



IntegrAssure

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

Report of the Independent Consent Decree Monitor

Reporting Period 8

August 16, 2024 to February 15, 2025

Issued: April 15, 2025

TABLE OF CONTENTS

I. INTRODUCTION	1
II. EXECUTIVE SUMMARY	1
<i>FOCUS ITEMS FOR RP8.....</i>	<i>2</i>
<i>OPERATIONAL INTEGRITY ASSESSMENTS</i>	<i>2</i>
<i>SUMMARY OF THE MONITOR’S ASSESSMENTS OF ALL CONSENT DECREE MANDATES.....</i>	<i>4</i>
III. FOCUS ITEMS.....	7
1. <i>FOLLOW-UP ON MAY 15, 2021 TRAFFIC STOP INCIDENT</i>	<i>7</i>
Key Lessons & Systemic Improvements	8
Conclusion	10
2. <i>OUTCOMES FROM MAY 23, 2024 KILYN LEWIS FATAL OFFICER INVOLVED SHOOTING</i>	<i>11</i>
CIRT, IIB & FRB Conclusions	11
Monitor Assessment	12
3. <i>SWAT REVIEW & OPERATIONAL MODIFICATIONS FOLLOWING THE KILYN LEWIS OIS</i>	<i>13</i>
SWAT Operational & Policy Improvements	13
Shifting SWAT’s Role & Operational Philosophy.....	16
Conclusion	16
4. <i>ADMINISTRATIVE INVESTIGATIONS & IMPLEMENTATION OF DIRECTIVE MANUAL 10.2.....</i>	<i>17</i>
Key Elements of a Proper Administrative Investigation	17
Implementing DM 10.2: Ensuring Consistency & Accountability	20
Conclusion	21
5. <i>ENHANCEMENTS TO FRB PROCESS & BACKLOG REDUCTION</i>	<i>21</i>
6. <i>CONTACT DATA COLLECTION (CDC).....</i>	<i>23</i>
7. <i>OPERATIONAL INTEGRITY ASSESSMENTS & RISKS REVIEWS.....</i>	<i>25</i>
Operational RISKS Reviews: Remediation of Identified Situations Key to Success	25
RP8 Trends, Patterns, Areas of Concern & Excellence.....	27
RP8 Developments to Address Areas of Concern & Excellence in RP7	28
Conclusion	30
8. <i>VEHICLE PURSUIT POLICY REVISIONS – BALANCING RISK & RESPONSIBILITY</i>	<i>30</i>
Enhancing Accountability & Continuous Improvement.....	31
9. <i>APD’S POLICY ON UNDOCUMENTED IMMIGRANTS AMID RECENT DEVELOPMENTS</i>	<i>31</i>
Recent Developments	32
Role of the Monitor	33
Conclusion	33

10. QUALITY ASSURANCE UNIT DEVELOPMENTS.....	34
11. DATA SYSTEMS	34
12. HIRING PROCESS DEVELOPMENTS.....	37
IV. MONITOR’S ASSESSMENTS THIS REPORTING PERIOD.....	39
<i>FOUNDATIONAL FRAMEWORK MANDATE ASSESSMENTS</i>	39
<i>OPERATIONAL INTEGRITY ASSESSMENTS</i>	41
<i>POLICIES & TRAINING GENERALLY (Mandates 1-5)</i>	43
Introduction	43
Operational Integrity Assessments re: Policies & Training Generally	43
Previous Findings of Substantial Compliance	44
This Reporting Period’s Assessments of Individual Mandates in this Section.....	44
<i>ADDRESSING RACIAL BIAS IN POLICING (Mandates 6-16)</i>	56
Introduction	56
History & Basis for Consent Decree Mandates.....	57
Consent Decree’s Objectives.....	58
Operational Integrity Assessments re: Bias-Free Policing	58
Previous Findings of Substantial Compliance	61
This Reporting Period’s Assessments of Individual Mandates in this Section.....	61
<i>USE OF FORCE (Mandates 17-32)</i>	72
Introduction	72
History & Basis for Consent Decree Mandates.....	73
Consent Decree’s Objectives.....	73
Operational Integrity Assessments re: Use of Force.....	74
Previous Findings of Substantial Compliance	75
This Reporting Period’s Assessments of Individual Mandates in this Section.....	75
<i>DOCUMENTATION OF STOPS (Mandates 33-39)</i>	90
Introduction	90
History & Basis for Consent Decree Mandates.....	91
Consent Decree’s Objectives.....	91
Operational Integrity Assessments re: Documentation of Stops	91
Previous Findings of Substantial Compliance	94
This Reporting Period’s Assessments of Individual Mandates in this Section.....	94
<i>USE OF KETAMINE & OTHER CHEMICAL RESTRAINTS (Mandates 40-48)</i>	98
Introduction	98
History & Basis for Consent Decree Mandates.....	99
Consent Decree’s Objectives.....	100
Operational Integrity Assessments re: Use of Chemical Sedatives	100
Previous Findings of Substantial Compliance	101
This Reporting Period’s Assessments of Individual Mandates in this Section.....	101

<i>RECRUITMENT, HIRING & PROMOTION (Mandates 49-66)</i>	106
Introduction	106
History & Basis for Consent Decree Mandates	107
Consent Decree Objectives	107
Operational Integrity Assessments re: Recruitment, Hiring & Promotion	108
Previous Findings of Substantial Compliance	109
This Reporting Period’s Assessments of Individual Mandates in this Section.....	109
<i>ACCOUNTABILITY & TRANSPARENCY (Mandates 67-68)</i>	119
Introduction	119
History & Basis for Consent Decree Mandates	119
Consent Decree Objectives	120
Early Intervention.....	120
Operational Integrity Assessments re: Accountability & Transparency	121
Previous Findings of Compliance	123
This Reporting Period’s Assessments of Individual Mandates in this Section.....	123
V. CONCLUSION	128
APPENDICES	129
<i>APPENDIX A: REPORT CARD MATRIX</i>	129
<i>APPENDIX B: DIRECTIVE MANUAL 04.15 POLICE VEHICLE PURSUITS</i>	140
<i>APPENDIX C: DIRECTIVE MANUAL 05.03 LESS-LETHAL DEVICES, TECHNIQUES & WEAPONS</i>	155
<i>APPENDIX D: DIRECTIVE MANUAL 05.06 USE OF FORCE INVESTIGATIONS</i>	172
<i>APPENDIX E: DIRECTIVE MANUAL 05.08 UOF ADJUDICATIONS</i>	178
<i>APPENDIX F: DIRECTIVE MANUAL 06.01 ARREST PROCEDURE</i>	190
<i>APPENDIX G: DIRECTIVE MANUAL 06.03 CUSTODIAL ARREST DETERMINATION</i>	200
<i>APPENDIX H: DIRECTIVE MANUAL 06.08 FOREIGN NATIONALS, DIPLOMATS, AND COLORADO STATE OFFICIALS</i>	203
<i>APPENDIX I: DIRECTIVE MANUAL 06.13 INTERACTING WITH PERSONS EXPERIENCING A HEALTH CRISES</i>	209
<i>APPENDIX J: DIRECTIVE MANUAL 10.02 COMPLAINT & DISCIPLINE PROCEDURES FOR SWORN MEMBERS</i>	219
<i>APPENDIX K: AFR 5.12 MANAGEMENT OF AGITATED PATIENTS OR OTHER BEHAVIORAL HEALTH CRISES</i>	254
<i>APPENDIX L: JANUARY 2025 APD ACADEMY CANDIDATE DROP RATES</i>	269
<i>APPENDIX M: RULES & REGULATIONS OF THE CIVIL SERVICE COMMISSION EFFECTIVE FEBRUARY 11, 2025</i>	271
<i>APPENDIX N: ACRONYMS, ABBREVIATIONS & TERMINOLOGY USED IN THE MONITOR’S REPORTS</i>	315

LIST OF TABLES & GRAPHS

Table 1 - Monitor's Operational Integrity Conclusions Compared to the Prior Reporting Period..... 3

Table 2 – Monitor’s Numeric Summary of Findings Compared to the Prior Reporting Period..... 4

Graph 3 – Graphs of Overall Levels of Compliance by Agency 5

Table 4 – Summary of Findings by Area of the Consent Decree..... 6

Table 5 – Monitor’s Incident Reviews for APD’s RP8 RISKS Meetings 27

Table 6 - Data Systems Relevant to the Consent Decree 35

Table 7 - Legend for the Monitor's Findings..... 40

Table 8 - APD Jan 2025 Academy Racial Diversity Comparisons 110

Table 9 - APD Jan 2025 Academy Gender Diversity Comparisons 110

I. INTRODUCTION

This is the 8th of 12 scheduled reports that the Independent Consent Decree Monitor (the Monitor) for the City of Aurora (the City) will produce. This report covers the eighth reporting period (RP8) from August 16, 2024 to February 15, 2025, which is the second period of Year 3 of the Monitorship. It details the progress made by the City, the Aurora Police Department (APD), Aurora Fire-Rescue (AFR), and the Aurora Civil Service Commission (CSC) in reforming these agencies pursuant to the mandates contained in the Consent Decree (CD).¹

II. EXECUTIVE SUMMARY

During RP8, the City and its constituent agencies continued to engage and cooperate fully with the Monitor. Together, they worked on, and continued to make progress toward achieving substantial compliance with the mandated reforms and addressing the underlying goals of the CD of continuous improvement and implementation of best practices. Leadership of the City, APD and AFR, and members of each department continued to embrace and take action toward shifting the culture to one of continuous improvement.

Notwithstanding the additional cautionary track assessments detailed in the Monitor's assessments below, the Monitor is pleased with and encouraged by the City's overall progress, and believes that the City has substantially embraced the philosophy of continuous improvement and is well on the way to the reforms envisioned in the CD.

The Monitor acknowledges that this assessment comes in the wake of a significant officer-involved-shooting in RP7 that understandably caused deep concern in the community. However, the Monitor finds that the way this critical incident was reviewed, and the steps taken to address the issues it revealed, reflect APD's commitment to continuous improvement. Unfortunately, even in the best police departments, critical incidents revealing areas for improvement can and do occur. What distinguishes an exceptional police department is how it responds to such incidents, and the degree of confidence that the public has in its ability to do so.

The rest of this report provides details regarding focus items and the Monitor's findings for RP8.

¹ These and other acronyms, abbreviations and terminology used in this report are explained in the last Appendix to this report (Appendix N).

FOCUS ITEMS FOR RP8

For RP8, the Monitor identified the following 12 events and/or items of note (Focus Items) that reflect seminal events, significant achievements, significant developments, or areas that must be prioritized in order to achieve substantial compliance with the CD. See Section III of this report for further details.

1. Follow-Up on May 15, 2021 Traffic Stop Incident
2. Outcomes from May 23, 2024 Kilyn Lewis Fatal Officer Involved Shooting (OIS)
3. SWAT Review & Operational Modifications Following the Kilyn Lewis OIS
4. Administrative Investigations & Implementation of Directive Manual 10.2
5. Enhancements to FRB Process & Backlog Reduction
6. Contact Data Collection (CDC)
7. Operational Integrity Assessments & RISKS Reviews
8. Pursuit Policy Revisions – Balancing Risk & Responsibility
9. APD's Policy on Undocumented Immigrants Amid Recent Developments
10. Quality Assurance Unit Developments
11. Data Systems
12. Hiring Process Developments

OPERATIONAL INTEGRITY ASSESSMENTS

RP8 is the second period of the Monitor's "operational integrity" assessments which determine whether the City, APD, AFR and CSC complied with the operational, or functional aspects of the CD's mandates for this period. In other words, operational integrity is the result of effective and appropriate implementation of the reforms required by the CD. This RP8 report contains the following assessments:

- The Monitor's Executive Summary presents the Monitor's overall conclusions regarding operational integrity for each section of the CD. These conclusions reflect the best judgment of the Monitor, after considering relevant metrics and the Monitor's findings regarding the nature, extent and severity of incidents that are indicative of a lack of operational integrity, as well as the timeliness and appropriateness of the remediation thereof.
- For each of the seven sections of the CD, the body of the Monitor's report presents the criteria used in the Monitor's operational integrity assessments, as well as the findings and overall conclusions related thereto. These assessments are contained in section IV of this report, within the Monitor's "Assessment of Mandates this Reporting Period".

Table 1 below shows the overall conclusions from the Monitor’s operational integrity assessments for each section of the CD for RP8 compared to the prior reporting period. Section IV of this report contains the Monitor’s criteria and rationale for each of the Monitor’s conclusions below, for each of the following seven sections of the CD.

Table 1 - Monitor's Operational Integrity Conclusions Compared to the Prior Reporting Period

CD Section	Summary Assessments of Operational Integrity	
	RP8 (Current Period)	RP7 (Prior Period)
Policies & Training Generally	 Operational integrity fully achieved	 Operational integrity fully achieved
Addressing Racial Bias in Policing	 Cautionary track: 50-74% aligned with operational integrity criteria	 Right track: 50-74% aligned with operational integrity criteria
Use of Force (UOF)	 Right track: 75-99% aligned with operational integrity criteria	 Right track: 50-74% aligned with operational integrity criteria
Documentation of Stops	 Cautionary track: 50-74% aligned with operational integrity criteria	 Cautionary track: 50-74% aligned with operational integrity criteria
Use of Ketamine & Other Chemical Sedatives	 Operational integrity fully achieved	 Operational integrity fully achieved
Recruiting, Hiring & Promotion	 Right track: 75-99% aligned with operational integrity criteria	 Cautionary track: 50-74% aligned with operational integrity criteria
Accountability & Transparency	 Right track: 50-74% aligned with operational integrity criteria	 Right track: 50-74% aligned with operational integrity criteria

As summarized above, in RP8, the City achieved full operational integrity for two of the seven sections of the CD; the City is on the right track for three sections of the CD; and two sections of the CD are on a cautionary track. See Section IV of this report for further details.

SUMMARY OF THE MONITOR’S ASSESSMENTS OF ALL CONSENT DECREE MANDATES

The CD has a total of 78 mandates that are the basis for the Monitorship.

- In RP1 to RP7, the first 2.5 years of the CD, the Monitor found 57 mandates to be in substantial compliance, of which 25 do not need to be actively assessed again unless changes are made to the underlying policies or processes required by those mandates.
- In RP8, the second period of year 3 of the CD, the Monitor found 32 mandates in substantial compliance, 18 mandates are partially compliant on the right track, and 3 mandates are on a cautionary track.
- Together, 57 of the 78 mandates are in substantial compliance. This represents 73% of the 78 mandates in the CD, which is the same level of substantial compliance as the end of RP7.

Table 2 below presents the above summary of findings in numeric form, with a summary comparison of the findings for the current reporting period (RP8) compared to the prior reporting period (RP7).

Table 2 – Monitor’s Numeric Summary of Findings Compared to the Prior Reporting Period

<i>Assessments for RP8 Compared to RP7:</i>	<i>RP8 # of Mandates</i>	<i>RP8 % of Mandates</i>	<i>RP7 # of Mandates</i>	<i>RP7 % of Mandates</i>
Previously in Substantial Compliance - No Longer Needs to Be Actively Monitored	25	32%	25	32%
Current Period Findings of Substantial Compliance	32	41%	32	41%
Total in Substantial Compliance to Date	57	73%	57	73%
Partially Compliant – Right Track	18	23%	20	26%
Partially Compliant – Cautionary Track	3	4%	1	1%
TOTAL	78	100%	78	100%

While the total number of mandates that are in substantial compliance for RP8 is the same as for RP7, more mandates are now on a cautionary track.

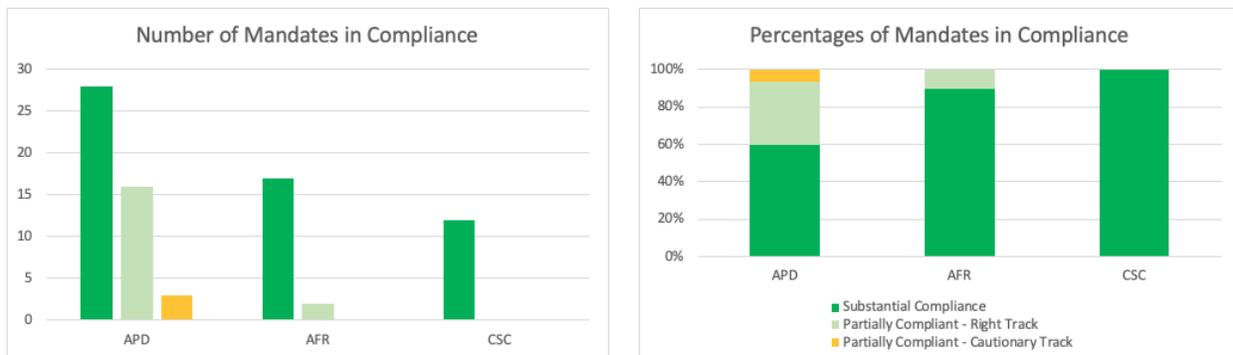
As discussed in more detail in the relevant mandate assessments below, for the 18 mandates that are on the right track and partially compliant, the key areas that need to be addressed by APD in order to achieve substantial compliance include improving its training by using body-worn camera (BWC) footage; measuring outcomes, and addressing trends in contact data, problematic UOF incidents and complaints, including those indicating bias; implementing an early warning

system for potentially at-risk officers; and implementing transparent reporting on discipline and complaint trends. Similarly, the key areas that need to be addressed by AFR include the delivery of joint UOF training to its members; creating a more diverse and qualified workforce via its June 2025 Academy hiring process and receiving relevant, timely and reliable hiring reporting thereon; and making data-informed decisions relating to recruiting and hiring.

For the three mandates that are partially compliant on a cautionary track, the key areas that need to be addressed by APD in order to achieve substantial compliance include fully implementing an automated or structured compliance dashboard and exception reporting system to track and analyze compliance trends relating to enforcement and non-enforcement stops; developing a process or system that assesses CDC compliance and other metrics by officer; creating a structured remediation process to address instances of non-compliance and holding officers accountable for such non-compliance; and implementing a fully functional and integrated early warning/intervention system before, during and after APD’s transition to a new system.

The overall level of compliance to date by agency is depicted in Graph 3 below. The CSC achieved substantial compliance for all 12 of its CD mandates; two of AFR’s 19 CD mandates are not yet in substantial compliance; and 19 of APD’s 47 CD mandates are not yet in substantial compliance.

Graph 3 – Graphs of Overall Levels of Compliance by Agency



The Monitor’s compliance conclusions for the 25 mandates previously assessed as well as the 53 mandates assessed in RP8 are depicted in Table 4 below.

Table 4 – Summary of Findings by Area of the Consent Decree

S E C T I O N	AREA OF THE CONSENT DECREE (APD unless otherwise indicated)	***	CURRENT PERIOD ASSESSMENTS												T O T A L	
			RIGHT TRACK				CAUTIONARY/MISSED DEADLINE TRACK				WRONG TRACK					
			100%	100%	75-99%	50-74%	25-49%	0-24%	75-99%	50-74%	25-49%	0-24%	75-99%	50-74%		25-49%
1.	Policies & Training Generally (APD)	0	2	3												5
	Policies & Training Generally (AFR)	0	4	1												5
	Policies & Training Generally (CSC)	0	2													2
2.	Addressing Racial Bias in Policing	2	5	1	3											11
3.	Use of Force	5	4	7	1											17
4.	Documentation of Stops	5						2								7
5.	Use of Ketamine & Other Chemical Sedatives (AFR)	0	9													9
6.	Recruitment, Hiring & Promotion (APD)	4	1													5
	Recruitment, Hiring & Promotion (AFR)	4		1												5
	Recruitment, Hiring & Promotion (CSC)	5	5													10
7.	Accountability & Transparency	0			1			1								2
	TOTAL	25	32	13	5			3								78
***PREVIOUSLY IN SUBSTANTIAL COMPLIANCE; NO LONGER NEEDS TO BE ACTIVELY MONITORED																

The Monitor’s “Assessment of Mandates for This Reporting Period” section IV below describes the Monitor’s current assessments and the history of compliance for each mandate assessed in RP8. Section IV below also includes the Monitor’s assessments of Operational Integrity for each section of the CD.

The history of the Monitor’s assessments for each mandate from RP1 to RP8 are visually represented in the Monitor’s Report Card Matrix, attached to this report as Appendix A. Starting in RP7, the Monitor’s Report Card Matrix also contains the Monitor’s assessments of Operational Integrity for each section of the CD.

III. FOCUS ITEMS

As described in each of the Monitor’s periodic public reports, the Monitor focuses on various events and items of note during the period that affect or are relevant to the Monitorship of the CD. The following are the Monitor’s Focus Items for the current reporting period.

1. FOLLOW-UP ON MAY 15, 2021 TRAFFIC STOP INCIDENT

The Monitor’s RP1 Report highlighted a May 15, 2021 traffic stop incident that underscored key deficiencies in tactical decision-making, de-escalation, field supervision and after-action review by APD. This incident, which involved a rapidly escalating encounter between an officer and a driver, demonstrated observable lapses in professional composure and tactical acumen. It also illuminated gaps in APD’s review mechanisms, including the Force Review Board’s (FRB) failure to critically assess the officer’s prior history and the broader systemic lessons the event could have provided.

Since that time, and in part due to lessons learned from this case, significant improvements have been made to implicated processes. Yet, this case has continued to have important implications for the City and APD, culminating in a civil jury verdict in January 2025, which found against the officer in the amount of \$400,000. While the verdict in this case may be appealed by the City based on legal issues pending in post-trial motions to the court, this case continues to underscore the broader imperative of ensuring that departmental training, policy adherence, supervisory oversight, and after-action review function effectively to mitigate these types of incidents and protect public safety and the continued certification and employment of officers.²

This incident, its civil litigation, and the resultant verdict reinforce the critical importance of prevention rather than reaction—not just for the protection of the public but also to safeguard the careers of officers. Inadequate tactical judgment and emotional escalation in policing

² Current Colorado law calls for decertification of officers who are found either criminally or civilly liable for the use of excessive force. Specifically, Colorado enacted legislation mandating the decertification of police officers found liable for the excessive use of force. The pertinent statute is Section 24-31-904 of the Colorado Revised Statutes, established under Senate Bill 20-217, known as the Enhance Law Enforcement Integrity Act. This statute stipulates that if a peace officer is convicted or pleads guilty or *nolo contendere* to a crime involving the unlawful use or threatened use of physical force, or is found civilly liable for such conduct, the Peace Officer Standards and Training (P.O.S.T.) Board is required to permanently revoke the officer’s certification. Reinstatement or the granting of new certification is prohibited unless the officer is exonerated by a court. Changes to this statute which would provide more due process to officers in the decertification process are currently pending before the legislature.

situations can expose officers and the department to civil liability, and public distrust. The systems within APD must work cohesively to mitigate these risks. The Monitor has worked with APD since the inception of the Consent Decree to help ensure that the critical systems of accountability and continuous improvement are working properly.

