



Public Safety, Courts and Civil Service Committee

June 16, 2022

Members Present

Dustin Zvonek, Chair
Danielle Jurinsky, Vice Chair
Juan Marcano, Council Member

Others Present

A. Botham, A. Robnett, J. Batchelor, R. Pena, M. Platt, M. Chapman, T. Brown, M. Hildebrand, C. Juul, F. Gray, P. Schulte, J. Nicholas, S. Stowell, S. Risner, A. McIntyre, M. Wasserburger, R. Weber, A. Garcia, M. Cain, B. Joyce, S. McGhee, J. Lanigan, M. Hays, J. Moon, M. Longshore, M. Crawford, S. Day, W. Lippman, D. Wilson, M. Smith Y. Emeson, J. Twombly, C. Amparan, K. Claspell, D. Wilson, C. Cerinich, S. Wright, J. Prosser, D. Oates, T. Edwards, J. Bunch, C. Tassin, K. Barnes, D. Pendleton, F. Goodrich, D. Lewis, D. Carrel, E. King, I. Evans, B. Wesner, M. Hanifin, J. Kovalski, K. Vaughan, D. Brotzman, S. McGhee, M. Smith, B. Van Sickle, M. Nelson, C. Atkinson, M. Sears, R. Jackson, D. Marshall, M. Brukbacher, D. Roundtree, R. Moody, KMGH Denver7

1. Call to Order

Meeting called to order at 8:30 a.m.

2. Approval of Minutes

May 12, 2022 Minutes approved.

3. Consent Items

3.a June 2022 Crime and Police Attrition Update

3.b Aurora Fire Rescue Attrition Data for May 2022

3.c Aurora911 Staffing Update

All three items to move forward.

4. General Business

4.a Public Safety Action Plan Update - Various

Jason Bachelor and Chief Daniel Oates presented an update on the Public Safety Action Plan. Currently, Aurora Police Department's (APD) Gang, GRIT, SWAT, K-9, CRT, Traffic Detectives, and Emergency Response Teams are fully staffed.

The Academy has 17 entry-level recruits and two lateral recruits. There are four recruits pending academy start and one loss. Officers are undergoing various training such as CAPSTC, range, ABLE, and Autism Training. APD has provided metrics on violent crimes namely murder, non-fatal shootings, robbery, and motor vehicle theft, and presented a four-week trend. APD is also conducting and redesigning crime-fighting meetings and developing a new Violent Crime Response Team. Once the meetings are operating in an effective manner, the Public Safety Committee will be invited to attend. A one-page cover sheet will also be provided to present a snapshot of the city and violent crimes. APD is working with crime analysts to produce this weekly. In May, APD made two physical arrests, issued 25 tickets, towed three vehicles, and issued two abatement notices regarding street racing operations. CM Jurinsky brought forth locations that the APD will add to the street racing operation watchlist. The Traffic Unit conducted Traffic Port Operations last May and is planning to do these regularly. Heavy trucks are pulled over to ensure that all appropriate requirements are followed. Through this operation in May, 21 rigs are taken out of service and 143 safety violations were found. In April, the gang and GRIT unit conducted an operation in Colfax and Beeler that resulted in eight arrests, gun and drug confiscation, prostitution arrests, and one controlled purchase attempt. An overview was provided of the strategies being done to address youth violence. The Aurora Crisis Response Team (CRT) responded to 131 calls for service. In May, APD received 328 notifications on homelessness and conducted 21 abatements. 13 of the abatements were CDOT-related. The abatements cost roughly \$13,800.

CM Jurinsky: Jason, can I just ask, with the prostitution arrests, were any of those minors?

J. Batchelor: I don't believe so. I don't know if the Chief or someone on your staff could address that specifically. I don't believe so, but I don't know that for sure. And if we don't have anybody on, we'll get back to you, ma'am.

CM Jurinsky: Yes. Anybody can get back to me.

D. Oates: If I could. We don't arrest minors for prostitution. Those folks are victims. So, there are no minors there.

CM Jurinsky: Thank you.

D. Oates: In that data.

J. Batchelor: And Jad, I saw you jump in, anything to add on that one that I missed? I know that was a very successful operation.

J. Lanigan: I was about to say the exact same things that Chief said.

CM Jurinsky: Have we started putting in for the reimbursements from CDOT for the 225 cleanups we've been doing? Have we already started putting in for those?

J. Prosser: Council Member Jurinsky, this is Jessica. We have not yet. We are awaiting an updated IGA with CDOT. I had communication from them on Friday, they were sending it over for signature. Once we have that, then we will be submitting it on a monthly basis. CDOT has actually performed some of those this

past month, and that's been going on. We're still working with them, but we've had some better coordination there coming to our weekly meetings now, we've got direct access to staffing there, so we are able to coordinate better.

CM Jurinsky: Okay, perfect. Thank you.

CM Zvonek: Thanks, Jessica.

