

Public Safety, Courts & Civil Service (PSCCS) Meeting
September 10, 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 Draft Minutes
None for this meeting | Council Member Hiltz |
| 2. Consent Items (<i>These items have no presentation unless requested by the Committee</i>) | |
| a. Arrestable Offenses, Traffic Stops and Non-Violent Crimes Follow-up | |
| b. Internal Investigations Follow-up | |
| c. Motor Vehicle Theft Follow-up | |
| d. Mental Health Budget Follow-up | |
| e. 2021 Gray and Black Marijuana Grant | |
| 3. Federal Grant Program for Military Equipment (25/15) | Business Services Manager
John Schneebeck |
| 4. 1033 Prohibition Ordinance (5/5)
(Sponsored by CM Marcano) | Deputy City Attorney
Nancy Rodgers |
| 5. 1033 Procurement Program Requirement Ordinance (5/5)
(Sponsored by CM Gardner) | Deputy City Attorney
Nancy Rodgers |
| 6. Non-Lethal Demos (10/15) | Division Chief Darin Parker |

7. Chemical Agent Ban Proposal (10/5)
(Sponsored by CM Marcano)
8. Miscellaneous Matters for Consideration
9. Confirm Next Meeting
September 17, 2020, at 11am on WebEx

Deputy City Attorney
Nancy Rodgers

Council Member Hiltz



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

Item Title: Arrestable Offenses, Traffic Stops and Non-Violent Crimes Follow-up
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.)*


As a follow-up to the August 27 presentation to the committee, directives referenced are being provided as requested.

QUESTIONS FOR Committee

EXHIBITS ATTACHED:

- APD Directive 6.1.pdf
- APD Directive 6.3.pdf
- APD Directive 6.9.pdf

AURORA POLICE DEPARTMENT DIRECTIVES MANUAL

06.01	Title: Arrest Procedure		Duty Honor Integrity
	Approved By: Vanessa Wilson, Interim Chief of Police		
	Effective: 09/01/1998	Revised: 05/20/2020	
	Associated Policy: DM 06.05,06.09,08.10,08.20,11.02		
	References: CRS 16-3-102, 16-3-405,18-8-405,19-2-508 Forms: 073,196,197		
Review: APD Legal Advisor			Page 1 of 11

6.1 ARREST PROCEDURE

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.

A member affecting a warrantless arrest will document the incident fully and accurately in the Versadex Records Management System according to Directive 8.10 - Reports prior to the officer returning to service. When the call load dictates a need for the member to return to service immediately, a supervisor may override this requirement, but will ensure that all reports related to the warrantless arrest are completed prior to the member terminating his/her shift. Prior to returning to service the member must provide Detention Center personnel the name and contact information for the member responsible for completing the paperwork.

Aurora Detention Center personnel are responsible for the taking of photographs and fingerprints of persons processed through the Aurora Detention Center. Policy regarding the processing of detainees is established by the Aurora Detention Center.

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.

In all other cases, adults arrested without a warrant will be held for bond in accordance with the bond schedule maintained by the Aurora Detention Center. Upon the posting of the bond, the arrestee will be advised of the assigned court appearance date and the location of the court prior to release.

All required documents pertaining to the arrest will be delivered to the appropriate prosecuting attorney prior to the first court appearance.

6.1.3 Release of Juveniles Arrested without a Warrant

Juveniles detained for a status offense (runaway, curfew, possession of alcohol under age, 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.

6.1.4 Record Corrections

In the event an investigation leads a member to believe that probable cause no longer exists to believe that an arrested subject committed a crime or that an error was made in arresting the subject, the member will immediately report the facts of the discovery to a Patrol Lieutenant or appropriate Command Officer. If the Command Officer is in agreement that probable cause has dissipated or cannot be substantiated, the subject will be released.

When it is determined that probable cause for the arrest cannot be substantiated and the subject has already been processed through the Aurora Detention Center, an immediate request to correct the subject's record will be submitted to a Records Unit Supervisor. Requests made within two hours of processing may be corrected without further approval from the chain of command. When the time period exceeds two hours, a formal request through the Chief of Police or designee is required.

Whenever a person is released because probable cause dissipated or could not be substantiated, the reviewing Patrol Lieutenant will ensure that a supplemental report is completed that accurately describes the details leading to the release. The Patrol Lieutenant will commence an initial inquiry into the incident. At a minimum, when

errors of this nature occur, the incident will be documented in the arresting member's Performance Appraisal File.

6.1.5 Arrest Warrants

Members will advise the Records Section of all warrant arrests, so warrants may be confirmed when necessary, and, in all cases, locates and dispositions provided to the entering agencies.

Three categories of warrants are entered into CCIC.

1. CICJIS (Colorado Integrated Criminal Justice Information System) warrants entered into CCIC electronically by the county and district courts do not require confirmation. CICJIS warrants are issued for felony, misdemeanor, and traffic charges and may or may not be extraditable from the City of Aurora.
2. Non-CICJIS warrants are entered into CCIC electronically or manually by municipalities and counties and may or may not require confirmation as indicated on the warrant. Non-CICJIS warrants are issued for felony, misdemeanor, and traffic charges and may or may not be extraditable from the City of Aurora.
3. Municipal Probable Cause Warrants. When a summons is prepared for a municipal warrant and the warrant is signed by the judge, the municipal court will have the warrant placed into CCIC. If the person is arrested before the warrant is placed in CCIC, Records will send the summons to the jail for issuance to the party.

Warrants entered into NCIC require confirmations when they are extraditable from Aurora. NCIC warrants are issued for felony, misdemeanor, and traffic charges, and may or may not be extraditable from the City of Aurora.

Requirements and extradition limits are explained in the Headers, Miscellaneous (MIS) fields, and Extradition Limitation (EXL) fields of CCIC and NCIC warrants. Department members needing confirmation for a warrant(s) must contact the Records Unit for needed action. Records Unit members are the only APD members with authorization and permissions to complete this task.

Arrest Warrants will be executed by sworn law enforcement officials only.

6.1.6 Aurora Municipal Arrest Warrants

During the hours the Aurora Municipal Court is open for business, persons who are arrested and able to immediately post the required bond or pay the fine may be taken directly to the Municipal Court. Whenever possible, custody of the arrestee will be transferred to the City Marshal who will ensure the bond is posted and/or the fine is paid.

When the Municipal Court is not in session (nights, weekends and holidays) all persons arrested on a Municipal Warrant may post bond in the Aurora Detention Center. Officers will complete the necessary report(s) before returning to duty.

6.1.7 Warrants Initiated by Other Jurisdictions

Persons arrested for warrants initiated by another jurisdiction may be incarcerated in the Aurora Detention Center. When practical and before jailing the person at the Aurora Detention Center all reasonable efforts should be made by the arresting officer to arrange for the arrestee to be turned over to a representative of the agency initiating the warrant.

The arresting/transporting officer will complete a General Offense Report detailing the reasonable suspicion for the contact and the warrant confirmation information (not necessary for CICIJIS warrants). The transfer of the detainee to another agency will be documented in the report and will include the name and officer ID number of the receiving jurisdiction.

6.1.8 Juvenile Warrants

When a juvenile is taken into custody on an Aurora Municipal Warrant, a Promise to Appear Form should be utilized in lieu of detention, when possible. The juvenile will be released on a Promise to Appear to a responsible parent/guardian, an adult residing with the juvenile or other responsible adult. The detaining member will explain the charge, court appearance date and time and location of appearance to the accepting adult. In addition, the detaining officer will explain the requirement for a parent/guardian to appear with the juvenile. 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 and the parent/guardian (if different from the accepting adult).

If a juvenile is taken into custody on a District Court warrant or a warrant initiated by another jurisdiction, custody of the juvenile should be relinquished to the appropriate jurisdiction or youth center detention facility.

If a juvenile is arrested on a warrant for committing a status offense or F.T.A. for a status offense and the juvenile cannot be released on a Promise to Appear or taken to Aurora Municipal Court, the officer will contact an appropriate facility for placement in accordance with Directive 11.2.17 - Procedures for Handling Juvenile Status Offenders. Status offenses are those offenses that would not be a crime if committed by an adult (runaway, truancy, beyond parental control, minor in possession of alcohol, and curfew violations).

6.1.9 Domestic Violence

Domestic violence procedures will be handled according to Aurora Police Department Directive 6.9 - Domestic Violence.

6.1.10 Release of Handcuffed Persons Following Investigatory Stop

Handcuffs are a physical restraint device that can be used during investigatory detentions (in certain limited situations) and to affect arrests. The United States Supreme Court and the Colorado courts recognize that the use of handcuffs does not necessarily convert an investigatory stop into an arrest. However, the use of handcuffs in the course of an investigatory stop is only justified when the circumstances indicate that such force constitutes a reasonable precaution for the protection and safety of the investigating officer(s). The use of handcuffs during an investigatory stop must be documented in a MDC or incident report and supported by articulated facts specific to the incident. When it is determined that the threat to the safety of the investigating officer(s) is over and/or the handcuffed person should be released without charges or pending further investigation, the detaining officer(s) shall un-handcuff/release the person without delay. As soon as practical, a supervisor must be notified concerning the circumstances of the contact and that supervisor's name must be documented in the MDC or incident report.

6.1.11 Arrests Made in Civil Matters

The Aurora Police Department makes civil arrests only for warrants issued by a court of competent jurisdiction for civil contempt or for violation of valid restraining orders. In these instances, sworn members will only make arrests in accordance with Directive 6.1 - Arrest Procedure, Directive 6.9 - Domestic Violence or Directive 8.20 - Restraining Orders.

6.1.12 Incidents Involving a Bail Bondsman

The actions of a bail bondsman are civil. It is the result of a contract between the bail bondsman and the suspect in question. Bail bondsman and bounty hunters are not police officers or government agents and do not have the same constitutional constraints upon them as police officers do. Officers expose themselves to liability issues and can be sued for improper actions taken to arrest a suspect unless there is a valid warrant and appropriate lawful measures are taken to serve the valid warrant.

The Aurora Police Department will not provide assistance to, nor be dispatched to requests for assistance from bail bondsman, bounty hunters, or other private parties for the purposes of arresting a suspect involved in a private contract between both parties.

In the event that officers become inadvertently involved with these private entities during a civil action, officers will be cautious in their delivery of services. Officers will determine if any criminal laws have been violated.

