



Public Safety, Courts, and Civil Service Committee

October 13, 2022

Members Present

Dustin Zvonek, Chair
Danielle Jurinsky, Vice Chair
Steve Sundberg, Council Member

Others Present

J. Marcano, J. Batchelor, M. Brukbacher, D. Oates, M. Sears, A. Botham, S. Newman, R. Pena, D. Lewis, M. Platt, S. Franz, W. Lippman, J. Hill, M. Brukbacher, C. Atkinson, P. Schulte, M. Hays, J. Lanigan, C. Bennett, A. Robnett, S. Risner, M. Wasserburger, D. Brotzman, J. Schneebeck, R. Weber, M. Crawford, B. Joyce, A. McIntyre, E. Wittman, S. Day, J. Bunch, A. Garcia, I. Evans, K. Stafford, M. Brannen, M. Chapman, M. Cain, D. Carrel, C. Tassin, M. Longshore, M. Mocerri, E. Knight, T. Buneta, T. Vaughn, M. Nelson, K. Barnes, A. Soustek, J. Twombly, T. Alcorn, D. Pendleton, S. Aurakzai-Foster, J. Nicholas, R. Jackson, A. Coombs, B. Van Sickle, J. Heckman, Y. Emeson

1. Call to Order

Meeting called to order at 8:30.

2. Approval of Minutes

September 8, 2022 Minutes approved.

3. Consent Items

3.a Police Attrition Update (October)

3.b September 2022 Aurora Fire Rescue Attrition Update

3.c Aurora911 Staffing Update

3.d IGA with The Community College of Aurora

3.e Special Operations Crime Suppression

No questions.

4. General Business

4.a Traffic Fine Schedule

Judge Shawn Day presented this item. One of the responsibilities of the presiding judge is to set the fine schedule for the court. Typically, the fine schedule is reviewed on a five-year periodic basis. It was found that the review should be done more frequently after conducting a survey and outreach to numerous cities. Several presiding judges also requested the results.

CM Zvonek: I think we have it all here in our backup.

CM Jurinsky: I don't really have a question. But Judge Day, thank you so much for this and for looking into this and gathering all of this information. This is something that obviously I have contacted you about a lot. I am absolutely in support of the new proposed fines schedule. And I think that we should be leading, quite frankly, the state in this. And I just I really appreciate all the work that you put into this. So, thank you.

S. Day: You're so welcome.

CM Zvonek: All right, Judge, thanks for the update. Okay. Thank you. This is information only, right? We're not moving anything forward on this, right?

S. Day: That's correct. You got it.

CM Zvonek: Got it.

Outcome:

Information Only.

Follow-up Action:

None.

4.b Aurora Detention Center Safety Update

Candace Atkinson presented this item. A 2019 study revealed that there is no steel grating on the jail's second floor to prevent defendants from jumping down or pushing staff. An emergency purchase will be made for metal screening which costs \$65,000 per pod for four pods. This totals \$260,000 and will be covered by vacancy savings. The purchase order has been through and approved.

CM Sundberg: I was just curious when it would be completed.

C. Atkinson: Well, we're hoping to have it completed by the end of the year. We're now waiting for the contractor to get us on their schedule.

CM Zvonek: Thanks, Candace. I appreciate the update.

Outcome:

Information Only.

Follow-up Action:

None.

4.c Public Safety Action Plan Update – Various

Jason Batchelor, Chief Daniel Oates, Courtney Tassin, and Saadia Aurakzai-Foster provided an update on the Public Safety Action Plan.

Fully staffing the Aurora Police Department and providing ongoing and industry-leading training

Updates were presented in terms of staffing and training that is being done and scheduled.

Improve data collection, utilize hot spot analysis, and improve efficiency through data analytics

Downward trends continue to be seen over the last six to eight weeks. The department has been making proactive efforts in targeted operations including street racing and heavy vehicle inspections. Council recently approved the purchase of portable scales which will aid in heavy vehicle inspections. Previously, APD has been borrowing scales from the state patrol. Staffing remains to be a challenge.

CM Zvonek: Chief, is this the second month now of the second consecutive four-week period where we've seen motor vehicle theft go down? Is that correct? Because I can't remember last month. I know it's small and there are still way too many cars being stolen. But if I recall, last month there was a decline in the four weeks and again this month.

D. Oates: Yes. Again, we produce this report every single week. It's a snapshot in time. But the weekly reports have been trending down for about 6 to 8 weeks. Yes, it's the second month in which there's been a decline.

CM Zvonek: Great. Okay.