J. Batchelor: So that's all five sections of the resolution. I'd like a quick second to thank Reagan Pena for taking the lead on putting all this information together. She took copious notes last month when the Committee was talking and then worked with all the different groups, police, and Jessica Shop, to pull all this together. Thank you to Reagan for doing that. This is a living document. If you'd like more information, less information, or different information, let us know. We'll continue to update this. I hope we got a good solid 90% on this one. And, obviously, we'll continue to tweak it. If it's not a 90%, tell me that offline, blame me. Reagan did the really good work to get us here. But like I said, this is a living document. If it's not what we need or it needs to adapt, we'll continue to adapt it in the coming months.

CM Zvonek: No, this is great. Thank you. And thank you, Reagan, for helping put this together. As you mentioned, Jason, it is a living document. I'm looking forward to seeing how Chief Oates kind of improves it from his side, as he kind of settles in and takes the reins there. But this is exactly what I was hoping for with this resolution, is just to continue to bring it forward so that our residents and the public can see the things that we're doing to try to improve public safety in our community. It's obviously an important issue to so many, and I know there's a lot of work being done. Sometimes the story isn't always told in a way that gets to them, and so I hope to continue to use this forum as an opportunity to share that information. I appreciate it and appreciate all the work that you all put into it.

Outcome:

Information Only.

Follow-up Action:

None.

4.b 2022 Fireworks Update - AFR

Commander Steven Wright presented the Fireworks Approach for 2022. In February, the Aurora Fire Department (AFR), APD, and Dispatch met to strategize and discuss the independence holiday season. This involves a city-sponsored event and being an asset to the business community regarding selling products and setting up tents. The city operates under the International Fire Code which states that the possession, manufacture, and handling of fireworks are prohibited. However, the ordinance provides exceptions. According to the City Ordinance, from June 15th through July 4th, permissible fireworks will be allowed to be used and sold depending on the Fire Ban Status. The Fire Ban disallows the use or sale of fireworks depending on the fire ban level. This is dependent on two fuel moisture content metrics and energy release of fuel. If the three metrics reach the threshold, a ban is instituted. As of June 15th, only one of the three reached the

threshold putting the metro area at Stage 1 of a fire ban with which only fireworks are not allowed except per the ordinance. As the fire ban stages go higher, they get more strict. Currently, the Aurora drought monitor is at D0 with D4 being the highest exceptional drought. According to 2020 and 2021 firework data, there has been a decrease of complaints due to community engagement and education of citizens on the Fire Ban. However, there has been an increase in summons also due to the education of citizens on how to file a summons. In 2021, patrols consisting of a member of AFR and APD were increased in each district. Starting June 15th, the fire group follows up on the complaints throughout the summer. Citizens can fill in an online form through Access Aurora or call 911 for emergencies. The Dispatch Center enacts a dedicated non-emergent line for fireworks complaints. There is a possible punishment for a fireworks misdemeanor. A specific witness will fill out a witness statement discussing the illegal fireworks behavior. In Denver, fireworks with a fuse or require a flame are illegal. Parker bans fireworks that explode or leave the ground. Arvada made any and all fireworks illegal. Six fire inspectors, three fire investigators, the Deputy Chief, Commander, and Lieutenant, and the APD will do patrols. There will be one per police district with two per district on July 4. Anything illegal will be confiscated and a summons will be issued if necessary. There will also be more brush trucks during red flag days that take wind into account. On the 4th of July Spectacular, an engine, rescue, and ambulance will be present at the event. The main priority is educating the community through the Community Engagement Team. There will be messaging through social media, water bill notifications, and public service announcements on Aurora TV. AFR has also presented to Aurora's Key Community Response Team and the Business Advisory Board. There are vendors that have already put in temporary use permits. AFR will inspect the safety of the tents and ensure that the product they sell is permissible in the city.

CM Zvonek: Thanks for the presentation. I just have one quick question for you, and it's, you talked about the three different criteria that's used to determine whether or not you go forward with the full-fledged ban. How often do you measure those criteria and how quickly can it go from good to "uh-oh"?

S. Wright: Yes. Good question. We measure every week, every Friday.

CM Zvonek: Okay.

S. Wright: Part of that measurement is a projection for the next week as the best guess. I would say, specifically to that question, it's probably about a month is how we see it evolve where you can kind of see it trending towards a possible change. Wasn't it maybe a few weeks ago we had that odd snowstorm after Mother's Day? That really impacted it. When something like that happens, that can change everything. But I can tell you, for whatever it's worth, that these same metrics are looking stable for the next three weeks, and even if we continue on this hot kind of weather we've had.

CM Zvonek: Okay. Thank you for the presentation.

Outcome:

Information Only.

Follow-up Action:

None.

