



AGENDA

Public Safety, Courts and Civil Service Policy Committee

June 17, 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 187 216 3804

Council Goal: Assure a safe community for people

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4. General Business	
4.a. June 2021 Crime and Police Attrition Data Darin Parker, Deputy Chief of Police / Megan Platt, Assistant City Attorney (10 Minutes)	14
4.b. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ADDING A NEW SECTION TO BE NUMBERED 94-122 TO THE CITY CODE PERTAINING TO PROHIBITING UNAUTHORIZED CAMPING ON PUBLIC OR PRIVATE PROPERTY AND ADDING ARTICLE IV, SECTIONS 114-106 THROUGH 114- Mayor Mike Coffman / Tim Joyce, Assistant City Attorney (25 Minutes)	23
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5. Miscellaneous Matters for Consideration	

6. **Confirm Next Meeting**
July 15, 2021 at 11am via WebEx
7. **Adjournment**



Public Safety, Courts and Civil Service Committee

May 20, 2021

Members Present Dave Gruber, Chair
 Marsha Berzins, Vice Chair
 Curtis Gardner, Member
 Mayor Pro Tem Francoise Bergan
 Council Member Juan Marcano

Others Present M. Cain, A. Garcia, J. Batchelor, D. Wilson, A. Robnett, A. Dickens, S. Wright, M. Nelson, C. Hills, D. Brotzman, G. Koumantakis, J. Bergeron, M. Platt, C. McDonald, J. Heckman, S. Day, W. Lippman, C. Andersen, F. Gray, E. Madden, I. Evans, J. Bajorek, Z. DeBoyes, R. Jackson, S. Stowell,, M. Longshore, R. Pena, C. McCoy, R. Repola, S. Redfearn, C. McDonald, C. Juul, J. Schneebeck, R. Weber, C. Amsler, R. Moody, M. Smith, D. Giordano, M. Chapman, J. Lanigan, C. Carlson, T. Buneta, M. Hanifin, E. Wittman, R. Venegas, J. Twombly, B. Sauder, K. Claspell, L. Dalton

1. Call to Order

Meeting called to order at 11am.

2. Approval of Minutes

April 15, 2021 minutes approved.

3. Consent Items

3.a CU Anschutz and APD Intergovernmental Agreement

Approved to move forward to the next Study Session

3.b Vehicular Public Nuisances Ordinance

Approved to move forward to the next Study Session with a full presentation from Staff expected.

4. General Business

4.a May 2021 Crime and Police Attrition Data

Division Chief Stephen Redfearn provided crime stat updates to the Committee. Physical arrests are up 41% over the prior weeks and some restrictions are being lifted at the jails with more expected in the coming weeks to allow for more arrests. Tickets are up 334% in the 4-week period. Officers have conducted a few traffic operations in conjunction with State Patrol resulting in 164 summonses issued in a short period of time. Auto Thefts continues to be one of the higher crimes in the area. District 2 and PAR joined up with CMATT to conduct a few operations over the last two weeks. The first resulted in nine stolen car recoveries and two arrests.

The second resulted in four stolen car recoveries and one arrest. The new foot patrol initiative has been very successful in the last six weeks. There have been 346 business contacts along the Colfax corridor with a lot of positive feedback. During the month of April, there were no reported sex offenses, drug related events or burglaries in that section. Assaults and vandalism were statistically average and a 40% decrease in street robberies and business robberies in the area of foot patrol focus. Crime is likely to go up in the Summer months. However, analysts have predicted that if the trends continue there will likely be a 10% or so overall crime reduction in that area compared to last year. PAR teams are working on other issues with CDOT to address homelessness cleanups on the highway and abatements as well as working with the Housing and Community Services on issues that regularly come to Council's attention.

Gruber: I'm appreciative to the fact that we're coming to the end of COVID and the police are becoming more prevalent and people are seeing that. Let me go another step though, it doesn't look like motor vehicle theft – When do you think we'll see the turn of motor vehicle theft? What is it going to take before thieves start saying we need to knock this off and move out of Aurora? What do you think is going to implement that change?

Redfearn: In my opinion, and my prior work on the auto task force, this has been a problem before COVID. Some of the issues we see with the auto theft is the inability to keep the offenders locked up. That continues to be somewhat of an issue for us. Right now, during COVID, we haven't been able to take auto thieves to jail and they know that so that continues to be an issue. Now that we're able to arrest on most felonies again and actually jail, hopefully we'll see some downward trends on those.

Gruber: As far as the number of assaults, that looks like it's increasing a little bit. I guess that's because people are coming out of their houses and being more public. Do you agree with that or do you have another observation?

Redfearn: That's the same assessment we had, Sir. People are being more active. Our domestic violence is likely going to trend down because people aren't cooped up as much. We've seen more general fights and we see that every year when the weather gets warmer anyway, but people seem to be very happy to be out of their houses and getting into things in public.

Berzins: I see on NextDoor all the time people posting that people are walking around their cars at 2am, or they tried to break into cars. I wanted to ask about cars being stolen around hotels, which is not a reputation we want, or any city wants. Is there a reason that you're seeing that cars are being stolen? Are they just not being locked or they're leaving stuff in the car...What have you found?

Redfearn: It's a little bit of all of the above. What we've seen on the motels specifically on 40th Avenue by the airport – It's actually an ideal situation for a lot of these auto thieves because some of those hotels offer an incentive where people can park at the hotel and take their shuttle out of town. So, sometimes what we're seeing is that people won't even know their vehicle is stolen for about a week, so it gives the thieves some lag time to drive the car before it's reported stolen. Quite frankly, it's just a situation where there's a lot of cars parked and it's easy access. Because of the transit nature of auto thieves, hotels are hot spots for thefts and recoveries.

Business Services Manager John Schneebeck presented the attrition data to the Committee for January through April of 2021. The chart provided in backup gives the 2018-2021 data to give perspective of the data compared to years past. Three classes have been started in 2021 adding 36 sworn FTE's to the organization. So far in 2021 there has been a loss of 48 resulting in a net decrease of 12. So far for the month of May, there will be six more lost.

Gruber: I like the slides. I think the most important thing to take from the slides are the slope of the graphs – whether the slope is increasing or decreasing. It looks like the slope started last May at a very high rate and we're following, if not increasing, the slope of people leaving. I've heard rumors of more officers leaving, which is a major concern. As far as the Academy graduates, I'm glad to see the classes are large. I'm very encouraged that so many people are interested in joining the police department. That's very good. But there's a real difference between taking an officer with 10 or 15 years' experience and switching that officer out with someone just out of the Academy. The level of experience within the total police force is dropping. I don't know what else we can do on this, Chief, if you could give me your thoughts.

V. Wilson: Obviously when you see numbers of people that we've hired, you're correct, we don't know if they're actually going to make it 100% through training and even when they do, they're not going to have the level of knowledge or experience of the officer that we've lost. So, I'm extremely concerned. There is talk of more officers leaving the agency. Next month we want to bring back an organization chart to show you where all the holes are and how that's affected the units in the organization and still trying to combat crime. The consent item you approved for Study Session is an example of what we're doing to not only work with the public to give them an opportunity to comply but also something that we can try to help quality of life. I know people are upset about shots fired, they're upset about racing, and their upset about many quality of life issues here in the City of Aurora. We are truly losing officers in an alarming rate and so with that we are spread very thin and we're doing the very best we can. So, I don't have the answer, Sir. I'm hoping that once we're through some of the investigations that we're waiting on and as we continue to try to build trust within the community and rebuild the overall reputation of the agency. I think we've made mistakes, but we are a great agency and the men and women that are committed to staying here are doing a phenomenal job. We are doing the best we can, and we are trying to de-escalate situations and do exactly what the public is asking for. We appreciate any support, and, with that, I just pray that the exits slows.

Berzins: I do know that y'all are doing the best you can, and you are short-handed. I have heard how some of your units are missing people and maybe you had to do away with a unit or two because you just didn't have the manpower to do it safely. I think it comes down to the knee-jerk reactions of Bill 217 and taking away things like immunity. We all know that public safety is our number one concern. If our citizens don't feel safe, they don't want to be here. Other cities have learned the hard way when they came out with their defund the police. It was historic and it just hit the police in a lot of different ways. You have made a lot of changes and it breaks my heart that we have council members that have called our whole police department racist. How do you build morale in a company like the police department or the fire department when you look at the color of people's skin first before you look at what they can do and who those people are. I think it comes

down to – A huge part of building morale again is letting our police and fire and all first responders know that we have their backs. We do realize that some mistakes were made and you're going to correct that, but we have to remember sometimes the plans that you put in place to change everything can be worse than the problem itself. We have to think about what we're doing and the long-term consequences of the public safety for all Aurorans and work on that and build the morale. I just think that's something we need to work on instead of always being negative. Let's be positive and build people up. Get rid of the problems, but start building up our police and fire, all the first responders. It's so important to have people going to work every day knowing that someone has their back. They're not the evil person that they're made out to be. I hope this works out. I don't want to see us losing more people and we have to get more people in our classes. I want to be positive and not just bashing our first responders.

Outcome

Information Only

Follow-up Action

None.

4.b Jonathan Smith Report Analysis and Planned Action (APD)

Police Chief Vanessa Wilson presented this item to the Committee. Topics identified by the Jonathan Smith report as areas of concern and the APD response was provided in the backup and discussed in the presentation. Some changes were made prior to the report being provided and some were made after. One of the issues identified in more than one topic was the collection of data and reporting. APD has identified Benchmark Analytics software as the solution and is moving forward with procurement and eventually implementation. Additional training on search and seizures is being provided and a video has been produced to facilitate this training. The report identified Use of Force. City Manager Twombly decided to ban the use of the carotid control hold in June 2020 and this was memorialized in directives. Officers are no longer trained to use this hold, nor is it authorized. Other directives were implemented that mirror SB217. One specifically mandates officers to intervene if they see unauthorized use of force by any other officer of any rank or seniority. The Officer Relief Directive allows any officer involved in a highly charged arrests or struggle an opportunity to de-escalate when another officer arrives on scene by giving them the opportunity to step away providing a calming effect to situations. The Force Investigations Unit was developed in February 2021 and will be focusing on enhancing the efficiency of investigations of use of force. The Force Review Board focuses on if the force was justified and if it was within policy. The FIU will actually look at each use of force by conducting interviews of witnesses or officers, look at video available, and really dig into the case. It may have been justified, but was it necessary, and is there a training issue with the specific officers or department. The Wrap body restraint allows for a quick application and puts individuals in a sitting position rather than prone. They are being distributed to each district for use rather than using the hobble. The wrap is more humanizing and the hobble can sometimes cause a reaction from the individual it has been applied to, some may panic and start having issues with breathing. The Wrap has been reviewed by doctors and agree it is a good system to use because it allows the individual to stay sitting upright and allows the chest to

rise and fall without any pressure. The hobble is still currently authorized. The wrap is expensive, but the goal is to have one in every car, so officers have that tool at their disposal quickly. In response to de-escalation, the department is changing the way training is being done. This involves real-life scenarios with actors and high-risk stops training with emphasis on decision-making. Training for officer safety is of the utmost importance but they need to also be able to switch gears quickly for the situation at hand and changing the way they respond. Aurora Fire Rescue has created SOP 6.14 with collaboration from APD to have a clear phrase that will be used when they assume care of the patient. Everyone is currently being trained on this SOP. Jonathan Smith report was critical of the after-incident investigations. Chief Wilson reached out to, both, the 17th and 18th DA's and requested to join their Critical Incident Response Teams (CIRT). As a result, APD will no longer investigate their own officer involved shootings or critical incidents. In response to the implicit or unconscious bias in policing, Chief Wilson created the Community Relations Chief Executive position and brought Claudine McDonald over to fill this position. As a civilian member of the executive team, and highly respected DEI trainer, she oversees Recruiting and will be providing the curriculum for the department's ongoing DEI training. Benchmark Analytics is expected to aide in data collection and reporting of bias policing trends. In response to the item identifying crisis intervention and encounters with persons perceived to be in crisis, APD is participating in and collaborating with the City's "Right Response" program. APD has also contracted with Brower Psychological Services to provide online-based CRT training that will allow schedule flexibility for the officers taking the training, so they are able to take it anytime of the day. If staffing ever gets to the point where it's possible, the Chief plans to increase the size of the Crisis Response Team. Accountability has been added as one of the pillars of the APD's Core Values. Officers coming in to the agency, and those already employed, are being trained to do things the right way and if, for some reason they don't, they will be held accountable. The internal auditor has or is conducting audits of specific units to ensure APD is conducting business in these units appropriately. The "New Way" initiative was highlighted and included in the presentation.

Gruber: Could you define Terry Stop?

V. Wilson: I don't have it in front of me but it's a reasonable suspicion-type stop. Where the officer feels like they need to contact the person and if there is a need for a pat-down for weapons. That is what he referred to it as in his report. We're going over all consensual stops or reasonable suspicion stops within our agency. Making sure that everyone understands the rules, and everybody understands how to document the reasons for the stop. So, there is no gray area and it's very clear on why an individual was stopped.

Gruber: The database itself is going to be collecting information on every officer, on how many times they stop and things like that. I guess my concern is that it will have a chilling effect. Could it have a chilling effect where an officer doesn't stop when his or her gut says I should stop this person?

V. Wilson: It shouldn't at all. We already track it, but we don't have a system that we can easily pull it from. This will just give us a system that we can analyze information quickly and provide statistics.

Berzins: Is there a way to buckle individuals properly to make sure they stay sitting up?

Juul: Yes, it does secure them in an upright position. Secondly, we have instituted a policy where folks that are put into this system are transported via ambulance and not in the back seat. Usually folks put in these have been in some sort of struggle and increases the possibility of positional asphyxia and things like that. So, we want to make sure that they're in the best place for any medical care that they need. The back seats really don't work well for somebody in this position.

Gruber: What is the status of the 21CP report?

Batchelor: We've been having discussions with them and we anticipate their report in the next few weeks. I don't know if Jim has additional details on that. Again, I think we're nearing the end of their work and we're anticipating a report that we can bring forth to council for discussion and review in the next few weeks.

Gardner: I'm glad to see this presentation happen. When I first interviewed Jonathan Smith last year, one of the things I said to him was that it was important to me that we didn't just spend the money and the time to do the report, get the final product and stick it up on the shelf. So, I'm really glad to see, both, from police and fire taking some of the recommendations and putting them into practice. It's also worth acknowledging that quite a few of the recommendations have already been implemented in the last year. One of my big concerns from the report was what they considered some constitutional violations. I take that pretty seriously in terms of protecting our civil liberties because the constitution exists to limit the role of government and limit the government's power and I think that's appropriate. I'm glad to see the search and seizure training that you're doing. I think that's great. I'm really excited to see the critical incident response change. I think that's going to be good. I'm really happy to see the changes and that you're taking it seriously, I think that's important to point out and I just want to express my appreciation for that. I think there was some – when it was presented to council – I think there was some skepticism about the report from some people and I just want to acknowledge Chief Wilson, I really appreciate you taking some of these suggestions and putting them into practice because I think at the end of the day it's going to be good for our community.

