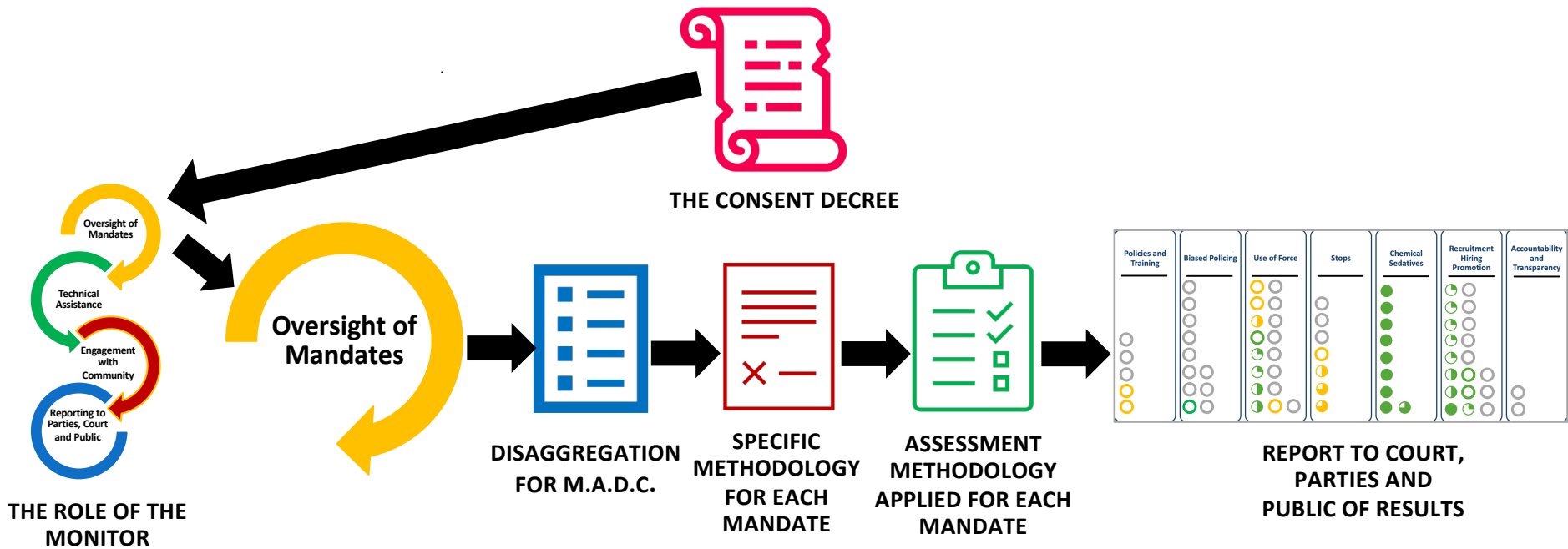


Report of the Independent Consent Decree Monitor

Reporting Period 1 Covering February 15- May 15, 2022

July 14, 2022

The Process of Assessment



AUGUST 9, 2022

What is the Consent Decree?



THE CONSENT DECREE

On September 15, 2021, the Attorney General concluded its investigation and found that the Aurora Police Department, Aurora Fire Rescue, and Civil Service Commission needed to reform in various areas including biased policing, use of force, investigative encounters, use of chemical sedatives, recruitment, hiring and promotion, and accountability and transparency. On November 16, 2021, the Attorney General and the City of Aurora announced that they had reached an agreement on how the city would reform these areas of public safety. This agreement is called a Consent Decree.

AUGUST 9, 2022

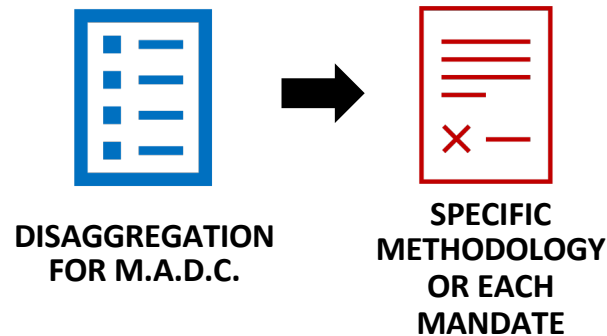
What is the Role of the Monitor?