4.c Acoustic Gunshot Detection System

Captain Chad Cerinich presented this item. Shot Spotter is an acoustic technology that detects, locates, and alerts police of gunfire incidents in real-time. Data is delivered directly to dispatch centers and can be pushed to patrol cars and officers' smartphones. The average return time is less than 60 seconds from the actual gun discharge until the alert including the precise location of the event is received. 15 to 20 wireless sensors per square mile are placed on existing infrastructure and capture loud and impulsive sounds that may be gunfire. Data is digitally filtered and then sent to a review center which will be reviewed by human acoustic experts. They check the soundwave pattern to determine if it is consistent with an impulsive gunshot event and match its consistency. If it is verified as a gunshot, it will be sent directly to the Dispatch Center. If not, then it will not be reported. For an alert to be sent to a review center, three separate sensors must be triggered by the sound and triangulate its location. Each sensor covers a 25-meter radius and provides a recording of the event one second prior and one second after. Studies were done by Edgeworth Analytics and found that it was 97.82 accurate in detecting gunfire events. 2.18% of the time, it missed an event or produced a false report. False readings occur only 0.36% of the time. It also passed the review of the Policing Project of the NYU Law School, Oakland Privacy Advisory Committee, and the San Francisco Privacy Advisory Board and Surveillance Board. There is no ability for the system to listen to or live stream audio from the sensor. If it misses an incident, the police may contact the company to listen to the recording and request a review by employees. There is a 30-hour period that allows data to be reviewed before being deleted from the system. The company requires police to provide evidence that a shooting occurred before the information is released. This technology is used by Denver Police Department since 2015. From 2018 to 2021, Shot Spotter reported 11,234 gunshots in Denver with 85% having no correlating 911 call. Urban Institute study found that Denver PD arrived on the scene 66% faster to Shot Spotter alerts vs. via 911 since the location is immediately pinpointed. They renewed their contract for \$4.7 million with 14 square miles of coverage until 2026. In Aurora, the number of reported gunfire incidents is increasing nearly double compared to 2019 through 2020 numbers. Looking at a three-year period, there are three to four areas where efforts could be focused by installing Shot Spotter. These areas have higher reported shooting incidents.

CM Zvonek: Thanks for that presentation. Council Member Sundberg wasn't able to join today. This is a topic that he's brought up. Just given the growth that you show there and the number of shootings throughout our city, this is a concern. I have a couple of questions. One, and maybe this is for you or Jason or whoever, on the cost, I looked at the Denver, the amount that they're spending in a fairly small geographic area, Aurora is big, and, unfortunately, while the three-year averages and even those dots kind of show you where they have been, the fact of the matter is, we're starting to hear about shootings all over the city. We're a much

bigger city geographically. So just from a cost perspective, have we dug into this yet?

J. Batchelor: Yes. We've gotten quotes in the past, I think since it is a geographic area, but I think typically what we've seen is there's about \$1,000,000 for three square miles of coverage, which is sort of consistent with the Denver numbers. Since they've expanded, I think they've picked up a little bit of efficiencies against that. But if I remember the numbers correctly, I think typically we see about \$1,000,000 for a three-square-mile area. The other one I'll do is I'll ask Chief Oates, as Captain Cerinich noted, Chief Oates does have some experience with this and so I'll let him kind of talk a little bit about his experience and thoughts.

D. Oates: And, Jason, my understanding is they now sell it as a subscription, right? So, it's a certain cost per year. The bottom line, Council Member, is Shot Spotter is very expensive. Properly used, it's very effective. Now, in my consulting work in the last three years, I was immersed in both Saint Louis City and Baltimore. Baltimore uses it very effectively. They've spent a fortune on it, and they get to scenes of shootings, of which they have a lot in Baltimore, very, very quickly. So, it's a tremendous aid to Baltimore P.D. Saint Louis, by contrast, uses it very poorly, and it's basically ineffective. So, it's really got to be integrated with police operations in a smart way, and there has to be the capacity for a quick response. The challenge for Shot Spotter is it's extremely expensive. There's a lot of value in spending that money as an alternative on cameras and license plate readers. And in a city like ours, I would think that before we took the plunge with Shot Spotter, we would want to look at areas of the city and make a determination as to whether or not we'd rather have more cameras and license plate readers vs. Shot Spotter. We would have to do some sort of analysis. I've seen it work really well, but it's really expensive.

CM Zvonek: Yes. Thanks for that, Chief Oates. That's kind of the research I had done was, it was exactly that, it's an expensive tool. And I think that it would be beneficial for this Committee, before we move anything forward, to do that analysis of the camera license readers, I think that the goal should be, what does effective look like? Are we saving lives or are we preventing more crime from happening, or able to respond quicker, all of the things that we want to be able to do? And then what's the most cost-effective tool to do that? And so, I think that having some sort of a presentation and a deep dive into an alternative option would be worthwhile.

CM Jurinsky: How would like gunshots from controlled environments affect this data? We have Buckley Space Force Base, we have multiple outdoor gun ranges, and indoor gun ranges. Shot Spotter may even pick that up. Can it be explained to me how that could possibly affect our data with Shot Spotter?

C. Cerinich: So, typically, it's not going to pick up interior gunshot. The sensor would have to be very close to the location where that's occurring. We typically wouldn't probably locate it, like for instance, near our police range, for that very reason. But that's why we would use the data on where we are at, getting the actual criminal gunshots and place them there. When you look at the map for the whole city regarding where the gunshots are occurring, the Shot Spotter wouldn't detect that. So as mentioned previously, it has to be focused in a rather small area

of several square miles, and we would have to determine whether or not there was anything that would interfere with that or cause any false readings and most likely wouldn't locate§ it there.