If there is criminal activity, officers will notify a supervisor and take appropriate action.

If there is no criminal activity, officers will only assist in determining whether there is a valid warrant for the arrest of the suspect, and that extradition is authorized. If a legitimate warrant does exist, the officers will dismiss the private parties from the area and follow normal protocols and procedures to enforce a legitimate warrant for the suspect's arrest. All APD directives will be followed.

6.1.13 Search Incident to Arrest

- When an individual is placed under custodial arrest by a sworn member, incident to that arrest a search will be performed of the arrestee's person, of any items in the arrestee's immediate possession at the time of arrest and, if appropriate, of the area immediately around the arrestee at the time they were arrested. The search of the area around the arrestee will be performed immediately after formal arrest while the arrestee is still present and should not extend beyond the area within the arrestee's immediate control at the time of arrest.
- When a custodial arrest is made of an occupant/recent occupant of a vehicle, officers may search the vehicle incident to arrest only if the arrestee is unsecured (i.e., un-handcuffed, not secured/restrained by officers, not placed in a patrol vehicle) and within reaching distance of the passenger compartment at the time of the search or when probable cause exists to believe the vehicle contains evidence of the offense of arrest. When these justifications are absent, a search of an arrestee's vehicle will be unreasonable unless officers obtain a search warrant for the vehicle or when an officer can articulate that another exception to the warrant requirement applies, such as when a vehicle inventory is justified or a consent to search is given. If a search of the vehicle incident to arrest is justified, officers may look anywhere in the passenger compartment (or its functional equivalent) of the vehicle including any closed containers found within.

For additional searching procedures see department Directive 6.5 - Transportation of Detainees.

6.1.14 Strip and Body Cavity Searches

The Aurora Police Department strongly discourages the use of strip searches in any area other than the Aurora Detention Center. However, under extraordinary circumstances it may become necessary to conduct searches of this nature, based on probable cause, for the safety of officers or to secure evidence of criminal activity. In all cases, strip searches will be conducted according to CRS 16-3-405: Strip Searches - when authorized or prohibited. This statute covers searches with or without a warrant.

For purposes of this section, and in accordance with CRS 16-3-405(a), "strip search" means having an arrested person remove or arrange some or all of his or her clothing so as to permit a visual inspection of the genitals, buttocks, anus, or female breasts of such person.

Strip Searches:

Any strip search of an adult or juvenile will require the completion of APD Form 196 and documentation in a written report as required under Directive 8.10 Reports. The form will be filled out completely and an authorizing signature will be obtained prior to the search. The form can be found in the directive management system.

In instances involving juveniles, the juvenile's parent or legal guardian will be contacted and asked to come to the appropriate district station or other facility.

All strip searches must be performed by a person of the same sex as the arrested person and in an area where the search cannot be observed by a person not physically conducting the search.

If a strip search must be performed on a transgender detainee, it will be conducted by an officer of the same sex as the detainee's genitalia. No transgender or intersex individual shall be searched or examined for the sole purpose of determining what genitalia the individual possesses. If it is necessary to determine what genitalia the individual possesses, it may be determined during conversations with the person or by reviewing official records.

Any officer(s) serving as backup to the officer conducting the strip search will position themselves outside of the strip search room, ready for immediate entry should problems arise.

In the event an arrestee becomes combative during the search, the gender issues and number of people involved in the search will no longer apply until such time as the arrestee's actions are controlled.

After the search, officers are responsible to ensure the subject is fully clothed and prepared for movement prior to leaving the search area.

Body Cavity Searches:

All body cavity searches of an adult or juvenile, other than searches of the oral cavity (mouth), absolutely require the prior issuance of a search warrant.

A body cavity search of any area other than the mouth will also require the completion of APD Form 197 and documentation in a written report as required under Directive 8.10 Reports. The form will be filled out completely and an authorizing signature will be obtained prior to the search. The form can be found in the directive management system.

Should emergency medical treatment be required, officers will request AFD. If the medical emergency should result in the removal of evidence from a body cavity to

protect the life or safety of the prisoner, that evidence should be secured, preserved intact at the point of removal, and not further examined or tested until a warrant is obtained.

A body cavity search (with the exception of the mouth) will be performed under sanitary conditions, in an area where the search cannot be observed by a person not physically conducting the search, and will only be performed by a licensed physician or nurse. The licensed physician or nurse will follow his/her applicable protocol for the body cavity search.

If the body cavity search involves a juvenile, the juvenile's parent or legal guardian will be contacted and requested to come to the medical facility prior to the search if possible.

Any officer(s) serving as backup during a body cavity search will position themselves outside of the room, ready for immediate entry should problems arise unless the physician or nurse requests the officer's presence.

In the event a subject becomes combative during the search, the officer(s) will enter the room to control the subject. Once the subject is controlled, the officer(s) will return to the position outside the room unless the safety of the physician or nurse requires the officer(s) to stay in the room to control the subject.

At no time will a subject be left alone in a room. An officer, physician, or nurse must be constantly observing the subject before, during, and after the search until such time as the subject is declared medically cleared to be released or escorted from the search area by an officer.

If the subject will be taken into police custody and transported, officers are responsible to ensure the subject is fully clothed and prepared for movement prior to leaving the search area.

Members must be aware that any peace officer or employee of a police department who knowingly and intentionally fails to comply with any provision of Section 16-3-405, C.R.S. commits second-degree official misconduct, as defined in section 18-8-405, C.R.S.

Nothing contained in this section will preclude prosecution of a peace officer or employee of a police department under any other provision of the law.

Nothing in this section will be construed as limiting the statutory or common-law rights of any person for the purposes of any civil action or injunctive relief.

6.1.15 District Holding Cell and Processing Room Procedures

Holding cells and processing rooms are intended for short-term placement of detainees. Holding cell rooms will be equipped with a phone, chairs and desks for the members and a secure holding area for detainees. The rooms are constructed with walls between holding cell rooms to allow separation of adults and juveniles and male and female detainees.

Members will maintain continuous visual observation of the detainee pending the detainee's transfer to the detention center, release to Detoxification Center staff, transportation to another facility, or until released. All sworn members will receive initial training on holding cell procedures in their academy training. Refresher training will be provided at least once every four years.

The following procedures will be adhered to when utilizing the holding cells/processing rooms to prevent escape by the detainee and for the safety of members and detainees:

- Members detaining a subject in the holding cells or processing rooms must secure their weapons. Members will be cognizant at all times of officer safety concerns and will not expose their weapon to detainees.
- Members may retain their weapons secured in their holster while placing a detainee in or taking the detainee out of the holding cell if the detainee is handcuffed and the member has a level one or greater security holster. A level one or greater security holster is defined as a holster that is designed to secure the weapon and the operator must perform at least one function in addition to pulling the weapon to retrieve it.
- Members must secure their weapons in the lock boxes if the detainee is not handcuffed.
- Members who need to enter a holding cell with a detainee for a significant period of time (more than just placing in or taking out); will secure their weapons in the provided lock boxes. At least two members should be present in these instances.
- Members may secure their weapons in the lock boxes at their discretion whenever they feel it is necessary.
- Members will search detainees and visually inspect the area for contraband items or potential weapons prior to placing a detainee in the cell/room. Members will visually inspect the area for contraband items and potential weapons following the removal of a detainee.
- Holding cells and processing rooms are not equipped with duress alarms. Members requiring assistance will notify communications via verbal or digital radio communication, or telephone.

- Detainees requesting access to a restroom/water will be escorted to the nearest facility as soon as practical and when it will not interfere with processing and the collection of evidence.
- Detainees will not be supplied with meals.
- Detainees will remain handcuffed behind their back while in the holding cells/processing rooms unless freeing the detainee's hands is required for processing or other administrative tasks. Detainees will not be secured in any fashion to any fixed object.
- Members will maintain physical sight and sound separation of males, females and juveniles at all times while using the temporary holding cells. Separation between adults and juveniles is required for processing rooms.
- Only those members directly involved with the incident related to the detainee(s) should be allowed in the area. Visitors of the detainee will not be allowed in the holding cell area.
- Members will complete the Holding Cell Log, APD Form 073, for all persons detained in a holding cell, regardless of the duration or the purpose of the detention. Processing rooms do not have such a log.

6.1.16 District Holding Cell Procedures for Juveniles

In addition to the listed procedures for holding cells, members will take special precautions when dealing with a juvenile detainee.

Juveniles detained for a delinquent act may be held up to six hours, for processing purposes only, in an area that is sight and sound separated from adult detainees. The six-hour rule applies to total detention time (starts at the time the juvenile is placed in a secure custody situation and ends when the juvenile is released to a responsible adult). Secure custody includes any area that is used at any time to secure arrestees.

Juvenile non-offenders or status offenders may never be held in secure custody and cannot be secured to a stationary object.

Whenever a juvenile is detained in the holding cell area, the member will complete the Holding Cell Log, APD Form 073, regardless of the duration or the purpose of the detention.

All juvenile detainees will be continuously monitored and supervised by the detaining member.

AURORA POLICE DEPARTMENT DIRECTIVES MANUAL

6.3	EFFECTIVE: September 1, 1998	_____ Terry Jones, Chief of Police
	REVISED: January 3 rd , 2015	
SUBJECT: RELEASE OR JAILING OF ARRESTED PERSONS		
REFERENCES:		
REVIEW:	PAGE: 1 of 3	

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.

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.

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 or safety. These prisoners may be released to Detox on a summons.

6.3.3 Incarceration Notification of Out-of-State/Incoherent Detainees

In cases involving the arrest and/or incarceration of a detainee who is incoherent, incapacitated or unable to notify a family member, next of kin or a friend, the arresting officer will:

- (a) Attempt to obtain the detainees name, address and phone number.
- (b) Attempt to contact a family member, next of kin or a friend.
- (c) Advise the person contacted the detainee is in the Aurora Detention Center.

Throughout the booking process, the arresting officer will keep trying to contact the detainee's family, next of kin or a friend. If the officer makes contact with someone, it will be noted in the report, including the name of the party contacted, relationship of the party, address and telephone number. If the arresting officer does not make contact with anyone during the booking process, the contact attempts will be documented in the in the General Offense report and passed on to Aurora Detention Center personnel.

If a detainee does not speak English or otherwise cannot communicate (e.g., deaf-mute), the arresting officer will attempt to find a communicator through the on-file list of department employees who have skills in other languages. This list is located in the CAD System.