Berzins: I was one of those people that had skepticism, so I'll own that. When you were talking about crisis intervention and encounters, you mentioned mental health resources. In all this money coming out of Washington, are you going to get any money for additional mental health crisis services or a mental health professional to ride with the police or anything at all? Are you getting an increase in your budget for anything mental health?

V. Wilson: We do have clinicians right now that are sent to us from Aurora Mental Health Center. I have to have the officers to staff to increase the police side, but the City is backing the "Right Response" program that will be housed under Neighborhood Services, so we'll just be assisting and helping them. I'm sure they're going to be going for some sort of grant.

Gruber: I was also one of the skeptics. I mean, when they said that the area on Colfax was a low crime area, that was the first time I raised my eyebrow. There are a few other comments that I had issues with. Having said that, the recommendations and your implementation of the recommendations is very impressive. How you've taken those and moved those forward. I also like the fact that you've been creative and how you can make things happen as opposed to simply changing the process.

You've created processes and you've created techniques to deal with the challenges that were identified in the report. I congratulate you and I congratulate the senior leadership, as well as the entire police force, for embracing these changes and making this happen. Talking to AKCRT and some other folks, it's obvious that people are seeing the changes. I think that as more people go outside and interact more following COVID, that the police will be seen in a light that people recognize that you're there to protect and provide our public safety and appreciate you for those efforts.

Outcome

Information Only

Follow-up Action

None.

4.c Aurora Municipal Court Update

Presiding Judge Shawn Day started off the presentation to the Committee. Informational slides and documents were provided in backup. Municipal Court appointees reports directly to the Mayor and City Council. There are six associate judges and nine relief judges, representing the most diverse bench in the State. Not included in backup is the newly implemented Armed Forces Treatment Court, which would be associated with the Wellness Court Coordinator and Assistant. Municipal Court handles ordinance violations which are criminal cases at every level, including what would be felony level cases, protective orders, and other municipal-type cases. Senate Bill 271 was just introduced is from the CCJJ that proposes to reclassify misdemeanor crimes in the State of Colorado. Felony reform will be coming next year. Judge Day represents the municipal government on this board. Speedy trial requirements are limited to 91 days versus the six months allowed by state statute.

Deputy City Attorney Julie Heckman presented information on the Criminal Justice Division. When fully staffed, there are 17 line prosecutors, nine support staff, and two victim witness liaisons. The City Attorney's Office has worked with the City Manager and Budget Office recently to advertise the Public Safety Manager position as an over hire that will be assigned to the Civil Division. This position will work with police, fire, and neighborhood services to start addressing some of the issues previously discussed such as the youth violence prevention program, Right Response Program, etc. This position will also assist in coordinating on all the ongoing investigations and working on anything that comes out of those investigations. Prosecution is the legal party responsible for representing the City of Aurora and presenting the case in a criminal trial against the individual accused of violating any city ordinances. The prosecuting attorney's goal is to serve the public interest and maintain public safety. Aurora has a very large municipal court and unique in the number of cases that go through the court and because Aurora sits in multiple jurisdictions. Aurora Municipal Court sees 40,000-50,000 cases each year. The City Attorney's Office is the plaintiff on each case, and they represent the City on all cases. There are seven fulltime court divisions that operate Monday-Friday, 8am to 5pm. There is also a First Appearance Center (FAC) where all traffic cases start out and traffic arraignments are heard each day from 8am to noon. They have a general docketing system to get cases quickly into those seven fulltime divisions. There is one attorney assigned each day to each of the

courtrooms and they are responsible for preparing the entire docket, which includes trials, motions, pre-trial arrangements, etc. Jury trials are held on Tuesdays and Thursdays of each week. There are a large variety of cases and defendants represented in the Aurora Municipal Court. Defendants can represent themselves, have outside counsel, or be assigned a public defender. There are also specialized courts such as Teen Court, Wellness Court, and Armed Forces Court. The City Attorney's Office frequently works with the 17th and 18th Judicial District on cases. They also partner with the Juvenile Assessment Center (JAC). There was a grant in 2017 that the City Attorney's office and JAC applied for and was awarded. Although the grant is no longer ongoing, the partnership is still utilized. The JAC takes a holistic approach and does a complete one-on-one assessment involving the juvenile and the parents or guardians about the case or underlying issues causing the behaviors. This information is used by the City Attorney's office in determining a good resolution for the juvenile cases. The expungement process is simplified so, as soon as a judgment is made and case is closed, the case and all associated records are expunged within 42 days. Discovery obligations have been a challenge because many documents are still in paper files in addition to the digital files that are collected. All materials must be provided to the defendant as quickly as possible. The Court and Staff are working collaboratively on getting the court moved over to electronic discovery and electronic filings. Court IT has limited resources with only four employees that have to deal with the large court size and caseload. The transition to electronic files will hopefully allow prosecutors more time to spend on case preparation and working with the victims and witnesses.

Court Administrator and Detention Center Director Zelda DeBoyes explained that there are five divisions under the Court Administrator; Court IT, Case Management Division, Marshal Division, Probation Division, and Detention Division. Court IT has four assigned staff. They were able to implement virtual court in just 30 days when the pandemic restricted gatherings. The Case Management Division handles many programs such as the Interpreter program. In 2019, there were about 75 to 80 different languages spoken in the court. They are also responsible for ensuring funds are appropriately handled and for docketing any cases or motion that comes to them. They were very helpful in 2020 in handling all the rescheduled cases. The Marshal's Division are basically the police of the court. They provide security in many different ways inside and outside the building. They took an active role during the protests with any disturbances that we had in the building working with APD. They were active during the unrest at ICE last year as well. The Probation Department focuses on ways of providing alternatives to sentencing. There has been a very large domestic violence case load recently. Dr. DeBoyes participated in a survey recently and was contacted by the survey company who told her they would be removing Aurora from the survey because the numbers provided skewed the results significantly. Aurora had about 1,200 domestic violence cases. The closest to Aurora was Lakewood with 290 cases. That shows the level Aurora is at versus other colleagues in the community. The primary customer of the detention facility are law enforcement officers throughout the metro area as well as the state. They participate in the Transports Across Colorado program. Court filings are down but are on the rise. They aren't back to pre-COVID levels, but they are increasing. Even with COVID, there were 27,000 cases filed last year which shows that they are still busy and things are still happening in the city. Some of the Muni Court stats from prior years include programs that we no longer use such as photo red light and parking which now falls under Public Works.

Judge Day explained that the court never closed during COVID, although it had a significant impact on the number of people in custody. They developed ways to that they could continue to do business in a safe way. There was a lot that went into the development of creating a virtual court and they were able to get it done in less than four weeks. That's because of the tremendous work of the four departments but mostly because of Court IT. They deserve most of the credit. They also needed to establish COVID protocol for jury trials. The shut-downs created a backlog. They are still working through those cases that were pushed due to the shut-downs. Judge Day participated in a seminar with other judges from around the country to discuss the protocol established by Aurora staff. Staff continued Teen Court, Wellness Court, and stood up Armed Forces Court during the pandemic. They are still involved with the National League of Cities CAFFE initiative, which has a June 30 deadline. Court operations after COVID will continue to be a hybrid court so virtual court is here to stay. There will be challenges with new legislative mandates such as a potential 48-hour bond hearing requirement which would have an impact on bond hearings that could include Saturday hearings. They are still in the process of going to a paperless court system, which will be a multi-layer and multi-year project.

Chief Public Defender Doug Wilson added that the assessment of the Public Defender's Office is underway. When it is complete, hopefully late Summer or early Fall, he will bring this report to this committee for review and discussion. He emphasizes the need to move to a paperless system.

Gruber: You had a slide that talked about that if the officer needs to make the decision as to whether or not to go to municipal, district, or state court. Does the city attorney work with the officer when that decision is made or is that a process within the police department solely?

Heckman: Generally, it is within the police department. They'll make the determination on what charges need to be brought and which court those are brought in. There are times that they'll contact our office and we'll look through that or if something gets charged that would be better off in the state court system we can collaborate on that.

Berzins: I have heard wonderful comments on how you handle the juvenile cases. Are you going to have to revamp or reorganize over the restorative justice program and how will those two fit together?

Heckman: I think a lot of that will be determined on what Council provides and what comes out of the RFP. Restorative justice can be handled in different way. I believe there is a place for it, not just with juvenile, but also adult cases. I think it depends on the way it is ultimately structured.

Berzins: I just don't want to see any duplications because no one has time for that. I guess once it's structured, we'll be able to see that y'all will work together.

Heckman: Dr. DeBoyes has someone on her probation staff that has experience in that. So that's another way, is it could be routed through probation. But, again, we'll all work together and see what direction comes from Council.

Gruber: Since the Restorative Justice is going to go across several appointees, I think this committee should take a look at that as well. Thank you for the presentation. It's always so revealing to see how many things are going on within

the city especially with each of the appointees and the amount of effort and responsibility, how you've taken the challenge, how you've worked together in dealing with the challenges, how you created new processes, and how you did this under a worldwide pandemic. I congratulate all of you. I think the entire council congratulates all of you for your success in taking care of the people of Aurora, so I want to thank you for that.

Day: At some point in time I would like to do a presentation sometime in the Summer about our new Armed Forces Court and bring some of our community partners.

Outcome

Information Only

Follow-up Action

None.

4.d 2021 Fireworks Approach

Deputy Fire Chief Caine Hills presented this item to the Committee. Backup was provided in the agenda packet. Metrics for the complaints, responses, summons, structure and wildland fires are collected from July 1 to July 4 of each year. Last year was an outlier based on the complaints that can be attributed to the inability to respond and have enough resources to actually get out and make contact with the public. There were six cars staffed by AFR personnel that went out for firework enforcement. AFR created a complaint form with various fields for data collection. After July 4, they evaluated the data. Staff from the Investigations and Inspections Division went out to 372 homes to ask if anyone wanted to file a complaint or if they were willing to come to court and testify. Out of those, there was only one person willing to do so. Staff took a multifaceted approach by getting out ahead of July 4 with the enforcement and then following up afterward so the community knew AFR was engaged, listening to the complaints, and evaluating the information. There are multiple communication channels to file a complaint at any time that include the non-emergency line, online complaint form, and 911. Summons have the potential for jail time which means complainants will have to testify. The strategy for 2021, as has been the practice for several years, is to have multiple meetings leading up to July 4 with all the city stakeholders where they evaluate and discuss components relative to the current year. The approach to enforcement will be five cars solely dedicated to fireworks enforcement beginning on July 1. Beginning on the afternoon of July 4, there will be 9 cars dedicated to firework enforcement with a combination of AFR and APD personnel. The last day of enforcement will be July 5 with five cars. Marketing and education will consist of notifications through the Aurora Water bills, Facebook, Twitter, the department webpage, and Instagram. The critical piece is messaging will be based on the fire ban status. Not only do we have all the complexities with the fireworks shows, the fire ban, illegal fireworks or permissible fireworks, we also have vendors that want to sell permissible fireworks in the City of Aurora based on the 2016 Ordinance. However, in the ordinance there is a component that if AFR recommends a fire ban it would be based on the metrics and what is done regarding dry conditions. Last year was the worst fire situation on record in the State of Colorado with over 75% of the state in severe drought conditions. The metrics used aligned with not allowing fireworks because everything was so dry. The metrics are pulled once a

week and the system projects out a week, so basically two weeks of data is used. This has been done for the last two years. Contributing factors for 2021 included allowing permissible fireworks based on the indices employing Fuel Moisture (FM) 1000, the Energy Release Component (ERC), and the US drought monitor. The threshold for concern would be when the FM goes below 12%. The difference between the FM types would be the type and size of the brush or vegetation. The ERC means how much energy can be released in a fuel once it's ignited and measured in British Thermal Units (BTUs). It causes concern when they go above 70. Another contributing factor last year was that APD was not able to provide enforcement personnel due to everything else going on in the city, specifically leading up to and on July 4. They have found that they do better by driving down streets, making contact with citizens, and educating them on what's legal and what is not legal then confiscating whatever they may have. Education is critical. Vendors have agreed to get on board with AFR by helping to educate the community, not only related to safety and permissible fireworks, but also what not to do and where to do it such as out in a field. National Fire Protection Association (NFPA) is an umbrella agency AFR follows based on numerous programs and processes that are done in the fire industry. Their stance on fireworks is that none of them are safe and they are dangerous. This was included to show that AFR is being extremely reasonable with working with vendors and supporting private business if the climate is right, meaning the indices, the weather, and education align. No one under the age of 16 can purchase any fireworks. Comparable cities were included showing what is legal and illegal in each city. Something to note is that unincorporated counties follow the state guidelines as far as what is permissible for sale and purchase which is why vendor tents can sell outside of the City of Aurora.

Berzins: We all know that fireworks go off in June, the end of June. If someone wants to file an online complaint, they get on that and file it. Do you immediately start tracking those and send out a car? How long does that take?

Hills: To your point, we're getting out ahead of it and going to be proactive and the complaint forms will be up and running in June. What we do is evaluate weekly or as they come in depending on how many there are. Then we'll send our group from the investigations and inspections group to knock on the doors and make contact with the citizen and try to get to the bottom of what's going on. We are very compromising in that some people default to I don't know that it's legal and we provide that information and we try to work with the community on that. Unfortunately, there are complaints that come in that people are constantly violating it and we see those things and we try to get out there as soon as we can. So, we do evaluate all of those metrics weekly and we're going to start that in June and whenever we have complaints from the complaint line, we'll go out and contact the person that made the complaint to try to get some resolve.

Gruber: NextDoor is used, and you're probably going to do that – but NextDoor is a very good way to communicate to the residence as well.

Hills: That's correct.

Gruber: This is going to be the first of two years where people are going to be able to celebrate July 4 without masks on. My feeling is that parties and the events are going to be huge. I know it's only mid-May and we're talking about a month and a half away, but I also know this has been a very wet year. What do you forecast as

far as the fire department supporting the use of fireworks and what type of fireworks do you think you'll support?

Hills: The indices as of today are well within the acceptable limits. We will continue to monitor those leading up to it. We have worked with the vendors and where we have landed was if the indices are within reason on June 11, then they will be able to set up the tents, start the temporary use permit process, and they will be allowed to sell fireworks in the city this year. Unless it turns 90 degrees for the next two weeks with no rain, I believe it looks hopeful for those folks.

Berzins: What will they be allowed to sell in those tents.

Hills: Anything that doesn't leave the ground, nothing that explodes.

Berzins: Will we have our July 4 Spectacular in the City of Aurora?

Hills: We are going to have the July 4 Spectacular. However, it won't be sponsored to where people come on to the lawn to view it.

