



Public Safety, Courts and Civil Service Committee

October 14, 2021

Members Present Dave Gruber, Chair
 Marsha Berzins, Vice Chair
 Curtis Gardner, Member

Others Present D. Carrel, A. Dickens, W. Nicholson, J. Haien, J. Schneebeck, A. Robnett, M. Platt, A. Garcia, D. Parker, J. Bergeron, M. Nelson, M. Hays, M. Hildebrand, R. Weber, F. Gray, M. Longshore, S. Day, J. Batchelor, M. Wasserburger, M. Chapman, M. Ridder, T. Buneta, J. Heckman, M. Cain, T. Brown, S. Stowell, D. Wilson, J. Twombly, C. Juul, Y. Kennedy, J. Moon, R. Jackson, S. Wright, C. Hills, R. Lantz, M. Smith, R. Pena, C. Amparan, B. Wesner, P. Schulte, Z. DeBoyes, V. Wilson, I. Evans, J. Bajorek, D. Stafford

1. Call to Order

Meeting called to order at 11am.

2. Approval of Minutes

September 16, 2021 minutes approved.

3. Consent Items

3.a Aurora Fire Rescue International Fire Code 2021 Adoption

Deputy Fire Chief Caine Hills gave a brief overview of this item. The process of adoption started with the Business Advisory Board in January 2020. The Building Department is critical in collaboration because they adopt the International Building Code (IBC) simultaneously with the adoption of the International Fire Code (IFC) being proposed. Both codes mirror and complement each other. Tax and Licensing has added a provision in the new code related to food trucks. Latent vapors utilization must have commercial codes in them and AFR has established a process of identifying those food trucks when they request a license. A new version of the code is to come out every three years. The last code was adopted in 2015 because 2018 was skipped. In addition to multiple amendments, four chapters were added to this version; Energy Systems, Higher Education Laboratories, Process and Extraction Facilities, and Storage of Distilled Spirits and Wines.

Outcome

Approved to move forward to Study Session.

Follow-up Action

Provide meeting minutes from the Business Advisory Board when this item goes to Study Session.

3.b Regional Fire Code Board of Appeals IGA

Deputy Fire Chief Caine Hills gave a brief overview of this item. There is a provision within the Fire Code that allows business owners to appeal an interpretation of the fire code if a violation is issued. They have never had an appeal process requested. The initial IGA was developed and initiated in 2006. AFR is requesting to terminate the previous 2006 agreement and move the presented IGA forward for full council consideration. This Board would include participants from other jurisdictions such as South Metro, City of Sheridan, West Douglas Fire Protection District, Jackson, and Aurora Fire. After research and discussion, staff concluded that having an outside appeal process would be most appropriate. Otherwise the appeal process would be the same as the Building Department's process. The board will include representatives with experience in design, fire protection, engineering, industrial safety, general contracting, a general industry business.

Outcome

Approved to move forward to Study Session.

Follow-up Action

None.

4. General Business

4.a September 2021 Crime and Police Attrition Data

Deputy Police Chief Darin Parker provided the update on crime to the committee. A review of the 4-week comparisons from last year indicates a slight decrease. However, an overall increase is expected for 2021.

Business Services Manager John Schneebeck presented the attrition data to the committee. There were 12 additional losses in September which tallies up to 101 losses year-to-date. Comparatively, total losses for 2020 was 87 and total losses for 2019 was 58. The turnover percentage is 13.6% The cumulative slope continues in the upward trend. Five classes comprised of 1 lateral and 4 basic entry classes have started resulting in 75 total additions. This results in a net loss of 26. Organizationally, there were 733 sworn employees at the end of the month, which is 11 less than the 744 authorized sworn strength. This breaks down to 38 losses in patrol as well as 15 trainees working in patrol side-by-side with the trainers. If all the current classes go as planned, there will be 65 additional FTEs added by June of 2022. The next academy is scheduled to start on October 25, 2021 with 20 basic recruits.