If a departmental employee with the required language skill (translator) is on duty, the arresting officer should request the translator make personal contact with the detainee to attempt to resolve the communication barrier.

If the departmental employee translator is off-duty, the arresting officer will, at a minimum, attempt to arrange for telephone contact between the detainee and translator to attempt to resolve the communication barrier.

If there is no departmental employee translator available to communicate with the detainee, the arresting officer should attempt to locate an individual with the requisite

language. A list of volunteers for specific languages will be maintained by the Department and are available in the Patrol Commander's Office.

6.3.4 Outside Jurisdiction Warrants

All outside jurisdiction warrants which come into the Aurora Police Department by mail, will be forwarded to the appropriate Patrol Commander's office for distribution to the correct beat or area in an attempt to pick up the subject.

Officers will attempt pick up and act on all official notifications from other agencies and on information from the computer (MDC) regarding wanted subjects.


Officers should confirm all warrants through the Records Unit before transporting a subject to a detention facility. If there should be a lengthy delay in confirmation or exceptional circumstances exist, the subject may be brought to the Municipal Justice Center for confirmation.

When a confirmation is obtained, it will be included in the report. Whenever a confirmation cannot be obtained, the attempts made will also be included in the report. Per the Aurora Detention Center Standard Operating Procedures, the Detention Center will not accept a detainee without a confirmation of the warrant. Detainees may be held on any additional charges for bonding, if required, but not on unconfirmed warrants alone.

6.3.5 Mass Arrest Situations

Mass arrest situations will be handled according to Department Directive 6.2 - Mass Arrest.

**AURORA POLICE DEPARTMENT
DIRECTIVES MANUAL**

06.09	Title: DOMESTIC VIOLENCE	
	Approved By: Nick Metz, Chief of Police	
	Effective: 09/01/1998	Revised: 12/19/2018
	Associated Policy: DM 08.10	
	References: APD Forms 061; 070; Notice to Appear; APD Glossary.	
Review: Legal Advisor		Duty Honor Integrity
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6.9 DOMESTIC VIOLENCE

The policy of the Aurora Police Department is to view all domestic violence complaints as possible instances of criminal conduct. This type of crime involves distinctly different dynamics from other types of assault, harassment or like cases. Because of this, the actions taken by the police department in domestic violence cases will be as designated by this directive.

Cases involving domestic violence are handled differently from other types of misdemeanor cases. Provisions are made for the immediate arrest of offenders and the processing of domestic violence cases is expedited.

Incidents involving same sex couples are classified as domestic violence. When the investigating officer determines that same sex partners are, or have been involved in an intimate relationship, the incident should be handled according to the provisions of this directive. The investigating officer should include any information discovered that gives evidence that the relationship is or has been intimate (e.g. admission, co-habiting, sharing same bedroom, etc.).

6.9.1 Enforcement Guidelines

When an officer determines that there is probable cause to believe that a crime or offense involving domestic violence (see glossary) 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.

If an officer receives complaints of domestic violence from two or more opposing persons, the officer will evaluate each complaint separately to determine if a crime has been committed by one or more persons. In determining whether a crime has been committed by one or more persons, the officer will consider the following:

- Any prior complaints of domestic violence.
- The relative severity of the injuries inflicted on each person.
- The likelihood of future injury to each person.
- The possibility that one person acted in self-defense.

A Domestic Violence Case Summary Sheet (APD 070) and a Victim Survey (APD 061) will be completed when a summons is issued, an arrest is made, or an arrest warrant is applied for. Should the victim refuse to fill out all information, such refusal will be noted in the officer's report. The officer will complete the officer's portion of the Domestic Violence Case Summary Sheet (APD 070) and submit it to the Records Unit where it will be scanned and attached to the report.

If the victim completes any portion of the Domestic Violence Case Summary Sheet (APD 070) or Victim Survey (APD 061), that/those form(s) will be placed into evidence and a copy will be attached to the report where it will be scanned and retained with the report.

Aurora Municipal Court Cases

In cases charged into Municipal Court, the officer will complete an MRE General Offense Report and submit it to the Watch Commander for approval. The officer will affix a red tag (denoting "next day arraignment") to the supporting documents and submit them to the Watch Commander for supervisory approval. After approval, the red-tagged documents will immediately be forwarded to the Records Unit to be processed for next day court arraignment. The cut-off time will be midnight for next day arraignment. For instance, an arrest made at 0005 hours on a Tuesday is set for arraignment on Wednesday. Officers will issue the victim a Municipal Court subpoena instructing the victim (in the "Trial/Hearing" area), to report to Municipal Court, Division 8, at 0830 hours on the day of arraignment.

All investigations of domestic violence calls will require a written report unless unfounded and a written report is specifically excused by a supervisor. Members will list the names and ages of all minor children residing with the parties, or involved in the domestic relationship, regardless of their participation in this reported incident. Any MDC reports on domestic violence cases will carry the authorizing supervisor's name.

Members handling domestic violence cases involving juvenile suspects will complete all reports as required and forward the report to the appropriate District Detective Unit for filing. The juvenile will be processed for fingerprints and photographs at the Detention Center juvenile processing area. The juvenile suspect will then be taken to

the appropriate juvenile detention center. Juvenile suspects may not be released to a parent, social services or other placement.

Arapahoe County Court Cases

Members investigating a domestic violence incident in Arapahoe County that involves misdemeanor child abuse or restraining order violations (or any other misdemeanor violation that cannot be charged into Municipal Court that is related to a domestic situation) will charge them into Arapahoe County Court on a next day arraignment schedule.

Members will complete all currently required paperwork associated with a domestic violence report with the following exceptions:

- Members will charge the suspect on a County Court summons. The court date will be set for the next court day (as is currently done for Municipal charges). The time for arraignment is 0830 hours and will be written into Arapahoe County Combined Court at 7325 South Potomac Street, Centennial, CO 80112. The cut-off time will remain at midnight for next day arraignment.
- Members will complete a warrantless arrest affidavit for Arapahoe County.
- Members will issue an 18th Judicial District Notice to Appear form to the victim (instead of a Municipal subpoena). Check the appropriate time box for appearance as indicated on the Notice to Appear and add in the same date as the arraignment. The notice will direct the victim to 7325 South Potomac Street, room #208 which is the victim witness waiting room. The Arapahoe County Notice to Appear forms should be available in the districts' forms rooms. A Notice to Appear does not carry the same consequences for failure to appear as a subpoena; nevertheless, members should refrain from telling or suggesting to a domestic violence victim that the Notice to Appear is not a court order and they are not legally bound to appear.

Adams County Court Cases

Members investigating a domestic violence incident in Adams County that involves misdemeanor child abuse or restraining order violations (or any other misdemeanor violation that cannot be charged into Municipal Court that is related to a domestic situation) will place them in the Aurora Detention Center.

Members will complete all currently required paperwork associated with a domestic violence report with the following exceptions:

- Members will charge the suspect on an Adams County Court summons (long form). The Aurora Detention Center, in cooperation with the Adams County Sheriff's Office, will arrange for the suspect to be taken before a judge in an

expedited manner (Adams County does not allow the suspect to bond before arraignment).

- Members will complete a warrantless arrest affidavit for Adams County.
- Members will issue an Adams County subpoena to the victim. The Adams County subpoena forms will be available in the District forms rooms. The subpoena will be set for 1300 hours on the same day as the arraignment. Adams County Court arraignments are scheduled for three business days after the suspect has been jailed. The telephone number for the District Attorney's Office is on the subpoena form and victims should be encouraged to call ahead to confirm the date and time of their appearance.

Felony Cases

Felony charges will be handled according to current procedures (Place the suspect in detention pending a filing by the appropriate detective. Do not issue a summons, subpoena or Notice to Appear). As always, if there are felony charges and the felony is **unrelated to the domestic**, you may split the charges. **Members will NOT split charges if the felony charge is related to the domestic violence call.**

6.9.2 Domestic Violence Case Follow-up

If an arrest cannot be made on a timely basis, the reporting officer will apply for an arrest warrant to the appropriate Court. See Directive 8.10.10 for specific information on municipal cases.

If the reporting officer is not able to complete follow-up to obtain a warrant, e.g., due to vacation or conflicting shift hours, the case will be submitted to the Watch Commander for reassignment for timely follow-up.

6.9.3 Victim Assistance/Information

In all domestic violence cases, victims will be informed of the following resources:

- Aurora Police Department Victim Services Unit, and any other service providers listed by the Victim Services Unit. The Victim Services Unit is available at all times through the Public Safety Communications Department.
- Gateway Battered Women's Services and the telephone number.
- Providing the victim a Gateway Battered Women's Services brochure will provide the victim the required information on municipal misdemeanor cases.



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

Item Title: Police Investigations Follow-up
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.)*

- Elijah McClain Incident
 - Colorado Attorney General's Office - Criminal investigation into incident, ordered by the Governor - June 25, 2020
 - US Atty/DOJ Civil Rights Division/FBI Denver Division - federal civil rights investigation into incident - June 30, 2020
 - City Independent Investigation (Jonathan Smith) – Administrative investigation into incident - July 20, 2020 (Council vote); not to exceed budget of \$90,000
- General Practice
 - Colorado Attorney General's Office - Patterns and Practices investigation under SB 217, CRS 24-31-113 of all APD operations - Aug. 11, 2020
 - City Practices Review (21CP) – Comprehensive review of APD practices, policy, and culture - Aug. 11, 2020; not to exceed budget of \$339,460

QUESTIONS FOR Committee

EXHIBITS ATTACHED:



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

Item Title: Motor Vehicle Theft Follow-up
Item Initiator: Danelle Carrel
Staff Source: Sergeant Matthew Novak
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.)*

Follow-up statistics provided by Sergeant Matthew Novak

QUESTIONS FOR Committee

EXHIBITS ATTACHED:

MVT Follow-up.pdf



Memorandum

To: Public Safety Committee Chair, Allison Hiltz

Through: Deputy City Manager Jason Batchelor via Chain of Command

From: Sergeant Matt Novak, CATPA Metro Auto Theft Task Force (CMATT)

Date: August 25, 2020

Re: Motor Vehicle Theft Statistics for Public Safety Committee

This memorandum is submitted at the request of Councilmember Allison Hiltz as consent for the minutes for the upcoming Public Safety meeting scheduled for September 10, 2020. This is in response to a request from Aurora City Council on August 13, 2020 regarding Motor Vehicle Theft statistics and secondary crimes. I reached out to Councilmember Hiltz and provided her with the below information. She asked that it be officially submitted as minutes.

