow officer who is trained in peer support (see *IACP PPSS Peer Support Guidelines*) or has previously gone through an officer-involved shooting, who can be assigned to the officer immediately following the incident. If officers have an immediate need to talk about the incident, they should be encouraged to do so solely with individuals with whom they have privileged

communication (i.e., attorney; chaplain; licensed mental health professional; and, in some states, trained peer support personnel).

- 4.3. Following a shooting incident, officers often feel vulnerable if unarmed. If an officer's firearm has been taken as evidence or simply pursuant to departmental policy, a replacement weapon should be immediately provided as a sign of support, confidence, and trust unless there is an articulable basis for deviating from this procedure. Officers should be kept informed of when their weapon is likely to be returned. Care should be taken to process and collect evidence from the officer as soon as practicable to provide an opportunity to change into civilian clothing. This process should consider the psychological impact of having one's equipment and uniform taken and should be conducted in a supportive manner and at a pace comfortable for the officer.
- 4.4. Officers involved in a shooting (or other critical incident) should be provided with the opportunity and encouraged to personally contact their family members as soon as possible after the incident (e.g., by cellphone while being transported from the scene). Timely personal contact may reduce the likelihood of loved ones receiving incomplete or misleading information from the media or other forms of rapid electronic communications. It is prudent that no contact be made with family members before the officers have had this opportunity. Officers should be instructed to limit information to their well-being and not the facts of the incident. If it is not feasible for involved officers to themselves call family members, then individuals who preferably know the families, or have been previously chosen by the officers (see 3.4), or have notification training, or are designated by the department, should call as soon as possible. Offers to call other support people such as friends, family members, chaplains, qualified mental health professionals, and so on, should be made to ensure that the family members have their support system mobilized. Family members who wish to be with injured officers should be offered transportation in lieu of driving themselves.
 - 4.4.1. Officers not involved in the incident, but on duty at the time of the incident, should be allowed, as time permits, to contact their families and advise them that a shooting or other critical incident has occurred, but that they were not involved (or injured).
- 4.5. The investigative process and concerns over legal and administrative consequences are often the most stressful parts of an officer-involved shooting (or other critical incident) for involved personnel. The first few hours after a shooting (or other

critical incident) is a potentially emotional and confusing time so officers may wish to consult their union and legal counsel. Whenever possible, officers should be educated on the protocol of the investigation as well as any potential actions by the media, grand jury, or review board prior to any formal investigative interviews. It is equally important that, over time, officers be made aware of the progress of the investigation in a timely fashion.

- 4.5.1. Administrators, peers, and legal advisors having contact with involved personnel should be mindful that what they say to an officer immediately after a shooting or other critical incident may be long remembered.
- 4.6. Following a shooting or other critical incident, it is helpful to provide officers and their significant others with written information that explains physical and psychological reactions to shootings (or other critical incidents). Topics covered should include what to expect psychologically and physically, how to support each other, coping strategies, resiliency strategies, and identification of individuals who may be contacted for further assistance.
 - 4.6.1 Involved officers should be reminded of the risks inherent in their participation in social media as there may be unwanted others viewing their comments/postings/blogs. They should further be reminded that viewing media and/or community negativity through television and web-based postings may complicate post-incident thoughts and emotions. It may be helpful for a qualified department resource (e.g., Public Information Officer) to aid officers and their families navigate this process.

5. Investigative Period

- 5.1. Shootings (and other critical incidents) can result in heightened physical and emotional reactions for the participants that require a brief respite from work to marshal natural coping skills and manage the emotional impact of the incident prior to a return to duty. Consequently, agencies should develop a policy that addresses post-incident time off before an officer's return to his or her pre-incident assignment. Crafting such departmental policies for individuals involved in shootings and other critical incidents should be done with some flexibility in that some officers may be minimally impacted and may find prolonged leave counterproductive while others may require more time off. For those officers directly involved in a death or serious injury to another person, a minimum of three days leave, using either administrative leave or regular days off, should be granted.

Agencies should also be mindful of those personnel who were present at the scene but, for example, did not discharge their weapons, as they are frequently emotionally impacted by the incident and may, in some cases, benefit from a period of administrative leave. It is important that officers and the public understand that administrative leave is a routine procedure and not a disciplinary suspension.

- 5.2. While officers may be asked to provide pertinent information soon after a shooting to aid the initial investigative process, whenever feasible, officers should have some recovery time before providing a full formal statement. Depending on the nature of the incident, the demands on the agency, and the emotional and physical status of the officers, this can range from a few hours to several days. An officer's mental and physical wellness are dependent upon sufficient sleep, and thus officers will often benefit from at least one sleep cycle prior to being interviewed.^{3,4,5,6,7} Providing a secure setting, insulated from the press and curious coworkers, is important during the interview process.
- 5.3. Talking with trained peers who have had similar experiences can be quite helpful for officers involved in deadly force and other critical incidents. Often these personnel respond immediately on scene to provide support and psychological first aid. Trained peer support personnel may also be an asset by advising involved officers of the purpose, format and benefits of a critical incident intervention, and participating in post-incident group interventions in conjunction with a mental health professional trained and experienced in working with law enforcement. Family members of officers involved in shootings and other critical incidents may also benefit from contact with a trained mental health professional and/or peer support, particularly from the family members of those who have previously been involved in shootings or other life-threatening events. The formation and administrative backing of peer support and outreach teams for officers and family members may prove to be a wise investment prior to an officer-involved shooting and other critical incidents. Only peer support team members who have received specialized training in crisis intervention and the rules of confidentiality promulgated by the department should be utilized. Peer support should only be ancillary to intervention by a mental health professional trained and experienced in law enforcement and officer-involved shootings or other critical incidents and should never take its place. (Please see *IACP PPSS Peer Support Guidelines* for information concerning the development and use of peer support teams.)
- 5.4. Timely communication from high-ranking administrators down to immediate supervisors of their personal concern and support for officers involved in significant

use-of-force and other critical incidents can provide an extra measure of reassurance and comfort. The administrator or supervisor does not have to comment on the situation or make further statements regarding legal or departmental resolution but can show concern and empathy for the officers during this stressful experience. These contacts, whether in person or via telephone, should be made as soon as possible after the incident.

- 5.5. Significant use-of-force investigations are complex events and may involve an array of law enforcement and other government agencies. Continued communication among all parties throughout the course of an investigation protects involved officers by mitigating misunderstandings and conflict among the different interests and concerns.
- 5.6. To promote the dissemination of accurate information and quell unfounded rumors, as soon as practicable and to the extent allowed, a designated and informed person should brief the officers' supervisors and unit, followed by the agency as a whole, about the shooting and other critical incidents. Efforts should be taken to ensure distributed information is accurate. Furthermore, agencies should make every effort to expedite the completion of administrative and criminal investigations, keeping the officers informed in a timely manner, and notifying officers of the progress and outcome as soon as possible.
- 5.7. Given that lengthy investigations cause undue distress to officers, agencies should make every effort to expedite the completion of administrative and criminal investigations. Departments that do not conduct their own criminal investigations and cannot control the length of time required to complete the investigation should meet with the investigating agency and prosecutor before a shooting and other critical incident occurs to work out the logistics in advance. While investigations are pending, supervisors should maintain regular contact with officers and keep them apprised of any pertinent developments.