Restore and expand the Aurora Gang Reduction Impact Program to address youth violence

The team on its final round of interviews for the Youth Violence Prevention Manager. A partnership with APD for the Public Safety Partnership (PSP) federal program that focuses on youth violence was made. They have completed their report and have conducted meetings regarding the positive direction that has been outlined. Experts will be coming in on November 9th for a meeting regarding the Focus Deterrence Program implemented in Kansas City. This program uses a carrot-and-stick approach for teens and young adults who operate in social networks and drive the bulk of violence in communities. The city will build social services and options for people continuing to commit a crime. Once an individual is identified and has discussed their involvement in crime, they must choose alternative programs or receive other consequences of criminal behavior. This all-day seminar will include the YVPP team, parole and probation officers, the courts, district attorneys, and the US attorney.

CM Zvonek: I'm happy to hear that, Chief Oates. I mean, one of the reasons why I wanted to dive into this topic a little bit more today is just from the conversations you and I had around some of the crimes that we're seeing and the age of the people who are committing these crimes. And I think one of the things that will be helpful for us, as we move forward, is identifying these types of proactive programs. But

also, if there are limitations on how we can effectuate these programs because of state law, I think understanding that so that we can go to some of our partners in the state legislature next session and highlight these things. I do worry that there are state laws that are sometimes prohibitive to us actually addressing crime.

Increase the number of clinicians on Crisis Response Team to increase response to mental health calls

The Crisis Response Team (CRT) has completed its RFP process and is in the final stages of contracting with UC Health. They are expected to be under contract by November. The team has identified that there is no non-compete within the contracts with Aurora Mental Health. UC Health leadership has been devising a strategic plan for implementing a training program for clinicians and ensuring that they will get fully staffed. UC Health's salary is very competitive with benefits, they have an as-needed clinician pool, and they have a formal onboarding process. They also oversee four different co-responder programs across Colorado. CRT also has a contract with Aurora Mental Health to provide CIT training to officers. The team is also utilizing their walk-in clinic and addressing problems encountered.

CM Sundberg: If you could just summarize the main points of why we are switching to UC Health?

C. Tassin: So, within the internal audit that was recently conducted and completed in February, it was a direct recommendation of both city staff and the internal auditor to initiate an RFP process with our historical staffing concerns with Aurora Mental Health. In the past, we've had many candidates turn down positions. We've had staff attrition due to salary. To be completely frank, it was also recommended. But there were also just significant concerns with the willingness to explore options to maintain staff, but also to better recruit.

CM Sundberg: Thank you. Are we pretty confident we can get staffing levels up quickly and get this team running in the streets?

C. Tassin: I'm very hopeful. And speaking with UC Health, their recruitment strategies are very strong. The hospital systems offer probably the most competitive salaries across the state. As a clinician, myself, receiving the salary that they're offering would be a very huge attractive factor. So, I am very confident and I'm also confident in their company culture, which helps with retention itself.

CM Zvonek: Jason, just a follow-up to the question that Councilmember Sundberg was asking. Can you talk us through a little bit about that piece, the salary and some of the constraints that were identified, and where some of the opportunities are to defray the costs to us while still being able to provide a bigger salary potentially with UC Health?

J. Batchelor: Sure. As Courtney said, I think one of the things we've noted is over the years that as identified in the internal audit, we've had difficulty getting fully staffed on the clinician's side over the years. As we know, it's a very tough market. We certainly appreciate the challenges from any employer to get fully staffed. One of the things we'd heard was compensation. We've had some conversations over the years with our partners to kind of see if there's anything we could do to include

increasing our reimbursement amount, and the contract amount. And I think there are just restrictions that they were facing. We'd heard from sort of just in terms of looking at the market out there that there's a problem being competitive. We looked at the market ourselves because as part of the audit, I think they really cast a wide net in terms of looking at the options out there. And one of the options that I think the auditor at least explored initially was bringing clinicians in-house and having them be direct employees of the city. And so, if you're going to do that, we certainly wanted to know what is the compensation market. I think we've got a good feel for what that would look like if we were to want to bring them in-house and make them city employees. We want to know what that looked like. Ultimately, that was not recommended because we're not a social service provider and there is a lot of back-end work that goes into having a case management system, and HIPAA compliance. There's just a very, very big lift in order for the city to do that. So that was not recommended in the internal audit for those reasons. But in just that preliminary exploration, I think, we got a pretty good feel for what the compensation market was. And again, so then when we were reviewing proposals, we really had a feel for how those proposals were going to come out in terms of the market and which providers were going to be competitive, and which ones might struggle. And as Courtney said, we think you see health is going to be very competitive on that front. One of my understandings of their proposal, I was not on the review committee, but my understanding is that they do have the ability through their philanthropic and grant arm to defray the cost of some of their clinicians that was included in their proposal. So, there is the potential that even with them compensating at a higher rate, it actually is at a less cost to the city. So, as Courtney said, we're in contract negotiations. So, one of the things we want to do in those contract negotiations is to make sure that we are speaking to what they're defraying in terms of their philanthropic and grant arm. And then what happens if those gifts and grants go away, what that means for our costs, and what that would mean for them. So that's sort of part of the contract negotiation piece of this. But we are again, confident that their compensation is going to be very competitive and we think it's going to be a good deal for the city. And again, help us to get fully staffed because as the audit noted, if we don't have clinicians, we're not running a co-responder program, we're running a CIT program. And while our CIT-trained officers are a valuable resource, we really want that co-responder model fully staffed.