Berzins: So, if you want to see it you have to line the street or go anywhere except the Great Lawn?

Hills: I haven't had an ongoing dialogue with DCM Batchelor or the any of the other department directors about what we do want to do...are we going to allow people on the Great Lawn but not sponsor it, does that mean we're going to have a APD and AFR presence on scene with medical standing by – that's actually being discussed right now and we have to come up with the decision.

Berzins: I understand that. I just think that this community needs to come together and do something like this – something everybody likes is fireworks. I look at past years when we have had the Spectacular, there's still always some stray fireworks going on and firecracker and all that. And that's disturbing. But, last year when we didn't have it, it was pandemonium. I mean, there were fireworks going off everywhere and in my uneducated thought process, because I'm not Fire, I would vote to have it for the community and for everyone coming together and we'll be back to as normal as possible.

Gardner: I agree with, both, CM Gruber and Berzins. I think folks are going to be really excited to let loose this year and I think we've learned a lot over the years that by making something illegal doesn't stop it from happening. I'm glad to see that we at least have some time and a drop-dead date because that gives the fireworks industry some certainty in terms of making their plans and things like that. So, hopefully things remain in a good way, as far as moisture goes, and we don't have to make a change of plans last minute. Thanks for the presentation.

Bergan: Just real quick, because I did works with, both, the Fire Department and the vendor and I'm just very pleased that we were able to come to a win/win solution.

Gruber: As am I. I think this is going to be a terrific year.

Outcome

Information Only

Follow-up Action

None.

5. Miscellaneous Matters for Consideration

Gruber: The Mayor introduced a new ordinance for a camping ban, and I believe that it has two important parts to it. The first is housing, in other words, you can't enforce a ban unless there's housing. I know the HoRNS Committee is looking at that. I would like to bring the public safety/public health part to our next committee meeting to discuss.

6. Confirm Next Meeting

Next meeting confirmed for June 17, 2021 at 11am via WebEx.

7. Adjournment

Meeting adjourned at 1:15pm

APPROVED: _____

Dave Gruber, Chair



CITY OF AURORA

Council Agenda Commentary

Item Title: June 2021 Crime and Police Attrition Data
Item Initiator: Danelle Carrel, Committee Liaison
Staff Source/Legal Source: Darin Parker, Deputy Chief of Police / Megan Platt, Assistant City Attorney
Outside Speaker: N/A
Council Goal: 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 23: 05/31/21 - 06/06/21	05/03 - 05/30		+ or -	% chg	01/01 - 05/30		+ or -	% chg
Major Crimes 05/04/20 - 05/31/20								
Murder Victims	3	2	-1	(33.3%)	11	9	-2	(18.2%)
Sex Assault Victims	26	15	-11	(42.3%)	135	128	-7	(5.2%)
Spouse / Dating	9	3	-6	(66.7%)	42	25	-17	20%
Familial	2	1	-1	(50.0%)	11	7	-4	5%
Otherwise Known	5	8	+3	60.0%	29	43	+14	34%
Sex Assault DV Victims	8	3	-5	(62.5%)	37	26	-11	20%
Agg Assault Victims	191	218	+27	14.1%	722	988	+266	36.8%
Spouse / Dating	37	42	+5	13.5%	162	179	+17	18%
Familial	14	16	+2	14.3%	66	77	+11	8%
Otherwise Known	51	45	-6	(11.8%)	174	221	+47	22%
Agg Assault DV Victims	39	34	-5	(12.8%)	167	185	+18	19%
Robbery	50	60	+10	20.0%	257	321	+64	24.9%
Major Violent Crimes Reported	270	295	+25	9.3%	1,125	1,446	+321	28.5%
Burglary	103	141	+38	36.9%	651	750	+99	15.2%
MVT	252	394	+142	56.3%	1,120	2,323	+1,203	107.4%
Larceny	606	536	-70	(11.6%)	2,935	3,322	+387	13.2%
Major Property Crimes Reported	961	1,071	+110	11.4%	4,706	6,395	+1,689	35.9%
Major Index Crimes Reported	1,231	1,366	+135	11.0%	5,831	7,841	+2,010	34.5%
Criminal Arrests								
Physical Arrests	256	347	+91	35.5%	2,722	1,865	-857	(31.5%)
Criminal Summonses	359	209	-150	(41.8%)	2,100	1,712	-388	(18.5%)
DUI/DUID (Detox Summons)	44	48	+4	9.1%	279	256	-23	(8.2%)
Total Arrests	615	556	-59	(9.6%)	4,822	3,577	-1,245	(25.8%)
Traffic Enforcement								
Traffic Tickets Muni	700	1,356	+656	93.7%	6,518	7,470	+952	14.6%
Traffic Tickets in GO's Muni	172	38	-134	(77.9%)	1,528	1,125	-403	(26.4%)
Total MET Tickets Muni	504	1,041	+537	106.5%	4,290	6,272	+1,982	46.2%
Total Traffic Tickets Muni	872	1,394	+522	59.9%	8,046	8,595	+549	6.8%
Total Traffic Tickets State	47	105	+58	123.4%	1,195	708	-487	(40.8%)
Total Traffic Tickets	919	1,499	+580	63.1%	9,241	9,303	+62	0.7%
Traffic Accidents								
Fatal	3	1	-2	(66.7%)	11	8	-3	(27.3%)
Injury	45	0	-45	(100.0%)	241	99	-142	(58.9%)
Non-Injury	548	0	-548	(100.0%)	4,063	2,198	-1,865	(45.9%)
Total Accidents	596	1	-595	(99.8%)	4,315	2,305	-2,010	(46.6%)



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 23: 05/31/21 - 06/06/21	05/03 - 05/30		+ or -	% chg	01/01 - 05/30		+ or -	% chg

Major Crimes

05/04/20 - 05/31/20

Murder Victims	2	0	-2	(100.0%)	8	4	-4	(50.0%)
Sex Assault Victims	11	6	-5	(45.5%)	58	60	+2	3.4%
Spouse / Dating	5	1	-4	(80.0%)	20	13	-7	22%
Familial	1	0	-1	(100.0%)	4	3	-1	5%
Otherwise Known	1	3	+2	200.0%	8	14	+6	23%
Sex Assault DV Victims	5	1	-4	(80.0%)	19	13	-6	22%
Agg Assault Victims	88	108	+20	22.7%	361	488	+127	35.2%
Spouse / Dating	15	23	+8	53.3%	77	81	+4	17%
Familial	6	9	+3	50.0%	30	33	+3	7%
Otherwise Known	27	32	+5	18.5%	87	116	+29	24%
Agg Assault DV Victims	16	19	+3	18.8%	79	87	+8	18%
Robbery	27	31	+4	14.8%	155	176	+21	13.5%
Major Violent Crimes Reported	128	145	+17	13.3%	582	728	+146	25.1%
Burglary	41	66	+25	61.0%	314	338	+24	7.6%
MVT	111	159	+48	43.2%	487	1,003	+516	106.0%
Larceny	209	217	+8	3.8%	1,182	1,263	+81	6.9%
Major Property Crimes Reported	361	442	+81	22.4%	1,983	2,604	+621	31.3%
Major Index Crimes Reported	489	587	+98	20.0%	2,565	3,332	+767	29.9%

Criminal Arrests

Physical Arrests	116	154	+38	32.8%	1,197	773	-424	(35.4%)
Criminal Summonses	195	98	-97	(49.7%)	963	720	-243	(25.2%)
DUI/DUID (Detox Summons)	19	17	-2	(10.5%)	99	105	+6	6.1%
Total Arrests	311	252	-59	(19.0%)	2,160	1,493	-667	(30.9%)

Traffic Enforcement

Traffic Tickets Muni	223	194	-29	(13.0%)	1,740	1,237	-503	(28.9%)
Traffic Tickets in GO's Muni	69	18	-51	(73.9%)	583	425	-158	(27.1%)
Total MET Tickets Muni	140	159	+19	13.6%	900	961	+61	6.8%
Total Traffic Tickets Muni	292	212	-80	(27.4%)	2,323	1,662	-661	(28.5%)
Total Traffic Tickets State	26	27	+1	3.8%	504	209	-295	(58.5%)
Total Traffic Tickets	318	239	-79	(24.8%)	2,827	1,871	-956	(33.8%)

Traffic Accidents

Fatal	2	0	-2	(100.0%)	5	5	--	0.0%
Injury	25	0	-25	(100.0%)	106	43	-63	(59.4%)
Non-Injury	225	0	-225	(100.0%)	1,528	870	-658	(43.1%)
Total Accidents	252	0	-252	(100.0%)	1,639	918	-721	(44.0%)



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 23: 05/31/21 - 06/06/21	05/03 - 05/30		+ or -	% chg	01/01 - 05/30		+ or -	% chg

Major Crimes

05/04/20 - 05/31/20

Murder Victims	1	2	+1	100.0%	1	5	+4	400.0%
Sex Assault Victims	6	5	-1	(16.7%)	38	41	+3	7.9%
Spouse / Dating	2	1	-1	(50.0%)	10	6	-4	15%
Familial	1	0	-1	(100.0%)	5	2	-3	5%
Otherwise Known	1	4	+3	300.0%	10	19	+9	46%
Sex Assault DV Victims	2	1	-1	(50.0%)	10	7	-3	17%
Agg Assault Victims	74	66	-8	(10.8%)	255	328	+73	28.6%
Spouse / Dating	12	10	-2	(16.7%)	54	61	+7	19%
Familial	5	6	+1	20.0%	22	26	+4	8%
Otherwise Known	19	4	-15	(78.9%)	61	64	+3	20%
Agg Assault DV Victims	14	9	-5	(35.7%)	59	64	+5	20%
Robbery	16	17	+1	6.3%	68	93	+25	36.8%
Major Violent Crimes Reported	97	90	-7	(7.2%)	362	467	+105	29.0%
Burglary	40	36	-4	(10.0%)	188	243	+55	29.3%
MVT	97	157	+60	61.9%	391	869	+478	122.3%
Larceny	218	194	-24	(11.0%)	958	1,194	+236	24.6%
Major Property Crimes Reported	355	387	+32	9.0%	1,537	2,306	+769	50.0%
Major Index Crimes Reported	452	477	+25	5.5%	1,899	2,773	+874	46.0%

Criminal Arrests

Physical Arrests	73	121	+48	65.8%	950	630	-320	(33.7%)
Criminal Summonses	106	64	-42	(39.6%)	728	655	-73	(10.0%)
DUI/DUID (Detox Summons)	16	15	-1	(6.3%)	101	85	-16	(15.8%)
Total Arrests	179	185	+6	3.4%	1,678	1,285	-393	(23.4%)

Traffic Enforcement

Traffic Tickets Muni	276	652	+376	136.2%	2,796	3,733	+937	33.5%
Traffic Tickets in GO's Muni	50	14	-36	(72.0%)	486	345	-141	(29.0%)
Total MET Tickets Muni	238	547	+309	129.8%	2,081	3,329	+1,248	60.0%
Total Traffic Tickets Muni	326	666	+340	104.3%	3,282	4,078	+796	24.3%
Total Traffic Tickets State	13	51	+38	292.3%	377	323	-54	(14.3%)
Total Traffic Tickets	339	717	+378	111.5%	3,659	4,401	+742	20.3%

Traffic Accidents

Fatal	0	0	--	--	3	1	-2	(66.7%)
Injury	11	0	-11	(100.0%)	79	33	-46	(58.2%)
Non-Injury	166	0	-166	(100.0%)	1,323	696	-627	(47.4%)
Total Accidents	177	0	-177	(100.0%)	1,405	730	-675	(48.0%)



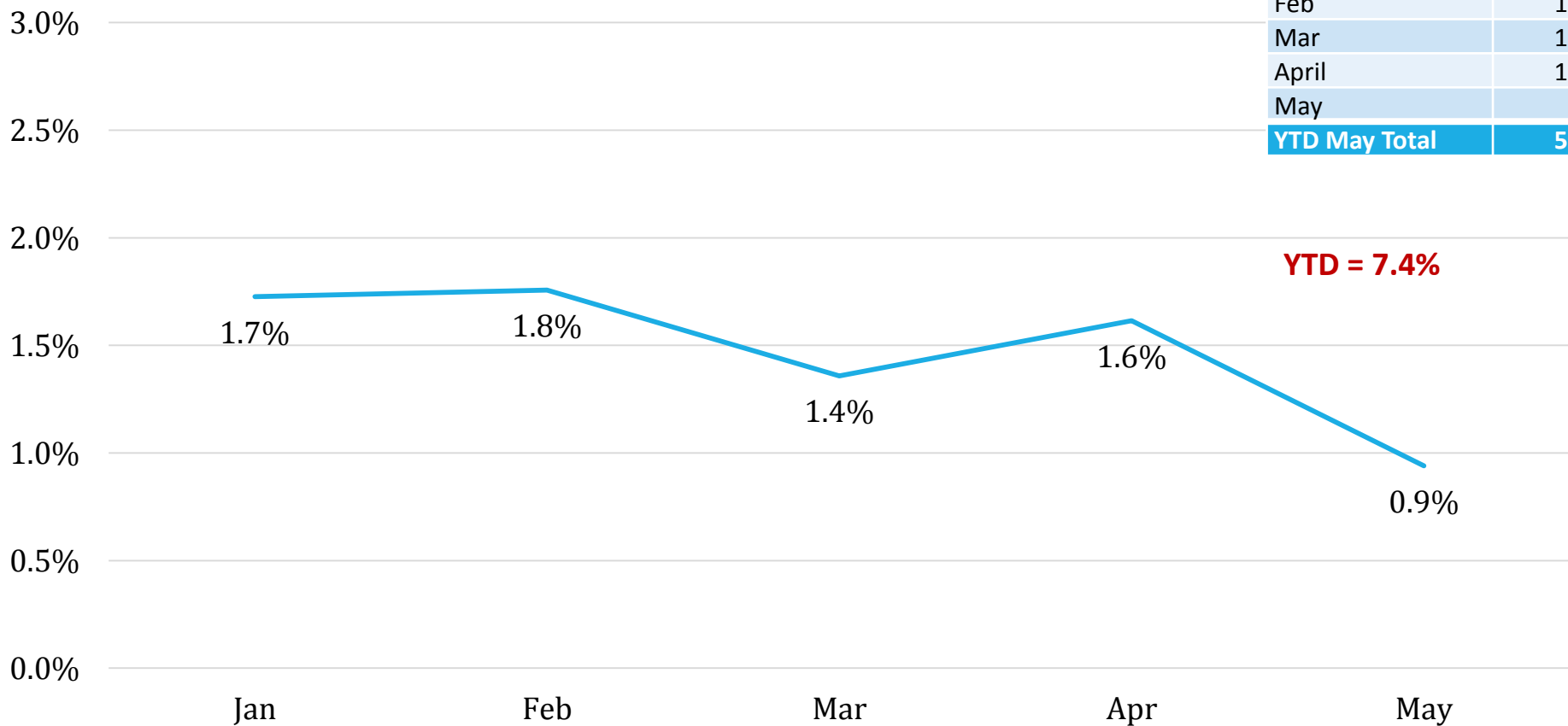
Aurora Police Department - UCR Statistics

