



## AGENDA

### Public Safety, Courts and Civil Service Policy Committee

May 20, 2021, 11:00 am

Council Member Dave Gruber, Chair  
Council Member Marsha Berzins, Vice Chair  
Council Member Curtis Gardner, Member

#### Public Participant Dialing Instructions

Dial Access Number: 408.418.9388

Event Number 187 550 9300

Council Goal: Assure a safe community for people

---

	Pages
1. <b>Call to Order</b>	
2. <b>Approval of Minutes</b> April 15, 2021 Draft Minutes	1
3. <b>Consent Items</b>	
3.a. <b>CU Anschutz and APD Intergovernmental Agreement</b> Vanessa Wilson, Chief of Police/ Megan Platt, Police Legal Advisor  Outside Attendee: Randy Repola, CU Chief of Police	16
3.b. <b>Vehicular Public Nuisances Ordinance</b> Mike Hanifin, Lieutenant / George Koumantakis, City Attorney  Sponsor: Mayor Pro Tem Francoise Bergan	25
4. <b>General Business</b>	
4.a. <b>May 2021 Crime and Police Attrition Data</b> John Schneebeck, Business Services Manager/ Megan Platt, Assistant City Attorney (10 Minutes)	37
4.b. <b>Jonathan Smith Report Analysis and Planned Action (APD)</b> Vanessa Wilson, Chief of Police (30 Minutes)	46
4.c. <b>Aurora Municipal Court Update</b> Presiding Judge Shawn Day, Court Administrator Dr. Zelda DeBoyes, Deputy City Attorney Julie Heckman, Chief Public Defender Doug Wilson (45 Minutes)	66
4.d. <b>2021 Fireworks Approach</b> Caine Hills, Deputy Fire Chief (20 Minutes)	108

**5. Miscellaneous Matters for Consideration**

**6. Confirm Next Meeting**

June 17, 2021 at 11am via WebEx

**7. Adjournment**



## MINUTES

### Public Safety, Courts and Civil Service Committee

April 15, 2021

Members Present

Dave Gruber, Chair  
Marsha Berzins, Vice Chair  
Curtis Gardner, Member  
Council Member Angela Lawson  
Council Member Juan Marcano

Others Present

C. McDonald, C. Andersen, V. Wilson, A. Ogg, P. Schuler, A. Garcia, J. Schneebeck, S. Day, C. McDonald, C. McCoy, D. Parker, J. Kellner, R. Weber, A. Robnett, C. Hills, F. Gray, C. Amsler, M. Nelson, M. Cain, M. Longshore, S. Redfearn, C. Poppe, I. Evans, J. Batchelor, T. Brown, D. Wilson, M. Platt, W. Lippman, M. Hays, J. Bajorek, R. Pena, B. Parvin, D. Devan, J. Heckman, S. Stowell, S. Wright, J. Lanigan, J. Twombly, R. Wesner, S. McGhee, R. McGregor, T. Edwards, C. Carlson, C. Amparan, M. Franks, J. Bergeron, M. Chapman, M. Gaskill, D. Giordano, A. Dickens, E. Wittman, J. Prosser, K. Claspell, R. Venegas

---

**1. Call to Order**

Meeting called to order at 11am.

**2. Approval of Minutes**

March 18, 2021 minutes approved.

**3. Consent Items**

**3.a RAVEN MOU Resolution 2021**

Approved to move forward to the next Study Session

**4. General Business**

**4.a April 2021 UCR Report**

Deputy Chief of Police, Darin Parker, noted that the UCR stats provided in backup are similarly trending as in the previous reports. Sex Assaults continue to trend down. Aggravated Assaults continue to trend up. Overall violent crime continues to trend up at roughly the same rate as the previous month. Property crimes also trend up at roughly the same rate. Property crimes include burglary, motor vehicle theft, and larceny. There has been some success with proactive operations. The District 3 PAR Unit, CMATT, and Gang Intervention Unit conducted several operations recently resulting in the apprehension of five motor vehicle theft offenders. The Traffic Section has been conducting monthly operations.

Operations Division Chief, Stephen Redfearn, updated the committee on an initiative being implemented in District 1 Business District along the Colfax Corridor. Colfax Avenue from Yosemite to Havana. They have developed a plan for two additional officers to work foot patrol four days a week. The onus is not on arrests but rather contacting businesses to address safety issues. The plan is to run this initiative through the Summer until October. The businesses will be surveyed around the mid-point and the end to measure success of this initiative. There has already been good feedback received. In the first weeks of the initiative there has been 80 different businesses contacted, six criminal warnings, and 20 non-criminal contacts. Officers provided five resources guides and made one arrest for warrant-related charges and street checks with field interviews. Selected officers will be engaging with the community and contacting businesses. The officers will have resource guides that include information on shelters, food, addiction treatment, and transportation can be provided if needed. They will keep stats and report back to the committee after the next survey.

Chief Wilson added that this is a high-visibility initiative to work with the businesses to help them feel safer as well as creating opportunities for positive interactions with people that may be fearful of police, or just rebuilding trust on a day-to-day basis by having face-to-face conversations.

Gruber: The concern that I have is that as we come out of the Winter and enter into the Spring – My understanding is that the cyclical nature of the crime stats that we have is that we can expect to see more crime as more people are out wandering around. So, being proactive and being front of businesses and anyone considering anything is an important step.

Gardner: Last month's meeting I had brought up the fact that we've heard several times that council and council policies are to blame, at least partially, for the increase in crime. The conversation we had is that we were going to have a presentation on specific things that we can do to address that crime. And so I'm just curious, are we still going, are we still waiting on that presentation, are we not having going to have that or what is the status of that?

Gruber: My intent is, yes, we're going to have that presentation. We specifically asked at our last meeting those that council can do to help drive crime down. The primary purpose of asking for the metrics on crime within the city every month is to have an understanding as to the actions that the police department is taking, how those actions are impacting crime, and other things that could be done. My intent is, yes, to have that moving forward. I think also that I want to be careful how that was phrased. I don't think the actions of council has created crime, I think that on the other hand I'm looking for things council can do to reduce crime.

Gardner: I'm not attributing that statement to you CM Gruber. But I have heard that from our police department – that the actions of council and the attitudes of council have contributed, at least somewhat, to our increase in crime. And so that's where I'm coming from. I certainly don't mean to attribute that statement to you. If that was how it came off, I apologize for that.

Gruber: On the other hand, I do believe that some of the things coming out of the legislature are directly affecting crime. Specifically, Senate Bill 127 and 62. I'm very, very concerned about those.

Berzins: I just got off the Havana Bid virtual meeting. I will tell you, those business owners are very leery of what state legislature is doing, the bills that they're passing that are soft on crime or not jailing criminals. You can hear it in their voices, they are afraid of Summer to come because they know – like you – it's cyclical and there is typically more crime in the Summer. It's not only business owners on Havana. Everywhere I go I hear it – crime is going up, why is crime going up. Honestly it's gotten out what some of these bills are doing and I don't know what city council can do but I think we owe it to our residents and our businesses to look and see what we can do to help them combat crime in their homes and businesses and how we can help the police do what they need to do to catch criminals. It's easy to see, all we have to do is look at the statistics and the statistics don't lie. I am looking forward to us having a conversation about what we can do to help.

Gruber: Thank you and I agree.

V. Wilson: I just want to say that obviously there are things that council is doing and I want to thank specifically Council Member Lawson for the juvenile violence initiative that she is pushing. That's going to help us as well as the invitation to FISR to get my opinion on some of the senate bills that are coming forward. I really appreciate that. And I think that last year was a rough year. I think that when we talk about council, I think – Sir, if you're misunderstanding that we're blaming council for any of the crime increase, that's not it at all. I believe the only thing that I personally said was that, when I was asked why we're losing officers, I think just feeling supported not only with council but the community. I can tell you that I feel as though there are council members that are absolutely in support and I've had great conversations the last month with different council members. I really want to move past that chapter, but I will come forward with operations if you'd like. If you'd like slides on the operations we did, I can tell you we wrote 114 traffic tickets yesterday on Parker Road, and that was 15 and above. So very fast speeds on our streets. We are doing enforcement and, when doing enforcement, we run across other types of crimes. We are doing everything we can with the resources we have. And I think that part of when we say, what are we doing to combat crime, I think that the presentation from GRIT, hopefully you will all be excited about so thank you for that, Sir.

Gruber: I would like to add to the metrics that we received. I don't want to know how many tickets were issued, but I think that we need to add officer retention to the list of things that are reported to us every month so that we have an understanding. People need to understand both the crimes going up and the police manning is going down that the presence as a result of that manning is affected and that we're doing the best we can. I also understand how challenging it is to bring in recruits for the police academy. So, if we could add in the future the current retention rate for the police force. We can talk about details offline.

### Outcome

Information Only

### Follow-up Action

Staff will include officer retention information in next and future reports. Staff will bring actionable items for crime reduction to committee for council consideration.

## **4.b Youth Violence and Initiatives Overview and Discussion**

Council Member Angela Lawson shared with the committee how she came to this point with this initiative, her vision, and her hopes for the success of the program. In 2017, she was contacted by community youth about what was going on in the city and asked what the city could do. Listening to those conversations brought her to wanting to do something to address this issue. She also sat on the A-GRIP program in 2016 and 2017. There were great things that came out of that program but also some gaps that could have made the program better. She also went on a ride-along with the Gang Unit and was able to learn the perspective of the police department and things to look for regarding gang activity. Funding was lost when the Photo Red Light program was voted out in 2018. There had to be something they could do to address the increase in gang violence. In 2019 she talked to the Mayor about her passion on this issue. They began to look into a funding mechanism and looked at the allocation of the 1% additional marijuana tax, making sure before they moved forward that it was still lower than any other jurisdiction. The vision that she sees right now is that we need law enforcement, non-profit organizations, and community to collaborate. We don't need to be siloed. She hopes that the new program manager will develop a communication strategic plan of how to connect those organizations. This plan should include the courts and district attorneys as well. With the program established and a program manager, the communication and collaboration should begin soon, in her opinion.

### **4.b.1 Youth Violence Prevention Program Update**

Housing and Community Services Director, Jessica Prosser, explained how over the last several months she's been taking the approach of making this a collaborative process and making connections within the organization and outside the organization to include Denver and their team. She thanked the Chief and Claudine McDonald for their help with the interview process and getting youth involved in the interview process. She introduced newly hired Youth Prevention Program Manager, Christina Amparan.

C. Amparan explained her prior experience includes having worked in a public charter school system, law enforcement and prosecution-based victim services, and within the criminal justice system. She was the initial coordinator for the gang reduction initiative in Denver so she's familiar with intervention and prevention level strategies including a public health lens to address gang violence.

C. Amparan shared a PowerPoint presentation with the committee. Youth violence is currently the leading cause of death and non-fatal injuries in the U.S. Homicide is the 3<sup>rd</sup> leading cause of death among youth ages 10-24. The majority of these homicides involve a firearm. The Denver Health's Gun Violence reports indicates 700 youth as being impacted by gun violence annually. Youth violence occurs when a young person between the ages of 10-24 will intentionally, physically assault or use firearms to threaten someone else. Youth violence does take different forms, such as fights, bullying, threats with weapons, gang violence, stabbings, and assaults. They can be involved and impacted by violence as a victim, witness, or offender. These three categories are important for consideration moving forward so as to not just look at victims and offenders but also consider the secondary trauma that witnesses may be exposed to. Traditional responses have been done in a siloed approach and a way that does not include a trauma-informed approach or a

prevention lens to bring awareness of not just the issue, but of available resources and services that can inform the community of what's available. Youth violence has also been minimized in the past and the severity or complete impact haven't been considered. When it comes to youth violence the response is reactive versus proactive. The CDC has best practice and evidence-based model recommendations that include identifying the problem, identifying risk and protective factors, develop and test prevention strategies, and assume widespread adoption. Moving forward, they want to be sure to incorporate public awareness, consideration of adverse childhood experiences that could have impacted cognitive development, recognize the impact of trauma, recognize the strength of the youth and support system, and consider the diversity of the community. The approach Denver has taken may not fit with the communities in Aurora so understanding the needs of the community is important. In addition to the six strategic categories, it's important that the city maintains that addressing youth violence is a priority. Recognize the impacts youth violence has in the community and utilize a data-driven approach and evaluations to make sure that the implementations are working and making necessary changes. The Youth Violence Prevention Action Table (VPAT) will be a multi-disciplinary group that includes youth, parents, city and community leaders, and the youth prevention program team members to be able to not just develop but to also implement the strategic plan. This will ensure an inclusive group to address the issues in the community. Funding for this program is \$1.1 million that pays for personnel costs and support for community-based organizations that provide youth violence prevention services. This week is Youth Violence Awareness Week. The Mayor and City Council recognized this week by issuing a proclamation this past Monday. Staff will continue to develop the three working groups identified. Upcoming funding opportunities include an RFP for the Youth Zone Pop-Up Events and programs targeting direct services to address youth violence risk and protective factors. C. Amparan will start meeting with stakeholders, identifying local and national public health violence prevention model and best practices, review stakeholder data, inventory current services and gaps, and begin hosting forums to continue gathering information.

Gruber: First, I'd like to welcome you, Christina, to the city on behalf of the committee. We're looking forward to your success and we wish you the best moving forward. I do have two questions; First one has to do with measuring results. If you are successful, there will be less crime. How do you measure a negative as a success?

Amparan: What I've seen in my past work and models is that once we target a very specific pocket of the community when we're implementing services or actions, we may initially see an increase and then after a certain amount of time we will see a decrease and that will be a reduction in not just calls for service or actual crimes being committed but we can also look at data where we might see a reduction of dependency and neglect calls or reports. We have to have the multidisciplinary approach to be able to gather data from all the different partners that are connected to youth violence and see how there is not just a potential increase, but also a decrease.

Gruber: There are gang units from the police forces across the area and those units are dealing with the impacts of those gangs. Are you aware, coming from Denver,

is there a similar type of focus on the gang prevention efforts between the cities or can we join something like that?

Amparan: During my time as the GRIP coordinator in Denver, a lot of what we did there was identify suppression level strategies that could be implemented not just by law enforcement but also probation and parole. Through the prevention work that is being done in Denver, there is a lot of cooperation with law enforcement and community-based organization to do prevention-level work. We can take a lot of what Denver has done. In Colorado, Denver is the only one doing that kind of work. There are national level models that information can be taken from.

Gruber: I'd like to see us, as best we can team up with – the borders between Denver, Lakewood, and us and going up to Northglenn all the way – all of our associated cities – the borders don't mean anything to the gang members. So, working with those other municipalities might be a worthwhile action to take.

Berzins: I really enjoyed the presentation, you can tell you've done this before.

Gardner: Thank you for the presentation and welcome. I look forward to you being successful because I think that will help all of us.

Lawson: I'm excited about Christina, she's very knowledgeable. I'm going to be behind her success. Like I said, my passion is with these youth and I want to make sure we have an impact on their lives and try to curb a lot of the crime that is happening in the city. We can't help everybody but if we can help one, two...that's success to me. I wish you all the best and I'm looking forward to learning about your strategic plan and looking forward on how we can all collaborate and work together. This is very exciting. Thank you and welcome.

#### **4.b.2 Gang Initiatives and Discussion**

Police Lieutenant Chris Poppe provided a presentation on the newly formed Gang and Robbery Investigative Team (GRIT). There is a nationwide rise in violent crime. Local robbery statistics are up from where they are generally. Year to date last year was approximately 21% higher than the year prior. They found that a lot of the crimes are committed by a small group of people. Within the department, there were several different investigative teams working on each crime but not working on the necessarily together. Many of these crimes involve gang members. They plan to focus efforts more efficiently on the small number of criminals that are committing the majority of the crimes and hopefully impact the overall crime. Historically, the department went through de-centralization that included each district housing their own investigative teams and each district would handle robberies that occurred within each district. Before the implementation of GRIT, the multiple units investigating these violent crimes included each district, Gangs, and Safe Streets Task Force. Safe Streets would primarily focus on bank robberies and some business robberies. Many times, there are pattern robberies that span the districts or even jurisdictional boundaries, but the connections wouldn't be made until a significant time had passed. GRIT is responsible for all pattern robberies citywide and the goal is to make that connection much sooner. GRIT works with uniformed officers to improve communication. GRIT consists of 1 sergeant, 8 detectives and a crime analyst. They meet with the district officers during briefings. GRIT focuses on gang related shooting/assaults, car jackings, possession of a weapon by previous offender, and home invasion robberies that are part of a pattern.



Due to the limited number of detectives, crimes that are likely to be deferred to the district detective teams include shoplifting, opportunity robberies, home invasions not related to a pattern, and other non-pattern related robberies. GRIT has partnered with Safe Streets, ATF, they have a dedicated DA out of the 18<sup>th</sup> Judicial District, and Crime Stoppers. They conduct enhanced investigation technicians by focusing on the people rather than a single event. They coordinate with partners throughout the metro area and federal prosecution cases. The detectives use National Integrated Ballistic Information Network (NIBIN) technology to match shell casings used in crimes. They will continually evaluate the effectiveness of the team and make modifications when needed. In the seven weeks since implementation they have already made some good arrests that have had an impact on crime.

Gruber: You said that you're teamed with the 18<sup>th</sup> DA out of Arapahoe County, is there a relationship with the 17<sup>th</sup> DA?

Poppe: We're working on that. They don't have a dedicated organized crime prosecutor. We're working on making a similar partnership with them, but it wasn't in place when we started this. We do have partners, it's just not quite the same as the 18<sup>th</sup>.

Gruber: Okay, I understand. I wish you luck with that and if there's anything we can do to help, let me know. There was a request from council for funding of analytic software that would allow you to find patterns. Do I remember that correctly and is that software effective?

Poppe: We use a product called Nighthawk that allows us to do analytics when we're getting records from either phone companies or social media sites. It helps put the records in chronological order and provides link charts between suspects. It's one of the major tools we use every single day on all these cases and is absolutely helpful for the pattern investigations.

Gruber: You mentioned that crimes in neighborhoods aren't considered to be pattern crimes. One of the major complaints I get from constituents is the ring cameras, they're seeing people walk by, walking into the driveway, checking to see if their doors are unlocked. So, I guess I'm a little surprised that it's not considered a pattern.

V. Wilson: When we're talking about patterns, we're talking about a group of individuals that are organized. Our district detectives are still looking into those robberies. We're just talking about GRIT which is focused on putting some of the most violent people and the most prolific people that are involved in patterns and organizations. We're addressing those individuals because the higher propensity for violence, but we are investigating all robberies.

Gruber: So, what I'm hearing you say is that you are following that, but you aren't treating that so much as a gang crime. You're treating that as a local, district crime.

V. Wilson: Correct, Sir.

Gruber: I would like to know a little bit more about the gangs that are operating within the city. We can talk about that at another time so that the population is aware as to how large this is. When I saw the list of gangs, I was surprised. This isn't just one or two operating in a little area, this is many operating in many areas of the city. I don't want to comprise any of the knowledge that you're assembling

but I think it's important for the city to know how many gangs are out there that you're tracking.

V. Wilson: Yes, sir. We'll get a presentation on the books for you.

Gruber: With that, DA John Kellner from the 18<sup>th</sup> Judicial District.

18<sup>th</sup> Judicial District Attorney, John Kellner provided an overview to the committee. The 18<sup>th</sup> Judicial District is Arapahoe, Douglas, Elbert and Lincoln Counties. It is the most populous judicial district in the state and the most diverse geographically and by the population. The DA's have a role in the prevention aspect of crime in addition to the prosecution of crime. They have a robust diversion program that is often used to get younger people away from the gang lifestyle and culture. They will be opening a new diversion office in Aurora in the next couple months. DA Kellner's office is working directly with GRIT. When he took over in January, he started an organized crime unit that has three dedicated prosecutors. When looking at the numbers provided by the police department in regard to violent crime, most of the aggravated assaults are shootings that are just short of being a murder or serious bodily injury. The increase in aggravated assaults is concerning and the reason for the three dedicated prosecutors. When talking about organized crime prosecutions, it involves arresting and prosecuting a group of people working together. The reason that matters is because Colorado has the Colorado Organized Crime Act (COCA) statute that can bring more serious charges. When they are aggregate together and go after the groups driving crime, they are able to take the dangerous criminals off the street and keep them off the street. The lines between gang members have been blurred more and more and they tend to come together with goal-oriented financial gain and individual status. There's been a decrease in the number of arrests and an increase in crime. What they are seeing is that gang members feel emboldened because there has been less consequences due to the pandemic and less interaction with the justice system. Their goal is to be the best partner possible. That's why they're integrated with RAVEN, GRIT, and Safe Streets. They also have one CSI technician who specifically works with NIBIN from the DA's working at the Unified Crime Lab. They are engaged with all these partners to address the growing issue of gang violence.

Gruber: Is there legislation that could be created at the city that would help? That might be a better question for the city attorney's office. Are there thoughts that you have as to legislation that council could bring forward to assist in addressing gangs?

Kellner: That's a great question. When we're talking about ordinances and municipal violations, of course, I don't prosecute those kinds of situations – we handle the misdemeanors and felonies. One of the concerns I have generally with ordinances is that we have to be really cautious that we're not getting young people in a bad spot with lower level ordinance violations that then don't get addressed in the best possible way like in our diversion program to make sure it's not over-criminalizing something. One of the things we saw in our juvenile diversion program was that we were screening kids out that had a number of ordinance violations. What we saw is that had a disproportionate impact on young kids of color, and that was obviously a bad thing. So, we took a deeper dive into realizing that these ordinance violations are not very high on the scale of criminality, so we then made a conscious decision to not use that as a screen-out tool for diversion. What that meant was that we were able to get more kids into our counseling

program. We've got 15 master-level therapists that help get kids and their families on the right track and out of the justice system. So, that's a complicated question,

CM Gruber, I would simply say, at the state level, when it comes to legislation, obviously we're all watching what will happen with Senate Bill 62. I know a number of people, including the DA's council are working on amendments. But if that goes too far and really handcuffs law enforcement from being able to do their job, I have great concerns about that.

Gruber: The fact is that the city has its own municipal court. Julie, would you like to address the impact on the city and your thoughts legislation council could address?

Heckman: First, I would just say that we in the municipal court are very appreciative of the collaborative nature of DA Kellner's office. Because some of the thing he was just talking about are issues we've been looking at regionally. I'm part of the High-Risk Juvenile Task Force and do work closely with Sarah Ericson who runs the diversion program. Through that task force we did take a deep dive looking at the data from the state and municipal system. That's one big problem between those two systems is they don't talk to each other very well as far as data. It's difficult for the DA's to see what has already happened through the municipal court. So that's another piece that I think we are very collaborative. The juvenile unit DA's are in close touch with our office as well as the DV unit because they don't have access to what may have happened in our court. We also need to be collaborative to look at when there are things that if a person already has charges in one court and we get charges here, if they're already working on a treatment plan, then we can look toward the best place to get all those things together. It does take communication and to be collaborative and I think we do. As far as your question, about specific gang ordinances, if there are pattern crimes that's probably something that is going to end up more in the state system. If there are things that we're seeing in reports that patrol has written, working with APD detectives and DA's to figure out the right place for that to be or if we're seeing different crimes with the same juvenile, we'll look at holistic approaches so as to not have people in the system that don't need to be.

Gruber: The primary reason I asked for this specific presentation today, especially the combination of the three sides; how do we keep people from joining gangs, what do we do with the gangs that we have as far as policing and reducing crime in the city, and then what happens once the person is in the system – is to have a collaboration between the groups. I don't see another way or committee that could bring these three different groups together. Council made a specific decision to keep the prevention side out of the police force, but I think communication among the three groups, to include the 17<sup>th</sup>, is very important. I'd like to thank everyone for the presentations you gave today, they were very enlightening. I'd like to ask the other committee members their thoughts.

Berzins: I don't have anything to add. Thank you.

Gardner: Nothing from me.

Gruber: I would like to point out that next week, April 18-24, is National Crime Victims' Week. I think it's important to discuss or highlight the fact that we are taking action to support victims of crimes as well.

Outcome

Information Only

Follow-up Action

Staff will add future item for presentation of gangs in Aurora.