CM Sundberg: I'm not too familiar, obviously, with UC Health and their mental health capabilities, but they do have the resources and depth within their mental health department to take someone in and give them continuous care, or will that person possibly be passed on to Aurora Mental Health to meet their needs?

C. Tassin: So that is another way that we're trying to continue fostering that relationship with Aurora Mental Health. UC Health does a lot of inpatient work and they're currently building an inpatient facility actually at their Anschutz Campus that will have, I think, 30 to 60 beds, which is humongous when it comes to bed space for inpatients. But we will continue to refer people to Aurora Mental Health for ongoing care as well.

CM Sundberg: Thank you.

J. Batchelor: I would note that the city does have a number of other contracts with Aurora Mental Health. They do provide our social detox service, so they have a number of other things. They do have other services and we are not at all recommending that those be impacted by the results of this RFP. As Courtney said, they're a valuable partner and we need to continue to figure out ways to partner with them.

Address public health and safety challenges from encampments along highways, businesses, and neighborhoods

The Housing Department received 390 notifications of encampments, which are mostly duplicates and not necessarily unique locations. The team conducted 33 abatements, with 10 being CDOT-related. 20 pallet shelters have been opened. There is continued shelter availability for camps being abated.

Outcome:

Information Only.

Follow-up Action:

None.

4.d Breaching Shotgun/Critical Entry Program

Chief Dan Oates and Lieutenant Matt Brukbacher presented this item. Following the Uvalde shooting, APD conducted an evaluation of its capacity to enter schools in a crisis and looked into the viability of a breaching shotgun program. With the SWAT team, APD put together a program based on national standards to better equip officers for critical entry. This tool does not replace mechanical breaching tools such as rams, pries, and halligans. The first item in the bag is a breaching shotgun built on Remington 870 chassis that is visually modified to denote single use. It is bright green to indicate that it's a breaching platform and is smaller than a general handgun. Compressed zinc is used as munition to destroy the material around the locking mechanism without over-penetrating or scattering shrapnel into the room or the officer. The munition is deployed around the locks first then the hinges. The shotgun is angled at 45-45 so that the blast is pushed away from the people inside and the officer.

Given that the gun is a specialized tool, 20 hours of training will be done for certification. If an officer has previous AP shotgun experience, the hours are reduced to 10. Currently, APD has 30 certified members. All school resource officers are certified to have access to these tools. PAR and Patrol Supervisors are currently being trained with the goal of completing training for all by Q3 of 2023. The breaching shotgun is equipped with ten rounds of specialty ammunition. The critical entry pack also includes multiple tourniquets, gauze, doorstops to ensure easy ingress, markers to ensure safe areas are marked, chemical lights, access keys, and cards. All patrol vehicles will have mechanical breaching equipment soon. The tools will remain in supervisor cars or specially trained individuals. There will be an annual in-service training and qualification required to maintain certification.

CM Jurinsky: Is this being introduced because of cost savings over hydraulic breaching?

M. Brukbacher: No. The reason that this is being used is because it's a best practice that we see nationwide. It's easy to carry, it's easy to deploy, and we can have a decent amount of them. Hydraulic breaching requires multiple people carrying a lot of gear, and it takes quite a bit of time to breach that door, especially if we're talking about steel frame. And if time is of the essence to get in that room with an active shooter, this is the most effective and efficient manner of doing that.

CM Jurinsky: Is anyone on patrol going to have the ability to have these shotguns or is this just going to be SWAT and some of our specialized units?

M. Brukbacher: No. This whole program is aimed at line-level officers. So, as it stands right now, SRO and PAR officers are getting trained on this, and patrol supervisors are also getting trained. And I have several patrol-line officers that are carrying these as well currently.