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 23: 05/31/21 - 06/06/21	05/03 - 05/30		+ or -	% chg	01/01 - 05/30		+ or -	% chg
Major Crimes <small>05/04/20 - 05/31/20</small>								
Murder Victims	0	0	--	--	2	0	-2	(100.0%)
Sex Assault Victims	8	4	-4	(50.0%)	37	26	-11	(29.7%)
Spouse / Dating	2	1	-1	(50.0%)	12	5	-7	19%
Familial	0	1	+1	--	2	2	--	8%
Otherwise Known	3	1	-2	(66.7%)	11	10	-1	38%
Sex Assault DV Victims	1	1	--	0.0%	8	6	-2	23%
Agg Assault Victims	29	42	+13	44.8%	106	166	+60	56.6%
Spouse / Dating	10	9	-1	(10.0%)	31	37	+6	22%
Familial	3	1	-2	(66.7%)	14	17	+3	10%
Otherwise Known	5	9	+4	80.0%	26	41	+15	25%
Agg Assault DV Victims	9	6	-3	(33.3%)	29	34	+5	20%
Robbery	7	12	+5	71.4%	34	52	+18	52.9%
Major Violent Crimes Reported	44	58	+14	31.8%	179	244	+65	36.3%
Burglary	22	38	+16	72.7%	145	161	+16	11.0%
MVT	43	78	+35	81.4%	239	446	+207	86.6%
Larceny	176	120	-56	(31.8%)	779	842	+63	8.1%
Major Property Crimes Reported	241	236	-5	(2.1%)	1,163	1,449	+286	24.6%
Major Index Crimes Reported	285	294	+9	3.2%	1,342	1,693	+351	26.2%
Criminal Arrests								
Physical Arrests	49	51	+2	4.1%	416	314	-102	(24.5%)
Criminal Summonses	55	44	-11	(20.0%)	400	327	-73	(18.3%)
DUI/DUID (Detox Summons)	9	13	+4	44.4%	75	60	-15	(20.0%)
Total Arrests	104	95	-9	(8.7%)	816	641	-175	(21.4%)
Traffic Enforcement								
Traffic Tickets Muni	187	471	+284	151.9%	1,723	2,334	+611	35.5%
Traffic Tickets in GO's Muni	50	6	-44	(88.0%)	436	333	-103	(23.6%)
Total MET Tickets Muni	119	302	+183	153.8%	1,195	1,838	+643	53.8%
Total Traffic Tickets Muni	237	477	+240	101.3%	2,159	2,667	+508	23.5%
Total Traffic Tickets State	8	22	+14	175.0%	283	137	-146	(51.6%)
Total Traffic Tickets	245	499	+254	103.7%	2,442	2,804	+362	14.8%
Traffic Accidents								
Fatal	1	1	--	0.0%	3	2	-1	(33.3%)
Injury	9	0	-9	(100.0%)	52	22	-30	(57.7%)
Non-Injury	146	0	-146	(100.0%)	1,090	582	-508	(46.6%)
Total Accidents	156	1	-155	(99.4%)	1,145	606	-539	(47.1%)

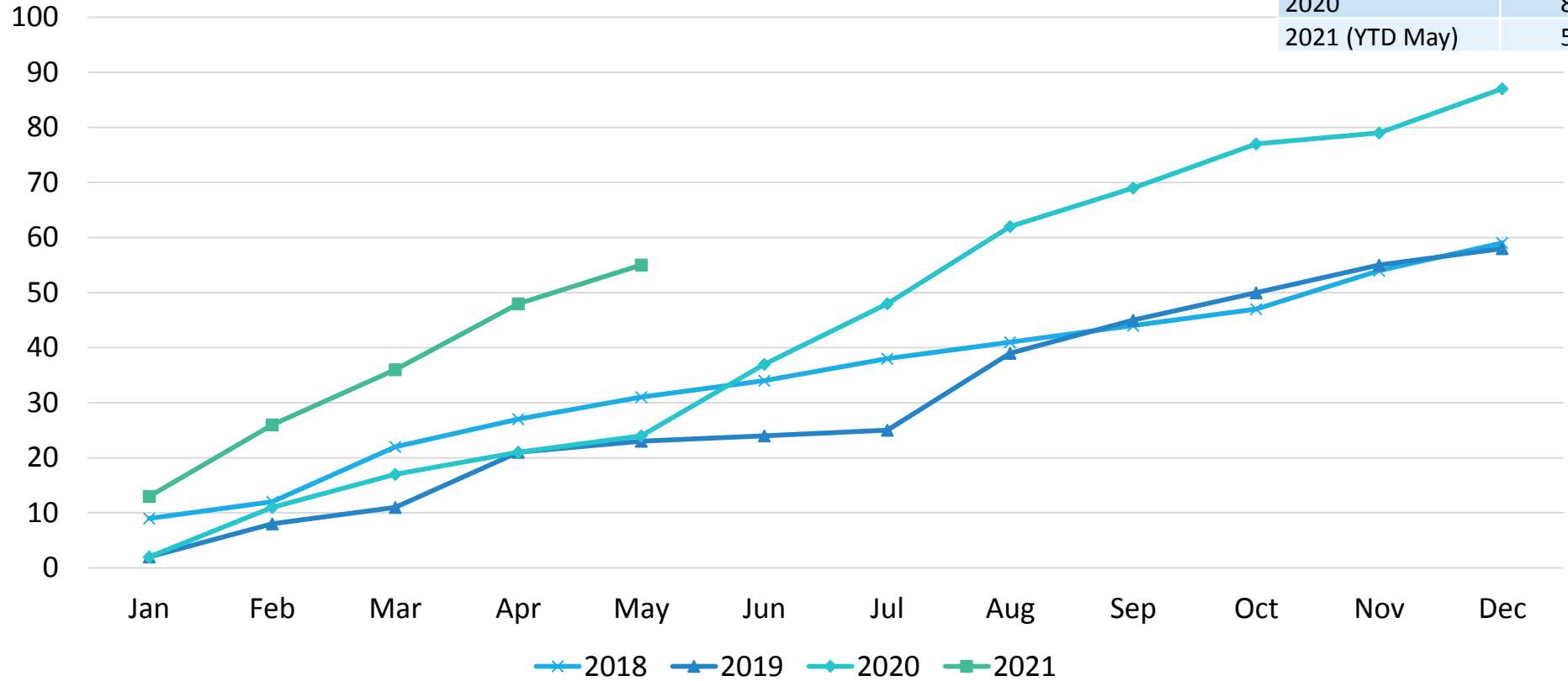
Police Turnover Percent

Year	Total
Jan	13
Feb	13
Mar	10
April	12
May	7
YTD May Total	55



Attrition Review

Year	Total
2018	59
2019	58
2020	87
2021 (YTD May)	55



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 05/31/21:

27 Resignations (17 commissioned, 7 FTEP, 3 recruits)

20 Retirements

4 Med. Retirements

3 Terminations (2 commissioned, 1 recruit)

1 Transfer to Career Service (1 FTEP)

55 Total Losses

19 Net Losses



CITY OF AURORA

Council Agenda Commentary

Item Title: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ADDING A NEW SECTION TO BE NUMBERED 94-122 TO THE CITY CODE PERTAINING TO PROHIBITING UNAUTHORIZED CAMPING ON PUBLIC OR PRIVATE PROPERTY AND ADDING ARTICLE IV, SECTIONS 114-106 THROUGH 114-

Item Initiator: Michael Coffman, Mayor

Staff Source/Legal Source: Tim Joyce, Assistant City Attorney

Outside Speaker: N/A

Council Goal: 2012: 1.0--Assure a safe community for people

COUNCIL MEETING DATES:

Study Session: 6/21/2021

Regular Meeting: 6/28/2021

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: Housing, Neighborhood Services & Redevelopment

Policy Committee Date: 6/3/2021

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.*)

The city of Aurora is committed to a compassionate and care-focused approach to balancing the needs and security of those experiencing homelessness with the concerns of community members and the need to maintain the safety and health of the city as a whole. The City is currently using the Interim Business Policy Memorandum (IBPM) as the authority to abate unauthorized camps on public property. The IBPM is a temporary measure that will terminate when the current state of disaster ends. The City currently tracks complaints related to encampments and follows a process to abate the encampments when criteria is met related public health and safety concerns. Staff from several departments meet on a routine basis to discuss encampments that meet those criteria.

The city requests the Homeless Service Outreach Team to visit and provide resources and resource information to people living in encampments. In addition, city staff assess whether the encampment is meeting basic safety requirements. Measures will be taken to clear or abate an unsafe encampment if the encampment poses a significant criminal or public health threat to the community or a safety threat within the encampment and surrounding area. In instances where an encampment is determined to reach the level of unsafe conditions and abatement is needed, those individuals in the encampment are given a seven-day notice to leave the property, and the outreach team once again provides them with resources, resource information and an offer of transportation to the Aurora Day Resource Center, where services and counselors are available.

Over the past year more than 900 complaints have been received related to encampments, half of those related to recreational vehicles. Over the past year the City initiated 29 abatements either through City staff or contractor.

At the HoRNS committee meeting on June 3, 2021, the Mayor expressed a concern the draft ordinance needed to be changed. A new draft ordinance was drafted to keep only the basic needs to authorized the abatement of unauthorized camps. The revised draft does not make unauthorized camping unlawful, it only authorizes the City to abate unauthorized camps. The revised draft will be the draft ordinance that will move forward.

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

The Mayor asked the City Attorney's office to draft an ordinance to abate unauthorized camps on public property. The ordinance has been drafted to comply with current case law. The ordinance complies with all current Public Health Orders including the CDC, Tri-County and CDPHE. The City is currently using the Interim Business Policy Memorandum (IBPM) as the authority to abate unauthorized camps on public property. The IBPM is a temporary measure that will terminate when the current state of disaster ends. The City needs a permanent solution to authorize the abatement of unauthorized camp sites on public property. Currently Boulder, Arvada, Parker, Centennial and Denver have ordinances authorizing the abatement of camps on public property in the City. The proposed ordinance specifies specific reasons why an unauthorized camp may be abated. The ordinance requires the City to have a shelter option, or shelter space, available for every individual in an unauthorized camp as a condition precedent to abate the camp. If the City does not have a shelter space or shelter option for every individual on the date of the abatement the City cannot abate or clean-up the unauthorized camp. The ordinance does not discriminate against the homeless or any class of people. The ordinance prohibits the conduct of camping on public property where camping is not specifically allowed.

QUESTIONS FOR COUNCIL

Information Only.

LEGAL COMMENTS

Council has the power to make and publish ordinances not inconsistent with the laws of the state for carrying into effect or discharging the powers and duties conferred by the state constitution, statute or city Charter and such 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. (City Code § 2-32)

Camping bans can be constitutional and lawful if drafted in a manner that is not motivated by a discriminatory purpose, that does not harm a politically unpopular group of people and criminalizes an activity not a status. Denver's camping ban ordinance was ruled to be constitutional criminalizing an activity, not a status. *City and County of Denver v. Burton*, 19 CV34925 (Dist. Court, City and County of Denver, Sept. 3, 2020).

Prohibiting camping targets the conduct of camping, not the status of homelessness. *People of City of Boulder v. Madison*, 10CV716 (Boulder District Court, April 20, 2011).

A city is constitutionally allowed to regulate where "camping" occurs. Prohibiting camping does not criminalize involuntary behavior. *Joel v. City of Orlando*, 232 F.3d 1353, 1362 (11th Cir, 2000).

Imposing a criminal sanction for public behavior which creates substantial health and safety hazards for those involved in the activity and for members of the general public, and which offends the moral and esthetic sensibilities of a large segment of the community does not violate the Eighth Amendment. *Powell v. Texas*, 392 U.S. 514, 532 (1968), (ruling on the issue of public drunkenness.)

When the City seizes property when abating an encampment due process requires law enforcement to take reasonable steps to give notice that property will be taken or has been taken so the owner can recover their property. *Lavan v. City of Los Angeles*, 693 F.3d 1022, 1032 (9th Cir. 2012). (TJoyce)

PUBLIC FINANCIAL IMPACT

YES NO

If yes, explain: Costs related to encampment clean-up will be incurred. Over the past year the City initiated 29 abatements either through City staff or contractor.

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 A NEW SECTION TO BE NUMBERED 94-122 TO THE CITY CODE PERTAINING TO PROHIBITING UNAUTHORIZED CAMPING ON PUBLIC PROPERTY AND ADDING ARTICLE IV, SECTIONS 114-106 THROUGH 114-112 TO CHAPTER 114 PERTAINING TO ABATING UNAUTHORIZED CAMPS ON PUBLIC PROPERTY

WHEREAS, the act of unauthorized camping on public or private property tends to endanger the health and safety of those engaged in such camping as well as the public at large; and

WHEREAS, the unauthorized use of public or private property for camping where the property in question is neither intended nor designed as a camp site, campground, or site for temporary human habitation tends to impair, obstruct, and otherwise detract from the use of the property for its intended purpose.

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

Section 1. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 94-122 which section reads as follows:

Sec. 94-122. – Unauthorized camping on public property prohibited.

- (1) It shall be unlawful for any person to camp on any public property, except in any location where camping has been expressly authorized by the City.**
- (2) No law enforcement officer shall issue a citation, make an arrest, or otherwise enforce this section against a person camping on public property unless:**
 - a. City staff or a law enforcement official have issued a person in a camp a verbal or written order to move from the camp and take their property with them; and**
 - b. The City has a shelter option available for the person order to move from the camp and the person has been offered placement in the shelter option; and**
 - c. The person has refused or failed to move from the camp property and refused the offer for placement in a shelter.**

- (3) Any person convicted of violating this section shall be subject to the penalty provisions as provided in section 1-13 of the City Code.
- (4) For purposes of this section:
- a. ***Camp or camping*** means the temporary use of property for the purpose of unauthorized overnight occupancy, or to reside or dwell temporarily in a place, with shelter, or the temporary use of property for the purpose of overnight occupancy or longer occupancy. The term "shelter" includes, without limitation, any tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of cover or protection from the elements other than clothing. The term "reside or dwell" includes, without limitation, conducting such activities as eating, sleeping, or the storage of personal possessions. Evidence of unauthorized camps includes, but is not limited to, sleeping, or making preparations to sleep by laying out personal belongings, bedding, bedroll(s), blanket(s), sleeping pad(s), sleeping bag(s), erecting or occupying a tent, makeshift shelter, lean-to, tarpaulin, enclosure, or other structure used for human habitation, or any form of cover or protection from the elements other than clothing, or a fire (except for fires at sites specifically designated or authorized for a fire by the Parks, Recreation and Open Space (PROS) Department), camp stove, or other heating source or cooking device (except for grills and personal grills permitted in designated areas by PROS). Camping does not include napping during the day or picnicking. Camp or camping can include using a vehicle for overnight occupancy where overnight occupancy or overnight camping violates City Code or a City rule or regulation or is not otherwise authorized by the City.
 - b. ***Public property*** means, by way of illustration, but not limited to a highway, highway median, any street, street median, road, road median, alley, sidewalk, strips of land between streets and sidewalks, lanes, catch basins, pedestrian or transit mall, bike path, greenway, public parking lot, or any other structure or area encompassed within the public right-of-way; any park, parkway, mountain park, open space, natural area, trail, beach, playground, or other publicly owned recreation facility; a municipal watercourse, bodies of water, watercourses, stormwater infrastructure such as, but not limited to, bridges, pipes, inlets and culverts; or any other grounds, buildings, or other facilities owned or leased by the city or by any other public entity, regardless of whether such public property is vacant or occupied and actively used for any public purpose.