At the time of City Council's request on August 13, 2020 I did not have those statistics. However, Division Chief Condrey was able to obtain statistics about secondary crimes and motor vehicle thefts from the Colorado Bureau of Investigation (CBI), which showed that of the motor vehicle thefts reported to police for the entire state approximately 18% also shared a secondary crime.

Based upon my background at the CMATT Auto Theft Taskforce, that number seemed to me to be inaccurate and very low. Therefore, I reached out to my commander at the CMATT Taskforce, who in turn reached out to Director Robert Force at the Colorado Auto Theft Prevention Authority (CATPA). CATPA is the leading auto theft entity for the entire state of Colorado. Robert Force responded in an email as to why the CBI statistics are not very accurate or reliable for the true picture of auto theft in the State of Colorado, and especially the Denver Metro area. I have included his email response down below.

Director Force further responded because the way secondary offenses are reported to CBI, the Auto Theft Intelligence Coordination Center (ATICC) conducted a 2017 study looking specifically at offenders charged with motor vehicle theft and secondary offenses as opposed to just looking at the number of vehicles. This study used data from the Colorado Courts database and took approximately 3 months to complete. The study utilized data from 2011 – 2016. This study showed that approximately 73% of offenders who were charged with aggravated motor vehicle theft were also charge with additional crimes, many of them felonious and involving weapons. I have also included 3 slides from that study. These particular slides are incorporated in the training material for Aurora Police Department recruit training. The 73% number is probably a much more accurate depiction of motor vehicle thefts and secondary crimes in the State of Colorado and the Denver Metro area.

I also know from Director Force that ATICC will be replicating the 2017 study beginning in September 2020. Again, this study will be gathering data from the Colorado Courts database for 2017 – 2019 looking

at offenders charged with motor vehicle theft and will likely take 2 – 3 months to complete. Hopefully that information will be available at the end of the year or early 2021. What we know of auto theft in Colorado and the Denver metro area is that it has been on the steady rise. It is likely the study will reflect the 73% or even higher rate of motor vehicle thefts to secondary offenses since auto theft is steadily increasing.

From: Force - CDPS, Robert <robert.force@state.co.us>
Sent: Thursday, August 13, 2020 2:34 PM
To: Mike Greenwell <mikgre@lakewoodco.org>
Subject: Re: FW: MVT and Secondary crimes

EXTERNAL – USE CAUTION

Commander,

It's important to distinguish the difference between the initial reported offense of mvt, reported offenders and, in my opinion, the reality of what is discovered in the course of a MVT investigation.

The data you are referring to originates from CBI - which is the initial reported offense information. CBI publishes the Crime in Colorado (<https://coloradocrimestats.state.co.us/tops/report/mvt/colorado/2019>) which displays the UCR NIBRS data for CO. According to the MVT and Secondary Crimes data, there were 4,155 secondary offenses that were reported with the 22,031 MVT offenses ($4,155/22,031 = 18\%$). As you are aware, this reporting is based on how each CO agency reports their UCR NIBRS data to CBI. Typically the reporting is based on the original LE case report, which typically does not include investigative results (which would require agencies to send a modified UCR NIBRS report to CBI).

As CBI sends the UCR NIBRS data to the FBI, similar results are found in the Crime Data Explorer (<https://crime-data-explorer.fr.cloud.gov/explorer/state/colorado/crime>) in 2019 showing 20% of reported CO MVT's were linked to other offenses.

In discussions with CBI and the FBI CJIS, the issue of not capturing investigative information gives a minimal picture of what we believe is really going on. I think this is why you're kinda stumped on the 18% when, through investigations, the number is quite higher.

In attempting to get a better picture, ATICC has done some work on looking at the offenders that are charged with MVT in Colorado Courts - where their last numbers showed 73% of the offenders charged with MVT were associated with other crimes.

I hope this helps.

Robert D. Force
Director



CATPA

**Colorado Auto Theft
Prevention Authority**

Department of Public Safety

P [303-239-5880](tel:303-239-5880) | C [720-626-0504](tel:720-626-0504)
710 Kipling Street, Suite 106, Lakewood, CO 80215
robert.force@state.co.us | cdps_catpa@state.co.us
www.colorado.gov/pacific/csp/catpa-office

From: Force - CDPS, Robert <robert.force@state.co.us>
Sent: Thursday, August 13, 2020 2:37 PM
To: Mike Greenwell <mikgre@lakewoodco.org>
Subject: Re: FW: MVT and Secondary crimes

EXTERNAL – USE CAUTION

Also, the UCR NIBRS also shows the 'clearance' of crimes, which is also misleading - as it's based on the status at the time of the report - not when the case is closed.

Robert D. Force
Director



CATPA

**Colorado Auto Theft
Prevention Authority**

Department of Public Safety

P [303-239-5880](tel:303-239-5880) | C [720-626-0504](tel:720-626-0504)
710 Kipling Street, Suite 106, Lakewood, CO 80215
robert.force@state.co.us | cdps_catpa@state.co.us
www.colorado.gov/pacific/csp/catpa-office

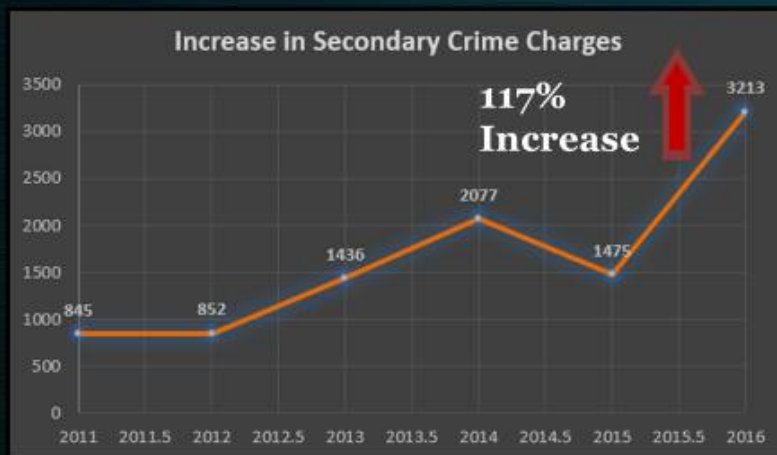
2017 Study conducted by Crime Analyst Gina Jeffries at Auto Theft Intelligence Coordination Center (ATICC)

- This study was completed with data from Colorado Courts.
- This study utilized data from 2011 – 2017.
- This study took 3 months to complete, having to extract the data from Colorado Courts, looking at individual cases.
- This study has not been replicated since 2017, but current data shows that motor vehicle thefts have steadily increased since 2017, so the data will likely be similar or even higher.
- ATICC plans to replicate this study beginning September 2020 using data from 2017 – 2019. It will likely take the similar 3-month time frame to complete.



C-MATT Update

3. Auto theft is for “short term” use to commit other criminal acts.



97% of stolen vehicles are used in other felony crimes besides MVT.

“Secondary Charges” Include:
Assault, Robbery, Weapons Possession, Kidnapping, Murder, Burglary, Narcotics, Possession Financial Transaction Device, Fraud, Forgery, ID Theft, Trespass – Vehicle, Dwelling, Property

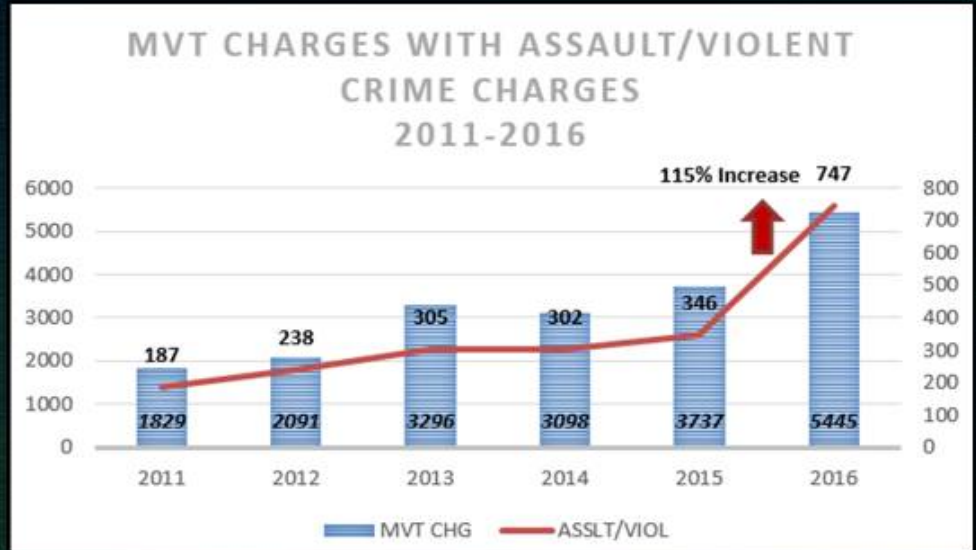
© 2017, ALL RIGHTS RESERVED. IT IS A TRADE SECRET AND CONFIDENTIAL.