CM Gruber: The numbers are still disturbing. We're not seeing the drops in crime that I was hoping to see but I understand the challenges. In regard to the attrition, this is the most frustrating information to see crime going up and police going down. The basics of management is to measure and modify based on the measurements in order to correct. So, we've got the measurements going on, and I appreciate the job the police department has done and bringing these numbers to council. The frustrating part is that we lack the knobs to turn that would, both,

reduce crime and increase retention. And that's incredibly frustrating to me. I know it's frustrating to city management, the chief of police, and leadership within the police department. I think it's important that these numbers continue to come to council. I'll be gone in another two months, but it's important these come to council so that we can at least see the results of our efforts or our ability or lack of ability to change these.

CM Berzins: I agree with you 100%. It is very frustrating. I know we have good recruiters. The lateral classes have just about dried up and we've always gotten recruits from that. We've always gotten people moving over. This is totally different than I've ever seen and it's a shame. I hate to see this. Unfortunately, it's going to take us a while to dig out of here.

CM Gruber: We've got the Attorney General's report and the impact of that. I pray for the city and I congratulate and support the police department and I wish you the best in protecting the citizens and residents of Aurora.

CM Berzins: I would like to say, keep you heads up. You were painted with a broad brush and never should have happened. We have wonderful staff and police, everyone involved and please don't let all this get you down. You're there to help and you do help and I'm just so sorry that you got painted with that negative brush, because you don't deserve that.

Outcome

Information Only.

Follow-up Action

None.

4.b September 2021 Aurora Fire Rescue Attrition Data

Assistant Director of Fire Management Services, Mathew Wasserburger, presented this item to the committee. AFR has had 15 separations year-to-date which is an attrition rate of 3.5%. The department has done a pretty good job over the last couple years planning for attrition and making sure academy classes are big enough to meet that. The three-year planning average is 6.8%. AFR may get there but planning decisions were made to cover that.

CM Gruber: This is encouraging information.

Outcome

Information Only

Follow-up Action

None.

4.c 2021 Judicial Performance Commission

Dr. Zelda DeBoyes explained that part of her role with the city was to act as the staff liaison for the Judicial Performance Commission. She introduced the commission members to the committee; Interim Court Administrator Mike Ridder, Chair John Haien, Vice Chair Debbie Stafford, Secretary Wesley Nicholson, Yasmeen Kennedy, and Attorney Kelly Malcolm. Their purpose is to maintain

quality of judge’s performance based on input from citizens, jurors, attorneys, administrative staff. The report is prepared with a full and confidential evaluation of each judge and is forwarded to City Council and the judges. Every two years the commission makes recommendations to council to appoint, do not reappoint, or no opinion along with explanations of the evaluations. The commission performs court evaluations and private executive sessions where they discuss the evaluations before presentation. The commission is comprised of three attorneys and 4 non-attorneys appointed by council and serve a three-year renewable term. There are currently two vacant attorney positions. The data package for 2021 is not yet complete but is expected to be by the end of the year. Judge Day provided his perspective of the process. He explained it is part of the city code and provides an annual opportunity to evaluate each other and see where they stand. The feedback, even critical comments, are viewed positively by the judges and provide a benchmark for additional training and areas of improvement. The commission and Judge Day meet annually to stay informed of his perspective to build that into the interview process of the judges to ensure its usefulness. The Commission’s role is not to discipline the judges but rather to ensure the judges have what they need for self-evaluation and provide refined, objective feedback about the judges.

CM Gruber: I spend a lot of time with these reports when I receive them. I don’t have a judicial background, so it’s very informative and helpful to understand from a community perspective as to how the judges are doing.

Outcome

Information Only

Follow-up Action

None.

4.d Aurora Fire Rescue Auto/Mutual Aid Procedure

Deputy Fire Chief Allen Robnett presented this item to the committee. Automatic aid agreements are the exchange of services between two agencies dispatched to scenes as part of response force and does not require approval. Mutual aid is a requested response based on agreements between AFR and other agencies. It requires approval from a battalion chief, at minimum. The mutual aid agreement is negotiated so participating agencies know exactly what their participation entails. It is typically clearly outlined what each agency will provide. There is some maintenance required for the automatic aid agreements such as sharing of radio channels and cross-training, so they know how to function on-scene. AFR currently has mutual aid agreements with Douglas County, Metro Chiefs, and Buckley Airbase. These agreements are determined by ease of access to specific geographical areas. For example, on 225 going north, Denver will respond and on 225 going south, AFR will respond. This provides citizens a much quicker response. AFR has automatic aid agreements with Denver Fire and South Metro Fire. Every metro department sending a crew outside the city to perform suppression operations will also send a battalion chief to operate as their safety officer. AFR anticipates establishing an agreement in the future with Bennett/Watkins Fire District and the Colorado Air and Space Port areas.

