

**PUBLIC SAFETY, COURTS & CIVIL SERVICE MEETING
MARCH 12, 2020**

Members Present: Council Member Allison Hiltz, Chair
Council Member Curtis Gardner, Vice Chair
Council Member Angela Lawson, Member
Council Member Marsha Berzins
Council Member Nicole Johnston

Others Present: S. Wright, C. Hills, M. Chapman, A. Robnett, C. Amsler, D. Singleton, J. Lutkin, L. Bridges, R. Payan, F. Saucedo, J. Schneebeck, H. Glidden, D. Willner, C. Anderson, M. Wasserburger, R. McGregor, K. Flynn, J. Campbell, M. Iovine, M. Sears, R. Weber, S. McInerney, S. Stowell, J. Twombly, J. Batchelor, V. Wilson, J. Heckman, F. Gray, S. Day, E. Cadiz, Z. DeBoyes, D. Dershem, T. Tobiassen, K. Weis, R. Thompson, M. Pitrusu, E. Hitchings, J. Puscian, M. Longshore, F. Goodrich, T. Alscher, Q. Snowden

REVIEW/APPROVAL OF MINUTES

February minutes approved and signed.

ANNOUNCEMENTS

None.

CONSENT ITEMS

None.

COVID-19 UPDATE

Summary of Issue and Discussion

Matt Chapman of the Office of Emergency Management for the city provided an update on COVID-19 in regard to planning and readiness to the pandemic. Tri-County Health is taking lead by providing recommendations and guidance for the three counties in Aurora. Internal focus is continuity of services and operations. There is daily coordination with outside partners such as hospitals, school districts, community members, and several other agencies. CM Hiltz asked where updates about closures or other important notices can be found. DCM Batchelor noted that any city-sponsored event notices will be updated on the City's webpage and social media accounts.

Outcome

Information Only.

Follow-up Action

None.

ARAPAHOE COUNTY COMMUNITY CORRECTIONS BOARD OVERVIEW

Summary of Issue and Discussion

Division Manager of Arapahoe County Judicial Services, Brad Kamby presented this overview to the committee. His role as division manager is to be the staff administrator for the Arapahoe County Community Corrections Board (ACCCB). The ACCCB serves the whole 18th Judicial District. Colorado Revised Statute 17-27-103 gives Board of Commissioners of Arapahoe County the ability to establish the community correction board. The ACCCB is given the authority by the Board of Commissioners to establish community corrections programs within Arapahoe County, enforce standards of operation, and accept or reject referrals. The ACCCB consists of 19 board members. There are ten agency representatives and nine citizens. The city of Aurora is represented by Lt. Jad Lanigan. Citizen-members must reside in the 18th Judicial District. In addition to approving and denying people for community corrections placement, HB 18-1251 requires the board to develop and use structured, research-based decision-making processes, and provide reasons for denials of transition referrals.

The types of offenders in the programs include transition, diversion, condition of parole, or condition of probation. Transition offenders are inmates from Department of Corrections (DOC) placed prior to being paroled or being placed on the Intensive Supervision Program. Diversion are offenders sentenced directly to community corrections. Parole offenders can be required to complete the program as a condition of their parole. Probation offender group is very small and consists mostly of sex offenders. Offenders coming out of the DOC, in order to be eligible for placement in community corrections, a person is being convicted of a statutory crime of violence must be within six months of their parole eligibility. An offender convicted of a non-statutory crime of violence must be within 16 months of their parole eligibility.

The average daily population of residential services is 360; 213 of those are transition offenders, 132 are diversion offenders, and 15 are a condition of their parole. The ACCCB have 3 levels of screening based on crime convictions. Section 1 requires a full board review and they meet once a month. Section 2 is made up of 5 members from the board and is a sub-committee of the full board that meets weekly and the week prior to the full board meeting. Section 3 involves a screening by the board staff and, if approved, will be automatically placed.