C-MATT Update

**“Violent crimes”
calculated using
crimes of:**

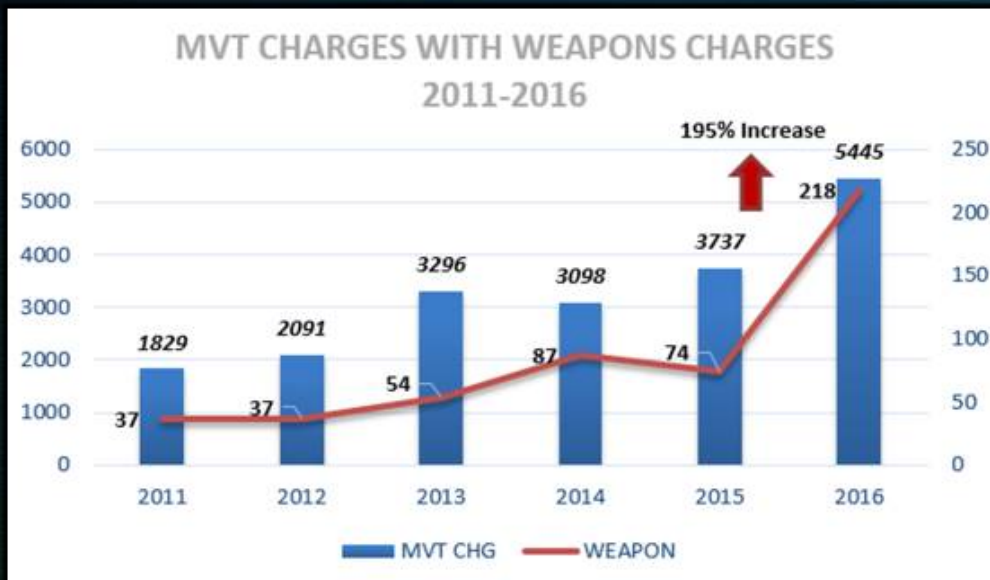
- Assault
- Weapons Possession
- Robbery
- Murder
- Kidnapping



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C-MATT Update



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

Item Title: Employee Psych and Wellness Follow-up
Item Initiator: Danelle Carrel
Staff Source: Business Services Manager John Schneebeck
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.)*

Information regarding the per person budget for Police and Fire mental health was requested as follow-up to this item by Chairperson Hiltz.

QUESTIONS FOR Committee

EXHIBITS ATTACHED:

Analysis_AFR-APD Psychological Services 2019-2021.pdf

Public Safety Mental Health Services Per Capita					
Fire					
	2019 Budget	2019 Actuals	2020 Budget	2020 YTD	2021 Proposed Budget
Sworn Direct Psych Services	14.32	-	31.37	-	31.37
Civilian Direct Psych Services	-	-	-	-	-
Peer Support, Mental Health Resources/Training & Chaplains	4.39	-	21.70	-	21.78
Total Mental Health services	13.68	-	51.69	-	51.87
Total Including All Mental Health services, assessments and recruiting	62.26	52.41	86.53	42.20	97.48
Police					
	2019 Budget*	2019 Actuals	2020 Budget	2020 YTD	2021 Proposed Budget
Sworn Direct Psych Services		284.03		199.43	
Civilian Direct Psych Services		139.31		94.55	
Training		7.64		5.22	
Total Mental Health services	284.90	278.63	217.66	189.84	190.90
Total Including All Mental Health services, assessments and recruiting		293.38		198.21	

*The police budget for psychological services is broken out into categories, and the budget for Background employment evaluations is not broken out from the professional services budget as a whole.

Public Safety Mental Health Budget to Actuals					
Fire					
	2019 Budget	2019 Actuals	2020 Budget	2020 YTD	2021 Proposed Budget
Sworn FTE	419.0		424.0		424.0
Civilian FTE	19.5		19.5		18.0
AFR Current Members					
Direct Psych Support Services	6,000	-	13,300	-	13,300
Peer Support Services	1,925	-	4,425	-	4,425
Mental Health Training/Resources	-	-	3,500	-	3,500
Chaplain Program	-	-	1,700	-	1,700
Fit for Duty Assessments	6,000	6,050	6,000	4,750	6,000
Lateral Recruiting					
Lateral Backgrounds	5,112	6,605	3,150	5,250	5,505
Lateral Job Suitability	5,112	6,825	3,150	6,475	5,505
Lateral Polygraphs	3,150	3,500	3,150	2,240	3,150
Total	\$ 27,299	\$ 22,980	\$ 38,375	\$ 18,715	\$ 43,085
Police					
	2019 Budget	2019 Actuals	2020 Budget	2020 YTD	2021 Proposed Budget
Sworn FTE	729.0		744.0		744.0
Civilian FTE	148.5		146.5		146.5
APD Current Members					
Direct Psych Support Services	250,000*	244,494	193,825	169,053	170,000
Civilian		20,687		13,851	
Sworn		114,477		78,344	
Sworn Family		92,580		70,033	
Training		6,700		4,650	
Fit for Duty Assessments		10,050		2,175	
Recruiting					
Background and Training Section		12,950		7,450	
Total	\$ -	\$ 257,444	\$ -	\$ 176,503	\$ -

*Includes \$80,000 in grant money; Application pending in 2021 for a grant



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

Item Title: Approval to apply: 2021 Grey and Black Market Marijuana Enforcement grant (DOLA)
Item Initiator: Jennifer Campbell
Staff Source: Lt. Scott Torpen
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.)*

The CO Department of Local Affairs (DOLA) awards funding annually to law enforcement agencies for the investigation and enforcement costs associated with unlicensed marijuana cultivation and distribution operations. DOLA requires that the City Council authorizes the funding application, which is due September 30. APD has been awarded funding for the 2018-2020 funding cycles. This application is for 2021.

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

Agenda Item Summary Colorado House Bill 17-1221 recognizes that multi-national crime organizations have exploited Colorado's marijuana laws to use residential properties for large-scale illegal drug trafficking operations. The cultivation sites put a significant burden on the surrounding neighborhoods in terms of electrical hazards, nuisance odors and being targets for crime. Additionally, the organizations themselves bring weapons and violent crime into communities. The legislature has appropriated approximately \$810,000 in 2021 to help law enforcement agencies combat unlicensed large-scale grow operations and criminal organizations involved in illegal marijuana growing and trafficking. The Gray and Black Marijuana Enforcement Grant program is administered by DOLA on an annual basis. APD intends to opt-in to this grant program. The state bases the award on a population formula as long as all of the eligible agencies opt in to the program in the state. The money will be used for much needed equipment, training and overtime for the Narcotics Section to conduct surveillance, search warrants and arrest operations. DOLA requires the City Council to authorize the grant application in order to demonstrate the City's commitment to marijuana enforcement operations. As APD has had a Marijuana Enforcement Unit for over five years, it has a demonstrated record of its commitment to marijuana enforcement.

QUESTIONS FOR Committee

Please approve this item to advance to be dual listed on the 09-21 study session and formal Council meeting.

EXHIBITS ATTACHED:

GBMJ NOFA July 31 2020.pdf



GRAY & BLACK MARKET MARIJUANA ENFORCEMENT GRANT PROGRAM NOTICE OF FUNDING AVAILABILITY/APPLICATION GUIDELINES

Program Purpose:

To provide financial assistance grants annually to local law enforcement agencies and district attorneys through the local governments for the investigation and prosecution costs associated with unlicensed marijuana cultivation or distribution operations.

By filling out the online portal application, Colorado County and Municipality applicants are opting into the grant program. Grant amounts will be determined by population formula.

The grant program has four (4) funding priorities:

- 1.) Rural areas;
- 2.) Large scale operations;
- 3.) Organized crime operations; or
- 4.) Operations that divert marijuana outside of Colorado.

In accordance with statute, CRS 24-32-119, rural areas will receive priority funding. To achieve this, rural area population figures will be weighted heavier. Rural areas are defined in C.R.S. 24-32-119 as:

- a) A county with a population of less than 200,000 people, according to the most recently available population statistics of the United States Bureau of the Census; or
- b) A municipality with a population of less than 30,000 people according to the most recent available statistics of the United States Bureau of the Census, that is located 10 miles or more from a municipality with a population of more than 50,000 people.

DOLA will confirm applicants meet the “rural area” definition at the time of submittal.

Total Funding Available:

\$810,000 - FY 20-21

Application Timeline:

- July 31, 2020: Notice of Funding Availability (NOFA) distributed and applications posted through the on-line grants portal.
- September 30, 2020: Application due date

Contacts:

Gray & Black Market Marijuana Enforcement Grant Program:

<https://www.colorado.gov/pacific/dola/marijuana-grant-programs-0>

or

Directly to the grants portal application: https://dola.colorado.gov/grants_portal/

Ella Bowman

Grant Program Manager

(303) 864-7896

ella.bowman@state.co.us

Online Application Process:

The grant application process is available electronically. All applications must be submitted using the online grants portal to be considered for an award. Please allow yourself plenty of time to become familiar with the new system. Local governments will need to create an account, log into the system, and complete each section of the application for electronic submittal. You will be able to save and close a completed page of your online application and return to complete at a later time.

Important Details:

- In order to receive a grant, local governments apply annually. Those that do apply must agree to:
 - Spend funds on statutory priorities,
 - Cooperate with district attorneys to cover prosecution expenses as defined in statute,
 - Report annually on how funds were spent and the effectiveness of the program.
- This is a financial assistance grant for investigations and/or prosecution expenses of unlicensed marijuana cultivation or distribution operations. Some examples may include:
 - Personnel/overtime
 - Contractual services
 - Equipment and supplies
 - Travel
 - Pre-trial incarceration expenses
 - Medical expenses related to injury or exposure during a marijuana investigation
 - Purchase of information (informants) or evidence (contraband)
- To ensure you develop a complete application please read:
C.R.S. 24-32-119

Application Overview:

A. Applicant/Contact Information

1. Local Government name (All applicants must be county or municipal local governments)
2. Chief Elected Official (i.e. Mayor, County Commissioner Chairman)
3. Principal Representative
4. Designated contact person/Responsible Administrator for the application

B. Honorific / Title

C. Applicant Affirmations

D. Board Approval/Tabor

1. Official board action: Every application must provide the date the city/town/county board, council or trustees authorized the submittal of the grant application.
2. TABOR: The funds for the Gray & Black Market Enforcement Grant program are state funds and may be subject to TABOR. Local jurisdictions are responsible for their own TABOR compliance. Please consult with legal counsel regarding TABOR limits for the local government applicant(s) before submitting an application.

E. State Acceptance of Application



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

Item Title: Federal Grant Programs and Military Equipment
Item Initiator: Danelle Carrel
Staff Source: Business Services Manager John Schneebeck
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.)*

The Committee requested a presentation of military equipment purchased or obtained from federal programs. The presentation begins with an overview of the Defense Logistics Agency's excess property program (known as the 1033 program) and its requirements. It includes an inventory of APD's 1033 equipment, including the MRAP, which was acquired year after the Century 16 theater shooting as a patient extraction vehicle. The MRAP allows EMS/FIRE to retrieve victims at an extraction point without fear of ambush or direct attack. It was also used for rescue of stranded motorists during the bomb cyclone in March of 2019. The presentation also includes items purchased from Federal grants and seizure funds from 2013-2020. The federal purchases are grouped by category into armor/shield, less lethal, lethal weapons, and other equipment. Finally, federal assets that are older than 2013 are listed from our federal inventory. Federal grant programs prohibit recipients from supplanting budget or replacing general fund budget. Acquisition expenses for the equipment or items did not exist in APD general fund budget appropriations.