KEY LESSONS & SYSTEMIC IMPROVEMENTS

The May 15, 2021 traffic stop incident highlighted deficiencies in APD’s systems of accountability—systems that should have been operating effectively to prevent incidents like this from occurring. As outlined in RP1, best-practice accountability mechanisms are designed to identify, analyze, remediate, and continuously monitor issues to confirm whether officers perform their duties lawfully, professionally, and safely. However, this case illustrated that when these systems are not functioning optimally, both the public and officers can suffer serious consequences.

The systems that should have prevented or mitigated this incident, and their failure at the time as outlined in RP1 are listed below, along with a summary of APD’s improvements to such systems and additional improvements which can and should be made:

1. *EARLY INTERVENTION & RISK IDENTIFICATION*

- APD’s Early Intervention System (EIS) is meant to identify officers exhibiting patterns of concerning behavior before those behaviors result in serious misconduct, civil liability or harm to the public. The existing system simply is not working well and is in the process of being replaced by APD. That being said, Early Intervention Systems, were, from the Monitor’s perspective, never truly early in their warnings, as they rely on multiple occurrences of individual officer performance to address potential performance deficiencies, allowing multiple issues to occur before the officer is flagged as potentially at-risk.
- The officer involved in the traffic stop incident had prior documented performance issues, yet APD’s EIS did not issue a warning that would have subjected him to additional supervision, mentoring or remediation.
- Had APD’s EIS functioned effectively, this incident might have been avoided entirely.

Since the incident and its review process occurred, the Monitor has worked with APD to correct these systemic deficiencies. As a result of these efforts and the hard work of APD, as described in Focus Item 7 “Operational Integrity Assessments & RISKS Reviews” and the Monitor’s previous RP7 report, the Monitor and APD embarked on a program of Operational Integrity Testing, which the Monitor believes is a true early warning system, correcting mistakes at the first opportunity, rather than waiting for multiple instances to aggregate before alerting supervisors of a potentially

at-risk officer. Having said this, APD should utilize its existing EIS, until its replacement is operational, as a safety net to flag officers whose aggregate involvement in certain types of incidents may place them at potential risk. In addition, the Monitor is working with APD to establish a formal program of “Enhanced Supervision” for officers whose performance has indicated a need for focused coaching and mentoring.

2. *FIRST-LINE SUPERVISION & FIELD TRAINING*

- The officer had only 18 months on the job and exhibited tactical decision-making and emotional control deficiencies.
- The incident review did not sufficiently examine whether his training and supervision were adequate or whether his prior performance issues indicated a need for enhanced oversight.
- More structured and accountable field level supervision might have identified and corrected problematic behaviors before they escalated into a potential career-ending liability.

Since the incident and its review process occurred, the Monitor has worked with APD to correct these systemic deficiencies. As a result of these efforts and the hard work of APD, supervisor reports have significantly improved, highlighting operational deficiencies and remediating sub-standard performance. Today, to the extent that any supervisor report is not up to these standards, that itself now becomes a focus of the department.

3. *BODY-WORN CAMERA (BWC) SUPERVISION & REVIEW*

- Supervisory review of BWC footage should have been proactive rather than reactive, both in terms of enhanced supervision engendered by a prior incident in which the subject officer was involved, and more timely in terms of the incident being reviewed.

Since the incident and its review process occurred, the Monitor has worked with APD to correct these systemic deficiencies. As a result of these efforts and the hard work of APD, Operational Reviews also known as RISKS meetings are taking place, and as noted above, supervisory reviews immediately after UOF incidents have substantially improved, including the review of BWC footage.

4. *POST-INCIDENT FRB REVIEW PROCESS*

- The FRB failed to take a critical deep-dive approach to examining this case.
- The FRB should have assessed not only whether the UOF was within policy but also whether the officer’s actions unnecessarily escalated the situation and whether the tactical approach could have been improved to prevent the UOF altogether.

- The failure to connect this incident to the officer’s prior Tier 2 UOF and on-duty traffic collision demonstrates a lack of comprehensive after-action analysis, which allowed performance deficiencies to persist.

Since the incident and its review process occurred, the Monitor has worked with APD to correct these systemic deficiencies. As a result of these efforts and the hard work of APD, FRB is being much more critical in its assessments of UOF incidents, including answering the critical question of “what could have been done differently in this incident to have potentially achieved a better outcome?” In addition, officer history is beginning to be utilized in determining the appropriate remediation for sub-standard performance in order to improve future officer performance and reduce future risks to both APD and the officer(s) involved.

CONCLUSION

The May 15, 2021, incident is no longer just a case study in tactical missteps and ineffective review processes—it is now a cautionary tale about the real-world consequences of poor decision-making in policing.

Had the right processes, such as those which have since been put into place, been operating, it is very possible that the erosion of public trust, and the injuries to the subject of the encounter, would not have occurred. While not every instance of sub-standard performance will be avoided, many will be, and the consequences thereof will be avoided as well.

APD has taken significant steps to ensure that its systems of accountability function in a way that prevents, rather than merely responds to, problematic officer behavior. The goal is not to discipline officers after misconduct occurs, but to actively prevent misconduct, tactical misjudgments, and emotional escalation through effective training, supervision and early intervention.

As the Monitor continues to oversee APD’s implementation of CD-mandated reforms, the Monitor will continue to work with APD to continually improve these proactive safeguards that hold the promise of preventing incidents like this from occurring in the first place. Success in this area of the CD will not just to protect the public and improve public trust, but will protect the careers and futures of APD officers themselves.

2. OUTCOMES FROM MAY 23, 2024 KILYN LEWIS FATAL OFFICER INVOLVED SHOOTING

The May 23, 2024 fatal officer-involved shooting (OIS) of Kilyn Lewis, during the execution of a high-risk arrest warrant by APD SWAT, is a critical incident that required in-depth assessment. This shooting, where Mr. Lewis, an unarmed individual, was mistakenly perceived by the involved officer to be reaching for a firearm, prompted significant community concern and intense scrutiny of APD's tactics, training, inter-jurisdictional coordination and accountability processes.

In RP7, the Monitor outlined the multiple investigative layers surrounding this incident, including the criminal investigation by the 18th Judicial District's Critical Incident Response Team (CIRT), the administrative investigation by APD's Internal Investigations Bureau (IIB) and the Force Review Board (FRB) evaluation. The Monitor's RP7 report also outlined the Monitor's responsibilities for oversight of an incident of this nature: to confirm whether APD's UOF policies and training were adhered to, whether APD's systems of accountability were operating properly, and to confirm whether APD examined this incident with integrity and the goal of continuous improvement. In addition, Monitor's RP7 report raised several questions flowing from the incident, specifically:

1. How to best determine when Aurora SWAT should be involved in executing warrants for other jurisdictions.
2. How to best ensure that less lethal options are available and utilized, when possible, in SWAT operations.
3. How to best ensure that best-practice tactics relative to high-risk stops are followed, so as to provide the greatest possibility of arrests occurring without injury, to officers involved in or subjects of such stops.
4. How to best determine if officers who have been involved in prior officer involved shootings should remain in high-risk assignments in the department.

CIRT, IIB & FRB CONCLUSIONS

As reported in the Monitor's RP7 report, the District Attorney in the 18th Judicial District determined that the involved officer possessed an objectively reasonable, although mistaken, belief that Mr. Lewis was reaching for a firearm from his back right pocket or waistband and was about to use that firearm against officers on the scene. That which was thought to be a firearm turned out to be a cell phone and snack food.

Since the Monitor's RP7 report, APD concluded its internal administrative review determining whether the actions of the involved officer violated any departmental policies. Once that review was completed, the FRB, which convened for the discussion of this case in conjunction with the Chief's Review Board (CRB), completed its process. Following that process, APD's new permanent chief, Todd Chamberlain, independently decided to initiate an in-depth review of APD's SWAT operations.³ This review addressed key matters such as the use of less-lethal force, SWAT deployment criteria, inter-agency cooperation and coordination, and tactical planning standards.

Following the joint CRB/FRB review, the involved officer was removed from his SWAT position, a decision not solely based on this incident but also grounded in considerations of officer wellness, community trust, and a comprehensive assessment of past engagements.

MONITOR ASSESSMENT

In RP8, the Monitor assessed APD's IIB investigative file and attended a joint CRB/FRB review of the incident and determined that the totality of these reviews reached appropriate conclusions, but the IIB investigative file had documentation shortcomings, and the joint CRB/FRB review of the incident could have had more robust discussion of the relevant issues.⁴

Specifically, the IIB investigation did not fully document whether the officer's transition to lethal force was consistent with policy; did not fully document the IIB's assessment of the officer's prior OIS incidents while detailing some of the officer's positive performance reviews; and did not specifically delineate the inculpatory and exculpatory evidence with respect to each charge. Despite the lack of documentation, the Monitor understands from APD that these issues were addressed during the Chief's decision-making process, which occurred immediately after the joint CRB/FRB session.

With respect to the joint CRB/FRB review, while determining that the tactics employed comported with existing policies and protocols, this review did not fully assess the tactical approach and whether the approach aligned with best practices in the circumstances; did not address the broader issues related to SWAT officer retention; and did not discuss nor evaluate the wisdom of the execution of high risk warrants for other jurisdictions. Again, the Monitor

³ The outcomes from APD's SWAT review are discussed in Focus Item 3.

⁴ For Officer Involved Shootings, the FRB is expanded to include the Chief of Police and other members of Executive Staff who meet with the Chief after the FRB session and discuss the incident with the Chief, ultimately leading to the Chief's decision on whether the incident is in policy or out of policy, and, if out of policy, what disciplinary action is appropriate.

understands that these issues were fully discussed with the Chief of Police, on a number of occasions, including following the joint CRB/FRB presentation and discussion.

The Monitor believes that none of the shortcomings summarized above would have affected the ultimate adjudication of the elements examined with regard to the involved officer. These reviews, especially the SWAT review, yielded extremely important and significant changes that are detailed in Focus Item 3 below.

The Kilyn Lewis officer-involved shooting demonstrates the high stakes of tactical decision-making in high-risk operations and the need for intense scrutiny of such incidents. While the criminal investigation resulted in no charges, and APD's administrative review found no violation of APD policy by the involved officer, the need for significant reform of SWAT operational practices was recognized by both the Monitor and APD, and APD addressed and implemented such reforms.

The Monitor will continue to evaluate APD's handling of critical incidents, with a focus on assessing whether accountability mechanisms lead to critical analysis and tangible operational improvements when needed. The systemic issues illuminated by this case relating to SWAT tactics, officer retention, administrative investigation processes and FRB reviews, must be addressed holistically to enhance public trust, officer safety and overall policing outcomes in Aurora.

3. SWAT REVIEW & OPERATIONAL MODIFICATIONS FOLLOWING THE KILYN LEWIS OIS

Following the officer-involved shooting of Kilyn Lewis, Chief Todd Chamberlain self-initiated a comprehensive review of APD's SWAT operations, training and deployment protocols. This review aimed to assess tactical decision-making, enhance oversight and implement procedural improvements with the hope of improving SWAT operations. The review led to multiple operational and policy changes, addressing warrant service procedures, tactical adjustments, training enhancements and command-level oversight. These modifications collectively represent a shift in SWAT's operational philosophy, attempting to ensure safe and deliberate engagements while reinforcing accountability and strategic deployment.

SWAT OPERATIONAL & POLICY IMPROVEMENTS

REVISED WARRANT SERVICE PROCEDURES

One of the key findings of the SWAT review centered on how and when SWAT is deployed to serve arrest and search warrants, particularly those originating from outside agencies such as the City and County of Denver. Under prior practices, Denver warrants that met APD's SWAT

deployment criteria were automatically assigned to APD SWAT, as Denver's SWAT team does not operate outside its jurisdiction. APD modified its procedures and implemented a more rigorous approval process for all external and internal warrant service requests. While Denver warrants will continue to be executed under certain conditions, the rigor applied to determining which warrants to execute has been significantly increased.

Specifically, a Risk Assessment Matrix was developed to categorize warrants as high-risk or low-risk, factoring in suspect history, gang affiliation, weapons concerns and location fortifications. SWAT will only be deployed for high-risk warrants meeting strict criteria, with final approval resting with the SWAT Lieutenant and Special Operations Commander or Division Chief. This additional layer of command review ensures that APD SWAT is deployed strategically and only when necessary.

Additionally, a new "Screen Down" Form has been introduced to capture essential data on SWAT callouts, ensuring that each request is properly documented, vetted and aligned with APD priorities. The after-action reporting process has also been formalized, requiring detailed documentation of response timelines, tactical decisions, suspect engagement and equipment deployment to support continuous improvement.

TACTICAL ADJUSTMENTS FOR SAFE ENGAGEMENTS

The review also identified several areas where SWAT's tactical approach could be modified to reduce risk while maintaining operational effectiveness. These adjustments include a shift in approach for high-risk vehicle stops, expanded use of less-lethal options, and new breaching and reconnaissance techniques. APD addressed these changes with enhanced training and procedural guidelines, focusing on tactical standards and best practices.

Changes to vehicle takedowns have altered how officers engage suspects in barricaded vehicles. In most instances, rather than immediately advancing on a suspect vehicle, officers will now conduct an "order out" procedure from behind cover, reducing the risk of direct confrontation.

SWAT has also mandated a designated Less-Lethal Operator for every arrest scenario, ensuring that less-lethal tools (e.g., 40mm rounds, tasers, and gas deployment) are prioritized. When a designated Less-Lethal Operator must transition to a lethal force role, they are required, if possible, to verbally announce who will take over their less-lethal responsibilities. This change ensures that less-lethal options remain active and accessible throughout an operation, reducing the likelihood of an immediate escalation to deadly force.

New breaching methods have also been introduced to increase safety and compliance without immediately resorting to chemical agents. Energetic breaching (controlled explosive entry) is now being used more frequently to gain access to barricaded suspects. This technique allows doors

to be breached remotely, keeping officers out of the "fatal funnel" of doorways where suspects may be waiting to ambush officers. The increased use of drone reconnaissance further minimizes risk, as drones can now conduct primary searches after a breach instead of immediately sending in officers or K-9 units. The use of drones with audio capabilities has already proven effective in obtaining suspect compliance through remote verbal commands.

TRAINING ENHANCEMENTS & READINESS IMPROVEMENTS

In response to the SWAT review, APD SWAT has prioritized training over non-exigent requests for assistance, ensuring that officers remain highly prepared for complex operations. The unit now conducts 240 hours of annual team training, consistent with national best practices, in addition to 313 hours of individual training. Training has been refocused to include:

- Vehicle barricade and pedestrian contact scenarios
- Night vision operations and team movement
- Hostage rescue and decisional shooting
- Energetic breaching techniques and UAV deployment

Additionally, SWAT is now using Buckley Air Force Base for force-on-force training, providing a realistic environment to refine tactical responses. The department is also evaluating Virtual Reality (VR) training platforms, such as Operator XR, to simulate high-risk scenarios in a controlled setting. The goal is to enhance decision-making, reaction times and risk assessments in dynamic environments.

To improve coordination with other specialized units, SWAT has also conducted joint training with APD's K-9 Unit, ensuring that both teams are aligned on operational roles and expectations. This initiative enhances inter-unit communication and effectiveness when responding to active high-risk threats.

COMMAND OVERSIGHT & ACCOUNTABILITY MEASURES

Recognizing the importance of strong leadership oversight during SWAT deployments, as another outcome from the SWAT review, Chief Chamberlain mandated that either the Special Operations Division Commander or Division Chief must be present at all SWAT callouts and warrant services whenever possible. This directive encourages a higher level of command accountability, allowing real-time decision-making adjustments and direct supervision of critical incidents.

In addition, APD thoroughly revised its overall selection and retention process for SWAT officers to incorporate rigorous physical and psychological evaluations. Continuous oversight and evaluation protocols have also been instituted to maintain high standards and proactively address any emerging concerns.

More specifically, APD revised its retention review process for SWAT officers involved in multiple officer-involved shootings (OIS). Officers with more than one OIS will now be subject to a case-by-case review to determine whether continued SWAT assignment is appropriate. This assessment will consider the circumstances of each incident, the officer's overall performance history, officer wellness and community trust to ensure that SWAT remains staffed with officers who uphold the highest operational standards and in whom the community has confidence.

SHIFTING SWAT'S ROLE & OPERATIONAL PHILOSOPHY

A key takeaway from the review is SWAT's refocused mission as a specialized tactical unit, rather than a broadly utilized response team. Under Chief Chamberlain's leadership, SWAT has scaled back non-critical deployments, so the unit is reserved for high-risk, complex operations where their specialized training is most needed. This strategic shift prioritizes deliberate, well-planned responses over reactive deployments, allowing SWAT to deploy with all necessary tools and tactics in play while maintaining maximum control over tempo and positioning.

An important component of this shift has been a change in the team's internal culture, emphasizing collaboration and communication over top-down mandates. Changes have been implemented with team input, in partnership with operators rather than having such changes imposed upon them. SWAT leadership has reported positive feedback from team members, particularly regarding the increased focus on training and the clarity of operational priorities.

CONCLUSION

APD's SWAT review and subsequent modifications mark a significant step forward in enhancing tactical efficiency, oversight and accountability. Through tighter warrant service controls, revised tactical procedures, expanded training initiatives and stronger command presence, APD has positioned SWAT to operate with greater precision and reduced risk, so deployments are aligned with best practices in modern policing. These changes reflect a deliberate shift in strategy, reinforcing SWAT's role as a highly skilled, mission-focused team dedicated to executing critical operations safely and effectively.

4. ADMINISTRATIVE INVESTIGATIONS & IMPLEMENTATION OF DIRECTIVE MANUAL 10.2

Administrative investigations are internal investigations of complaints or incidents that may lead to disciplinary action, the purpose of which is to assess whether APD policies, procedures or training were followed. An effective administrative investigation process is essential for maintaining accountability, transparency and public trust with APD. Investigations must be comprehensive, impartial, and structured, with all relevant facts uncovered, properly analyzed, and clearly documented. APD administrative investigations into the conduct of officers are conducted at two levels: the Internal Investigations Bureau (IIB) investigates more serious cases with potentially more serious penalties; and Command level investigations are conducted for those cases where lesser penalties could be imposed.

Over the course of RP8, the Monitor assessed a sample of administrative investigations at both the IIB level and Command level. While the investigations reviewed were generally good, the Monitor identified various shortcomings that can potentially undermine the effectiveness and credibility of the investigative process. Recognizing the need for systemic improvement, the Monitor worked with APD to revise APD's Directive Manual 10.2 (DM 10.2) in order to establish clearer procedural standards for conducting administrative investigations.⁵ Implementation and adherence to these new protocols remain crucial to investigative integrity.

KEY ELEMENTS OF A PROPER ADMINISTRATIVE INVESTIGATION

To achieve fair, transparent, and effective investigations, every administrative review must adhere to the following core investigative principles that the Monitor has extensively discussed with APD. These are the principles that the Monitor will use to assess the quality of APD's complaint investigations as relevant to the accountability requirements of the CD. The majority of these principles were recently addressed in APD's updates to DM 10.02 and its Appendices. The Monitor expects that supervisors will be trained on these updates and principles in RP9, which the Monitor expects to assess for RP9.⁶

⁵ Appendix J contains a copy of DM 10.02, which was finalized after the end of RP8. While technically beyond the end of the current reporting period, the Monitor has included this information in light of its significance to the CD process.

⁶ See Appendix J, DM 10.02 entitled "Complaint and Discipline Procedures for Sworn Members" and the resource guides and flowcharts appended thereto.

1. CONDUCTING THOROUGH & UNBIASED INTERVIEWS

A well-executed investigation prioritizes obtaining firsthand accounts from all relevant individuals, including complainants, witnesses, as well as subject and involved officers. Every reasonable effort must be made to secure interviews, with investigators obtaining a full understanding of events from multiple perspectives.

- Complainants and witnesses must be interviewed whenever possible, and documented attempts should be made if they are unavailable.
- Subject officers and involved personnel must be asked open-ended, probing questions that elicit clear explanations of their actions and decision-making processes.
- Neutrality must be maintained throughout the interview process, avoiding any framing that could introduce bias into findings.

Simply put, when key individuals are not interviewed, it diminishes the integrity of the investigation and may leave crucial details unexplored or unchallenged.

2. COMPREHENSIVE COLLECTION & ANALYSIS OF EVIDENCE

An administrative investigation is only as strong as the evidence it collects and evaluates. Investigators must not simply compile available materials—they must actively seek out all relevant evidence and analyze it objectively.

- All available body-worn camera (BWC) footage, surveillance video, and physical evidence must be identified, secured, and reviewed in detail.
- Interview audio recordings and interview summaries must be included in the investigation.
- Policy violations must be assessed based on both inculpatory (supportive) and exculpatory (contradictory) evidence, with all findings documented in a structured manner.
- Investigative reports should explicitly outline how each piece of evidence can be used by the adjudicator⁷ to reach a conclusion, so findings are not based on assumptions or incomplete information.

⁷ In command level investigations, the initial adjudication is reached by the Commander of the District and goes up the chain of command to the Chief of Police for final adjudication. In IIB investigations, the Chief of Police adjudicates the investigation.

- Properly marshaling evidence—that is, organizing and presenting it relative to each allegation or policy violation—enables decision-makers to clearly understand the basis for investigative conclusions.

3. *CLEAR & STRUCTURED ANALYSIS OF OFFICER CONDUCT*

While an administrative investigation is focused on determining whether an officer's actions were technically within policy, it is imperative that APD also perform a critical assessment as to whether the actions of officers were tactically sound, necessary, and aligned with best practices.