The Consent Decree requires compliance with its mandates which are overseen by an Independent Consent Decree Monitor. In addition, the Monitor and his team provide technical assistance, engages with the community and reports on the progress of the City to the Court, the parties and the public.

AUGUST 9, 2022

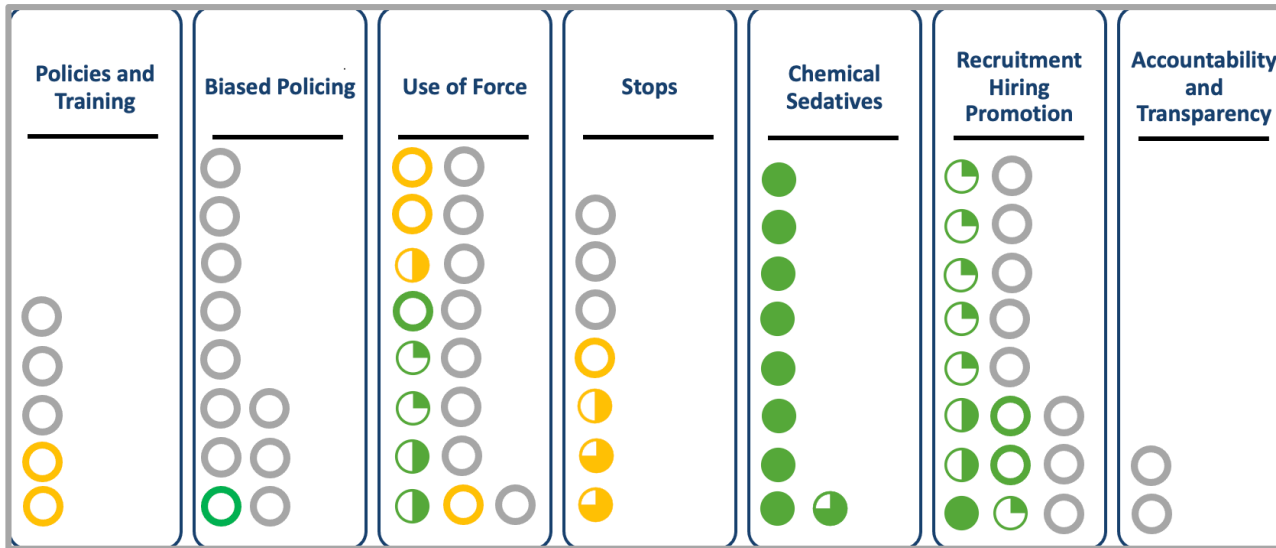
How is Compliance with the Consent Decree Measured?



The Monitor created the Methodologies to Aid in the Determination of Compliance (MADC) which is a roadmap for the City on how to achieve compliance under the Consent Decree. Each of the 70 Mandates of the Consent Decree has a separate methodology which was agreed on with the City. The methodology for each Mandate provides detail on how the Monitor will assess that mandate and outlines when and how the Monitor will determine compliance status of that particular Mandate, including the specific data will use in measuring compliance.

AUGUST 9, 2022

What is the Current Status of the Consent Decree? - Overview











The Monitor assessed 36 of the consent decree's 70 mandates in the first reporting period and found the City to be in substantial compliance on nine of the mandates and in various stages of compliance on remaining mandates.


AUGUST 9, 2022






What is the Current Status of the Consent Decree? – Mandates Assessed

On the pages that follow status of each of The 36 Mandates which were assessed appear with a summary of the reason for the Monitor's assessment of that Mandate.