**4.c Jonathan Smith Report Analysis and Planned Action**

Fire Chief Fernando Gray explained that when the Jonathan Smith report was provided back in February, they committed to coming to the Public Safety Committee to provide an update on AFR's strategic approach to implementing the recommendations in the report. AFR is an organization that believes in continuous improvement so there was no hesitancy as it relates to taking information from the report and putting it into an actionable plan to improve processes and services. The presentation today will include findings from the report, related AFR processes and procedures, and then outline strategies to take this information and implement recommendations. There were five major recommendations and findings in the report. There's value in each of them. Some of the things AFR is already doing but could do better. The first finding is related to the transition from APD to EMS. For example, when a person is in custody, how the transition will occur. One of the things Dr. Costello mentioned is that written procedures and details of transitions isn't common. We weren't able to reach out to other organizations across the country and ask how they're doing it. We had to come up with this process and I feel comfortable about how we'll proceed and move forward. The second recommendation is related to the culture of patient advocacy. We're not saying it doesn't already exist, but we need to improve upon it. When a crew arrives on scene with APD and someone is having a medical event, we need to move with urgency to make sure that the patient is assessed, and the proper treatment is applied. We are already doing training related to assessments but we're going to refocus those efforts to make sure that our members fully understand that there is an enhanced expectation for them to provide the highest level of service possible. Independence and Separate Authority of Medical Personnel is something that we're going to rely on our partners from the police department to also make sure that they're committed to. The last is the administration of Ketamine. All the services provided will be free from bias. That's an expectation that is not only laid out to new recruits but also to all the supervisors within AFR. This is a critical pillar of our organization. Diversity, Equity and Inclusion is embedded into our system and our organization. One of the things noted in the Jonathan Smith Report is the fact that AFR has a gold standard as it's related to quality assurance and quality improvement. Every month AFR has a low frequency/high risk incident reviewed by four physicians. Every administration of Ketamine, until the use of Ketamine was stopped last September 2020, was reviewed by the medical direction team. They also review other medical interventions as a best practice. The information from those reviews are then released quarterly to the entire department detailing the things done well and those that need to be worked on. Enhancements to this process include the review of any sedative use or restrained patient. AFR has also made a protocol amendment to ensure that, as a system, they are estimating weight consistently. This change occurred very quickly after the Elijah McClain incident. After Action Reports are conducted after a low frequency/high risk incident. To ensure that the probability

of having a similar incident is reduced. The Jonathan Smith Report was released on February 22, 2021 and by March 5, 2021 AFR had formed and assigned subcommittees to isolate issues and come up with viable solutions. The reason for bringing this up is to point out that AFR did move with urgency to make sure that not only they absorbed the report but also put together some of the strategies for going forward. The goal is to commence implementing these changes by May 3, 2021.

Fire Commander Rodney Weber provided an overview from the Protocol, Policy and Procedures Subcommittee. They developed a new manual operating procedure for a clear and dedicated timeline transfer between law enforcement and EMS. This is found under MOP 6.14. This will lead into Patient Advocacy (also found under MOP 6.14). This establishes the culture for all personnel on scene that people in the custody of law enforcement when EMS arrives are patients needing prompt evaluation and treatment. This new procedure was developed with collaboration of APD.

Gruber: Do you have or are you considering a phrase that would be the point that would be logged in transferring the control from law enforcement to the fire department? What is the thing that transitions the patient?

Weber: Currently there's nothing specific but that's something that we can look into and probably a good idea.

Gray: You're exactly right. That is something that's going to be incorporated into the training.

Gruber: I think it'll be important for the police to also understand that at that point – I could see where a firefighter or paramedic would look at a patient or look at someone and at that point that person is still under the control of the police but when the paramedic says whatever phrase it is, I think it's important that there's solid delineation between the transfer of that person from police to the paramedic.

Gray: Yes, Sir, I totally agree and as soon as Chief Andersen starts presenting about the training, she'll mention that piece.

Specific protocol changes include the cessation of the use of Ketamine and a waiver extension will not be sought when the current extension expires. Since Ketamine will not be used, they will monitor and capture any patient or responder injuries to see if there is an impact. Dr. Hill is also working on a pre-sedation checklist for all patients and will go out in the July 2021 protocol updates. This checklist has to do with making sure they have proper equipment on scene. MOP 5.4 was updated to document required equipment expectation for all EMS responses. This was something they already did, it just wasn't previously in writing.

Fire Deputy Chief Cynthia Andersen provided an overview from the Training Subcommittee. Key points they'll be incorporating into their training is the proper way to conduct a patient assessment and the transfer of care. Training plan implementation involves reinforcing the philosophy that they are the patient advocate as well as APD, provide additional training related to cognitive errors in medical decision-making, and reinforce bringing the appropriate equipment to the scene. They have found that a scaled approach reinforces the proactive changes to culture. This reinforces long-term change, not just immediate, when it comes to

patient care. Training videos will be incorporated and will include collaboration with APD. Each department will use the Learning Management System (LMS) and QA/QI to monitor compliance and adherence. Effective rollout includes a timeline. The timeline for the training will begin with the release of the memorandum expected to be released on May 3, 2021. Patient assessment training will be assigned on May 7, primer video released and assigned by June 15, training vignettes released on September 13, and the proposed delivery of scenario-based training by October 4, 2021. Training provided in LMS is trackable and repeatable for anyone needing a refresher. The patient assessment training is a standardized process. The course in LMS helps members deal with special situations or challenges they might encounter such as language barriers, mental illness issues, or combative patients. It gives them an alternative way to approach that particular patient and still perform a safe assessment. The primer video was put together by a physician at Children’s Hospital. It addresses disparity in EMS and in health care. The disparities look at implicit bias/unconscious bias but also addresses cognitive decision-making errors. This is followed-up by one more interactive video that can be recorded and launched where the doctor and other members of her team can answer questions from AFR members. The series of vignettes takes everything and rolls it into a package. The goal is to have this be a full cultural shift within the organization and embed it into the AFR culture. Refresher courses will be assigned annually, compliance will be recorded, and skill assessments will be validated quarterly. Particularly with cognitive errors, it’s recommended to incorporate these skills in the quarterly reviews. AFR is exploring a partnership with University Hospital for scenario-based training conducted at CAPE (Center for Advancing Professional Excellence). They would add in APD and Falck, so everyone learns the same thing and reinforcing what was covered. There would have to be a cost analysis and the doctor who teaches it has said she would be willing to work with the city to put it together for all members. If it’s something the city is interested in knowing more about, C. Anderson can put together a tour.

Fire Captain Derrek Devan provided an overview of the Technology Subcommittee. This committee looked at four different areas; Body cameras, small remote cardiac monitoring devices, enhanced telemedicine communications, and scales to help with weight estimations. They found body cameras are not a privacy or HIPPA violation as long as the footage is used for the QA/QI process. The footage can be stored for a period of six months or as long as necessary. The Zetronic safety glasses were also reviewed. The Global Industrial Detecto 8500 is a digital scale that can be used under the pram.

Berzins: The glasses, you said those are cameras too?

Devan: Yes. The camera is on the glasses on the bridge of the nose.

Berzins: You wouldn’t wear both; you would wear one or the other?

Devan: Yes, we looked at both. The body camera is more prevalent right now, but the glasses are another option.

The subcommittee looked into the ET3, which is already in policy with AFR, is utilized for calls with lower acuity. The patient can be transported to an urgent care or their primary care doctor. This option is optional for the patient. If they go into this process, they have the ability to talk to a licensed physician. They also looked into Pulsara, which is similar to ET3. It’s a mobile app that can be initiated by the

patient and allows the patient to communicate with the doctor. They looked into two different cardiac monitoring devices, Lifecard CF and Evo. The Zoll monitor is already in place with AFR.

Gruber: The next step is recommendations. Are you asking council to support the technology or are you continuing reviews with the idea of bringing something forward? I don't think you would need council permission with any of these. The only thing that would have to happen is if it exceeds our budget for the city manager, it would have to have a council budget approval. What are your thoughts?

Gray: You're exactly right, CM Gruber. We're still in the exploratory phase to see which of these items would be beneficial moving forward. If we identify one of these adjuncts, then we'll utilize the budget process to make sure that we are able to get the things that we need to make sure that we're providing that excellent service while keeping our members safe. That concludes the presentation. It was intended to be information only. We just wanted to make sure that we were giving council a good idea of the fact that we're moving forward with the recommendations. One thing I left out in the beginning was that we did share this information with Dr. Costello, and she thought it was a good path forward. We feel really good about what we're doing, we feel really good that these combined approaches will be good for the community.

Berzins: I really liked Dr. Costello in the Smith Report. I thought she was very knowledgeable and experienced. She did give some good suggestions. She wasn't as critical as much as she was constructive, I thought. I'm glad you saw it that way. I appreciate this report from Fire. I think you all do a fantastic job, keep it up.

Gruber: I agree.

#### Outcome

Information Only

#### Follow-up Action

None.

#### **4.d Aurora Fire Rescue Special Operations**

Fire Commander Rodney Weber provided the AFR specialty teams overview to the committee. The specialty teams include Hazardous Materials, Technical Rescues, Water Rescue, and Wildland Firefighting. Hazardous Materials Team is located at Station 2 and consists of eight members on duty every day, minimum staffing is six. Bench members are trained personnel that work outside Station 2 that can be called to fill in when there is a staff shortage. AFR received a grant in 2020 and were able to send 20 members to Hazmat school in January. Another 5 members will go to this training in May. There are currently 90 members trained to be a Hazmat tech. Everyone coming out of the academy has a hazmat awareness, but this is a technician certification. They are incorporating new equipment and technological changes. One of the new devices is called an area rae. It allows them to put gas detectors around the scene and it feeds information back to the hazmat rig to make sure the area is safe to be working in. They are in the early stages of replacing the hazmat rig with a new one. The members at Station 2, Fleet, and the Operations Deputy Chief will be involved in that process. The new target solutions

have helped with sending training out through LMS for the ongoing requirements for the bench members. The Technical Rescue Team is located at Station 5. They recently received a new heavy rescue rig. The rig came with all new replacement equipment that helps keep up with industry standards. The TRT has quite a few job responsibilities included confined space, structural collapse rescue, heavy vehicle rescue, machinery rescue, and ice rescue and swift water. Annual training is provided at CAPSTC for current members and new members. Current members provide the training to the new members. There are currently 74 members on TRT. Minimum staffing is six on duty daily at Station 5. Unlike Hazmat, TRT does not have job sheets, they follow the NFPA standards. Currently the departments on CMCB are Aurora, Denver, West Metro and Colorado Springs. This group is working on developing job sheets so they can keep better track of what each member is trained on. The Water Rescue team is relatively new and works from Station 9. The reason it's being brought on board is because of all the assignments TRT has. The members at Station 5 are still helping with ice rescue and swift water because there aren't enough members at Station 9 yet. The last time swift water rescue was used in the city was the big floods. They continue to work on increasing personnel at Station 9 and getting them trained. COVID caused a delay in training when the recreation centers closed. The pools at the recreation centers is where they would train. The apparatus used for swift water rescue is a rescue boat and tow vehicle. There is equipment throughout the city and other personnel trained for ice rescue. Five ladder trucks and five engine trucks have ice rescue equipment. The Wildland Response Teams are at Station 13 and Station 8. The training is called R130 and R190 and re-certification is required to include practicing an emergency fire shelter deployment and a timed pack test consisting of a 3-mile course while carrying a 45-pound pack in under 45 minutes. They recently purchased a brush truck and a wildland pumper that will be added to the fleet soon. They hope to add a Tactical Water Tender in 2022 or 2023.

Gruber: I'm constantly impressed with the capabilities the AFR has and this impresses me even more.

Berzins: I love the slides, you did a great presentation. Is the recruiting and the training – Are you able to meet your numbers, do you still have people leaving or has that slowed down? Do you happen to have that with you? If not, maybe you can bring it next month?

Gray: No, we haven't seen a mass exodus or inordinate amount of people leaving in 2020 or 2021 so far. In 2019 we did have a lot of people leaving the organization.

Gardner: Chief Gray, you might remember last year I opened a Council Request regarding mutual aide. If I recall correctly, it was after we had to call in the dive team from South Metro and at the time our software didn't allow us the capability to track when we call for mutual aide. With the new software that we purchased, is that something that we are now able to figure out? Where I'm going with that is if we're consistently calling in mutual aide from other agencies then, perhaps we need to look at ways to bring those types of operations under AFR.

Gray: Yes, sir, you're exactly right. With the new software that we have, we will be able to capture that information.

Gruber: That begs the question, on the teams that we send out to places like North Dakota, is that at gratis or are we paid for that? How does that work?



Gray: We are recompensed whenever we send people out for those deployments. I know a lot of people have asked this question before. We don't make money off of it, but we are recompensed to the point where we break even. I think it's also a great opportunity for our members to get training. When we have people deployed...they get a lot of valuable experience that they can bring back to our organization so that we can better serve this community. It's not something we make money off of but something I find to be valuable to the organization.

Gruber: Thank you, Chief. I'm glad we don't make money. I don't think that would be right. But, helping out the other communities certainly is a powerful thing especially when we need help ourselves.

Outcome

Information Only

Follow-up Action

None.

**5. Miscellaneous Matters for Consideration**

Gardner: When we planned out the year, one of the things that was on the roadmap for this month was the follow-up to a Civil Service presentation that we had done last year. City Management had a comparison done and I was just curious are we going to have that presentation? Or what's the plan for that?

Gruber: Let me answer that at our next meeting. I'm with you on that, I would like that presentation to occur. So, let me work on adding that to the calendar if that's what you want.

Gardner: I don't know, perhaps the city manager is waiting on the results of the investigations. It might be that he needs all those before he's ready to come back. What it was, was taking 9 or 10 other cities and what they do for a civil service process and then he was going to come back and say these are the changes we can make within our existing Charter and here's some Charter changes or that would require a Charter change. If that's the case, I'm okay with that, I just wanted to make sure it kind of stays on the radar.

Twombly: CM Gardner, yeah, I think you just answered the question. You're right, we do have 21CP with recommendations that we expect to get fairly soon and the AG's Patterns and Practices. I'm sure both will address recruitment and hiring issues. When we have those, we'll bundle them together and come back to Public Safety.

**6. Confirm Next Meeting**

Next meeting confirmed for May 20, 2021 at 11am via WebEx.

**7. Adjournment**

Meeting adjourned at 1:00pm

APPROVED: \_\_\_\_\_

Dave Gruber, Chair



# CITY OF AURORA

## Council Agenda Commentary

<b>Item Title:</b> CU Anshutz and APD Intergovernmental Agreement
<b>Item Initiator:</b> Danelle Carrel, Committee Liaison
<b>Staff Source/Legal Source:</b> Vanessa Wilson, Chief of Police/ Megan Platt, Police Legal Advisor
<b>Outside Speaker:</b> CU Anschutz Chief Randy Repola
<b>Council Goal:</b> 2012: 1.0--Assure a safe community for people

### COUNCIL MEETING DATES:

**Study Session:** First Available

**Regular Meeting:** N/A

---

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

- Approve Item as proposed at Study Session  Information Only
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Approve Item with Waiver of Reconsideration  
Why is a waiver needed?[Click or tap here to enter text.](#)

---

### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** N/A

**Policy Committee Date:** N/A

### Action Taken/Follow-up: *(Check all that apply)*

- Recommends Approval  Does Not Recommend Approval
  - Forwarded Without Recommendation  Recommendation Report Attached
  - Minutes Attached  Minutes Not Available
-

---

**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.)*

N/A

---

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

Aurora Police Department and the University of Colorado Police Department wish to cooperate in providing police and public safety services at the University of Colorado Anschutz medical campus.

---

**QUESTIONS FOR COUNCIL**

Does council approve the consent item to move forward to Study Session?

---

**LEGAL COMMENTS**

The University of Colorado and the City of Aurora are constitutionally and statutorily empowered to cooperate or contract via intergovernmental agreement with one another to provide functions, services or facilities authorized to each cooperating government. (Colo. Const., Article XIV, §18 and Sections 29-1-201, et seq., C.R.S.)

The City Council may, by resolution, to enter into contracts or agreements with other governmental units or special districts for the joint use of buildings, equipment, or facilities, and for the furnishing or receiving of services. (City Charter Article 10-12)

The City expressly authorizes peace officers employed by CU Anschutz Police Department who are P.O.S.T. certified and current with all requirements to maintain that certification by law, the authority to issue a summons and complaint for any violation of the City of Aurora's City Code within the Enforcement Boundaries of the CU Anschutz medical campus. (AMC Section 50-30 (b)) (Platt)

---

**PUBLIC FINANCIAL IMPACT**

YES       NO

**If yes, explain:** N/A

---

**PRIVATE FISCAL IMPACT**

Not Applicable       Significant       Nominal

**If Significant or Nominal, explain:** N/A

**INTERGOVERNMENTAL AGREEMENT BETWEEN  
THE REGENTS OF THE UNIVERSITY OF COLORADO, A BODY  
CORPORATE, FOR AND ON BEHALF OF THE UNIVERSITY OF  
COLORADO DENVER | ANSCHUTZ MEDICAL CAMPUS AND THE CITY  
OF AURORA, A HOME RULE MUNICIPALITY**

THIS INTERGOVERNMENTAL AGREEMENT is entered into by and between the Regents of the University of Colorado, a body corporate, contracting on behalf of the University of Colorado Denver | Anschutz Medical Campus (hereinafter referred to as "CU Anschutz") and the City of Aurora ("City"), a home rule municipal corporation, effective January 1, 2021, or the date the agreement is executed by both parties, whichever is later ("Effective Date"). CU Anschutz and the City are herein collectively referred to as "the Parties".

WHEREAS, CU Anschutz and the City mutually desire to cooperate in providing police and public safety services to CU Anschutz and the City pursuant to Colo. Const., Article XIV, §18 and Sections 29-1-201, et seq., C.R.S.; and

WHEREAS, peace officers from both CU Anschutz and the City have jurisdiction over criminal matters that occur on the CU Anschutz campus; and

WHEREAS, CU Anschutz peace officers routinely travel City streets in the areas surrounding the property of CU Anschutz during the course of their duties; and

WHEREAS, CU Anschutz peace officers provide back-up systems to City police officers on calls in the enforcement boundaries; and

WHEREAS, the Parties believe that extension of police powers and authority to the CU Anschutz Police Department by the City would benefit and serve the interests of public safety for the community as a whole.

NOW THEREFORE, the Parties understand and agree as follows:

1. The Parties hereby recognize the jurisdiction of the City to enforce criminal offenses occurring on lands owned by CU Anschutz.
2. The "Enforcement Boundaries" shall be as set forth on Exhibit A, attached hereto and incorporated herein. Specifically, the Enforcement Boundaries extend to the western edge of the sidewalk and/or pavement on Peoria Street, on the southern edge of the sidewalk and/or pavement on East Colfax Avenue, and the northeastern edge of the sidewalk and/or pavement on Fitzsimons Parkway.
3. Pursuant to City Code, Sec 50-30(b), the City hereby acknowledges and expressly authorizes peace officers employed by CU Anschutz Police Department who are P.O.S.T. certified and current with all requirements to maintain that certification by law, the authority to issue a summons and complaint for any violation of the City of Aurora's City Code within the Enforcement Boundaries set forth in

paragraph 2 above. CU Anschutz peace officers are authorized to arrest within the Enforcement Boundaries for violations of the Aurora City Code when there is probable cause, when a crime occurs in front of the officer, or with an arrest warrant.

4. CU Anschutz Police Department hereby agrees that when issuing a summons and complaint for unlawful activity within the Enforcement Boundaries, CU Anschutz peace officers may charge pursuant to the Aurora City Code sections. The City agrees that all such charges may be submitted through the Clerk of the Municipal Courts for the City of Aurora.
5. CU Anschutz peace officers shall cite all violations of the Aurora City Code into the Aurora Municipal Court system on Municipal Code forms. CU Anschutz will be responsible for obtaining Municipal forms at no cost to the City.
6. The Parties agree and understand that CU Anschutz peace officers shall, while they are performing their law enforcement duties under this Agreement in the City, be peace officers as defined in § 16-2.5-102, C.R.S., with current certification. The Parties agree and understand that CU Anschutz peace officers shall conform to and be subject to all rules and regulations governing the University of Colorado, and are not subject to the City's rules and regulations.
  - a. The CU Anschutz Chief of Police, or designee, will be responsive to inquiries or requests received from the City of Aurora's Chief of Police as to all matters, including, but not limited to allegations of wrongful conduct related to the CU Anschutz Police Department personnel.
7. The Parties hereby agree to coordinate and cooperate with respect to any other law enforcement and public safety services that may be provided by each Party's respective police department for incidents within their jurisdiction to the extent practicable. CU Anschutz agrees to designate a specific person to coordinate service of Municipal Court process for CU Anschutz peace officers and facilitate necessary communication between CU Anschutz peace officers and the City. The City agrees to designate a specific person within the Court Administration Department to act as a liaison between the City and CU Anschutz.
  - a. In the event of an incident involving the discharge of a firearm by a CU Anschutz peace officer that resulted in injury or death within the City of Aurora, the CU Anschutz Police Department and the Aurora Police Department will investigate, evaluate, and review the incident in accordance with § 16-2.5-301, C.R.S. and each agency's respective policy for officer involved shootings in partnership with the 17<sup>th</sup> Judicial District.
8. Notwithstanding any other provision herein to the contrary, no term or condition of this Agreement shall be construed or interpreted as a waiver of the monetary limitations on liability or of any of the immunities, rights, benefits, or protections provided to the City or CU Anschutz under the Colorado Governmental Immunity Act, § 24- 10-101, C.R.S. *et. seq.*, as amended. The Parties understand and agree that liability for negligence or willful and wanton acts of the Parties, its

officials, officers, and employees, is controlled by said Act, and nothing herein shall be construed or interpreted as modifying any liability protection of the Parties thereunder.

9. CU Anschutz agrees and understands that it shall not assign rights nor delegate duties under this Agreement.
10. It is expressly understood and agreed upon by the Parties that this Agreement in no way creates an employment relationship between CU Anschutz peace officers and the City. CU Anschutz shall at all times remain responsible for the acts, errors, and omissions of CU Anschutz peace officers acting under this Agreement or otherwise. CU Anschutz shall at all times be responsible for any and all required or applicable employment income and any other tax for CU Anschutz peace officers, for all training and uniform expense. CU Anschutz shall at all times be responsible for any and all required or applicable unemployment, workers' compensation, and other insurance coverage for CU Anschutz peace officers, and shall be responsible for compensation to CU Anschutz peace officers subpoenaed to testify in Municipal Court. The Parties to this Agreement expressly understand and agree that the City shall not be liable for any acts, errors, or omissions of CU Anschutz peace officers acting under this Agreement.
11. The City shall be responsible for the costs of prosecution of all summons and complaints issued by CU Anschutz and all fines and court costs levied as a result shall be deemed the property of the City.
12. This Agreement shall specifically not be construed for the benefit of any third party and no third party shall use this Agreement for any purpose except as provided herein.
13. No modification to this Agreement shall be effective unless agreed upon in writing by both Parties.
14. All notices required under this Agreement shall be directed to:

For CU Anschutz:

Chief of Police  
Mail Stop F409, Building 407  
Aurora, Colorado 80045

Office of University Counsel  
1380 Lawrence Street  
Denver, Colorado 80202

For the City of Aurora:

Chief of Police  
15001 E. Alameda Parkway  
Aurora, Colorado 80012

Office of the City Attorney  
15151 E. Alameda Parkway  
Aurora, Colorado 80012

15. This Agreement may be executed in multiple copies, each of which shall be considered an original.
16. This Agreement shall continue until notice is filed by one Party upon the other as specified in paragraph 18, below.
17. A separate Management Agreement has been executed between the CU Anschutz Police Department and Court Administration. Such Management Agreement has been drafted to minimize the impact on the City's Court Administration. This Management Agreement may be changed by the CU Anschutz Police Department or Court Administration at any time in order to ensure minimal impact upon Court Administration staff.
18. Either Party may terminate this Agreement at any time and for any reason with at least ninety (90) days prior written notice to the other Party. This Agreement shall take effect on the date of the last signature hereto and the persons signing this Agreement certify that they have been fully authorized by such Party to execute this Agreement and to validly and legally bind their Party to all the terms, performances and provisions herein.

WHEREBY the undersigned Parties understand and agree to the terms and conditions contained herein.