Critical incidents, such as an OIS, are automatically reviewed in an administrative investigation for violations of policy. For other UOFs, this function resides with the FRB for Tier 2B and Tier 3 UOFs, and at the command level for Tier 2A and Tier 1UOFs. A review of each UOF is conducted irrespective of whether a complaint is filed. A similar process exists for all vehicle pursuits. For other types of complaints, however, it is the administrative investigation that extends beyond the mere adjudication of the complaint and looks at the totality of officer conduct in the situation. Therefore, in conducting a thorough administrative investigation, investigators must evaluate the totality of circumstances leading up to, during and following the incident, rather than isolating actions at a single moment in time. In addition, officer decision-making should be assessed in the context of available alternatives, to assess whether the most effective and least risky approach was used. Lastly, if prior incidents of concern exist, they must be considered to identify patterns of behavior that may warrant additional training or intervention.

Investigations that focus narrowly on policy compliance without considering the broader tactical or operational context miss opportunities for learning and improvement. An effective administrative investigation process should therefore consider both policy compliance as well as the broader picture in order to identify opportunities for learning and improvement at both the systemic and individual level.

4. *STRUCTURED, DETAILED, NEUTRAL & TRANSPARENT REPORTING*

The final investigative report must be structured, objective, and transparent, providing a clear roadmap of the investigative process and its findings. Reports should present findings in a neutral tone, avoiding language that appears to favor either the complainant or the officer under review. In addition, each charge or allegation, including any additional charges that emanate from the investigation itself, must be addressed separately, with a breakdown of:

- The policy or standard at issue.
- The burden of proof required to sustain the charge.
- The specific evidence supporting or refuting the charge.

Supervisors must be required to review all reports for accuracy, neutrality, and completeness before finalizing investigative outcomes.

A well-structured, detailed and neutral report is critical for a fair adjudication process but also reinforces APD's commitment to accountability.

5. *INSTITUTIONALIZING CONTINUOUS IMPROVEMENT THROUGH LESSONS LEARNED*

As noted above, a strong administrative investigation process does not end with determining whether an officer's conduct was within policy. It must also be a tool for identifying systemic issues, improving policies, and enhancing training.

Administrative investigations should assess whether the incident reveals gaps in training, supervision, or department policy that need to be addressed. In addition, recommendations for systemic improvement should be included in investigative reports, so lessons from one case contribute to broader departmental progress. The FRB process, which conducts this aspect of the investigation for serious uses of force, should incorporate a critical examination of any IIB or Chain of Command investigation of an allegation of excessive force, so findings translate into meaningful policy adjustments.

By integrating a culture of learning and adaptation, APD can prevent future incidents and strengthen both officer performance and public trust.

IMPLEMENTING DM 10.2: ENSURING CONSISTENCY & ACCOUNTABILITY

APD's revised DM 10.2⁸ provides a framework for standardizing investigative procedures, with the goal that all administrative reviews align with best practices in law enforcement investigation and accountability. However, its success depends on:

1. *Training for Investigators & Supervisors:* All personnel involved in administrative investigations must be trained on evidence marshaling, structured reporting, neutral documentation and comprehensive case analysis.
2. *Regular Case Audits & Quality Control:* APD's Constitutional Policing Unit will conduct regular audits to assess whether investigations meet the expectations outlined in DM 10.2.

⁸ See Appendix J for a copy of DM 10.02 Complaint and Discipline Procedures.

3. *Enhancing Transparency & Public Engagement*: A standardized procedure for notifying complainants of investigation progress and outcomes, including disciplinary outcomes if relevant, must be implemented to improve transparency and public confidence.

CONCLUSION

The integrity of APD’s administrative investigations is fundamental to policing reform and community trust. While the revisions to DM 10.2 establish a strong foundation, the commitment to high investigative standards, rigorous oversight and continuous learning will ultimately determine success.

With investigations that are thorough, neutral, evidence-driven, and focused on both individual accountability and systemic improvement, APD can build a culture of professionalism, responsibility and trust—both within the department and throughout the Aurora community. The Monitor will revisit the quality of APD’s administrative investigations in due course after implementation of DM 10.2 in order to assess whether the guidance provided herein is being followed.

5. ENHANCEMENTS TO FRB PROCESS & BACKLOG REDUCTION

APD has undertaken significant reforms to its Force Review Board (FRB) process, introducing structural and procedural changes designed to enhance efficiency, while maintaining rigorous oversight of use-of-force (UOF) adjudications. The changes were implemented through revisions to Directive Manual 05.08 – Use of Force Adjudication,⁹ which have led to a dramatic reduction in case backlog.

One of the most notable developments in this process has been the restructuring of how Tier 2 cases are adjudicated. Historically, the FRB was responsible for all Tier 2 cases, contributing to a substantial backlog and slowing down the overall adjudication process. Under the revised policy, Tier 2 cases are now bifurcated into Tier 2A and Tier 2B, allowing for more efficient handling based on the severity of the incident:

- Tier 2A cases, which involve no or minor injury, are now managed at the district command level, reducing the need for FRB review while maintaining strict reporting and accountability standards.

⁹ See Appendix E.

- In contrast, Tier 2B cases, where the subject requires professional medical treatment, and Tier 3 cases, which involve serious force incidents, are investigated by the Force Investigation Unit (FIU) and remain under FRB jurisdiction, so the most significant UOFs continue to receive high-level investigation and oversight.

It should be noted that if any command investigation of a Tier 1 or Tier 2A case appears to be an excessive UOF, or otherwise involves a significant violation of policy, DM 05.06.08 requires that the investigation of that UOF be immediately transferred to the FIU.¹⁰

This restructuring has resulted in significant efficiency gains. In the 60 days following the implementation of these changes, the backlog of cases awaiting FRB adjudication was reduced from 75 to 15. Additionally, these changes reduced investigation and adjudication times by more than 90 days, a substantial improvement in the timeliness of UOF reviews. With the caseload for the FIU decreasing, the FRB transitioned to a bi-weekly format in early RP9, reflecting not only the reduction in cases requiring full FRB review but also a shift toward proactive internal reviews and training.

In addition, late in RP8, as part of an effort to strengthen officer accountability and professional development, APD implemented a post-adjudication officer history/performance review. Now, at the conclusion of each FRB case, the chair of FRB is provided with a 24-month officer history, which includes the officer's disciplinary record, commendations, annual evaluations, and performance appraisals. This review occurs after the formal adjudication process has concluded, thereby helping to maintain the objectivity of adjudication decisions and preventing them from being influenced by prior history. By incorporating this additional review before finalizing recommendations, APD can assess broader performance trends and determine whether additional actions, such as training, coaching, or enhanced supervision, are necessary. If concerns arise during this review, the commanding officer may request a follow-up meeting with the appropriate district commander before finalizing the agreed-upon course of action. This approach considers performance trends in a fair, structured and transparent manner while maintaining the integrity of the adjudication process.

APD also enhanced tracking and reporting mechanisms to confirm appropriate follow-up on recommendations flow out of UOF reviews. The FRB now incorporates systematic tracking of adjudication reports, action items and recommendations, allowing for clearer accountability within the chain of command. Reports generated from these reviews now provide an accurate

¹⁰ DM 05.06 entitled "Use of Force Investigations" was updated effective January 1, 2025. See Appendix D.

record of adjudication decisions, officer training recommendations and policy compliance trends, ensuring that district commanders follow through on required actions.

It should be noted that, starting in early February 2025, near the end of RP8, Tier 2A command investigations are now reviewed by the Monitor team in addition to all Tier 1 investigations. Any notable issues, including exceptional conduct of officers, are discussed in the Operational Integrity RISKS (Remediation of Identified Situations Key to Success) meetings which are meant to assess the operational integrity of each district within APD. These meetings allow department leadership to identify patterns in UOF adjudications, assess officer performance holistically and identify mentoring, training and policy refinements based on empirical data. Further details regarding APD's Operational RISKS reviews are described in Focus Item 7.

The implementation of these reforms has made the FRB process more agile and effective, while continuing to ensure that all UOF incidents are reviewed with a critical approach and in furtherance of continuous improvement of each involved officer. The Monitor believes these changes will allow for better oversight overall and appropriately balances timely adjudication with the level of oversight required, which will, in turn, ultimately better enhance public trust and institutional integrity.

6. CONTACT DATA COLLECTION (CDC)

Contact Data Collection (CDC) remains a cornerstone of the Consent Decree, helping to ensure that police interactions are transparent, accountable and capable of meaningful analysis; however, throughout RP7 and most of RP8, compliance with CDC requirements continued to present significant challenges. The failure to consistently and accurately collect data—compounded by outdated data systems—hindered APD's ability to conduct meaningful oversight and analysis.

During RP7, multiple issues emerged regarding the completion and integrity of CDC forms. Compliance failures were highlighted through APD's RISKS meetings, where it became apparent that in some instances, officers were not completing the required forms as required. Even more concerning was the intentional mislabeling of race in at least one case, raising questions about data reliability and potential bias.¹¹ APD's reliance on antiquated systems further complicated these challenges. While APD had transitioned to a new system, Benchmark, to replace its outdated Administrative Investigation Management System (AIM), the process remained incomplete due to vendor issues, and manual workarounds were still necessary to provide data

¹¹ This issue was addressed by command staff; the Monitor has reviewed subsequent entries and was able to confirm this issue has been resolved. The Monitor continues to review all CDC entries for such anomalies.

for oversight meetings. These workarounds, while valuable in the short term, introduced risks of human error and inefficiency.

Recognizing these persistent issues, the Monitor collaborated closely with APD to identify data anomalies and develop a dashboard that now allows for real-time viewing and analysis of CDC data. This represents a significant step toward compliance, providing a tool that enables greater transparency and accountability in data collection. Data for 2024 was analyzed separately. Preliminary analysis of the data through the newly developed dashboard indicates that in 2024, CDCs were completed for approximately 82.5% of encounters that resulted in an enforcement action.¹² A full assessment and evaluation of the level of compliance to CDC requirements in non-enforcement actions for 2024 was not conducted in RP8, but is planned for RP9.¹³

Recognizing the importance of the issue, APD hired a Business Intelligence Analyst to help drive its data analysis, process and procedures, who worked with APD's vendors and internal partners to implement a critical change in required reporting: the mandatory inclusion of a unique identifier that requires CDC entries to be directly correlated with traffic citations, non-traffic citations, arrests, and other investigative encounters. Similarly, CDC forms now require citation and/or incident numbers to be recorded, and citations and arrests require a CDC number. These requirements will not only facilitate greater compliance, but will also allow for more robust analysis by directly linking contact data with enforcement actions. This new mandate went into effect on February 22, 2025, in early RP9. Since that time, compliance rates have soared to above 93% in each enforcement category. These improvements represent significant progress, but they were made late in RP8.¹⁴

It is important to note that a number of situations relative to encounters that do not end in an enforcement action also require CDC forms to be collected. The compliance level for 2024 has not yet been determined for these non-enforcement situations.

¹² An enforcement action that would require a CDC form to be completed would include traffic citation, non-traffic citations and arrests. There is a small subset of each of these enforcement actions that would not require a CDC. For traffic citations, those traffic citations issued by CSR's, resulting from a crash, would not require a CDC form. For non-traffic citations, those citations provided to parents of teens in school who are being cited for fighting for instance, but were not personally provided a citation, would also not require a CDC form.

¹³ A review by APD of 2024 data included the identification of those responsible for low compliance. Commanders spoke to the major offenders and, where appropriate, addressed those individuals who had low compliance. Going forward, weekly dashboards and exception reports will be produced and acted upon in an effort to ensure full compliance.

¹⁴ Because of the importance of this issue, the Monitor extended its RP8 assessment of the relevant mandates to include these developments.

Another major development during this reporting period was APD’s selection of Axon as its new data management vendor.¹⁵ This transition is expected to improve APD’s overall ability to properly analyze CDC data.

While APD has made meaningful progress toward CDC compliance as described in the Monitor’s assessment of Mandates 33 and 39 below, sustained oversight and analysis will be required to ensure that the improvements made in RP8 translate into long-term success. The real test of these reforms will come in RP9, as full data analysis is undertaken under the new framework. Going forward, APD must ensure that supervisory reviews remain rigorous, data accuracy remains a priority, and that the integration of Axon’s platform enhances—not just replaces—existing accountability measures. With improved CDC compliance, APD and the Monitor will be better able to assess potential bias-based policing.

The development of real-time monitoring tools, the shift toward automated reporting, and the introduction of unique identifiers are all positive steps. However, continued diligence will be necessary to confirm that these structural changes lead to meaningful compliance with the Consent Decree’s requirements relating to CDC compliance, and that the data collected can reliably inform policing practices and policy decisions.

7. OPERATIONAL INTEGRITY ASSESSMENTS & RISKS REVIEWS

As described in the Monitor’s previous reports for RP7 and RP6, the first two years of the Monitorship concentrated on the reformation of policies and training foundational to the reforms. In the third year of the Monitorship, the Monitor’s approach expanded to include rigorous assessments of the implementation of the reformed policies and training initiatives. This phase, known as the Operational Integrity Phase, is aimed at confirming that the theoretical frameworks developed during the CD’s initial stages are effectively translated into tangible improvements in day-to-day police operations.¹⁶

OPERATIONAL RISKS REVIEWS: REMEDIATION OF IDNENTIFIED SITUATIONS KEY TO SUCCESS

In RP8, in collaboration with the Monitor, APD continued its series of semi-monthly Operational RISKS (REmediation of Identified Situations Key to Success) meetings to provide a forum to review metrics relating to operational trends and review the Monitor’s findings from the Monitor’s operational integrity assessments. These meetings continued to be productive, with increasing

¹⁵ See Focus Item 11 below entitled “Data Systems”.

¹⁶ An exception is the Monitor’s testing of operational integrity relative to AFR’s Mandates 40 to 48 regarding the use of ketamine and other chemical sedatives. Such testing has been on-going since the start of the Monitorship.

levels of engagement by APD’s command staff working collaboratively with APD’s data analysts and the Monitor to identify and address issues within individual incidents as well as wider trends in APD’s policing. These meetings were also used to identify best practices to be commended and leveraged as exemplars for further improvement throughout APD.

Each semi-monthly RISKS meeting was dedicated to one of the three APD Districts or Special Operations Bureau (SOB) on a rotating basis, so that each District/SOB was reviewed every two months. This rotation enabled focused attention on any trends or specific incidents that might require remediation or that may be worthy of commendation within each District/SOB. The period reviewed in each meeting covered the preceding two months of operations.

These meetings continued to evolve in RP8 with testing of different metrics and reporting methods, including the use of enhanced graphics to facilitate command staff understanding, review and discussion. The ultimate goal is to have an interactive dashboard that can be queried during APD’s RISKS meetings that can serve as a near real-time resource for command staff. The topics covered in each operational review also continued to evolve throughout RP8, with the reviews in February 2025 including comparisons to prior periods to enable trend assessment.

Prior to each meeting in RP8, the Monitor reviewed APD’s metrics/reporting, performed a qualitative review of 100% of APD’s Tier 1 Uses of Force (UOFs) and 100% of APD’s pursuits,¹⁷ evaluated the classification of 100% of APD’s vehicle pursuits and complaints, and assessed whether complaints alleging bias were forwarded to IIB as required.¹⁸ The Monitor’s scope of review was pursuant to the Monitor’s 360-degree review methodology described in the Monitor’s RP6 report for UOFs, pursuits and contacts, and included reviewing BWC videos, and CDC documentation as relevant to obtain a fulsome understanding of the circumstances in the incidents being reviewed. The following Table 5 summarizes the number of incidents reviewed by the Monitor for each RISKS meeting in RP8 as described herein. In total, the Monitor reviewed 379 incidents for APD’s RP8 RISKS meetings, then provided a copy of its reports pertaining to its review of identified incidents for discussion during each RISKS meeting.

¹⁷ Starting with the RISKS meeting on February 6, 2025, the Monitor’s review expanded to include 100% of all Tier 2A UOFs. Tier 2B and Tier 3 UOFs are reviewed by the Monitor as part of the Monitor’s attendance at the FRB’s regular meetings.

¹⁸ The Monitor’s qualitative review of APD’s complaint investigations is discussed in Focus Item 4.

Table 5 – Monitor’s Incident Reviews for APD’s RP8 RISKS Meetings

RISKS Meeting Date	District	Period Reviewed	Qualitative Reviews			Complaint Class'n & Followup	TOTAL Incidents Reviewed
			100% of Tier 1 UOF	100% of Tier 2A UOF*	100% of Pursuits		
05-Sep-24	SOB	21 Jun-21 Aug 2024	7	-	0	9	16
19-Sep-24	D1	07 Jul-07 Sep 2024	35	-	2	15	52
03-Oct-24	D2	13 Jul-13 Sep 2024	27	-	0	17	44
28-Oct-24	D3	07 Aug-07 Oct 2024	14	-	0	11	25
07-Nov-24	SOB	22 Aug-22 Oct 2024	10	-	0	10	20
21-Nov-24	D1	08 Sep-08 Nov 2024	36	-	3	21	60
13-Dec-24	D2	14 Sep-14 Nov 2024	24	-	1	13	38
19-Dec-24	D3	08 Oct-08 Dec 2024	21	-	2	23	46
16-Jan-25	SOB	22 Oct-22 Dec 2024	9	-	0	3	12
06-Feb-25	D1	09 Nov 2024-09 Jan 2025	36	6	5	19	66
TOTAL INCIDENTS REVIEWED FOR RP8:			219	6	13	141	379

Note: *The Monitor commenced reviewing Tier 2A incidents starting with the District 1 RISKS meeting on Feb 6, 2025.

A further development in RP8 involved attendance by Attorney General representatives at several RISKS meetings, and the Monitor’s work with the City Attorney’s Office on how best to address the legal/privacy issues so as to enable members of the CAC to engage in the Community Assisted Monitoring of Police (CAMP) Initiative.

The Monitor expects that APD’s future RISKS meetings will continue to evolve to include additional metrics and reporting in order to better explore anomalies and trends and the performance of officers and supervisors; and the extent and timing of remediation of those issues identified in prior RISKS meetings. The Monitor will continue to collaborate with APD on the evolution and development of APD’s future RISKS meetings.

RP8 TRENDS, PATTERNS, AREAS OF CONCERN & EXCELLENCE

During APD’s RP8 RISKS reviews, the Monitor noted the following significant trends, patterns, and areas of concern or excellence:

Areas of Excellence:

- APD’s supervisors (Sergeants) continued to improve the quality of their UOF reviews, so there were fewer issues identified by the Monitor that had not already been identified by APD. This was achieved, at least in part, through the use of APD’s template for command staff reviews, which facilitated assessment of whether the incident was compliant with policy, and whether any training or discipline was required. As a result of the supervisors’ more robust reviews, in many cases, APD had already taken corrective action prior to the Monitor’s review.

- By the end of RP8, the Monitor noted a shift in the level of engagement and understanding of command staff who identified anomalies that warranted a deeper dive and possible remediation. In addition, rather than the Monitor leading such discussions, RISKS meetings by the end of RP8 were largely being led by the relevant district Commander, with the Monitor, along with APD Executive Staff, asking questions and adding commentary as needed.

Areas of Concern:

- The Monitor noted that there was insufficient attention to the identification of anomalies relative to compliance issues, and the level of activity across the metrics being examined (for instance, the extent of UOFs by officer). This will become a focus of the Monitor and APD in RP9.
- In the testing of different formats for the RISKS meetings, some metrics were dropped from examination which should be reinstated in future meetings. These include officers who tripped early intervention systems, customer service statistics and follow-up on reported negative interactions, and the receipt of claims or lawsuits against the City for police misconduct.
- Otherwise, the Monitor did not identify any other patterns indicating areas of concern.

RP8 DEVELOPMENTS TO ADDRESS AREAS OF CONCERN & EXCELLENCE IN RP7

During APD's RP7 RISKS reviews, the Monitor noted several areas that the Monitor followed-up on in RP8:

Action Taken to Address Prior Areas of Concern:

- While there was a lapse in CDC compliance in RP7, in RP8 the Monitor noted an increase in the extent of CDC completion as described in Focus Item 6 above. APD is continuing in its efforts to increase CDC compliance rates, including providing weekly CDC compliance reporting to all districts, and holding officers accountable with performance appraisal entries in AIM¹⁹ for instances of non-compliance since February 22, 2025. In RP9, APD expects to

¹⁹ AIM is APD's legacy Investigative Management system that is used for tracking UOFs, discipline, and performance evaluations.

implement a real-time dashboard to provide command staff with the information needed to enable real-time monitoring of productivity, including CDC compliance.²⁰

- There were two allegations of potential bias and constitutional policing issues in RP7. Internal Affairs investigated the issues in these incidents and concluded that although there were several policy violations, the potential bias and constitutional issues were not sustained. Neither the Monitor nor APD identified any potential bias issues in RP8.

Action Taken to Leverage Areas of Excellence:

- In RP7 and in RP8, there were numerous commendable incidents involving the handling of persons with mental health issues, where the officers involved demonstrated “outside the box” thinking and exemplary conduct that was aligned with APD’s DM 06.13 entitled [“Interacting with Persons Experiencing a Mental Health Crisis”](#).²¹
- Actionable items for commendation on excellent behavior and actions were noted in RP7, which the Monitor asked APD to consider leveraging and reinforcing in regular internal communications or training. On a weekly basis starting in RP8, APD’s Public Information Officer (PIO) issued APD’s weekly “Newsworthy & Notable” internal newsletter featuring positive stories and appreciation for “amazing work”. These newsletters highlight commendations or community recognition of an officer or team of officers with descriptions and links to social media posts including BWC footage posted on YouTube and/or press releases, where relevant.
- In RP7, APD identified the resource management benefits of using unarmed Community Service Representatives (CSRs) to respond to traffic collisions, thereby enabling APD’s sworn police officers to focus on other types of crime. APD discussed the potential for expanding this program, and noted that its CSR program provides a recruitment pipeline. Since then, in RP8, APD’s CSR program was enhanced to include two new supervisor positions who oversee 11 CSRs. In addition to responding to traffic collisions, APD also started to expand the CSR’s scope to include Crime Scene Investigation (CSI) collections and handling cold calls such as vandalisms where suspects are not on scene. CSR functions were also expanded to include

²⁰ While technically beyond the end of the current reporting period, the Monitor has included this information in light of its significance to CDC compliance.