6. Post-Shooting Interventions

- 6.1. Post-shooting and other critical incident interventions should be conducted only by licensed mental health professionals trained and experienced in working with law enforcement personnel and familiar with officer-involved shootings and other critical incidents. Care should be taken in selecting a mental health professional to ensure that he or she is well versed in the normal range of human reactions to critical

incidents and is competent in the education and treatment of trauma in a law enforcement population.

- 6.2. Some officers would choose not to participate in the post-shooting interventions provided by qualified mental health professionals, yet when required to participate, often find such contacts helpful.⁸ In addition, some may be unaware of the potential impact of the incident and/or be sensitive to the stigma of seeing a qualified mental health professional, and thus choose not to participate. For these reasons, it is recommended that officers be required to participate in a minimum of one individual post-shooting (or other critical incident) intervention with a qualified mental health professional so they can, at a minimum, be provided with basic education and coping skills to better manage their reactions. This does not mean that it should be mandatory for them to discuss the event with the mental health professional. Participation in the initial session is driven by the nature of the event, not the attribution of a manifest problem by the officer, and it should be emphasized that this session is not a disciplinary action but rather psychoeducational. Any participation beyond attendance of the first session should be voluntary on the part of the officers.
- 6.3. After a life-threatening incident, officers are often concerned about how they reacted physiologically and emotionally and whether these reactions were “normal.” Post-shooting and other critical incident interventions should be primarily educative as this reassurance reduces worry, anxiety, and negative self-assessment. Much of the time, the normalization and education provided during the post-shooting and other critical incident intervention regarding common changes to perception, attention and memory⁹ affords sufficient support to facilitate resilience and individual coping abilities. If not adequately addressed, however, these reactions may lead to more severe and chronic problems requiring treatment services.
- 6.4. The initial post-shooting and other critical incident interventions should occur within one week after the shooting incident. Unnecessarily delaying the initial intervention can cause undue distress to officers. Agencies should make every effort to expedite the scheduling of interventions so that they occur within one week of the shooting incident. The initial goal should be to reduce stress, assess and “normalize” any problematic post-incident reactions, and provide education regarding the management of any problematic post-incident reactions. Particular attention should be paid to maintaining sleep functioning, accessing social support, and avoiding excessive alcohol use. Officers should be assisted in preparing

themselves and their loved ones for inaccurate, negative or inflammatory comments in the media, including TV, print media, and the Internet.

- 6.5. It is recommended that officers not be required to return to work immediately following a post-shooting or other critical incident intervention session.
- 6.6. A single contact with a mental health professional may prove to be inadequate for officers who have been severely affected by a shooting or comparable event. Also, some officers may experience delayed onset of problems. The qualified mental health professional should informally assess, for the sole purpose of a voluntary referral, which officers may need additional or alternative types of support to further their recovery process. Follow-up sessions should be made available to every involved officer and, if appropriate, voluntary referrals may be offered for counseling and/or to peer support or chaplaincy programs.
- 6.7. Because delayed reactions may occur, all officers receiving an initial post-shooting and other critical incident intervention should receive follow-up contact by the mental health professional either via phone or e-mail sometime within the first month, and at four months post-incident. In addition, contact should be made prior to the first anniversary of the incident (and the potential for anniversary reactions should be discussed in the initial intervention).
- 6.8. It should be made clear that the individual post-shooting intervention is a confidential communication between the mental health professional and the officer involved. No information about the content of these sessions should be released without the officer's written authorization. The usual legal exceptions to confidentiality should be explained to all participants, including whether or not the confidentiality is legally privileged. The mental health professional should include an informed consent process before the intervention commences that contains a description of the possible benefits and risks of the intervention. In the case of an agency-required intervention, it should include a statement giving the mental health professional limited permission to verify the officer's attendance at the intervention session to the agency without revealing any further details of the intervention.
- 6.9. Life-threatening use-of-force and other critical incidents also have the potential to emotionally impact an officer's family and significant others, who often can provide valuable support to officers following these incidents. As long as confidentiality and privilege can be maintained, it can be beneficial for all concerned to include such family members and significant others in the post-

incident intervention process. If family members or significant others are invited, officers may have specific preferences about individual versus joint sessions, and mental health providers should give serious consideration to such preferences. The decision to conduct individual interventions followed by joint interventions, or joint interventions alone, should be decided by the officer and mental health provider.

- 6.10. Officers' fitness-for-duty should not be brought into question simply by virtue of their involvement in a shooting or other critical incident. Post-shooting and other critical incident psychological interventions are separate and distinct from any fitness-for-duty assessments or administrative or investigative procedures that may follow. This does not preclude an agency from requesting a formal fitness-for-duty evaluation based upon objective concerns about an officer's ability to perform his or her duties due to a suspected medical or psychological condition. However, the mere fact of being involved in a shooting does not necessitate such an evaluation prior to return to duty. (Please see *IACP PPSS Psychological Fitness-for-Duty Evaluation Guidelines* for information concerning the criteria and procedures for these evaluations.)
- 6.11. If a fitness-for-duty evaluation is requested, it should not be conducted by the mental health professional who provided the post-shooting intervention, or any other post-incident counseling. However, as part of the post-shooting intervention, the mental health professional can assist officers in making decisions concerning returning to duty.
- 6.12. Group psychological interventions may be beneficial following incidents involving multiple personnel. All officers directly involved in the shooting incident should receive an initial individual intervention prior to the group session. Participants should be limited to persons who were involved in the event and attendance should be strictly voluntary but encouraged. Additional individual counseling referrals should be available and encouraged for those needing or wanting further assistance. Agencies should also consider the impact of deadly force events and other critical incidents on all other involved emergency service personnel (e.g., dispatchers) via vicarious traumatization and provide appropriate interventions consistent with these guidelines.
- 6.13. Group sessions may be jointly facilitated by one or more mental health professionals experienced in working with law enforcement and trained peer support personnel. The confidentiality of group sessions should be respected, and some jurisdictions provide a degree of legal privilege to sanctioned peer support

groups. Regardless of local laws, when information is processed in group settings, the risk of a breach of confidentiality is greater than in individual sessions conducted by licensed mental health professionals with whom officers have legal privilege. Although it is recommended that attendance at group sessions be voluntary, if attendance is mandated, any participation should be at the discretion of each officer (see 6.2).

Endnotes

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⁸ Honig, A., & Sultan, S. (2004). Reactions and resilience under fire: What an officer can expect. *The Police Chief*, 71(12), 54-60.

⁹ Artwohl, A. (2002). Perceptual and memory distortions in officer-involved shootings. *FBI Law Enforcement Bulletin*, 71(10), 18-24.

