



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 any way, 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.

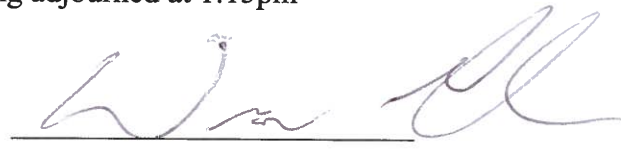
6. Confirm Next Meeting

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

7. Adjournment

Meeting adjourned at 1:15pm

APPROVED: _____

A handwritten signature in black ink, appearing to read 'Dave Gruber', written over a horizontal line.

Dave Gruber, Chair