Colorado Division of Criminal Justice provides funding of approximately \$7 million for FY 19/20. Program revenues include \$48.45 per day per residential client, \$3.40 to \$9.60 per day per non-residential diversion client depending on the required supervision level, facility payments of \$363,193.20, treatment support services of \$290,000 and the programs can charge clients up to \$17 per day subsistence fees. Board administrative revenue is allocated to 2.5 FTEs, operating supplies, travel/training, and indirect personnel costs. The board contracts with three residential programs in Arapahoe County. They include Arapahoe County Residential Center is the women's facility run by GEO Group. Arapahoe Community Treatment Center and Centennial Community Transition Center are the male facilities, and both are run by CoreCivic. The contracted programs must comply with DCJ standards, contractual obligations, and evidence-based practices. CM Hiltz noted that she would be remiss if she didn't mention that she would like Arapahoe County to reconsider who they contract with, in terms of providing these services, but recognizes the decision is one the Board can make.

Outcome

Information Only.

Follow-up Action

None.

KETAMINE PROTOCOLS AND PROCEDURES

Summary of Issue and Discussion

Dr. Daniel Willner, Associate Medical Director for AFR provided a briefing about how protocols are formulated and the QA/QI process specifically related to Ketamine. EMS operates under protocols, or specific rules, that dictate how patients are cared for. Aurora uses a version of the Denver Metro protocols with modifications due to facilities located within the boundaries such as Children's Hospital and a mobile stroke unit. It's not uncommon for each city to have slight modifications. The protocols are updated twice annually, usually January and June. This is done by the Denver Metro EMS Medical Director group that meet every other month. Medical oversight for Aurora is provided by the Prehospital Care Consortium. The consortium is comprised of members of AFR, Falck Rocky Mountain, local medical director, three assistant medical directors, and EMS managers from local hospitals.

Patient assessment begins at the arrival of the scene by assessing visually how patient is acting and responding and information from bystanders. It progresses through physical assessment and history obtained through the trip to the hospital. Patients conditions change fluidly through care. Some medication doses are weight-based and some are fixed. When possible, medications are used with a wide safety margin in dosing, which provides additional safety for the patient. Majority of medications in protocol have a preset dosing which is preferable. If a medication is weight-based dosing, crews work to determine the estimated weight of patient to calculate the dosage needed. Among other things, clothing and positioning can impact assessment of body height and weight. Within the Aurora protocol, extrapolated from the Denver Metro model, there is a specific protocol for an agitated and combative patient. Least invasive means of control is preferred. Verbal de-escalation is preferred. If that doesn't work they may move on to soft restraints. If that doesn't work they may move on to medication to help control their behavior. One of the medications used for sedations is Ketamine. There are several medications that exist, but Ketamine is used extensively in the pre-hospital and in-hospital setting for patients determined to be experiencing excited delirium. Works on specific receptors in the brain to help control agitation. There are several reasons Ketamine is used. The onset duration is 1-3 minutes while other medications can take up to 10-15 minutes. Patients with excited delirium have high mortality rate, anywhere from 5-10% based on literature. Controlling the patient will bring down their heart rate, respiratory rate, degree of acidosis, and makes it much less likely they will suffer from cardiovascular collapse. The only contraindication is penetrating eye trauma. Excited delirium is defined as a medical emergency. After the patient receives Ketamine they are put on oxygen and heart monitors as soon as feasible.

The PCC group and medical director reviews all cases where Ketamine is administered to discuss any issues. Within the State of Colorado, it's currently not listed as one of the medications that can be given without a waiver. A waiver was given to AFR and they have been using Ketamine since 2018. More than 93 hospital agencies are using Ketamine in the State of Colorado and it was administered approximately 1,900 times last year.

CM Johnston asked if Ketamine is FDA approved for excited delirium. Dr. Willner confirmed it is FDA approved but would have to look at the FDA information about its use for excited delirium. CM Johnston noted that rapid heart rate, increased strength and aggression could also be adrenaline of a person who is having an encounter with law enforcement and is concerned with the diagnosis and the amount of times it was used last year raises flags of overuse of misdiagnose. She asked how adrenaline is distinguished from excited delirium. Dr. Willner explained excited delirium is a clinical diagnosis and cannot be confirmed with a lab test. Diagnosis is based on patient's actions including hyper state in combination with other markers such as someone who is not able to interact normally with those around them by having a coherent conversation. CM Johnston asked if substance abuse and other chemicals or drugs could be making them

act a certain way and what are the side effects of Ketamine and those other drugs. Dr. Willner explained that many patients experiencing excited delirium are under the influence of other drugs or substances and there aren't any known interactions between Ketamine and other drugs or substances. It is widely used to control acidosis and degree of agitation typically caused by the drug or substances.