²¹ APD’s policy on this topic was last revised August 18, 2023 (see Appendix I) and is the basis for AFR’s 5.12 Policy entitled “Management of Agitated Patients or Other Behavioral Health Crises” (see Appendix K) that was issued effective December 23, 2024. After lengthy discussions between APD and AFR regarding their efforts to develop a joint policy on this topic, AFR adopted APD’s 2023 revised policy as best and accepted practice. AFR adjusted and clarified its 5.12 Policy to align with and refer to APD’s DM 06.13, and APD updated DM 06.13 to refer to AFR’s 5.12 Policy.

accident reconstruction, with several CSR members becoming level 3 reconstruction-certified to work side-by-side with APD's sworn personnel.

CONCLUSION

APD's Operational Integrity RISKS Reviews have been a successful tool in providing a mechanism for ongoing oversight of APD's operations. APD is committed to continuing these reviews, and to continuing to improve the effectiveness thereof, and has assigned responsibility for performing its operational reviews to its recently constituted Quality Assurance Unit, as further discussed in Focus Item 10 below.

8. VEHICLE PURSUIT POLICY REVISIONS – BALANCING RISK & RESPONSIBILITY

The City made the decision to revise its Vehicle Pursuit Policy to allow officers to initiate pursuits for drivers under the influence and stolen vehicles.²² While the authority to make this change rests with the City, it is crucial to recognize that this shift brings with it significant responsibility for officers and supervisors in the field. The CD, which guides reform efforts within APD, does not specifically address vehicle pursuits.

The fundamental challenge in any vehicle pursuit policy is balancing risk versus reward—the benefits of apprehending a suspect must always be weighed against the potential dangers to officers, the public and innocent motorists, and those being pursued. The decision to engage in or continue a pursuit is a dynamic one, requiring sound judgment, restraint and constant reassessment throughout the incident. Public safety is paramount.

With these policy changes, the role of supervisory oversight becomes even more critical. Supervisors must ensure that vehicle pursuits align with public safety objectives and that officers apply de-escalation tactics when possible. APD must also reinforce training and decision-making frameworks that guide officers in making real-time evaluations of pursuit necessity and safety. High speeds, dense traffic, and other environmental factors can quickly escalate the risk to unacceptable levels. Officers and, importantly, supervisors must be prepared to terminate pursuits when these conditions arise, with supervisors exercising strong oversight over all pursuits.

²² See Appendix B for a copy of DM 04.15.

ENHANCING ACCOUNTABILITY & CONTINUOUS IMPROVEMENT

Given this expansion of pursuit authority, the Monitor strongly recommends that the City consider the addition of dash cameras in all patrol vehicles. These cameras will serve multiple purposes:

- *Enable Stolen Vehicle Recovery before a Pursuit:* Police dash cameras connected to automatic license plate recognition (ALPR) technology allow officers to scan license plates, access relevant databases and identify persons of interest and stolen vehicles, thereby enabling officers to initiate recovery before executing a vehicle pursuit.
- *Enhanced Transparency:* Capturing pursuit incidents in their entirety, including the recording of the actual speeds, surroundings and direction of travel will provide an invaluable tool for reviewing pursuit decisions by providing a clear account of officer decision-making and adherence to policy.
- *Officer Protection:* Footage can support officers by documenting appropriate actions and providing critical evidence in after-action reviews.
- *Training & Learning Opportunities:* Regular review of pursuit footage will help identify best practices and areas for tactical improvement, reinforcing a culture of continuous learning.

The ability to objectively evaluate pursuits will be an essential tool in fostering professional growth, improving operational effectiveness, and ensuring that public safety remains the priority in all pursuit decisions.

As APD moves forward with these changes to its Vehicle Pursuits Policy, the Monitor urges a deliberate and thoughtful approach, with an emphasis on training, supervision and accountability. The Monitor will be closely observing the implementation of APD's revised Police Vehicle Pursuit Policy, providing independent oversight to help ensure that pursuit terminations occur when necessary to protect public safety.

9. APD'S POLICY ON UNDOCUMENTED IMMIGRANTS AMID RECENT DEVELOPMENTS

APD operates within a complex landscape shaped by state legislation, municipal challenges, and national discourse on immigration. Recent events, including political assertions about Venezuelan gang activities and the closure of housing complexes predominantly occupied by undocumented immigrants, have intensified scrutiny of APD's policies and practices concerning undocumented community members.

RECENT DEVELOPMENTS

POLITICAL CLIMATE & CLAIMS OF VENEZUELAN GANG ACTIVITY

During the recent presidential campaign, immigration emerged as a focal point, with particular attention on claims of widespread criminal activity by Venezuelan gangs in Aurora. A viral video depicting armed individuals, allegedly affiliated with the Venezuelan gang Tren de Aragua, entering an apartment in Aurora. This incident garnered national attention and was cited by political figures, including then-former President Donald Trump, to underscore concerns about immigrant-related crime. In contrast, local authorities, including Aurora Mayor Mike Coffman, have refuted claims of a citywide gang takeover, emphasizing that such assertions are exaggerated and not reflective of the broader community's reality.

STATE LEGISLATION GOVERNING LAW ENFORCEMENT CONDUCT

Colorado law delineates specific boundaries for local law enforcement's interaction with federal immigration authorities. House Bill 19-1124, enacted in 2019, prohibits law enforcement officers from arresting or detaining individuals solely based on civil immigration detainers. The legislation permits cooperation with federal immigration enforcement only when a warrant is issued by a federal judge or magistrate. Additionally, probation officers and departments are barred from sharing personal information with federal immigration authorities without such warrants. Individuals in custody must be informed of their right to decline interviews with immigration officials, ensuring their awareness of legal protections.

THE LAKEN RILEY ACT & ITS IMPLICATIONS

In January 2025, President Trump signed the Laken Riley Act into law. This federal legislation mandates the detention of undocumented individuals who have been charged with, arrested for, convicted of, or admit to committing specific offenses, including theft-related crimes, assaulting a law enforcement officer, or any crime resulting in death or serious bodily injury.

The enactment of the Laken Riley Act presents a complex intersection with Colorado's House Bill 19-1124. While the federal law requires detention of undocumented individuals involved in specified criminal activities, the state law restricts local law enforcement from detaining individuals based solely on civil immigration matters without a federal warrant. To navigate this legal landscape, APD has updated its policies to ensure compliance with both state and federal laws. These updates include reiterating to officers their role in immigration enforcement, emphasizing that while they are not to act on civil immigration detainers alone, they are obligated to investigate and enforce criminal charges when supported by reasonable suspicion or probable cause.

CLOSURE OF HOUSING COMPLEXES

The City of Aurora has recently undertaken actions to close two housing complexes predominantly occupied by undocumented immigrants. The Edge at Lowry Apartments faced closure due to severe safety concerns, including violent crime and deteriorating living conditions. City officials attributed these issues to prolonged neglect by property management, which allegedly created an environment conducive to criminal activities. Similarly, the Aspen Grove apartment complex was shut down after reports of uninhabitable conditions and unchecked criminal behavior. While property owners claimed that Venezuelan gangs had overtaken these complexes, city investigations pointed to systemic management failures as the primary cause.

ROLE OF THE MONITOR

The Monitor has concluded that despite a lack of direct reference to immigration status and its intersection with law enforcement, adherence to state law mandates in this area is implicitly within the purview of the CD and the Monitor, in particular relating to the CD requirements for bias-free policing. Therefore, going forward the Monitor will assess and report on any observed violations of state or federal law in this area, and will assess whether APD's collaboration with federal authorities aligns strictly with Colorado statutes. Specifically, the Monitor will undertake the following:

1. *Oversight of Compliance:* Verify APD's policies and actions adhere to state laws, particularly concerning the prohibition of detaining individuals based solely on immigration status.
2. *Policy Review & Recommendations:* Assess current APD policies related to interactions with undocumented individuals and recommending adjustments to ensure legal compliance and the protection of residents' rights.
3. *Community Engagement:* Facilitate dialogues between APD, community members, and advocacy groups to foster trust and transparency, especially in neighborhoods affected by recent housing closures and heightened immigration enforcement.
4. *Reporting & Accountability:* Provide regular reports on APD's practices, highlighting areas of compliance and identifying potential concerns regarding the treatment of undocumented individuals.

CONCLUSION

The intersection of political narratives, state legislation, and municipal actions presents a complex environment for APD. The Monitor's role is to confirm whether APD's operations remain

within the legal framework established by Colorado law, and uphold the rights and safety of all community members, regardless of immigration status.

10. QUALITY ASSURANCE UNIT DEVELOPMENTS

In RP7, APD established the framework for a Quality Assurance Unit (QA Unit) that is now part of a newly defined Office of Constitutional Policing, with the mandate to assess whether improvements made to APD’s policies, processes, and procedures are sustained long after the CD concludes.

Since then, in RP8, the QA Unit hired its initial staff; developed draft Standard Operating Procedures describing the purpose, scope and standards for this Unit; developed the QA Unit’s Annual Plan which lists the assessments planned for 2025; completed a formal assessment of Vehicle Pursuits, which is currently in the review process; commenced a formal assessment of UOF Adjudications; and performed Operational Reviews as relevant to APD’s February 2025 RISKS meetings. In 2025, additional Quality Assurance Analysts (civilian and sworn) are expected to be added to APD’s QA Unit, and more assessments will be executed as the QA Unit’s resources expand. APD’s QA Unit also commenced the development of scorecard mechanisms that are expected to be published on APD’s website later in 2025.

The establishment and work of APD’s QA Unit are significant developments in APD’s mission to serve the community of Aurora with transparency, trust and effectiveness. The Monitor will report on the outcomes and effectiveness of this Unit in its future reports.

11. DATA SYSTEMS

Since the Monitor’s first report, the Monitor has expressed repeated concerns regarding APD’s data collection and reporting systems and the lack of progress in implementing updated data systems to aid APD in becoming a data-driven agency.²³ There are 10 CD mandates that are specifically dependent on data systems or automated tools to address the requirements of the CD.²⁴ The relevant data systems used by APD/AFR to address such requirements are shown in Table 6 on the next page.

²³ See the Monitor’s RP6 report section entitled “Data Systems” for information about the type of systems limitations identified to the date of that report.

²⁴ Mandates 6, 7, 16, 19, 27, 32, 33, 39, 67 and 68 all have systems-related requirements relating to measuring racial bias in policing, and public transparency of metrics related thereto; UOF metrics and accountability measures, monitoring of the documentation of stops; and the identification and tracking of trends or patterns in officer behavior in order to improve accountability and transparency.

Table 6 - Data Systems Relevant to the Consent Decree

<i>Relevant to Officer Performance & Behavior:</i>
<ul style="list-style-type: none"> • AIM: APD’s Administrative Investigation Management System. This is APD’s legacy UOF and disciplinary and performance evaluation system, with remediation tracking capability. It contains data relating to complaints, public web reports, commendations, performance appraisal entries, course of action forms and early intervention data. • Benchmark: APD’s new system that was intended to replace APD’s AIM System. This system contains data relating to police operations, including contacts and UOF, in the following key modules: UOF Investigation, UOF Adjudication, CDC, and Duty to Intervene. It also contains Officer Information (based on a feed from Workday), and APD’s First Sign Early Warning System (EWS). • PEIS: APD’s Police Early Intervention System. This is APD’s legacy system that triggers alerts regarding officers at risk based on workplace and personal stressors. • PowerBI: APD’s interactive data visualization software. PowerBI was implemented in RP7 to present metrics for APD’s RISKS meetings as described in Focus Item 7 above.
<i>Relevant to Community Communications & Transparency:</i>
<ul style="list-style-type: none"> • SPIDR Tech: APD’s automated customer service system. This is a multi-lingual system that was implemented on February 26, 2024 to enhance and streamline communications between APD and the community by providing direct text messages, emails and mobile-friendly surveys to community members regarding their calls for service. • Transparency Portal: APD’s public-facing online dashboard reporting website. This portal was implemented in beta form on February 14, 2024, with metrics relating to APD demographics and diversity, crime statistics and mapping, response outcomes including arrests, contacts, offense reports and uses of force, and CD progress.
<i>Relevant to Recruiting & Hiring:</i>
<ul style="list-style-type: none"> • Workday: HR’s cloud-based Human Capital Management and Applicant Tracking System that was initially implemented in the summer and fall of 2023 for APD’s and AFR’s January and February 2024 new recruit academies

APD’s data systems, if functioning in the manner envisaged by the CD, would enable APD to automate its processes to effectively, efficiently and consistently monitor, analyze, assess and manage officer performance and behavior. In addition to being relevant to the CD, data systems can help APD become more efficient and effective in its efforts to fight crime.

Starting in RP7, APD developed workaround processes and analyses to provide information regarding police performance and behavior as required for APD’s RISKS meetings; however, detailed analysis of the information was elusive during most of RP8.

A particular bright spot in the use of data; however, was the analysis and utilization of crime statistics to develop strategies for crime control. Started in RP7 and continuing throughout RP8, APD analyzed and reported on its crime statistics for its “AuroraStats” meetings, which have enabled districts to work to address crime in the City. The Monitor applauds these efforts.

In an effort to address APD’s data systems limitations relating to officer performance, in RP7, APD undertook a significant initiative to replace its legacy AIM system with a new integrated investigatory and personnel management system to record all matters related to officer wellness, contacts, UOF, and internal affairs and provide an accurate and efficient system to enable tracking, analyses and reporting thereon. Through the City’s procurement process, APD received several proposals for such a system, and performed a detailed evaluation of the top solutions offered by two vendors. Through the evaluation process, Axon was selected and has begun the process for implementation of their “Standards” product. Moving forward in RP9, APD’s project team will work with Axon to customize and implement the “Standards” system. From the date of signing the contract to implementation, Axon estimates a timeline of 6-9 months, with full implementation expected by the end of 2025.

The Monitor reviewed a recording of Axon’s demonstration of its Standards product which lasted approximately 4 hours (including breaks) and noted the following:

- Axon is an approved vendor to APD for Axon’s Officer Safety Plan. APD already has 726 licenses to use Axon Standards because of the existing relationship.
- Axon’s demo was focused on [Axon Standards](#), which comprises Axon Evidence, Redaction, Axon Investigate, Axon Performance and Axon Records.
- Axon Standards includes the ability to collect, store and analyze integrated data relating to officer demographics, personnel management, performance tracking, and tracking of training, UOF data and related digital evidence; manage workflows relating to case management and submission of reports for complaint/misconduct investigations and chain of command review; establish early intervention system alerts; and conduct analyses and visualizations using an embedded Power BI tool, KPIs and dashboard reporting.
- While the Monitor has not performed an independent assessment of the suitability of Axon Standards to address APD’s needs, the demo appeared promising and is expected to provide APD with an integrated policing and personnel system with advanced analytics capabilities. The Monitor is cautiously optimistic that this system will meet APD’s needs.

In addition to proceeding with Axon’s Standards, in RP8, APD conducted a successful pilot of Axon’s [Draft One](#) solution, which uses machine learning to assist officers by providing the first draft (Draft One) of their incident report, using BWC footage and officer narration during the incident regarding the officer’s decision-making and perceptions. The pilot indicated that this

tool would cut down the time required for report writing by approximately 25%. The officers involved in the pilot were enthusiastic about this tool. While not specifically mandated by the CD, the use of such a tool would be relevant to the Monitor's assessments of the quality of APD's investigations and other after-action reviews.

With regard to APD's systems relevant to community communications and transparency, in RP7, the Monitor made certain observations and recommendations relative to the use of its SPIDR Tech system, and provided a "wish list" of items for APD to consider for the next phase(s) of its Transparency Portal. In RP8, in part because of resource restraints, APD has not progressed its Transparency Portal, but is considering alternative approaches to fulfill its transparency obligations. On a positive note, APD has begun follow-up calls with individuals who express dissatisfaction with respect to police services as recorded through SPIDR Tech. The Monitor will seek to incorporate the information gleaned from these follow up calls during APD's RISKS meetings.

Regarding APD's systems relevant to recruiting and hiring, in RP8, HR was commendably able to provide an analysis of APD's hiring process for APD's January 2025 academy. The Monitor expects HR to provide a similar analysis of AFR's hiring process for AFR's June 2025 Academy in RP9.

12. HIRING PROCESS DEVELOPMENTS

In December 2024, the Monitor published a "[2024 Hiring Comparison Report](#)" on APD's and AFR's hiring processes and outcomes to August 2024, including a series of findings and recommendations related thereto. The following were the key findings therein that are relevant for comparison purposes in this RP8 report:

- There was **more** diversity (by race and gender) in APD's 2024 recruits than in APD's sworn workforce as of the end of 2023.
- There was **more** gender diversity but **less** racial diversity in AFR's recruits for 2024 compared to the demographics of AFR's sworn workforce as of the end of 2023.
- HR, at that time, was unable to provide timely and reliable data/outcomes reporting to APD and AFR during and after each stage of the hiring process. As a result, APD and AFR were hindered in their ability to use a data-driven approach to inform and enhance their recruiting strategies meant to obtain and retain the most diverse pool of applicants possible.
- There were certain Rules & Regulations of the CSC, relative to disqualification criteria, that needed to be updated.

-
- There was a lack of engagement with NTN (the supplier of APD’s and AFR’s entrance exam) relative to testing outcomes.

Since then, in RP8:

- APD completed its hiring process for its January 2025 Academy. HR provided APD and the Monitor with an analysis of the data and outcomes from APD’s January 2025 Academy hiring process which is assessed in Mandate 49A below.²⁵
- APD’s January 2025 Academy recruits were more diverse (by race and gender) than APD’s sworn workforce as of the end of 2024.
- The CSC updated the Rules & Regulations to describe the disqualifiers relating to serious driving convictions as described in the Monitor’s assessment of Mandates 2C and 3C below.
- The CSC, APD, AFR and the Monitor collaborated with representatives from the National Testing Network (NTN), to assess whether different cut-scores would enable APD and AFR to reduce the extent of diverse candidates eliminated at the entrance exam stage and thereby potentially improve the diversity and quality of APD’s and AFR’s applicant pools. The results of this review are expected in April 2025, which the Monitor will report on in RP9.

The Monitor will continue to collaborate with HR, APD, AFR and the CSC regarding NTN’s cut-score review and the Monitor’s recommendations contained in the Monitor’s 2024 Hiring Comparison Report.

²⁵ The Monitor expects HR to provide similar reporting in RP9 regarding AFR’s June 2025 Academy hiring process.

IV. MONITOR'S ASSESSMENTS THIS REPORTING PERIOD

In each reporting period, the Monitor assesses various foundational framework mandates of the CD based on activities in that reporting period. In limited circumstances, developments immediately after the end of a reporting period may also be considered by the Monitor when such circumstances are able to be reported and are of such importance that should be reported to the public as soon as possible.

During RP8 ended February 15, 2025, the Monitor assessed 53 of the 78 mandates contained in the CD, and performed operational integrity assessments for each of the 7 sections of the CD. A summary of the current and historical status of the Monitor's assessments is included in Appendix A, the Monitor's Report Card Matrix.

FOUNDATIONAL FRAMEWORK MANDATE ASSESSMENTS

The Monitor assessed that 25 of the 78 mandates of the CD were previously in substantial compliance and no longer need to be monitored. These mandates, once found in substantial compliance, do not need to be assessed again unless further developments arise relating to such mandates. Of the 53 remaining mandates, all were assessed in RP8; the Monitor found 34 in substantial compliance, and found the remaining 19 mandates at various stages of compliance.

Throughout this report, the current status of each mandate is depicted in two ways visually: an icon shows the degree of completion as assessed by the Monitor, and, through the coloring of the icon, whether the City or its constituent agency is on the right track for completion (green), a cautionary/missed deadline track (yellow), or the wrong track (red).²⁶ The Monitor's report also includes a narrative explanation of the reasoning for each of the Monitor's assessments.

It is important to note that a mandate may be on one track (right, cautionary/missed deadline, or wrong) in one reporting period and fall into a different track in the next reporting period. In addition, when a mandate deadline is missed, the maximum achievable status is yellow (for the missed deadline) if the Monitor believes the mandate will be achieved in a reasonable period of time and the City continues to demonstrate its commitment to accomplish the tasks of the mandate. A "right track" (green) status can only replace the "missed deadline track" status once the requirements of the mandate are met. The legend for the Monitor's findings is shown in Table 7 below.

²⁶ Since the commencement of the Monitorship, as shown in Appendix A, none of the mandates were on the wrong (red) track.

Table 7 - Legend for the Monitor's Findings

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

* For operational integrity, instead of measuring completeness, the measurement relates to alignment with operational excellence criteria

The remainder of this report contains a description of each of the 53 mandates assessed in RP8, organized by the seven sections of the CD as follows:

1. *Policies and Training Generally*: Assessed all 12 of the 12 mandates
2. *Addressing Racial Bias in Policing*: Assessed 9 of the 11 mandates
3. *UOF*: Assessed 12 of the 17 mandates
4. *Documentation of Stops*: Assessed 2 of the 7 mandates
5. *Use of Ketamine & Other Chemical Sedatives*: Assessed all 9 of the 9 mandates
6. *Recruitment, Hiring & Promotion*: Assessed 7 of the 20 mandates
7. *Accountability & Transparency*: Assessed 2 of the 2 mandates

For each mandate assessed, the remaining sections of this report include a brief description of the requirements as described in the Methodologies to Aid in the Determination of Compliance (MADCs), along with the Monitor's assessment for the previous and current reporting periods.

OPERATIONAL INTEGRITY ASSESSMENTS

In RP8, Monitor assessed all 7 sections of the CD for operational integrity. This involved assessing APD's metrics and performing qualitative assessments of a variety of individual incidents, the objective of which was to identify both areas of strength and opportunities for improvement in those individual incidents, and determine whether there were broader implications relative to any identified shortcomings. When shortcomings were identified, the Monitor worked with APD's command staff to identify agreed-upon remediation(s) for such shortcomings, at the officer, supervisor or systemic level, and through this process facilitate a culture of excellence with an underlying philosophy of continuous improvement.