**AURORA POLICE DEPARTMENT
DIRECTIVES MANUAL**

05.06	Title: OFFICER INVOLVED SHOOTINGS	
	Approved By: Nick Metz, Chief of Police	
	Effective: 09/01/1998	Revised: 07/18/2019
	Associated Policy: DM 05.04; 08.10; 10.2; 14.05, APD Forms 226, 227	
	References: CRS 16-2.5-301	
Review: Compliance and Professional Standards Division, Division Chief		Duty Honor Integrity
		Page 1 of 8

5.6 OFFICER INVOLVED SHOOTINGS

This directive outlines the procedure to be followed in the event sworn and non-sworn personnel, who are authorized to carry weapons, are involved in a shooting. The non-sworn member authorized to carry a weapon involved in the shooting will assume the role and responsibilities of the "officer involved" in this directive. In accordance with CRS 16-2.5-301, the Aurora Police Department has partnered with the Denver Police Department to investigate Officer Involved Shootings.

5.6.1 Discharge of a Firearm

Whenever a member discharges a firearm while on duty or acting under the color of authority in an off-duty capacity, regardless of the member's intent, the incident will be handled as an officer involved shooting (OIS). Three exceptions to this standard exist:

- a. During training exercises, approved qualification courses or authorized firearms practice sessions conducted by the Aurora Police Department unless injury occurs.
- b. Unintentional/Negligent discharges, outside of item "a" above, where only City property, or no property was damaged, will be investigated in accordance with directive 10.2.
- c. Intentional discharges for the purpose of destroying a critically injured or vicious animal. These situations will be handled in accordance with current directives.

When injuries related to any discharge are involved or a person is placed in an unreasonable likelihood of harm, the incident will be treated as an officer involved shooting and handled by the Major Crimes Homicide Unit. If the incident occurs outside of Aurora, the agency with jurisdictional authority will be notified and they will handle according to their policy. However, an unintentional/negligent discharge outside of item "a" and "b" above, where only property damage occurs, may, at the Duty Captain's discretion, be investigated by detectives. The Duty Captain will also

have the discretion to have detectives investigate the firearms discharge if unusual circumstances exist.

5.6.2 Officer Involved

For purposes of this specific directive, “involved officer” refers only to the officer(s) who actually discharged their firearm during the course of the event under investigation.

Other officers identified as having been impacted by the event under investigation to such a degree that assistance is required shall be provided that assistance.

Any officer involved in a shooting must immediately notify a supervisory officer of the incident and location. This notification should be done through the Public Safety Communications Department. A delay in the required notification is allowed, if necessary, to render first aid, maintain an arrest or prevent an escape of a subject, protect a crime scene or when the officer is incapacitated.

Until relieved by the next arriving officer, the involved member will remain responsible for protecting the crime scene, rendering first aid and requesting necessary emergency medical aid. An exception will be made if the officer is physically unable to fulfill these duties.

It is suggested the officer involved advise the relieving officer, supervisor and the Major Crime Homicide Unit (MCHU) detective of the location of occurrence, witnesses, suspects and evidence. Although it is requested that the officer involved provide this information, he/she is not compelled to provide it.

The officer involved is required to protect his/her firearm for examination. When the scene is secured and safe, officers will keep their firearms in their holsters until they are transported to headquarters and met by a member of MCHU or CSI. The involved officer(s) is to keep his/her firearm in the condition that it was in at the conclusion of the incident. No unloading of weapons will be done until directed by a member of the MCHU. The firearm will be safely unloaded in an interview room and video/audio recorded. Still photographs will be taken by CSI.

In circumstances where the involved member is incapacitated and transported to a medical facility or otherwise unable to respond directly to headquarters, the scene supervisor will be responsible for ensuring that all of the involved officer’s firearms still on his/her person be removed. The firearm will remain in the condition in which it was received until transferred to the control of a member of MCHU or CSI for processing and safekeeping.

The involved officer will not access media in any form until after his/her interview with MCHU detectives or when advised by a command officer from the Investigations Bureau.

5.6.3 On-Scene Supervisors

The patrol supervisor on the scene will ensure that all responding patrol officers complete their responsibilities with regard to reports, evidence and the crime scene.

The on-scene supervisor will have the officer involved transported to the waiting area in the Investigations Bureau at headquarters as soon as he/she is no longer needed at the scene. The shooting should not be discussed between the person assigned to transport the officer and the officer involved.

5.6.4 Personnel Assigned to Transport the Officer Involved

- a. The officer involved will be transported to the Investigations Bureau and taken to a private room. The Major Crime Homicide Unit detectives will be advised of the officer's location.
- b. The officer involved should not be allowed to wash his/her hands. If an officer has biohazards on his/her person, he/she may be allowed to de-contaminate themselves for safety reasons. Any other evidence that is observed or suspected will be preserved.
- c. The officer involved should be provided with an Involved Officer Resource Advisement form (APD # 226) and a Trauma Response Team Packet.
- d. Visitation to the involved officer(s) will be limited to an attorney and/or any member outlined in the Involved Officer Resource Advisement form approved by the involved officer(s). All other individuals requesting visitation with an involved officer will first receive authorization from the responding Investigations Bureau Command Officer, the Major Investigations Section Lieutenant or a Major Crime Homicide Unit Sergeant. The transport officer will remain in the room with the involved officer(s) at all times except when the officer's attorney, peer support, and psychological services personnel are with the member with prior approval.
- e. All movement of the involved officer(s) or visitors to the officer(s) will be noted by the transporting officer in his/her supplemental report.
- f. In the event that the involved officer is injured and transported to a medical facility, the transporting officer will control access to the involved officer in the same manner as listed above until relieved by Major Crime Homicide Unit personnel.
- g. The transporting officer will advise the relieving officer of the status of the above and ensure that the relieving officer is provided with the Critical Incident (OIS) – Transport Officer Responsibilities form (APD #227).

5.6.5 Restricted Access to Investigative Areas

- a. During Officer Involved Shooting investigations, designated areas of the Investigations Bureau will be off limits to all personnel not directly involved in the investigation. Signs will be posted at specific entrances and offices indicating the area to be Off Limits.
- b. Only those individuals who have a desk or function in given areas will be allowed inside the restricted area. The ONLY other personnel allowed to enter the restricted area are: the Chief of Police, Deputy Chief of Police, Division Chiefs, Duty Executive Officer, Investigative Bureau Command Officer, Major Investigations Section Lieutenant, Major Crime Homicide Unit Sergeant and Major Crime Homicide Unit Detectives, the On-call District Attorney, Crime Laboratory Command Officer, CSI personnel, Peer Support, Psychological Services, and the attorney approved by the involved member(s).
- c. The Investigations Bureau Commander, Major Investigations Section Lieutenant or the Chief of Police must approve all other personnel for entry to the restricted area, including all Fraternal Order of Police or Aurora Police Association board members or their designees.
- d. All other personnel who have an immediate need to be near the proceedings may wait in the Headquarters break room, or front lobby.
- e. If conflicts arise for use of designated areas, the Major Crime Homicide Unit will have priority over other needs and the Investigations Bureau Commander will resolve conflicts.