CM Lawson asked if there have been specific studies done about drug interaction. She has a problem administering this medication if they are having delirium with whatever they have in their system. Dr. Willner stated he is not familiar with any specific studies and added that medical providers use sedating medication on a daily basis to patients that come in under the influence, who are agitated and out of control because not sedating them is more dangerous than providing appropriate sedation.

CM Gardner asked what the common adverse reactions of Ketamine are and how does that compare to some alternative sedatives. Dr. Willner explained common reactions are increased salivation and confusion. Other sedatives may cause low blood pressure, decreased respiration rate, dystonic reactions or muscle spasms. Less hypotension or depressed respiratory rate from Ketamine. CM Gardner asked if Ketamine is viewed as a safer alternative because it reduces the symptoms of excited delirium faster than others. Dr. Willner confirmed this is true. CM Johnston noted that her concern is with the heat of the moment decision making. What was the impetus for the waiver for the use of Ketamine? Chief Gray noted that there is a consortium of medical professionals and one of their goals is to make sure citizens are receiving the best standard of care and across the nation this is the standard treatment. Dr. Willner noted that it waived because it wasn't included on the state level formulary. DCM Batchelor asked if there is a process where the state may add it to the formulary. Dr. Willner confirmed there is discussion amongst the medical directors to add it to the formulary. CM Johnston noted that the nation is in an era of criminal justice reform and concerns about civil liberties. When someone is restrained and given the medication, she has concerns, even if it has been used throughout the area. She would like to know who serves on the Denver Metro EMS Medical Director Board and their protocol review system for Ketamine and guidelines. Staff will follow-up with the website where this information can be found. She asked if each case is reviewed to help determine the updates to the protocol. Dr. Willner confirmed all protocols are reviewed in addition to new literature on dosing or administration or other components.

CM Hiltz noted that she was provided with three questions to ask at recent community meeting and she would ask them now. Do you have to have state or federal certification to administer Ketamine? Fire Chief Anderson explained the certifications are through the national registry process and is recognized by the state and is transferable state to state. CM Hiltz clarified, if the individual had the state certification and then completed the continuing education through the state, they would still be qualified to administer Ketamine, the national certification is not required. Chief Anderson confirmed this was accurate. CM Hiltz asked what the feedback is when determining if weight estimations are correct. She could point at people and guess their weight but without feedback, would never know if she is correct. She would have no basis for comparison unless estimated weight and actual weight are reviewed. Dr. Willner explained the review process includes reviewing appropriate dosage is provided. Chief Gray noted that AFR is always providing continuing education and if trends show changes in dosage they will include it in the program. Medications administered based on weight are reviewed for adverse effects. Part of the continuing education is making sure to deliver the best information possible to take care of patients optimally. Weight based dosing reviewed for modifications and recommendations to modify, changes would be made to the protocols. Errors that are made are not an individual issue but rather indicate a systemic issue to be addressed through the entire department. CM Hiltz noted that another company made public comments about what they would have done differently had they been in charge of administering the medication. She wanted clarification that Falck carries certain medications on the ambulances that are different from what AFR carries on their rigs, but AFR still has the ultimate medical control over the care being provided. Chief Anderson confirmed this is true and that AFR can relinquish control to the medics or physician on scene. Chief Gray added that AFR

takes action in the best interest of the patient and there are discussions that take place when those concerns come up. He wants to assure the committee that that is what happens.

Outcome

Information Only.

Follow-up Action

Staff will provide website requested by CM Johnston.