For the City of Aurora:

For CU Anschutz:

\_\_\_\_\_  
Mike Coffman, Mayor

\_\_\_\_\_  
Donald M. Elliman, Jr., Chancellor

Approved As To Form:

Approved as to Form:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
University Legal Counsel





RESOLUTION NO. R 2021 – \_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO,  
APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE  
UNIVERSITY OF COLORADO POLICE DEPARTMENT AND THE CITY OF AURORA  
REGARDING THE EXTENSION OF POLICE POWERS AND AUTHORITY

WHEREAS, the City and The University of Colorado Police Department, are constitutionally and statutorily empowered pursuant to Colo. Const., Article XIV, §18 and Sections 29-1-201, et seq., C.R.S. to cooperate or contract via intergovernmental agreement with one another to provide functions, services or facilities authorized to each cooperating government; and

WHEREAS, Section 10-12 of the City Charter authorizes the City Council, by resolution, to enter into contracts or agreements with other governmental units or special districts for the joint use of buildings, equipment, or facilities, and for the furnishing or receiving of services; and

WHEREAS, peace officers from both The University of Colorado Anschutz and the City have jurisdiction over criminal matters that occur on the University of Colorado Anschutz campus; and

WHEREAS, Section 50-30 (b) of the Aurora Municipal code expressly authorizes peace officers employed by CU Anschutz Police Department who are P.O.S.T. certified and current with all requirements to maintain that certification by law, the authority to issue a summons and complaint for any violation of the City of Aurora's City Code within the Enforcement Boundaries of the CU Anschutz medical campus.

WHEREAS, the that extension of police powers and authority to the CU Anschutz Police Department by the City would benefit and serve the interests of public safety for the community as a whole.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. The Intergovernmental Agreement between the University of Colorado Police Department and the City of Aurora, Colorado regarding the extension of police powers and authority is hereby approved.

Section 2. The Mayor and City Clerk are hereby authorized to execute the attached agreement in substantially the form presented at this meeting with such technical additions, deletions, and variations as may be deemed necessary or appropriate by the City Attorney.

Section 3. All resolutions or parts of resolutions of the City in conflict herewith are hereby rescinded.

RESOLVED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

---

MIKE COFFMAN, Mayor

ATTEST:

---

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

*Megan Platt*   

---

MEGAN PLATT, Assistant City Attorney



# CITY OF AURORA

## Council Agenda Commentary

<b>Item Title:</b> Vehicular Public Nuisances Ordinance
<b>Item Initiator:</b> Danelle Carrel, Committee Liasion
<b>Staff Source/Legal Source:</b> Mike Hanifin, Lieutenant / George Koumantakis, City Attorney
<b>Outside Speaker:</b> N/A
<b>Council Goal:</b> 2012: 1.0--Assure a safe community for people

### COUNCIL MEETING DATES:

**Study Session:** Next Available

**Regular Meeting:** Next Available

---

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

- Approve Item as proposed at Study Session  Information Only
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Approve Item with Waiver of Reconsideration  
Why is a waiver needed?[Click or tap here to enter text.](#)

---

### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** N/A

**Policy Committee Date:** N/A

### Action Taken/Follow-up: *(Check all that apply)*

- Recommends Approval  Does Not Recommend Approval
  - Forwarded Without Recommendation  Recommendation Report Attached
  - Minutes Attached  Minutes Not Available
-

---

**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.)

N/A

---

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

Adopting the proposed Vehicular Public Nuisances ordinance will provide the Aurora Police Department with a tool to help abate the public safety threat and nuisance of illegal street racing and roadway takeovers. The purpose is not to punish, but to remedy vehicular public nuisances. The abatement of vehicular public nuisances for the protection of public health, safety, and welfare is a matter of local concern. Implementation of this ordinance is a direct response to City Council and citizen inquiries to address illegal street racing activity. To successfully respond and combat this nuisance will require a collaborative effort by law enforcement, judicial system, legislators, and the community. This partnership is a core tenant of community-oriented policing. In 2019, citizens reported 66 instances with a nexus to illegal street racing activity. In 2020, that number increased to 1588. The projection for 2021 is over 2000 calls related to illegal street racing activity.

---

**QUESTIONS FOR COUNCIL**

Does Committee approve to move forward to Study Session?

---

**LEGAL COMMENTS**

The City Council, as governing body of the city, shall have the power to make ordinances as it shall deem necessary and proper to provide for the safety; preserve the health; promote the prosperity; and improve the morals, order, comfort and convenience of the city and the inhabitants thereof. Aurora City Code §2-32 (Koumantakis)

---

**PUBLIC FINANCIAL IMPACT**

YES       NO

**If yes, explain:**

---

**PRIVATE FISCAL IMPACT**

Not Applicable       Significant       Nominal

**If Significant or Nominal, explain:**

ORDINANCE NO. 2021- \_\_\_\_

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO,  
ADDING ARTICLE XII OF THE CITY CODE PERTAINING TO VEHICULAR PUBLIC NUISANCES

WHEREAS, City Council hereby finds and determines that the abatement of vehicular public nuisances for the protection of public health, safety, and welfare is a matter of local concern.; and

WHEREAS, the purpose of this article is not to punish, but to remedy vehicular public nuisances.

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 Article XII - Vehicular Public Nuisances to Chapter 134 (Traffic and Vehicles), to be numbered 134-470 thru 134-483 which article reads as follows:

**134-470 POLICY**

- a. City Council hereby finds and determines that the abatement of vehicular public nuisances for the protection of public health, safety and welfare is a matter of local concern. The purpose of this article is not to punish, but to remedy vehicular public nuisances. The remedies provided in this part are directed at the property involved without regard to ownership, title or right of possession and, unless otherwise provided, without regard to the culpability or innocence of those who hold these rights.
- b. The vehicular public nuisances and the provisions of this part are entirely strict liability in nature. Unless otherwise provided, no culpability or mens rea of any type or degree shall be required for any of the public nuisances, actions, temporary restraining orders or remedies under the provisions of this part.

**134-471 DEFINITIONS**

- a. **ABATE:** To bring to a halt, eliminate or where that is not possible or feasible, to suppress, reduce, and minimize.
- b. **BURNOUT** (also known as a peel out or power brake) is when a driver intentionally keeps a vehicle stationary by applying the brakes while simultaneously applying the gas pedal. As a result, the wheels spin and smoke can be generated from the wheels due to the friction from the roadway and can significantly impede visibility on the roadway.
- c. **CLOSE, TO CLOSE, OR CLOSURE:** To exercise control over the motor vehicle and remove all owners, occupants and other persons from the motor vehicle and to impound, lock, secure, and otherwise close and prohibit all entry, access, and use of the motor vehicle, except access and use as may be specifically ordered by the court for purposes of inventory, maintenance, storage, security and other purposes, and to vest the sole right of possession and control of the motor vehicle, in the City of Aurora for a limited period of time defined by court order.
- d. **DONUT(s):** A maneuver performed while driving a motor vehicle in a manner that rotates the rear or front of the vehicle around the opposite set of wheels in a continuous motion. This can create a circular skid-mark pattern of rubber on a roadway and possibly even causing the tires to emit smoke.
- e. **DRIFTING:** A driving technique performed while driving a motor vehicle where the driver intentionally oversteers, with loss of traction, while maintaining control and driving the car through the entirety of a corner causing the rear slip angle to exceed the front slip angle to such an extent that often the front wheels are pointing in the opposite direction to the turn (e.g. car is turning left, wheels are pointed right or vice versa, also known as opposite lock or counter-steering).

- f. **LEGAL OR EQUITABLE INTEREST OR RIGHT OF POSSESSION:** Every legal and equitable interest, title, estate, tenancy and right of possession recognized by law and equity, including any right or obligation to manage or act as agent or trustee for any person holding any interest or right.
- g. **MOTOR VEHICLE:** Any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways or a low-speed electric vehicle; except that the term does not include electrical assisted bicycles, electric scooters, low-power scooters, wheelchairs, or vehicles moved solely by human power. This term shall include "recreational vehicle" as defined in section 134-358 of the Aurora City Code.
- h. **PERSON:** Natural persons and every legal entity whatsoever, including, but not limited to, corporations, limited liability companies, partnerships, limited partnerships and associations.
- i. **POWER SLIDE:** Driving a vehicle with a throttle-on induced oversteer initiating a drift by applying the throttle in a turn enough to make the rear wheels break traction and slide out.
- j. **STREET RACING:** Any criminal or traffic violation of Federal law, State law, City Code, or Model Traffic Code committed by any person or persons, individually or acting jointly through a conspiracy, in complicity, or accessory after the fact where the person(s) operate(s) a motor vehicle in an unsanctioned and illegal form of auto racing, donuts, drifting, exhibition of speed, power sliding, or similar driving maneuver performed on either a public or private road or on public or private property.
- h. **VEHICULAR PUBLIC NUISANCE:** Any motor vehicle used to commit, conduct, promote, facilitate or aid in the commission of street racing illegal activity. For purposes of this section the illegal activity shall have the same definition as that contained in the pertinent section[s] of the Colorado Revised Statutes [C.R.S.], as amended, or the pertinent section[s] of the Aurora City Code [City Code] as amended. Evidence of the existence of a vehicular public nuisance shall include, but not limited to, evidence that the motor vehicle was used in one (1) or more of the following street racing related illegal activities:
  - 1. Careless Driving as prohibited in Model Traffic Code Section 1402 and/or C.R.S. 42-4-1402;
  - 2. Eluding or attempting to elude a police officer as prohibited in Model Traffic Code Section 1413 and/or C.R.S. 42-4-1413
  - 2. Vehicular eluding as prohibited in C.R.S. 18-9-116.5;
  - 3. Injury to Property as prohibited in Aurora City Code Section 94-73;
  - 4. Minimum Speed Regulations as described in Model Traffic Code Section 1103 and/or C.R.S. 42-1103
  - 5. Obstructing Highways or Other Passage Ways as prohibited in C.R.S. 18-9-107;
  - 5. Reckless Driving as prohibited in Model Traffic Code Section 1401 and/or C.R.S. 42-4-1401;
  - 6. Reckless Endangerment as prohibited in Aurora City Code Section 94-38;
  - 7. Speed contests – speed exhibitions – aiding and facilitating as prohibited in Model Traffic Code Section 1105 and/or C.R.S. 42-4-1105;
  - 8. Street Racing; and
  - 9. Trespassing as prohibited in Aurora City Code Section 94-71

**134-472 PROCEDURE IN GENERAL:**

- a. **Remedies Cumulative And Supplementary:** The remedies provided in this part are cumulative and supplementary to any other criminal or traffic ordinance, or statute, other civil remedies and any

administrative proceedings to revoke, suspend, fine or take other action against any license. The City may pursue the remedies provided in this part, criminal penalties provided by other ordinances or statutes, other civil actions or remedies, administrative proceedings against a license or any one or more of these and may do so simultaneously or in succession.

- b. **No Delay In Civil Action:** In the event that the City pursues both criminal or traffic remedies provided in any other section, other civil remedies or the remedies of any administrative action and the remedies of this part, the civil action provided in this part shall not be delayed or held in abeyance pending the outcome of any proceedings in the other criminal, traffic, civil or administrative action, or any action filed by any other person, unless all parties to the action under this part so stipulate.
- c. **Principles:** All actions under this part shall be civil and remedial in nature. All issues of fact and law shall be tried to the court without a jury. All closure, receivership and destruction remedies under this part shall be in rem. Injunctive remedies under this section may be partly in personam. The burden of proof in all proceedings under this part, including proof of the underlying criminal activity forming the basis of a vehicular public nuisance, shall be by a preponderance of the evidence, unless a different burden of proof is specified.
- d. **Jurisdiction, Duties And Power:** Pursuant to Colorado constitution article XX, section 6 and City Charter section 10-4 and City Code Section 50-26, the Municipal Court for the City of Aurora is hereby granted the jurisdiction, duties, and powers for this part.
- e. **Governance Of Proceedings:** Proceedings under this part shall be governed by the Colorado Rules of Civil Procedure ("CRCP") unless this part provides a more specific rule. Public nuisance actions shall be included in the category of "expedited proceedings" specified in CRCP rules 16 and 26. Where this part or the CRCP fail to state a rule of decision, the court shall first look to the public nuisance abatement act, Colorado Revised Statutes section 16-13-301 et seq., and the cases decided thereunder.
- f. **Discovery and Inspection:**
  - (1) **By Defendant.** Upon the motion of a defendant or upon the court's own motion at any time after the filing of the complaint or summons and complaint the court may order the prosecution to permit the defendant to inspect and copy or photograph any books, papers, documents, photographs, or tangible objects that are within the prosecution's possession and control, upon a showing that the items sought may be material to the preparation of the defense and that the request is reasonable. The order shall specify the time, place, and manner of making the inspection and of taking the copies or photographs and may prescribe such terms and conditions as are just.
  - (2) **Witness's Statements.** At any time after the filing of the complaint or summons and complaint, upon the request of a defendant or upon the order of court, the prosecution shall disclose to the defendant the names and addresses of persons whom the prosecution intends to call as witnesses at the hearing or trial, together with any witness statements.
  - (3) **Irrelevant Matters.** If the prosecution claims that any material or statement ordered to be produced under this rule contains matter which does not relate to the subject matter of the witness's testimony, the court shall order it to deliver the statement for the court's inspection in chambers. Upon such delivery the court shall excise the portions of the statement which do not relate to the subject matter of the witness's testimony, then the court shall direct delivery of the statement to the defendant.
  - (4) **Statement Defined.** The term "statement" as used in sections (2) and (3) of this section in relation to any witness who may be called by the prosecution means:
    - (a) A written statement made by such witness and signed or otherwise adopted or approved by the witness;
    - (b) A mechanical, electrical, or other recording, or a transcription thereof, which is a recital of an oral statement made by such witness; or

(c) Stenographic or written statements or notes which are in substance recitals of an oral statement made by such witness and which were reduced to writing contemporaneously with the making of such oral statement.

- g. **Filing:** Actions under this part shall be in writing and filed by the Office of the City Attorney for the City of Aurora.
- h. **Complaint:** An action under this part shall be commenced by the filing of a written verified complaint or a written complaint verified by an affidavit and a motion for temporary restraining order.
- i. **Parties Defendant To Action:** The parties defendant to the action and the persons liable for the remedies in this part include the motor vehicle itself, any person owning or claiming any legal or equitable interest or right of possession in the motor vehicle, all managers and agents for any person claiming a legal or equitable interest in the motor vehicle and any other person whose involvement may be necessary to abate the nuisance, prevent it from recurring or enforce the court's orders. None of these parties shall be deemed necessary or indispensable parties.
- j. **Personal Service:** Service of the summons, complaint, and temporary restraining order upon the owners and/or lienors of a motor vehicle may be served by any peace officer or any party who is not a party and who is not less than eighteen years of age. Service of the summons, complaint, and temporary restraining order may be made by delivering a copy thereof to the person named. Service is also valid if the person named has signed a written admission or waiver of personal service.
- k. The issuance of a temporary restraining order, entry of written stipulations and voluntary abatement agreements, entry of default judgments and other uncontested matters pursuant to this part shall be ruled on by the Court based upon the written pleadings and without the appearance of the party(ies).

#### **134-473 COMMENCEMENT OF VEHICULAR PUBLIC NUISANCE ACTIONS; PRIOR NOTIFICATION:**

- a. **Notification Before Filing Civil Actions Under This Part:** At least twenty-one (21) calendar days before filing a civil action under this part, written notice shall be served upon the owners and lienors of a motor vehicle by personal service.
- b. The notice shall describe the nature of the alleged vehicular public nuisance, shall identify to the extent possible the person(s) actively involved in the vehicular public nuisance and identify the specific motor vehicle involved. The notice shall further advise the recipient that an action under this part may be filed unless the recipient enters into a voluntary abatement agreement with the City pursuant to section 134-83 of this part within twenty-one (21) days of service of the notice.
- c. **Reasonable Assistance:** The Aurora Police Department shall provide reasonable assistance in any effort to voluntarily abate the vehicular public nuisance.

#### **134-474 TEMPORARY RESTRAINING ORDERS IN GENERAL:**

- a. **Continuous Effect of Temporary Restraining Orders:** Ex parte temporary restraining orders shall remain continuously in effect unless modified by court order as provided in section 134-476 of this part, by stipulation of the parties or after trial on the merits.
- b. **No Security Or Bond:** No security or bond of any type shall be required of the City in obtaining any temporary restraining order under this part.
- c. **Form And Scope Of Temporary Restraining Order:** Every temporary restraining order shall set forth the reason for its issuance, be reasonably specific in its terms and describe in reasonable detail the acts and conditions authorized, required or prohibited, and shall be binding upon the property, the parties to the action, their attorneys, agents and employees and any other person who receives actual notice of the order.



### **134-475 TEMPORARY RESTRAINING ORDERS; VEHICULAR PUBLIC NUISANCES:**

- a. General: The court shall issue an ex parte temporary restraining order if the written complaint, supported by an affidavit, shows by a preponderance of the evidence that there is probable cause to believe that the specified motor vehicle was used to commit, conduct, promote, facilitate or aid the commission of any vehicular public nuisance.
- b. Detention and closure of motor vehicle(s): The temporary restraining order shall make the following orders for the detention and closure of motor vehicles and restrained persons as to motor vehicles:
  1. The Aurora Police Department shall be ordered to detain and close the motor vehicle(s) using any reasonable force necessary, and to place the same in police custody in the constructive custody of the court, until further order of the court.
  2. All named defendants shall be ordered to deposit with the Aurora Police Department all documents evidencing ownership, title, registration, keys and other devices for either access and/or operation of the motor vehicle(s).
  3. The Aurora Police Department shall personally serve copies of the summons, complaint, and temporary restraining order upon any person who reasonably appears or claims to hold a legal or equitable interest or right of possession the motor vehicle at the time of detention and/or closure.
  4. All persons shall be restrained from removing, concealing, damaging, destroying, or selling, giving away, encumbering or transferring any interest in the motor vehicle, or using the motor vehicle as security for a bond.
  5. Persons holding any legal or equitable interest or right of possession in the motor vehicle shall be ordered to take all reasonable steps to abate the vehicular public nuisance and prevent it from recurring.
  6. Any other orders that may be reasonably necessary to take the motor vehicle into the court's constructive custody, and to provide access to and safeguard the motor vehicle.
- c. Service: The summons, complaint, and temporary restraining order shall be served as provided by subsection 134-472 (i).
- d. These orders shall become effective fourteen (14) days after the date the temporary restraining order is mailed unless within that fourteen (14) day period a person claiming a legal or equitable interest or right of possession in the motor vehicle, files, sets, serves and has heard a motion to vacate or modify the temporary restraining order(s) as provided in subsection 134-476 (c) of this part, or unless within that fourteen (14) day period a person claiming a legal or equitable interest or right of possession in the motor vehicle files, sets, serves and has heard a motion to stay execution of a temporary restraining order as provided in subsection 134-476 (e) of this part. The motion shall be heard and determined as provided in subsections 134-476 (c) and (e) of this part. A motion properly brought under subsection 134-476 (c) or (e) of this part shall temporarily stay a temporary restraining order until the conclusion of the hearing. No temporary restraining order shall permit the detention and/or closure of a motor vehicle until this fourteen (14) day period has elapsed.

### **134-476 MOTION TO VACATE OR MODIFY TEMPORARY RESTRAINING ORDER:**

- a. General: Any party defendant and any person holding any legal or equitable interest or right of possession in any motor vehicle detained and/or closed under this part may file a motion to vacate or modify the temporary restraining order or for return of motor vehicle. Proceedings on these motions shall be as provided below.
- b. Motion To Vacate Or Modify Orders Other Than Those Pertaining To Detained and/or closed Motor Vehicle(s): Where the specific provision in the temporary restraining order complained of pertains

to any matter other than a motor vehicle that has been detained and/or closed, the provision of this subsection shall apply and control.

1. Within fourteen (14) days of the date that the temporary restraining order is mailed, the moving party must:
    - a. File the written motion to vacate or modify; and
    - b. Set the motion for a hearing to be held within twenty-one (21) days but not less than fourteen (14) days from the date the motion is filed; and
    - c. Personally, serve the motion and notice of the hearing on the Office of the City Attorney—Justice Division. Any motion to vacate a temporary restraining order shall state specifically the factual and legal grounds upon which it is based, and only those grounds may be considered at the hearing.
  2. At the hearing, the City shall have the burden of proving by a preponderance of the evidence that there is probable cause to believe that a public nuisance or public nuisance activity occurred on, in or about the motor vehicle, or the motor vehicle was used to commit, conduct, promote, facilitate or aid the commission of any public nuisance. The court shall not vacate or modify the temporary restraining order unless it finds that there is no probable cause to believe that a public nuisance occurred.
- c. **Motion To Vacate Or Modify Orders Pertaining to Detained and/or Closed Motor Vehicle(s):** Where a specific provision in the temporary restraining order pertains to the retention, closure or receivership of property, the provisions of this subsection shall apply and control.
1. Within fourteen (14) days of the date that the temporary restraining order is executed, the moving party must:
    - a. File the written motion; and
    - b. Set the motion for a hearing to be held within twenty-one (21) days but not less than fourteen (14) days from the date of the filing of the motion; and
    - c. Personally, serve the motion and notice of the hearing on the Office of the City Attorney—Criminal Justice Division. Any motion for return of closed property shall state specifically the factual and legal grounds upon which it is based, and only those grounds may be considered at the hearing.
  2. At the hearing on the motion for return or release of a detained and or closed motor vehicle, the party seeking release and return of the motor vehicle shall first have the burden of proving ownership or a right to possession and that the motor vehicle is not relevant evidence in any criminal or traffic proceeding. The party seeking release of the property shall also have the burden of proving that there is no probable cause to believe that a public nuisance occurred on, in or about the motor vehicle or that an affirmative defense under section 134-479 of this part exists.
3. The court shall not return or release the motor vehicle to the moving party unless it finds by a preponderance of the evidence that:
    - a. The moving party is the owner of the property or presently entitled to possession; and
    - b. The property is not relevant evidence in a criminal or traffic proceeding; and
    - c. There is no probable cause to believe that a public nuisance was committed on, in or about the motor vehicle or that an affirmative defense under section 134-479 of this part exists.

- d. Consolidated Hearing On Motion To Vacate, Modify, And Trial On The Merits: Where all parties so stipulate, the court may order the trial on the merits to be consolidated and tried with a hearing on these motions. Where the trial on the merits is not consolidated, any evidence received at the hearing on these motions need not be repeated at trial but shall be treated as part of the record at trial.
- e. Order To Stay Execution Of Temporary Restraining Order: In addition to a motion to vacate or modify orders pursuant to subsections b and c of this section, a defendant may file a written motion for stay of execution of a temporary restraining order. Whenever a motion for stay of execution is filed, the provisions of this subsection shall apply and control.
  1. Within fourteen (14) days of the date that the temporary restraining order is mailed, the moving party must:
    - a. File a written motion to stay enforcement of the temporary restraining order; and
    - b. Set the motion for a hearing to be held within twenty-one (21) days but not less than fourteen (14) days from the date of the filing of the motion; and
    - c. Personally, serve the motion and notice of the hearing on the Office of the City Attorney—Criminal Justice Division.
  2. At the hearing, the moving party shall have the burden of proving by a preponderance of the evidence that the defendant is using all reasonable efforts to abate the vehicular nuisance activities, and that those efforts are likely to abate the vehicular nuisance activities.
  3. If the court finds:
    - a. The defendant is using all reasonable efforts to abate the nuisance activities; and
    - b. These efforts are likely to abate the activities giving rise to the public nuisance; and
    - c. The public health, safety and welfare would not be impaired by granting a stay of execution of the temporary restraining order, the court may grant a stay of execution of the temporary restraining order not to exceed forty-five (45) days except where a longer period of time is required by law.
  4. Any order granting a stay of execution of the temporary restraining order pursuant to subsection e3 of this section shall be reviewed by the court at least seven (7) days prior to expiration of the stay.