5.6.6 Officer Involved Shooting Investigative Team (OISIT)

The Investigations Bureau Commander, the Major Investigations Section Executive Officer, Major Crime Homicide Unit Sergeants and Detectives, as well as the Crime Laboratory Section Lieutenant, Crime Scene Investigators, the On-call District Attorney; and a Command Officer, Supervisor and Detectives from the Denver Police Department Major Crimes Division, comprise the Officer Involved Shooting Investigative Team (OISIT). Only members of the OISIT, assigned personnel, and persons designated by the Investigations Bureau Commander or Duty Chief will respond to the scene.

5.6.7 Initial Procedures

The primary responsibility of the OISIT is to ensure a thorough and impartial investigation of the incident. Additionally, the welfare of the officer(s) involved in the incident is a critical consideration.

In an effort to ensure the officer(s) involved in the shooting are in the best position to provide an accurate and consistent interview, a recovery period of not less than 48 hours (two sleep cycles) shall be strongly recommended before a detailed interview will take place between the involved officer(s) and OISIT detectives.

Prior to the involved officer being released from duty, the following steps shall occur:

- a. The involved officer(s) shall provide a urine sample to Internal Affairs as mandated under Directive 14.5.8: Critical Incident Drug/Alcohol Testing.
- b. All weapons used or on the person of the involved officer(s) at the time of the shooting will be recovered at the direction of OISIT and an ammunition count will be conducted. Such activity shall be documented by a member of CSI. Any weapons determined not to be involved in the shooting will be returned to the officer(s) as soon as feasible as mandated in this Directive under 5.6.2.
- c. A member of CSI shall document the condition of the officer(s) by taking still photographs and/or video of the officer(s).
- d. The Chief of Police or designee will advise the member of his/her regular duty status being changed to administrative leave.
- e. A preliminary date and time for the officer(s) to return to work to complete an interview with OISIT shall be set.

OISIT detectives shall initiate all other investigative responsibilities immediately upon notification of the incident, regardless of the status of the involved officer(s).

5.6.8 Notifications

The on-scene patrol supervisor will notify the Patrol Lieutenant. All available information will be relayed via telephone or in person, if possible, rather than using a police radio.

After obtaining information from on-scene personnel, the Patrol Lieutenant will notify the persons listed below. Many of those contacted will also have notification responsibilities.

- (a) On-call Investigations Bureau Command Officer shall notify the on-call Major Crime Homicide Sergeant(s) and the Denver Police Department Major Crimes Commander.
- (b) Duty Captain notifies:

1. Internal Affairs Commander
2. Deputy Chief or designee
3. Duty Chief
4. Division Chief of the involved member
5. Crime Laboratory Section Lieutenant
6. Aurora Police Association Board of Directors Member or a Board Member from the Fraternal Order of Police – The involved member should be asked for clarification regarding his/her affiliation so that appropriate notifications can be made. The board member may arrange for an attorney for the involved member(s).
7. Public Information Officer
8. The Psychological Services Unit only after coordination with the Major Crime Homicide Unit and the Investigations Bureau Commander.

The Duty Chief or designee will determine what additional personnel, if any, need to be notified or are required to respond.

5.6.9 Major Crime Homicide Unit

The Major Crime Homicide Unit is responsible for the criminal investigation. When the investigation is complete, the Major Crime Homicide Unit will make all reports available to the Chief of Police or designee through the chain of command. The assigned investigator(s) will notify the Chief of Police or designee of any departmental violations discovered during the investigation. The Major Crime Homicide Unit's investigation will not focus on departmental violations that are not violations of law.

5.6.10 Psychological Services Unit

The Psychological Services Unit will contact all officer(s) involved in a shooting. Unless the officer(s) involved are in an immediate need of psychological counseling, the psychologist will meet with the officer in coordination with Major Crime Homicide Unit and/or the Investigations Bureau Commander. Only the Duty Executive Officer, Investigations Bureau Commander or designee will make the notification to the Department's Psychologist. If the psychologist is requested to respond to the location of the involved officer, unless there is a specific and immediate need, the psychologist's contact will occur after the MCHU interviews are completed.

5.6.11 Other Officers and Personnel Assigned

Responding patrol officers, Crime Scene Investigators, the Public Information Officer and the Public Safety Communications Department all play an important role in an officer involved shooting situation. They should perform their duties in a manner consistent with that of any major criminal investigation.

Officers and personnel that are not members of the Officer Involved Shooting Investigative Team should not discuss the shooting with the officer involved.

5.6.12 Completion of Reports

Only those officers who fired their weapons, or are specifically identified by detectives from MCHU, shall participate in an audio and/or video interview. Members who participate in audio and/or video interviews with detectives from MCHU shall not be required to complete a written report on the event. The final determination of who will be audio and/or video interviewed will rest with MCHU.

All other officers involved with the event under investigation shall complete written reports as required by Directive 8.10: Reports and Directive 5.4: Reporting and Investigating the Use of Tools, Weapons and Physical Force.

5.6.13 Other Applicable Policies

Members are reminded that Internal Affairs Notification & Response and Criminal Investigations Involving Members apply to officer involved shooting situations.

5.6.14 Administrative Review

Prior to the Chief approving the involved officer's return to any duty assignment, members from the MCHU, Employee Support and Wellness Unit and the Media Relations Unit will provide the Chief with an update on the incident. The first update will be scheduled at approximately the 30-day mark post incident.

At this meeting the following information will be provided:

- MCHU will provide a review and status of the investigation.
- Employee Support and Wellness will provide updates on the involved member's progress through post-critical incident care and the Reintegration Program.
- Media Relations will be responsible for providing an update on department messaging and analyses of community and media interest.


Upon completion of the 30-day review, the Chief, or designee will decide to either return the officer to his/her regular duty assignment, continue his/her administrative

assignment, or reassign the officer to another non-regular duty assignment. If the decision by the Chief is to continue the administrative or non-regular duty assignment, a second review will be scheduled no later than 30 days from the initial review.

If it is determined during the second review that the administrative assignment will continue beyond the initial 60-day time frame post-incident, the Chief will have the option to defer further reviews until substantial updates occur in the investigation. If the review is deferred, the involved member should be contacted and advised of the reasons for the extended delay.

Each incident will be handled on a case-by-case basis, and the Chief's determination for any one incident, officer, or group of officers should not be construed to be a practice or policy for other officers.

**AURORA POLICE DEPARTMENT
DIRECTIVES MANUAL**

02.08	Title: DUTY STATUS OF MEMBERS		Duty Honor Integrity
	Approved By: Vanessa Wilson, Interim Chief of Police		
	Effective: 06/26/2006	Revised: 03/02/2020	
	Associated Policy: DM 07.05 , DM 08.12		
References: APD Form 255 Military Deployment , APD Form 091 OTFD , APD Form 161 OTFD Diagnosis Report			
Review: Employee Support and Wellness Unit			Page 1 of 8

2.8 Duty Status of Members

Members are expected to report for duty in a physical and mental condition conducive to performing the duties and responsibilities of their position. When circumstances arise preventing a member from performing assigned tasks, the appropriate command officer may alter the member’s duty status.

2.8.1 Full Duty Status

Members are considered to be at full duty status when no legal, physical or administrative limitations exist preventing the member from performing the normal duties of their position.