CM Jurinsky: Okay. Thank you.

CM Zvonek: Okay. I'll just make one last comment before we move on. And that's really for you, Chief Oates, and your team, is that whatever technology is needed to help the department be more effective and efficient in helping to prevent crime in our city. Those are the types of things we want to learn about in this Committee so we can bring them forward. And if you think there's other options out there that are more cost-effective and can be as efficient and effective as Shot Spotter, we'd love to hear about them.

D. Oates: Okay. I guess what we could do is we could look at the most concentrated areas of gunfire recently and evaluate whether or not some quadrant would be suitable for Shot Spotter vs. more of layering of cameras and license plate readers and get back to you. So, we'll have to do some sort of evaluation for you. If we were to go down this route with Shot Spotter, probably the smart way to do it would be to start small and tight. I don't know if that's economically viable for Shot Spotter to only do a limited area of a city. So that's something we would have to discuss with them as well, but we can do some analysis for you and get back on this topic.

CM Zvonek: Great. Thank you.

M. Hildebrand: And Chief, this is Mark Hildebrand, one of the good things about building out a camera system, especially a mesh camera system is that Shot Spotter does have the ability to tie into those cameras and that increases the effectiveness of Shot Spotter. So, I think that's why building out a camera system may be an initial step to make Shot Spotter more effective, because when those shots go off, if you have increased coverage with those cameras, those cameras will actually turn and fixate where those shots came from and have the potential of picking up a vehicle, leaving that area or something along those lines. So Shot Spotter relies on a lot of other things in order to increase its effectiveness.

CM Zvonek: Great. Thanks for that.

Outcome:

Information Only.

Follow-up Action:

None.

4.d PediDOSE - Nationwide Pediatric Seizure Study with Children's Hospital and Aurora Fire Rescue

Item was not discussed due to scheduling issues with the presenter.

4.e Motor Vehicle Theft Ordinance

CM Zvonek and Pete Schulte discussed the Motor Vehicle Theft Ordinance in response to residents' growing concerns with motor vehicle theft throughout the

city. From 2019 to 2021, there is an 86% increase in motor vehicle theft in Colorado and a 236% increase in Aurora. There has been a systematic effort from state lawmakers to lower penalties for motor vehicle theft resulting in an increase across the state. Through this ordinance, Sections 1 to 13 of the City Code under General Penalty will be amended. Under Subsection J-1 Section 94-75, a mandatory minimum jail sentence of 60 will be imposed with the first three days served at the Aurora Detention Facility and the remaining days at the county jail in the county where the offense occurred. Aurora Detention Facility is currently still only a holding facility and not a jail. When Aurora's judges sentence individuals to jail, they serve their sentence at the county jail. For a repeat offender of other related motor vehicle theft in Colorado or another state, a 120-day minimum jail sentence will be given and may not be set aside or suspended. Without this ordinance, the court may suspend a jail sentence and put the person under probation. Once this probation is completed, they would not have to serve the jail sentence. Under Subsection J-2 Section 50-33, a minimum jail sentence of 10 days will be given to a defendant who failed to appear. Section 2 indicates the general penalties unless otherwise provided in an ordinance or in Subsection J. Section 3 amends Section 94-97, the value was changed to \$1,000 from \$2,000 to conform to the state statute. State Code limited the jurisdiction to less than \$1,000. Language also included stealing major components of a motor vehicle as a petty offense. This includes catalytic converters. The City Code subjects offenders to up to one year in jail and up to a \$2,650 fine. According to Section 4, if the ordinance is determined to be unenforceable, it can then be severed. Section 5 discusses the sunset provision that will constitute a two-year process to review whether the ordinance will be extended or be let to expire.

CM Marcano: I have a question for the Public Defender's Office and also the Presiding Judge, if they're on the call. What do you expect the impact of this ordinance, should it pass, would be on your office?

D. Wilson: This is Doug Wilson. Thank you, Mr. Marcano. Thank you, Mr. Chair, and other members of the Committee. There is going to be an impact on the Public Defender's Office, and I don't want to speak for the City Attorney's Office and Judge Day, but there's going to be an impact on them as well. I'm pretty sure. And let me talk to you a little bit about that fiscal impact that I think is going to occur. First, right now, the City Attorney's Office has the ability to waive jail time. And if they waive jail time, an indigent person doesn't get counsel. So, this will obviously eliminate the ability of the City Attorney to waive that jail time. Second, I think the Aurora Police Department are going to file more charges, obviously, in municipal court and the state court because I was actually at a conference earlier this week from P.D.s across the country, and it looks like we may be the first minimum mandatory municipal ordinance in the country. There are some that have minimum mandatories for repeat offenders. Like Mr. Schulte talked about, you have 120 days, but what's going to happen is because there are no minimum mandatories in county court and there's concurrent jurisdiction, I think that we're going to see more motor vehicle theft. So that's going to increase our workload. I assume the City Attorney's and the courts and courts administration as well. And we are certainly going to have more jury trials. But this puts us in a position of not being able to negotiate a plea that would involve a minimum mandatory. Rare exceptions. But most of the time, those cases