Starting with the Monitor's RP7 report, and continuing with this report for RP8, the Monitor's RP8 report summarizes the results of the Monitor's operational integrity assessments, using the following methodology:

- The Monitor's ultimate determination of operational integrity involves a qualitative assessment of the severity of any issues identified, the number of similar issues that have occurred and the time taken to address each issue once identified. A lack of operational integrity could be caused by a single incident or multiple incidents. Isolated incidents in which an individual officer made a mistake and contravened APD's policies and procedures will generally not affect the Monitor's finding with respect to operational integrity if the reviewing supervisor identified the relevant issues and such issues were addressed appropriately, through mentoring, coaching, training or discipline, in a timely manner. To the extent that a supervisor fails to identify a certain issue, similar appropriate remediation will be required.²⁷
- The Monitor's grading of "operational integrity fully achieved" means that people, processes and technology are aligned and operating effectively vis-à-vis operational integrity criteria for that section of the CD. All mandated policies, procedures, processes and/or systems have been operationalized, with all staff, from new recruits to executive level command staff, performing their functions in alignment with such policies, procedures, processes and technology. If any of these three areas (people, process or technology) are not functioning effectively, the Monitor's conclusion regarding operational integrity for that section of the

²⁷ For example, while an inappropriate handcuffing of an individual may occur, the incident would not put the City on a cautionary or wrong track for a lack of operational integrity if the relevant supervisor identified the issues, and/or the relevant issues were appropriately remediated in a timely manner. To the extent that first line supervisors fail to identify an issue, similar remediation for that supervisor will be necessary through a higher-level review. In addition, it will usually require some evidence of a pattern of issues, or a serious underlying issue, to put the City on a cautionary or wrong track for a lack of operational integrity.

CD will be affected, and will reflect that operational integrity is on the right track, or a cautionary or wrong track, depending on the nature, severity and extent of the issues identified and the extent to which they have been remediated.

- If operational integrity of a section is found to be on a “cautionary track”, the Monitor has significant concerns regarding the Department’s ability to correct the issue(s) in the near term. Similarly, a finding of “wrong track” means the Monitor has grave concerns relative to the Department’s ability to correct the issue(s) in the near term.
- Decisions relative to the track of operational integrity for any given section of the CD, will, by necessity, have some degree of subjectivity applied by the Monitor. The ultimate determination of the track of any given section is not based on a specific formula, but rather reflects the best judgment of the Monitor.
- Any failures to recognize an issue, and/or any failures to properly address an issue in a timely manner, will add to the potential of the Monitor concluding that operational integrity is on a cautionary or wrong track. When this occurs, the Monitor is in immediate and direct communication with APD so APD can take immediate action to address issues as they arise.
- Once an identified issue has been appropriately addressed, the track of operational integrity for that section may be upgraded in future reporting periods from wrong track to cautionary track, or from cautionary track to right track.
- The degree to which the Department is aligned with operational integrity criteria for that section of the CD is an approximation that reflects the Monitor’s best judgment of the level of operational integrity achieved. A grade of 50-74% alignment with operational integrity criteria therefore requires further improvement than a grade of 75-99%.

For each of the 7 sections of the CD, using the above operational integrity methodology, the Monitor includes the operational integrity criteria relevant for that section of the CD, along with the Monitor’s assessment thereof.

POLICIES & TRAINING GENERALLY (MANDATES 1-5)

INTRODUCTION

Police policies are rules and standards by which agencies operate; policies are the guidebook that helps officers navigate the challenging and dynamic scenarios they face every day. These policies are the key foundation for an effective department. They also serve as a promise to the community that officers will respond safely and responsibly. Effective policies and procedures help define an agency's culture and provide a roadmap for all officers to follow. Effective training reinforces the policies and procedures to provide officers with support in understanding federal, state, and local standards and agency requirements. Appropriate training also facilitates the operation of police agencies in accordance with strategic policies that guide the conduct of their officers. Coupled with sound policies, training also helps individual officers perform their roles competently and confidently.

The CD mandates that APD and AFR work continuously to ensure that their policies are consistent, that complementary training is conducted to ensure the effective coordination of joint responses by both agencies, and that agency personnel are held accountable for policy violations.

OPERATIONAL INTEGRITY ASSESSMENTS RE: POLICIES & TRAINING GENERALLY

Current Status:  - Operational integrity fully achieved.

The Monitor uses the following operational integrity criteria to assess the City's implementation of the requirements of the CD relating to "Policies & Training Generally":

1. Were CD-related policies distributed to all members of the respective departments?
2. Is attendance at CD-related training being tracked in order to allow for a determination as to whether all members of APD/AFR have attended required training? And did all APD/AFR members attend such training?
3. Are there any policies mandated by the CD that require modification as a result of identified issues arising from the Monitor's operational integrity assessments and/or APD/AFR operational developments? If so, have such policies been revised and distributed to all relevant personnel, and training developed as needed?
4. Have there been any new CD-related policies or training that were not approved by the Monitor prior to dissemination?

In the previous reporting period, the Monitor found that operational integrity was fully achieved, as there were no issues with respect to the criteria above.

For RP8, the Monitor also finds that there were no issues with respect to operational integrity relating to the criteria above. Accordingly, the Monitor finds operational integrity in this area to be fully aligned with operational integrity criteria relating to the “Policies & Training Generally” section of the CD.²⁸ The Monitor will continue to monitor the operational integrity of this section for future reporting periods.

PREVIOUS FINDINGS OF SUBSTANTIAL COMPLIANCE

In prior reporting periods, eight of the twelve mandates relating to this section of the CD, namely the “Policies and Training Generally” section, were in substantial compliance: Mandates 2A, 2B, 2C, 3B, 3C, 4A, 4B, and 5B.

THIS REPORTING PERIOD’S ASSESSMENTS OF INDIVIDUAL MANDATES IN THIS SECTION

During the current reporting period, the Monitor assessed the status of all twelve of the twelve mandates in this section of the CD: five related to APD, five to AFR and two to CSC. Of the five mandates related to APD, the Monitor found that two were in substantial compliance and three were on the right track. Four of the five mandates evaluated for AFR were in substantial compliance and the remaining AFR mandate was on the right track. The two mandates assessed relative to the CSC were both in substantial compliance.

ASSESSMENT OF MANDATE 1A – APD POLICIES & TRAINING GENERALLY

Current Status:  - 75-99% Complete. In line with Monitor’s expectations.

The CD and compliance definition for Mandate 1A, as agreed to in the MADC, require APD to develop and implement comprehensive, consistent and complementary policies to address the requirements of all 32 APD policy-driven mandates (2A, 6, 7, 9, 10, 11, 16, 18, 19, 20A, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35, 36, 39, 42, 49A, 50, 52, 54, 56, 58, 60, 67 and 68) and to develop and deliver training as required by 17 APD training-driven mandates (8, 12, 13, 14, 15, 17, 18, 19, 29, 30, 31, 37, 38, 39, 42, 67 and 68) of the CD.²⁹ APD must also have policies to hold accountable those police officers who violate established policies in contravention of their training.

²⁸ In evaluating operational integrity for this section of the CD, the Monitor is only considering those mandates of the CD that relate specifically to the development and distribution of policies/training, and necessary revisions thereto. The Monitor’s assessments of operational integrity of such policies and training are described in the applicable operational integrity sections below relating to Bias-Free Policing; UOF; Documentation of Stops; Use of Ketamine & Other Chemical Restraints; Recruiting, Hiring & Promotion; and Accountability & Transparency.

²⁹ The following 6 policy-driven mandates are also training-driven mandates: 18, 19, 39, 42, 67 and 68. A total of 43 mandates are relevant to Mandate 1A.

Mandate 1A was assessed during the previous reporting period and the Monitor found it was on the right track at 75-99% complete, as APD completed its in-service training on the first module for “Managing Bias” and added that module to its police academy training so that all recruits receive bias training as part of APD’s core curricula. The Monitor believed this to be a significant milestone, crucial to the cultural change within APD and its officers and an important step towards achieving substantial compliance. However, by the end of RP7, APD had not yet achieved substantial compliance with 12 of the 32 policy-driven mandates and 7 of the 17 training-driven mandates as required for substantial compliance with Mandate 1A, including the need to complete APD’s discipline policy and the joint APD/AFR policy and related training on dealing with persons with mental health issues.³⁰

During the current reporting period, APD and AFR collaborated on the development of a joint APD/AFR Policy and related training on dealing with person with mental health issues. After lengthy discussions on this topic, AFR adopted APD’s 2023 DM 06.13 policy entitled “Interacting with Persons Experiencing a Health Crisis”³¹ as best and accepted practice, and updated AFR’s 5.12 Policy entitled “Management of Agitated Patients or Other Behavioral Health Crises” effective December 23, 2024³² to align with and refer to APD’s DM 06.13 policy. In addition, APD updated their version of this policy, DM 06.13, to refer to AFR’s 5.12 Policy. In RP8, APD and AFR also completed the development of the joint AFR/APD training on this topic, which is a significant accomplishment. In March 2025, after the end of the current reporting period, APD delivered this training to most of its members and AFR intends to complete its delivery in RP9. Another very important and significant milestone was the finalization of APD’s DM 10.02 effective March 13, 2025, as described above in Focus Item 4 “Administrative Investigations & Implementation of Directive Manual 10.02”.³³ Further, APD’s January 2025 Academy included new recruits who are more diverse than APD’s existing sworn workforce, and APD took steps to facilitate equal opportunities for diverse applicants regarding the cost of its entrance exam and offering applicants multiple attempts to pass APD’s physical fitness test.

While APD has clearly made noteworthy and meaningful progress in the above developments and having achieved substantial compliance for 21/32 policy-related mandates and 9/17 training-related mandates; in order to achieve substantial compliance with Mandate 1A, all 32 policy and

³⁰ The following policy-driven mandates were not yet in substantial compliance by the end of RP7: Mandates 6, 7, 16, 18, 19, 25, 27, 28, 39, 49A, 67 and 68. The following training-driven mandates were not yet in substantial compliance by the end of RP7: Mandates 17, 18, 19, 31, 39, 67 and 68.

³¹ See Appendix I for a copy of APD’s DM 06.13.

³² See Appendix K for a copy of AFR’s 5.12 policy.

³³ While APD’s training on dealing with persons with mental health issues and the discipline policy were both completed beyond the end of the current reporting period, the Monitor has included this information in light of their significance to the CD process.

17 training requirements of the CD must also be in substantial compliance. As of the close of RP8, APD has not yet achieved substantial compliance with 14 mandates: 6 are policy-related, 3 are training-related, and 5 mandates have both policy and training-related requirements. The following policy-driven mandates relevant to Mandate 1A are not yet in substantial compliance for RP8: Mandates 6, 7, 16, 18, 19, 25, 27, 28, 39, 67 and 68. The following training-driven mandates relevant to Mandate 1A are not yet in substantial compliance: Mandates 15, 17, 18, 19, 31, 39, 67 and 68. See the specific mandate sections below for details regarding the steps needed to achieve substantial compliance with each of these mandates.

While 14 of the 43 mandates relevant to Mandate 1A are not yet in “substantial compliance”, all but two (Mandates 39 and 67) are on the right track, and the remaining 12 mandates are at various stages of completion. As a result, and in light of the foregoing, the Monitor believes APD continues to be on the right track at 75-99% complete with the requirements for Mandate 1A. The Monitor will continue to evaluate this mandate in subsequent reporting periods until such time as all required policy and training mandates have achieved substantial compliance.

ASSESSMENT OF MANDATE 1B – AFR POLICIES AND TRAINING GENERALLY

Current Status:  - 75-99% Complete. In line with Monitor’s expectations.

The CD and compliance definition for Mandate 1B, as agreed to in the MADC, require AFR to develop and implement comprehensive, consistent and complementary policies to address the requirements of all 10 AFR policy-driven mandates (41, 42, 44, 46, 49B, 53, 55, 57, 59 and 60) and to develop and deliver training as required by the 2 AFR training-driven mandates (31 and 42) of the CD.³⁴ AFR must also have policies to hold accountable those firefighters who violate established policies in contravention of their training.

Mandate 1B was assessed during the previous reporting period and the Monitor found it was on the right track at 75-99% complete, as substantial compliance had been achieved for the following 9/10 AFR policy-driven mandates (41, 42, 44, 46, 53, 55, 57, 59 and 60), and for 1/2 of AFR’s training-driven mandates (42). There was one policy-driven mandate (49B) which requires the transformation of AFR’s recruitment and hiring process to create a more diverse and qualified workforce, and one training-driven mandate (31) which requires the delivery of joint UOF training with APD that were not yet in substantial compliance by RP7.

Mandate 31 requires joint APD and AFR training which stresses on-scene coordination. As described in the Monitor’s assessment for Mandate 31 below, the Monitor found that this

³⁴ Mandate 42 is an AFR policy-driven mandate and a training-driven mandate.

mandate remains on the right track at 75-99% complete as a result of the development and delivery of joint training by APD on dealing with persons with mental health issues. However, AFR must also deliver such training to its members in order to achieve substantial compliance; AFR expects to deliver such training during RP9.

Mandate 49B requires the City to transform AFR's recruitment and hiring process to create a more diverse and qualified workforce. As described in the Monitor's assessment for Mandate 49B below, the Monitor found that it remains on the right track at 75-99% complete; AFR has not yet demonstrated its ability to create a more diverse and qualified workforce as AFR's next Academy is in June 2025.

In light of the foregoing, the Monitor believes AFR continues to be on the right track at 75-99% complete with respect to this mandate, but is not yet in substantial compliance. The Monitor will continue to evaluate this mandate in subsequent reporting periods until such time as all required policy and training mandates have achieved substantial compliance, with a specific focus on the requirements of Mandates 31 and 49B.

ASSESSMENT OF MANDATE 2A – APD POLICY DEVELOPMENT, REVIEW & IMPLEMENTATION

Current Status:  - Substantial Compliance

The CD and compliance definition for Mandate 2A, as agreed to in the MADDC, require APD to implement an appropriate governance process for all 32 different policy-driven mandates and 17 different training driven mandates that: (1) decreases the length of time, wherever possible, for the process by which CD related policies and training are developed, reviewed and implemented; (2) is documented within APD's procedures; and (3) the standards in those procedures are being adhered to.

Mandate 2A was assessed during the previous reporting period and the Monitor found it was in substantial compliance, however the Monitor noted that APD needed to improve the timing for submission of relevant training materials for review by the Monitor prior to delivery.

During the current reporting period, the Monitor attended all Policy Committee meetings. Although the full development of DM 10.02 extended beyond the presumptive deadline for RP8 inclusion, the Monitor worked with APD to complete the revision of the policy in time for publication of this report as described in Focus Item 4 "Administrative Investigations & Implementation of Directive Manual 10.02".

The Monitor continues to find this mandate in substantial compliance. The Monitor will continue to evaluate this mandate in subsequent reporting periods in order to assess continued compliance.

ASSESSMENT OF MANDATE 2B – AFR POLICY DEVELOPMENT, REVIEW & IMPLEMENTATION

Current Status: ● - Substantial Compliance

The CD and compliance definition for Mandate 2B, as agreed to in the MADC, requires AFR to implement an appropriate governance process for all 10 different policy-driven mandates and 2 different training-driven mandates that: (1) decreases the length of time, wherever possible, for the process by which CD related policies are developed, reviewed and implemented; (2) is documented within AFR’s procedures; and (3) the standards in those procedures are being adhered to.

This mandate was assessed during the previous reporting period and the Monitor found it was in substantial compliance.

The legacy methodology for AFR’s Manual of Procedures (MOP) review was non-existent prior to 2017. Since 2017, including in RP8, the MOPs have been reviewed annually by ALL members of AFR, one chapter per month. Suggestions are directed up the chain of command and reviewed by division supervisors. Appropriate additions/deletions/edits are made then reviewed by Executive Staff, prior to submission to the Fire Chief for final approval. The new (or amended) policies are then updated in AFR’s online Learning Management System platform, which is accessible to all AFR members.

The above process to develop, review and implement policies continued to be used in RP8. In addition, during RP8, AFR worked with APD to develop and approve a joint “hands-on” policy for the “Management of Agitated Patients or Other Behavioral Health Crises” relating to the initiation of restraint for individuals with a medical or behavioral health crisis.³⁵

In light of the foregoing, the Monitor believes this mandate continues to be in substantial compliance. The Monitor will continue to evaluate this mandate in subsequent reporting periods in order to assess continued compliance with this mandate.

ASSESSMENT OF MANDATE 2C – CSC POLICY DEVELOPMENT, REVIEW & IMPLEMENTATION

Current Status: ● - Substantial Compliance

The CD and compliance definition for Mandate 2C, as agreed to in the MADC, require the CSC to implement an appropriate governance process for all 8 CSC policy-driven mandates required by the CD involving recruitment, hiring and promotion (Mandates 50, 51, 60, 61, 62, 63, 64 and 66)

³⁵ See Appendix I for a copy of APD’s DM 06.13 and Appendix K for a copy of AFR’s 5.12 policy on this topic.

that: (1) decreases the length of time, wherever possible, for the process by which CD-related policies are developed, reviewed and implemented; (2) is documented within CSC's procedures; and (3) the standards in those procedures are being adhered to.

Mandate 2C was assessed during the previous reporting period and the Monitor found it was in substantial compliance.

During the current reporting period, the CSC updated the CSC Rules & Regulations twice, at its October 8, 2024 and February 11, 2025 meetings, after implementation of an appropriate governance process for the review and approval of such changes, including review and consideration by the parties affected by the changes, review by the Monitor, and review and approval by the CSC.

The changes approved at the CSC's October 8, 2024 meeting comprised clarifications to Rule 6g regarding deferments, and Rules 12 and 13 regarding reinstatement and reinstatement procedures.

The changes approved at the CSC's February 11, 2025 meeting involved expanding the automatic grounds for disqualification from the hiring process to include serious driving convictions within the 3 years prior to projected start date of the Academy. This change was made in response to the first of the Monitor's recommendations relating to the CSC's Rules & Regulations and oversight role as described in the Monitor's December 2024 [Hiring Comparison Report](#).

The February 11, 2025 version of the CSC's updated rules are included as Appendix M to this report.³⁶ The Monitor notes that APD's 2025-3B job posting for entry level patrol officers includes the same automatic disqualifiers as listed in the February 11, 2025 version of the CSC's Rules & Regulations.

In light of the foregoing, the Monitor believes this mandate continues to be in substantial compliance. The Monitor will continue to evaluate this mandate in subsequent reporting periods in order to assess continued compliance.

³⁶ See Sections II.2.b.v., II.6.g, II.12 and II.13 of the CSC's Rules & Regulations, which the Monitor has highlighted to identify the changes made compared to the CSC's March 2024 Rules & Regulations included as Appendix C to the Monitor's RP7 report.

ASSESSMENT OF MANDATE 3A – APD SUBMISSION OF NEW POLICIES FOR REVIEW

Current Status:  - 75-99% Complete. In line with Monitor’s expectations.

The CD and compliance definition for Mandate 3A, as agreed to in the MADDC, require APD to submit all 32 different new or revised policies, procedures or rules called for by the CD (for Mandates 2, 6, 7, 9, 10, 11, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35, 36, 39, 42, 49, 50, 52, 54, 56, 58, 60, 67 and 68) to the Monitor for review before implementation.

Mandate 3A was assessed during the previous reporting period and the Monitor found it was on the right track at 75-99% complete. For APD to achieve substantial compliance with this mandate, APD needed to issue the remaining directives, policies and/or procedural documents required by the CD to the Monitor prior to being finalized,³⁷ including those relating to internal investigations and the disciplinary process (Chapter 10).

During the current reporting period, APD continued to submit all CD-related policies to the Monitor prior to implementation, namely all of APD policies included in Appendices B to J, inclusive. As previously reported, in RP5, APD implemented a structured policy review procedure which included the establishment of a Policy Review Committee to receive, review, and provide input into all policies prior to finalization and distribution. APD included the Monitor on this Committee which initially met twice per month to allow for input and incorporation of committee member comments into the review and approval process. This process ensures that policies are not finalized or distributed until all of the requisite internal reviews and approvals are received, including the Monitor’s.

As noted in the Monitor’s report for RP6 and RP7, APD’s directives on internal investigations and the disciplinary process (Chapter 10) were expected to be finalized in RP7.³⁸ This did not happen in RP7 due to slowdowns in APD’s policy development efforts, including a reduction in the frequency of APD’s Policy Committee meetings. In RP8, after the change in APD’s leadership to a permanent Chief of Police, the Monitor noted a marked improvement in the focus and productivity of the Policy Committee, including the resumption of the Policy Committee’s bi-

³⁷ The following policy-procedure driven mandates were not yet in substantial compliance by the end of RP7: Mandates 6, 7, 16, 18, 19, 25, 27, 28, 39, 49A, 67 and 68.

³⁸ A revision to Chapter 10 is not specifically mandated by the CD but is being included in the Monitor’s assessments of Mandate 67.

weekly meetings. During such meetings, the Policy Committee developed and finalized numerous policies, namely those in Appendices B to J.³⁹

For the reasons stated above, the Monitor believes this mandate continues to be on the right track at 75-99% complete. For APD to achieve substantial compliance with this mandate, APD will need to issue the remaining directives, policies and/or procedural documents required by the CD to the Monitor prior to being finalized. The following 11 policy-driven mandates are not yet in substantial compliance: Mandates 6, 7, 16, 18, 19, 25, 27, 28, 39, 67 and 68. See the specific mandate sections below for details regarding the steps needed to achieve substantial compliance with each of these mandates.

ASSESSMENT OF MANDATE 3B – AFR SUBMISSION OF NEW POLICIES FOR REVIEW

Current Status:  - Substantial Compliance

The CD and compliance definition for Mandate 3B, as agreed to in the MADDC, require AFR to submit all 11 different new or revised policies, procedures or rules called for by the CD (for Mandates 41, 42, 44, 46, 49, 53, 55, 57, 59, 60, and 65) to the Monitor for review before implementation.

Mandate 3B was assessed during the previous reporting period and the Monitor found it was in substantial compliance.

In RP8, AFR worked with APD to develop a joint “hands-on” policy for the “Management of Agitated Patients or Other Behavioral Health Crises” relating to the initiation of restraint for individuals with a medical or behavioral health crisis.⁴⁰ This policy was reviewed by the Monitor and approved by AFR and APD.