CM Jurinsky: And I guess my concern is like if there was some sort of a hostage situation or something like that, I understand that firing this at a 45-degree angle will mitigate not being aware of what's on the other side. But when you fire that round and it goes, it goes through the door, if there are people on the other side of that door, that just kind of makes me nervous about shotgun breaching over hydraulic breaching. But I understand the time concerns and sometimes we just need to get through a door. But I would sure hope that in a hostage situation if we don't truly know for sure where everyone is on the other side of that door, we would maybe think twice.

M. Brukbacher: I'll answer that in a couple of parts. First and foremost, if we're dealing with a hostage situation, it's very different and we wouldn't be utilizing this method. This is mainly if we have an active shooter in a room actively engaging threats, and we need to get in there and neutralize that threat immediately. That's what this tool would be used for. Hostage protocols are very, very different. The situation is slow dramatically, and we treat it with different tactics. And then secondly, the compressed zinc cartridge actually turns to powder. So, you're not actually getting a slug or anything that's going through that door. All that ammunition, all that energy is going into the door frame, which is the intent of the 45-45 to mitigate any risk inside. I can't say that there won't be some shrapnel that may go through, but it's going to be very minimal based on the round and the training, and it's down or up at an angle, so it's not going into someone. Part of the training is to be very well aware and evaluate the risks and the benefits of this tool. We prefer to use just mechanical breaching all the time, but in certain circumstances, this is our only and best option.

CM Jurinsky: Yes, and I understand that. I mean, I understand having a sense of urgency at times and why in those situations this would be necessary. I just wanted to bring in my concerns that you address them, especially in a hostage situation. So, thank you.

CM Sundberg: Just an afterthought here. This was made possible by a generous donation from Cherry Creek School. Is that correct?

M. Brukbacher: The mechanical breaching equipment, rams, pries, and halligans are definitely coming from them. That will be to support this program. These tools and platforms have come from the department. That's where this program came from.

CM Sundberg: Thank you.

CM Zvonek: Right. Okay. If there's nothing else, appreciate the update.

Outcome:

Information Only.

Follow-up Action:

None.

4.e Summary of SWAT Deployments and Use of Force, 2017-2022

Chief Dan Oates presented this item. APD conducted an analysis of SWAT deployments and use of force from January 1st, 2017, through October 2, 2022. Throughout this period, there have been 2,661 SWAT deployments for knock-and-announce search warrants, no-knock search warrants, buy/bust operations, arrest situations or assistance to patrol. The SWAT team goes after high-risk individuals in high-risk situations. Of the 2,600 incidents, the SWAT team used no force 96.13% of the time, some force 3.5%, and deadly force 0.0041% of the time. During the five-and-a-half-year period, there were 20 officer-involved shooting incidents and another 11 that involved the SWAT team. Two fatal incidents occurred in 2022 with one involving the fugitive that murdered his girlfriend and another involving an individual that committed arson. This affirms that the team is highly trained, tactical, and sensible in their deployments.

CM Zvonek: Chief, I think this is more just for anybody from the public who may be listening or hearing this. I think it's important to note that in both of those situations, there will be a review from the critical incident team within the judicial district that they took place in which are which is independent of our office to confirm what we believe, which is that they did everything the proper way. The outcome was, of course, something we never want to see, but it does happen in this type of work. But there will be an independent evaluation to determine that everything was done properly. Is that right?

D. Oates: That's correct. It's being done by the 18th Judicial District Attorney John Kellner. And pursuant to state law, we do not investigate our own fatal shootings. They are investigated by an outside entity. In this case, it's the team of investigators under the supervision of the district attorney.

J. Batchelor: Right. Just to put it a little bit finer, we actually don't investigate any of our officer-involved shootings, either fatal or nonfatal.

CM Zvonek: Right. Okay. Any last questions or comments for Chief Oates? If not, again, I'll just say, Chief, thanks for that update and for all that you're doing for the

department and for the SWAT team. And every time they go out and do this, as you highlighted, they're being put in the most dangerous situation all the time. And so, appreciate what they do.

Outcome:

Information Only.

Follow-up Action:

None.

5. Miscellaneous Matters for Consideration

None.

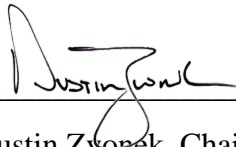
6. Confirm Next Meeting

Next meeting confirmed is November 10, 2022, 8:30 a.m. via WebEx.

7. Adjournment

Meeting adjourned at 09:13 a.m.

APPROVED:



Dustin Zvonek, Chair