AUGUST 9, 2022














REPORT CARD MATRIX		RP1 2/15/22- 5/15/22	
MANDATE NUMBER	TITLE AND SYNOPSIS		COMPLIANCE DETERMINATIONS WITH STATUS FOUND
POLICIES AND TRAINING GENERALLY			
1	Policies and Training Generally: APD and AFR will develop policies that are consistent and complimentary and will conduct training for coordinated response and will hold officers and firefighters accountable for policy violation		The Monitor identified significant lack of proper and adequate governance structure to develop and finalize policies but APD has prioritized on improving this in RP2. Only APD was assessed for this reporting period.
3	Submission of new policies for review: City must submit any covered policies, procedures, rules to the Monitor for review and approval		The Monitor discovered that this Mandate needs to be reinforced and itself made part of policy and the workflow of policy amendment or development. Only APD was assessed for this reporting period.
ADDRESSING RACIAL BIAS IN POLICING			
8	Addressing Racial Bias in Policing – Objectives - Policies and Training: City will improve policies and training in contacts, arrests and uses of force giving concrete guidance on decision-making and discretion, including role of bias and strategies to combat bias.		The Monitor found that APD developed a Contacts Form and started working on establishing baselines of data currently being collected, what data systems are currently being utilized, how these systems link together, how data is analyzed, how data analysis is used to drive strategies forward, and how racial and ethnic disparities are measured and tracked.
USE OF FORCE			
19	Use of Force - Objectives – Accountability Measures: The city shall improve and develop accountability measures that consistently identify excessive uses of force, where force should not have been used even though legal, and recurring training or tactical issues related to UOF.		The Monitor found that APD is engaged in an ongoing process of improving its accountability processes, including making changes to the work of the Force Review Board but have not seen the degree of self-critical analysis that we believe is so important to the process. In addition, it appears that the history of individual officers involved in uses of force is not meaningfully considered during the process of evaluating whether remediation for an officer is required.
20A	Use of Force - Objectives - Culture of Coordination and Collaboration Between APD and AFR (APD): The City shall create a culture of collaboration between Aurora Police and Fire		The Monitor found that the APD has been working with AFR to improve inter-agency collaboration and coordination.
20B	Use of Force - Objectives - Culture of Coordination and Collaboration Between APD and AFR (AFR): The City shall create a culture of collaboration between Aurora Police and Fire		The Monitor found that the AFR has been working with APD to improve inter-agency collaboration and coordination.
24	Use of Force – Force Review Board (Recent Changes): Any changes to recent amendments of policy must go through the CDM		The Monitor found that the Force Review Board continues to seek to improve its operations and no reversal of any of the enumerated changes happened. However, as noted in Mandate 19, there are areas for improvement.
25	Use of Force - Changes to Process (Feedback for Training): Additional Changes to UOFRB policies to include formalization of coordination with training, district commanders and AFR staff where practices can be improved.		The Monitor found that the Force Review Board has added representatives from the APD's training unit and District Commands so that those representatives are made aware of training patterns and themes. However, as noted in Mandate 19, there are areas for improvement.