are going to have to be tried because of the -- it's kind of an ethical issue for us to plead somebody out to a sentence that we know is going to be imposed. Again, there are other extenuating circumstances. Somebody has like five motor vehicle theft cases and the disposition is plead to one and get 60. That's probably going to happen. But first time offenders or other folks, I just think you're going to drive up the number of jury trials that occur over here. And then last, just a quick, two quick things. One, Pete, I think you talked about 365 or a year. The state statute limits the municipal court time to 364, not a year. I know what the ordinance says, and that probably needs to be tweaked because it talks both in the ordinance and the resolution about up to a year or 365. But that can't be imposed and it's only important, I think it's important to have the number accurate in your ordinance because of the immigration consequences. And that's the reason I believe it was changed from a year to 364 by the state. And then the only other thing I would point out, which is not part of your question, Council Member Marcano, but I'm concerned about the FTA and the mandatory time because there's no mens rea attached, and the way it's written right now, it's going to apply to police officers, it's going to apply to victims, it's going to apply to witnesses and defendants. And there may be a reason that somebody didn't get to court, everything from in-custody to in-hospital. So, without any kind of mens rea attached, [inaudible 1:04:38] state and just an automatic 10 days, that's going to drive a workload increase for us because we're obviously going to be representing that person because now it's an automatic jailable offense. So, we're going to see an increase in FTAs. I'm not sure it's constitutional without a mens rea attached and we're going to see an increase as a result of, I think, more filings. So that's my opinion, and as I said, I'm not speaking for anyone else, but I can't imagine this isn't going to impact everyone else over here as well.

CM Marcano: Okay. And this is for the Public Defenders, for Chief Oates, for Pete, whoever wants to try to answer this. Every single thing that I have read about mandatory minimums shows that they do not work. They end up spending a tremendous amount of public resources to incarcerate and prosecute these folks, and you still have crime. And when these folks get out, a lot of them recidivate. Even though they face another mandatory minimum or an even steeper sentence after the fact. So, is there something we're missing here?

D. Wilson: Well, I'm always willing to jump into the pool, so.

CM Marcano: Go for it.

D. Wilson: No, I don't think there's anything you're missing. Having come from the state and I know Council Member Zvonek's not happy with the state and I'm not happy with the state right now either, now that I'm in the city. So now I'm on a different team. Going all the way back to when minimum mandatory started, what we actually saw was a significant increase in people losing their right to trial, which is kind of a fundamental criminal justice system or issue going back to the start of the US Constitution. And it did not deter. I know that in the fourth whereas where we're talking about deterrence, having fought the death penalty for a long, long time, and that argument was made up that the ultimate type of offense that it would deter. In fact, the evidence did not support general deterrence. There are two types of deterrence. You have specific deterrence. Yes, the guy's locked

up. He's not going to steal another car. And then there's general deterrence that if you lock someone up, the next guy is not going to steal a car, and that's the theory behind minimum mandatories or part of the theory. And there really isn't any data to support the general deterrence theory as it relates to minimum mandatories, from what I've read.

P. Schulte: Council Member Marcano, I'll jump in too. I do know, before my time, we did have sentences that the court would impose on motor vehicle thefts that included jail time. And my understanding was it was effective when jail time was part of the sentence to drive down motor vehicle theft inside the city of Aurora. I won't speak for Chair Zvonek, but I do know that that is part of the goal of this, and I don't disagree with what a lot of Doug just said, but something's got to give, whether it's with the judges, whether it's with the jails, whatever it is. I think that the purpose of the legislation is to make it known, don't be stealing cars in the city of Aurora and whatever we can do to do that. And, again, that was one of the things that we did talk about with Chair Zvonek and that was one of the reasons why we did put the sunset provision in it, is to evaluate how is it working and whether that could be a year or two years, and we had we had talked about two years to really find the impact. But I agree that the data would be helpful if it's dropping the amount of theft of cars in the city of Aurora, but that's kind of the idea is we've got to try something. That's the gist of it, if that's correct, Chair Zvonek.

CM Zvonek: Yes, that's right. The other thing is that what we've seen, very clearly, is that the state legislature has made so many more permissible laws around all sorts of criminal offences. And in every instance, we've seen more crime. Colorado is now leading the nation in motor vehicle theft. We're leading the nation in robbery. We're number two in fentanyl deaths. Our legislature has continually decriminalized everything to the point to where they're decriminalizing crime and we've seen more crime. And the result of this is it's just not statistics. These are our residents who are becoming victims. And so, we owe it as a local elected leaders, we should do everything in our power to keep our residents safe. And I believe that having the toughest laws on motor vehicle theft will be a deterrence. Now, if the data doesn't bear that out, that's why exactly, to Pete's point, we're going to have the sunset date in there, but we'll be able to see, time will tell if us, being the first, I don't mind leading the pack when it comes to keeping our community safe, I'm happy to know that we're the first because we'll become a model. Because I guarantee you that when people stop stealing cars in Aurora, they're going to go elsewhere and other cities are going to follow suit.

