



IntegrAssure

OFFICE OF THE INDEPENDENT CONSENT DECREE MONITOR FOR THE CITY OF AURORA

Report of the Independent Consent Decree Monitor

Reporting Period 1 Covering February 15- May 15, 2022

July 14, 2022

Background

- Brought about by the in-custody death of Elijah McClain and other events which set in motion an investigation by the Colorado AG.
- AG issued a Report with findings which led to the litigation in which the City agreed to a variety of reforms in what is known as the Consent Decree
- The mandates deal with the systems which were found to be deficient by the AG, with the goal of reforming those systems to ensure that the public safety system is fair, just and transparent, and thereby to increase public trust, to better fight crime, and to enhance officer safety and wellness.
- This is the first of 12 scheduled Reports relative to the progress of the City in meeting Consent Decree mandates.

Foundational Precepts and Paradigm



The Independent Consent Decree Monitor

- The Monitor oversees the implementation of the reforms making sure that that which the City has promised to get done, is in fact, getting done—essentially providing Integrity Assurance to the process.
- This is done through monitoring protocols detailed in what are called the “Methodologies to Aid in the Determination of Compliance” or “MADCs” and through providing Technical Assistance to the City as requested.
- The Monitor also engages with the Community through public forums and the Community Advisory Council.
- The Monitor issues Periodic Reports which will report on the City’s progress and will focus on issues that the Consent Decree touches upon and is meant to deal with.

Highlights of the First Reporting Period

- Meetings and discussions with the parties and stakeholders: AG's office, APD, AFR, City Attorney's Office, City Manager's Office, the Civil Service Commission, IAFF, FOP, the Public Defender's Office, Sheriffs, the Public Safety Committee of the City Council, and community members.
- Establishing all parties/stakeholders meetings once a month to discuss issues and concerns in real-time
- Establishment of the Community Advisory Council
- Establishment of the self-assessment process
- First Town Hall meeting
- Conducted Community Survey
- Published the Methodologies to Aid in the Determination of Compliance
- Published First Report

July 14, 2022

First Reporting Period – Overview of Assessment

- Examined 36 of 70 Mandates as defined in the MADDC's
- Nine in Substantial Compliance (8 AFR Use of Chemical Sedatives; 1 CSC Hiring of Expert)
- Of the remaining 29, Nine are on a Cautionary Track (Major concern: lack of governance over policy and training development)
- The remaining 20 are in various stages of movement toward substantial compliance, in line with expectations
- Three Focus Issues

First Report Focus Issues

- The termination of Chief Vanessa Wilson: Chief Wilson spearheaded extreme cooperation with the Monitor which we have every reason to expect will continue with future administrations. We thank her for her service.
- Significant efforts at improving Police Community Relations: The New Way; Community Relations Section; Community Police Task Force; Chief's Youth Advisory Team; Aurora Youth Night;
- Systems to ensure best policing practices: Enhanced First-Line Supervision; Early Intervention; Internal Affairs and Civilian Complaint Investigation Process: Disciplinary System; Data Analysis; Performance Evaluation; Customer Service Feedback; Audit and Inspection; Post Incident Review
- Case Study: May 15, 2021 Traffic Incident. Systems did not work optimally. What should have happened if they were.

Areas of the Consent Decree Policies and Training- Generally

- APD and AFR must work continuously to ensure that policies are consistent and complimentary and that there is an appropriate system of accountability for violation policies
- Three mandates in this area were reviewed in this Reporting Period
- Found a significant lack of governance in APD to develop and finalize policies with a workflow that is not standardized
- Being addressed through a contract with CJI

Areas of the Consent Decree

Addressing Racial Bias in Policing

- AG had found a pattern and practice of race-based policing, and required policy revision, more specific standards and expectations for APD officers; better tracking of outcomes; and improved training
- Monitor assessed eleven mandates in this area and found progress to be in-line with expectations
- APD worked with Monitor to finalize contact data form which will lead to ability to analyze any disparities and how APD deals with the community
- Began work of understanding full parameters of data being collected by APD how the systems fit together and how racial disparities are measured, tracked and analyzed

Areas of the Consent Decree

Use of Force

- The AG Report found that APD had a pattern and practice of using force excessively, and used force when legal but not necessary, and disproportionately against people in mental health crisis and against people of color
- Monitor assessed seventeen mandates this Reporting Period most of which were progressing in line with expectations, but some uncertainty regarding the FRB
- Focused on policies and protocols and on the Force Review Board with goal of understanding current state and baseline for improvement
- Found some significant deficits in the FRB process and will work to improve this in RP2

Areas of the Consent Decree Documentation of Stops

- The AG found that APD had a pattern and practice of not collecting data as required by Colorado law and a lack of proper guidance and training relative to when a Terry stop can be made
- The Monitor assessed four mandates in this section and found uncertainty as to whether the Monitor's expectation would be met given delays in policy development due to lack of governance
- Working with Monitor a new Contacts Form was developed and will be rolled out during RP2. The form will allow appropriate analysis of data in order to understand any disparities
- The City also worked with the Monitoring Team to finalize its Documentation of Contacts Policy, which will be rolled out in RP 2 as well.

Areas of the Consent Decree

Use of Sedatives as Chemical Restraint

- Aurora Fire has engaged in a pattern and practice of administering ketamine in violation of the law.
- AFR has committed to no longer using ketamine as a chemical restraint but will adhere to the Consent Decree's procedural requirements if it seeks to reinstate ketamine's use.
- The Monitoring Team reviewed AFR chemical sedation reports from Q4 2021 and Q1 2022 and body-worn camera footage of joint responses of APD and AFR personal where chemical sedation was administered from March and April of 2022.
- The Monitoring Team notes that AFR needs access to any available footage to better ensure it continually improves its chemical restraint practices (it currently does not have access to the body-worn camera footage).
- During this Reporting Period, the Monitoring Team assessed all nine mandates in this section and found them to be in substantial compliance except for one. Will continue assessments going forward.

Areas of the Consent Decree Recruitment, Hiring, and Promotion

- The AG found that the Civil Service Commission's hiring practices do not lead to APD reflecting the diversity of the City. The Consent Decree seeks more diversity of qualified candidates and more input into the process by APD and AFR
- The Monitor Team met with relevant stakeholders, including Aurora's Civil Service Commissioners and staff, and has identified some preliminary priorities for APD and AFR, including covering staffing shortfalls at APD.
- The CSC decided to utilize the technical assistance provision of the monitoring agreement to have a member of the Monitor Team serve as an outside expert as required by the Decree.
- During this Reporting Period, the Monitoring Team assessed eleven mandates in this section and found them to be progressing in line with the Monitor's expectations.

Areas of the Consent Decree Accountability and Transparency

- AG found that there are significant potential improvements to accountability mechanisms that need to be made.
- The Monitor's Report went into these mechanisms in depth and the Monitor will be working closely with the City to identify trends and patterns in the conduct of its officers for use in continuous improvement of the officers and transparency to the public.

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					