QUESTIONS FOR Committee

Information only.

EXHIBITS ATTACHED:

Federal military items for council.pdf
Federal military items presentation.pptx
MRAP 1033 Acquisition papers 2013.pdf



Aurora Police Department

Military-Type purchases with Federal funds

PUBLIC SAFETY, COURTS AND CIVIL SERVICE COMMITTEE

09/10/20



1033 Program Overview

History

- The Defense Logistics Agency (DLA) has the DOD mission of disposing of excess property turned in by U.S. military units around the world. The Law Enforcement Support Office (LESO) is responsible for the management of the 1033 Program and continues to make improvements for efficiency, cost effectiveness, transparency and inventory control.
- In the National Defense Authorization Act for fiscal years 1990 and 1991, Congress authorized the transfer of excess DoD property to federal, state and local law enforcement agencies. Congress later passed the NDAA for fiscal year 1997, which allows law enforcement agencies to acquire property for bona fide law enforcement purposes – particularly those associated with counter-drug and counter-terrorism activities.
- As of June 2020, there are around 8,200 federal, state and local law enforcement agencies from 49 states and four U.S. territories participating in the program.



1033 Program Overview

Availability

- *Controlled property:* Military items that are provided via a conditional transfer or “loan” basis where title remains with DoD/DLA. This includes items such as small arms/personal weapons, demilitarized vehicles and aircraft and night vision equipment. *Aircraft and vehicles available in the program are “demilitarized,” meaning that any specific military technology (e.g. communication equipment) are removed prior to transfer.* This property always remains in the LESO property book because it still belongs to and is accountable to DoD. When a law enforcement agency no longer wants the controlled property, it must be returned to DLA’s LESO for proper disposition.
- *Non-controlled property:* Common items DLA would sell to the general public, such as office equipment, first aid kits/supplies, hand tools, sleeping bags, computers and digital cameras. After one year, general property becomes the property of the law enforcement agency. It is no longer subject to the annual inventory requirements and is removed from the LESO database.
- *Prohibited equipment:* Aircraft, vessels or vehicles that inherently contain weaponry, (e.g. tanks, Bradley fighting vehicles, armed drones); crew served/large caliber (.50 cal or greater) weapons and ammunition; military uniforms; body armor; Kevlar helmets; and explosives or pyrotechnics of any kind.



1033 Program Overview

Process

1. The Governor-appointed state coordinators approve and certify law enforcement agencies in their state. Once in the program, a law enforcement agency can review online the available inventory make requests for property through the state coordinator.
2. An agency submits requests to the state coordinator that justifies how the property will be used for bona fide law enforcement purposes. LESO relies on the state coordinator's judgement in determining the rationale for an agency's request, based on the size, mission and scope of the requesting agency, and local considerations.
3. Requests that are approved by the state coordinator are routed to the LESO for further review. The LESO staff reviews the type of excess property being requested, quantities available, and justification before items are released. Requests may be denied for insufficient justification, if an agency is in a punitive status (i.e. restricted or suspended), or has limitations imposed on them by the Department of Justice, LESO or the state coordinator. Limitations may be due to an agency already at their allocation limit for property, overdue actions related to accountability or other violations of the Memorandum of Agreement.



1033 Program Overview

Accountability

- *Local governing body oversight:* President Obama's Executive Order 13688 in October 2015 required agencies to receive approval from their relevant local governing body to request and obtain controlled property. This was codified into Federal law as of the 2016 National Defense Authorization Act (NDAA). The statute requires of agencies:
 - They have obtained the authorization of the relevant local governing authority (city council, mayor, etc.).
 - They have adopted publicly available protocols for the appropriate use of controlled property, the supervision of such use, and the evaluation of the effectiveness of such use, including auditing and accountability policies.

- *Program Compliance:* As outlined in the MOU with state coordinators, DLA uses three primary ways to ensure compliance with program requirements and property accountability:
 - **Annual Inventory:** The MOA requires each state/territory to complete a 100% certified annual inventory each fiscal year.
 - **Program Compliance Reviews (PCRs):** DLA's LESO conducts a biennial federal-level compliance review on participating states where LESO personnel physically visits the states and inventories property of selected law enforcement agencies.
 - **State Coordinator Reviews:** On an annual basis, the state must conduct state-level compliance reviews of at least 5% of law enforcement agencies that have property obtained via the program.

Inventory from the 1033 program

Quantity	Description	Acquisition Year(s)
1	MRAP (Mine Resistant, Ambush Protected Armored vehicle)	2013
126	M16 5.56mm rifle	2002-2007
25	M14 7.62mm rifle	2007
58	Sight, reflex (not considered controlled property per DLA)	2016-2017



Grant & Seizure Purchases 2013-2020: Armor/Shields

Quantity	Description	Section	Cost	Source
2	Ballistic Shields (Shield for ballistic weapons)	General	1,245	2012/2013 JAG
1	Ballistic Shield (Shield for ballistic weapons)	District 2	2,087	2012/2013 JAG
3	Plate Carriers (Bullet proof vests) for Canines	K9	2,400	2013 JAG
6	Raid Jackets	DART	270	2013 JAG
58	Ballistic Side Plates (higher level protection for bullet proof vests)	SWAT	14,999	2014 JAG
35	Set of front and back Ballistic Plates (higher level protection for bullet proof vests)	SWAT	18,550	2016 JAG
300	Rifle plates (higher level protection for bullet proof vests)	General	89,069	2016 Seizure
10	Angel Armor ballistic vests	RAVEN	4,367	2018 State JAG
33	Plate Carriers (Bullet proof vests)	SWAT	19,882	2018/2019 Seizure
4	Armormax ballistic shield (Shield for ballistic weapons)*	SWAT/D1	18,713	2018/2019 Seizure
5	Instant Armor tactical blanket panels (soft ballistic shield)*	SWAT	36,405	2018/2019 Seizure
140	ERT Riot Suits	ERT	56,000	2020 Seizure

*Items on the current federal inventory (items greater than \$5,000 each that we still have)

Grant & Seizure Purchases 2013-2020: Less Lethal

Quantity	Description	Section	Cost	Source
18	Convert 18 shotguns to less lethal	District 3	2,097	2014 Seizure
7	40MM canister Launchers (for foam, smoke, etc.)	SWAT	16,785	2019 Seizure
60	ERT Batons	ERT	2,999	2020 Seizure
360	Training 40mm canisters (foam)	ERT	8,014	2020 Seizure
1	40mm canister reloading equipment	ERT	407	2020 Seizure
7	Less Lethal stock/fore-end (orange "non lethal" indicator for less lethal weapons)	ERT	476	2020 Seizure
7	Aim Point Pro (rifle optics for 40mm canister launcher)	ERT	2,796	2020 Seizure



Grant & Seizure Purchases 2013-2020: Lethal Weapons

Quantity	Description	Section	Cost	Source
200	Shotgun Lights	General	12,000	2012/2013 JAG
9	Short barrel Rifles	Traffic	3,510	2017 JAG
5	Rifle sights	Traffic	17,793	2017 JAG
7	Rifle sights	Traffic	4,914	2017 Seizure
4	Precision rifles with scopes *	SWAT	28,000	2018 JAG

*Items on the current federal inventory (items greater than \$5,000 each that we still have)

Grant & Seizure Purchases 2013-2020: Other

Quantity	Description	Section	Cost	Source
17	Gas Masks	SWAT	16,975	2012/2013 JAG
60	Gas Masks	ERT	14,325	2013 Seizure
300	Gas Mask canisters & Filters	General	22,298	2013 Seizure
202	MSA Gas Mask Filters	General	8,841	2015 Seizure
2	Night Vision Equipment	ISS	5,000	2013 JAG
2	Thermal Imagers	SWAT	12,625	2015 Seizure
1	Drone with equipment	ESS	10,647	2019 Seizure
1	Lenco BEAR armored vehicle with hydraulic ram*	General	226,206	2015 UASI donation

BEAR Armored Vehicle



*Items on the current federal inventory (items greater than \$5,000 each that we still have)

Federal Asset Inventory older than 2013

Quantity	Description	Section	Cost	Year
1	Mobile Command Center (motorhome)	District 1	230,284	2001
1	Infrared camera	District 1	10,700	2001
2	Tactical blankets (soft ballistic shield)	SWAT	15,598	2001
1	8 panel tactical blanket (soft ballistic shield)	District 1	8,391	2002
1	SWAT equipment vehicle (cargo van)	SWAT	144,904	2002
2	Thermal imaging cameras	Districts 2 & 3	16,458	2006
2	Night vision devices	District 1	16,200	2009