#### **134-477 REMEDIES FOR PUBLIC NUISANCES:**

Where the existence of a public nuisance is established in a civil action under this part by a preponderance of the evidence, the court shall enter permanent prohibitory and mandatory injunctions requiring the parties defendant to abate the public nuisance and take specific steps to prevent the same and other public nuisances from occurring. The court shall also order the following remedies:

- a. Detention and Closure of Motor Vehicle: That the motor vehicle be detained and closed by impoundment of a period of not less than 30 days and not more than one (1) year from the date of the final judgment, plus any extension of that period caused by a failure to comply with the reasonably necessary conditions for release of the motor vehicle. The issuance and execution of the closure order shall not be deemed a bailment of property.
- b. At the end of the closure period, the motor vehicle shall be released to the owner only upon:

1. Payment of all towing fees, storage fees and all actual expenses incurred by the City and payment of all civil judgments under section 134-478 of this part; and
  2. Execution by the owners and lienors of a complete and unconditional release of the City and all of its employees and agents for the closure and any and all damages to said vehicle.
- c. Upon a showing of good cause, the court may reduce the impoundment and storage fees owed pursuant to paragraph (b) of this subsection, but in no event shall the storage fees be reduced to amount lower than the fair market value of the vehicle.
1. For the purposes of this paragraph (c), “good cause” may be established by a preponderance of the evidence that the storage fees exceed the fair market value of the vehicle.
  2. The court must make written findings of fact and conclusions of law that the moving party has established, by a preponderance of the evidence that good cause exists to support any decision to reduce the amount of impoundment and storage fees owed.
- d. In the event that the owners and lienors, or any of them, fail, neglect or refuse to pay the fees, expenses, and judgments, within sixty (60) days of receiving notice of the final judgment of the court, the motor vehicle shall be declared to be abandoned and shall be disposed of in compliance with this Code.
- e. At any time after the commencement of an action pursuant to this part the City, through the City Attorney’s Office—Criminal Justice Division, and any party defendant to an action under this part may, in writing, voluntarily stipulate to orders and remedies that are different from and may be less stringent than the remedies provided in this part. The voluntary abatement agreement entered pursuant to this part is designed to voluntarily abate the vehicular public nuisance activity occurring and provide reasonable measures to prevent vehicular public nuisance activities from recurring. The voluntary abatement agreement shall address all vehicular public nuisance activity occurring at the time of its execution.
- f. The court shall make the written stipulations and voluntary abatement agreements an order of the court and enforce the same. The remedies provided in this part shall be applicable in the event of noncompliance with the voluntary abatement agreement.

**134-478 CIVIL JUDGMENT:**

- a. **Judgment for Costs:** In any case in which a vehicular public nuisance is established, in addition to the remedies provided above, the court shall impose a separate civil judgment on every person who committed, conducted, promoted, facilitated or aided in the commission of any vehicular public nuisance or who held any legal or equitable interest or right of possession in any motor vehicle used in the vehicular public nuisance activity. This civil judgment shall be for compensating the City for the costs of pursuing the remedies under this part.
- b. The civil judgment shall be in the liquidated sum of five hundred dollars (\$500.00) and shall be imposed as a judgment against each defendant independently, separately, and severally.
- c. In the event that the owners and lienors of a subject motor vehicle, or any of them, fail to file responsive pleadings within twenty-eight (28) days from when the temporary restraining order is mailed, and set the matter for hearing or trial on the merits, the court shall enter a default judgment and an order deeming the vehicle abandoned. In the event a default judgment and order of abandonment are entered, the civil judgment provided in subsection (b) of this section shall not be imposed and the vehicle shall be disposed of pursuant to the provisions of section 134-475 of this Code.

**134-479 AFFIRMATIVE DEFENSES:**

- a. It shall be an affirmative defense to an action brought pursuant to this part that the owner of the motor vehicle was not involved in the public nuisance or public nuisance activity and that the

owner did not know and was not willfully blind towards the vehicular public nuisance or vehicular public nuisance activity.

- b. It shall be an affirmative defense to an action brought pursuant to this part that the owner has acted diligently and with good faith to correct the nuisance. In addition to any other facts the court considers relevant, the court shall consider the following in determining whether the owner has acted diligently and with good faith:
  - 1. Whether the owner has taken all reasonable steps to abate the vehicular public nuisance activity and restrain and prevent future nuisance activity;
  - 2. Whether the steps taken by the owner have been effective, the nuisance no longer exists, and recurrence of the nuisance activity does not appear likely; and
  - 3. Whether the owner or any agent, employee or assign was involved in activity which created or encouraged the vehicular public nuisance condition.
- c. The Court shall consider competent evidence that rebuts any or both affirmative defenses.

**134-480 SUPPLEMENTARY REMEDIES FOR PUBLIC NUISANCES:**

In any action in which probable cause for the existence of a vehicular public nuisance is established, in the event that the parties defendant, or any one of them, fails, neglects, or refuses to comply with the court's temporary restraining orders, closure and other orders, the court may, upon the written motion of the City, in addition to or in the alternative to the remedy of contempt, permit the City to enter, detain and abate by impoundment the vehicular public nuisance and/or perform other acts required of the defendants in the court's temporary restraining orders and other orders.

**134-481 OTHER SEIZURES, CLOSURES, FORFEITURES, CONFISCATIONS AND REMEDIES:**

Nothing in this part shall be construed to limit or forbid the seizure, confiscation, closure, destruction, forfeiture of property or use of other remedies, now or later required, authorized or permitted by any other provision of law. Nothing in this part shall be construed as requiring that evidence and property seized, confiscated, closed, forfeited or destroyed under other provisions of law be subjected to the special remedies and procedures provided in this part.

**134-482 VOLUNTARY ABATEMENT AGREEMENT; STIPULATED ALTERNATIVE REMEDIES:**

- a. The goal of a voluntary abatement agreement, and other stipulated alternative remedies is to abate the vehicular public nuisance, prevent vehicular public nuisances from recurring, deter vehicular public nuisance activity and protect public interest. The City, through the City Attorney's Office—Criminal Justice Division, and any party defendant to an action under this part may, in writing, voluntarily stipulate to orders and remedies that are different from and may be less stringent than the remedies provided in this part. The voluntary abatement agreement entered pursuant to this part is designed to voluntarily abate the vehicular public nuisance activity occurring and provide reasonable measures to prevent vehicular public nuisance activities from recurring. The voluntary abatement agreement shall address all vehicular public nuisance activity occurring at the time of its execution.
- b. The Aurora Police Department shall render reasonable assistance to effectuate the voluntary abatement agreement.
- c. The court shall make the written stipulations and voluntary abatement agreements an order of the court and enforce the same. The remedies provided in this part shall be applicable in the event of noncompliance with the voluntary abatement agreement.
- d. Compliance and completion of a voluntary abatement agreement shall preclude a civil action from being filed pursuant to this part for the vehicular public nuisance activity, which was the subject of the voluntary abatement agreement. Nothing herein shall preclude the filing of a civil action pursuant to this part for new vehicular public nuisance activity occurring after completion of the voluntary abatement agreement, or activity not addressed in the voluntary abatement agreement.

**134-483 LIMITATION ON ACTION:**

Actions under this part shall be filed no later than one year after the vehicular public nuisance or the last in a series of acts constituting the vehicular public nuisance occurs. This limitation shall not be construed to limit the introduction of evidence of vehicular public nuisances that occurred more than one year before the filing of the complaint when relevant for any purpose.

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 \_\_\_\_\_, 2021.

PASSED AND ORDERED PUBLISHED this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
MIKE COFFMAN, Mayor

ATTEST:

\_\_\_\_\_  
KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
GEORGE G. KOUMANTAKIS, Criminal Prosecution Manager



# CITY OF AURORA

## Council Agenda Commentary

<b>Item Title:</b> May 2021 Crime and Police Attrition Data
<b>Item Initiator:</b> Danelle Carrel, Committee Liaison
<b>Staff Source/Legal Source:</b> John Schneebeck, Business Services Manager/ Megan Platt, Assistant City Attorney
<b>Outside Speaker:</b> N/A
<b>Council Goal:</b> 2012: 1.0--Assure a safe community for people

### COUNCIL MEETING DATES:

**Study Session:** N/A

**Regular Meeting:** N/A

---

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

- Approve Item as proposed at Study Session
- Information Only
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Approve Item with Waiver of Reconsideration  
Why is a waiver needed?[Click or tap here to enter text.](#)

---

### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** N/A

**Policy Committee Date:** N/A

### Action Taken/Follow-up: *(Check all that apply)*

- Recommends Approval
  - Does Not Recommend Approval
  - Forwarded Without Recommendation
  - Recommendation Report Attached
  - Minutes Attached
  - Minutes Not Available
-

---

**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.)*

N/A

---

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

Monthly Crime statistics and sworn personnel attrition data.

---

**QUESTIONS FOR COUNCIL**

N/A

---

**LEGAL COMMENTS**

The City Manager shall be responsible to the City Council for the proper administration of all affairs of the City placed in his charge and, to that end, he shall have the power and duty to make written or verbal reports at any time concerning the affairs of the City under his supervision. City Charter § 7-4(e). (Platt)

---

**PUBLIC FINANCIAL IMPACT**

YES       NO

**If yes, explain:** N/A

---

**PRIVATE FISCAL IMPACT**

Not Applicable       Significant       Nominal

**If Significant or Nominal, explain:** N/A





# Aurora Police Department - UCR Statistics

District: ALL

<i>UCR crimes are measured by a count of victims and/or incidents reported during data period</i>	4 Week Last Year	4 Week Current Year	4 Week Difference	4 Week % Chg	Y-T-D Last Year	Y-T-D Current Year	Y-T-D Difference	Y-T-D % Chg - or - % of Total
Current Wk 19: 05/03/21 - 05/09/21	<b>04/05 - 05/02</b>		+ or -	% chg	<b>01/01 - 05/02</b>		+ or -	% chg

## Major Crimes

04/06/20 - 05/03/20

Murder Victims	2	0	-2	(100.0%)	8	7	-1	(12.5%)
Sex Assault Victims	17	27	+10	58.8%	105	109	+4	3.8%
Spouse / Dating	5	6	+1	20.0%	32	20	-12	18%
Familial	2	1	-1	(50.0%)	8	6	-2	6%
Otherwise Known	4	7	+3	75.0%	24	33	+9	30%
Sex Assault DV Victims	5	5	--	0.0%	28	20	-8	18%
Agg Assault Victims	134	145	+11	8.2%	527	766	+239	45.4%
Spouse / Dating	28	30	+2	7.1%	126	137	+11	18%
Familial	11	10	-1	(9.1%)	52	61	+9	8%
Otherwise Known	19	34	+15	78.9%	125	175	+50	23%
Agg Assault DV Victims	29	31	+2	6.9%	129	151	+22	20%
Robbery	53	49	-4	(7.5%)	210	260	+50	23.8%
<b>Major Violent Crimes Reported</b>	<b>206</b>	<b>221</b>	<b>+15</b>	<b>7.3%</b>	<b>850</b>	<b>1,142</b>	<b>+292</b>	<b>34.4%</b>
Burglary	140	124	-16	(11.4%)	546	607	+61	11.2%
MVT	224	363	+139	62.1%	868	1,916	+1,048	120.7%
Larceny	524	543	+19	3.6%	2,327	2,762	+435	18.7%
<b>Major Property Crimes Reported</b>	<b>888</b>	<b>1,030</b>	<b>+142</b>	<b>16.0%</b>	<b>3,741</b>	<b>5,285</b>	<b>+1,544</b>	<b>41.3%</b>
<b>Major Index Crimes Reported</b>	<b>1,094</b>	<b>1,251</b>	<b>+157</b>	<b>14.4%</b>	<b>4,591</b>	<b>6,427</b>	<b>+1,836</b>	<b>40.0%</b>

## Criminal Arrests

Physical Arrests	252	390	+138	54.8%	2,467	1,516	-951	(38.5%)
Criminal Summonses	382	293	-89	(23.3%)	1,733	1,462	-271	(15.6%)
DUI/DUID (Detox Summons)	30	49	+19	63.3%	237	206	-31	(13.1%)
<b>Total Arrests</b>	<b>634</b>	<b>683</b>	<b>+49</b>	<b>7.7%</b>	<b>4,200</b>	<b>2,978</b>	<b>-1,222</b>	<b>(29.1%)</b>

## Traffic Enforcement

Traffic Tickets Muni	215	1,263	+1,048	487.4%	5,834	5,853	+19	0.3%
Traffic Tickets in GO's Muni	154	181	+27	17.5%	1,353	1,031	-322	(23.8%)
Total MET Tickets Muni	119	1,134	+1,015	852.9%	3,747	5,222	+1,475	39.4%
<b>Total Traffic Tickets Muni</b>	<b>369</b>	<b>1,444</b>	<b>+1,075</b>	<b>291.3%</b>	<b>7,187</b>	<b>6,884</b>	<b>-303</b>	<b>(4.2%)</b>
<b>Total Traffic Tickets State</b>	<b>15</b>	<b>132</b>	<b>+117</b>	<b>780.0%</b>	<b>1,148</b>	<b>601</b>	<b>-547</b>	<b>(47.6%)</b>
<b>Total Traffic Tickets</b>	<b>384</b>	<b>1,576</b>	<b>+1,192</b>	<b>310.4%</b>	<b>8,335</b>	<b>7,485</b>	<b>-850</b>	<b>(10.2%)</b>

## Traffic Accidents

Fatal	2	1	-1	(50.0%)	7	5	-2	(28.6%)
Injury	32	0	-32	(100.0%)	195	99	-96	(49.2%)
Non-Injury	427	0	-427	(100.0%)	3,512	2,196	-1,316	(37.5%)
<b>Total Accidents</b>	<b>461</b>	<b>1</b>	<b>-460</b>	<b>(99.8%)</b>	<b>3,714</b>	<b>2,300</b>	<b>-1,414</b>	<b>(38.1%)</b>



# Aurora Police Department - UCR Statistics

District: 1

<i>UCR crimes are measured by a count of victims and/or incidents reported during data period</i>	4 Week Last Year	4 Week Current Year	4 Week Difference	4 Week % Chg	Y-T-D Last Year	Y-T-D Current Year	Y-T-D Difference	Y-T-D % Chg - or - % of Total
Current Wk 19: 05/03/21 - 05/09/21	<b>04/05 - 05/02</b>		+ or -	% chg	<b>01/01 - 05/02</b>		+ or -	% chg
<b>Major Crimes</b> <span style="float: right; font-size: small;">04/06/20 - 05/03/20</span>								
Murder Victims	1	0	-1	(100.0%)	6	4	-2	(33.3%)
Sex Assault Victims	7	14	+7	100.0%	48	50	+2	4.2%
Spouse / Dating	4	3	-1	(25.0%)	15	10	-5	20%
Familial	1	1	--	0.0%	3	3	--	6%
Otherwise Known	1	3	+2	200.0%	8	10	+2	20%
Sex Assault DV Victims	4	3	-1	(25.0%)	14	9	-5	18%
Agg Assault Victims	75	73	-2	(2.7%)	276	380	+104	37.7%
Spouse / Dating	16	13	-3	(18.8%)	63	58	-5	15%
Familial	6	6	--	0.0%	24	24	--	6%
Otherwise Known	11	20	+9	81.8%	62	84	+22	22%
Agg Assault DV Victims	17	15	-2	(11.8%)	64	68	+4	18%
Robbery	34	26	-8	(23.5%)	129	145	+16	12.4%
<b>Major Violent Crimes Reported</b>	<b>117</b>	<b>113</b>	<b>-4</b>	<b>(3.4%)</b>	<b>459</b>	<b>579</b>	<b>+120</b>	<b>26.1%</b>
Burglary	74	44	-30	(40.5%)	270	270	--	0.0%
MVT	113	158	+45	39.8%	377	838	+461	122.3%
Larceny	249	214	-35	(14.1%)	970	1,038	+68	7.0%
<b>Major Property Crimes Reported</b>	<b>436</b>	<b>416</b>	<b>-20</b>	<b>(4.6%)</b>	<b>1,617</b>	<b>2,146</b>	<b>+529</b>	<b>32.7%</b>
<b>Major Index Crimes Reported</b>	<b>553</b>	<b>529</b>	<b>-24</b>	<b>(4.3%)</b>	<b>2,076</b>	<b>2,725</b>	<b>+649</b>	<b>31.3%</b>
<b>Criminal Arrests</b>								
Physical Arrests	108	160	+52	48.1%	1,080	618	-462	(42.8%)
Criminal Summonses	220	120	-100	(45.5%)	764	609	-155	(20.3%)
DUI/DUID (Detox Summons)	13	17	+4	30.8%	80	87	+7	8.8%
<b>Total Arrests</b>	<b>328</b>	<b>280</b>	<b>-48</b>	<b>(14.6%)</b>	<b>1,844</b>	<b>1,227</b>	<b>-617</b>	<b>(33.5%)</b>
<b>Traffic Enforcement</b>								
Traffic Tickets Muni	48	181	+133	277.1%	1,517	974	-543	(35.8%)
Traffic Tickets in GO's Muni	52	78	+26	50.0%	512	388	-124	(24.2%)
Total MET Tickets Muni	17	151	+134	788.2%	728	802	+74	10.2%
<b>Total Traffic Tickets Muni</b>	<b>100</b>	<b>259</b>	<b>+159</b>	<b>159.0%</b>	<b>2,029</b>	<b>1,362</b>	<b>-667</b>	<b>(32.9%)</b>
<b>Total Traffic Tickets State</b>	<b>11</b>	<b>50</b>	<b>+39</b>	<b>354.5%</b>	<b>479</b>	<b>182</b>	<b>-297</b>	<b>(62.0%)</b>
<b>Total Traffic Tickets</b>	<b>111</b>	<b>309</b>	<b>+198</b>	<b>178.4%</b>	<b>2,508</b>	<b>1,544</b>	<b>-964</b>	<b>(38.4%)</b>
<b>Traffic Accidents</b>								
Fatal	1	1	--	0.0%	2	4	+2	100.0%
Injury	15	0	-15	(100.0%)	81	43	-38	(46.9%)
Non-Injury	168	0	-168	(100.0%)	1,298	869	-429	(33.1%)
<b>Total Accidents</b>	<b>184</b>	<b>1</b>	<b>-183</b>	<b>(99.5%)</b>	<b>1,381</b>	<b>916</b>	<b>-465</b>	<b>(33.7%)</b>



# Aurora Police Department - UCR Statistics

District: 2

<i>UCR crimes are measured by a count of victims and/or incidents reported during data period</i>	4 Week Last Year	4 Week Current Year	4 Week Difference	4 Week % Chg	Y-T-D Last Year	Y-T-D Current Year	Y-T-D Difference	Y-T-D % Chg - or - % of Total
Current Wk 19: 05/03/21 - 05/09/21	04/05 - 05/02		+ or -	% chg	01/01 - 05/02		+ or -	% chg

## Major Crimes

04/06/20 - 05/03/20

Murder Victims	0	0	--	--	0	3	+3	--
Sex Assault Victims	4	8	+4	100.0%	31	36	+5	16.1%
Spouse / Dating	0	2	+2	--	8	5	-3	14%
Familial	0	0	--	--	4	2	-2	6%
Otherwise Known	1	3	+2	200.0%	8	14	+6	39%
Sex Assault DV Victims	1	1	--	0.0%	7	6	-1	17%
Agg Assault Victims	46	44	-2	(4.3%)	174	259	+85	48.9%
Spouse / Dating	10	10	--	0.0%	42	51	+9	20%
Familial	3	1	-2	(66.7%)	17	20	+3	8%
Otherwise Known	5	6	+1	20.0%	42	59	+17	23%
Agg Assault DV Victims	10	10	--	0.0%	45	55	+10	21%
Robbery	17	18	+1	5.9%	53	75	+22	41.5%
<b>Major Violent Crimes Reported</b>	<b>67</b>	<b>70</b>	<b>+3</b>	<b>4.5%</b>	<b>258</b>	<b>373</b>	<b>+115</b>	<b>44.6%</b>
Burglary	31	45	+14	45.2%	148	207	+59	39.9%
MVT	69	136	+67	97.1%	293	708	+415	141.6%
Larceny	134	193	+59	44.0%	743	989	+246	33.1%
<b>Major Property Crimes Reported</b>	<b>234</b>	<b>374</b>	<b>+140</b>	<b>59.8%</b>	<b>1,184</b>	<b>1,904</b>	<b>+720</b>	<b>60.8%</b>
<b>Major Index Crimes Reported</b>	<b>301</b>	<b>444</b>	<b>+143</b>	<b>47.5%</b>	<b>1,442</b>	<b>2,277</b>	<b>+835</b>	<b>57.9%</b>

## Criminal Arrests

Physical Arrests	78	129	+51	65.4%	876	509	-367	(41.9%)
Criminal Summonses	101	113	+12	11.9%	618	574	-44	(7.1%)
DUI/DUID (Detox Summons)	6	20	+14	233.3%	87	69	-18	(20.7%)
<b>Total Arrests</b>	<b>179</b>	<b>242</b>	<b>+63</b>	<b>35.2%</b>	<b>1,494</b>	<b>1,083</b>	<b>-411</b>	<b>(27.5%)</b>

## Traffic Enforcement

Traffic Tickets Muni	118	611	+493	417.8%	2,537	3,004	+467	18.4%
Traffic Tickets in GO's Muni	55	49	-6	(10.9%)	436	319	-117	(26.8%)
Total MET Tickets Muni	66	595	+529	801.5%	1,855	2,773	+918	49.5%
<b>Total Traffic Tickets Muni</b>	<b>173</b>	<b>660</b>	<b>+487</b>	<b>281.5%</b>	<b>2,973</b>	<b>3,323</b>	<b>+350</b>	<b>11.8%</b>
<b>Total Traffic Tickets State</b>	<b>0</b>	<b>46</b>	<b>+46</b>	<b>--</b>	<b>364</b>	<b>270</b>	<b>-94</b>	<b>(25.8%)</b>
<b>Total Traffic Tickets</b>	<b>173</b>	<b>706</b>	<b>+533</b>	<b>308.1%</b>	<b>3,337</b>	<b>3,593</b>	<b>+256</b>	<b>7.7%</b>

## Traffic Accidents

Fatal	1	0	-1	(100.0%)	3	0	-3	(100.0%)
Injury	9	0	-9	(100.0%)	67	33	-34	(50.7%)
Non-Injury	136	0	-136	(100.0%)	1,158	695	-463	(40.0%)
<b>Total Accidents</b>	<b>146</b>	<b>0</b>	<b>-146</b>	<b>(100.0%)</b>	<b>1,228</b>	<b>728</b>	<b>-500</b>	<b>(40.7%)</b>



# Aurora Police Department - UCR Statistics

District: 3

<i>UCR crimes are measured by a count of victims and/or incidents reported during data period</i>	4 Week Last Year	4 Week Current Year	4 Week Difference	4 Week % Chg	Y-T-D Last Year	Y-T-D Current Year	Y-T-D Difference	Y-T-D % Chg - or - % of Total
Current Wk 19: 05/03/21 - 05/09/21	<b>04/05 - 05/02</b>		+ or -	% chg	<b>01/01 - 05/02</b>		+ or -	% chg

**Major Crimes** 04/06/20 - 05/03/20

Murder Victims	1	0	-1	(100.0%)	2	0	-2	(100.0%)
Sex Assault Victims	6	5	-1	(16.7%)	25	22	-3	(12.0%)
Spouse / Dating	1	1	--	0.0%	9	4	-5	18%
Familial	1	0	-1	(100.0%)	1	1	--	5%
Otherwise Known	2	1	-1	(50.0%)	8	9	+1	41%
Sex Assault DV Victims	0	1	+1	--	7	5	-2	23%
Agg Assault Victims	13	26	+13	100.0%	77	123	+46	59.7%
Spouse / Dating	2	7	+5	250.0%	21	28	+7	23%
Familial	2	3	+1	50.0%	11	16	+5	13%
Otherwise Known	3	8	+5	166.7%	21	32	+11	26%
Agg Assault DV Victims	2	6	+4	200.0%	20	28	+8	23%
Robbery	2	5	+3	150.0%	28	40	+12	42.9%
<b>Major Violent Crimes Reported</b>	<b>22</b>	<b>36</b>	<b>+14</b>	<b>63.6%</b>	<b>132</b>	<b>185</b>	<b>+53</b>	<b>40.2%</b>
Burglary	33	32	-1	(3.0%)	124	123	-1	(0.8%)
MVT	42	68	+26	61.9%	196	366	+170	86.7%
Larceny	139	129	-10	(7.2%)	601	717	+116	19.3%
<b>Major Property Crimes Reported</b>	<b>214</b>	<b>229</b>	<b>+15</b>	<b>7.0%</b>	<b>921</b>	<b>1,206</b>	<b>+285</b>	<b>30.9%</b>
<b>Major Index Crimes Reported</b>	<b>236</b>	<b>265</b>	<b>+29</b>	<b>12.3%</b>	<b>1,053</b>	<b>1,391</b>	<b>+338</b>	<b>32.1%</b>

**Criminal Arrests**

Physical Arrests	53	76	+23	43.4%	368	262	-106	(28.8%)
Criminal Summonses	58	59	+1	1.7%	345	272	-73	(21.2%)
DUI/DUID (Detox Summons)	9	10	+1	11.1%	66	47	-19	(28.8%)
<b>Total Arrests</b>	<b>111</b>	<b>135</b>	<b>+24</b>	<b>21.6%</b>	<b>713</b>	<b>534</b>	<b>-179</b>	<b>(25.1%)</b>