In light of the foregoing, the Monitor believes this mandate remains in substantial compliance. As AFR’s CD-mandated policies are revised in the future, the Monitor will continue to evaluate this mandate in subsequent reporting periods in order to assess continued compliance.

³⁹ At the March 11, 2025 Policy Review Committee meeting, DM 10.02 was approved. See Appendix J. Although this policy was approved after the end of the current reporting period, the Monitor has included this policy in its current assessment for RP8 as the majority of the work associated with finalizing this policy was completed in the current reporting period.

⁴⁰ See Appendix K for a copy of AFR’s 5.12 policy on this topic.

ASSESSMENT OF MANDATE 3C – CSC SUBMISSION OF NEW POLICIES FOR REVIEW

Current Status:  - Substantial Compliance

The CD and compliance definition for Mandate 3C, as agreed to in the MADC, require CSC to submit all 8 different new or revised policies, procedures or rules called for by the CD (for Mandates 50, 51, 60, 61, 62, 63, 64, and 66) to the Monitor for review before implementation.

Mandate 3C was assessed during the previous reporting period and the Monitor found it was in substantial compliance.

In the current reporting period, the CSC approved updated [Rules & Regulations](#) on October 8, 2024 and February 11, 2025. Both sets of updates were submitted to the Monitor for review prior to implementation, and the February 11, 2025 updates were in response to the first of the Monitor’s recommendations relating to the CSC’s Rules & Regulations and oversight role as described in the Monitor’s December 2024 [Hiring Comparison Report](#). A copy of the February 11, 2025 updated Rules & Regulations is included as Appendix M to this report. No further revisions were made to these [Rules & Regulations](#) in the current reporting period.

As a result of the foregoing, the Monitor believes this mandate remains in substantial compliance. The Monitor will continue to evaluate this mandate in subsequent reporting periods in order to assess continued compliance with this mandate for any changes to the CSC’s policies, procedures or rules mandated by the CD.

ASSESSMENT OF MANDATE 4A – APD INCORPORATION OF BEST PRACTICES & SCENARIO-BASED TRAINING

Current Status:  - 75-99% Complete. In line with Monitor’s expectations.

The CD and compliance definition for Mandate 4A, as agreed to in the MADC, require APD to incorporate best practices into their training as required by the CD, including greater use of scenario-based training tools in their academies and in-service training, including for its bias training.

Mandate 4A was assessed during the previous reporting period and the Monitor found it was in substantial compliance because APD delivered its new Managing Bias training curriculum and began delivery of its annual refresher training thereon; and APD delivered a presentation on “Proactive Policing” to provide direction to officers on how and when self-initiated activities are appropriate. Each of these trainings included well thought-out scenarios. The Monitor further reported that it would continue to evaluate this mandate in subsequent reporting periods.

During the current reporting period, APD delivered trainings related to several topics including APD's latest training on Managing Bias to in-service members; Joint APD/AFR Training which covered the response to persons experiencing a medical or behavioral health crisis; and training for supervisors when reviewing and adjudicating UOF incidents.

For training on topics that are central to the requirements of the CD, such as relating to bias and UOF, the Monitor and the parties agree that training best practices require three tranches of training: initial in-service training; delivery of the same or substantially similar training to academy recruits (and lateral hires); and annual refresher training. For each of these tranches, the Monitor must assess: (a) whether best practices were followed regarding the content and delivery, as relevant to Mandate 4A; (b) the curriculum, i.e. the development of both in-service and academy training, as relevant to Mandates 12 and 14 for bias training, respectively; and (c) whether such training was delivered to all in-service and academy personnel and whether such training was delivered in a manner aligned with best practices, as relevant to Mandates 13 and 15, respectively.

In reviewing the content of APD's training delivered in RP8, the Monitor found they included appropriate scenarios and examples of varying outcomes depending on the approach, and determined that the curriculum generally comports with best practice standards.

With regard to the quality of the delivery of APD's training, although the CD does not define best practices for training delivery other than to identify the need to include scenario-based training, APD's DM 07.04 entitled Instructor Development Program requires all APD instructors to have expertise or training in the subject area they are responsible for, and complete a POST approved 40-hour Instructor Methodology or other approved course.⁴¹ The Monitor considers such requirements to be best practices. Although the training content can vary by state, POST's Instructor Methodology curriculum generally includes training on adult learning principles,⁴² understanding characteristics of adult learners and strategies to engage them effectively; applying adult learning theories to enhance instructional methods; training on presentation and facilitation skills in order to facilitate active learning; designing assessments to measure learner comprehension; and receiving evaluations to refine instructional techniques.

For this reporting period, the Monitor observed APD's delivery of two training sessions: the supervisory training covering the review of investigations, and one session of APD's recent

⁴¹ See <https://public.powerdms.com/AURORAPD/tree/documents/147>.

⁴² Examples of adult learning principles include drawing on officers' experiences, making learning relevant to real-world scenarios, and promoting reflection and problem-solving.

Managing Bias training.⁴³ The supervisory training was delivered by a knowledgeable instructor who was familiar and comfortable with the subject-matter, and who engaged with the audience. In contrast, APD’s Managing Bias delivery observed in RP8 did not align with best practices for training delivery as the instructor did not incorporate adult learning principles into the delivery of this training, did not engage with the audience, nor draw on the officers’ experience.⁴⁴ For future CD-related training, the Monitor suggests that APD’s training materials include “speaker notes” to guide each instructor regarding how to engage with the audience, such as identifying content that could be drawn from the audience.

The Monitor also notes that the trainings observed in RP8 did not include student testing or other types of evaluations to assess student comprehension, nor any evaluations of the training content, classroom or instructor. These types of evaluations are also considered best practices in the training industry, and are addressed in POST’s Instructor Methodology curriculum. The Monitor suggests that APD incorporate student testing and course/instructor evaluations in its future trainings to further address the CD requirement to incorporate best practices into its training.

In light of the above, the Monitor believes this mandate remains on the right track but at 75-99% complete. In order to achieve substantial compliance with this mandate, both the content and delivery of APD’s training need to incorporate best training practices, including integration of adult learning principles, and using student testing and course/instructor evaluations. The Monitor expects to observe several training sessions in the coming reporting periods in order to assess this.

ASSESSMENT OF MANDATE 4B – AFR INCORPORATION OF BEST PRACTICES & SCENARIO-BASED TRAINING

Current Status:  - Substantial Compliance

The CD and compliance definition for Mandate 4B, as agreed to in the MADC, require AFR to incorporate best practices into their training as required by the CD, including greater use of scenario-based training tools in their academies and in-service training.

Mandate 4B was assessed during the previous reporting period and the Monitor found it was in substantial compliance.

⁴³ The Monitor notes that the CAC Chair also attended a previous session of the Managing Bias training in which the instructor was an APD academy instructor who appeared unfamiliar with the content.

⁴⁴ See the Monitor’s assessment of Mandate 15 for further details.

During RP8, AFR continued to collaborate with APD in the planning, design and execution of best-practices joint training relating to managing agitated patients or patients with mental health or other behavioral health crises. This training was delivered via video-based learning starting in March 2025, including demonstrations of how to apply and remove physical restraints for such patients; thereafter, AFR will provide a quarterly skills review in June 2025 for AFR personnel that will also be attended by APD personnel.

For June 2025, AFR is developing its next Active Shooter Hostile Event Response (ASHER) training in collaboration with APD; this will be a full-scale training involving both AFR and APD.

In light of the above developments, the Monitor believes this mandate remains in substantial compliance. The Monitor will continue to evaluate this mandate in subsequent reporting periods in order to assess continued compliance with this mandate's requirements regarding the use of training best practices, including the use of scenario-based training.

ASSESSMENT OF MANDATE 5A – APD SHARING OF TRAINING PLANS

Current Status:  - Substantial Compliance.

The CD and compliance definition for Mandate 5A, as agreed to in the MADC, require APD to submit all training plans related to the CD to the Monitor and seek the Monitor's approval prior to their finalization.

Mandate 5A was assessed during the previous reporting period and the Monitor found it was on the right track at 75-99% complete as APD had provided the Monitor with drafts of all training plans prior to finalization, but had not yet completed the development of the required joint APD/AFR training regarding the response to incidents involving persons with mental health issues, as AFR's Mental Health Policy was not yet finalized.

During the current reporting period, AFR finalized its Mental Health Policy which enabled APD and AFR to jointly develop the requisite UOF training. The delivery plan, including the training video, was submitted to the Monitor for review prior to finalization, as required by this mandate. Despite some logistical challenges with delivering joint training to two different agencies that have very different deployment schedules, APD completed most of its training in RP8 and AFR expects that the training will be completed during RP9. It is clear to the Monitor that both agencies worked together to coordinate with one another, during both the development and delivery of such joint training.

In light of the foregoing, the Monitor believes that APD has achieved substantial compliance with this mandate. The Monitor will continue to monitor this mandate in the future in order to assess continued compliance for all future CD-mandated training and any updates thereto.

ASSESSMENT OF MANDATE 5B – AFR SHARING OF TRAINING PLANS

Current Status:  - Substantial Compliance

The CD and compliance definition for Mandate 5B, as agreed to in the MADC, require AFR to submit all training plans related to the CD to the Monitor and seek the Monitor’s approval prior to their finalization.

Mandate 5B was assessed during the previous reporting period and the Monitor found it was in substantial compliance.

When AFR develops any new trainings, the training plans are submitted to the Monitor and/or a member of the Monitor’s team for feedback and approval. In RP8, this included AFR’s joint “Hands-On” training relating to the implementation of the joint policy for the “Management of Agitated Patients or Other Behavioral Health Crises” that is scheduled to be delivered in March and June 2025. AFR will continue to involve the Monitor and/or a member of the Monitor’s team in the review and approval of future training and training plans, including for AFR’s upcoming joint ASHER training scheduled for June 2025.

In light of the foregoing, the Monitor believes this mandate continues to be in substantial compliance. The Monitor will continue to evaluate this mandate in subsequent reporting periods in order to assess continued compliance.

ADDRESSING RACIAL BIAS IN POLICING (MANDATES 6-16)

INTRODUCTION

Despite federal and state laws prohibiting racially biased policing, and internal departmental policies that articulate commitments against bias-based practices, policing across the nation has struggled to consistently administer policing in ways that fully address racial bias in policing. The extent to which racial disparities exist, and whether they are derived from racial bias, either implicit or explicit, continues to be a significant issue and a barrier to full community trust. Racial justice movements have pressed to keep the issue of racial bias at the forefront of policing issues, and virtually all policing reform measures are evaluated, at least in part, on how they improve policing along racial bias metrics. To improve both perception and performance, APD and the City of Aurora must build upon their considerable bias-reduction efforts. Importantly, they must

ensure that departmental policies and training programs are attentive to bias and disparity and are geared toward heightening conscious awareness of those issues. Doing so will help ensure the department continues to mitigate disparities while signaling to the Aurora community that bias and disparity minimization remain priorities, which will, in turn, improve community trust.

HISTORY & BASIS FOR CONSENT DECREE MANDATES

Section 08.32 of APD’s Directives Manual, adopted on October 7, 2020, defines biased based policing as “an enforcement action based on a trait common to a group, without actionable intelligence to support consideration of that trait.” The directive prohibits APD officers from engaging in biased-based policing predicated on race, ethnicity, gender, national origin, language, religion, sexual orientation, gender identity, age, and disability. The directive further contains provisions relating to traffic stops; the establishment of a citizen complaint line; the responsibilities of commanding officers upon their receipt of a complaint of prohibited bias; complaint tracking; and officer training. The directive, while reaffirming APD’s departmental stance against bias-based policing, has been criticized as being insufficiently detailed to curb officer conduct that could tend toward discriminatory policing.

In its September 15, 2021 report, the Colorado Attorney General found that, notwithstanding APD policy, both statistical and anecdotal data supported its conclusion that APD had engaged in a pattern and practice of race-based policing. After analyzing departmental data on race and UOF, for example, the Attorney General found that APD officers used force, arrested, and filed discretionary charges against Black and non-White people at a significantly higher rate than they did against White people, and that a greater percentage of Black and non-White communities experienced those actions, than did members of White communities. The report also cited the anecdotal experiences of community members and Attorney General investigators who commented on differences in how APD officers interacted with members of different racial groups, including frequent escalations of force against non-White residents compared to White residents.

The Attorney General’s September 15 report included an admonishment that, to “remedy and eliminate its practice of race-based policing, Aurora must make major changes across the organization to improve its culture, including improving its policies, training, recordkeeping, and hiring.” The Attorney General’s report specifically called for greater detail in APD policies against racially biased policing; more specific standards and expectations for APD officers when they make a stop, arrest or use force; better tracking of outcomes for people arrested on misdemeanor charges to identify discrepancies between arrest rates and prosecution rates; and improved training for police academy cadets and in-service officers, among other recommendations.

CONSENT DECREE'S OBJECTIVES

The CD seeks to change, in measurable ways, how APD engages with all members of the community, including by reducing any racial disparities in contacts, arrests, UOF, and engagement with the community, and to improve APD's transparency in these areas.

OPERATIONAL INTEGRITY ASSESSMENTS RE: BIAS-FREE POLICING

Current Status:  Cautionary track: 50-74% aligned with operational integrity criteria.

The Monitor uses the following operational integrity assessment criteria to assess APD's implementation of the requirements of the CD relating to "Addressing Racial Bias in Policing":⁴⁵

1. Were any incidents found to be, appear to be, or are alleged to be motivated, in whole or in part by protected-class bias?⁴⁶
2. If so, was each incident self-identified by APD?
3. Irrespective of how APD learned of each incident, was each incident investigated appropriately and, if required, remediated in an appropriate and timely manner through mentoring, coaching, training, and, when necessary, discipline for relevant individual officers, supervisors, units and/or APD as a whole?
4. Was there any quantitative data which, because of protected-class disparities, might lead to conclusions of biased-policing? To the extent that such data may exist, was analysis of such data undertaken to determine whether disparities may be a result of biased-policing?

It is important to note that the presence of an incident, or even multiple incidents, which may be indicative of protected-class bias, does not necessarily mean that APD will be held out of compliance. Whether such incident(s) are self-identified by APD, and the way in which each such incident(s) were investigated and remediated, will all be factors that the Monitor considers in assessing operational compliance in this area. Similarly, although there may be quantitative data that points to potential bias, the investigation and analysis undertaken by APD, including a qualitative review of the components of the relevant quantitative data, will be considered in the Monitor's assessments of operational compliance.

In the previous reporting period, the Monitor found that APD was on the right track at 50-74% aligned with the above operational integrity criteria because the Monitor identified two

⁴⁵ Incidents of potential bias may arise as a result of an incident being uncovered internally by supervisory personnel; an internal or citizen complaint of bias; or the Monitor's 360-degree review process.

⁴⁶ Bias relating to actual or perceived race, gender, age, color, ancestry, religion, national origin, physical or mental disability, sexual orientation or gender identity is strictly prohibited.

problematic incidents that were not previously identified by APD command staff but were subsequently mitigated by timely remediation thereof, and there was no indication of a more widespread issue relative to potential biased policing.

In RP8, the Monitor identified no incidents indicating racial or ethnic bias in its 360-degree reviews of all Tier 1 UOFs and pursuits, and in the Monitor’s sampling of other police enforcement activities.

In the current reporting period, despite APD’s data limitations and concerns relative to CDC underreporting, the Monitor reviewed the racial breakdown of reported contacts. The Monitor did not, on the face of the data, note issues of concern relative to the racial/ethnic distribution of contacts. In future reporting periods, the Monitor, working with the parties, will work with an expert or experts chosen by the parties to more fully analyze APD’s CDC data for any quantitative indications of biased policing.⁴⁷

During RP8, the Monitor continued to qualitatively assess each incident reviewed as described in Focus Item 7 “Operational Integrity Assessments & RISKS Reviews” for any indication of bias policing. There were no such instances identified. In addition, during RP8, the Monitor reviewed all complaints closed within the 6-month period from May 4 to November 7, 2024,⁴⁸ identifying which complaints alleged biased policing. In total, 275 complaint investigations were closed in this period, of which 26 alleged bias. The Monitor reviewed all of the complaints alleging bias. In summary, based on the Monitor’s review of the documents supporting these bias investigations, the Monitor found that all of the initial complaints alleging bias were, as required, forwarded to IIB for a preliminary review, and were then investigated and reviewed through the chain of command as required. The investigations were generally thorough, complete, and timely. A total of 52 officers were involved in the 26 complaints. Of those 52, one officer had three different cases, and two officers had two cases. In all 26 cases, APD’s administrative investigations concluded that the bias allegations were either unfounded or the officer was exonerated. The Monitor did not disagree with those findings.

In addition to the Monitor’s review of bias-based complaints, in RP8, APD finalized its 2023 Annual Bias-Based Policing Review Report, which is a retrospective review of its handling of bias-based complaints for 2023. This internal review concluded that all 27 complaints of alleged bias were unsubstantiated, based on APD’s administrative investigations. It is expected that APD’s

⁴⁷ In 2023, the Monitor commissioned an analysis by the National Policing Institute to determine disparities which might be indicative of biased policing. The full report of NPI can be found [here](#).

⁴⁸ This represents the six-month period prior to the Monitor’s request for such complaints; the Monitor will review complaints alleging bias on an ongoing basis for future reporting periods.

2024 Annual Bias-Based Policing Review Report will be forthcoming in RP9, which the Monitor will review for the next reporting period.

No other incidents were identified as potentially involving biased policing.

As noted in Focus Item 6 “Contact Data Collection (CDC)”, the Monitor worked extensively with APD to examine CDC data in order to assess whether it was being captured fully and accurately. CDC data forms an integral part in determining whether APD is properly addressing racial bias in its policing. Specifically, to the extent that data collected through CDC’s is unreliable, then no appropriate qualitative follow up can be undertaken nor can appropriate conclusions be drawn from that data. In 2024, compliance with CDC requirements in documented enforcement actions (Arrests, Non-traffic Citations, and Traffic Citations) was approximately 82.5%, and there were significant errors noted in the input of the data. During most of the current reporting period, there were limited efforts by APD to critically review and remediate these issues.

Recognizing its resource constraints, APD created and funded a Business Intelligence Analyst (BIA) position during RP8. APD also recruited and hired a dual role BIA and Data Scientist to provide additional help relating to reporting issues. APD onboarded the BIA during RP8 and began building the necessary back-end database solutions to properly remediate APD’s reporting issues. In addition, the Monitor notes that APD undertook significant steps to ensure full compliance through controls introduced into its data collection systems in early RP9.

The Monitor will continue to work with APD to assess whether its CDC data is not only complete and clean, but that APD is conducting critical internal reviews of anomalies on a continuous basis and discussing its efforts in its Operational RISKS meetings.

But for the substantive steps toward improvement noted above which the Monitor included in its assessment for RP8, the Monitor would have judged APD to be on the wrong track. The Monitor now believes that these steps are sufficient to conclude that APD is on a cautionary rather than a wrong track. With proper personnel and tools, current data can be analyzed, anomalies identified, with remediation undertaken where and when appropriate.

In light of the issues identified as described above, and the steps taken to address such issues, the Monitor finds the City is now on a cautionary track at 50-74% aligned with operational integrity criteria. The Monitor will assess the way in which the department identifies, analyzes and remediates anomalies going forward in determining compliance levels for this area.

Importantly, in order to reach substantial compliance in this critical area, APD will not only need to continue to properly address any indications and/or allegations of biased policing, but will need to ensure that the data that it is collecting for quantitative analysis is complete and clean.

In RP9, the Monitor will be examining data collection compliance relative to both enforcement and non-enforcement encounters.

PREVIOUS FINDINGS OF SUBSTANTIAL COMPLIANCE

In prior reporting periods, Mandates 8, 9, 10, 11, 12, 13, 14 and 15 were found in substantial compliance.

THIS REPORTING PERIOD'S ASSESSMENTS OF INDIVIDUAL MANDATES IN THIS SECTION

During the current reporting period, the Monitor assessed the status of 9 of the 11 mandates in this section of the CD. Five of these mandates are now in substantial compliance, one is now on the right track at 75-99% complete, and three of these mandates remain unchanged on the right track at 50-74% complete. The Monitor's detailed assessments of these mandates follow.

ASSESSMENT OF MANDATE 6 – ADDRESSING RACIAL BIAS IN POLICING – OBJECTIVES - METRICS

Current Status:  - 50-74% Complete. In line with Monitor's expectations.

The CD and compliance definition for Mandate 6, as agreed to in the MADC, require the City to change in measurable ways, how APD engages with all members of the community, including by reducing any racial disparities in how APD engages, arrests, and uses force in the community. This requires APD to develop and implement policies and processes to collect data designed to measure the level of change, if any, in the metrics and measurements selected by the subject matter expert. APD's metrics need to confirm that APD changed in a positive manner, how it engages with all members of the community. Further, APD needs to develop systems and processes to assist in the reduction of racial/ethnic disparities that may be determined to be indicative or symptomatic of biased policing and the City needs to measure whether these systems and processes have actually assisted in reducing racial disparities determined to be indicative or symptomatic of biased policing.

Mandate 6 was assessed during the previous reporting period and the Monitor found it to be on the right track at 50-74% complete as APD needed to establish its approach to analyzing any racial disparities in its policing within the community, including stops, arrests and uses of force, and APD needed to analyze its CDC data and other data, to identify and then address issues, patterns, and trends before APD could achieve substantial compliance with this mandate.

In RP8, the Monitor and APD established the following phased approach to achieving compliance with this mandate:

- Confirm that APD has the ability to extract and review race/ethnicity data for all types of community engagement (crawl).
- Determine how it will conduct trend analysis to determine what types of disparities could be indicative of bias policing (walk).
- Automate the process of obtaining and analyzing data on a real-time basis in order to identify and then address issues, patterns and trends and otherwise measure improvement (run).

As reported in the previous reporting period, APD developed the ability to extract and review race/ethnicity data for stops, arrests and uses of force for its RISKS meetings and for its supervisors and command staff. In RP8, neither APD nor the Monitor identified any instances relating to abnormal racial disparities in APD's enforcement activities.