CM Gruber: I thought we had agreements put in place with Watkins and Bennett over some of the oil wells that are going into Aurora on the far east side. Do those operate under mutual aid or some other type of agreement?

Robnett: Those are mutual aid and we've had interaction training together on those. We're conducting active negotiations with them but those are covered by mutual aid, we don't automatically respond. There is a confusing part to that, I should clarify; a lot along Watkins are dual jurisdiction areas. Those are areas that are annexed into the city, but they pay into the Watkins Fire District so both agencies have an obligation to respond.

CM Gardner: Last year I had opened a council request asking about some statistics on how often we're calling for aid from other agencies. I think our software at the time didn't allow us the ability to track that as well as we would have liked. Now that we have some of that new software in place, is that something we're tracking and if needed in the future, could get the data on?

Robnett: That's correct, Sir. We are grateful for the upgrade and software. It is capable of tracking that. It has a tremendous amount of flexibility and how we track it, and we're still drilling down into the best way to track it, but we do have that data.

Outcome

Information Only.

Follow-up Action

None.

4.e APD Mutual Aid Process and Procedures

Deputy Police Chief Darin Parker presented this item to the committee. The original request for this item was from Councilmember Berzins and her questions about how police stay safe when either assisting in other jurisdictions or when other jurisdictions assist APD. There are two types of mutual aid; those established by an Intergovernmental Agreement (IGA) or Memorandum of Understanding (MOU) that are prepared with the assistance of legal advisors, and more short-term agreements that come in through Dispatch and must be approved by a patrol lieutenant or higher. When APD receives requests for planned operations, a determination on available resources is made. The requests are normally for SWAT or resources such as those. Leadership determines what the role of APD will be, the equipment needed such as vehicles, and specifically what the ask from the other agency is. The expectation is that, while operating with another agency, that APD will operate according to APD training and policies or procedures with the equipment that APD officers are trained to use. APD does not typically integrate personnel with other jurisdictions as far as unit operations so communication, tactics and procedures can be followed. All of these things would be outlined in an operation plan to include what APD's role would be, objective, rules of engagement, and command and control. The metro area has radio channels that are shared amongst the jurisdictions and they make sure to identify which of those will be used. When APD requests mutual aid, the process is similar but in reverse. A need is identified and a decision is made to reach out to another agency that can help provide any needed resource. The request goes through the chain of command

and is ultimately approved by the chief. The request is generally made chief to chief or sheriff. An example of how the requests work is related to the request from Denver. When they were placed under restrictions by a Denver judge as far as what their tactics could be and what weapons could be used, from that point on APD was unable to assist from that point on crowd control operations because the restrictions didn't allow for the equipment, training, or tactics used for operation.

CM Berzins: That was very helpful. I did not realize that once the judge did that in Denver, then that turned you away. That's good to know.

CM Gardner: I'm glad to hear that we're not compromising our tools or tactics or training or anything to help other agencies. So, if it doesn't meet kind of our minimum standards, then it's not going to work for us. So that I'm glad to hear that.

CM Gruber: I'm equally supportive of that decision. If we train our people one way if they're in a situation where the training does not match what the situation requires, essentially, then our people would be untrained and that's never a good situation. So, I think that was a good decision as well.

Outcome

Information Only

Follow-up Action

None.

5. Miscellaneous Matters for Consideration

M. Ridder: I'd like to make a request. We're doing E-Discovery and we're under some guidelines that the PD Commission would like to have implemented real quick. I'd like to make an additional request for two FTE's for the Court IT Division. We're a staff of four people, and we have two programmer analysts on board that we would like to devote one totally to the project. We have to have an online bonding project completed by December 31st this year to comply with the Senate bill for this year. The two FTE positions would help us push these projects forward and accommodate the timelines that we are pushed with.

CM Gruber: Council has done the funding review. Pretty much now all development or all software is working through software as a service. Do you make or do you buy the software applications used by the court system?