D. Oates: Mr. Chair, to the extent it's helpful, my recollection is that when I arrived here in late '05, beginning in '06, we had an understanding with the judges in the court, not mandatory sentences, but we had an understanding that there would be sentences of jail time for first, second and third, progressively more serious sentences for first, second and third offenses. So, this, in fact, was something that we did in my earlier tenure here and it was effective. We had a very significant reduction in auto theft between '06, and when I left in '14. I think the issue of the impact on the courts of mandatory sentences is a real one. And I think Mr. Wilson and Ms. Heckman and the Judge are much better capable of explaining that to you and your policy decision you have to make. But in fact,

there was a period in time when we were sentencing folks progressively to more serious sentences. I can't recall, maybe Julie can, I seem to recall it was something like 30 days for the first offense and 90 days for the second, and it had an impact when I was here, that my earlier stint from '06 to '14.

CM Marcano: I guess this is probably more for Doug and Pete. How does this impact minors? Because I know that a lot of, if not most, of the MVTs involve minors. So how would that impact them?

P. Schulte: I mean, I'll jump into that. It won't be handled. It won't be dealing with minors. We don't have a juvenile court. Everything goes to the county on those. And they will not be subject to minimum mandatory sentences. So, it will not be affected.

CM Marcano: Okay. I guess the last one is really more of a comment in response to what Council Member Zvonek said. Motor vehicle thefts and catalytic converter thefts are national problems. And, yes, we are leading the pack, if not just up at the top of the pack, unfortunately, in Colorado, and I believe New Mexico. But I just caution making broad generalizations, because we don't control national legislation, and this is happening in other states that have, may or may not have done things like we've done in Colorado. But what I can tell you is that we're one of the more expensive states in the nation to live in anymore. The Denver metro, I think, led the nation in gentrification and in cost of living increases for the last couple of years, or at least was in the top of the pack there. So, I understand some folks' reaction is just to like to look more into the punitive sense and react harder than actually being proactive. I still maintain that I think we might be better suited trying to address some of the root causes of this antisocial behavior in our community while also holding folks accountable. I'm not against doing that either. But my concern is that we're going to be burning a lot of public resources with this ordinance as it stands, with mandatory minimums, with increased trials, etc., where we could actually just be spending those limited resources that we have and investing in our community in proactive ways to make this kind of behavior unnecessary to begin with, again, while also holding folks accountable who continue to violate. So just some food for thought there.

CM Zvonek: I appreciate your comments, Council Member Marcano. And the difference, I think, with motor vehicle theft is that I do believe some people are stealing them out of necessity. But what I've heard consistently from law enforcement, including the two sheriffs, is that motor vehicle theft is often being done and it's leading to additional crimes. We are allowing additional crimes, whether it's shootings, burglary, or robbery, to happen in our community. And I understand that the long term needs to address some of the root causes that are increasing crime, but some of those young people who are not stealing cars and that we need to help so that they don't steal cars in the future, are still not the ones who are victimizing our community. We've heard from Chief Oates that in the past, they might not have called them minimum mandatory, but there were essentially minimum mandatories into what was being sentenced based on first, second, and third offenses, and we saw a decrease. And the focus of both this ordinance and the resolution is to address the motor vehicle theft that's exploding

in Aurora now. I understand that crime is up everywhere across the country, but Colorado has gone from the bottom end to the very first, and Aurora's number one among number one. That is not a place we want to be. And so, look, my hope is that I believe this initially there will be an increased cost, there will be an increased workload. But as APD continues to make this a focus, as the word gets out that we are going to be tougher than any other city in the state of Colorado on car theft, we're not going to be dealing with as much car theft in the city of Aurora as a result of it. Now, if I'm wrong, we're going to continue to monitor this, and I'm happy to make this a part of the monthly updates in our Aurora action plan because I believe in being data-driven. I want to see and I'm happy that Chief Oates brought up that point of looking at those four-week trends, because we'll be able to monitor it along the way. And if along the way, we're finding that we're spending a lot of resources and not seeing a difference, I would be the first to say, "Let's do something different." But I think as of right now, what we owe to our residents is to do something to lower motor vehicle theft in our city, because it's not just that their cars are being stolen, it's additional crimes being committed, and I think that we can have a big impact on the safety of our community by passing both this ordinance and resolution.

CM Marcano: I appreciate the explanation of your thoughts behind this effort. I guess the disagreement that I have is that I feel like we already have data points on the efficacy or rather lack thereof of mandatory minimums. But I do appreciate the sunset clause and that you'd be willing to rescind this if it doesn't have any effect. I do appreciate that. I completely agree that we need to actually elevate the voices of folks who are victims of motor vehicle theft. And I do like the resolution part of it, including a fund, basically, to help folks recover from being victimized. I think that that might actually be a really, really good way to, frankly, just make the primary focus of a lot of this, while, again, holding folks accountable under existing law. Sorry, that was actually another question I wanted to ask. What on earth is keeping us from charging people under existing law? It's a crime already to steal a vehicle. It's a crime already to steal a catalytic converter. And what I'm hearing is that people are being basically bonded out immediately and stuff like that, repeat offenders even, which seems completely preposterous to me. Why is that happening?