- c. **“Watercourse” means a channel, natural depression, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir, or lake which storm runoff and flood water flows either regularly or infrequently. This includes major drainage ways for carrying storm runoff.**

Section 2. The City Code of the City of Aurora, Colorado, is hereby amended by adding an Article, to be numbered IV, to Chapter 114, which Article reads as follows:

Chapter 114. – Solid Waste

Article IV. - Abating Unauthorized Camps from Public Property

Section 3. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 114-106 which section reads as follows:

Sec. 114-106. – Definitions.

***City* means the City of Aurora, Colorado, its departments, employees, and agents.**

***City Manager* means the City Manager of the City of Aurora, Colorado, or designee.**

***City owned property* means any property owned, leased, or controlled by the City.**

***Camp, camping, or encampment* means the temporary use of property for the purpose of unauthorized overnight occupancy, or to reside or dwell temporarily in a place, with shelter, or the temporary use of property for the purpose of overnight occupancy or longer occupancy. Camping does not include napping during the day or picnicking.**

***Evidence of unauthorized camps or unauthorized camping* includes, but is not limited to:**

- **sleeping, or making preparations to sleep by laying out personal belongings, bedding, bedroll(s), blanket(s), sleeping pad(s), sleeping bag(s);**
- **erecting or occupying a tent, makeshift shelter, lean-to, tarpaulin, enclosure, other structure used for human habitation, or any form of cover or protection from the elements other than clothing; or**
- **a fire (except for fires at sites specifically designated or authorized for a fire by the Parks, Recreation and Open Space (PROS) Department), camp stove, or other heating source or cooking device (except for grills and personal grills permitted in designated areas by PROS). Camping does not include napping during the day or picnicking.**

***Outreach Team* means a Professional Mental Health Agency, Professional Mental Health Personnel, Service Provider or Agency receiving city funds to reach out to and provide shelter or services to individuals or families experiencing homelessness, or individuals or families in unauthorized camps.**

Public property means, by way of illustration, but not limited to a highway, highway median, any street, street median, road, road median, alley, sidewalk, strips of land between streets and sidewalks, lanes, catch basins, pedestrian or transit mall, bike path, greenway, public parking lot, or any other structure or area encompassed within the public right-of-way; any park, parkway, mountain park, open space, natural area, trail, beach, playground, or other publicly owned recreation facility; a municipal watercourse, bodies of water, watercourses, stormwater infrastructure such as, but not limited to, bridges, pipes, inlets and culverts; or any other grounds, buildings, or other facilities owned or leased by the city or by any other public entity, regardless of whether such public property is vacant or occupied and actively used for any public purpose.

Public right-of-way means an area of land dedicated to the public in fee simple title conveyed to the city for drainage, pedestrian, utility, street lighting, landscaping, roadway, or other purposes.

Reside or dwell means and includes, without limitation, conducting such activities as eating, sleeping, making preparation to sleep, or the storage of personal possessions. Residing or dwelling does not include napping during the day or picnicking.

Shelter, as used in the definition of camping, means and includes, without limitation, a tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of cover or protection from the elements other than clothing.

Unauthorized camp means to use public property for camping or to camp, except on public property where camping has been expressly authorized by the City.

Section 4. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 114-107 which section reads as follows:

Sec. 114-107. – Abatement of unauthorized camps.

The City Manager is authorized to remove or order the removal of any unauthorized camp from public property.

Section 5. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 114-108 which section reads as follows:

Sec. 114-108. – Prerequisites for abatement of abating unauthorized camps.

Available shelter space. The City of Aurora, Colorado, (“City”) must have enough shelter space available for all the individuals and families in an unauthorized camp before an unauthorized camp can be abated.

Section 6. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 114-109 which section reads as follows:

Sec. 114-109. – Notice requirements.

- (1) Verbal notices shall be provided to all occupants present in an unauthorized camp advising the occupants of the date and time of the abatement with an order the occupants must immediately leave the camp and remove their property. Any occupant present in the camp on the day of the abatement shall be offered placement in a shelter option and advised that services are available for them.
- (2) Written notices shall be hand delivered to all occupants present in an unauthorized camp advising the occupants of the date and time of the abatement with an order the occupants must immediately leave the camp and remove their property. Any occupant present in the camp on the day of the abatement shall be offered placement in a shelter option and advised that services are available for them.
- (3) Written notices shall also be attached to unattended property.
- (4) Written notices shall be posted around the camp at intervals sufficient to advise anyone entering the camp of the intended date and time of the camp abatement. The city shall not repost notices if they are torn down prior to the abatement.
- (5) Weather conditions or other acts of God may prevent abatement of the unauthorized camp on the abatement date stated in the notice. Therefore, the date of the abatement may occur on the date in the notice or within the next ten (10) days.

Section 7. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 114-110 which section reads as follows:

Sec. 114-110. – Minimum notice period before an unauthorized camp may be abated.

A minimum of 72-hours' notice is required between the date the verbal and written notices have been provided to the occupants of a camp and the beginning of the abatement process.

Section 8. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 114-111 which section reads as follows:

Sec. 114-111. – Use of the Outreach Team and the Homelessness Program Manager.

- (1) The Outreach Team shall visit an unauthorized camp as soon as possible after the initial notification of the location of the unauthorized camp. The Outreach Team shall contact every occupant of the camp, offer placement in a shelter space, offer services to the occupants, encourage the occupants to seek

assistance, and advise the occupants they need to immediately move and take their property with them. The Outreach Team shall document the date and time of each site visit. The Outreach Team shall offer transportation to occupants who want services or shelter.

- (2) **On the day of the abatement or the night before the abatement the Outreach Team will visit the camp, offer a shelter option to every occupant present, offer services, encourage the occupants to seek assistance, offer transportation to services and a shelter option, and encourage the occupants to immediately move from the camp site and take their property with them.**

Section 9. 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 10. 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 11. 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:

 RLA

TIM JOYCE, Assistant City Attorney



CITY OF AURORA

Council Agenda Commentary

Item Title: Critical Incident Stress Management
Item Initiator: Chief Fernando Gray
Staff Source/Legal Source: Chief Cindy Andersen
Outside Speaker: Critical Incident Stress Management Program
Council Goal: 2012: 1.0--Assure a safe community for people

COUNCIL MEETING DATES:

Study Session:

Regular Meeting:

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?

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name:

Policy Committee Date:

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.)

Provide an overview to PSCCS of the current programs and process in Aurora Fire Rescue for Critical Incident Stress Management for the members of the organization.

QUESTIONS FOR COUNCIL

N/A

LEGAL COMMENTS

This item is informational only. There is no formal council action necessary.
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, shall have the power and duty to make written or verbal reports at any time concerning the affairs of the City. (City Charter, Art. 7-4(e)) (Garcia)

PUBLIC FINANCIAL IMPACT

YES NO

If yes, explain:

PRIVATE FISCAL IMPACT

Not Applicable Significant Nominal

If Significant or Nominal, explain:

CRITICAL INCIDENT STRESS MANAGEMENT PROGRAM



BACKGROUND



- AFR Critical Incident Stress Management Program is one of the many programs managed by the Health and Safety Officer.
- Initially the position of HSO was a Fire Fighter or Rescue Technician
- In 2018 due to the organizational need the position was upgraded to a Captain
- The Health and Safety Officer has oversight of the Peer Support Team



HISTORY OF PEER SUPPORT

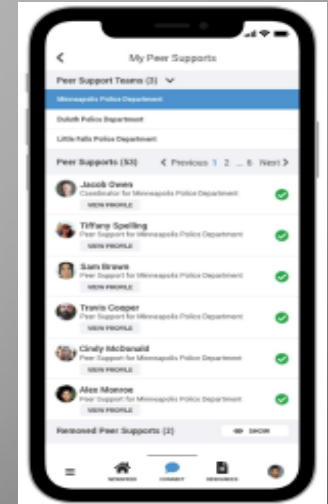


- Established formal process to assist first responders involved in a critical incident
 - Reducing the traumatic impact
 - Reduce the cumulative affects of exposure to trauma
- PST are in with accordance to NFPA 1500
 - Fire Department Safety, Health, Wellness
- AFR Peer Support started in 2013 after the Theater Shooting



2021 AFR PEER SUPPORT TEAM

- 27 Members
 - Peer Support Director
 - Clinical Director
 - Health and Safety Officer
- Currently rebranding and marketing the team
 - Trust and Confidentiality are key factors for the success of the team
- Beta testing a web based App that addresses First Responder Mental Health.
 - It provides the name, numbers of members, additional resources, stress management programs,
 - Direct notification to HSO and Peer Support of a critical incident (tied to CAD)
- On going training for the team
- Establishing a matrix to track program use and identify needs



CURRENT UTILIZATION OF AFR PEER SUPPORT TEAM

- Post Incident
 - Conduct Defusing (immediately after an event or same shift)
 - Conduct Debriefing (2 to 5 days post event)
- LODD or Significant Injury
- Can be activated for Large Event or Mobilization
 - Natural Disaster
 - Mass Casualty
- Not exclusive to Incidents
 - Is available to members and families – AFR Family Network



• Can be one on one or with crew



COMPONENTS OF A CRITICAL INCIDENT STRESS MANAGEMENT PROGRAM

- CISMT
 - Collaborate with Peer Support
 - Providing onsite Psych Services post incident
 - Activation for LODD/Injury
 - Assist with area Teams
 - Partner with other City departments
 - Develop a direct psychological service program



MOVING FORWARD

- Expand the current Critical Incident Stress Management Program
 - Establish a Critical Incident Stress Management Team as a component of the program
 - Design a program that provides AFR members with continual direct access to psych services
 - Assess to a continual funding source for ongoing training and direct service
- Provide a certified psychologist during an incident if members need the support
- Establish an Annual Mental Wellness Exam
- Establish Chaplin services for AFR members
- Ongoing training for Peer Support Team to ensure that the Team is educated and has the resources needed to assist our members.
- Offer training and educational opportunities on mental wellness
- Peer Fitness and resources for exercise equipment & healthy lifestyle assistance





THANK YOU



CITY OF AURORA

Council Agenda Commentary

Item Title: Update on Cardiac Arrest Registry to Enhance Survival (CARES)
Item Initiator: Fernando Gray, Fire Chief
Staff Source/Legal Source: Rod Weber, Fire Commander
Outside Speaker: Dr. Eric Hill
Council Goal: 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?

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name:

Policy Committee Date:

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.)*

Updated information from 2020. Department CPR performance and ROSC (Return to Spontaneous Circulation) outcomes. Bystander CPR and AED use performance.

QUESTIONS FOR COUNCIL

N/A

LEGAL COMMENTS

This item is informational only. There is no formal council action necessary.
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, shall have the power and duty to make written or verbal reports at any time concerning the affairs of the City. (City Charter, Art. 7-4(e) (Garcia)

PUBLIC FINANCIAL IMPACT

YES NO

If yes, explain:

PRIVATE FISCAL IMPACT

Not Applicable Significant Nominal

If Significant or Nominal, explain:



CITY OF AURORA

Council Agenda Commentary

Item Title: Police Internal Audit – K9 Operations Part 1
Item Initiator: Michelle Crawford, Police Auditor
Staff Source/Legal Source: Michelle Crawford, Police Auditor, Megan Platt, Assistant City Attorney
Outside Speaker:
Council Goal: 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.)*

Aurora Police requested a review of the K9 unit's operations during the Police Audit Plan development. The review of K9 is a two-part engagement; this report focuses on reviewing policies and procedures. Michelle Crawford, the Police Auditor will present the results of the engagement.

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

The audit objectives were to determine if current K9 policies comply with laws, standards, and best practices and to review critical K9 operational processes for effectiveness and compliance with existing policies. To these ends, Internal Audit interviewed APD management and staff, reviewed APD policy, standards, and any laws related to K9; reviewed leading practices; reviewed critical K9 processes; and applied other methods as necessary.

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:

PRIVATE FISCAL IMPACT

Not Applicable Significant Nominal

If Significant or Nominal, explain:

Police Internal Audit Report



APD K9 Operations Part 1



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Auditor's Conclusion

April 27, 2021

Internal Audit has completed the APD-K9 Operations Part 1 engagement. We conducted this engagement at the request of the Chief of Police.

The audit objectives were:

- Determine if current K9 policies comply with laws, standards, and best practices.
- Review critical K9 operational processes for effectiveness and compliance with existing policies.

To these ends, Internal Audit:

- Interviewed APD management and staff,
- Reviewed APD policy, standards, and any laws related to K9,
- Reviewed leading practices,
- Reviewed critical K9 processes, and
- Applied other methods as necessary.

Based upon our engagement procedures, we conclude that some but not all K9 policies comply with leading practices and some K9 processes need improvement. We have detailed our issues and recommendations in the Milestone Reports sections of this report. We want to acknowledge the cooperation and assistance of the K9 unit during this engagement.

Wayne Sommer

Wayne C. Sommer, CPA, CGMA
Internal Audit Manager

Audit Profile

Audit Team

Wayne Sommer, CPA, CGMA – Internal Audit Manager
Michelle Crawford, M. Acct, CIA, CFE, CRMA – Police Auditor

Background

Aurora Police requested a review of the K9 unit's operations during the Police Audit Plan development. The review of K9 is a two-part engagement; this report focuses on reviewing policies and procedures. Part two is scheduled for the third quarter in 2021 and will assess deployments for compliance and determine if leading practices are followed in training, deployment, and reporting. The canine unit includes one Sergeant and six teams of handlers/canines.

Scope

Our work scope focused on current operations.

Milestone Reports

Milestone 1 Engagement Letter
Milestone 2 Client Evaluation
Milestone 3 Process Controls and Efficiency

Issued Date

October 2, 2020
March 2, 2021
April 27, 2021

City Manager Response

I have reviewed Part One of the Police Internal Audit Report: APD Canine Operations. This Audit was requested by Chief Wilson when we met with the Police Internal Auditor. Police use of canines has a national history that has not always been viewed as favorable. Perceptions of misuse and poor deployment decisions go back a long way in this country. There are many depictions of this happening in photos, news footage, and personal video.