**Traffic Enforcement**

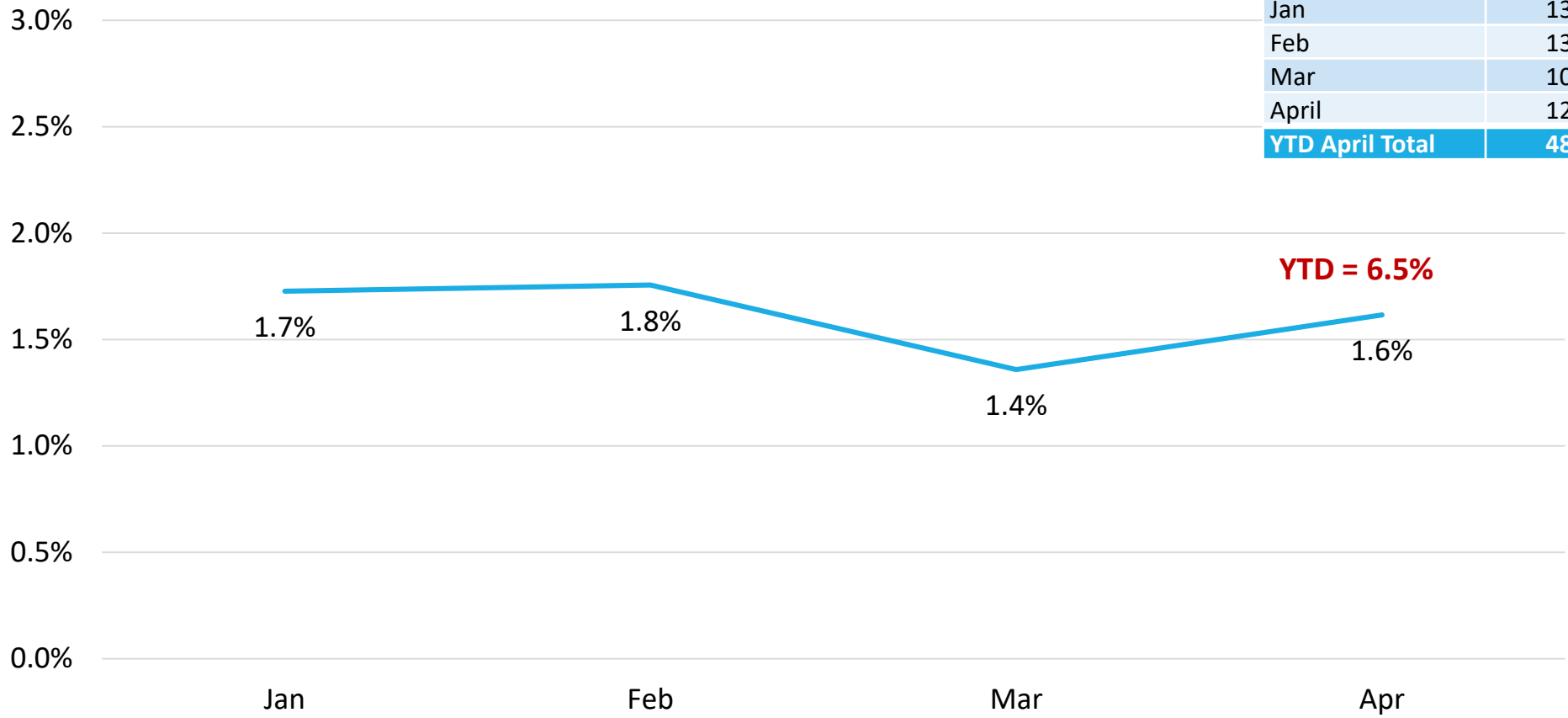
Traffic Tickets Muni	47	434	+387	823.4%	1,533	1,751	+218	14.2%
Traffic Tickets in GO's Muni	46	50	+4	8.7%	385	304	-81	(21.0%)
Total MET Tickets Muni	36	352	+316	877.8%	1,058	1,536	+478	45.2%
<b>Total Traffic Tickets Muni</b>	<b>93</b>	<b>484</b>	<b>+391</b>	<b>420.4%</b>	<b>1,918</b>	<b>2,055</b>	<b>+137</b>	<b>7.1%</b>
<b>Total Traffic Tickets State</b>	<b>3</b>	<b>26</b>	<b>+23</b>	<b>766.7%</b>	<b>274</b>	<b>115</b>	<b>-159</b>	<b>(58.0%)</b>
<b>Total Traffic Tickets</b>	<b>96</b>	<b>510</b>	<b>+414</b>	<b>431.3%</b>	<b>2,192</b>	<b>2,170</b>	<b>-22</b>	<b>(1.0%)</b>

**Traffic Accidents**

Fatal	0	0	--	--	2	1	-1	(50.0%)
Injury	8	0	-8	(100.0%)	43	22	-21	(48.8%)
Non-Injury	117	0	-117	(100.0%)	943	582	-361	(38.3%)
<b>Total Accidents</b>	<b>125</b>	<b>0</b>	<b>-125</b>	<b>(100.0%)</b>	<b>988</b>	<b>605</b>	<b>-383</b>	<b>(38.8%)</b>

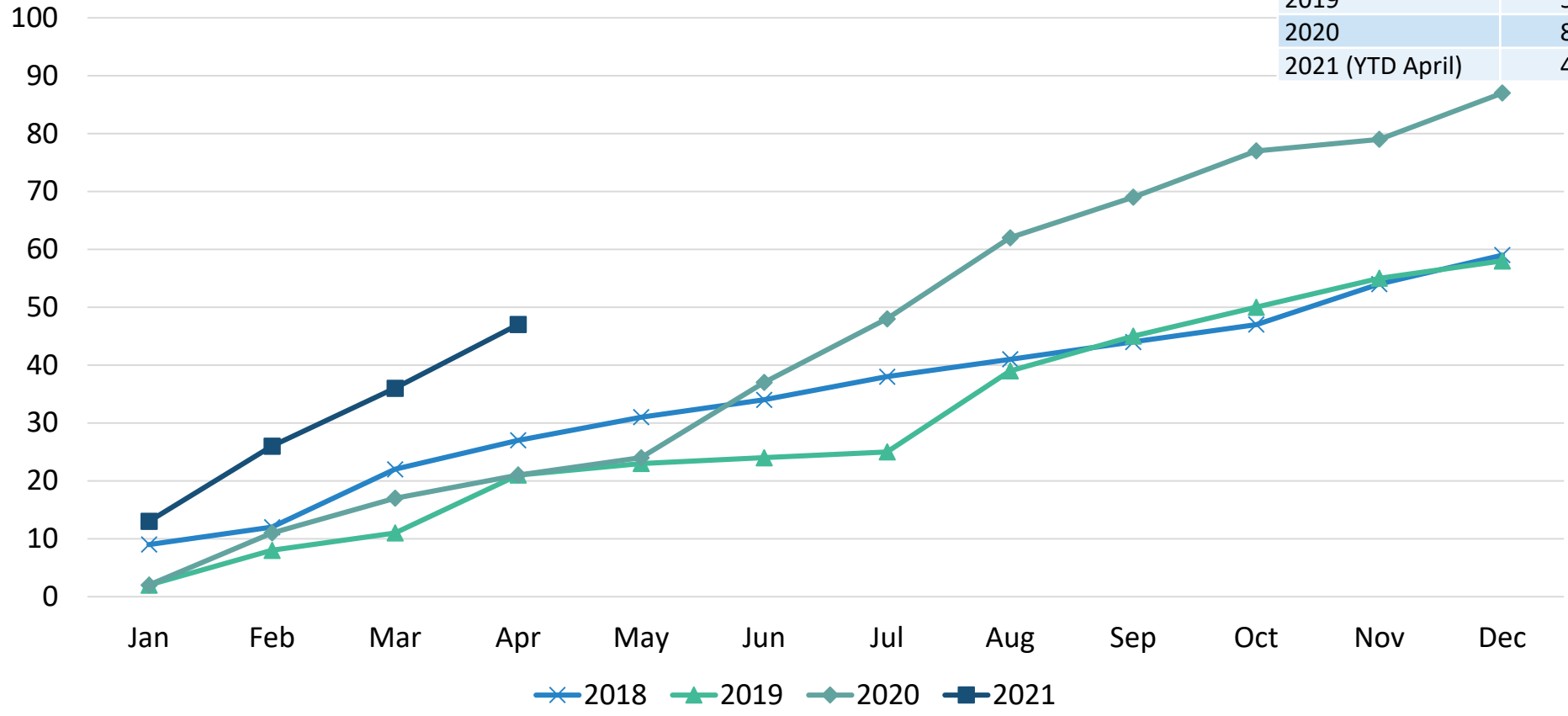
# Police Turnover Percent

Year	Total
Jan	13
Feb	13
Mar	10
April	12
<b>YTD April Total</b>	<b>48</b>



# Attrition Review

Year	Total
2018	59
2019	58
2020	87
2021 (YTD April)	48



## 2021 Sworn Staffing

### Additions:

33 Basics (16 in 2021-1B, 17 in 2021-2B)

3 Laterals (3 in 2021-1L)

**36 Total Adds**

### Losses as of 04/30/21:

23 Resignations (15 commissioned, 5 FTEP, 3 recruits)

19 Retirements

4 Med. Retirements

2 Terminations (2 commissioned)

**48 Total Losses**

**12 Net Losses**



# CITY OF AURORA

## Council Agenda Commentary

<b>Item Title:</b> Jonathan Smith Report Analysis and Planned Action (APD)
<b>Item Initiator:</b> Danelle Carrel, Committee Liaison
<b>Staff Source/Legal Source:</b> Vanessa Wilson, Chief of Police
<b>Outside Speaker:</b> N/A
<b>Council Goal:</b> 2012: 1.0--Assure a safe community for people

### COUNCIL MEETING DATES:

**Study Session:** N/A

**Regular Meeting:** N/A

---

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

- Approve Item as proposed at Study Session
- Information Only
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Approve Item with Waiver of Reconsideration  
Why is a waiver needed?[Click or tap here to enter text.](#)

---

### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** N/A

**Policy Committee Date:** N/A

### Action Taken/Follow-up: *(Check all that apply)*

- Recommends Approval
  - Does Not Recommend Approval
  - Forwarded Without Recommendation
  - Recommendation Report Attached
  - Minutes Attached
  - Minutes Not Available
-



---

**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.)

N/A

---

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

Summary of findings from the Jonathan Smith Report specific to Aurora Police Department and responses to changes made or being made as a result.

---

**QUESTIONS FOR COUNCIL**

N/A

---

**LEGAL COMMENTS**

The City Manager shall be responsible to the City Council for the proper administration of all affairs of the City placed in his charge and, to that end, shall have the power and duty to make written or verbal reports at any time concerning the affairs of the City under his supervision. City Charter §7-4 (e). (Bajorek)

---

**PUBLIC FINANCIAL IMPACT**

YES       NO

**If yes, explain:** N/A

---

**PRIVATE FISCAL IMPACT**

Not Applicable       Significant       Nominal

**If Significant or Nominal, explain:** N/A

# Aurora Police Department

## Jonathan Smith Report Recommendation Analysis and Planned Actions



Public Safety Committee Presentation  
May 20, 2021

# Jonathan Smith Report Released February 22, 2021

## APD Specific Findings, Recommendations, & Planned Actions

### 1. Consensual and *Terry* Stops

#### Jonathan Smith Recommendations

- Document every *Terry* stop, subject to review for compliance, appropriateness under the circumstances, and individual or agency improvement
- APD has promulgated a new policy to provide guidance to officers regarding how to respond to suspicious person calls and emphasize the line between consensual and *Terry* stops

#### APD Response

#### Effective June 9, 2020, Chief Wilson implemented the following Directive

DM 8.46 Suspicious Calls (NEW)

This directive outlines the approach that APD members, to include Public Safety Communications call takers and dispatchers should take with any suspicious person calls that they respond to. The goal is to utilize member's own observations and training to overcome or eliminate any bias against the subject by the reporting party that may have generated the call.



# Jonathan Smith Report Released February 22, 2021

## APD Specific Findings, Recommendations, & Planned Actions

### **Data Collection**

#### **Benchmark Analytics**

- APD is pursuing the procurement and implementation of Benchmark Analytics technology for a one-system approach to data collection and reporting
- The system includes functions for officer profiles, activity, performance evaluations, community engagement, use of force, training records, and internal affairs records

#### **Search and Seizure Training Video**

- Mandatory training for all sworn members on 4<sup>th</sup> Amendment



# Jonathan Smith Report Released February 22, 2021

## APD Specific Findings, Recommendations, & Planned Actions

### 2. Use of Force

#### Jonathan Smith Recommendations

- Review use of force policy to assess whether it reflects community values that force be minimized and avoided when possible and whether officers have adequate guidance on force avoidance strategies and the obligations apply to them

#### APD Response

#### Effective June 9, 2020, Chief Wilson implemented the following new Directives and revisions

##### DM 5.08 Less Lethal Devices, Weapons and Techniques

This Directive was revised, **banning** the use of Carotid and chokeholds.

##### DM 5.09 Duty to Intervene

This directive outlines the obligation that sworn members have in intervening in use of force incidents where they witness a level of force that exceeds that which is allowed by CRS 18-1-707 in pursuance of the sworn member's duties in an arrest, custody, detention, booking or crowd control event.



# Jonathan Smith Report Released February 22, 2021

## APD Specific Findings, Recommendations, & Planned Actions

### DM 5.01 Authorized Firing of a Weapon

Warning required before shooting: An officer must identify himself/herself as an officer and give a clear verbal warning of the intent to shoot with sufficient time for the warning to be observed unless doing so would place the officer(s) at risk of injury, create a risk of death or injury to others, or would be clearly inappropriate or ineffective under the circumstances. These warning do not apply to the exceptions as listed in directive 5.6.1.

### DM 5.10 Officer Relief Process

This directive covers the "Officer Relief" process. "Officer Relief" refers to the replacement of officers who have been involved in a physical struggle/fight/violent event with a subject by other arriving officers who should be less emotionally involved and may help keep the situation from escalating to unnecessary physical levels. This would also apply to any situation where an officer appears unable to control their emotions or de-escalate the situation on their own.



# Jonathan Smith Report Released February 22, 2021

## APD Specific Findings, Recommendations, & Planned Actions

**Force Investigation Unit (FIU)** effective February 23, 2021, this Unit is charged with investigating the application of force by members of the Department

### **The Wrap Body Restraint**

APD is procuring Wrap body restraints for each district to replace the use of the Hobble.



# Jonathan Smith Report Released February 22, 2021

## APD Specific Findings, Recommendations, & Planned Actions

### 3. De-Escalation

#### Jonathan Smith Recommendations

- While officers must be given discretion to make decisions in real time as to their own safety and the safety of others, it is critical the Aurora policy make clear that de-escalation is mandatory when possible
- Officers should be given significantly more guidance on when and how to exercise discretion *not* to engage in an enforcement action

#### APD Response

#### Effective June 9, 2020, Chief Wilson implemented the following new Directives and revisions

##### DM 5.09 Duty to Intervene

This directive outlines the obligation that sworn members have in intervening in use of force incidents where they witness a level of force that exceeds that which is allowed by CRS 18-1-707 in pursuance of the sworn member's duties in an arrest, custody, detention, booking or crowd control event.





# Jonathan Smith Report Released February 22, 2021

## APD Specific Findings, Recommendations, & Planned Actions

### DM 5.10 Officer Relief Process

This directive covers the “Officer Relief” process. “Officer Relief” refers to the replacement of officers who have been involved in a physical struggle/fight/violent event with a subject by other arriving officers who should be less emotionally involved and may help keep the situation from escalating to unnecessary physical levels. This would also apply to any situation where an officer appears unable to control their emotions or de-escalate the situation on their own.

### **De-Escalation Training**

- Real life, scenario-based training w/ actors
- High-Risk Stop training video with emphasis on decision-making



# Jonathan Smith Report Released February 22, 2021

## APD Specific Findings, Recommendations, & Planned Actions

### 4. Formalize Transition Process from APD to EMS

#### Jonathan Smith Recommendation

- At a minimum, law enforcement-EMS handoff template should establish the expectation of a brief period, in which the reporter and the receiver provide each other with undivided attention in order to convey pertinent information and ask questions

#### APD Response

AFR created MOP 6.14 with APD collaboration. Training is underway and on-going.

- The MOP Establishes clear and dedicated time and process for transfer of information between law enforcement and EMS



# Jonathan Smith Report Released February 22, 2021

## APD Specific Findings, Recommendations, & Planned Actions

### 5. After-Incident Investigation

#### Jonathan Smith Recommendation

- The City should reform the Force Review Board to do self-critical analysis of uses of force
- Robust and comprehensive review and identification of individual misconduct, as well as policy, training, and supervision failures are essential to ensure that bad outcomes are prevented in the future

#### APD Response

##### Critical Incident Response Team (CIRT)

Chief Wilson requested to join both the 17<sup>th</sup> and 18<sup>th</sup> Judicial Districts CIRT. These two teams conduct independent, multi-agency investigations into officer-involved shootings and in-custody deaths. APD joined CIRT on April 23, 2021. APD will no longer investigate their own OIS's or in-custody deaths.

**Force Investigation Unit (FIU)** effective February 23, 2021, this Unit is charged with investigating the application of force by members of the Department



# Jonathan Smith Report Released February 22, 2021

## APD Specific Findings, Recommendations, & Planned Actions

### **6. Implicit or Unconscious Bias in Policing**

#### **Jonathan Smith Recommendation**

- Take a comprehensive look at the data that it collects on stops, arrests, and use of force by race to identify potential patterns of bias
- Enhance use of scenario-based training on bias-free police practices both pre-service and in-service
- Identify potential patterns of bias

#### **APD Response**

##### **Community Relations Chief Executive**

- Chief Wilson created the Community Relations Chief Executive position that will provide and oversee DEI training for the department

##### **Diversity, Equity and Inclusion Training**

- Mandatory for all sworn members
- Implementation of DEI training curriculum for all PD members



# Jonathan Smith Report Released February 22, 2021

## APD Specific Findings, Recommendations, & Planned Actions

### **Search and Seizure Training Video**

- Mandatory training for all sworn members on 4<sup>th</sup> Amendment

### **Data Collection**

#### **Benchmark Analytics**

- APD is pursuing the procurement and implementation of Benchmark Analytics technology for a one-system approach to data collection and reporting
- The system includes functions for officer profiles, activity, performance evaluations, community engagement, use of force, training records, and internal affairs records



# Jonathan Smith Report Released February 22, 2021

## APD Specific Findings, Recommendations, & Planned Actions

### **7. Crisis Intervention and encounters with persons perceived to be in crisis**

#### **Jonathan Smith Recommendation**

- Review crisis response programs and training, and increase mental health resources
- Incorporate evidence-based best practices into training programs on dealing with suspicious individuals who are not involved in criminal activity or presenting an immediate threat to themselves or others

#### **APD Response**

##### **Crisis Intervention**

- Participation and collaboration with the City “Right Response” program
- Contract secured with Dr. Jamie Brower and the National Emergency Responder and Public Safety Center (NERPSC) for training of all officers
- Crisis Response Team (CRT) will continue to provide advanced training to other members with plans to increase staffing in the future



# Accountability

## Accountability added as one of the four pillars of the APD's Core Values in September 2020

- Police Internal Auditor approved by the City Manager on October 9, 2020
  - Initial audit engagements will focus on policies and practices in areas of police operations that more directly affect the community, that are potentially high liability activities, and that are of significant public concern. The engagements will be aimed at increasing department transparency and regaining and maintaining public trust. Engagements may include, where applicable, business process redesign; they may also touch on performance management where appropriate
    - Body Worn Camera Audit
      - Audit completed in September 2020
      - BWC attachment system limited to one option for use
    - CCJRA/CORA Audit
      - Initiated on March 2, 2021
    - K9 Audit
      - Audit initiated in October 2020 and completed in April 2021



# “New Way” Forward in Restoring Community Trust

**Introduced and implemented on October 19, 2020**

➤ A New Way of Operating

- Comprehensive, external review of the Aurora Police Department by national experts in the areas of civil rights and public safety is underway, which will inform and influence changes in the department, such as practices regarding use of force, and recruiting, hiring and retention

➤ A New Way of Leadership

- Commitment to community-focused and community-oriented policing
- Refocused department mission and vision
- More diverse leadership team
- Civilian (non-sworn officer) additions to the chief’s leadership circle





# “New Way” Forward in Restoring Community Trust

## ➤ A New Way of Service

- Training will include voices of the community, with panels of residents sharing their fears and hopes and past interactions with police
- Implicit and unconscious bias and cultural competency training
- Incident reviews to reinforce good policing and address areas for change

## ➤ A New Level of Accountability

- Expanded roles for Force Review Board and Independent Review Board
- Independent Monitor
- Learning from and adopting recommendations of ongoing reviews
- Increased transparency in Internal Affairs reports and body worn camera videos



# “New Way” Forward in Restoring Community Trust

## ➤ A New Way of Engagement

- Community Police Task Force review of potential oversight on critical incidents
- Changes to Civil Service role in hiring and discipline in pursuit of a department that better mirrors the demographics of our diverse city
- Increased mentoring opportunities with community leaders



# QUESTIONS?





# CITY OF AURORA

## Council Agenda Commentary

<b>Item Title:</b> Aurora Municipal Court Update
<b>Item Initiator:</b> Julie A. Heckman, Deputy City Attorney
<b>Staff Source/Legal Source:</b> Presiding Judge Shawn Day, Court Administrator Dr. Zelda DeBoyes, Deputy City Attorney Julie Heckman, Chief Public Defender Doug Wilson
<b>Outside Speaker:</b> N/A
<b>Council Goal:</b> 2012: 1.0--Assure a safe community for people

### COUNCIL MEETING DATES:

**Study Session:** N/A

**Regular Meeting:** N/A

---

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

- Approve Item as proposed at Study Session
- Information Only
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Approve Item with Waiver of Reconsideration  
Why is a waiver needed? [Click or tap here to enter text.](#)

---

### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** N/A

**Policy Committee Date:** N/A

### Action Taken/Follow-up: *(Check all that apply)*

- Recommends Approval
- Does Not Recommend Approval
- Forwarded Without Recommendation
- Recommendation Report Attached
- Minutes Attached
- Minutes Not Available

---

**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.)

N/A

---

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

This is an update on the Aurora Municipal Court operations, to provide information and be available for questions.

---

**QUESTIONS FOR COUNCIL**

N/A

---

**LEGAL COMMENTS**

This presentation is informational only.