CM Zvonek: That's for an attorney.

CM Marcano: Yes. That's for an attorney to answer.

P. Schulte: What I will say is that is a topic of a broader discussion about bonding. I think that was an overflow from what was going on with COVID. We couldn't keep people in jail. I will never try to attempt to speak for Judge Day and the Judges, but I think now that the jails and the detention facilities are open fully now, that I think that will change where they start setting the bonds. But a lot of that is being driven, again, as Council Member Zvonek stated, by state statute on bond reform. Right? Why are we keeping people in jail? It's a monetary issue. They can't bond out. The poor people stay in jail where all of the people that have the assets can get out. So that's the balance. And I don't think we're going to solve that. I don't think we can solve it as much at the city level.

D. Oates: Council Member Marcano, if it helps, when we did this the last time, it was because we weren't getting satisfaction at state court. We had repeat offenders and repeat offenders and repeat offenders. And I think the parallel to today is there.

CM Zvonek: And I'll say this to you, Council Member Marcano, we don't have a Study Session until the middle of July, so I plan to bring this directly to Council on the 27th, where I would be open to discussion on this. I do believe we have to have a minimum mandatory for those repeat offenders. What I've heard today is on that first offense, the 60 days, I would be open to having a maybe a sooner sunset date or just happy to have some conversations about things that we can change. I don't think we're ever going to agree 100% on this. But I'm willing to work in good faith on something that we maybe get you a little bit closer and satisfied. My desire with this is to really just demonstrate to our residents that we are taking the safety of our city very seriously, recognizing that there's only so much we can do given our limitation as a municipal government. Even though we're a home-rule city, we still have limitations with state laws that, in my view, have become overly permissive to the point where we're having more victims in all sorts of different crimes, including motor vehicle theft.

CM Marcano: I appreciate that. I'm really concerned specifically about the first-time offenders having a mandatory minimum. I think that might be an area where we could maybe come to some kind of compromise. This is more of a general comment, but I do think that we can actually impact this at the local level, is that part of the issue that we're facing is while our laws may be becoming more permissive, as you put it, we're not addressing any of the root causes at the state level and certainly not at the local level. We can't even raise the minimum wage here, even though people ran on that and then subsequently did not do that. We need to address these underlying economic factors. That's what I mean by proactive economic investment in our local community, help people actually thrive in our city, let alone be able to afford it anymore. And I think that's part of the reason why Colorado continues to lead the pack and why we're seeing this as a nationwide trend, because the cost of living everywhere, specifically housing, is completely out of control. And when you have people getting desperate, they do desperate things. But in terms of this ordinance specifically, I do wish we had a Study Session because I'd like to have a longer discussion on it, but just for what it's worth, the first-time offenders having a mandatory minimum really doesn't sit well with me. So, thank you.

CM Zvonek: Yes. Thank you. Any objection to moving it forward? Seeing none, so this will go to the June 27th Council meeting.

Outcome:

The Committee moved this item forward.

Follow-up Action:

This item will move forward to the June 27th Council Meeting.

4.f Motor Vehicle Theft Resolution

CM Zvonek and Pete Schulte presented the Motor Vehicle Theft Resolution. Through this resolution, there will be enhanced prosecution and sentencing for repeat offenders and those that fail to appear in court. This resolution directs the reduction of victim and witness attendance during the trial. One can only be charged with failure to appear (FTA) if issued with a summons to court under the ordinance. The resolution will also provide more resources and flexibility to APD to apprehend those committing crimes. Motor vehicle theft causes an enormous cost to victims. Stolen cars are taken to impound lots in which the owners must pay a fee to get them out. Theft of major parts of the vehicle results in total loss. Due to this, research must be done to develop a plan for the implementation of a city Crime Victim Fund to offset costs and expenses for victims of property crimes. Section 2 discusses reviewing and amending the current Aurora Municipal Code according to the proposed Motor Vehicle Theft Ordinance. Once Aurora is successful in its crackdown on mobile vehicle theft, there will be a need for a statewide solution. The city manager is to coordinate with city staff and create a proactive strategy for the 2023 legislative session. This will put forward options to strengthen penalties at the state level. The primary focus of the resolution is to improve community safety and lower motor vehicle theft. Once it moves forward, data will be tracked to identify trends and the additional costs for the courts and the city.

CM Marcano: So, there is a team that you're going to basically form as part of this, right, to have staff formulate the Victims Fund, is that correct?

CM Zvonek: Yes. It directs the city manager and the requisite city staff, our appointees, whom we can, to do this. We'll really take their lead and ask them to come forward to the Public Safety Committee and make recommendations.