As part of the Monitor's assessment for this reporting period, the Monitor considered that APD's Business Intelligence Analyst was able to provide a preliminary demonstration of APD's ability to analyze and review its race-related data via a dashboard;⁴⁹ however, APD is continuing to refine this tool and has not yet provided a demonstration of its functionality to the Monitor. Further, while manual review of APD's data does not appear to indicate biased policing, the parties have not yet agreed on the approach for analysis of data to assess the extent to which any biased policing may have occurred, or whether current metrics compared to prior metrics demonstrate positive changes in APD's interactions with its community.⁵⁰

In light of the above, the Monitor believes this mandate continues to be on the right track at 50-74% complete. In order to achieve substantial compliance with this mandate, APD will need to establish the approach relating to the analysis of any racial disparities in its policing within the community, including stops, arrests and uses of force, and APD will need to analyze its CDC data and other data, to compare current and prior metrics in order to identify trends, and then address any issues, patterns, and trends.

⁴⁹ Despite being beyond the end of the current reporting period for RP8, because of the importance and availability of this information, the Monitor chose to include this in its evaluation of Mandate 6 for the current reporting period.

⁵⁰ The Monitor understands that the City has had conversations with relevant experts to address the analyses required. The Monitor will work with the parties to arrive at an appropriate approach.

ASSESSMENT OF MANDATE 7 - ADDRESSING RACIAL BIAS IN POLICING – OBJECTIVES - TRANSPARENCY

Current Status:  - 50-74% Complete. In line with Monitor's expectations.

The CD and compliance definition for Mandate 7, as agreed to in the MADC, require the City to create full public transparency regarding how APD engages, arrests and uses force in the community, including any racial disparities in these enforcement actions. This requires APD to develop the means to capture relevant data in accordance with applicable state law, to develop, finalize, disseminate and implement appropriate policies, to periodically post relevant information on a public-facing website (regarding how APD engages, arrests and uses force in the community, including any racial disparities in these enforcement actions), and to implement an internal review process to ensure continued compliance.

Mandate 7 was assessed during the previous reporting period and the Monitor found it was on the right track at 50-74% complete as APD's Transparency Portal did not yet address racial disparities in stops, arrests and uses of force,⁵¹ and APD had not yet implemented an internal review process to ensure continued compliance. During RP8, APD did not make progress with Phase 2 of its Transparency Portal due to capacity issues within APD and the City of Aurora. Instead, APD is evaluating the path forward with its Transparency Portal and plans to develop an interim alternative approach to displaying the remaining data required for compliance with this mandate, namely data relating to stops, as well as racial disparities in stops, arrests and UOF.

In RP8, APD's Internal Investigations Bureau produced an internal memorandum summarizing the results of its 2023 Annual Bias-Based Policing Complaint Review into all 2023 complaints alleging bias-based policing, all of which were unsubstantiated. APD's 2024 Annual Bias Policing Complaint Review is expected to be completed in RP9.

In the meantime, in RP8, APD actively used existing data from its Transparency Portal as part of its AuroraStats meetings in an effort to fight crime with data, which included review of the reliability of such data by APD's Crime Analysts and Data and Research Analytics Supervisor.

⁵¹ While APD's Transparency Portal includes graphics showing subject and officer race/ethnicity for UOFs, such graphic representations of UOF race/ethnicity, although accessible to the public, do not, in themselves, provide transparency regarding racial disparities therein. They instead offer the public and APD leadership a snapshot of the extent of UOFs and demographic groups involved. Racial disparities could be analyzed and presented in a number of ways, for instance, by comparing race/ethnicity of UOF subjects to the race/ethnicity of the neighborhood, crime rates and levels of resistance, by considering officer deployment, by comparing daytime vs. night-time differences, and/or by considering patterns compared to prior periods. The Monitor notes that racial disparities, if evident, do not necessarily indicate bias and that determining causation for any disparities requires further in-depth review.

Further, APD enhanced its efforts to be more transparent with the community through:

- Increased engagement with the CAC to communicate department strategies and initiatives, and to answer questions and concerns.
- Engagement by Chief Chamberlain in well over 100 press conferences, interviews and community events on a wide array of topics.
- Engagement via social media and video publications illustrating critical incident overviews, community events, BWC views of arrests and incidents of interest to the public.
- APD's YouTube channel which contains entire recordings from several of Chief Chamberlain's press conferences.

While APD now has a process to confirm the reliability of the data being published on its Transparency Portal, and the extent of communications and engagement by APD demonstrates APD's commitment to increased public transparency, APD does not meet the requirement for data-driven transparency relating to stops and arrests, nor relating to racial disparities in stops, arrests and uses of force. Accordingly, the Monitor believes that APD remains on the right track at 50-74% complete. In order to achieve substantial compliance with this Mandate, APD needs to provide racial data to the public relating to stops and arrests, and also needs to provide transparency regarding racial disparities in stops, arrests and uses of force.

ASSESSMENT OF MANDATE 8 - ADDRESSING RACIAL BIAS IN POLICING – OBJECTIVES – POLICIES AND TRAINING

Current Status:  - Substantial Compliance

The CD and compliance definition for Mandate 8, as agreed to in the MADDC, require APD to improve its policies and training on officer stops, arrests, and UOF to give officers concrete guidance on how best to make critical decisions and exercise discretion while interacting with members of the community, including by acknowledging the role that bias can play in enforcement decisions by officers and by providing strategies to combat bias.

This mandate was assessed during the previous reporting period and the Monitor found APD had achieved substantial compliance as it had completed the delivery of its bias training to all of its available in-service sworn personnel which the Monitor confirmed through an examination of APD's training records compared to its sworn personnel roster.

During the current reporting period, APD updated several Directives relevant to stops, arrests and UOF, including DM 05.03 “Less-Lethal Devices, Techniques, and Weapons”⁵² which provides guidelines to follow when making decisions about techniques to gain control rather than the use of a firearm; DM 06.01 “Arrest Procedure” and DM 06.03 “Custodial Arrest Determination”,⁵³ which provide guidance regarding when to issue a summons, factors to determine custodial arrests for lesser offenses, definition of a lesser offense and documentation of considerations given; and DM 06.08 “Foreign Nationals, Diplomats and Colorado State Officials”,⁵⁴ which gives a timely reminder and direction to officers regarding their role in working with Federal partners in compliance with state statute, including specific direction that officers are not permitted to request immigration status documentation.⁵⁵

Each of these updated policies provide guidance on how best to make critical decisions and exercise discretion while interacting with members of the community. Each of these policies refers to (or is associated with) DM 08.32 “Bias-Based Policing” (issued in RP5) and/or DM 08.52 “Constitutional Policing” (issued in RP6), which acknowledge the role that bias can play in enforcement actions, and they include strategies to combat bias.⁵⁶ While APD’s approach of referring to DM 08.32 and/or DM 08.52 in the policies issued/updated in RP8 meets the requirements of the CD, it is important that training relating to officer stops, arrests, and UOF, directly acknowledges the role that bias can play in enforcement decisions, with clearly articulated strategies to combat such potential bias.

For RP8, the Monitor did not assess any of APD’s training on stops, arrests, and UOF but will do so when such training is next scheduled, either for in-service personnel or the academy.

Based on the above, the Monitor believes APD continues to be in substantial compliance and will continue to evaluate this mandate in subsequent reporting periods for any new or updated policies or training relating to officer stops, arrests and UOF in order to assess whether such policies or training properly addressed the requirements of this mandate.

⁵² See Appendix C.

⁵³ See Appendices F and G.

⁵⁴ See Appendix H for a copy of DM 06.08.

⁵⁵ Also see Focus Item 9 “APD’s Policy on Undocumented Immigrants Amid Recent Developments”.

⁵⁶ In RP9, APD’s policy team will conduct an audit to ensure that officers can easily access the appropriate and relevant policies.

**ASSESSMENT OF MANDATE 10 - ADDRESSING RACIAL BIAS IN POLICING – POLICY CHANGES
– AMENDMENT OF EXISTING POLICIES – REVISION OF DIRECTIVE 6.01 (ARREST PROCEDURE)**

Current Status: ● - Substantial Compliance

The CD and compliance definition for Mandate 10, as agreed to in the MADC, require APD to review, revise and disseminate Directive 6.01 (Arrest Procedure) to prohibit discrimination based on protected class status and conform to the goals of the CD and applicable state and federal law relating to reducing racial and ethnic disparities that are indicative or symptomatic of biased policing, including by increasing the level of detail in the policy and providing examples of prohibited behavior.

This mandate was assessed during the previous reporting period and the Monitor found it was in substantial compliance because DM 6.01 Arrest Procedure was published and disseminated. Further, the Monitor noted that APD had begun development of a policy on Misdemeanor Arrests/Alternatives to Arrest in order to provide guidance on when *not* to arrest, cite or summons, despite the existence of legal authority to do so.

In RP8, APD finalized and distributed its policy on Misdemeanor Arrests/Alternatives to Arrest entitled DM 06.03 Custodial Arrest Determination.⁵⁷ While not specifically mandated by the CD, DM 06.03 is referenced as an associated policy in APD’s DM 06.01 Arrest Procedure, which requires members to consider the issuance of a citation or summons in lieu of a custodial arrest. DM 06.03 provides guidance regarding the factors to consider to *justify* a custodial arrest when legal authority did not require it. While not directly related to the reduction of racial and ethnic disparities, the issuance of DM 06.03 has the potential to reduce any disparities that may have existed relative to custodial v non-custodial arrests.

APD’s training on DM 06.01 and DM 06.03 is expected to enhance APD’s efforts to reduce discrimination based on protected class status. APD advised that all new recruits will be instructed on such policies for which they are required to certify they understand such policies via signature. Moreover, APD is considering other areas of academy curriculum to incorporate and reinforce such policies.

In light of APD’s efforts to further enhance its arrest-related policies and procedures, the Monitor continues to find this mandate in substantial compliance. The Monitor will continue to evaluate this mandate in subsequent reporting periods in order to assess continued compliance.

⁵⁷ See Appendix G for a copy of DM 06.03.

ASSESSMENT OF MANDATE 12 - ADDRESSING RACIAL BIAS IN POLICING – TRAINING - ACADEMY TRAINING (DEVELOPMENT)

Current Status: ● - Substantial Compliance

The CD and compliance definition for Mandate 12, as agreed to in the MADC, require APD to develop comprehensive academy training that is consistent with APD’s revised policies and incorporates scenario-based training on bias; deliberate decision-making, including avoiding unnecessary escalation and teaching officers what they should do rather than what they can do; recordkeeping requirements relevant to potential bias; and specific articulation of the basis for encounters, including stops and UOF.

This mandate was assessed during the previous reporting period, and the Monitor found it was in substantial compliance as APD opted to use its in-service bias training curriculum, which the Monitor found to be in substantial compliance, to also serve as its academy training. The Monitor agreed with this approach as it ensured consistency of messaging regarding how to manage bias for all APD officers.

During the current reporting period, the Monitor inquired as to the status of the academy training and was informed that no changes were made to the curriculum; however, APD is continuing to assess the effectiveness of these trainings and considering other opportunities to reaffirm deliberate decision-making and bias avoidance. As a result, the Monitor continues to find this mandate in substantial compliance. Going forward, the Monitor will evaluate this mandate if changes are made to the existing content, or if new curriculum is developed that incorporates content regarding how to manage bias in stops, arrests or UOFs.

ASSESSMENT OF MANDATE 13 - ADDRESSING RACIAL BIAS IN POLICING - TRAINING -ACADEMY TRAINING (DELIVERY)

Current Status: ● - Substantial Compliance

The CD and compliance definition for Mandate 13, as agreed to in the MADC, require APD to deliver comprehensive academy training to all appropriate academy recruits/attendees on bias; deliberate decision-making, including avoiding unnecessary escalation and teaching officers what they should do rather than what they can do; recordkeeping requirements relevant to potential bias; and specific articulation of the basis for encounters, including stops and UOF.

This mandate was assessed during the previous reporting period, and the Monitor found this mandate in substantial compliance as APD opted to use its in-service bias training curriculum, which the Monitor had found to be in substantial compliance, to also serve as its academy

training. The Monitor’s finding of substantial compliance was also based on other requirements of this mandate for training on deliberate decision making, recordkeeping requirements, and specific articulation of the basis for encounters, including stops and UOF.

During the current reporting period, further to the Monitor’s assessment for Mandate 12 above, APD began delivering its bias training to recruits beginning on October 9, 2024. The Monitor will observe and assess this training in the next reporting period. Based on the aforementioned, the Monitor finds this mandate continues to be in substantial compliance, pending the Monitor’s upcoming assessment regarding the delivery of this training.

ASSESSMENT OF MANDATE 14 - ADDRESSING RACIAL BIAS IN POLICING – TRAINING - IN-SERVICE TRAINING (DEVELOPMENT)

Current Status:  - Substantial Compliance

The CD and compliance definition for Mandate 14, as agreed to in the MADDC, require APD to develop comprehensive in-service training to police personnel, that is consistent with APD’s revised policies and incorporates scenario-based training on bias; deliberate decision-making, including avoiding unnecessary escalation and teaching officers what they should do rather than what they can do; recordkeeping requirements; and specific articulation of the basis for encounters, including stops and UOF.

This development of in-service refresher training was assessed during the previous reporting period, and the Monitor found it was in substantial compliance as the content met the requirements of the CD, including the inclusion of scenario-based training.

During the current reporting period, APD did not develop any additional bias-related training content. Although no new training was developed, the Monitor continues to find this mandate in substantial compliance because the existing training met the requirements of this mandate as assessed in RP7. Going forward, the Monitor will evaluate this mandate if changes are made to the existing content, or if updates are made to APD’s annual refresher training relating to Managing Bias.

ASSESSMENT OF MANDATE 15 - ADDRESSING RACIAL BIAS IN POLICING - TRAINING -IN-SERVICE TRAINING (DELIVERY)

Current Status:  - 75-99% Complete. In line with Monitor’s expectations.

The CD and compliance definition for Mandate 15, as agreed to in the MADDC, require APD to deliver comprehensive training to all in-service police personnel on bias; deliberate decision-making, including avoiding unnecessary escalation and teaching officers what they should do

rather than what they can do; recordkeeping requirements relevant to potential bias; and specific articulation of the basis for encounters, including stops and UOF.

This mandate was assessed during the previous reporting period, and the Monitor found it was in substantial compliance as APD had completed the delivery of its bias training to all in-service sworn members, and began delivering its annual refresher Managing Bias training. The APD also commenced delivery of its in-person scenario-based Proactive Policing presentation, which was supplemental to the requirements of the CD.

During the current reporting period, in early October 2024, members of the Monitor’s team along with members of the AG’s Office, and the Chair of the Community Advisory Council (CAC), attended a training session of APD’s annual refresher Managing Bias training curriculum being delivered to in-service members.⁵⁸ While the content was more than adequate and contained well thought-out scenarios, as described above in the Monitor’s assessment of Mandate 4A, the guest attendees from the Monitor’s team, AG, and/or CAC observed areas where the delivery and student participation needed improvement in both sessions observed. Specifically, the CAC Chair observed that an academy instructor was reading directly from the slides. This indicated a lack of familiarity with the materials or topic, which was reflected in lackluster student participation. In addition, the CAC Chair and AG’s team observed that the instructor did not address instances in which students were laughing at inappropriate times. Partly because of their collective feedback, the Monitor attended another session to assess whether any improvements had been made, however the instructor of that session seemed hurried and again did not engage with the students and encourage active participation. The Monitor understands that imperfections are expected when instructors are delivering new training content and is certain that training delivery will continue to be improved over time.

As a result of the issues identified above with respect to the substandard delivery of APD’s most recent Managing Bias training, the Monitor finds this mandate remains on the right track but is now at 75-99% complete rather than being in substantial compliance. The Monitor will observe APD’s next annual refresher Managing Bias training in order to assess APD’s delivery of such training and will also assess the extent to which APD’s in-service personnel have received such annual refresher training on this topic.

⁵⁸ As noted above, the Chair of the CAC also attended an earlier session of APD’s Managing Bias training.

ASSESSMENT OF MANDATE 16 - ADDRESSING RACIAL BIAS IN POLICING – GOALS AND MEASUREMENT

Current Status:  - 50-74% Complete. In line with Monitor's expectations.

The CD and compliance definition for Mandate 16, as agreed to in the MADC, require APD to develop metrics in consultation with the Monitor and outside experts to measure improvements relative to the training required by Mandates 12-15, in recordkeeping on police interactions required by Mandate 36, and in the documentation and tracking of the number and type of use-of-force incidents required by Mandate 32, including misdemeanor arrest outcomes, and use-of-force incidents involving arrests and summons issued for particular offenses including Failure to Obey a Lawful Order, Resisting Arrest and Criminal Trespass; to develop, finalize and disseminate appropriate policies to adequately address metric data collection and measurement of improvements; and to implement sufficient internal review and accountability processes designed to ensure continued compliance.

Specifically, in order to comply with the CD, for each of the following areas, this mandate requires APD to develop and implement metrics and measurements to measure performance against KPIs and other benchmarks, and requires APD to develop, finalize and disseminate appropriate policies to adequately address metric data collection and measurement of improvements:

- a) Relating to training (required by Mandates 12-15) on bias, deliberate decision making, recordkeeping and specific articulation of the basis for encounters, including stops and uses of force.
- b) Relating to recordkeeping on stops (required by Mandate 36): data is free from under-reporting or misreporting of stops; and quantitative analysis utilizing agreed-upon benchmarks has been performed to determine whether, from CDC reporting, there is any indication of biased policing.
- c) Relating to UOFs, including for misdemeanor arrests and summons (required by Mandates 32 and 36): quantitative analysis utilizing agreed-upon benchmarks has been performed to determine whether, from UOF reporting and misdemeanor arrest and summons reporting, there is any indication of biased policing.
- d) Relating to community and officer complaints (required by Mandate 32): quantitative analysis utilizing agreed-upon benchmarks has been performed to determine whether there is a decreased number and severity of sustained complaints, and whether there is any indication of biased policing.

e) Relating to interactions which result in misdemeanor arrests for particular offenses including Failure to Obey a Lawful Order, Resisting Arrest and Criminal Trespass (required by Mandate 36); quantitative analysis utilizing agreed-upon benchmarks has been performed to determine whether, from reporting on misdemeanor arrests, there is any indication of biased policing.

In addition to the above metrics and analysis development, APD also needs to implement an internal review and accountability process to ensure continued compliance.

This mandate was assessed during the previous reporting period and the Monitor found it was on the right track at 50-74% complete as APD had developed reporting on CDCs, Uses of Force and Misdemeanor Arrests (relative to the above requirements for items b, c and e), but had not yet developed metrics and measurements to assess performance against KPIs. In addition, APD had not yet developed and implemented metrics to measure performance improvements relating to training (item a), and community and officer complaints (item d). Further, APD had not yet developed policies to address metric data collection and measurement of improvements, and APD did not have an internal review and accountability process.

During the current reporting period, with respect to the requirements of item a) above, APD has not performed student evaluations or other forms of testing to measure improvements relative to the training in Mandates 12-15 on bias, decision-making, avoiding unnecessary escalation, doing what should be done, recordkeeping and articulating the basis for encounters.⁵⁹

With respect to the requirements of b) above, APD took a macro level approach to looking at critical areas of operational functions (traffic and patrol) in its RISKS meetings and has not found or identified any concerns related to stops, citations, arrests, registration violations or UOFs.

With respect to the requirements of item c) above, APD began conducting Vehicle Pursuit and UOF Adjudications assessments formally within its Quality Assurance Unit. As data is collected, KPI and statistical metrics will be established through APD's Business Intelligence Unit. At the end of RP8, Standard Operating Procedures (SOPs) and Directives relating to such assessments were in final review. In RP8, APD and the Monitor found that the method being employed for quantitative reviews of misdemeanor arrests was not providing actionable information, and agreed that such reviews were no longer required. The Monitor will work with APD to develop a

⁵⁹ APD informed the Monitor that it conducts student evaluations for all entry level academy classes, and that APD conducted an overall student evaluation and satisfaction survey for all APD training during RP8. This was a general survey addressing process and training recommendations for improvement, rather than testing to evaluate student comprehension and measure improvements arising from APD's training on the specific topics required by the CD.

methodology for qualitative review of certain misdemeanor cases that may implicate fourth amendment issues.

With respect to the requirements of item d) above, no sustained complaints of race-based policing have been found.

With respect to the requirements of item e) above, quantitative analysis relating to misdemeanor arrests has not been performed, and APD's Operational RISKS meetings no longer include a review of such arrests as was previously performed in RP7.

In collaboration with the Monitor, by the end of RP8, APD began putting the mechanisms in place to commence looking at individualized and localized data at a micro level to assess whether there are any bias-related concerns in the data.

Based on the above, some developments are being made, so the Monitor believes this mandate remains on the right track at 50-74% complete. The Monitor will evaluate progress on all five elements of this mandate in the next reporting period. Unless further progress is made in the next reporting period, the Monitor will downgrade its assessment for RP9. In order to be in substantial compliance, APD needs to develop and implement each of the metrics noted above, as well as policies, procedures and an internal review and accountability process related thereto.

USE OF FORCE (MANDATES 17-32)

INTRODUCTION

Unnecessary and excessive uses of force—and uses of force that are perceived to be unnecessary or excessive by community observers—comprise perhaps the single greatest source of police-involved controversies. High-profile UOF incidents have, in every decade in recent history, stirred protest, condemnation, and reflection within aggrieved communities and the ranks of sworn members of police services alike.

Police departments have often defended their UOF practices as conforming to all constitutional minimum standards, including the requirement that all uses of force be proportionate to any threat faced by officers. However, departments face increasing pressure to enact policies and protocols that would reserve uses of force as secondary measures of resort even when force would otherwise be legally permissible.

The conversations surrounding uses of force and the controversies they have instigated have prompted a revisitation of the UOF policies for virtually every police department. An ideal set of policies would minimize unnecessary uses of force while maximizing the safety of police officers,

those with whom they interact, and bystanders who may be caught in between. However, the development of such policies would, alone, be insufficient. Police departments must also commit to a robust and recurring training regimen that equips officers with specific skills, honed through scenario-based instruction, that allow them to achieve the goals of departmental policies in real world practice. Implementing these changes remains a primary objective for any modern police department.