---

**PUBLIC FINANCIAL IMPACT**

YES       NO

**If yes, explain:** N/A

---

**PRIVATE FISCAL IMPACT**

Not Applicable       Significant       Nominal

**If Significant or Nominal, explain:** N/A



**PUBLIC SAFETY, COURTS & CIVIL SERVICE  
COMMITTEE MEETING  
May 20, 2021  
AURORA MUNICIPAL COURT**



# Aurora Municipal Court Judges

- 6 Associate Judges

- Judge Kristopher Colley, Judge Dana Spade, Judge Billy Stiggers, Judge Daniel Kopper, Judge Dion Arguelles & Judge Peter Frigo

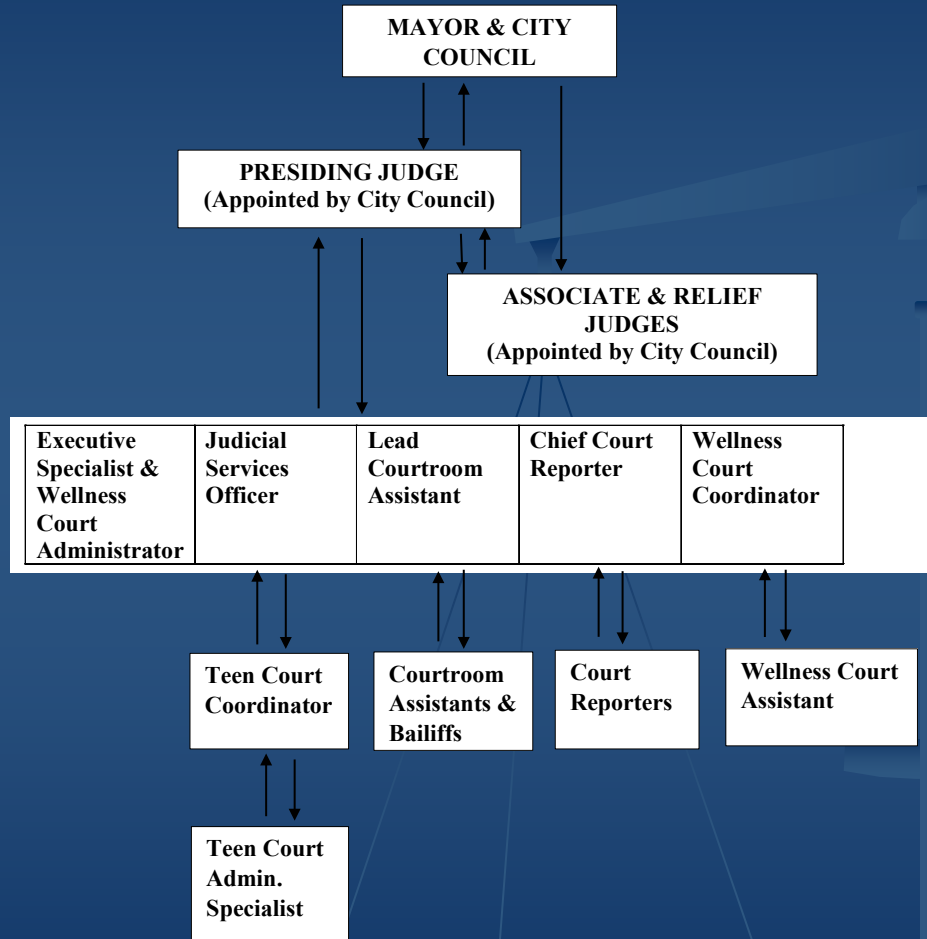
- 9 Relief Judges

- Judge James Anderson, Judge Robert Garvey, Judge Karen Steinhauser, Judge Tricia McCarthy, Judge Jonathan Lucero, Judge Rebekah Watada, Judge Michelle LeFlore, Judge Marques Ivey & Judge Mark Solomon

- Presiding Judge Shawn Day



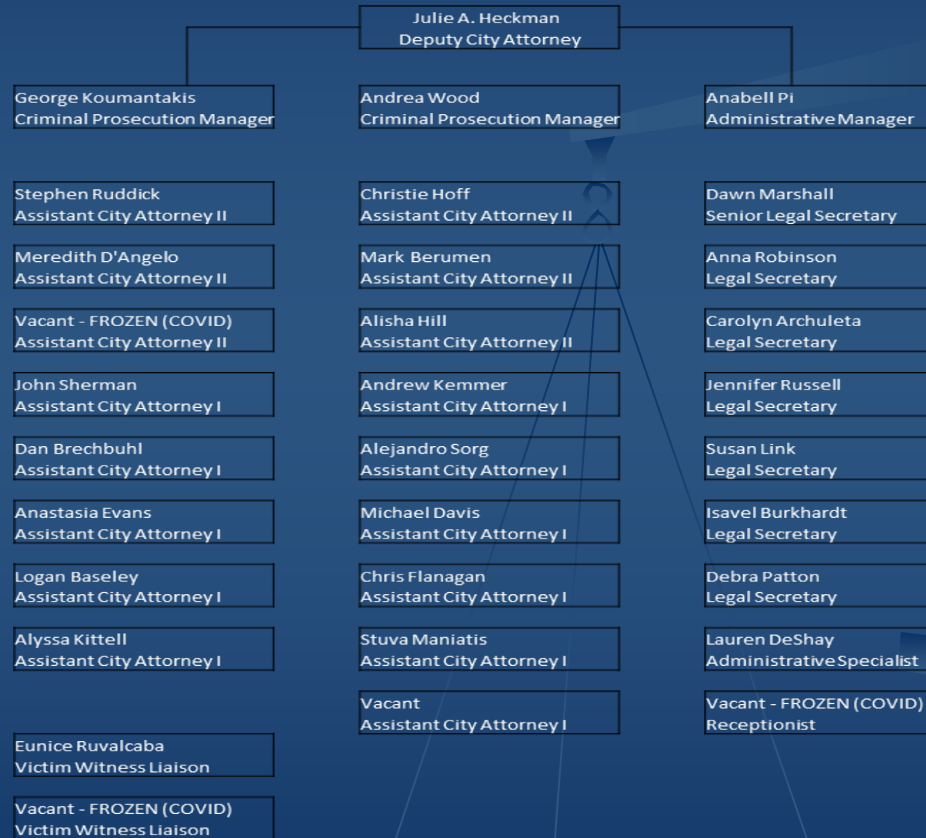
**JUDICIAL DEPARTMENT ORGANIZATIONAL CHART**

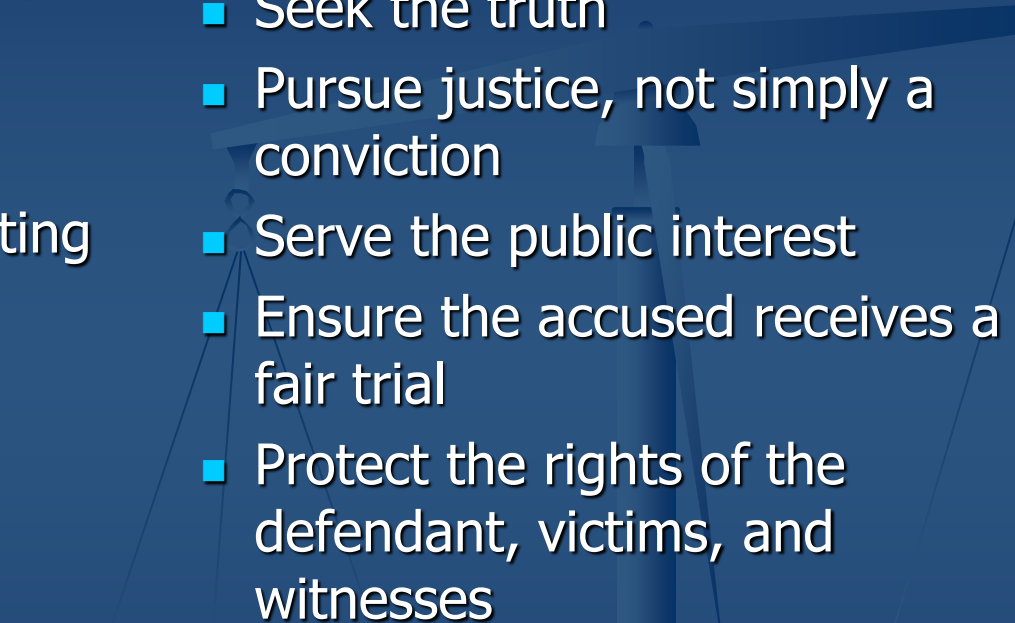


# Difference in Courts

- Aurora Municipal Court and State Court
  - District Court-felony filings
  - County Court-misdemeanor filings, protective orders
  - Aurora Municipal Court-ordinance violations (criminal cases at every level, including what would be felony level cases, protective orders and other municipal type cases)
  - Speedy trial: 91 days vs. 6 months

# City Attorney's Office – Criminal Justice Division



- 
- Prosecution - legal party responsible for representing the City of Aurora and presenting the case in a criminal trial against an individual accused of violating any city ordinances
    - Seek the truth
    - Pursue justice, not simply a conviction
    - Serve the public interest
    - Ensure the accused receives a fair trial
    - Protect the rights of the defendant, victims, and witnesses

# Aurora Municipal Court

- Large, unique municipal court
- High volume of cases (size of city, sits in multiple jurisdictions)
- APD investigates and files charges, usually into muni court, if possible – limits travel to multiple different courts, within Arapahoe, Douglas, Brighton, etc... for police officers (which takes them off the road longer), defendants, victims, and witnesses

CA's office, as representative of the City of Aurora, is involved in every single case filed in the municipal court

Civil Case Parties

John Doe vs. Jane Smith

Criminal Case Parties

City of Aurora vs. Joe Defendant

7 full time courtrooms, plus FAC (traffic cases) 8 AM-noon

One ACA is assigned to each courtroom daily, responsible for preparation and handling of entire daily docket (8-5), with an average of 20-30 cases on docket or responsible for preparation of multiple jury trials on jury days, Tuesdays and Thursdays (see attached docketing schedule)

## Variety of Defendants

### Pro Se Defendants

-people representing themselves

### Private Counsel

-hired by defendant

### Public Defenders

-appointed by the Court, if

- 1) there is a possibility of a jail sentence if the defendant is convicted, and
- 2) the defendant falls within the fiscal standards established by the Supreme Court

## Variety of Cases

- Traditional muni court types of cases (traffic, zoning code, animal code, parks, fire code, building code, sales tax/licensing, vehicle impound hearings, animal disposition hearings, etc...)
- Criminal violations (both adult and juvenile cases)
- Specialized Courts (teen court, wellness court, armed forces court)
- Appeals

# Juvenile Cases

- CA's office reviews all juvenile cases and works collaboratively with the Juvenile Assessment Center (JAC) on appropriate cases, to provide youth entering the Aurora Muni Ct system with a holistic approach to addressing behaviors and underlying causes, to focus on early intervention.
- CA's provide referral to JAC, where licensed clinicians complete 1-1 assessments with the juvenile and separately, with the youth's parent, guardian, or caretaker, and make individualized recommendations using evidence-based tools and connections to resources
- Started program with Transforming Safety Grant, and have continued program despite losing grant funding during Covid-19.
- The city of Aurora has allowed JAC to utilize space at MLK Library for easier access for many Aurora juveniles and their families.



# Prosecutorial Obligations



- Prosecution has the burden of proof, and must prove the elements of each charge beyond a reasonable doubt
- Prosecution must bring the defendant to a speedy trial within 91 days (shorter time period, per municipal court rules)
- Prosecution has discovery obligations, to provide copies of any documents or objects within the prosecution's possession and control, shown to be material and reasonable (which has changed with digital evidence, such as BWC, digital photos/videos, 911 calls...)

- These legal obligations in the high volume of cases filed in the muni court, with 91 days speedy trial, coupled with the fact that we are still using paper files, creates efficiency challenges, when multiple support staff and attorney staff need access to the one paper file at the same time (to issue subpoenas; to request, receive, copy, review all digital evidence like BWC, 911, then deliver discovery; case preparation; return defense or witness phone calls/emails; responding to motions; pull each case file for daily dockets, then break down/process return dockets)
- The entire municipal court is working collaboratively on getting the court moved toward electronic discovery, then electronic filings. However, Court IT has limited resources with only 4 employees to deal with a court of our size and caseload, and must deal with day-to-day operations for multiple departments, as well as system changes and enhancements, not to mention all of the brand new protocols that had to be quickly created and put into place during COVID-19.

# Court Administration Org Chart



**CITY OF AURORA  
MUNICIPAL COURT  
ADMINISTRATION  
ORGANIZATIONAL  
STRUCTURE**  
February 2021



# Aurora Municipal Court Stats

FILINGS			
	Traffic Filings	Other Filings	Total
As of April 30, 2021	7,573	1,768	9,341
2020	20,998	6,246	27,244
2019	27,334	7,469	34,803
2018	34,697	9,184	43,881
2017	28,220	9,977	38,197
2016	26,726	16,345	43,071

\* Other Filings include Criminal, Parking and Photo Red Filings

# Impact of COVID-19 on Our Court

- The Aurora Municipal Court never closed during the pandemic.
  - Stayed open to handle in-custody matters
- Developed new Protocols to provide access to Justice in a Safe way.
  - Virtual Court – see attached protocols
  - Jury Trial COVID-19 Protocols – see attachment
    - First and one of the only Courts to conduct jury trials during the pandemic

# Continued Improvements/Innovations for Our Court During COVID-19

- Development of Virtual Court by WebEx
  - Incredible work of Court IT!!
  - Technology Improvement
    - Bandwidth, switches, computers, etc.
- Problem Solving Courts
  - Teen Court, Wellness Court, AAFTC
  - Established Aurora Armed Force Treatment Court (AAFTC)
- NLC CAFFE Initiative
  - Financial Empowerment/Financial Coaching

# Court Operations After COVID-19

- Hybrid Court:
  - Virtual/In-Person Court
  - Continue to improve Court Technology
    - Inside courtroom & Outside courtroom
      - Bandwidth
- New Legislative Mandates
  - Potential 48 hour bond hearing requirement
  - Other new legislative mandates
- Paperless Court
  - Multi-layered project

# Questions?





JUDGE: PETER FRIGO

COURT REPORTER: WENDY EVANGELISTA

COURTROOM ASSISTANT: COLLEEN RAMIREZ

**DIVISION 1**

TIME	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
8:00		ARRAIGNMENT (A-D)	ARRAIGNMENT (A-K)	ARRAIGNMENT (A-D)	
8:30	TRIALS PRE-TRIALS 8:00 - 11:00	8:00 - 9:00	8:00 - 9:30	8:00 - 9:00	TRIALS PRE-TRIALS 8:00 - 11:00
9:00					
9:30	PD CASES		PROBATION REVIEWS/PSI'S CITATIONS 9:30 - 11:00		PD CASES
10:00		JURY TRIALS		JURY TRIALS	
10:30					
11:00					

**COURT CLOSED FOR LUNCH 12:00 - 1:30**

1:30	TRIALS PRE-TRIALS 1:30 - 4:00	JURY TRIALS	TRIALS PRE-TRIALS 1:30 - 4:00	JURY TRIALS	TRIALS PRE-TRIALS 1:30 - 4:00
2:00					
2:30	PD CASES		NO PD CASES		PD CASES
3:00					
3:30					
4:00					

**SET PRE-TRIALS/PROBATION REVIEWS/CITATIONS/PD HEARINGS FOR 15 MINUTES**

**SET TRIALS FOR TRAFFIC INFRACTIONS FOR 30 MINUTES (DO NOT SET PAST 4:00)**

**SET CRIMINAL TRIALS FOR 1 HOUR (DO NOT SET PAST 4:00)**

JUDGE: DANA SPADE

COURT REPORTER: JODI WAGNER

COURTROOM ASSISTANT: HANNAH DOTY

**DIVISION 2**

TIME	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
8:00	TRIALS PRE-TRIALS 8:00 - 10:00	ARRAIGNMENT (E-K) 8:00 - 9:00	TRIALS PRE-TRIALS 8:00 - 9:30 NO PD CASES	ARRAIGNMENT (E-K) 8:00 - 9:00	TRIALS PRE-TRIALS 8:00 - 10:00
8:30					
9:00					
9:30	PD CASES	JURY TRIALS	PROBATION REVIEWS, PSI'S	JURY TRIALS	PD CASES
10:00	MOTIONS NO SETTINGS		CITATIONS 9:30 - 11:00		MOTIONS NO SETTINGS
10:30			SET 12 ONLY		
11:00			MOTIONS NO SETTINGS		

**COURT CLOSED FOR LUNCH 12:00 - 1:30**

1:30	TRIALS	JURY TRIALS	TRIALS	JURY TRIALS	TRIALS
2:00	PRE-TRIALS		PRE-TRIALS		PRE-TRIALS
2:30	1:30 - 2:00 PD CASES		1:30 - 4:00		1:30 - 2:00 PD CASES
3:00	3:00 - 4:00 NO PD CASES		NO PD CASES		3:00 - 4:00 NO PD CASES
3:30					
4:00					

**SET PRE-TRIALS/PROBATION REVIEWS/CITATIONS/PD HEARINGS FOR 15 MINUTES**

**SET TRIALS FOR TRAFFIC INFRACTIONS FOR 30 MINUTES (DO NOT SET PAST 4:00)**

**SET CRIMINAL TRIALS FOR 1 HOUR (DO NOT SET PAST 4:00)**

**MOTIONS ARE SCHEDULED FOR MONDAY AND FRIDAY FROM 10:00 -12:00 AND WEDNESDAY FROM 11:00 - 12:00.**

JUDGE: KRISTOPHER COLLEY

COURTROOM ASSISTANT: TRACY MAYS

COURTROOM ASSISTANT: LORI VISE

**DIVISION 3**

TIME	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
8:00	ARRAIGNMENT (A - Z)	ARRAIGNMENT (L-Q) 8:00 - 9:00	ARRAIGNMENT (L - Z)	ARRAIGNMENT (L-Q) 8:00 - 9:00	ARRAIGNMENT (A - Z)
8:30	8:00 - 10:00		8:00 - 10:00		8:00 - 10:00
9:00		PRE-TRIALS 9:00 - 10:00		PRE-TRIALS 9:00 - 10:00	
9:30		NO PD CASES		NO PD CASES	
10:00	DOMESTIC VIOLENCE	DOMESTIC VIOLENCE	DOMESTIC VIOLENCE	DOMESTIC VIOLENCE	DOMESTIC VIOLENCE
10:30	ARRAIGNMENT	ARRAIGNMENT	ARRAIGNMENT	ARRAIGNMENT	ARRAIGNMENT
11:00	NO TRIALS	NO TRIALS	NO TRIALS	NO TRIALS	NO TRIALS

**COURT CLOSED FOR LUNCH 12:00 - 1:30**

1:30	WALK-IN 1:30 - 3:00	WALK-IN 1:30 - 3:00	WALK-IN 1:30 - 3:00	WALK-IN 1:30 - 3:00	WALK-IN 1:30 - 3:00
2:00	MTC/ PD & CA 2:30 PM ONLY		MTC/ PD & CA 2:30 PM ONLY		MTC/ PD & CA 2:30 PM ONLY
2:30					
3:00	PRE-TRIALS 3:00 - 4:00	PRE-TRIALS 3:00 - 4:00	PRE-TRIALS 3:00 - 4:00	PRE-TRIALS 3:00 - 4:00	PRE-TRIALS 3:00 - 4:00
3:30	NO TRIALS PD CASES	NO TRIALS NO PD CASES	NO TRIALS NO PD CASES	NO TRIALS NO PD CASES	NO TRIALS PD CASES
4:00					

SET DOMESTIC VIOLENCE ARRAIGNMENTS FOR 10:00 AM ONLY

WALK-IN COURT - MONDAY THROUGH FRIDAY 1:30 - 3:00

SET PRE-TRIALS ONLY (NO TRIALS - NO HEARINGS)

JUDGE: DION ARGUELLES

COURT REPORTER: RENEE WHITE

COURTROOM ASSISTANT: KARI TODD-GOODWIN

**DIVISION 4**

TIME	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY		
8:00	TRIALS PRE-TRIALS 8:00 - 10:00	ARRAIGNMENT (R-Z) 8:00 - 9:00	TRIALS PRE-TRIALS 8:00 - 10:00	ARRAIGNMENT (R-Z) 8:00 - 9:00	TRIALS PRE-TRIALS 8:00 - 10:00		
8:30							
9:00		JURY TRIALS		ANIMAL DISPOSTION HEARINGS		JURY TRIALS	ANIMAL DISPOSTION HEARINGS
9:30	PD CASES		NO PD CASES		PD CASES		
10:00							
10:30							
11:00	10:00 - 12:00	10:00 - 12:00	10:00 - 12:00				

**COURT CLOSED FOR LUNCH 12:00 - 1:30**

1:30	TRIALS PRE-TRIALS 1:30 - 4:00	JURY TRIALS	TRIALS PRE-TRIALS 1:30 - 4:00	JURY TRIALS	TRIALS PRE-TRIALS 1:30 - 4:00			
2:00						PD CASES	NO PD CASES	PD CASES
2:30								
3:00								
3:30								
4:00								

**SET PRE-TRIALS/PROBATION REVIEWS/CITATIONS/PD HEARINGS FOR 15 MINUTES**

**SET TRIALS FOR TRAFFIC INFRACTIONS FOR 30 MINUTES (DO NOT SET PAST 4:00)**

**SET CRIMINAL TRIALS FOR 1 HOUR (DO NOT SET PAST 4:00)**

JUDGE: SHAWN DAY  
 COURT REPORTER: JEAN SERTICH  
 COURTROOM ASSISTANT: LAURA HALES

**DIVISION 6**

TIME	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
8:00	<b>TRIALS                      PRE-TRIALS                      AND ETC.                      8:00 - 11:00                      PD CASES</b>	<b>JURY TRIALS</b>	<b>JURY                      STATUS                      CONFERENCES                      8:30 - 12:00</b>	<b>JURY TRIALS</b>	<b>TRIALS                      PRE-TRIALS                      8:00 - 9:00</b>
8:30					<b>PD CASES</b>
9:00					<b>TRIALS                      PRE-TRIALS                      10:00 - 11:00</b>
9:30					<b>NO PD CASES</b>
10:00					
10:30					
11:00					

**COURT CLOSED FOR LUNCH 12:00 - 1:30**

1:30	<b>TRIALS                      PRE-TRIALS                      1:30 - 2:00                      PD CASES</b>	<b>MOTIONS                      NO SETTINGS                      1:30 - 3:00</b>	<b>TRIALS                      PRE-TRIALS                      1:30 - 2:00                      NO PD CASES</b>	<b>MOTIONS                      NO SETTINGS                      1:30 - 3:00</b>	<b>TRIALS                      PRE-TRIALS                      1:30 - 2:00                      PD CASES</b>
3:00	<b>BOND                      RETURNS</b>	<b>BOND                      RETURNS</b>	<b>BOND                      RETURNS</b>	<b>BOND                      RETURNS</b>	<b>BOND                      RETURNS</b>
3:30					
4:00					

**SET PRE-TRIALS/PROBATION REVIEWS/CITATIONS/PD HEARINGS FOR 15 MINUTES**

**SET TRIALS FOR TRAFFIC INFRACTIONS FOR 30 MINUTES (DO NOT SET PAST 4:00)**

**SET CRIMINAL TRIALS FOR 1 HOUR (DO NOT SET PAST 4:00)**

JUDGE: DANIEL KOPPER

COURT REPORTER: JENNIFER NAVEJAR

COURTROOM ASSISTANT: ALONDRA FLORES

**DIVISION 7**

TIME	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
8:00	JUVENILE ARRAIGNMENT	JUVENILE ARRAIGNMENT	JUVENILE ARRAIGNMENT	JUVENILE ARRAIGNMENT	JUVENILE ARRAIGNMENT
8:30	8:00 - 10:00	8:00 - 10:00	8:00 - 10:00	8:00 - 10:00	8:00 - 10:00
9:00					
9:30					
10:00	VETERAN'S COURT	ZONING ARR AND PTC	ZONING TRIALS & CITES ONLY	ZONING ARR AND PTC	TRIALS PRE-TRIALS
10:30	10:00 - 12:00	(NO TRIALS) 10:00 - 11:00	10:00 - 11:00	(NO TRIALS) 10:00 - 11:00	10:00 - 12:00
11:00			NO PD CASES		PD CASES

**COURT CLOSED FOR LUNCH 12:00 - 1:30**

1:30		TRIALS PRE-TRIALS	PD APP'S (X)	TRIALS PRE-TRIALS	FIRE TICKETS
2:00	WELLNESS COURT	1:30 - 4:00	1:30 - 4:00 MAX 50	1:30 - 4:00	1:30 - 2:00
2:30					TRIALS PRE-TRIALS
3:00	1:30 - 4:00				2:00 - 4:00
3:30		NO PD CASES		NO PD CASES	NO PD CASES
4:00					

**SET ZONING PRE-TRIALS, CITATIONS AND TRIALS**

**SET PD HEARINGS ON WEDNESDAY (MAX 50)**

**PD HEARINGS MUST BE SET WITHIN 20 DAYS OF ENTERING NOT GUILTY PLEA**

JUDGE: BILLY STIGGERS

COURT REPORTER: KATIE SCHUMAN

**DIVISION 8**

TIME	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
8:00	IN CUSTODY PRISONERS	IN CUSTODY PRISONERS	IN CUSTODY PRISONERS	IN CUSTODY PRISONERS	IN CUSTODY PRISONERS
8:30	8:00 - 5:00	8:00 - 5:00	8:00 - 5:00	8:00 - 5:00	8:00 - 5:00
9:00					
9:30					
10:00					
10:30					
11:00					

**COURT CLOSED FOR LUNCH 12:00 - 1:30**

1:30	IN- CUSTODY PRISONERS	SHOW CAUSE CITATIONS	SHOW CAUSE CITATIONS	SHOW CAUSE CITATIONS	SHOW CAUSE CITATIONS
2:00		1:30	1:30	1:30	1:30
2:30	1:30 - 5:00	* IN CUSTODY *	* IN CUSTODY *	* IN CUSTODY *	* IN CUSTODY *
3:00		TRANSPORTS	TRANSPORTS	TRANSPORTS	TRANSPORTS
3:30					
4:00					