The City of Aurora maintains a canine unit as a part of the Police Force. There are many good reasons for this. Duties for the dogs include drug, bomb, and weapon detection. Dogs are also used for backup, personal protection, tracking, apprehension, and sometimes to subdue suspects. It is these latter two uses that sometimes raise concerns.

It is important in Part One for the Police Auditor to help the Police Department in responding to the Chief's desire to have a close look at how our canine unit is governed by policies and review the processes used by the unit. While our Policies in some cases lack full conformity with national best practices with regard to deployments and use, selection, and training of canines; Management recognizes those issues and is committed to improvements to meet those best practices where needed and to document those practices that currently meet standards but are not reflected in policy. In terms of processes, while there were issues noted related to coordination with the Crime Lab, I believe that Management's response is thorough and recognizes the vulnerability identified. Auditor Recommendations regarding Training and use of Kanine software assure that weaknesses in those areas have been identified and Management has committed to improvements.

Part Two of the audit will be undertaken in the fall.

James Twombly
Aurora City Manager



Milestone 2 Report
APD - K9 Operations Part 1

March 2, 2021

BACKGROUND

In Milestone 2, we gain a deeper understanding of the client's operating environment and client issues that may affect the engagement objectives, influencing subsequent engagement procedures. We accomplish this by reviewing policies, procedures, and performance measures.

PROCEDURES	CONCLUSIONS
<ul style="list-style-type: none">Review policies and procedures	The canine policies address some, but not all, leading practices.
<ul style="list-style-type: none">Review performance measures	The canine unit uses performance measures to track deployment data and to adjust practices as necessary.

Wayne Sommer

Wayne C. Sommer, CPA, CGMA
Internal Audit Manager

Policies Lack Conformity with Leading Practices

There are no national standards for police canine units. We identified leading practices from professional associations, canine-related requirements from the Department of Justice consent decrees ¹, and internal reports, but no national standards.

APD policies consist of Directives and Standard Operating Procedures (SOPs.) Directives provide the guiding principles for critical activities across the Department. Standard Operating Procedures stipulate how to implement the directives.

We compared the APD canine policies to the identified leading practices. The table below summarizes our conformity assessment between APD policies and identified leading practices. Where applicable, the APD canine unit provided information for APD practices not documented in its policy. Overall, the Department's policies mostly conformed to leading practices.

Conformity Summary		
Full	Partial	No Conformity
Canine Care	Deployments	Terminology
	Canine Use	
	Data tracking and reporting	
	Handler Selection	
	Canine Selection	
	Training	

We used the following abbreviations throughout this report.

- Standard Operating Procedure (SOP)
- Aurora Police Department (APD)
- Canine (K9)
- International Association of Chiefs of Police (IACP)
- Police Executive Research Forum (PERF)
- Lieutenant (Lt.)
- Sergeant (Sgt.)

Deployments

This section identifies leading practices and policies related to the deployment of canines. Overall, APD's SOPs partially conform to leading practices for canine deployment.

¹ Consent decrees reviewed were formal agreements between law enforcement agencies and the Department of Justice. The decrees included agency requirements for policies, practices, and procedures specifically related to canine units.

Deployment Conformity Summary		
Full	Partial	No Conformity
When to Deploy	Announcement	Transport
Tactical Measures	Deployment	Removal of Canine from Scene
Injury	Off-Leash	
	Searches	
	Tracking	
	Force	

SOP(s) Conform to Leading Practices

When to deploy

The PERF recommends handlers consider all aspects of a situation and the possibility for non-canine options before deciding whether to deploy a canine. IACP recommends that decisions to deploy a canine shall be based on the following factors:

- the severity of the crime;
- whether the suspect poses an immediate threat to the safety of the officers or others; and
- whether the suspect is actively resisting arrest or attempting to evade arrest at the time.

SOP 3.1.23 states, "Prior to releasing the canine, the handler should make a determination as to whether a crime has in fact occurred, and its severity and the threat level of the suspect(s), and whether the subject(s) are actively resisting arresting or attempting to evade arrest by flight. If the handler releases the canine, and after release, the circumstances change so that the release is no longer justified, the handler will recall the canine. The handler will constantly reassess the situation and determine if the canine should or should not be employed and how."

Tactical Measures

The IACP recommends when a canine deploys, tactical measures used shall be at the discretion of the handler, including the authority to direct on-scene personnel. The APD K9 evaluation recommends only a direct supervisor with current K9 training and knowledge can overrule a handler's decision.

SOP 3.1.14 states, "K9 handlers are responsible for determining whether a situation justifies K9 use and the appropriate tactical measures which should be utilized. Determination will be based on accepted standards, certifications, and formal training. When the on-scene supervisor disagrees with the handler's tactical assessment, then either the Watch Commander, K9 Sergeant, or Operations Support Section Lieutenant will be notified. Where time does not permit such notification, the directions of the on-scene supervisor will be followed."

Injury

The Prince George's County consent decree requires, and IACP recommends canine officers notify their supervisor as soon as possible when: a canine deploys, an injury occurs, or complaint of injury resulting from canine contact. After notification, the supervisor should respond to the scene. Decrees from DC Metro, Cincinnati, and Prince George's County require, and the PERF recommends that officers seek immediate medical treatment and render first aid when a canine injury occurs.

SOP 3.1.15 states, "Whenever a canine injures an individual, on or off duty, the handler will:

- Notify the K9 Sergeant who should respond to the scene.
- Examine the affected area to determine the extent of the injury.
- Obtain medical treatment for the person in compliance with the Aurora Police Department Directives.
- If the canine physically contacts any individual, AFR will be requested and respond to the scene."

SOP(s) Partially Conform to Leading Practices

Announcement

Consent decrees for the District of Columbia Metropolitan Police Department (DC Metro), Cincinnati, Ferguson, Prince George's County, require and the IACP recommends officers make loud and clear announcements that an officer will deploy a K9 and advise surrendering before deployment. The handler should allow a reasonable period between each warning to enable an opportunity for surrender. The officer should repeat the warning on each level of multi-level structures or where barriers may inhibit sound.

The Prince George's County decree requires announcements in English and Spanish. When individuals frequently speak a language in a district, officers could use a warning tape in that language. PERF also recommends officers issue warnings in the language spoken by the suspect.

SOP 3.1.16 states, "Before commencing the search, the handler or other appropriate designee or officer will loudly announce and repeat the statement that there are police officers on the premises and a trained police canine will be released if the individual does not identify themselves. A reasonable amount of time will be allowed for the suspect to respond. This warning will be repeated on each level of multi-level structures. Where the element of surprise is essential, or exigent circumstances exist, the warning may be eliminated."

SOPs for announcements do not address issuing announcements in additional languages. Residents in Aurora speak over 130 languages; recording the announcement in common languages may reduce the likelihood someone does not understand the announcement.

Deployment

Consent decrees for DC Metro, Cincinnati, and Ferguson require that when a canine bites a suspect, the handler should call off the dog at the first possible moment, the canine can be safely released. The PERF recommends the officer remove the dog as quickly and safely as possible once the suspect no longer poses a threat to officers or others on the scene.

The Ferguson decree states that the handler must keep in mind that the average person will struggle when confronted by a dog; struggling will not be the cause for the handler not calling off the canine.

SOP 3.1.16 states, "When apprehending suspect(s) in these or related circumstances, canines will be taken off the suspect when deemed safe, or practical or until the suspect can be taken safely into custody." SOP 3.1.25 states, "If the handler releases the canine, and after release, the circumstances change so that the release is no longer justified, the handler will recall the canine."

SOPs do not address the impact of someone struggling on the canine's recall. While only one consent decree discussed the effects of struggling on recalling the dog, we believe it is vital that the SOP addresses whether struggling impacts recalling the canine. If the handler would otherwise recall the dog, but someone is struggling, the SOP should guide handling those situations.

Off-Leash Use of Canine during searches

Per the IACP, the officer may unleash their canine during a building search unless this creates an unreasonable risk of injury to innocent persons within the facility. Consent decrees for DC Metro, Cincinnati, and Prince George's County require, and PERF recommends limiting off-leash use during deployments, searches, or other instances where a significant risk of bite exists. The department should limit off-leash use to cases where the suspect is wanted for a serious felony or a misdemeanor where reasonable suspicion exists the suspect is armed.

According to PERF, anytime a handler takes a canine off-leash, the handler must be sure they would be justified in using force. The IACP also recommends police canines never be allowed off-leash unless engaged in agency-authorized work, training, or exercise in a controlled environment.

SOP 3.1.18 states, "Canines used to search for suspect/subjects shall be deployed on-lead unless the suspect/subject is believed to be armed and safety or tactical considerations outweigh the use of a leash. Regardless, the K9 Handler will always have their waist leash on their person when on duty and in deployment situations."

SOP 3.1.15 states, "Officers may only use that degree of force necessary to safely apprehend a suspect as governed by the Department's use of force policy."

The SOPs do not address the severity of the offense concerning off-leash use. In contrast, it does include consideration for armed suspects/subjects. Also, the SOPs do not address off-leash use outside of searching.

Searches

Search Operations

The PERF recommends policy should include search operations, such as building searches and off-lead searches. SOP 3.1.16 addresses building searches, and SOP 3.1.18 addresses off-lead searches. (See SOP sections below.)

Building Searches

During searches, the IACP recommends the building perimeter be secured, all exits secured, communications limited to a tactical nature, and no preliminary search by officers. It will interfere with the canine's ability to differentiate scents. They also recommend contacting the building's owner and evacuating all tenants, workers, or others. SOP 3.1.16 addresses all aspects listed except the evacuation of tenants. Current K9 unit practice is to evacuate tenants when safely able to do so.

Back-up officer during searches

The IACP and PERF recommend the use of a back-up officer during searches. The IACP also recommends the back-up officer be familiar with or briefed on their responsibilities. SOP 3.1.18 states, "A cover officer will be assigned to the K9 team. This officer will deploy behind the K9 handler and should not move from this close position throughout the deployment." The SOP does not address the cover officer being familiar with canine operations or a canine officer briefing them on their responsibilities. Current K9 unit practice is for the handler to assign roles to officers on the scene and brief them on their parts.

Canine safety during searches

The IACP recommends canines not be used to search areas that contain substances potentially harmful to the dog unless an overriding risk to human life is present. SOP 3.1.16 mirrors the IACP language.

Tracking

Pursuit of suspect

The IACP recommends that when officers pursue a suspect and lose contact, before requesting a canine team, officers shall:

- pinpoint the location the suspect was last seen,
- shut off engines if possible,
- avoid vehicle or foot movement in the areas,
- secure the perimeter of the area to be searched,
- ensure the integrity of the area by keeping personnel out of the area, and
- protect items to be used for scent from being handled.

SOP 3.1.18 mirrors the IACP language.

Other tracking

The IACP recommends canines used for tracking lost, missing, or endangered persons should remain on a leash of sufficient length to provide a measure of safety to the search subject without compromising the canine tracking abilities. APD's SOPs do not address these types of searches.

The current K9 unit practice is to request search canines via mutual aid. APD canines are not used in searches of lost, missing, or endangered persons unless extreme circumstances dictate their use.

Force

IACP and PERF recommend the handler notify their supervisor when a canine has bitten or scratched someone or is alleged to have done so. The Prince George's County consent decree requires canine officers to notify supervisors following the use of force or upon receipt of a verbal allegation of excessive force. Medical attention should be provided to the individual, and the incident reported as a use of force.

The PERF also recommends canine policies use of force and general use of force be compatible; when one is updated, the other is reviewed.

APD SOP 3.1.15 states, "Whenever a canine injures an individual, on or off duty, the handler will:

- Notify the K9 Sergeant who should respond to the scene.
- Examine the affected area to determine the extent of injury.
- Obtain medical treatment for the person in compliance with the Aurora Police Department Directives.
- If the canine physically contacts any individual, AFR will be requested and respond to the scene.

If the canine makes contact with an individual, the incident will be documented in the manner requested by the K9 Supervisor. The documentation must detail the circumstances surrounding the incident, the identity of the individual involved, any known witnesses, the extent of injuries if known, and measures taken in response to the incident."

Directive 5.4.1 states, "Peace officers are required to report what they believe to be the use of excessive force, to a supervisor, pursuant to CRS § 18-8-802, before the end of his/her shift, or no later than ten days after the incident."

The SOP and Directive do not address notifying supervisors upon receipt of allegations of excessive force.

SOP(s) Do Not Conform to Leading Practices

Transport

The IACP recommends arrestees not be transported in the same vehicle with a police canine unless alternative transportation is not available and immediate transport is essential for safety or security.

APD SOP 3.1.20 states, "The K9 vehicle will be used only for canine transport, training, court, necessary maintenance, or for other K9 functions with prior approval of the K9 Sergeant or the Operations Support Section Lieutenant."

The SOP does not address transporting arrestees. The current canine unit practice is not to transport arrestees.

Removal of canine from scene

The PERF recommends that policy addresses removing the canine from the scene. There is no policy for removing the canine from the scene. The current canine unit practice is to remove the canine from the scene as soon as possible.

Canine Use

Canine use refers to how the Department uses the canine and canine team. Overall, the SOPs reviewed partially conformed to leading practices.

Canine Use Conformity Summary		
Full	Partial	No Conformity
Proportional threat	Use of canine	Intimidation
Under the influence or in crisis	Crowd control	Juveniles
Secondary employment	Request for service	Handler proximity
Other agencies		Calls for service

SOP(s) Conform to Leading Practices

Proportional threat

The PERF recommends that policies require the use of force to be proportional to the threat faced, given the totality of circumstances. SOP 3.1.15 states, "Officers may only use that degree of force necessary to safely apprehend a suspect as governed by the Department's use of force policy."

Under the influence or in crisis

Per the Ferguson consent decree, officers will not use canines to apprehend anyone suspected of being under the influence of drugs or alcohol if no other serious crime is involved. The decree also says absent exigent circumstances; officers will also avoid deploying canines to apprehend persons believed to be in a mental health crisis.

SOP 3.1.14 states, "The K9 team should not be used to apprehend severely intoxicated persons unless other charges or exigent circumstances exist." SOP 3.1.18 states, "K9 teams should not be used to apprehend anyone suspected to be under the influence of drugs or alcohol, or mentally disturbed, if no other crime is involved."

Secondary employment

The IACP recommends canine teams not be used for secondary employment assignments. Departments can make exceptions for events sanctioned by the department or governing jurisdictions that would be considered extra-duty assignments.

SOP 3.2 states, "Canines may not be used for off-duty employment purposes without written permission from the Operations Support Section Commander." SOP 3.3 says, "Canines will not be used for off-duty employment purposes without permission of the Operations Support Section Lieutenant."