M. Ridder: No, we develop all our software. We tailor make all our software we believe doing business here at the court we want to do the business, the way the city wants to do the business, and not try and run into a situation with a vendor. We take into account that usually most software packages you're at the mercy of them going into their upgrade and usually that's where you have to have a business analyst that is tasked with having to do those upgrades and at the mercy of what a vendor wants you to do on an upgrade and that usually affects numerous systems when you do that. The beauty of us is that we integrate into multiple systems and we have the talent to do that. Where we get tied along is when we get into the house bills that has just been, the last couple of years, just been unbelievable how many house bills has come across. There is no timing on them and there is no planning on them. So, we basically are at the mercy of whatever is being passed that we have to comply with. I don't know how software packages and the cost of those would even be affordable for the city at the present time. That's been our practice for the last 20-25 years

is developing. I think we've done quite a good job of keeping up with everything that needs to be done.

D. Wilson: This came about as a result of our meeting with my commission and Judge Day, Julie Heckman and Mike Ridder as a result of the assessment. The number one thing we talked about was how we could get electronic discovery implemented. It's been a project that started well before I was appointed. The conclusion was that if Mike can get this done by Spring, which is the project that we've been trying to get figured out for about six years. But, it's going to take some relief in his officer because it's going to take some staff to get this completed. We know it's late in the process, but all of us over here support this request because he will embed a person in Julie's wing of the City Attorney's office to get it done. It will save so much time and money if we can get that done.

CM Gardner: I'm certainly supportive of the concept of moving to electronic discovery. My concern is developing our own versus buying third-party. From a support standpoint, you lose the people who are around development and you don't have that institutional knowledge then also adding two FTEs. Are there not third-party software available?

M. Ridder: We looked at Xerox Solution a couple years back. And even with Xerox there was a couple year wait for them to even do a programming for the municipal court level. It had a million dollar cost at that time and no guarantee. We weren't too happy with the way their product was and what they would support. We have really embedded a lot of time in this, and we also have most of the stuff ready to go right now.

D. Wilson: I was involved in the building out of the state. If my office alone, the state public defender's office alone, had to give up \$1.2 million to get it done and that was just my share. It was an extremely expensive process and Mike's office is, in essence, three to four months away.

CM Gardner: Scott Newman probably isn't on this call. I'd be curious, from his perspective and what he does for the city, what his thoughts would be on building this out ourselves versus something off the shelf. I don't know where we're at in this process and I hate to throw up a roadblock. I'd be curious to hear from his perspective what his thoughts were because I think he's pretty in tune to a lot of the cyber security and that type of thing.

S. Day: You have really good points. There's been other courts that have gone with third-party vendors for their process. In speaking with those other courts, there was a lot of challenge as it related to those 3rd party vendors. In talking with the presiding judges, one issue that came up is that some of the third-party vendors, when they agreed to join your particular court, they then become the owner of their own data. As you know, we're getting into an era with criminal justice reform and the State is really interested and involved with the collection of data it relates to the law enforcement concerns. That's finding its way into the courts as well. Negotiating and dealing with the issues of who owns the data is a huge issue. For us to do it ourselves to keep it kind of in house, we don't have to deal with all those other issues. There may be advantages to what you're referring to as to support of that system ongoing. We've had our own court administrative system for my entire time here, it's been in house and we've administered that system for 30 plus years. I think we could do so with the E-discovery as well.

CM Gruber: My experience is that home-build applications become very costly in the long-term given the expertise needed to maintain them. I know that there are other applications where E-Discovery is built into it. I've also heard complaints over the last few years about the paper copies necessary to execute court proceedings and the inherent risk of sharing

links to data that may be stored on a server without a secure front end. I would like to see at our November meeting is a make-or-buy analysis. I would like to have the Chief Information Officer for the City do that analysis. Based on the outcome, we either fund the FTEs or we take that money to buy a system off the shelf and work with other municipalities to ensure that system is meeting what the legislature put into statute.

6. Confirm Next Meeting

Next meeting moved from November 18 to November 9, 2021 at 1pm via WebEx due to the upcoming election and committee members no longer involved in council thereby not having a quorum.

7. Adjournment

Meeting adjourned at 12:35pm

APPROVED: _____

Dave Gruber, Chair