2.8.2 Other than Full Duty

Members that sustain a performance limiting injury or medical condition either on-duty or off-duty will report the condition in an expeditious manner to their immediate supervisor. If the injury or medical condition inhibits the member’s ability to safely perform the duties of his/her position, the member may be placed on a light duty status. Once informed of the member’s injury or medical condition, the supervisor or command officer will immediately complete an [Other than Full Duty Report \(OTFD\) \(APD Form 091\)](#). The report will be passed through the member’s chain of command (including the District Administrative Technician, if applicable) to the Administrative Technicians in the Chief’s office and the appropriate Division Chief. The Administrative Technicians in the Chief’s office create a combined [Other than Full Duty Report](#) on a weekly basis. The combined weekly report is sent to the Division Chiefs for review and then distributed to all of Command level members.

Members may request an other than full duty work position within the Department in lieu of expending “Sick time” or “Injury Leave.” All requests for an other than full duty work assignment must be approved by the appropriate Division Chief. Other than full duty assignments are based on the needs of the Department and are not guaranteed.

Members reporting a non-duty related injury or medical condition or scheduling a planned medical procedure will be required to obtain a completed [Other Than Full Duty Diagnosis Report \(APD Form 161\)](#) from their physician. The report will provide a brief diagnosis of the injury, a description of any work limitations and an anticipated date for the member to return to full duty. [APD Form 161](#) will follow this four step process:

1. The member will give the form to his/her supervisor and will be sent up the chain of command to the appropriate Division Chief.
2. If approval is given for Other than Full Duty status, the form will be forwarded to the Administrative Technicians in the Chief's office for personnel orders, if necessary, and for completing the Other than Full Duty Report.
3. The Other than Full Duty Diagnosis Report is forwarded to Police Payroll.
4. Police Payroll forwards the form to the Office of Risk Management for the city.

When a member is assigned to an other than full duty work position that is anticipated to exceed 14 days, a personnel order detailing the member to a specific position will be issued by the Chief's Office Administrative Technicians as directed by the appropriate Division Chief. The Division Chief will notify the member and his/her supervisors within both the current assignment and the receiving unit. The supervisor of the unit receiving the light duty member will complete an [Other Than Full Duty Report \(APD 091\)](#) when the member's status changes regarding a return to full-duty date or additional restrictions.

When a member is injured outside of regular business hours but can still perform a light duty function within the district or bureau, the commanding officer may approve a light duty assignment on a temporary basis up to 14 days. The supervisor will update the member's status within the current scheduling system to "Duty-Lite" and adjust the patrol roster to reflect the change in duty assignment. The supervisor or command officer will complete the Other than Full Duty Report for review by the chain of command.

Members injured in the course of duty, will be evaluated periodically by the city doctor. Members will provide doctor's progress reports to their supervisor. The city doctor will provide copies directly to Human Resources and the Occupational Health Nurse. The Nurse maintains files for members' medical related records.

After subsequent visits to the treating physician, the member is required to submit to his/her supervisor an [Other than Full Duty Diagnosis Report \(APD Form 161\)](#) completed by the physician if there is a change in status or expected return to duty dates. For members injured off duty, the expenses related to the treatment of the injury and office visits for progress reports are the responsibility of the member. The supervisor receiving the report will extract the information required for the Other than

[Full Duty Report \(APD Form 091\)](#) and forward the report to the Occupational Health Nurse for inclusion in the member's medical file.

At a minimum, the appropriate Division Chief will conduct a monthly review of the status of all members on light duty within his/her command.

A member's authorization to carry a weapon while assigned to an other than full duty status will be evaluated on a case-by-case basis by the Chief of Police or designee.

No officer who is on the Other Than Full Duty Status list may participate in the Essential Jobs Function Course (EJFC) without prior supervisor approval. The approving supervisor is responsible for ensuring that the officer is allowed to participate in the EJFC based upon any restrictions. If approval is granted, the supervisor will arrange with the academy for the member to participate in the EJFC.

2.8.3 Modified (Restricted) Duty

When a legal or administrative action limits a member from performing his/her normal duties, the member is expected to immediately report the situation to his/her immediate supervisor. The supervisor will ensure the chain of command is promptly notified. The appropriate Division Chief will review the actions and determine what actual limitations to duty exist for the member and impose those limitations. Duty assignments under the determined limitations may include, but are not limited to:

- Unarmed duty assignment
- Remedial training program
- Non-driving assignment (front desk, Records, etc.)
- Non-enforcement assignment

The reviewing Division Chief will notify the Chief of Police of the status of the member.

At a minimum, the appropriate Division Chief will conduct a monthly review of the status of all members on modified duty within his/her command.

2.8.4 Suspension

A suspension is an administrative action. Suspensions may be levied with pay or without pay. The guidelines for suspensions are determined by the City of Aurora Charter. Within the Department, only the Chief of Police or designee has the authority to suspend a member.

2.8.5 Military Duty

Members being called to military service, whether voluntarily or under order will immediately inform their chain of command. The member may, but is not required to, provide copies of military orders to his/her immediate supervisor. The member's supervisor will complete an [Other than Full Duty Report \(APD Form 091\)](#) documenting the anticipated service specifics, and notify the Employee Support & Wellness supervisor, who will be responsible for arranging out-processing, as directed in 2.8.10.

2.8.6 Work Restrictions

Members working in an unarmed capacity will not wear a police uniform or display a police badge. Members working in an unarmed capacity are restricted from driving marked police vehicles unless the vehicle is conspicuously marked as "Out of Service." Supervisors will ensure assignments given to members that are unarmed will not place the member in jeopardy.

2.8.7 Fitness for Duty

Whenever there is reason to believe that a member can no longer perform the duties of his/her position due to a medical or mental condition, the member may be required to undergo a fitness for duty evaluation. Only the Chief of Police or designee can order a fitness for duty evaluation of a member. The Chief of Police or designee should notify the City Attorney whenever a fitness for duty has been ordered.

2.8.8 Medical Records

All medical records must be stored separate from personnel files to include supervisor's working files. Additionally, medical records must be stored in a secured cabinet. Supervisors receiving medical reports from subordinates will forward those reports to the Administrative Services Section for inclusion in the member's medical file.

2.8.9 Return to Full Duty After Extended Absence

Any member who has been in any status other than full duty for a period of 90 days or more will be subject to completing reintegration, as described in 2.8.11. Under the reintegration guidelines, the Employee Support and Wellness Unit will work with the APD Training Academy to determine what administrative tasks, training, field training, certifications, qualifications and/or inspections are needed to assist the member in his/her re-entry to full duty status.

Any member (or the member's supervisor may make the request) who is moving back to an enforcement position and has been out of enforcement for 90 days or more may request assistance. The assistance will be handled in the same manner as outlined above for a member in an other than full duty status for 90 days or more.

2.8.10 Members Called to Active Military Duty

For the purposes of this directive, the term “deployment” or “deployed member” refers to any member engaged in military service, whether defined as training exercises, voluntary service, or by order of the military.