Other Agencies

The PERF recommends coordinating with other agencies. SOP 3.1.22 says, "All inter-jurisdictional requests for an Aurora Police K9 team to conduct any law enforcement-related activity will be approved through the K9 Sergeant or the OSS Lieutenant. Any outside agency's request for K9 assistance will generally be governed under mutual aid. However, there may be incidents when the specific need of a requesting agency may not meet the mutual aid standards. Under these circumstances, the request for K9 unit assistance should be forwarded to the Operations Support Section Lieutenant or K9 Sergeant for review. The Operations Support Section Lieutenant will forward the request to the Operations Division Chief for additional review and approval."

SOP(s) Partially Conform to Leading Practices

Use of Canine

The PERF recommends specifying the offenses for which officers should use a canine. PERF also recommends agencies provide officers guidance on the types of crimes for which it is appropriate to deploy a canine.

SOP 3.1.14 states, "The patrol K9 should not be used to apprehend persons wanted for status offenses only. The K9 team should not be used to apprehend severely intoxicated persons unless other charges or exigent circumstances exist." The SOP does not include guidance on specific crimes outside of when canines should not be used.

Crowd Control

Consent decrees for Albuquerque and Ferguson require, and the IACP recommends the prohibition of canines for crowd control.

The IACP recommends that canine teams respond as a back-up when appropriate but not be deployed for crowd control. Dogs shall remain in patrol vehicles or other secure locations and out of view of any crowd.

SOP 3.1.17 states, "K9 teams will not be used for crowd control at peaceful demonstrations unless approved by the Operations Support Section Lieutenant, Duty Captain/Executive or Command Officer in charge of the incident. In rare and extraordinary circumstances, K9 teams may be used for crowd control only upon approval of a supervisor to protect life or property during a riot or other civil disturbance that cannot be safely controlled by other means. In these situations, the canine will:

- Always be maintained under leash control unless no other means are reasonably available to protect an individual from serious bodily injury or death.

- Restrict their defensive action to the protection of officers or others.”

The SOP allows for canine use in crowd control, contrary to that recommended by the leading practice. We strongly believe Aurora Police should further restrict the circumstances in which officers deploy canines during protests, following leading practices. The use of dogs outside of leading practices could further erode the community trust in the Department. The IACP report on Crowd Management states, “Canines should not be deployed for crowd control or management of peaceful demonstrations—but may be deployed in isolated circumstances related to bomb detection, pursuit of suspects in buildings, and related situations².”

Request for service

The IACP recommends that if an officer requests canine team assistance, dispatch shall forward information concerning the incident to the canine supervisor, handler, or both. The IACP and PERF also recommend procedures for requesting the canine unit.

SOP 3.1.21 states, “Watch Commanders should request a K9 team by contacting the K9 Sergeant or the on-call K9 number. K9 handlers are required to answer the on-call phone number and be able to respond as quickly as possible.” The SOP does not address the role of dispatch in calls for canine service.

SOP(s) Do Not Conform to Leading Practices

Intimidation

The Ferguson consent decree requires that no handler uses their canine solely to intimidate or frighten any person. There are no SOPs that address intimidation. The SOPs should also define intimidation for handlers, distinguishing between the presence of a canine and using a canine solely to intimidate a person. The current canine unit practice is not to use dogs to solely intimidate individuals.

Juveniles

The Ferguson consent decree requires that officers do not deploy canines against persons believed to be juveniles unless a reasonable belief that such deployment is necessary to prevent imminent serious injury or death to any person, including an officer.

The APD SOPs do not address how to handle contacts with juveniles. We believe it is essential that Aurora Police specify in their SOPs their approach to using canines on juveniles, including guidance on what types of crimes deployment would be allowed for.

²IACP Report on Crowd Management, April 2019 <https://www.theiacp.org/sites/default/files/2020-08/Crowd%20Management%20FULL%20-%2008062020.pdf>

Handler proximity

The Ferguson consent decree requires that canine handlers always keep their canines within their visual or auditory range during deployments. An exception is when a dog clears a threshold, the handler should regain sight and hearing as quickly as possible. There are no SOPs that address handler proximity.

Calls for service

The IACP recommends canine teams not be dispatched to routine calls for service unless other officers are unavailable to respond. Officers should not self-dispatch to traffic accidents unless injuries or traffic conditions require immediate attention. Officers should return to service when patrol arrives. The SOPs do not address canine units responding to regular calls for service.

Data Tracking and Reporting

The SOPs related to data tracking and reporting partially conform to leading practices.

The PERF recommends that agencies record and review all canine actions. This documentation provides supervisors and command staff with an accurate picture of what is occurring in the field and demonstrates transparency to the public. By closely reviewing canine usage data and individual cases, supervisors can commend good work and correct mistakes. At a minimum, agencies should record:

- Every time a canine is deployed (i.e., has the potential to be used as a force option.)
- Every time a canine team searches, and whether the subject is located.
- Every time a subject surrenders as the result of a canine being Present on-scene.
- Every time a canine makes contact with a suspect other than a bite.
- Every time a canine bites a suspect.

The PERF also recommends that agencies conduct reviews regularly. The following should prompt a closer review: any outliers, significant increases in uses of force, or significant decreases in the rate at which subjects are found.

The IACP recommends that at least annually, the canine supervisor:

- compiles statistical summaries and analyses of canine deployments, and
- evaluates canine and handler performance and identifies incidents or trends that suggest the need to modify policy, procedures, or training.

Albuquerque and Cincinnati consent decrees require calculating and tracking bite ratios monthly to assess the K9 unit and individual teams. The Albuquerque, Cincinnati, and Prince George's County consent decrees also require using the bite ratios as an element of the early intervention system.

SOP 3.1.19 states, "The K9 Sergeant will: Process all K9 related reports and review all K9 related use of force incidents and recommend training and corrective measures as necessary."

The SOPs do not address what data officers must report or the frequency of reports and data reviews. The SOPs do not address the bite ratio calculation or inclusion of the information in evaluating the unit and individual teams. The SOPs also do not address using bite ratios as part of the early intervention system.

The current canine unit practice is to use their K9 specific software to track and report canine data. APD includes data on canine deployments and bites in the annual use of force report.

Handler Selection

The IACP recommends that the criteria for selecting canine handlers include sufficient patrol experience and successful completion of the approved canine training courses. SOP 3.1.7 covers handler selection but does not address patrol experience or canine training courses.

The PERF recommends handler selection includes:

PERF recommendation	SOP 3.1.7	SOP Conformity
A fair, uniform process open to everyone eligible in the agency.	Anticipated openings in the K9 unit will be announced in writing throughout the agency.	Conforms
A minimum number of years of experience with the department (generally 2-5 years.)	The applicant must have completed three (3) years with the Aurora Police Department.	Conforms
Review of performance evaluations.	Applicants must have received satisfactory or exceptional annual performance evaluations.	Conforms
A recommendation from a supervisor.	The SOP does not address.	Does not conform
No history of excessive force or other disciplinary concerns.	The SOP does not address.	Does not conform. Per APD, the current practice is to review the applicant's Internal Affairs file.
A demonstrated history of good decision-making.	The SOP does not address.	Does not conform
Good written and verbal communication skills for report-writing and testifying.	The SOP does not address.	Does not conform
Comfort around dogs.	The SOP does not address.	Does not conform

PERF recommendation	SOP 3.1.7	SOP Conformity
A written test of both canine-specific and general police knowledge.	The SOP does not address.	Does not conform
An interview with the canine unit and canine supervisor(s.)	Applicant must successfully complete an oral board examination and background check.	Conforms
Job-specific physical fitness testing.	Applicants must be in reasonably good physical condition in order to perform the physical duties required in the K9 unit.	Conforms
Scenario-based testing.	The SOP does not address.	Does not conform
An evaluation of driving ability.	The SOP does not address.	Does not conform
A home visit and an interview with the handler's family.	Applicants must own their own home or obtain written permission from their landlord to maintain the canine on the premises. This permission should include a provision for allowing alteration of property as needed for a kennel for the canine.	Partial conformity; does not require a home visit or family interview.

The SOPs address some, but not all, leading practices for handler selection. While APD is practicing most elements, written SOPs of all selection criteria ensure a consistent and standardized process.

Canine Selection

This section includes the review of leading practices related to the selection of canines for police service. Overall, the SOPs partially conform to leading practices.

SOP(s) Conform to Leading Practices

Approval of selection

The IACP recommends the canine unit supervisor be responsible for selecting, screening, and acquiring canines. SOP 3.1 states, "When the need arises for a new canine to be selected and purchased, it is the responsibility of the K9 unit trainer(s) or designee, to test and select new dogs for purchase." SOP 3.1.8 says the OSS Lt. is responsible for "Directing the selection, purchase, and ensuring adherence to adopted standards of qualified canines."

Testing

SHEEPDOG GUARDIAN CONSULTING, LLC ³ recommends sending two people to evaluate the dog—the trainer and the handler. They recommend testing multiple dogs and testing at neutral locations. SOP 3.1 states, “The trainer(s) should travel to the designated facility or vendor for testing and selection of canines. The selection process is thorough and rigorous. It may require testing dozens of available dogs at a facility to select just one suitable canine. The selection process requires a minimum of two persons to complete. The selection testing, criteria, and scoring will be based on the Utah POST canine selection process and scoring method.”

SOP(s) Partially Conform to Leading Practices

Canine purchases

Consent decrees for DC Metro and Cincinnati require only professionally bred canines to be purchased. The PERF recommends canines only be bought from established, reputable vendors. SOPs do not address standards for vendors when purchasing dogs. The SOPs vendor standards should include written guarantees for the workability and health of the canine in accordance with industry standards. The current APD practice is to purchase professionally bred canines from reputed vendors, but this practice is not included in the SOPs.

SOP(s) Do Not Conform to Leading Practices

Temperament

The PERF recommends selecting canines for their personalities and that their physicality and temperament is compatible with their handler. Current APD practice is to select a canine for its temperament and compatibility with the handler, but this requirement is not reflected in the SOPs.

Training

This section compares SOPs to leading practices related to training. Overall, SOPs partially conform to leading practices related to training.

SOP(s) Conform to Leading Practices

Certification

Certification and re-certification

Consent decrees for DC Metro, Cincinnati, Ferguson, and Prince George’s County, require, and the IACP recommends all canines meet certification requirements and receive annual re-certification training. Departments should not use untrained dogs for canine duty.

³US Police Canine Association site: <https://www.uspcak9.com/assets/docs/Agency%20Liability%20Issues%20-%20January%202020.pdf>

The Ferguson decree requires, and the PERF recommends the canine team supervisor maintain records that document the canine's use and proficiency. Documentation should be readily available to canine officers and others who may need it when seeking warrants.

SOP 3.1 states, "No police service canine will deploy in either a patrol or detection function unless the team is certified through a credible and recognized certifying body in each discipline. Prior to any real-world deployments in patrol or detection functions, each handler will be required to pass the Utah POST written examination in each of their disciplines with a passing score." Directive 5.8.8 states, "Each team will be certified through the Colorado Police Canine Association (CPCA), Utah POST, or a certification designed by a K9 supervisor."

[Deviations from requirements](#)

The DC Metro consent decree requires, and the IACP recommends removing the canine from service if there are deviations from certifications and training requirements until requirements have been fulfilled. The team may not be deployed unless re-certified. SOP 3.1.1 states, "If, for any reason, a canine/handler team becomes de-certified in either patrol or scent work, deployment is strictly prohibited until the circumstances are rectified, and the canine/handler team is re-certified."

SOP(s) Partially Conform to Leading Practices

[Canine unit training](#)

[Frequency of training](#)

The IACP recommends the canine supervisor ensure that basic and in-service training and certification occur regularly. The PERF recommends that in-service training be monthly and include recent incidents, scenarios, legal updates, and policy updates. SOP 3.1.25 states, "The K9 Sergeant will assure, prior to patrol service, each K9 team receives enough training hours to ensure the team can meet or exceed minimum K9 team standards." SOP 3.4.1 states, "K9 officers will plan training days, to include training scenarios demonstrating their knowledge of K9 methodology (3-6-year handler)."

[Requirements](#)

The PERF recommends that policies should include training requirements. The IACP recommends that handlers demonstrate specified skills and abilities to the canine supervisor periodically. The Prince George's County decree requires developing in-classroom instruction for the canine section to include: canine deployment policy, canine search tactics, back-up officer tactics, responsibilities, and establishing perimeters.

The Seattle Office of Inspector General, in their review of the Seattle canine unit, recommended the development of a comprehensive training program with set benchmarks. They also recommended that if the unit delegated training responsibility to handlers, the unit should establish a formal handler training

program and empower the designated handlers to develop curriculum and conduct training with unit personnel's cooperation.⁴

SOP 3.4.1 states, "K9 officers will regularly participate in unit training. K9 officers will successfully pass the annual internal re-certification conducted by the training officer."

The SOP does not address who is responsible for the unit training, what the training includes, such as required skills, or adequately define the term "regularly."

Without a comprehensive training program on a set basis, training may not be consistent, and handlers may only meet the minimum skills as required by certification standards.

Equipment

The APD K9 evaluation recommends that the canine unit have the same equipment as the groups it deploys with, such as SWAT. SOP 3.1.23 states, "Each K9 handler will be issued assignment-specific departmental equipment." The SOP does not address if the canine unit's equipment is the same as the groups with which it deploys.

SOP(s) Do Not Conform to Leading Practices

Training with other divisions

Prince George's County consent decree requires, and the APD K9 evaluation recommends in-service training on canine SOPs and methodology to all SWAT supervisors and joint training between canine and SWAT. Prince George's County consent decree requires, and the APD K9 evaluation and the PERF recommends training the rest of the agency on the canine team's capabilities and limitations. PERF recommends guidance on how the unit operates, how the unit can assist patrol, and safety considerations when working with the canine team.

SOP 3.4.1 states, "K9 officers will exhibit skills required to give presentations to Police Academy recruits, Citizen Police Academy participants, fundraising and other activities to enhance the reputation of the Aurora Police Department."

SOPs do not address joint training and do not address providing department-wide training. A lack of formal training and guidance could result in inconsistent deployment tactics, creating safety concerns during high-risk calls.

Decoy training

The APD K9 evaluation recommends that individuals serving as decoys receive training. SOP 3.1.26 states, "Generally, the only persons allowed to perform as a police decoy are law enforcement officers."

⁴ Seattle Office of Inspector General Audit of SPD Canine Teams
<https://www.seattle.gov/Documents/Departments/OIG/Audits/CanineAudit06242020.pdf>

The SOPs do not address decoy training; current APD practice provides training to decoys, but this is not specifically addressed in the SOP.

Canine Care

Listed below are the IACP recommendations for canine care. Overall, SOPs conform to leading practices.