26	Use of Force - Changes to Process (Review in Context): UOFRB policy to change to mandate review is in context of overall circumstances of encounter including the mental capacity of suspect.		The Monitor found that the Force Review Board continues to evaluate and refine its processes, and that the Board must memorialize any changes to its processes in its written policies. However, as noted in Mandate 19, there are areas for improvement.
27	Use of Force - Changes to Process (Measurement of Uses of Force): Modification of policies to develop reliable metrics for frequency of UOF, compliance with policy, injuries to subjects, officer safety, mental health holds and other relevant metrics.		The Monitor found that the Force Review Board must modify its procedures and policies relating to this mandate. Data collection will facilitate the Board's reaching compliance. The Monitor understands that the APD is currently working on developing a new use of force form to more accurately track these metrics.
28	Use of Force - Collaboration with Academy and Other Sections: UOFRB to include Academy staff, BWCV should be used to train showing good and bad techniques for de-escalation and other tactics.		The Monitor found that the requirements of this mandate are being completed in practice, but that the associated APD policies must be updated accordingly.
31	Use of Force - Training (Joint APD and AFR Training): All training to be completed by UOF Training completion deadline and must include joint training between AFR and APD and stresses on-scene coordination.		The Monitor found that a joint training has been developed with APD and AFR but it's unclear to what extent this joint training has been formalized as part of APD's suite of Use of Force Training curriculum.
DOCUMENTATION OF STOPS			
33	Documentation of Stops - Objectives: The City must develop a documentation system that complies with state law that allows for prompt and transparent review of officer behavior and allows APD to identify successes and areas for improvement.		The Monitor found that the APD is working on developing its data collection capabilities, including finalizing the rollout and operationalization of new policies and protocols. That being said, the development and rollout are behind schedule, and although there were reasonable explanations for the delays, fulfilling this Mandate expeditiously is extremely important.
34	Documentation of Stops - Policy Changes (General Principle): APD will develop policies that conform with state law that reduce the need for multiple trainings and policy updates and allows information to flow into a system that links officer information with stop info.		The Monitor found that APD created a new Documentation of Contacts policy, but finalization of the policy was impacted by the failure of APD to have a governance structure around the development and finalization process.
36	Documentation of Stops- Policy Changes - Creation of New Policies (Recordkeeping Requirements): APD will create a new policy for implementing the collection of data under CRS provisions		The Monitor found that APD has drafted a policy meeting the requirements of the Mandate but, in large part because of the lack of governance previously referenced, had not yet disseminated or implemented the policy.
37	Documentation of Stops - Training Plan Development: APD will develop a training plan in consultation with the Monitor for implementing new policies and for revisions of current policies		The Monitor found that APD has not finalized the required policy for Documentation of Contacts but has substantially developed new training, which will be administered once the policy and relevant forms are disseminated to APD personnel.
USE OF KETAMINE AND OTHER SEDATIVES AS A CHEMICAL RESTRAINT			
40	Use of Ketamine and Other Sedatives as a Chemical Restraint - Objectives: Ketamine will not be used in the field absent a revision of policy reviewed and approved by Monitor.		During the current reporting period the Monitor assessed the status of this Mandate and found the City to be in substantial compliance. The Monitor found that, as of September 15, 2020, AFR had removed ketamine from its protocols thus prohibiting its administration and has not sought to reinstate its use. AFR has further continually reiterated its intention to maintain ketamine's removal from its treatment protocols indefinitely.
41	Use of Ketamine and Other Sedatives as a Chemical Restraint - Objectives: Use of other chemical sedatives must be in accordance with state law and waiver requirements and be closely reviewed to ensure same.		The Monitor found that AFR has modified its practices to improve oversight of the use of chemical restraints by its personnel. This includes requiring the AFR Medical Director to review all incidents involving administration of a chemical restraint through the agency's Continuous Quality Improvement process. Through this process, the Medical Director reviews a monthly report that compiles information on all calls where a chemical restraint was administered, including outcomes.