**QUICK SETS SHOULD BE SET IN 18 BUSINESS DAYS**

## FULL VIRTUAL COURT PROTOCOL

### COURTHOUSE ACCESS:

Courthouse access is strictly limited to:

1. Person(s) making a payment;
2. Person(s) with an ACTIVE warrant;
3. Person(s) who will testify in ANY pre-approved case
  - a. **On Friday morning of each week**, a list of pre-approved cases will be sent to every Court Department specifying what cases have been approved for entrance into the courthouse for the up-coming week.
    - i. Any disputes, questions or concerns regarding the list shall be emailed to the Presiding Judge by 1pm each Friday.
4. Any Aurora Animal Services Department employee needing to contact the City Attorney or Case Management;
5. Any Aurora Code Enforcement Department employee needing to contact the City Attorney or Case Management;
6. Any Interpreter;
7. Attorneys who represent the defendant in ANY of the above listed pre-approved cases; or
8. Person(s) with an appointment with City Attorney, Public Defender or Probation
  - a. Any delivery person making a delivery to any Court Department must call the appropriate Department at the courthouse entrance
  - b. Anyone with an appointment with any Court Department must call the appropriate department from the phone at the courthouse entrance and wait to be allowed to enter the courthouse.
    - i. City Attorney: 303-739-7810
    - ii. Public Defender: 303-739-6192
    - iii. Probation: 303-739-6488

### ARRAIGNMENTS:

#### **Adult Arraignments:**

1. All adult arraignment dates remain as set. However, the arraignment **MUST** be conducted virtually by WebEx. The Court will attempt to notify each adult defendant of the requirement of virtual court and provide the WebEx link to the specific virtual courtroom.
  - a. If the adult defendant does NOT have the capability to appear by WebEx, the arraignment shall be reset as an in-person arraignment **90 days out**.
2. The virtual court session will utilize the **WebEx Meetings** application. The WebEx link for each division shall be:
  - a. Div. 1: <https://auroragov.webex.com/meet/Div01>
  - b. Div. 2: <https://auroragov.webex.com/meet/Div02>
  - c. Div. 3: <https://auroragov.webex.com/meet/Div03>
  - d. Div. 4: <https://auroragov.webex.com/meet/Div04>
  - e. Div. 5: <https://auroragov.webex.com/meet/Div05>
  - f. Div. 6: <https://auroragov.webex.com/meet/Div06>
  - g. Div. 7: <https://auroragov.webex.com/meet/Div07>
  - h. Div. 8: <https://auroragov.webex.com/meet/Div08>
  - i. FAC-A: <https://auroragov.webex.com/meet/DivFA>



- j. FAC-B: <https://auroragov.webex.com/meet/DivFB> (FAC-B will open when scheduled arraignment numbers are 150+; FAC-A will handle last name A-M, FAC-B will handle N-Z; specific WebEx links will need to be sent to both groups)
3. When the virtual court session begins, the Judge will call the cases in alphabetical order.
4. OPTIONS at the virtual arraignment session:
  - a. Continue the arraignment. The Judge will set the future arraignment date from the bench. The future arraignment date must be a virtual arraignment by WebEx.
  - b. Apply for the Public Defender before entering a plea.
    - i. **Public Assistance Protocol:** Upon inquiry from the Judge, if the Defendant qualifies for the appointment of the Public Defender due to the **public assistance** protocol, the Judge will immediately appoint the Public Defender, enter a NOT GUILTY plea and set the case for a **virtual PTC** with a waiver of speedy trial. The Judge will enter a specific date, time and division for the future virtual PTC.
      1. Each division Judicial Staff will email BOTH the CA (email: [CAGeneral@auroragov.org](mailto:CAGeneral@auroragov.org)) and PD (email: [PubDefMail@auroragov.org](mailto:PubDefMail@auroragov.org)) the defendant's name, summons number and future court date and a note that the court appointed the PD
    - ii. **Appointment based upon Income Level:** If the Defendant does not qualify for the immediate appointment due to public assistance, the Judge will inquire as to income and employment. If after the inquiry, it is clear that the Defendant does NOT meet the eligibility criteria, the Judge will proceed with accepting a plea or continue the arraignment to allow the Defendant to seek private counsel. If after the inquiry the defendant qualifies for the appointment of the PD, the Court shall appoint the PD and set the case for a PTC.
      1. Each division Judicial Staff will email BOTH the CA (email: [CAGeneral@auroragov.org](mailto:CAGeneral@auroragov.org)) and PD (email: [PubDefMail@auroragov.org](mailto:PubDefMail@auroragov.org)) the defendant's name, summons number and future court date and a note that the court appointed the PD.
    - iii. If after Judicial inquiry that it is unclear if the Defendant may qualify for the appointment of the Public Defender, the Judge will set the case for a **virtual PD Hearing in Div. 7** and NO PLEA will enter. The Defendant then must contact the PD Office at 303-739-6555 for interview/application prior to the virtual PD Hearing.
  - c. Not Guilty Plea. The Defendant may plead NOT GUILTY and:
    - i. Set a future virtual PTC with a waiver of speedy trial
    - ii. Set a future TRIAL
      1. **Jury Trial (Note: No Jury Trial settings between 11/9/2020-1/18/2021)**
        - a. The Defendant MUST submit a written demand for a jury trial within 21 days (submission can be by email to:([virtualcourt@auroragov.org](mailto:virtualcourt@auroragov.org) )
        - b. The Defendant MUST submit the \$25 Jury fee within 21 days
        - c. The Judge can waive the jury fee if the Defendant is indigent.
      2. **Trial to the Court**

- a. The Judge will set the specific future trial date (date, time & division) from the bench. The CA may provide input regarding the officer's schedule.
- d. Guilty Plea. The Defendant may plead GUILTY. The Judge will proceed to immediate sentencing unless there is a specific need for a future in person sentencing hearing. (Note: Any case involving the possibility of restitution shall be set for a WebEx sentencing/restitution hearing)
5. **Out of Custody DV Arraignments**: The current protocol does NOT change; **however, the CA may appear by WebEx**. The Defendant must appear in-person in Division 3 at 10am. The issuance of the MPO requires the Defendant to be personally served and therefore requires in-person appearance. (NOTE: If the COVID-19 public order changes to Level 4 Stay at Home, the Court will revert to No Bond Holds for all DV cases).
  - a. If the CA appears by WebEx and prior to the court session starting, the CA shall email the Div. 3 courtroom assistant the necessary information for the issuance of the MPO;
  - b. If the DV defendant pleads NOT guilty and requests a PTC, the defendant shall be directed to call the assigned CA to conduct the PTC. The phone call shall take place in the Div. 3 ante-room. The assigned CA shall email the courtroom assistant the phone number to call.
  - c. If the DV defendant requests a PTC and does not have a phone, the PTC shall be set 90 days out (with waiver of speedy trial) and CA contact information (303-739-7810) shall be given with instructions for the defendant to call the CA.
6. **Zoning Arraignments**: All Zoning arraignments must be by WebEx. The Judge shall conduct the virtual WebEx arraignment session the same as any other arraignment and offer the same OPTIONS as listed in paragraph 4 above.
  - i. If time allows, an instant PTC may be conducted with the approval of the Division 7 Judge. The defendant shall call the assigned CA and the PTC shall be conducted off-line. After the off-line instant PTC has concluded, all parties shall re-join the WebEx session and inform the Court of the results of the PTC.

### **Juvenile Arraignments:**

7. All juvenile arraignment dates remain as set. However, the arraignment **MUST** be conducted virtually by WebEx. The Court will attempt to notify each juvenile defendant/parent of the requirement of virtual court and provide the WebEx link to the Division 7 virtual courtroom.
  - a. If the juvenile defendant or parent do NOT have the capability to appear by WebEx, the arraignment shall be reset as an in-person arraignment **90 days out**.
8. When the virtual court session begins, the Judge will call the cases in alphabetical order.
9. The City Attorney will attend the virtual arraignment session either in person or by WebEx.
10. OPTIONS at the virtual arraignment session:
  - a. Continue the arraignment. The Judge will set the future arraignment date from the bench. The future arraignment date must be a virtual arraignment by WebEx.
  - b. Not Guilty Plea. The Defendant may plead NOT GUILTY and:
    - i. Set a future virtual PTC with a waiver of speedy trial. If time allows, an instant PTC may be conducted with the approval of the Division 7 Judge. The defendant and parent/guardian shall call the assigned CA and the PTC shall be conducted off-line. After the off-line instant PTC has concluded, all parties

- shall re-join the WebEx session and inform the Court of the results of the PTC.
- ii. Set a future TRIAL. The Judge will set the specific future trial date (date, time & division) from the bench. The CA may provide input regarding the officer's schedule.
- c. Guilty Plea. The Defendant may plead GUILTY. The Judge will proceed to immediate sentencing unless there is a specific need for a future in person sentencing hearing.

### **FAC Arraignments:**

- 11. All FAC/Traffic arraignment dates remain as set. However, ALL arraignments MUST be conducted virtually by WebEx. The Court will attempt to notify each defendant of the requirement of virtual court and provide the WebEx link to the FAC virtual courtroom.
- 12. If the Defendant does NOT have the electronic capability to appear by WebEx, then the Court shall re-set the arraignment as in-person arraignment **90 days out**.
- 13. When the virtual court session begins, the Judge will call the cases in alphabetical order.
- 14. The CA will pre-review all non-EPO traffic cases and make notes in the Real Time Docket prior to the scheduled court date.
- 15. OPTIONS at the FAC virtual arraignment:
  - a. Continue the arraignment to a future virtual arraignment
  - b. Accept the EPO offer
  - c. Accept the CA Plea Offer
  - d. Plead Not Guilty and set a future trial date.
    - i. Note: The Defendant or defense attorney may contact the CA Office to discuss plea negotiations prior to trial date.
  - e. Plead Guilty and proceed to immediate sentencing.

### **16. NPOI Charges:**

- a. At the virtual arraignment, the Judge shall advise the Defendant of all charges. If one of the charges is NPOI or any NO INSURANCE violation, the Judge shall advise the Defendant of the following options:
  - i. Defendant may continue the arraignment to obtain a private attorney or apply for PD
    - 1. CA must review the case prior to the virtual arraignment and enter a note into the Real Time Docket of jail waived or jail not waived
  - ii. Defendant may continue the arraignment to provide proof of insurance to the CA Office. The Defendant must email a qualifying letter to the CA Office by the date set by the Judge at the email address of: ([CAGeneral@auroragov.org](mailto:CAGeneral@auroragov.org))
    - 1. The FAC Judge shall specifically advise the defendant of the qualifying **Insurance Letter requirement on the record**.
    - 2. Upon receipt of the qualifying insurance letter, the CA will enter notes into the Real Time Docket that the letter is acceptable, and charge is dismissed, or letter is not acceptable, and charge remains.
  - iii. Defendant may plead NOT GUILTY and set a virtual PTC with waiver of speedy trial.
  - iv. Defendant may plead NOT GUILTY and set a trial
  - v. Defendant may plead GUILTY and immediate sentencing shall take place.

### **Division 8 In Custody Matters:**

17. The current protocol will remain. Both the CA and PD will appear in-person. The PD will continue to use the phone to contact persons in custody. If the protocol is to change, the specific change must be put in writing and approved by Dr. DeBoyes, Judge Day, Julie Heckman and Doug Wilson before implementation.

### **PRE-TRIAL CONFERENCES:**

18. ALL PTCs, both juvenile and adult, must be conducted by WebEx.
  - a. Current in-person PTCs must be switched to a WebEx PTC. The Court will attempt to notify the Defendant and/or defense attorney of the switch to a mandatory WebEx PTC. The Court shall keep the current court date/time and send the defendant and/or defense attorney the link to the appropriate virtual courtroom (see above WebEx links for each courtroom).
    - i. If the Defendant does NOT have the electronic capability to appear by WebEx, the Court shall continue the in-person PTC **90 days out**.
  - b. The above listed **WebEx Meetings** specific courtroom links shall be used for PTCs. **We will no longer use the WebEx Training application.**
    - i. Because we will switch to WebEx Meetings, there will NOT be the option for breakout rooms.
    - ii. The CA Office must attempt to contact the defendant and/or defense attorney **PRIOR** to the scheduled court date and **conduct the PTC off-line**.
    - iii. The defense attorney must conduct all client discussion **off-line PRIOR** to the scheduled WebEx court date.
    - iv. The virtual PTC session will **ONLY** be used to put pre-arranged and agreed to dispositions on the record or to schedule future court dates.

### **TRIALS:**

19. ALL trials, both Jury trials and Bench Trials, remain mandatory in-person appearances.
  - a. **Jury Trials:**
    - i. All Jury Trials currently scheduled between November 10, 2020 and January 14, 2021 are postponed. The Court has entered a Necessary Order declaring a Mistrial that shall apply to each applicable case. Each case will be re-set by a Judge to a specific future court date within 3 months of November 9, 2020.
    - ii. **Jury Status Conference dates remain as scheduled.**
    - iii. Any Jury Trial currently set after January 18, 2021 shall remain as scheduled.
  - b. **Bench Trials:**
    - i. **Effective November 30, 2020**, ALL bench trials scheduled between November 30, 2020 and January 18, 2021 will be POSTPONED. **All parties shall appear by WebEx on the day and time of the currently scheduled court date.** The Court will then decide how the case should be rescheduled. All parties will have a chance to make a record. **On the day and time of the currently scheduled court date, all parties shall click on the applicable WebEx link below:**

Division 1: <https://auroragov.webex.com/meet/Div01>

Division 2: <https://auroragov.webex.com/meet/Div02>

- Division 3: <https://auroragov.webex.com/meet/Div03>
- Division 4: <https://auroragov.webex.com/meet/Div04>
- Division 5: <https://auroragov.webex.com/meet/Div05>
- Division 6: <https://auroragov.webex.com/meet/Div06>
- Division 7: <https://auroragov.webex.com/meet/Div07>
- Division 8: <https://auroragov.webex.com/meet/Div08>

- ii. If any party does NOT have the electronic capability to appear by WebEx, that person shall call the Aurora Municipal Court at 303-739-6421 (Option 1 for Virtual Court, Option 4 for Docketing), or by text at 720-704-0100 or by email: [virtualcourt@auroragov.org](mailto:virtualcourt@auroragov.org) to reschedule the trial.
- iii. Any Bench Trial currently set after January 18, 2021 shall remain as set.

#### **ANIMAL DISPOSITION HEARINGS:**

- 20. The current protocol for Animal Disposition Hearings shall remain unchanged. The hearings must be conducted in-person.

#### **PUBLIC DEFENDER APPLICATION HEARINGS:**

- 21. All Public Defender Application Hearings shall be by WebEx. However, if the Defendant does not have the electronic capability to appear by WebEx, the Defendant must notify the Court in writing and a Judge may then Order that the PD Hearing be scheduled as an in-person hearing.
- 22. If the PD has been in contact with the Defendant prior to the scheduled PD Hearing date and has determined that the Defendant qualifies for the PD, then the PD will file a written Entry of Appearance, request that the PD Hearing be vacated and request the case be reset for either a PTC or Jury Trial.

#### **PROBATION REVOCATION/CITATION HEARINGS:**

- 23. All probation revocation/citation hearings shall be by WebEx UNLESS the Judge enters a specific Order for an in-person hearing.
- 24. The Judge shall only enter a specific Order for an in-person Citation Hearing when testimony will be required.

#### **RESTITUTION HEARINGS:**

- 25. All Restitution Hearings shall be by WebEx.

#### **MOTIONS TO CONTINUE HEARINGS:**

- 26. All Hearings on Motions/Request to Continue shall be by WebEx.

#### **HEARINGS TO SEAL RECORDS:**

- 27. All Hearings to Seal Records shall be by WebEx.

#### **BOND RETURN HEARINGS:**

28. All bond return hearings shall be by WebEx. However, if the Defendant does not have the electronic capability to appear by WebEx, the Defendant must notify the Court in writing and a Judge may then Order that the Bond Return Hearing be scheduled as an in-person hearing.
29. If the Bond Hearing is set by an outside jail or detention center, the defendant may appear by WebEx or in-person without the need for a Judicial Order.

**EVIDENTIARY HEARINGS: (Motion to Suppress, Motion to Dismiss, Etc.)**

30. All Evidentiary Hearings that require testimony must be in-person hearings.

**AURORA MUNICIPAL COURT COVID-19  
JURY TRIAL PROTOCOL/ORDER**

**JUROR CHECK-IN:**

1. The current Jury Summons protocol as established by the Court Administrator will continue.
2. The current protocol, as established by the Court Administrator, will continue as it relates to excusing or rescheduling jurors.
3. Per the information contained in the jury summons, the summoned juror will contact the Jury Commissioner by phone or text upon arriving at the Courthouse by 8:45am. Court Administration has taken steps to address the increased number of calls or text coming in at check-in. After check-in, the juror will remain in their car.
  - a. **Prior to entering the courthouse**, the summoned juror will be asked by the Jury Commissioner or designee if they are experiencing any one or more of the following symptoms:
    - i. Fever (100.4 degrees or higher)
    - ii. Dry cough or uncontrollable cough
    - iii. Difficulty breathing or shortness of breath
    - iv. Muscle aches
    - v. Sore Throat
    - vi. New loss of sense of taste or smell
    - vii. Chills
  - b. If the juror answers yes to any one or more of the above symptoms, they will be asked to leave immediately and rescheduled or excused from jury service.
  - c. **Prior to entering the courthouse**, the summoned juror will be asked by the Jury Commissioner or designee:
    - i. Have you ever been diagnosed with COVID-19? If yes, have you received a subsequent test confirming that you're currently virus free? If the juror has been diagnosed with COVID-19 and has not received a subsequent negative test, the juror will be asked to leave immediately and rescheduled or excused from jury service.
    - ii. Have you ever been in contact with someone who has been diagnosed with COVID-19 and if so has that contact been within the last 14 days? If yes, the juror will be asked to leave immediately and rescheduled or excused from jury service.
4. As indicated on the jury summons, the jurors will wait in their cars and wait for a call or text from the Jury Commissioner or designee to enter the building or that they have been excused.
5. If a summoned juror does not call the Jury Commissioner and instead approaches the entrance of the courthouse, the Jury Commissioner and/or designee will greet the juror before entering the courthouse and exchange information. The juror will then be directed to where to wait (in their car but if none, then allowed in to wait in the Jury Assembly Room).
6. If a juror does not have a car to wait in or if the juror has a medical condition that prohibits them from safely waiting in their car, the juror will be allowed to wait in the Jury Assembly Room. Social distancing of at least six (6) feet shall be maintained always.
7. Upon request, prospective jurors will be allowed in the courthouse to use the bathroom facilities but then instructed to return to their car and wait for instructions.
8. The Jury Commissioner will email both the Court Administrator, Presiding Judge and Chief Bailiff with the total number of jurors who have checked in.

9. The Presiding Judge will email the Jury Commissioner and Court Administrator with the courtroom assignment of cases to be tried as soon as possible but no later than 9:30am. The number of trailing cases shall also be provided.
10. After courtroom assignment, the Jury Commissioner will call the jurors into the building. Prior to entering the building, the juror's temperature will be taken by touchless technology. If the juror temperature is 100.4 or higher, they will not be allowed in the courthouse. Upon entering the courthouse, the Jury Commissioner will gather the prospective jurors while maintaining safe social distancing and organize each panel to be sent directly to the assigned courtroom. The Jury Commissioner or designee will then notify the courtroom assistant that their panel is ready. Once in the assigned courtroom, the prospective jurors shall be directly seated in their designated seats.
11. Sixteen (16) prospective jurors will be sent to each courtroom; a panel of twelve (12) and four (4) alternates. The Jury Commissioner shall provide a list of the sixteen (16) prospective jurors chosen randomly and numbered one (1) through sixteen (16). The first twelve (12) people listed will be the jury panel and the last four, numbered thirteen (13) through sixteen (16), will be the alternates. As for seating in the courtroom, please see Jury Trial Section 6(a) below.

### **JURY CALL DAY OF TRIAL:**

1. Jury Call must be conducted by WebEx. For ALL Tuesday and Thursday Jury Trials, access the WebEx Jury Call by clicking on: <https://auroragov.webex.com/meet/Div06>

For Jury Trials taking place on a Monday, Wednesday or Friday, access the WebEx Jury Call by clicking on: <https://auroragov.webex.com/meet/Div05>

- a. All attorneys shall appear by WebEx;
  - i. CA and PD should appear virtually from their courthouse offices.
  - ii. Private Attorneys and Pro Se defendants may connect to the WebEx session inside the courthouse rotunda or outside the courthouse but within the Municipal campus (i.e. Central Library, Municipal Center or adjacent parking lots).
- b. Pro Se defendants that do not have the ability to appear by WebEx will be allowed in the courtroom;
- c. The Public Defender Office and Private Counsel shall coordinate with their clients and witnesses - day of trial check-in. All PD and Private Counsel clients and witnesses shall remain outside of the courtroom until their case is assigned to a trial division;
  - i. It will be left to the PD and Private Attorney to check-in their clients and witnesses. **At no time will represented defendants or defense witnesses be allowed into Division 6.** Therefore, it is strongly suggested that PD and Private Counsel have their clients and witnesses remain in their car after arriving, have the client or witness call/text/email the trial attorney **upon arrival**. By remaining outside of the courthouse, this will limit the number of people in the building and reduce the possibility of COVID-19 exposure.
  - ii. **FTA: "Arrival"** is deemed to be actual presence on the Municipal campus (i.e. the party must be in any of the parking lots adjacent to the Municipal campus, or at the Central Library or Municipal Center if open). Failure to arrive at the Municipal campus and check-in with the attorney before the Judge takes the bench to begin Jury Call will be deemed a failure to appear.
- d. The City Attorney Office shall coordinate with their witnesses – day of trial check-in.



- i. It is strongly suggested that prosecution witnesses remain in their car after checking in with the City Attorney Office and only brought into the building upon case assignment for trial.
2. The CA, PD and Private Attorneys must login to the Jury Call WebEx session no later than 8:40am.
3. The Jury Call will begin at 8:45am promptly.
4. Cases will be called in alphabetical order. Case readiness and appearance/failure to appear will be determined upon calling of each individual case.
5. Jury Trials will be assigned to the trial courtrooms by 9:30am.
6. After case assignment to the trial division, the attorneys, defendants and witnesses shall check in with the courtroom staff within 15 minutes of the assignment.
7. If the Jury Call WebEx session crashes or other technical difficulties occur that cannot be remedied within a short period of time, the following will be allowed:
  - a. Courtroom appearance by one (1) City Attorney, one (1) Public Defender to conduct the Jury Call
  - b. Private Attorneys will remain in the hallway directly outside Division 6 and will be called in one at a time to address their case. After initial appearance, the attorney will be asked to wait outside Division 6 until case assignment for trial.

#### **JURY TRIAL:**

1. Masks must be worn at all times by all parties. However, witnesses will be allowed to remove their mask once seated in the witness box and only during testimony. Vinyl/Protective gloves will be available upon request.
2. Social distancing must be followed at all times. At least six (6) feet of separation shall be maintained. It will be left to each attorney to develop the best method of communication with their clients/witnesses to maintain social distancing.
3. The City Attorney will only be allowed one (1) advisory witness.
4. Until called to testify, witnesses must remain outside the courtroom. While in the hallway or rotunda, social distancing must be maintained. If either the defense or prosecution decides to provide a location for their witnesses to wait, this information must be provided to the Court prior to the Jury panel entering the courtroom.
5. At no time shall the Court conduct bench conferences. In lieu of bench conferences, the Court shall communicate privately with the attorneys while in the presence of the jury by way of a private transceiver system (see attached LISTEN transceiver product information). The Court will ensure that all parties become familiar with the transceiver system before starting the jury trial.
6. Voir Dire:
  - a. Prospective Jurors shall be seated at least six (6) feet apart. In order to meet the six (6) feet separation requirement, jurors may be seated in areas of the courtroom outside of the jury box.
    - i. To be properly identified, each juror will be assigned a Juror Number placard (see Attachment). The placards will be put in the designated seats to be picked up by the prospective juror when called into the courtroom.