SOP(s) Conform to Leading Practices

Use of canine

Police canines should not be used for breeding, participation in shows, field trials, other demonstrations, or on-or-off duty employment unless authorized by the agency's chief executive or designee. SOP 3.1.15 mirrors the IACP language.

Teasing

Teasing, agitating, or roughhousing with a police canine is strictly prohibited unless performed as part of a training exercise. SOP 3.1.5 mirrors the IACP language.

Permission

Handlers shall not permit anyone to pet or hug the canine without the handler's prior permission and supervision. SOP 3.1.5 mirrors the IACP language.

Housing

When an officer cannot provide housing for their canine at home, suitable kennel housing will be provided, subject to periodic inspections. SOP 3.1.5 states, "When the handler is unable to perform these and other related duties due to illness, injury, or leave, another K9 handler may be assigned to temporarily care for the animal. If the K9 handler elects to kennel the canine, a Departmentally-approved facility must be used."

Daily care

Canine handlers are personally responsible for the daily care and overall welfare of their animal, including:

- a. maintenance and cleaning of the kennel and yard area where the canine is housed;
- b. provision of food, water, and general diet maintenance as prescribed by the department's authorized veterinarian;
- c. grooming daily or more often as required by weather, working conditions, or other factors;
- d. daily exercise; and
- e. general medical attention and maintenance of health care records.

SOP 3.1.5 mirrors the IACP language.

Changes

Canine handlers shall immediately notify the canine supervisor of any changes that would affect their dogs' care and housing conditions.

Another canine handler may temporarily care for the canine if the handler cannot perform these and related duties due to illness, injury, or leave.

Section 3.1.5 states, "When the handler is unable to perform these and other related duties due to illness, injury, or leave, another K9 handler may be assigned to temporarily care for the animal."

Canine Retirement

A canine handler may apply to take possession of the dog where:

- a. the dog is retired from duty or relieved due to injury; or
- b. the handler is transferred or promoted or retires, and a decision is made not to retrain the dog for another handler.

SOP 3.1.11 states, "The unit trainer(s) in conjunction with unit supervisor and Lieutenant shall conduct a frank and honest evaluation of the health and fitness for duty of all unit canines on an annual midyear (summer) basis. When it is determined a police canine should be retired, it is the responsibility of the Lieutenant to alert executive staff and plan accordingly for the replacement process. When it becomes necessary to retire a canine from active duty, the Department may transfer ownership to the handler with the permission of the Chief of Police. Any costs associated with the transfer will be determined by the Operations Support Section Lieutenant."

Terminology

The consent decrees and the PERF include definitions of common terminology such as canine apprehension, canine bite ratio, canine deployment, deployment, apprehension, apprehension with contact, contact, surrender, etc. The SOPs and directives do not define any of these terms. The SOPs should include definitions of terminology that may be interpreted differently by different parties. Clear definitions allow for a consistent, common understanding of terminology.

Update related SOPs

Our review included SOP 3.02 for Explosive Detection Canines and SOP 3.03 Narcotics Detection Canines. These SOPs have similar sections, but we identified some differences in wording.

For example, SOP 3.2.8 addresses the completion of a deployment form for each explosive canine deployment, but SOP 3.03 does not address the use of the form for narcotics canine deployments. APD should compare both SOPs to identify any other inconsistencies and correct them.

Written policies and procedures conforming to leading practices ensure that procedures and practices meet minimum accepted standards. They provide a basis for smooth transitions when personnel changes occur, allowing new personnel to be aware of current requirements.

Recommendation

We recommend APD update its policies to reflect leading practices as identified above. We also recommend APD compare the Narcotics and Explosive SOPs and make updates as needed.

Management Response

The executive management team that oversees the K9 unit conducted a review of the K9 Milestone 2 Report. The K9 Milestone 2 Report was authored as part of an ongoing audit process conducted by the City of Aurora. This report contains an assessment and review of policies and procedures, along with performance measures. This signifies Part 1 of the audit process, with the second part occurring later this calendar year. In the review of the report, it is acknowledged that the current policies address some, but not all, leading practices.

In addition, the canine unit uses performance measures to track deployment data and adjust practices as necessary. It was also important to note that many practices were being utilized and conformed with leading practices but just were not reflected in written policy. In consultation with City Auditor Michelle Crawford, we discussed the report and accepted the recommendations. The executive team will monitor the rewrite and implementation of these recommendations. The Operations Support Section Lieutenant and the K9 Sergeant will draft and develop written Special Operations Procedures in accordance with the recommendations during the timeframe set by the City of Aurora Auditor's office. Once the policies are developed, they will be reviewed by the executive management team and implemented.

The best leading practices will be adopted by the K9 unit, at this time, based on the recommendations contained in this report and will be documented in the SOPs in accordance with the Aurora Police Department's policies for procedural (SOB) approval and the implementation process.

Estimated Implementation Date: June 30, 2021

Issue Owner: OSS Lt.

Issue Final Approver: Metro Division Chief



Milestone 3 Report
APD - K9 Operations Part 1

April 27, 2021

Internal Controls

In Milestone 3, we determine whether appropriate process controls exist for key processes and whether processes are efficient. We accomplish this by flowcharting and performing walkthroughs of critical processes and identifying missing controls and process inefficiencies.

PROCEDURES	CONCLUSIONS
<ul style="list-style-type: none">Flowchart critical processes and evaluate for missing or weak internal controls, efficiency issues, and IT-related issues.	Controls are missing from some of the critical processes. We have included recommendations below.
<ul style="list-style-type: none">Determine any impact on testwork procedures.	We will update the testwork objectives to include reviewing the Kanine software's use and validating the accuracy of data within the system.

Wayne Sommer

Wayne C. Sommer, CPA, CGMA
Internal Audit Manager

Issue Details

Policy recommendations were included in Milestone 2.

Inventory discrepancy

The K9 unit changed Sergeants in December 2020, and the new Sergeant conducted an inventory of training aids on December 29, 2020. The inventory identified discrepancies in the weight of narcotics aids. Some aids were more than the documented weight; two aids were less than the documented weight.

The Sergeant reported the difference through the chain of command. The SOPs for the K9 unit include that the Crime Lab Chemist should conduct an unannounced inspection of the narcotics aids. There is no evidence that this has occurred. The correct weights and integrity of the narcotics aids need to be verified by someone independent from the unit.

Recommendation

We recommend APD immediately directs the Crime Lab to verify the weights and contents of all Narcotics aids. APD should update the checkout forms based on the verified weights and contents. If the review identifies differences, APD should determine if those differences warrant an investigation.

Management Response

APD K9 agrees with this recommendation. A meeting was conducted with the K9 chain of command, Crime Lab command, and the Chief's office to find a viable solution. APD will either complete the analysis by the crime lab chemist and verify the training aid weights or destroy current narcotics and obtain new narcotics to be issued and properly documented and maintained.

Estimated Implementation Date: July 1, 2021

Issue Owner: OSS Lt.

Issue Final Approver: Metro Division Chief

Training Aid Process

The process for tracking and monitoring training aids needs to be improved.

Checkout and inventory process

The K9 unit uses narcotics and explosives as aids to train the canines. Handlers document the removal and return of aids from safes in a log, including the weight as applicable.

The inventory of aids occurs using the logs. The unit Sgt. or Lt. verifies the safe contents monthly or quarterly as required by SOPs. Using a manual system for inventories is less efficient, and reporting is more complicated. Utilizing an inventory management system to check aids in and out and for inventory would allow for easier record keeping and reporting.

Security

The unit stores narcotics aids in secure safes in a restricted area; however, it is accessible to units other than K9. While an access badge is required to enter the general area, the safes area does not need an access badge. There are no cameras in the safe area. The unit stores its explosive aids in a secure safe in a restricted area. The site is also accessible to units other than K9; this site includes security cameras.

A security camera in the room with the narcotic aid safes would allow a means for investigating if any discrepancies or aids go missing.

Independent review

The SOP 3.3.4 states, "The crime lab chemist will check the quantity of the training aids as necessary. The chemist will also inspect the integrity of the packaging and verify the gross weight of the training aids on an unannounced basis. The chemist will forward their findings to the Operations Support Section Lieutenant. If the chemist detects any discrepancy, the Crime Lab Supervisor, the Operations Support Section Lieutenant, and the Metro Division Chief will be notified."

The Chemist does not document when a review has occurred. There are no procedures to ensure that a Chemist review occurs. A certified Chemist provides independent analysis to verify the narcotics are still intact; without this review, there are no controls in place to ensure the narcotics inventory's integrity or accuracy.

There is no independent review of explosive aids or the inventory of the explosives and narcotics aids. An annual audit by Internal Affairs verifying the existence of aids and inventories would increase accountability and ensure accurate records.

Recommendation

We recommend:

- APD update the SOP to require a specified frequency (of at least annually) for the Crime Lab Chemist or a certified Chemist inspection.
- APD update the SOP to require an annual audit by Internal Affairs verifying the existence and accuracy of explosive and narcotics aids and inventory records.
- APD updates the SOP to include a Command level review to ensure the Chemist inspections occur.
- APD utilizes the APD inventory management system for checking in/out aids and inventories.
- APD evaluates adding a security camera to the area with the narcotics aid safe or identifying a location for their storage with stricter access.

Management Response

APD K9 agrees with the recommendations listed in this section. The K9 SOP has been drafted and updated to include Annual inspection of narcotics and explosives

by either the Crime lab or Internal Affairs (still yet to be determined which unit will complete this). Additions will be made to the SOP to include annual command level review to ensure Narcotics and explosives training aids are audited by IA or Crime lab. The SOP will be modified to incorporate the use of the Department inventory management software as soon as it is available and online. Cost analysis is being conducted on which option management would like to take on the security of the narcotics training aids. Either a camera will be added in the current location, or the narcotics will be moved to a more secure location that complies with the recommendation.

Estimated Implementation Date: July 1, 2021

Issue Owner: OSS Lt.

Issue Final Approver: Metro Division Chief

Training

The K9 unit can make improvements to improving training and its documentation.

Curriculum

The K9 unit follows standards from Utah POST and the Colorado Police Canine Association. While the unit uses these agencies and their standards for certifications, they have not used the standards to develop a training curriculum. A canine curriculum would incorporate the standards into training areas. A curriculum should include the frequency of training on topics and benchmarks/assessments for each training ensures mastery of skills by handler and canine. Developing a curriculum would ensure the adequacy of training and ensure training is standardized. Training is essential; it is also important not to meet just the basic skill level but to continue to develop and master skillsets.

Trainer

The standard operating procedures (SOPs) do not address the trainer selection process, including qualifications. It does not include responsibilities for K9 trainers. Also, SOPs do not address if a trainer can train and evaluate their own canine. Based on our review, trainers have additional responsibilities above handlers. The SOPs address additional compensation for handlers but do not address whether trainers receive any additional compensation.

Without written qualifications and responsibilities, trainers may not be qualified or may be unaware of their duties. This could result in training not meeting standards. There is also no policy or procedure for evaluations of trainers. The Sgt. should evaluate the trainers on a set basis to ensure they meet their responsibilities and standards.

Training Evaluations

SOP 3.1.25 states, "Each K9 team will be evaluated on a monthly basis by a K9 trainer and K9 Sergeant for the team's first 12 months of service to assure a continued acceptable level of performance. Once the team has completed 12 months of continuous service, evaluations will be conducted quarterly.

The trainers will submit the K9 team evaluations to the K9 Sergeant along with any recommendations pertaining to their abilities as they apply to the performance of their duties."

The K9 unit was unable to provide copies of recent training evaluations. The unit Sgt. is responsible for ensuring unit compliance. The SOPs should include a review of the trainer evaluations for completeness and timeliness by the unit Sgt. at least annually. Updating the SOPs for these areas would ensure compliance with SOPs and allow for any required training adjustments.

Documentation

The handler documents their training in the Kanine system on the training detail report form. The report includes the day/time, location, type of training, and details on the specific activities; the handler signs the form. The Sgt. approves it. The training form does not include whether a Trainer observed or led the training. This data helps ensure trainers are meeting their responsibilities, monitoring the types of training, and ensuring the trainers can evaluate the canine teams.

Recommendation

We recommend:

- APD develops a formal training curriculum including frequency of skills and benchmarks of various skills to be used in evaluations.
- APD updates its SOPs to address who evaluates a trainer's canine, trainer selection, qualifications, responsibilities, and responsibilities for the Sgt. to perform trainer evaluations.
- APD complies with its SOPs, including quarterly training evaluations.
- APD captures data, including if it was handler or trainer led.

Management Response

APD K9 agrees with the recommendations in the training section. SOP has been drafted to include a basic training checkoff book to achieve benchmarks through basic training for new handlers and dog teams. Drafted amendments to the SOP to include minimum requirements to be trained to a satisfactory level within an outlined timeframe. Drafted an amendment to the SOP to include clarification as to how trainers are selected, who evaluates their canine, trainer's responsibilities, and Sergeant responsibility to complete trainer evaluations. A form has already been created to address and comply with the current SOP for quarterly evaluations on K9 teams by the trainer. Added verbiage in the amended SOP to include direction to document within the tracking software if the K9 training was trainer or handler led.

Estimated Implementation Date: July 1, 2021

Issue Owner: OSS Lt.

Issue Final Approver: Metro Division Chief

Data

There is no documented guidance or formal training on how to use the Kanine software. The K9 unit uses the Kanine system to track all their data, including

deployments, training, and certifications. There is no formal guidance on utilizing the software, and there is no training, such as "how-to" guides on the software. As a result, data use and input between the unit members may not be consistent, and the unit may not fully utilize the software.

There is currently no process to review source records such as reports, body-worn camera footage, training observations, or other records/materials to verify data in the system is complete and accurate.

Recommendation

We recommend the APD develop guidance on using the software and identifying training opportunities, either internal or external. We also recommend APD develop procedures to validate data within the system periodically. Procedures could include observations to compare to the handler entry, reviewing reports, or body-worn camera footage to compare to deployment information.

Management Response

APD K9 agrees with the recommendation in the data section. APD K9 is currently researching a solution to better train the handlers and the supervisors on the intricacies of this tracking software and how current and new members can be efficiently trained. Additionally, evaluating other tracking software that is available and if other software would be a better fit for APD.

Estimated Implementation Date: September 30, 2021

Issue Owner: OSS Lt.

Issue Final Approver: Metro Division Chief

Appendix

Sources for our policy comparison:

- Police Executive Research Forum (PERF) Guidance on Policies and Practices for Patrol Canines, May 2020
- International Association of Chiefs of Police (IACP) report on Patrol Canines, May 2015
- SHEEPDOG GUARDIAN CONSULTING, LLC, Report on Agency Liability Issues, January 2020
- Consent Decrees from the Department of Justice: Prince George's County, District of Columbia, Cincinnati, Ferguson, and Albuquerque
- APD K9 Evaluation by TopDog Police K9 Training and HITS K9 Training, April 2018