CM Marcano: Yes. All right. Is that going to include the Public Defender's Office then?

CM Zvonek: Certainly could.

CM Marcano: Okay. I would prefer that we include them, so we have the full continuum about the prosecution and the defense involved in that, I think we'll probably get better results that way.

CM Zvonek: Yes. That would be fine. As long as Doug's up to it. Added work to him.

CM Marcano: Yes. We're doing a lot of work these days. Do we have evidence? Because the only thing that really concerns me here is the mandatory 10 for failure to appear. I understand that it's extremely aggravating having to reset trial dates, to everybody's point, I think this impacts people economically, emotionally, etc., having to do that. But is that mandatory 10 really the best way to ensure compliance? Is there evidence that that actually works?

CM Zvonek: This goes back to stricter penalties. I mean, somebody compared this to speeding, and so they don't know what the speeding ticket is. I said, "I guarantee if you made speeding a \$10,000 ticket, you'll probably see less speeding." Eventually, people, they take note of stiffer penalties. And that's my hope. In this case, it can be the victims, but it can also be the witnesses who are

involved, who show up and are taking time away from work, their family, their lives, in order to do this, and so we'll track it. We'll find it. We have the data that shows what the current number of people where the failure to appear is currently, and we'll be able to watch that, just as any other crime trend that we evaluate going forward. Is it working or not?

CM Marcano: Yes. I would just suggest if we're going to have any kind of penalty for failure to appear, that it'd be financial rather than involve jail, just because of the inherent cost of that. I mean, I completely agree and empathize with folks who take time off of work, have to get childcare, etc., to appear, and it's exceptionally frustrating when people don't appear, but my concern is that we're just going to make this overall situation worse by including a mandatory 10 days. And I also want to, I think, bring something back up to the Public Defender mentioned earlier with, as written, would this actually apply to officers and city staff as well?

CM Zvonek: Pete?

P. Schulte: No. The way the ordinance is written is that it's people who are out on bond. Right?

CM Marcano: Right.

P. Schulte: People that they made a promise to appear, they're out on bond, they don't show up, that meets the statute for the failure to appear.

CM Marcano: Okay.

P. Schulte: So, police officers and witnesses are not on bond.

CM Marcano: Okay. I thought that's what I had heard earlier. So, I apologize. Doug, did I misinterpret what you said?

D. Wilson: No, you didn't misinterpret it. And while I appreciate what Pete's saying, my concern is the way it's written right now. If you look at Subsection B at 50-33, there is an FTA on a subpoena. And I think it's at a minimum, pretty confusing, Pete, as to whether or not that's going to apply to the subpoenas of witnesses, victims, police officers. I mean, we have a significant number of cases dismissed on the day of trial because people aren't showing up. Our clients are showing up, but the witnesses aren't showing up. I'm not criticizing Julie, it's just they don't come, they don't obey the subpoena, and there's not much ramification.

P. Schulte: Do you want us to start charging victims of witnesses, so your cases don't get dismissed against your clients?

D. Wilson: No, I'm just saying that the way I'm reading this is this is a separate charge, right?

P. Schulte: It could. Yes.

D. Wilson: Yes.

P. Schulte: Yes.

D. Wilson: Because it says, "Regardless of the outcome," in 50-33, it says, "Regardless of the outcome of the underlying case." So, I assume it's a separate

case. So that means they're going to have the right to counsel. And I would just point out, and Council Member Zvonek, this isn't a sentence because I'm being convicted, unless we're going to have a trial on the FTA. That's my concern. It's basically a no bond hold on somebody on a case that hasn't been resolved unless you're charging it as a separate offense. That no bond hold isn't going to be constitutional under the Colorado or the Supreme Court. And that's why I think it's a tad bit confusing about who it applies to and if you're giving them a jail sentence, they're entitled to counsel, and that means they're most likely going to get a trial.

CM Zvonek: Okay.

CM Marcano: Okay. I mean, Council Member Zvonek, hearing what the Public Defender just said there, would you be open to revising some of this then?

CM Zvonek: Yes. I will talk to the City Attorney's Office about that. I made some notes on some of the points made here and we'll make any necessary changes before we put it on the floor for our initial discussion.

CM Marcano: All right. Thank you.

CM Zvonek: Yes. Anything else? Any objections to move it forward? Okay.

Outcome:

The Committee moved this item forward.

Follow-up Action:

This item will move forward to the June 27th Council Meeting.

5. Miscellaneous Matters for Consideration

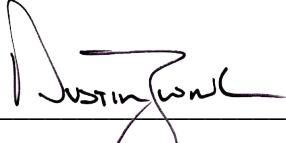
The Public Safety Committee and CM Jurinsky organized a First Responders Celebration. It will be held on July 16th from 12:00 noon to 4:00 PM at the Aurora Municipal Center.

6. Confirm Next Meeting

Next meeting confirmed is July 14, 2022, 8:30 a.m. via WebEx.

7. Adjournment

Meeting adjourned at 10:04 a.m.

APPROVED: 

Dustin Zvonek, Chair