Out-Processing: Prior to leaving the agency for any military service in excess of 90 days, members will be required to have an exit interview with the Division Chief (or designee) in their chain of command, and will be assigned to the Employee Support and Wellness Unit for administrative purposes throughout and immediately following their military service.

The Employee Support and Wellness Unit will assign each deployed member a Military Liaison, who will act as the deployed member’s primary point of contact for the department during their absence. The Military Liaison will also provide logistical support and resources for the deployed member, as well as communicating department news, updates, and other important information.

Prior to their deployment, members may, but will not be required to provide contact information for their deploying unit, as well as receive contact information for support personnel such as; Employee Support & Wellness (ESWU), payroll, human resources, and their Military Liaison. Arrangements will be made to secure high value department issued equipment such as radios, firearms and electronic control weapons. This will be documented on the [Military Deployment Form 255](#), which will be maintained by ESWU.

Returning: Members who have been serving longer than 90 days and those returning members who have served in an active foreign theater of operations, will meet with their Military Liaison and the Employee Support and Wellness Unit upon their return. Their Military Liaison will assist the returning member with completing necessary administrative tasks prior to entering the Reintegration Program, which is administered by Employee Support and Wellness.

2.8.11 Reintegration Program

Purpose: To establish a Reintegration Program that promotes a healthy return to duty or transfer process within the police department for all members who have been absent from duty for:

1. An absence as a result of a critical incident.
2. An extended military service lasting 90 days or more and those returning from service in an active foreign theater of operations.
3. An extended absence of 90 days or more from enforcement duties.
4. Any extended absence as identified by the Chief of Police or designee.

The Aurora Police Department recognizes the importance of the physical, mental, and emotional health of its members. It also recognizes that many stressors are placed on

members and their families in the events of serious injuries, extended absences, or upon the return to law enforcement duties after having been away from those duties for an extended period of time. To help decrease the impact of stress in these instances, the Department has established the Reintegration Program.

Reintegration Program Procedures:

The Reintegration Program is under the immediate supervision of the Employee Support & Wellness Unit (ESWU), and will act in conjunction with the APD Training Academy, FTO Coordinator, Psychological Services, and the Military Liaison Officer. The Employee Support & Wellness Unit will be responsible for scheduling, coordinating, and assisting members through the reintegration process using customized training plans depending on each member's needs.

- The Reintegration Program Coordinator, in conjunction with the psychological services clinician serving as the peer support team overseer, and the APD Training Academy staff will create an individualized plan for each member based upon his/her needs and reason for entry into the program. The training will be customized for each employee and will consider such variables as length of time away from the job, the nature, extent, and seriousness of any traumatic and/or bodily injury sustained, and duty assignment. That plan may include any or all of the following training:
 - Stress Management Techniques
 - Peer Counseling/Psychological Counseling
 - Simulator Training
 - Live Fire Exercises, including confidence courses, basic marksmanship, shooting with other live fire, stress inoculation practical shooting exercises.
 - Driving/EVOC Training
 - Baton
 - Ground Tactics/Self-Defense/Arrest Control Tactics
 - PT/Physical Exercise
 - Legal Updates/Department policy & procedure updates.
 - Other certifications, testing, training identified through the academy.
 - Placement into the Field Training (FTO) program or equivalent training based on the employee's home assignment.
 - Any other training identified by the involved member that would assist with reintegration.
- Documentation of completed training will be kept for each member involved in the program in his/her individual training records, depending on his/her duty assignment.
- Upon completion of the training, the Reintegration Program Coordinator will meet with any applicable representatives from the APD Training Academy, FTO program (or equivalent), and the member's assigned Division Chief (or

Manager, if applicable) to review the process and recommend his/her return to duty.

The member will then either:

- Return to his/her duty assignment.
- Continue with additional training within the Reintegration Program.
- If involved in a critical incident and not cleared for full duty, he/she shall be given his/her choice of available assignments from those approved by the Chief's Office.

Post Critical Incident Protocol:

For the purposes of this directive a "Critical Incident" is an incident that can cause great distress or disruption in a member's life. A "Critical Incident" may include, but is not limited to the following situations:

1. A member involved in an incident requiring the use of deadly force, with or without death or physical harm.
2. A member involved in an incident resulting in the death or serious physical harm of another person.
3. A member suffering from a significant personal injury caused by another person.
4. Any other incident deemed by the Chief of Police or designee as being a "traumatic event."

The Employee Support & Wellness Unit (ESWU) shall be informed of a department member being involved in a "Critical Incident" via the on-call notification matrix. ESWU will monitor the situation and determine an appropriate response, including any notifications to family members, on-call psychological services, or other needs.

- The member(s) involved will be placed on administrative leave for a period of 5 business days, subject to extension at the direction of the Chief of Police or designee.
- Secondary officers or witnesses may also be placed on administrative leave at the direction of the Chief of Police or designee only if extenuating circumstances deem it necessary.
- Within 72 hours of the incident, ESWU will assist member(s) involved with scheduling a mandatory appointment with a psychological services clinician. The attendance of this appointment will be completed within the 5 business days of administrative leave, and will be documented on the APD Confidential Psychological Services Contact Form.
- Upon completion of this appointment and the approval of the clinician, member(s) will be placed in the applicable other than full duty status in a non-enforcement role, assigned to the ESWU, and placed into the Reintegration Program.

- At the request of the psychological services clinician, the Chief of Police or designee may extend the duration of administrative leave.
- A voluntary Critical Incident Stress Management (CISM) Debrief should be conducted within two (2) weeks, or as soon as practical, after the incident with those members directly involved with the incident.
- The member will not be returned to full duty until an administrative review has been completed.

Should a member be physically harmed and hospitalized as a result of the incident AND the hospital stay will be prolonged for a period of time, the Trauma Response Team will be activated, and the member will be temporarily reassigned to the ESWU, who will be responsible for providing care, support services, and coordinating needs of the member and his/her family until such time he/she is released and able to enter the Reintegration Program.



Public Safety, Courts and Civil Service Policy Committee Agenda Item Commentary

Item Title: Arrestable Offenses, Traffic Stops and Non-Violent Crimes
Item Initiator: Danelle Carrel
Staff Source: Division Chief Darin Parker
Deputy City Manager Signature:
Outside Speaker:
Council Goal: 1.0: Assure a safe community for people--2012: 1.0--Assure a safe community for peopl

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

Response to Council Member Gardner's request for information around arrestable offenses and traffic stops. The presentation and backup material will provide information regarding what offenses are arrestable, officer discretion on arrest or summons, the authority of officers to approach and contact individuals, secondary traffic offenses, vehicle stop training, and statistical analysis of traffic stops.

QUESTIONS FOR Committee

EXHIBITS ATTACHED:

PSCCS Presentation - August 27.pdf

Arrestable Offenses & Traffic Stops

PSCCS

August 27, 2020

Does APD have a matrix around which offenses are arrestable?
If so, does the Chief have the ability to change?