Mobile Command Center



Grant and Seizure Purchases 2013-2020

Quantity	Description	Section	Cost	Source	Type
2	Ballistic Shields (Shield for ballistic weapons)	General	1,245	2012/2013 JAG	Armor/Shields
1	Ballistic Shield (Shield for ballistic weapons)	District 2	2,087	2012/2013 JAG	Armor/Shields
3	Plate Carriers (Bullet proof vests) for Canines	K9	2,400	2013 JAG	Armor/Shields
6	Raid Jackets	DART	270	2013 JAG	Armor/Shields
58	Ballistic Side Plates (higher level protection for bullet proof vests)	SWAT	14,999	2014 JAG	Armor/Shields
35	Set of front and back Ballistic Plates (higher level protection for bullet proof vests)	SWAT	18,550	2016 JAG	Armor/Shields
300	Rifle plates (higher level protection for bullet proof vests)	General	89,069	2016 Seizure	Armor/Shields
10	Angel Armor ballistic vests	RAVEN	4,367	2018 State JAG	Armor/Shields
33	Plate Carriers (Bullet proof vests)	SWAT	19,882	2018/2019 Seizure	Armor/Shields
4	Armormax ballistic shield (Shield for ballistic weapons)*	SWAT/D1	18,713	2018/2019 Seizure	Armor/Shields
5	Instant Armor tactical blanket panels (soft ballistic shield)*	SWAT	36,405	2018/2019 Seizure	Armor/Shields
140	ERT Riot Suits	ERT	56,000	2020 Seizure	Armor/Shields
1	Robotex w/arm bomb robot*	SWAT	17,751	2015 UASI donation	bomb robot
17	Gas Masks	SWAT	16,975	2012/2013 JAG	Gas Masks
60	Gas Masks	ERT	14,325	2013 Seizure	Gas Masks
300	Gas Mask canisters & Filters	General	22,298	2013 Seizure	Gas Masks
202	MSA Gas Mask Filters	General	8,841	2015 Seizure	Gas Masks
18	Convert 18 shotguns to less lethal	District 3	2,097	2014 Seizure	Less lethal
7	40MM canister Launchers (for foam, smoke, etc.)	SWAT	16,785	2019 Seizure	Less lethal
60	ERT Batons	ERT	2,999	2020 Seizure	Less lethal
360	Training 40mm canisters (foam)	ERT	8,014	2020 Seizure	Less lethal
1	40mm canister reloading equipment	ERT	407	2020 Seizure	Less lethal
7	Less Lethal stock/fore-end (orange "non lethal" indicator for less lethal weapons)	ERT	476	2020 Seizure	Less lethal
7	Aim Point Pro (rifle optics for 40mm canister launcher)	ERT	2,796	2020 Seizure	Less lethal
200	Shotgun Lights	General	12,000	2012/2013 JAG	Lethal weapons/accessories
9	Short barrel Rifles	Traffic	3,510	2017 JAG	Lethal weapons/accessories
5	Rifle sights	Traffic	17,793	2017 JAG	Lethal weapons/accessories
7	Rifle sights	Traffic	4,914	2017 Seizure	Lethal weapons/accessories
4	Precision rifles with scopes *	SWAT	28,000	2018 JAG	Lethal weapons/accessories
2	Night Vision Equipment	ISS	5,000	2013 JAG	Surveillance
2	Thermal Imagers	SWAT	12,625	2015 Seizure	Surveillance
1	Drone with equipment	ESS	10,647	2019 Seizure	Surveillance
1	Lenco BEAR armored vehicle with hydraulic ram*	General	226,206	2015 UASI donation	vehicle

Items on the Federal asset inventory older than 2013*

Quantity	Description	Section	Cost	Year	Type
1	Mobile Command Center (motorhome)	District 1	230,284	2001	vehicle
1	Infrared camera	District 1	10,700	2001	Surveillance
2	Tactical blankets (soft ballistic shield)	SWAT	15,598	2001	Armor/Shields
1	8 panel tactical blanket (soft ballistic shield)	District 1	8,391	2002	Armor/Shields
1	SWAT equipment vehicle (cargo van)	SWAT	144,904	2002	vehicle
2	Thermal imaging cameras	Districts 2 & 3	16,458	2006	Surveillance
2	Night vision devices	District 1	16,200	2009	Surveillance

Items from the 1033 program

Quantity	Description	Section	Cost	Year	Type
1	MRAP (Mine Resistant, Ambush Protected Armored vehicle)	District 3	-	2008	vehicle
126	M16 5.56mm rifle	General	-		Lethal weapons/accessories
25	M14 7.62mm rifle	General	-		Lethal weapons/accessories
58	Sight, reflex	General	-		Lethal weapons/accessories

(items greater than \$5,000 each that we still have)

LAW ENFORCEMENT AGENCY (LEA)
ARMORED TACTICAL VEHICLE REQUEST

SCREENER ID: CO13225 AGENCY NAME: Aurora Police Department
POC: Sergeant D. Courtenay
ADDRESS (No P.O. Box): 15001 E. alameda Pkwy
CITY: Aurora STATE: CO.
ZIP: 80012 EMAIL: dcourten@auroragov.org
PHONE: 303-739-6371 FAX: 303-739-6360

1. Type of Armored Tactical Vehicle Requested (if a specific type is required):
RG-33 ambulance, MRAP
2. Number of Armored Vehicles Requested: 1
3. Geographic Responsibility (Square Miles Covered): _____
4. Is the LEA in a High Intensity Drug Trafficking Area (HIDTA): Yes No
Verify at: <http://www.whitehousedrugpolicy.gov/hidta>
5. Is the LEA willing to accept an Armored Tactical Vehicle that is: Tracked Wheeled Either
6. Number/Type of 1208/1033 Armored Tactical Vehicles Currently on Inventory:
N/A

7. Special Considerations:

The Aurora Police Dept. was the lead emergency response agency in the July 20 2012, Century 16 Theater shooting, in which 12 people were killed and a total of 78 shot. There is a proven need for these types of vehicles.

We field a full SWAT team and an Emergency Response Team, which is a one-of-a-kind unit trained to respond to civil disturbances and other extraordinary events

Both of these teams are available to, and have, respond throughout the state of Colorado. Recent events have included the DNC, several VIP visits in the 2012 election year, and assisting other agencies during the wild fire outbreaks in 2012

The Chief Executive Official/Head of Agency (Local Field Office), by signing, certifies that the requesting agency listed above has the appropriate funds, personnel, and equipment to operate and maintain the requested vehicle. It is also understood that this agency will not sell, trade, or cannibalize for parts, armored vehicles acquired through the 1033 Program. They certify that all information contained above is accurate and the request for an armored tactical vehicle is warranted and has been approved

CHIEF EXECUTIVE OFFICIAL/:
HEAD OF LOCAL AGENCY

Daniel J. Oates

PRINTED NAME

DATE: 05/14/2013


SIGNATURE

STATE COORDINATOR:
(NOT REQUIRED FOR FEDERAL)

PRINTED NAME

DATE: _____

SIGNATURE

LESO USE ONLY

LESO OFFICIAL:

PRINTED NAME

SIGNATURE

DATE LEA WAS ADDED TO THE NATIONAL PRIORITY LIST: _____

LESO NOTES: _____

DISAPPROVED BY LESO: REASON: _____

Courtenay, Daniel

From: Ortiz, Ernie
Sent: Thursday, May 02, 2013 8:34 AM
To: Oates, Daniel; APD Chiefs; Dailey, Michael; Puscian, James; Courtenay, Daniel
Subject: RE: Armor Vehicle - 1033 Program Important Information.
Attachments: image002.jpg; image003.jpg; image004.jpg; image005.jpg; image007.jpg; image010.jpg

Chief,

I would like to see the Department request one and use it as a patient extraction vehicle. We could load the vehicle with EMS/FIRE to grab and go victims at the extraction point without fear of ambush or direct attack. Below are a few examples of MRAPS. I don't know what model is available. Sgt. Courtenay is our 1033 liaison. We should include Fleet in on this request if we move forward. Getting parts to repair the vehicle may be an issue. A request should be made today. Chief if you have any contacts with the military see if you can get us the RG-33 Ambulance with room for six litters! It has a loading ramp for victims.

Ernie





DEFENSE LOGISTICS AGENCY

DLA Disposition Services Colorado Springs
820 Specker Avenue
Fort Carson, Colorado 80913

IN REPLY
REFER TO

DRMS-VC


8 November 2013

MEMORANDUM FOR AURORA POLICE DEPARTMENT

SUBJECT: Authorization of MRAP to the Aurora Police Department

1. Section 1033 of the Fiscal Year 1997 National Defense Authorization Act (NDAA) authorizes the Secretary of Defense to transfer excess Department of Defense (DOD) personal property to federal, state, and local Law Enforcement Agencies (LEAs). Special consideration is provided to counter-drug and counter terrorism activities. Section 1033 of the FY97 NDAA superseded Section 1208 of the FY90 and FY91 NDAA. It was codified into law as 10 USC Section 2576a. Department of Defense Instructions and Defense Logistics Agency (DLA) Instructions provide additional guidance and assigns DLA Disposition Services Law Enforcement Support Office as the Program Manager.
2. The following MRAP vehicle DTID: SZ30383302D001, NSN: 2355-01-555-0908 has been issued to the Aurora Police Department IAW 1033 LESO Program Guidance.
3. Upon completion of use of this Demilitarization Required item, the subject agency must turn-in the vehicle to the nearest servicing DLA Disposition Services site IAW applicable DLA Disposition Service directives.
4. DLA Disposition Service Colorado Springs point of contact is Monica Tilford, telephone number (719) 526-5364 or myself, telephone number (719) 526-2791.

Sincerely


WILLIAM LIMBERIS
Area Manager, GS-13
DSN 691-2791

W/98 BATS 3204 0011A

CONTROL NO	1. ORGANIZATION KI, LLC VEHICLE STORAGE	2. LOCATION FORT CARSON, CO. 80913	3. UNIT IDENT CODE W6YQAA	4. UTILIZATION CODE 0	5. VEHICLE USE CODE A
6. NOMENCLATURE MRAP CAIMAN	7. MODEL M1220	8. NATIONAL STOCK NO. 2355-01-555-0908	9. SERIAL NO GMB400882EAU	10. REGISTRATION NO NZISSU	
11. YEAR OF MFG 2008	12. MANUFACTURER (A/RFG Code)	13. CONTRACT NO	14. PURCHASE ORDER NO	15. WARRANTY PERIOD	
16. TYPE REPORT	17. REPORT CODE	18. USAGE	19. SHIPPED TO ORGANIZATION DEFENSE REUTILIZATION MKTG OFFICE ATTN: MEO BLDG 318 820 SPECKER AVE FORT CARSON, CO. 80913-	19. SHIPPED TO ORGANIZATION KI, LLC VEHICLE STORAGE BLDG 8012 BENNETT STREET FORT CARSON, CO. 80913	h SHIPPED TO UIC SZ3038
a ACCEPTANCE AND REGISTRATION		a HOURS			
b USAGE		b MILES			RECEIVED FROM UIC
c TRANSFER					
d. LOSS		j			
e GAIN		c ROUNDS			W. A
f OTHER					
21. REMARKS					

TRANSFER---LOSS

22. INSPECTOR'S SIGNATURE <i>Bob Webster</i>	23. JULIAN DATE 3207
EQUIPMENT CONTROL RECORD	
REPORTS CONTROL SYMBOL CSGLD-1608	

DA FORM 2408-9, 1 OCT 1972
 For use of this form, see DA Pam 738-750, the proponent agency is DCSLOG
 REPLACES DA FORMS 2408-7, 1 JAN 1964, AND 2408-8, 1 JAN 1964 WHICH ARE OBSOLETE
 NMP COPY 1 CONTROL COPY 2 LOG BOOK COPY 3
 AND PE V1 00ES