AURORA FOR YOUTH (AFY)

Summary of Issue and Discussion

Agent Danno Singleton presented this item to the committee to highlight the youth programs initiated by Aurora for Youth (AFY). The mission of AFY is that the Aurora Police Department will have one of the most proactive youth programs in the Nation. The purpose is to build stronger relationships within the community and the youth of Aurora. The strategy is to model and teach skills that will help youth make good decision and become future leaders. AFY was formed in 2013 as a pro-active, multi-faceted approach to youth issues in the City. Staff decided to create programs for youth from kindergarten through college. Programs include Aurora Police Activities Club (APAC), Camp POSTCARD (Police Officers Striving to Create and Reinforce Dreams), GREAT (Gang Resistance Education and Training), DFI (Digital Future Initiative), Global Teen Citizen Police Academy (GTCPA), and Explorers.

APAC supports the needs of the community by engaging officers in ongoing requested activities within schools, parks, recreation centers, youth groups, churches, community events and city events. The initiative brings youth and officers together to provide a different perspective about who officers are and what they do. The goal is to promote positive character traits and impact the future of one kid at a time.

Camp POSTCARD is a week-long summer opportunity for campers ages in grades 4-6 at the YMCA Camp in Estes Park. All the camp counselors are law enforcement officers in plain cloths and do not identify themselves as officers until the last day of camp. DFI is an evidenced-based curriculum teaching youth to make healthy choices on social media and in everyday situations. The goal is to help kids thrive in today's high-tech world and help them make smart decisions about the role technology plays. Focusing on kindness, the course provides an understanding of the issues digital media creates, such as the impact of drugs, distracted driving, bullying, harassment, sexual harassment and other current issues. The program was initiated in 2018 at Rangeview High School and is now taught in several other schools. The Aurora Police Department partnered with young adults from various organizations and created the Empowering Guide booklet. It was created to educate young adults on their rights and the rights of law enforcement as well as resources available. GREAT is a 13-week curriculum for middle school and 6 weeks in elementary schools. Topics include decision making skills, conflict resolution, communication and goal setting. GTCPA is a 2-week long program offered to high school students during the summer. Attendees learn about the daily functions of the PD and the men and women who are protecting their community. Graduates often move on to join the Police Explorer program.

APD Explorer Post #2024 was established in 1981 as an extension of the Boy Scouts "Learning for Life" career program. The program is for youth, ages 14-20, interested in exploring a career in law enforcement and serving their community. Recruits attend a 16-week academy offering a personal awareness of the criminal justice system through a comprehensive program of training, competition, service and practical experiences. The Explorer program promotes personal growth through character development, respect for the rule of law, physical fitness, good citizenship and patriotism. In 2019, the Explorer Post had 33 members that provided 9,008 hours of service to the Department and community under the mentoring of 19

officer/advisors. The Civil Service Commission has granted preference points to recruit applicants that have graduated from the Explorers Program.

AFY has direct services with the Juvenile Assessment Center (JAC). Services provided include intervention for youth exhibiting concerning behavior, identifies undiagnosed, unmet or underserved needs of youth whose behaviors and environment put them at risk, and pinpoints individualized services needed for the intervention. AFY staff are members of several community committees, and ad hoc committee as needed including; The Aurora Substance Abuse Prevention Coalition (ASAP), The Executive Internship Program Advisory Committee in Aurora Public Schools, The Law Enforcement Explorer Post Advisors Association of Colorado (LEEPAAC), and Aurora Youth Expo Committee. Benefits of AFY include; prevention, goal setting, reduce crime, life skills, mentoring, and community relationships. CM Gardner asked if there is success with GTCPA graduates moving on to the Explorer program and ultimately joining the PD. Agt. Singleton confirmed they have had approximately 25% of the GTCPA graduates apply for the Explorer program. CM Gardner noted that some of the community-based organizations have advised that gangs have transitioned to social media for recruitment. He asked if this was being addressed in the DFI program. Agt. Singleton confirmed the program does address how to avoid that kind of contact. DFI teaches digital intelligence; don't believe any information that you see and hear and do research to seek out the intention. Don't be a follower but rather an independent thinker and empower through education. CM Gardner asked if AFY is getting the cooperation needed from the schools. Agt. Singleton noted that initially he had to meet with Deans at individual schools, but the schools are on board and are great partners. CM Gardner believes it's important to provide programs and structure and will help any way he can if needed. CM Lawson asked if there was "real talk" topics, such as fast money isn't necessarily good money, included in the GREAT program. She believes that in order to get to the affected kids, you have to be real with them. Interim Chief Wilson noted that conversations about initiatives, such as with GRASP, are taking place and will likely have a greater impact than hearing from officers. Interim Chief Wilson noted that CM Lawson's point is well taken.