CRS 16-3-102: Arrest by Peace Officer

(1) A peace officer may arrest a person when:

(a) He has a warrant commanding that such person be arrested; or

(b) Any crime has been or is being committed by such person in his presence;
or

(c) He has probable cause to believe that an offense was committed and has probable cause to believe that the offense was committed by the person to be arrested.

APD Directives – Arrest Procedures

Directive 6.1.1 – Arrest Without a Warrant

Members will immediately notify a supervisor or Patrol Lieutenant whenever an arrest without a warrant is made, unless the individual is released on a summons at the scene. All affidavits for arrest without a warrant must be approved prior to processing or booking an arrestee into the Aurora Detention Center. Warrantless arrest affidavits should be approved by the initiating member's District Lieutenant Watch Commander. In the absence of a Lieutenant Watch Commander, the affidavit may be approved by the acting District Watch Commander or the member's sergeant with notification to the Watch Commander. Affidavits prepared by detectives will be approved by their immediate supervisor or detective lieutenant when available. Detectives may get approval from a Watch Commander after hours.

Officers may arrest without a warrant only upon the determination that probable cause exists to believe that a crime was committed and that the individual to be arrested committed the crime or for a crime committed in the officer's presence. Prior to such arrest, officers will investigate the facts leading to the arrest. The investigation should include, if possible, identification of all witnesses and suspects, interviews of persons who may have pertinent information and crime scene / evidence protection and preservation.

APD Directives – Arrest Procedures (cont'd)

Directive 6.1.2 – Release of Adults Arrested Without a Warrant

When an adult is arrested without a warrant, the individual should be released as soon as possible if one of the following circumstances exists:

The arresting officer no longer believes probable cause exists to support the allegation against the individual. A Patrol Lieutenant must promptly review the facts of the case and determine whether probable cause no longer exists. If so, the lieutenant should approve the detainee's immediate release. The Patrol Lieutenant 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.

The offense for which the person was arrested is a misdemeanor or petty offense that allows incarceration and the arresting officer is reasonably satisfied that the person arrested will obey a summons commanding his/her appearance in court at a later date. The individual may be processed through the Aurora Detention Center to obtain current identification information prior to the issuance of a summons. Upon issuance of a summons to appear, the individual may be released. The arresting officer will issue the summons to the detainee and advise the individual of the court date and location to appear.

Persons arrested for any crime or offense, the underlying factual basis of which includes an act of domestic violence, will not be released at the scene of the alleged crime. In all cases involving domestic violence, the arrestee will be brought before a judge prior to release, unless appropriate bond is posted.

APD Directives – Arrest Procedures (cont'd)

Domestic Violence - Mandatory Arrest

CRS 18-6-803.6: Duties of peace officers and prosecuting agencies

(1) When a peace officer determines that there is probable cause to believe that a crime or offense involving domestic violence, as defined in section 18-6-800.3 (1), has been committed, the officer shall, without undue delay, arrest the person suspected of its commission pursuant to the provisions in subsection (2) of this section, if applicable, and charge the person with the appropriate crime or offense. Nothing in this subsection (1) shall be construed to require a peace officer to arrest both parties involved in an alleged act of domestic violence when both claim to have been victims of such domestic violence. Additionally, nothing in this subsection (1) shall be construed to require a peace officer to arrest either party involved in an alleged act of domestic violence when a peace officer determines there is no probable cause to believe that a crime or offense of domestic violence has been committed. The arrested person shall be removed from the scene of the arrest and shall be taken to the peace officer's station for booking, whereupon the arrested person may be held or released in accordance with the adopted bonding schedules for the jurisdiction in which the arrest is made.

APD Directives – Arrest Procedures (cont'd)

Directive 6.1.3 – Release of Juveniles Arrested Without a Warrant

Juveniles detained for a status offense (runaway, curfew, possession of alcohol underage, etc.) will not be processed through the Aurora Detention Center unless the individual is flagged as a “No More Summons” juvenile or as a SHODI. Juveniles detained for a status offense should be issued a summons to appear and released to a responsible parent/guardian, an adult residing with the juvenile or other responsible adult. The officer will advise the adult of the date and location of the court appearance.

Juveniles temporarily detained for a delinquent act constituting a felony, class 1 misdemeanor, driving under the influence of alcohol or drugs or an act, the underlying facts of which constitute an act of domestic violence will be processed through the Aurora Detention Center.

If appropriate, the juvenile will be issued a summons for the delinquent act and released to a responsible parent/guardian, an adult residing with the juvenile or another responsible adult.

In all cases, the detaining officer will obtain and document identifying information (name, date of birth, address, telephone numbers) of the adult accepting custody of the juvenile.

In the event the investigating officer determines the juvenile should be placed in a detention or temporary holding facility, the officer will contact the juvenile screening team for the judicial district with jurisdiction to determine the appropriate placement. All documents pertaining to the temporary custody will be delivered to the appropriate prosecuting attorney prior to the juvenile detention hearing.

Should the detaining officer determine that probable cause no longer exists to support the allegation against the juvenile; the officer will immediately notify a Patrol Lieutenant. The Patrol Lieutenant will review the facts of the case prior to authorizing the release of the juvenile. The officer may then release the juvenile to a responsible parent/guardian, adult residing with the juvenile or other responsible adult.

What subjectivity does an officer have to issue a citation/summons rather than arrest?

APD Directive 6.3 – Release or Jailing of Arrested Persons

The use of discretion will apply when sworn members of this Department are faced with a situation where discretion can be exercised. The officer must evaluate the circumstances, consider available resources and rely on his/her training, department procedures, statutory law and supervision in making the appropriate decision.

In dealing with each situation, the decision should be the least restrictive that still accomplishes the intent of the law, is in accordance with department policy, and does not compromise an officer's safety. Officers will be held strictly accountable for their actions in these circumstances.

The limits of discretion for sworn personnel are defined by:

- (a) Various federal and state laws, city ordinances and case law.*
- (b) Department procedures.*
- (c) The rank and responsibility held by the officer.*

Subjectivity/Discretion (cont'd)

APD Directive 6.3.1 – Pretrial Release of Arrested Persons

In most circumstances, persons arrested for municipal ordinance violations; misdemeanors or traffic charges should not be incarcerated. Every effort should be made to release an arrested person on a summons or by court sanctioned bonding procedures.

APD Directive 6.3.2 – Considerations for Prisoners Incarceration

The following conditions may require bond or incarceration:

- (a) Prisoners arrested for felonies.*
- (b) Prisoners with outstanding warrants from other jurisdictions.*
- (c) Prisoners who have a history of failure to appear warrants.*
- (d) Prisoners who expressly state they will not appear in court.*
- (e) Prisoners who cannot produce sufficient identification and/or a local address.*
- (f) Prisoners who refuse processing by Aurora Detention Center personnel.*
- (g) Prisoners who are so intoxicated that immediate release would jeopardize their or another person's welfare of safety. These prisoners may be released to Detox on a summons.*

Subjectivity/Discretion (cont'd)

APD Directive 6.9.1 – Enforcement Guidelines (Domestic Violence)

When an officer determines that there is probable cause to believe that a crime or offense involving domestic violence has been committed, and that the suspect committed the offense, the officer will arrest the suspect and charge the suspect with the appropriate criminal charges. The arrested person will be removed from the scene of the arrest and taken to the Aurora Detention Center for booking. The arrested person may be held or released by following the bonding schedule for the jurisdiction in which charges were filed.