- ii. The trial attorneys will be allowed to position themselves so that they can see all of the prospective jurors. However, six (6) feet of social distancing must be maintained.
  - b. The Court will strictly limit Voir Dire to 20 minutes each for both prosecution and defense. Once the 20 minutes has expired for each side and if either side wishes additional questioning, the proposed questions must be submitted to the Judge by way of the transmitter system referenced in paragraph 5 above. The proposed additional questions are subject to Court approval.
    - i. With the strict time limit for Voir Dire, the Court will allow both the prosecution and defense the opportunity to submit requested voir dire questions. The questions **must** be filed in writing with the Court two (2) business days prior to the trial date and copy provided to opposing counsel. Any objection to the requested question will be addressed on the record before bringing the jury panel into the courtroom. If approved, the Court will ask the questions from the bench.
    - ii. At all times during Voir Dire, the attorneys must maintain social distancing. The Court will allow attorneys into the “well,” but the attorney must always remain behind the designated line on the carpet near the witness box.
  - c. Challenges (For Cause or Preemptory):
    - i. All challenges for cause or preemptory challenge shall be communicated by utilizing the transceiver system described in paragraph 5 above. The paper seating chart shall not be exchanged by the parties.
- 7. Opening Statements & Closing Arguments:
  - a. Upon request, the Court will allow attorneys into the “well,” but the attorney must always remain behind the designated line on the carpet near the witness box.
- 8. Presentation of Testimony/Evidence:
  - a. During the presentation of evidence, the parties shall remain at their table and use the microphone at the table. With the permission of the Court and because of the height of the table microphones, the Court will allow the parties to remain seated during questioning. The podium shall not be used unless granted permission by the Court.
  - b. **Witness Testimony:** All witness must wear a mask until seated in the witness box. Witnesses will be allowed to remove their mask once seated in the witness box and only during testimony.
    - i. After each witness’s testimony, the plexiglass and witness box shall be disinfected by judicial department staff.
    - ii. Unless agreed to by the parties, testimony by WebEx will NOT be allowed.
  - c. **Demonstrative Evidence:**
    - i. All Exhibits shall be marked before trial to include the summons number and trial date;
    - ii. All **paper** evidence, including photographs, shall be put into an electronic format and exchanged during the trial by email. No paper exhibits shall be allowed. It is the responsibility of each attorney to make sure that the electronic version of the evidence is presentable and compatible with Court technology.
      - 1. The courtroom TV will be utilized for the publication of the evidence. Instead of exchanging the paper form of the evidence, the TV will be positioned to allow for only the attorneys and witness to view the electronic version of the evidence until proper foundation has been established for

admission and full publication. After admission, the TV will be turned so that the evidence is visible to the jury. For any document that needs to be presented to the witness but not admitted into evidence (i.e. refreshing a witness' recollection), the TV will be position so as not to publish the electronic version of the document to the jury.

2. Any certified documents shall be presented to the Court and kept as part of the record. However, a separate electronic version of the certified document shall be made and exchanged electronically.
    - iii. Video evidence: It is the responsibility of each attorney to make sure that the video evidence is presentable and compatible with Court technology.
  - d. Physical Evidence: Unless it will damage the evidence, physical evidence shall be UV wanded by Judicial Staff prior any exchange of the evidence.
  - e. In Court Identification: When requested, the Court will require the temporary removal of any person's mask for purpose of identification. The party shall comply with the Court's Order to temporarily remove their mask. During this brief time without a mask, all parties shall ensure six (6) feet of social distance.
9. *Curtis* Advisement and Motions for Judgment of Acquittal:
- a. The current protocol shall be followed for administering the *Curtis* advisement and Motion for Judgment of Acquittal. The jury will be excused from the courtroom (see recess protocol in section 11 below).
10. Jury Notes and Questions for Witnesses:
- a. The current protocol of allowing jurors to take notes shall be followed.
    - i. During recesses, the notebooks will be left in the juror's seat and untouched by any party.
    - ii. After the trial has finished, the jurors will be given an envelope to deposit their notes and the notes will be destroyed.
    - iii. After the trial has finished, while wearing gloves, Judicial staff will scan the notebooks with the UV wand before collecting them. The notebooks should then be disinfected as well. Juror pens shall be thrown away.
  - b. The current protocol of allowing for jurors to ask written questions of witnesses shall be followed. However, this is at the discretion of the Court. After the juror writes their question on the provided form, the form will be handed to the Bailiff who will then scan the form with the UV wand. After the UV scan, the form will be handed to the judge for review.
  - c. If the question is clearly a proper question, the Court will ask the question without input from either attorney. The Court will allow the attorneys to make record of any objection to any question approved by the Court at the next available recess outside the presence of the jury.
  - d. If the Court believes the juror question needs further input from the attorneys, the Court will utilize the transceiver system as indicated in paragraph 5 above. After input, the Court will either allow the question or deny the question on the record. The Court shall not excuse the jury nor recess to address juror questions.

11. Recesses During the Trial:

- a. Recesses shall be kept to a minimum during the trial. However, the Court appreciates the difficulty of wearing masks for an extended period. Recesses will be allowed to address this issue.
- b. During recesses, the Jury shall be allowed to retire to the jury deliberation room or exit the courthouse through the South Judicial exit doors and remain outside during the recess. While outside of the courthouse, the Bailiff shall remain with the jurors and not let any person have contact with any juror. The jurors shall always be within the view of the Bailiff if outside of the courthouse. At least six (6) feet of social distancing must always be maintained.
- c. Lunch Recess: Jurors will be allowed to leave the courthouse campus. Upon return from lunch, the Jurors shall report back report to the Jury Assembly Room and required to safe socially distance. The courtroom assistant will then meet the panel and escort the jury panel to the courtroom. The jurors shall take their assigned seat upon entering the courtroom (the jurors shall NOT be told to convene in the Jury Deliberation Room nor Jury Assembly Room).

12. Jury Instructions & Deliberations:

- a. All Jury Instructions shall be given to the Jury in electronic format. No paper instructions shall be allowed. The Jury instructions will be in PDF format and therefore not subject to modification.
- b. A clean laptop will be provided to the Jury to use during deliberations. The laptop will be connected to the courtroom TV to allow for viewing of the instructions and admitted electronic evidence. Admitted video evidence will be kept separate and only available to the jury upon request and approval of the Court after consultation with both defense and prosecution. During playback of the video evidence, the Court will be present along with the parties. No jury deliberations shall take place during the video playback.
  - i. The jury instructions and admitted electronic evidence shall be saved on two USB flash drives, one to be given to the jury and the second kept as a backup. Both flash drives will be kept as part of the official record.
- c. Jury deliberations shall take place in the courtroom.
  - i. Except for the Jury, the courtroom shall be vacated by all parties during deliberations.
  - ii. Both sets of doors at the courtroom entrance shall be closed during deliberations.
  - iii. A sign outside all courtroom doors shall be posted prohibiting entry while deliberations are taking place. All interior courtroom windows will be block by shades or other material.
  - iv. During deliberations, the Bailiff will remain outside the entrance to the courtroom. The Bailiff will let the jurors know how to contact the Bailiff if questions arise or after reaching a verdict.
  - v. Attorneys and pro se defendants shall provide the Bailiff with their cellphone number to be used for notification and/or called back into the courtroom for the reading of the verdict.
  - vi. All courtroom recording (audio and video) shall be turned off during jury deliberations. The Bailiff/Courtroom Assistant shall email the Court Administrator, Chief Marshal and Court IT Department to turn off all video and audio in the courtroom just before deliberations begin.

13. Verdict Form: Until informed otherwise, the Court will continue to follow the current protocol for the preparation and use of a paper Verdict Form.
14. Duration of Trial:
  - a. Due to the added protocols needed to address the COVID-19 pandemic, it is anticipated that Jury trials will take longer to try than normal. All parties should prepare to stay after 5pm and/or return for a second day of trial.

**15. PUBLIC ACCESS TO JURY TRIALS**

- a. As a result of the public health precautions to prevent the spread of COVID-19, the Aurora Municipal Court has limited access to the courtrooms.
- b. If any person wishes to watch jury trial court proceedings, the Court will broadcast all Jury Trials on WebEx video conferencing.
- c. To watch any of the Aurora Municipal Court Jury Trials by WebEx, please click on the link for the division you wish to watch:  
Division 1  
<https://auroragov.webex.com/meet/Div01>  
Division 2  
<https://auroragov.webex.com/meet/Div02>  
Division 4  
<https://auroragov.webex.com/meet/Div04>  
Division 5  
<https://auroragov.webex.com/meet/Div05>  
Division 6  
<https://auroragov.webex.com/meet/Div06>
- d. After you click on the link, follow the log in instructions. Once the WebEx session starts, you will be able to watch the proceedings.
- e. If you have any questions, please call 303-739-6421, option 1.

THE ABOVE PROCEDURES AND PROTOCOLS ARE HEREBY ADOPTED AS AN ORDER OF THE COURT.

DATED THIS 1st DAY OF FEBRUARY 2021

  
\_\_\_\_\_  
Dr. Zelda DeBoyes  
Court Administrator  
Aurora Municipal Court

  
\_\_\_\_\_  
Hon. Shawn Day  
Presiding Judge  
Aurora Municipal Court



# CITY OF AURORA

## Council Agenda Commentary

<b>Item Title:</b> 2021 Fireworks Approach
<b>Item Initiator:</b> Danelle Carrel, Committee Liaison
<b>Staff Source/Legal Source:</b> Caine Hills, Deputy Fire Chief
<b>Outside Speaker:</b> N/A
<b>Council Goal:</b> 2012: 1.0--Assure a safe community for people

### COUNCIL MEETING DATES:

**Study Session:** N/A

**Regular Meeting:** N/A

---

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

- Approve Item as proposed at Study Session
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Approve Item with Waiver of Reconsideration  
Why is a waiver needed?[Click or tap here to enter text.](#)
- Information Only

---

### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** N/A

**Policy Committee Date:** N/A

### Action Taken/Follow-up: *(Check all that apply)*

- Recommends Approval
  - Forwarded Without Recommendation
  - Minutes Attached
  - Does Not Recommend Approval
  - Recommendation Report Attached
  - Minutes Not Available
-

---

**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.)*

N/A

---

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

Update to City Council on Aurora Fire and fireworks enforcement, data, ordinance, and resources.

---

**QUESTIONS FOR COUNCIL**

N/A

---

**LEGAL COMMENTS**

The City Manager shall be responsible to the council for the proper administration of all affairs of the City placed in his charge and, to that end, he shall have the power and duty to make written or verbal reports to the Council concerning the affairs of the city under his supervision. (City Charter, Art. 7-4(e)) (Garcia)

This item is informational only. There is no formal council action necessary.

---

**PUBLIC FINANCIAL IMPACT**

YES       NO

**If yes, explain:**

---

**PRIVATE FISCAL IMPACT**

Not Applicable       Significant       Nominal

**If Significant or Nominal, explain:**

# FIREWORKS APPROACH 2021



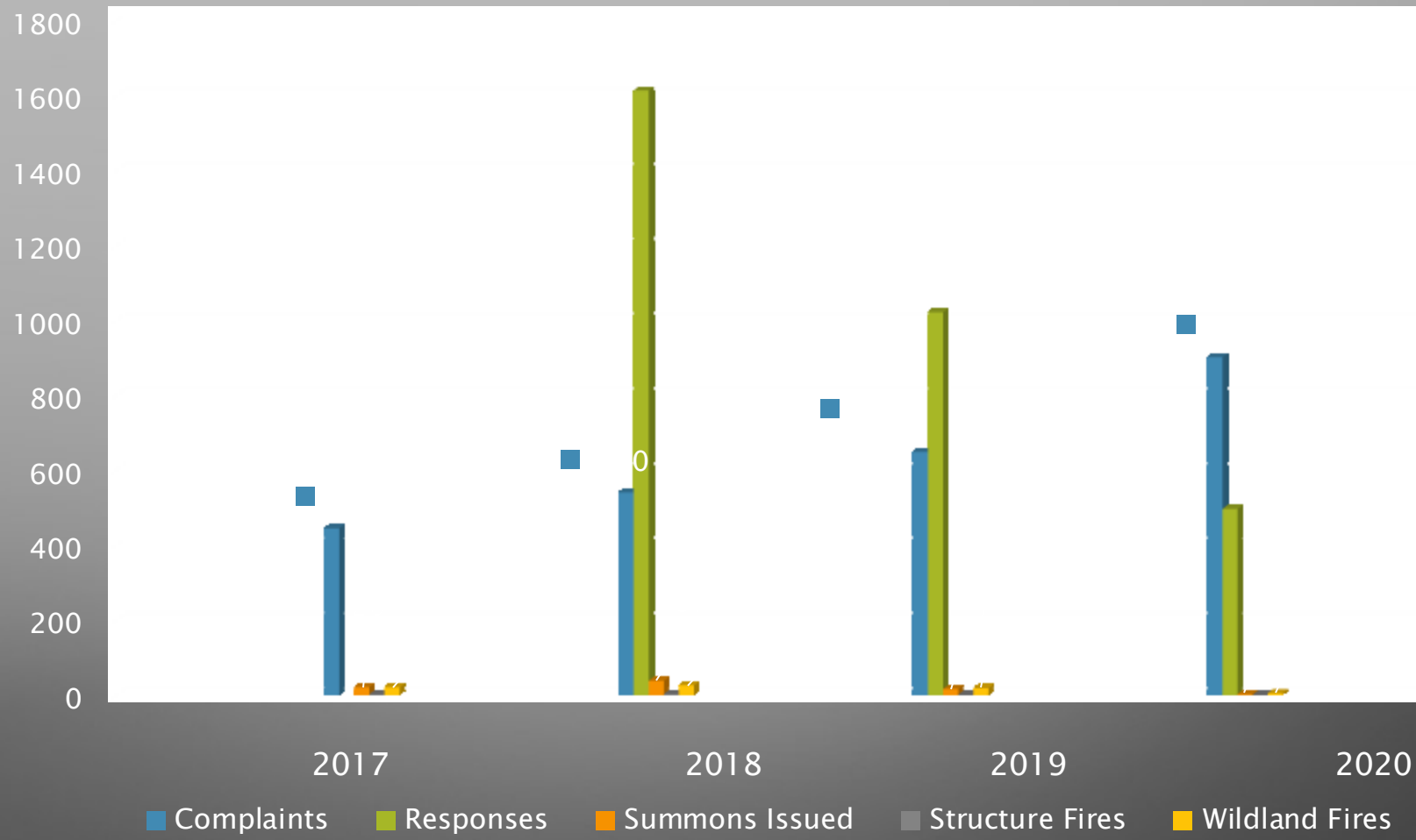
Presented By:

Inspections & Investigations Division



# COMPLAINTS, RESPONSES, SUMMONS, STRUCTURE AND WILDLAND FIRES- 2017, 2018, 2019, 2020

Chart Title



# 2021 DATA COLLECTION

- Complaints
- Summons
- Responses
- Fires
- Follow ups



# COMPLAINT PROCESS

- Communications center non-emergent line
- Online complaint form
- 911
- Summons have jail potential
- Criminal violations require a witness to verify



4

# 2021 STRATEGY

- Joint APD/AFR Approach
  - 1 APD and 1 AFR fire investigator per car on July 1-3 for a total of 5 cars.
  - 1 APD & 1 AFR fire investigator staffing 3 cars, 1 APD & 1 AFR fire inspector staffing 2 cars, 1 AFD & 1 AFR sworn firefighter staffing 4 cars, for a total of 9 cars on July 4<sup>th</sup>.
  - 1 APD and 1 AFR fire investigator staffing 5 cars on July 5<sup>th</sup>
  - Only APD Officer and Fire investigators will issue F summons.
- Settings for fireworks tickets:
  - NO more than 30 each day.
  - AFR Follow ups June-July



# MARKETING AND EDUCATION

- Notifications in the Aurora Water Bill
- Facebook and Twitter
- Departmental web page
- Instagram
- Messaging dependent on fire ban status



6

# CONTRIBUTING FACTORS AND POSSIBLE MECHANISMS TO ADDRESS CONCERNS

- Fire Ban
- Weather
- July 4<sup>th</sup> Spectacular
- Allow fireworks based on indices employing FM 1000, ERC, and U.S. Drought monitor.
- Task Force (APD/AFR enforcement approach related to resources)
- Confiscation
- Education (vendor)



# CONTRIBUTING FACTORS IN 2020 RELATED TO FIRE BAN

- Statewide fire ban issued by Governor Polis (Covid).
- Worst wildland fire season in State of Colorado history.
- 75 percent of the state was in severe drought conditions.
- Wildland Team deployment.
- Brush/grass fires were up 53% from the same period of previous year.
- Multifaceted
- [https://players.brightcove.net/1640544031001/default\\_default/index.html?videoid=6160382412001](https://players.brightcove.net/1640544031001/default_default/index.html?videoid=6160382412001)



# SUMMARY

- AFR is starting education efforts in June 2021.
- Engaging the community
- Online reporting form:

## Witness/Complainant Contact Info:

\*Name  
\*Address  
\*Phone  
\*Email

## Location of the Violation – Where are Fireworks Being Used?:

\*Location (in the street, at the park, etc.)  
Address

**Attachments:** Photo Video Submission option

**(check box)** I know the name or home address of those using illegal fireworks (if checked yes, another 2 fields would pop **open** Fireworks User Info and Checkbox for Testimony)

## Fireworks User Info:

Name  
Home Address  
Vehicle Description  
Vehicle License Plate

**(check box)** I am willing to sign a complaint and testify in court.







**THANK YOU**

# APPENDIX

## FIRE BAN MEASURES

- Various weather stations around the state were contacted and we discussed how the 1000/100/10-hour fuel moisture measure is calculated. The University of Colorado at Boulder Weather Station communicated that these numbers are computed several different ways. Scientists or research assistants typically do not take manual reading in urban areas; however, the measures are a combination of max/minimum relative humidity, max/minimum temperature, and precipitation duration in hours. The diameter of the fuel measured employing the 1000-hour fuel index is larger and takes longer to reach the threshold for concern compared to utilizing the 100-hour fuel moisture index. The 100-hour index is far more dynamic based on a smaller diameter of fuel, which would dry out quicker.

# FIRE BAN MEASURES (CONT.)

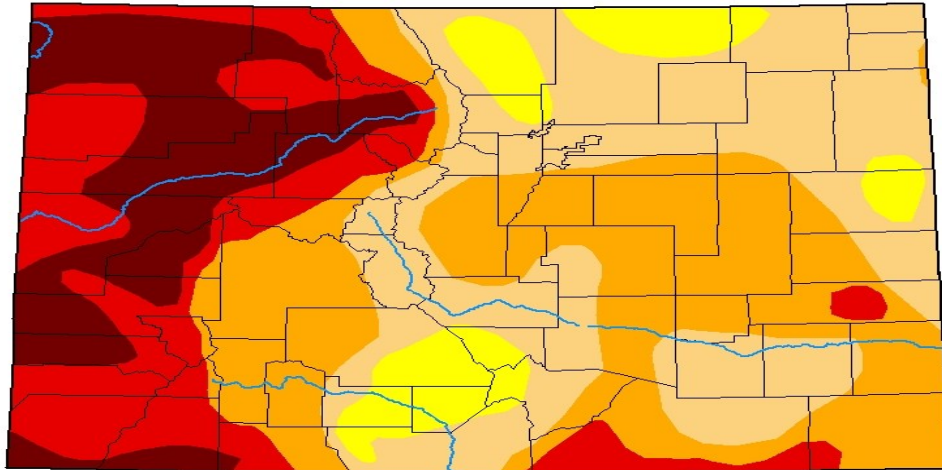
- Dead fuel moisture can also be calculated from observed and/or forecasted weather data. Model calculations of 1-hour, 10-hour, 100-hour, and 1000-hour fuel moisture are routinely made utilizing this approach. The 10-hour fuel moisture index is even more prolific due to the inclusion of pine needles, dead vegetation and brush (even smaller fuels compared to the 100 and 1000-hour measures). As of May 5, 2021 the FM 100, FM 1000 are  $>12$  and the ERC is 40. Measures  $<12$  for FM measure and  $>70$  for ERC are the critical regions.

# FIRE BAN MEASURES (CONT.)

- The United States Drought Monitor (USDM)
- <https://droughtmonitor.unl.edu/>

None, D0 abnormally dry, D1 moderate, D2 severe, D3 extreme, D4 exceptional

# D2 SEVERE DROUGHT APRIL 13, 2021



# FIRE BAN STAGES

- **Stage 1 Burn Restriction:** The first stage occurs when there is an increasing fire danger and/or an increasing preparedness level, and the positive aspects of allowing the use of legal fireworks begin to be outweighed by the risks in allowing the use of legal fireworks. Stage 1 imposes restrictions aimed at preventing the start of structural or wildland fires based on the usage of all fireworks. A Stage 1 Restriction affects the following:

# FIRE BAN STAGES (CONT.)

- Recreational fireworks / devices requiring ignition, such as sparklers, snakes, aerials, comets, flares, flyers, fountains, missiles, mortars, spinners, punks, rockets, shells, etc.

# FIRE BAN STAGES (CONT.)

- **Stage 2 Burn Restriction:** As the risks increase, the Aurora Fire Rescue may choose to implement a Stage 2 burn restriction. This stage intensifies the restrictions from Stage 1 by focusing on activities that typically are managed under permitting or a contractual agreement. The activities listed below are considered high risk related to fire causation. The following are restricted under Stage 2:



# FIRE BAN STAGES (CONT.)

- Recreational fires; (any outside fire producing sparks or embers)
- Bonfires;
- Open or prescribed burns;
- Outdoor smoking in ALL CITY PARKS AND OPEN SPACES;
- Small internal combustion engines operated without a properly installed, maintained, and functioning spark arrestor;
- Model Rockets.

# FIRE BAN STAGES (CONT.)

- **Stage 3 Burn Restriction:** This stage is selected when there are very high risks and the ability to manage those risks using Stage 1 or 2 restrictions are no longer appropriate. The social, economic, and political impacts of implementing a Stage 3 are outweighed by the potential for human-caused fires, which can increase vulnerabilities to the community. The following items are restricted under Stage 3:

# FIRE BAN STAGES (CONT.)

- Select pyrotechnic or commercial activities;
- Portable or fixed fireplaces, and fire appliances, intended for outdoor use;
- Cooking devices, intended for outdoor use, fueled by solid materials (wood, pellets, or charcoal) and/or liquid propane gas (LPG), natural gas or liquid fuel, in city parks and open spaces.
- All other activities described in Stage 1 and Stage 2 burn restriction criteria.

# NFPA 2021 FIREWORKS SAFETY MESSAGE



FIREWORKS are often used to mark special events and holidays. The only safe way to view fireworks is to attend a professional show. With many professional firework shows being canceled this year, it is important to know that **fireworks are not safe in the hands of consumers**. Fireworks cause thousands of injuries each year.

**A few ideas to get into the patriotic spirit, without fireworks:**

1. Use glow sticks, they glow in the dark and are a safe alternative to a sparkler. Fun for all ages.
2. Loud and proud. Noise makers are sure to make a statement. They can be found at local party supply stores or make your own.
3. Outdoor movie night. Set up a screen and projector. Don't forget the bugspray!
4. Red, white and blue silly string...fun for all ages.
5. Make a patriotic craft with the family.
6. Throw a birthday party for the USA, and don't forget the cake.



**FACTS**

- ⚠ More than 19,500 reported fires are started by fireworks annually.
- ⚠ Burns account for 44% of the 9,100 injuries treated in emergency rooms seen in the month around July 4.
- ⚠ Half of the fireworks injuries seen at emergency rooms were extremities: hand, finger, or leg. One-third were to the eye or other parts of the head.
- ⚠ Children ages 10-14 had the highest rate of fireworks injury, with more than one-third (36%) of the victims of fireworks injuries under age 15.
- ⚠ Sparklers account for roughly one-quarter of emergency room fireworks injuries.

Source: U.S. Consumer Product Safety Commission (CPSC) 2018 Fireworks Annual Report



# COMPARABLE CITIES

- **Arvada**

**Illegal:** Possession and use of any and all fireworks, including sparklers.

- **Boulder**

**Illegal:** Fireworks that explode or leave the ground.

- **Broomfield**

- **Legal:** Sparklers, trick matches, cigarette loads, trick noisemakers, toy smoke devices, and novelty auto alarms.

- **Centennial**

**Illegal:** Fireworks that explode, break off into pieces, or leave the ground.

**Legal:** Sparklers, cones, snakes, and fountains.

# COMPARABLE CITIES

- **Commerce City**

**Illegal:** Sale, possession, and use of any and all fireworks, including sparklers.

- **Denver**

**Illegal:** Fireworks with a fuse and/or require a flame for ignition.

- **Parker**

**Illegal:** Fireworks that explode or leave the ground.

**Legal:** Fountains, wheels, spinners, illuminating torches, dipped sticks, sparklers, snakes, and glow worms.