Outcome

Information Only.

Follow-up Action

None.

AFR INTRAGOVERNMENTAL AGREEMENTS

Summary of Issue and Discussion

Fire Commander Allen Robnett presented the three proposed Intragovernmental Agreements to the committee. The IGAs are being made to enhance emergency response and capabilities with the City of Aurora while also agreeing to assist regional partners with mutual aid.

Outcome

Approve to move to Study Session.

Follow-up Action

Move to Study Session.

INCIDENT REVIEW BRIEFINGS

Summary of Issue and Discussion

City Manager Jim Twombly explained he requested a formal review by an outside investigator of the March 29, 2019 incident in which an APD officer was found unresponsive in his city vehicle. The media reported on the story in December of 2019. When he was briefed several days after the media report, it seemed APD had acted reasonably. However, as more facts became known, more questions arose from city management and the public. It was determined that it would be in the best interest of the dept and city to look at an external independent expert to provide a comprehensive review of how the department handled the case. It was commissioned and directed by the city manager, who ultimately has management and oversight responsibility for the PD. Former US Attorney, John Walsh was retained to complete the review. His belief going in was that mistakes were made. The first goal of the review was to identify any areas where PD fell short whether it be in policy, practice, decision making or judgement. The second goal was to get recommendations for improvements going forward to minimize the chance that this could happen again. He believes John Walsh's report has accomplished these goals. City Manager Twombly applauds Interim Chief Wilson for implementing changes to Department Directive 14.05 Substance Abuse by requiring that when a supervisor has reasonable suspicion an officer is or has recently operated a motor vehicle impaired by alcohol or drugs that it will be investigated as a DUI and the Chief of Police will be immediately notified. City Manager Twombly is also requiring that Human Resources will be involved in future disciplinary decision making within the PD, which was not previously done. He added that the city does have an Independent Review Board that is external from the PD and there are discussions for how this board will be used in the future.

Former US Attorney, and partner of Willmer and Hale, John Walsh, provided the committee with a summary of his report findings, conclusions, and recommendations. Mr. Walsh, thru Willmer and Hale, was commissioned in December 2019 to review the incident from March 29, 2019. The report ultimately concludes that high ranking members of APD made significant errors in judgement in the handling of the incident. Critical mistakes were made in APD's response; in the immediate response on the day of the incident, in reviewing the APD's own response to the incident, and in the final outcome of the disciplinary process related to the officer. It was also concluded the evidence was not sufficient to establish that these acts, and failures to act, were the result of any improper motive, intended to obstruct justice, or done in bad faith. To the contrary, it was concluded that they reflect failure of judgement, serious errors in decision making, and ultimately note that members of the APD themselves criticized the decisions as being a failure of leadership. The decisions altered the course of the response and lead to a situation where, in effect, it was not possible to proceed with what, in retrospect, would have been a valid criminal prosecution. It also delayed the initiation of an Internal Affairs investigation and the effect ultimately of creating a controversy that undermined the public's confidence in the APD. He emphasized that at every moment during the course of the event and of the response, there were officers who were concerned about the adequacy of the PD's response and advocated a different approach. Line officers and supervisors who were trying to approach the incident in a different way, and had their advice and counsel been followed, there would have been a different set of outcomes.