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24 DOCUMENT NUMBER & SUFFIX (30-44)		25 NATIONAL STOCK NO & ADD (18-22)		26 RIC (4-6) LI (23-24) CITY (25-29) CON CODE (7-11) D STR (55-58) UP (74-80)		27 ADD'L DATA		5. DOC DATE		6. NMFC		7. FRT RATE		8. TYPE CARGO		9. PS		10. QTY RECD		11. UP		12. UNIT WEIGHT		13. UNIT CUBE		14. UFC		15. SL		16. FREIGHT CLASSIFICATION NOMENCLATURE		17. ITEM NOMENCLATURE		18. TY CONT		19. NO CONT		20. TOTAL WEIGHT		21. TOTAL CUBE		22. RECEIVED BY		23. DATE RECEIVED			
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HCC MSG:		PICKUP		DT3304/TI2225		D/C-PK: / /																																									

OTID SZ30383302D001 DELIVERY ORDER 0376813333

SHIPPING ADDRESS
 AURORA POLICE DEPT
 15001 E ALAMEDA PKWY
 AURORA CO 80012

EXCEPTION SHIPPING ADDRESS
 DO NOT SHIP
 CUSTOMER WILL ARRANGE FOR TRANSPORTATION

THIS ITEM IS DEMIL REQUIRED AND WILL BE
 RETURNED TO DLA DISPOSITION SERVICES VIA LESO
 WHEN NO LONGER REQUIRED BY LEA



SN: 882EAU

DTID: ^{923038 7702 7601} ~~W90BAJ32040011A~~

DEMIL
REQUIRED

NSN: 2355015550908

QTY: 1 EA \$412000.00

NOUN: MINE RESISTANT VEHI

ACCUM: 201349 CC: F

LOC: APLDW90BAJ008012 DEMIL: C1

AURORA P17



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, amending section 2-668 of the City Code pertaining to prohibitions in purchasing and procurement agreements by adding a new subsection to be denominated subsection "(k)" pertaining to procurement of items in the 1033 program, and amending section 2-672 of the City Code pertaining to authority to make awards by adding a new subsection to be denominated subsection "(c)" pertaining to authority to request procurements from the 1033 program.
Item Initiator: Danelle Carrel
Staff Source: Deputy City Attorney Nancy Rodgers
Deputy City Manager Signature:
Outside Speaker: Sponsored by Councilmember Juan Marcano
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 Marcano requested staff prepare an ordinance that would be a prohibition on the participation in the federal governments 1033 program.

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

This proposed ordinance would prohibit the City and all of its departments from procuring specific pieces of equipment from the U.S. Department of Defense's 1033 Program. Those pieces of equipment are tracked armored vehicles; weaponized personal carriers, aircraft, vessels and vehicles; 40-mm firearms and ammunition; 5.56-mm firearms and ammunition; 7.62-mm firearms and ammunition, bayonets; camouflage uniforms and grenade launchers. This ordinance would also prohibit the City and its departments from accepting the same equipment from or through any other federal program, or any county, state, or military organization. The ordinance also mandates that the City and its departments seek Council approve before accepting anything from the federal 1033 program. Finally, this ordinance would require that the City Manager ensures that the APD has divested of all equipment prohibited by the ordinance within a time frame to be determined by Council.

QUESTIONS FOR Committee

Does the Committee agree to move this item forward to the next available study session?

EXHIBITS ATTACHED:

Marcano Procurement under 1033 Ordinance (PSCCS Sept 2020).docx

ORDINANCE NO. 2020- ____

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 2-668 OF THE CITY CODE PERTAINING TO PROHIBITIONS IN PURCHASING AND PROCUREMENT AGREEMENTS BY ADDING A NEW SUBSECTION TO BE DENOMINATED SUBSECTION “(K)” PERTAINING TO PROCUREMENT OF ITEMS IN THE 1033 PROGRAM, AND AMENDING SECTION 2-672 OF THE CITY CODE PERTAINING TO AUTHORITY TO MAKE AWARDS BY ADDING A NEW SUBSECTION TO BE DENOMINATED SUBSECTION “(C)” PERTAINING TO AUTHORITY TO REQUEST PROCUREMENTS FROM THE 1033 PROGRAM.

WHEREAS, it is uniquely within the duties of City Council to clearly define the mission of the Aurora Police Department; and

WHEREAS, equipping and outfitting the Aurora Police Department serves to both define and limit the service mission of the Aurora Police Department; and

WHEREAS, appropriate oversight of the mission and performance of the Aurora Police Department by City Council entails strict monitoring of procurement of supplies and equipment for the Aurora Police Department:

NOW, THEREFORE, 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 new subsection (k) to Section 2-668 of the City Code pertaining to Prohibitions, the new subsection to read as follows:

(k) *Federal Procurement.* The City of Aurora and all City departments are prohibited from procuring from the federal government, through the U.S. Department of Defense’s 1033 Program any tracked armored vehicles; weaponized personal carriers, aircraft, vessels and vehicles; 40-mm firearms and ammunition; 5.56-mm firearms and ammunition; 7.62-mm firearms and ammunition, bayonets; camouflage uniforms and grenade launchers. Additionally, the City of Aurora and each of its departments are prohibited from accepting grants, loans, leases or gifts of the same equipment from or through any other federal program or from or through any other country, state, or military organization, including national guard units.

Section 2. The City Code of the City of Aurora, Colorado, is hereby amended by adding new subsection ‘(c) to Section 2-672 of the City Code pertaining to Authority to Make Awards, the new subsection to read as follows:

(c) Procurement Authority. The authority to request or to agree to any procurements from the U.S. Department of Defense's 1033 Program may only be made with the City Manager's specific written authorization to each individual procurement no matter how denominated.

Section 3. Within ___ (___) months from the effective date of this ordinance, the City Manager or their designee will ensure that the Aurora Police Department has divested of all items prohibited from procurement in Section 2-668(k) that are in the possession and control of the Department.

Section 4. 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 5. 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 6. 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:

DAVID LATHERS, Senior Assistant City Attorney



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, amending section 2-672 of the City Code pertaining to authority to request procurements from certain state and federal programs
Item Initiator: Danelle Carrel
Staff Source: Deputy City Attorney Nancy Rodgers
Deputy City Manager Signature:
Outside Speaker: Sponsored by Councilmember Gardner
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.)*

Council member Gardner requested that staff prepare an ordinance that would require City departments to first get permission from Council before acquiring equipment from the U.S. Department of Defense's 1033 Program and other state and federal programs.

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

This ordinance would add a provision to the procurement rules requiring any procurements by the City first get approved by Council when the procurement is from the US Department of Defense's 1033 Program, the State Homeland Security Program (SHSP), the Urban Area Security Initiative (UASI) and seized asset forfeiture funds (either criminal or civil forfeiture).

QUESTIONS FOR Committee

Does the Committee agree to move this item forward to the next available study session?

EXHIBITS ATTACHED:

Gardner Procurement Ordinance V2 (PSCCS Sept 2020).pdf

ORDINANCE NO. 2020- ____

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA,
COLORADO, AMENDING SECTION 2-672 OF THE CITY CODE PERTAINING TO
AUTHORITY TO REQUEST PROCUREMENTS FROM CERTAIN STATE AND FEDERAL
PROGRAMS

WHEREAS, appropriate oversight of the mission and performance of the Aurora Police Department by City Council entails strict monitoring of procurement of supplies and equipment for the Aurora Police Department:

NOW, THEREFORE, 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 new subsection (c) to Section 2-672 of the City Code pertaining to Authority to Make Awards, the new subsection to read as follows:

(c) *Procurement Authority.* The authority to request any procurements by the City from the U.S. Department of Defense’s 1033 Program, the State Homeland Security Program (SHSP), the Urban Areas Security Initiative (UASI), and seized asset forfeiture funds (either criminal or civil forfeiture) may only be made with the City Council’s approval, by resolution, to each individual procurement no matter how denominated.

For purposes of this subsection “procurement” shall be defined to include, grants, gifts, transfer of title, loans, leases, or any other possession or holding for use of a physical item though specifically not including monetary funds.

Section 3. 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 4. 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 5. 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: Less Lethal Demonstrations
Item Initiator: Danelle Carrel
Staff Source: Deputy Police Chief Harry Glidden
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.)*

Council Member Hiltz requested a demonstration of less lethal munitions potentially used by Aurora Police officers during protest/crown control operations. The demonstration will be in the form of a video showing the deployment of the various less lethal munitions available to Aurora Police officers.

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(c) of the City Code pertaining to prohibiting the use of chemical agents by law enforcement
Item Initiator: Danelle Carrel
Staff Source: Deputy City Attorney Nancy Rodgers
Deputy City Manager Signature:
Outside Speaker: Sponsored by Councilmember Juan Marcano
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 Marcano requested staff prepare an ordinance that would prohibit the use of chemical agents on a person and prohibit the use of OC fogger spray during protests and demonstrations.

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

The attached ordinance directs the City Manager to ensure that the APD have a policy prohibiting the use of tear gas and other gases that have a debilitating, but non-permanent effect on a person. The proposed ordinance also directs the City Manager to ensure that the APD have a policy prohibiting the use of OC fogger spray during protests and demonstrations. Finally, this ordinance would require APD divest of the prohibited items in a time frame to be set by Council.

QUESTIONS FOR Committee

Does the Committee agree to move this item forward to the next available study session?

EXHIBITS ATTACHED:

Marcano Chemical Agents Ordinance V4 (PSCCS Sept 2020).pdf

ORDINANCE NO. 2020- ____

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA,
COLORADO, ADOPTING SECTION 2-234(C) OF THE CITY CODE PERTAINING TO
PROHIBITING THE USE OF CHEMICAL AGENTS BY LAW ENFORCEMENT

NOW, THEREFORE, 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 section, to be numbered 2-434(c), which section reads as follows:

Sec. 2-434 –Police Practices

(c) Prohibition on the Use of Chemical Agents

- (1) The City Manager shall ensure that the Police Department develop, adopt and implement a policy prohibiting a police officer’s use of tear gas and other gases which have a debilitating but non-permanent effect on a person.**
- (2) In addition to the prohibition above, the City Manager shall ensure that the Police Department develop, adopt and implement a policy prohibiting a police officer’s use of O.C. (oleoresin capsicum) fogger spray on a person during protests and demonstrations.**

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