During routine patrol, are officers allowed to approach an individual without reason?

This would be considered a consensual contact; however, the officer does not have the authority to detain a person absent reasonable suspicion, probable cause, or a warrant. In other words, the person is free to walk away and/or ignore the officer.

Reasonable Suspicion

Reasonable suspicion requires more than a hunch. *People v. May*, 886 P.2d 280, 282 (Colo.1994). The requisite “level of suspicion is considerably less than proof of wrongdoing by a preponderance of the evidence.” *United States v. Sokolow*, 490 U.S. 1, 7 (1989). The Supreme Court has held that reasonable suspicion requires that detaining officers have “a particularized and objective basis for suspecting” the person detained. *United States v. Cortez*, 449 U.S. 411, 417–18 (1981).

In determining whether reasonable suspicion exists, a court must examine the totality of the circumstances known to the government agents at the time of the detention. *Sokolow*, 490 U.S. at 8; *Cortez*, 449 U.S. at 417. A court, moreover, examines the totality of the circumstances in the context of law enforcement officers' special training and experience. *United States v. Brignoni-Ponce*, 422 U.S. 873, 884–86 (1975); *United States v. Bowles*, 625 F.2d 526, 533–34 (5th Cir.1980). Observations that seem innocuous to ordinary citizens, may “appear suspect to one familiar with the practices of narcotics couriers.” *United States v. Glover*, 957 F.2d 1004, 1010 (2d Cir.1992); accord *United States v. Smith*, 201 F.3d 1317, 1321 (11th Cir.2000) (“[W]e view the totality of the circumstances in the light of the officers' special training and experience.”); *United States v. Gonzalez*, 969 F.2d 999, 1004 (11th Cir.1992) (“The officers' experience may be considered in determining probable cause. Conduct innocent in the eyes of the untrained may carry entirely different ‘messages’ to the experienced or trained observer.”).

Probable Cause

Probable cause refers to the reasonable belief that evidence exists establishing the basis to arrest, conduct a personal or property search, or obtain a warrant. *People v. Tallent*, 174 P.3d 310, 314 (Colo. 2008) (citing *People v. Lucero*, 174 Colo. 278, 483 P.2d 968 (1971)).

Probable cause to arrest exists when, under the totality of the circumstances at the time of arrest, the objective facts and circumstances available to a reasonably cautious officer at the time of arrest justify the belief that (1) an offense has been or is being committed (2) by the person arrested. Winpigler, 8 P.3d at 444; *People v. Freeman*, 668 P.2d 1371, 1377 (Colo.1983).

“That is, probable cause to arrest requires that at the time an arrest is made the police have probable cause to believe a crime has been or is being committed and probable cause to believe the person to be arrested has committed or is committing the crime.” People v. McCoy, 870 P.2d 1231, 1235 (Colo.1994) (emphasis added).

The second element of probable cause to arrest—the requirement of probable cause to believe the person arrested has committed or is committing the crime—creates a nexus between the suspected crime and the person arrested. Cf. 2 Wayne R. LaFare, Search and Seizure § 3.7(d) (3d ed.1996) (stating that probable cause to search a particular place in order to seize a particular object requires a nexus between the crime, the object to be seized, and the place to be searched). This nexus requirement protects people from, among other things, the harmful effects of general warrants,⁶ the abolition of which was one of the primary motivations behind the passage of the Fourth Amendment. See Henry v. United States, 361 U.S. 98, 100, 80 S.Ct. 168, 4 L.Ed.2d 134 (1959); *Boyd v. United States*, 116 U.S. 616, 624–25, 6 S.Ct. 524, 29 L.Ed. 746 (1886). At the time an arrest is made, police must possess (1) probable cause to believe a crime has been or is being committed, and (2) probable cause to believe the person arrested committed or is committing that crime. *People v. King*, 16 P.3d 807, 813 (Colo. 2001)

Do we have secondary traffic offenses where an officer won't stop a driver for only that offense?

Colorado Revised Statutes 42-4-237 / Model Traffic Code 237: Safety Belt Systems

Seatbelt violations for drivers and passengers 16 years old and older are secondary violations.

Child restraint violations are a primary violation.

Colorado Revised Statutes 42-4-239 / Model Traffic Code 239: Misuse of a Wireless Telephone

Cell phone use/texting is a secondary violation if driver is stopped for illegal driving behavior **and** the cell phone use was a contributing factor.

What training do officers receive in actions to take during a traffic stop?

Classroom (Lecture & PowerPoint); Physical demonstration of techniques; and Practical/Scenarios

- "Routine" Traffic Stops - 10 hours
- High Risk and Low to High Risk Vehicle Stops – 12 hours
- Vehicle Searches - 4 hours
- Search & Seizure – 1 hour (specific to vehicles)
- CRS – 1 hour (specific to vehicles)
- Officer Safety Practices – Incorporated into other training & FTEP
- Inventory Procedures – Incorporated into other training & FTEP
- Impound Law (Authority) and Procedure – Incorporated into other training & FTEP

Do we have statistics as to traffic stops (by offense) that later turn into searches & additional charges, broken down by offense and race?

APD traffic stops are officer-initiated calls for service (CFS) and do not have a searchable field for race or physical searches conducted. The facts and circumstances of traffic stops dictate whether or not searches occur. Traffic stops which result in physical arrests involve searches; traffic stops which result in criminal summonses, traffic summonses, or street checks may or may not involve searches.

Traffic stops that result in physical arrests and criminal summonses can likely be found based on the case number associated with the CFS.

Statistics (continued)

For example, Aug. 1st, 2019 had 1,200 CFS, of which 77 were Traffic Stops, and 5 resulted in cases being generated and the results are below:

Case	Result	Race Gender	Offense/Charge
1	Arrest (Searched)	Black Male	PUBLIC PEACE-DISORDERLY COND ESCAPE FUGITIVE OF JUSTICE OBSTRUCT POLICE RESIST OFFICER
2	Arrest (Searched)	Hispanic Male	ESCAPED FUGITIVE OF JUSTICE (Warrant) 2 ARAP CTY WARRANTS FOR DRIVING WO LICENSE
3	Arrest (Searched)	Black Male	ESCAPED FELONY FUGITIVE OF JUSTICE (Warrant)
4	Arrest (Searched)	Black Male	WEAPON-POSSESSION PREVIOUS OFFENDER DRUGS-NARCOTIC EQUIPMENT POSS TRAFFIC-MOVING VIOL / TURN W/OUT SIGNAL
5	Crim Summons (Unknown if Searched)	Hispanic Female	TRAFFIC-NON MOVING VIOL / DROVE WITHOUT LIGHTS OR LICENSE

The above data was collected manually. To create an automated process to efficiently obtain race and offense data will take a significant amount of time to establish. The results will not always indicate if a person was searched. Additionally, race and offense information will only be known for physical arrests and criminal summonses.