42	Use of Ketamine and Other Sedatives as Chemical Restraint – Objectives: Use of any chemical in the field will be based solely on a medical determination without recommendation or suggestion by APD. Policies of both agencies must reflect same.		The Monitor found substantial compliance with the mandate in that EMS protocols and department policies, including MOP 6.13, are in place and meet the mandate's requirements.
43	Use of Ketamine and Other Sedatives as a Chemical Restraint – Objectives: If any objections by Monitor there will be a meet and confer process to resolve those objections.		The Monitor found substantial compliance with the mandate in that APD and AFR did not raise any objections.
44	Use of Ketamine and Other Sedatives as a Chemical Restraint – Policy Changes if Ketamine is Used: If Ketamine is sought to be used in the field again, AFR will work with Monitor to develop policies and procedures for same.		During the current reporting period the Monitor assessed the status of this Mandate and found the City to be in substantial compliance. The Monitor found that, as of September 15, 2020, AFR had removed ketamine from its protocols thus prohibiting its administration and has not sought to reinstate its use. AFR has further continually reiterated its intention to maintain ketamine's removal from its treatment protocols indefinitely.
45	Use of Ketamine and Other Sedatives as a Chemical Restraint - Process Changes: AFR will develop a post-incident analysis procedure for Ketamine if being reintroduced.		During the current reporting period the Monitor assessed the status of this Mandate and found the City to be in substantial compliance. The Monitor found that, as of September 15, 2020, AFR had removed ketamine from its protocols thus prohibiting its administration and has not sought to reinstate its use. AFR has further continually reiterated its intention to maintain ketamine's removal from its treatment protocols indefinitely.
46	Use of Ketamine and Other Sedatives as a Chemical Restraint – Evaluation of Chemical Sedation: AFR must review each chemical sedative utilization to determine if use was warranted under policy and law, whether officers were involved in decision, and risk factors.		The Monitor found that AFR has reviewed of 100% of calls involving the use of sedatives to manage combative patients, having started such reviews prior to the Consent Decree's enactment.
47	Evaluation of Chemical sedation: The review required in Mandate 46 must be summarized at least twice a year with basic tabular data and in compliance with CRS 18-8-805(2)(b)(1).		The Monitor found that AFR had reviewed 100% of calls involving the use of sedatives to manage combative patients, having started such reviews prior to the Consent Decree's enactment. Assuming that the reviews relative to this Mandate continue, AFR will be in substantial compliance in the next reporting period, which will allow for the required six month review.
48	Use of Ketamine and Other Sedatives as a Chemical Restraint – Goals and Measurement: If Ketamine is reintroduced the Monitor will regularly review.		During the current reporting period the Monitor assessed the status of this Mandate and found the City to be in substantial compliance. The Monitor found that, as of September 15, 2020, AFR had removed ketamine from its protocols thus prohibiting its administration and has not sought to reinstate its use. AFR has further continually reiterated its intention to maintain ketamine's removal from its treatment protocols indefinitely.
RECRUITMENT, HIRING AND PROMOTION			
49A	Recruitment, Hiring, and Promotion – Objectives (APD): APD will transform the recruitment and hiring process to create a more diverse and qualified workforce and create a culture of continuous improvement.		The Monitor found that Aurora has begun taking preliminary steps toward meeting the Consent Decree's mandate, including hiring a subject matter expert to assist in complying with the Decree's requirements on recruitment and hiring. The City has further contracted with Epic Recruiting to create new recruitment materials designed to attract the best candidates for APD positions.
49B	Recruitment, Hiring, and Promotion – Objectives (AFR): AFR will transform the recruitment and hiring process to create a more diverse and qualified workforce and create a culture of continuous improvement.		The Monitor found that Aurora has begun taking preliminary steps toward meeting the Consent Decree's mandate, including hiring a subject matter expert to assist in complying with the Decree's requirements on recruitment and hiring. AFR developed a written plan with the objective of creating a more diverse and qualified workforce.
52	Recruitment, Hiring, and Promotion – Recruitment (APD): APD will revise review and revise recruitment and hiring programs to attract and hire a diverse group of qualified individuals through a plan that has clear goals, objectives and action steps.		The Monitor found that Aurora has begun taking preliminary steps toward meeting the Consent Decree's mandate, including engaging the Monitor as subject matter expert under the technical assistance provision of the Decree, to assist in complying with the Decree's requirements on recruitment and hiring.