A few examples of steps not taken that should have include; did not huddle responding officers to discuss observations on scene, did not ask responding traffic officer to observe while in the hospital, did not make a preservation request of any blood samples taken, did not take into account the fact that medical staff had started to refuse providing information to APD and advised that he would be released in a couple hours, and finally did not reach out to the DA's office for legal advice on the strength of the evidence and steps that could be taken. The second error by leadership was made when there was an opportunity for APD to take and review the decisions made on March 29, 2019, at the recommendation of supervisors who reviewed the

body worn cameras and reports. Review and report concludes that the Chief's decision not to uphold the Chief's Review Board recommendation of termination, failed to take into account the totality of the circumstances and public impact. Findings indicate this was unlikely to have been the first time the officer was intoxicated while on duty.

To ensure all investigations of potential misconduct are done in an independent and neutral way the following recommendations are given: Require criminal investigations when there is reasonable suspicion to believe the member is intoxicated and is driving a car, has recently driven a car, or is in the possession of a firearm; In cases where there is a reason to believe an officer might have been intoxicated in circumstances listed above, the responding officers should always contact the DA's office; As a best practice the APD, in any case where there is potential for serious misconduct, should consider referring the case to a third party law enforcement agency for investigation to ensure complete neutrality; Increased use of independent review boards to make recommendations on discipline; Clear line separating officers responding in a peer support capacity and investigating officers, and; Clarification in directives related to alcohol and arrests.

CM Hiltz noted that everything in the report confirmed her worst suspicions that she had of how this was going to play out and is frustrated by the findings and outcome. CM Gardner noted that it's disappointing to him that it appears that the rank and file of the APD has to pay for the poor choices of a few highest-ranking people. He asked, based on the findings, what evidence would be needed to support evidence of improper motives. Mr. Walsh explained there was genuine confusion regarding a possible medical situation versus intoxication. It wasn't just the Deputy Chief that questioned the nature of the situation and he let the wellness of the officer take too much of the focus for his decisions. Criticism is that there was opportunity for further investigation and that is very different than saying bad motive. They did not find direct evidence of an intention to take misconduct and sweep it under the rug. CM Gardner asked what constitutes reasonable suspicion. Mr. Walsh explained reasonable suspicion is outlined in case law and the individual decisions are made by judges. There are policies for the APD that outline scenarios that constitute reasonable suspicion. It varies based on the crime and officers are trained to identify them.

CM Lawson acknowledged that discipline is under the discretion of the Chief to make the decision in this case but there was a connection to the city manager's office. She asked if the city manager could have overruled the decision of the Chief. Mr. Walsh explained that City Charter directs that discipline over a certain threshold must be reviewed and approved by the city manager's office. Charter also indicates that the City Manager's office should be sure to give the Chief the opportunity to run the department. The City Manager's office could have refused to approve.

CM Johnston noted that she is disappointed with the series of events but wants to highlight that there were officers that did the right thing by bringing issues up to leadership. Mr. Walsh noted that the report is consistent with her remarks and added that both Chief and Deputy Chief have had long, distinguished law enforcement careers and nothing in the report is intended to impugn that, this is a situation where they concluded wrong decisions were made in this incident.

CM Hiltz referred back to CM Gardner's question about improper motive versus poor judgement because she noted inconsistencies (in the report) related to observations on scene and the recommendations to investigate the performance of the Deputy Chief where the Chief decided not to. Combined with the comment that the former Chief didn't take into account community and public safety, it makes it difficult to distinguish the difference between the two. She believes the decisions made by the Chief and Deputy Chief undermined the public trust of the entire department. The officer clearly had an alcohol problem and decisions were made without his consent. He was transparent and forthcoming after the fact and was launched into international news and publicly shamed. She thinks an apology is due to the officer from the Chief and Deputy Chief and hopes the officer is getting the support that he needs.

Outcome

Information Only.

Follow-up Action

None.

MISCELLANEOUS ITEMS FOR CONSIDERATION

AFR provided the results of the fireworks poll; It came back 60/40 in favor of an ordinance.

NEXT MEETING AGENDA ITEMS

CM Hiltz will likely not be at the next meeting and it will be run by CM Gardner. April's agenda will include Fire Facilities Updates, Crime Stats, and Crisis Response Team. CM Lawson requested public nuisance of hotels as a future item.

Meeting adjourned at 1:30pm

APPROVED:



Curtis Gardner, Vice Chair