53	Recruitment, Hiring, and Promotion – Recruitment (AFR): AFR will revise review and revise recruitment and hiring programs to attract and hire a diverse group of qualified individuals through a plan that has clear goals, objectives and action steps.		The Monitor found that Aurora has begun taking preliminary steps toward meeting the Consent Decree's mandate, including engaging the Monitor as subject matter expert under the technical assistance provision of the Decree, to assist in complying with the Decree's requirements on recruitment and hiring.
54	Recruitment, Hiring, and Promotion – Recruitment (APD): The recruitment plan should include an examination of minimum qualifications for both new recruits and lateral hires in consultation with the Civil Service Commission		The Monitor found that APD have commenced discussions with the Civil Service Commission and will continue to the discussion in order to both review and make applicable changes to the minimum qualifications for entry level and lateral hires.
55	Recruitment, Hiring, and Promotion – Recruitment (AFR): The recruitment plan should include an examination of minimum qualifications for both new recruits and laterals in consultation with the Civil Service Commission		The Monitor found that AFR currently works collaboratively with staff from the Civil Service Commission on hiring efforts, including developing hiring solicitations and promotional exams.
56	Recruitment (Outreach for Diversity) (APD): The recruitment plan should include an outreach to community leaders and stakeholders, to increase the diversity of APD's applicant pool and identify candidates that are committed to community policing and have skills to succeed		The Monitor found that APD reported that its outreach process is ongoing. However, no updated recruitment plan for 2022 has been submitted.
57	Recruitment (Outreach for Diversity) (AFR): The recruitment plan should include an outreach to community leaders and stakeholders, to increase the diversity of APD's applicant pool and identify candidates and have skills to succeed		The Monitor found that AFR's written recruitment plan prioritizes increasing diversity in the applicant pool and AFR should be commended for those clearly stated priorities and outreach plans to meet those goals.
58	Recruitment, Hiring, and Promotion – Recruitment (APD): The plan should include broad distribution of career opportunities and details pertaining thereto in the metro Denver area, and make the same info available on the website with direct contact to recruiting member		The Monitor found that Aurora has begun taking preliminary steps toward meeting the Consent Decree's mandate, including engaging with the Monitor to provide technical assistance to assist in complying with the Decree's requirements on recruitment and hiring. The City has further contracted with Epic Recruiting to create new recruitment materials designed to attract the best candidates for APD. Despite these efforts, no written plan for recruiting has yet been presented for review or assessment.
59	Recruitment, Hiring, and Promotion – Recruitment (AFR): The plan should include broad distribution of career opportunities and details pertaining thereto in the metro Denver area, and make the same info available on the website with direct contact to recruiting member		The Monitor has found that AFR deploys targeted recruitment tactics, including paid advertising and social media campaigns, attendance at career fairs, recruitment from colleges and the military, participation in local programs for youth, appearing at high school and middle schools, conducting outreach to Aurora's immigrant communities, and vetting applicants and developing relationships with them through the recruitment process, including through the department's mentorship program for recruits.
65	Recruitment, Hiring, and Promotion - Civil Service Commission (Outside Expert): The City and CSC will hire an outside expert to assist in developing best practices for recruiting and hiring.		The Monitor found that the City of Aurora met the requirements of this mandate, engaging the Monitor Team as the subject matter expert who will work with APD, AFR and CSC in establishing best practices for recruiting and hiring a qualified and diverse public safety workforce.

ACCOUNTABILITY AND TRANSPARENCY

LEGEND	ESTIMATED 0-24% COMPLETE	ESTIMATED 25-49% COMPLETE	ESTIMATED 50-74% COMPLETE	ESTIMATED 75-99% COMPLETE	SUBSTANTIAL COMPLIANCE
RIGHT TRACK (IN LINE WITH MONITOR EXPECTATIONS)					
CAUTIONARY TRACK (AT THIS TIME UNCERTAIN IF MONITOR'S EXPECTATIONS WILL BE MET)					
WRONG TRACK OR UNACCEPTABLY OVERDUE (EXPECTATIONS OF MONITOR ARE NOT BEING MET)					
NOT EVALUATED IN THE INDICATED REPORTING PERIOD	[CELL IN CURRENT OR PAST REPORTING PERIODS INTENTIONALLY LEFT BLANK]				
TO BE EVALUATED IN THE NEXT REPORTING PERIOD	