HISTORY & BASIS FOR CONSENT DECREE MANDATES

APD's Directive Manual contains sections that articulate APD's policies on the use of physical and deadly force; the use of less lethal devices, weapons, and techniques; the authorized use of a firearm; and an officer's duty to intervene when they witness conduct by another officer that violates applicable UOF requirements, among other force-related policies. Despite APD's collective UOF policies, significant deficiencies were identified in reviews conducted by the Colorado Attorney General's Office.

In its September 15, 2021 report, the Attorney General's Office found that APD had a pattern and practice of using force excessively. The report critiqued what it characterized as APD's practice of using force whenever force could be legally justified—even if only under the outer limits of available legal justifications—rather than limiting the UOF for when force was necessary. It further found that force was disproportionately used against persons experiencing mental health crises and persons of color, with force frequently justified as a response to a person's failure to obey a lawful order. The Attorney General's report faulted APD's policies and culture for encouraging officers to default to the use of the maximally permitted level of force rather than non-force alternatives for gaining compliance from uncooperative subjects. The report noted that inadequate documentation by officers of uses of force inhibited efforts to fully evaluate APD's UOF practices, but that available data and evidence suggested troubling trends. To remedy the adverse findings in the Attorney General's report, the CD prescribes specific mandates, including a revision of existing force-related policies, the creation of new policies pertaining to coordination between APD and AFR, modifications to the Force Review Board, implementation of new UOF training, and the development of metrics to measure improvements relating to training, UOF incidents and complaints.

CONSENT DECREE'S OBJECTIVES

The CD seeks to create a culture of continuous improvement within APD that prioritizes de-escalation, when possible, in accordance with Colorado law and does not compromise officer safety when force must be used. It further seeks to create a culture of collaboration between APD and AFR that is coordinated and emphasizes public safety, and the development of

accountability measures that consistently identify excessive UOF, situations where force should not have been used even if it was legal, and recurring training and tactical issues related to UOF.

OPERATIONAL INTEGRITY ASSESSMENTS RE: USE OF FORCE

Current Status:  Right track: 75-99% aligned with operational integrity criteria.

The Monitor uses the following operational integrity criteria to assess APD's implementation of the requirements of the CD relating to "Use of Force":

1. Were UOFs at all levels (Tiers 1, 2 and 3) within policy, including not only the UOF, but with respect to related issues of de-escalation, intervention, relief and medical attention protocols for any given incident?
2. Was there a timely review of each UOF by a supervisor?
3. Were the issues relative to each incident properly identified, including not only the force issues noted in item 1 above, but collateral issues involving lawful presence, body-worn camera compliance, professionalism, tactics, equipment, pre-incident planning, communications with the subject, documentation, and supervisor performance?
4. To the extent that issues have been identified, have those issues been handled in a timely and appropriate manner through coaching, mentoring, training, and, when necessary, discipline?
5. Were there any issues with the operation of the FRB?
6. Were there any issues relative to a lack of coordination between APD and AFR?

In the previous reporting period, the Monitor found that APD was on the right track at 50-74% aligned with the above operational integrity criteria because all issues with respect to Tier 1, 2 and 3 UOFs had been or were being appropriately remediated, and because discussion regarding alternatives to UOF was being incorporated into FRB discussions; however, there was a growing backlog of cases for review by the FRB.

In all, there were 294 UOFs during the current reporting period, comprising 234 Tier 1s, 44 Tier 2As, 3 Tier 2Bs⁶⁰ and 3 Tier 3s. The Monitor continued its review of all Tier 1 UOFs and discussing those reviews with Command Staff at APD's RISKS meetings. In addition, in RP8 and in conjunction with APD's plan to reduce the backlog of cases for FRB review, the Monitor began assessing UOF cases denoted as Tier 2A. These cases are those which were previously designated as Tier 2 but without injury, and are now not being reviewed in FRB unless elevated by either the

⁶⁰ See Focus Item 5 for an explanation of the distinction between Tier 2A and Tier 2B UOFs.

Monitor through its review or by command staff. The review being conducted at the command level of these cases are meant to be the same as those conducted by FIU for FRB, with recommendations for continuous improvement of officers being offered at the command level. Training was implemented for Lieutenants and above relative to the proper evaluation of UOF reviews by Sergeants. The methodology that was taught is consistent with the basic philosophy of continuous improvement and correcting small mistakes before they become larger. To date, the Monitor has seen good assessments at the command level and will be reporting on these reviews in upcoming reporting periods. The Monitor notes that the backlog at FRB has, indeed, been significantly reduced, and that meetings have now gone to a bi-weekly cadence, as described in Focus Item 5 “Enhancements to FRB Process & Backlog Reduction”.

With respect to issues identified in UOF assessments, the Monitor found that the issues raised in the continuous improvement process have been appropriately remediated, with supervisors and participants in FRB being appropriately critical.

The Monitor virtually attended the FRB meeting which reviewed the Kilyn Lewis shooting and determined that no policy was violated by the officer involved in the shooting of Mr. Lewis.⁶¹ As a result of that session, Chief Chamberlain undertook a comprehensive review of SWAT which led to significant changes in protocols and operations as described in Focus Item 3 above entitled “SWAT Review & Operational Modifications Following the Kilyn Lewis OIS”.

There have been no issues with respect to coordination between APD and AFR as the two agencies continue to plan for joint training.

In light of the above, in particular the reduction of the backlog of FRB cases, the Monitor finds operational integrity in this area to be on the right track at 75-99% aligned with operational integrity criteria relating to the UOF section of the CD. The Monitor will continue to monitor the operational integrity of this section for future reporting periods.

PREVIOUS FINDINGS OF SUBSTANTIAL COMPLIANCE

During previous reporting periods, the Monitor found Mandates 20A, 20B, 21, 22, 23, 24, 26, 29 and 30 in substantial compliance.

THIS REPORTING PERIOD’S ASSESSMENTS OF INDIVIDUAL MANDATES IN THIS SECTION

During the current reporting period, the Monitor assessed the status of 12 of the seventeen mandates in this section of the CD. Eleven of these mandates related to APD and one related

⁶¹ See Focus Item 2 “Outcomes from May 23, 2024 Kilyn Lewis OIS”.

jointly to APD and AFR. Four of APD’s mandates achieved substantial compliance this reporting period, and the remaining 7 APD mandates are on the right track. The one remaining mandate for APD and AFR jointly was also found to be on the right track. The Monitor’s detailed assessments of these mandates follow.

ASSESSMENT OF MANDATE 17 - USE OF FORCE – OBJECTIVES – POLICIES & TRAINING

Current Status:  - 75-99% Complete. In line with Monitor’s expectations.

The CD and compliance definition for Mandate 17, as agreed to in the MADC, require APD’s new or revised policies and trainings relevant to UOF as required by Mandates 18 to 32 to better equip officers to handle challenging situations in ways that: reduce the need to use force when possible and adequately explains and emphasizes de-escalation; ensure that when force is used, it is in compliance with state and federal law and promotes the concept of least amount of force used even if more force is legally justified; protect officer and community safety; and build a culture of continuous improvement through incident review, critique, feedback and the implementation of remedial or revised training techniques when needed.

This mandate was assessed during the previous reporting period and the Monitor found that it was on the right track at 75-99% complete because APD had revised its Vehicle Pursuit Policy and provided training thereon to all active duty sworn personnel, and APD had developed a workaround solution to track the adjudication and remediation of UOF incidents.

During the current reporting period, APD again revised its Police Vehicle Pursuits Policy so as to broaden the types of incidents that are permitted to be used as a predicate to a pursuit.⁶² This decision is in the discretion of APD, presumably in consultation with City Management. Training with respect to the newly revised policy is being developed and the Monitor recommended that dash cameras be considered for adoption so as to allow for better assessments of these pursuits, which will now occur with greater frequency. The final version of this policy is included as Appendix B hereto.⁶³

In addition, during RP8, a decision was made to abandon APD’s previous systems (AIM and Benchmark) and APD undertook efforts to bolster those systems through a variety of temporary workarounds. APD will be moving to a new Axon system, as described in Focus Item 11 entitled

⁶² See Focus Item 8 entitled “Vehicle Pursuit Policy Revisions – Balancing Risk & Responsibility” for further details.

⁶³ This policy, DM 04.15 entitled “Police Vehicle Pursuits”, was given final approval March 5, 2025, after training on this Policy was completed in RP7. Although the date of approval is beyond the current reporting period, the Monitor has included this policy as the majority of the work associated with finalizing this policy was completed in the current reporting period.

“Data Systems”, which is expected to integrate a number of functions that APD expects will meet their needs. The Monitor has reviewed the presentation by Axon of its system and is cautiously optimistic that APD’s needs will, in fact, be met.

In light of the foregoing, the Monitor believes this mandate continues to be on the right track at 75-99% complete, and the Monitor will continue to assess APD’s implementation of its UOF tracking, adjudication and remediations process in future reporting periods. APD will be able to achieve substantial compliance with this mandate when APD achieves substantial compliance with Mandates 18, 19, 25, 27, 28, and 32, and when APD’s new UOF adjudication and tracking systems/processes have proven themselves in use.

ASSESSMENT OF MANDATE 18 - USE OF FORCE – OBJECTIVES – CULTURE OF DE-ESCALATION

Current Status:  - 50-74% Complete. In line with Monitor’s expectations.

The CD and compliance definition for Mandate 18, as agreed to in the MADC, require APD to create a culture of enforcement that prioritizes de-escalation, when possible, in accordance with Colorado law, but does not compromise officer safety when force must be used. This requires that APD’s policies, training, and accountability measures prioritize de-escalation whenever possible; that UOF incidents indicate that officers have de-escalated when possible, without compromising officer safety; and that when UOF incidents reveal that de-escalation techniques could have been but were not employed, the reviewing entity identifies, documents, and formally communicates those issues back to the appropriate command staff, training staff, and the involved officer(s).

This mandate was assessed during the previous reporting period and the Monitor found it was on the right track at 50-74% complete. A finding of more substantial compliance was withheld because of the backlog in the timely review and adjudication of UOF incidents by APD’s FRB.

As noted in the Monitor’s RP7 report, during RP6, the Monitor identified an issue relative to the tracking of required actions for coaching, mentoring and training resulting from the presentation of cases to the FRB. In RP7, APD was unable to provide materials for the Monitor to fully assess the issue. The Monitor has since reviewed the issue and the workaround that APD introduced as a tracking mechanism, which was far from perfect. In RP8, as described earlier in this report, the City decided to abandon both Benchmark and AIM in favor of an Axon system, which APD expects will make the tracking of remediation easier.

With respect to the FRB backlog, the issue has been resolved through a bifurcation of Tier 2 UOF cases, between those involving injury and those in which there was no injury. These tiers have been denoted as Tier 2A (no injury) and Tier 2B (injury). As described in Focus Item 5

“Enhancements to FRB Process & Backlog Reduction”, Tier 2B cases will continue to be investigated by FIU and be presented at the FRB. Tier 2A cases will be initially reviewed at the command level, but with the same review protocol as that followed by FIU. Moreover, the Monitor will be reviewing all Tier 2A cases as well, as an extension to the Monitor’s operational reviews. To date, the quality of command level reviews has been generally commendable. In addition, as of the end of RP8, the backlog of cases was reduced to 15 cases. As a result, the turnaround time has improved to 60 days, and FRB meetings are now held every other week rather than weekly. The Monitor will continue to monitor the backlog, with the hope that the time from incident-to-review will be reduced even further.

In conjunction with the changes to the review process of Tier 2 cases, APD also operationalized its UOF Adjudication form during RP8, which included tracking of action items and remediation from FRB and chain of command reviews. This form and process requires supervisors to report and adjudicate each UOF with specific consideration for de-escalation and other components of a true 360-degree review. This requirement attempts to ensure that supervisors are continuing to evaluate and reinforce the culture of de-escalation as required by Mandate 18.

For the reasons stated above, the Monitor considers this mandate remains on the right track, at 50-74% complete. To achieve substantial compliance, APD will need to: 1) demonstrate its ability to collect and audit documentation of deliberations and action items from FRB and command level review on a timely basis; 2) continue to demonstrate that appropriate de-escalation is occurring, or if not, that appropriate follow-up is consistently occurring in all UOF incidents; and 3) continue the reduction in incident-to-review time in all Tier 2B cases with all such cases forwarded for adjudication by the FRB within 21 days, and adjudicated by the FRB in less than 60 days after occurrence; and 4) continue with timely, quality adjudications of Tier 1 and Tier 2A cases at the command level within 21 days.⁶⁴ A full evaluation of each of these areas will be conducted for RP9.

ASSESSMENT OF MANDATE 19 - USE OF FORCE – OBJECTIVES – ACCOUNTABILITY MEASURES

Current Status:  - 75-99% Complete. In line with Monitor’s expectations.

The CD and compliance definition for Mandate 19, as agreed to in the MADDC, require APD to develop and/or improve its accountability mechanisms (e.g., supervisory/command level UOF

⁶⁴ DM 05.08 entitled “Use of Force Adjudications”, issued in RP8, requires supervisors to provide a summary of their findings, commendations or remediations for Tier 2B UOFs to the FIU within 21 days for adjudication by the FRB; and requires supervisors to complete the adjudication process for Tier 1 and Tier 2A UOFs within 21 calendar days. See Appendix E.

reviews, FRB UOF reviews, adjudicated complaints of excessive or inappropriate force used, disciplinary outcomes, and the early intervention system and processes) to consistently identify excessive uses of force, situations where force should not have been used even if it was legal, and recurring training and tactical issues related to UOF. APD's accountability mechanisms must also be formalized/documentated within finalized, disseminated and implemented policies and training/orientation for all appropriate staff. Further, APD must initiate appropriate remediation measures when necessary.

This mandate was assessed during the previous reporting period and the Monitor found APD was on the right track at 50-74% complete primarily because APD did not yet have a comprehensive and fully matured early warning system; and because APD's Chapter 10 on internal investigations and the disciplinary process were not yet finalized, but both of these issues were in progress and moving in the right direction.

During the current reporting period, APD still did not yet have a comprehensive and fully matured early warning system; however, progress was made with respect to this issue in a number of ways.

In RP8, APD operationalized an updated UOF adjudication and remediation tracking process as described earlier in this report, and issued DM 05.08 entitled "Use of Force Adjudication".⁶⁵ These are important developments relevant to Mandate 19, which requires improvements to APD's accountability mechanisms.

In addition, progress was made relative to APD's Early Intervention System with APD's selection of Axon as its vendor to replace its current systems as described in Focus Item 11 "Data Systems".

Further, APD submitted DM 10.02 on internal investigations for final approval on March 13, 2025 as described in Focus Item 4.⁶⁶ This directive provides comprehensive guidance to sworn members of APD and the community regarding APD's investigation and adjudication process relative to disciplinary matters, as well as the use of coaching, mentoring and re-training to correct identified deficiencies as quickly as possible alongside a simultaneous disciplinary track. Implementation of this policy with training for appropriate staff is expected to be developed and delivered starting in RP9, which the Monitor expects to review at that time.

In light of the above developments, the Monitor believes that progress has been made and that this mandate is now on the right track at 75-99% complete, and will continue to monitor compliance with this mandate in future reporting periods. In order to achieve substantial

⁶⁵ See Appendix E.

⁶⁶ See Appendix J, DM 10.02 entitled "Complaint and Discipline Procedures for Sworn Members".

compliance with this mandate, APD needs to have comprehensive, fully-operationalized and formalized accountability mechanisms that have been implemented and are being consistently used to hold officers accountable; an appropriate and comprehensive early warning system⁶⁷ that is being used in conjunction with qualitative reviews to identify and address potential at-risk officers; and comprehensive and reliable remediation tracking. In addition, APD needs to finalize, disseminate and implement policies and training on such accountability mechanisms/systems. While the finalization of DM 10.02 is one of these elements, more is required.

ASSESSMENT OF MANDATE 20A - USE OF FORCE - OBJECTIVES - APD'S CULTURE OF COORDINATION AND COLLABORATION WITH AFR

Current Status:  - Substantial Compliance

The CD and compliance definition for Mandate 20A, as agreed to in the MADC, require APD to create a culture of cooperation and collaboration with AFR to develop policies and address issues where both APD and AFR are affected/involved in public safety matters; if training is being conducted, APD is required to ensure a coordinated response with AFR; and APD officers are held accountable for violations of cooperative policies. This requires APD to meet regularly and coordinate with AFR to address mutual issues and trainings; and to have a cooperative joint response with AFR to incidents involving both APR and AFR.

This mandate was assessed during the previous reporting period and the Monitor found it was in substantial compliance.

In RP8, APD and AFR continued to collaborate in numerous ways. Both agencies presented their strategic plans to each other in order to align on goals and activities; they collaboratively developed a Joint UOF "Hands-On" Policy (relating to dealing with persons with mental health crises) and related scenario training that was delivered to APD personnel in March, and is being delivered to AFR personnel in March and June 2025; they co-developed the upcoming Active Shooter Hostile Event Response (ASHER) training; and they continued to share a joint training facility for both Police and Fire recruit and in-service trainings; and executives from APD's and AFR's Operations Divisions continued to participate in joint monthly meetings.

⁶⁷ The Monitor believes that a significant level of qualitative assessments of designated types of incidents is a true early warning or intervention system, identifying even small mistakes before they turn into larger mistakes, and that such a system must serve as the first line defense to substandard performance. Nonetheless, it is important, as a safety net, to have a system that tracks and assesses whether an officer may be a potential risk based on an aggregation of specific types of incidents or circumstances. Today, APD is utilizing a combination of AIM and Benchmark as their Early Intervention safety net, with the goal of moving to a single system in the Axon suite.

APD also secured TEEEX (Texas A&M Engineering Extension Service) joint incident command training for both APD and AFR supervisors which is scheduled for April and July 2025. This is a 16-hour course that teaches the skills necessary to effectively plan for and manage large-scale complex incidents by applying a multi-disciplinary, command and management team response.

For the reasons stated above, the Monitor believes this mandate remains in substantial compliance and the Monitor will continue to monitor this mandate in future reporting periods.

ASSESSMENT OF MANDATE 20B - USE OF FORCE - OBJECTIVES - AFR'S CULTURE OF COORDINATION AND COLLABORATION WITH APD

Current Status:  - Substantial Compliance

The CD and compliance definition for Mandate 20B, as agreed to in the MADDC, require AFR to create a culture of cooperation and collaboration with APD to develop policies and address issues where both APD and AFR are affected/involved in public safety matters; if training is being conducted, AFR is required to ensure a coordinated response with APD; and AFR firefighters are held accountable for violations of cooperative policies. This requires AFR to meet regularly and coordinate with APD to address mutual issues and trainings; and to have a cooperative joint response with APD to incidents involving both APD and AFR.

This mandate was assessed during the previous reporting period and the Monitor found AFR was in substantial compliance.

As described in the Monitor's assessment of Mandate 20A above, in RP8, AFR continued to cooperate and collaborate with APD, to develop a culture of collaboration in policies, training and accountability. In addition, AFR continued to meet regularly with representatives from APD to develop policies, including the recently completed Joint UOF "Hands-On" Policy (relating to dealing with persons with mental health and other behavioral crises), to schedule the Joint UOF "Hands-On" training and to develop the upcoming ASHER training.

For the reasons stated above, the Monitor believes this mandate remains in substantial compliance and the Monitor will continue to monitor this mandate in future reporting periods.

ASSESSMENT OF MANDATE 24 - USE OF FORCE - FORCE REVIEW BOARD (RECENT CHANGES)

Current Status:  - Substantial Compliance

The CD and compliance definition for Mandate 24, as agreed to in the MADDC, require APD to discuss with the Monitor any proposed changes to FRB's processes including: (i) a standardized

process to review each UOF, (ii) including academy commanders on the FRB to allow for more immediate feedback on training, (iii) including commanders in the FRB discussion of force incidents from that commander's unit, (iv) requiring commanders to follow up on training and tactical issues identified by the FRB with the patrol officers in each district, and (v) adding legal counsel to the FRB.

This mandate was assessed in the previous reporting period and the Monitor found it was in substantial compliance.

During RP8, as described in Focus Item 3 "SWAT Review & Operational Modifications Following the Kylin Lewis OIS", APD undertook significant reforms to improve the efficiency and effectiveness of its FRB process, while continuing to ensure that the most significant UOFs continue to receive high-level investigation and oversight. Each of these developments were discussed with the Monitor prior to their implementation. Notably:

- Tier 2A cases, which involve no or minor injury, are now managed at the district command level, rather than by the FRB.
- After the formal FRB adjudication process is complete, a post-adjudication officer history/performance review is conducted, which involves a review of the officer's disciplinary record, commendations, annual evaluations and performance appraisals so APD can assess broader performance trends and determine whether additional remedial actions are required.
- APD enhanced its tracking and reporting mechanisms to ensure recommendations arising from FRB reviews are being implemented at the officer/supervisor level and systemically at the policy level.

In light of the above, the Monitor believes this mandate remains in substantial compliance and the Monitor will continue to monitor this mandate in future reporting periods.

ASSESSMENT OF MANDATE 25 - USE OF FORCE – CHANGES TO PROCESS (FEEDBACK FOR TRAINING)

Current Status:  - 75-99% Complete. In line with Monitor's expectations.

The CD and compliance definition for Mandate 25, as agreed to in the MADDC, require APD to develop, disseminate and implement its approved and finalized policies related to the FRB processes, specifically the formal process of giving feedback to those in charge of academy and in-service training, District Commanders and AFR, including relating to incidents where no policy violation occurred but practices can be improved.

This mandate was assessed during the previous reporting period and the Monitor found it was on the right track at 75-99% complete as APD had developed a manual process to track adjudications and related tactical remediation at the officer/supervisor level; however, this process was not yet automated, and a process to track systemic improvements had not yet been developed.

In RP8, APD created and operationalized a process to further enhance its remediation tracking process relating to UOF-related incidents. Specifically, APD's use of its adjudication form noted above, is a fully automated process whereby adjudication and remediation are all tracked in one location, serving as a tracking mechanism for Tier 1 and Tier 2A processes. APD also developed and operationalized a tracking mechanism for Tier 2B and Tier 3 events that are part of the FRB process. APD administrative support personnel manually enter FRB findings and recommendations regarding individual officer remediation, training and/or systemic improvements into AIM which then sends automated supervisory intervention notifications to the owners (usually a commander) of the remediation and due dates, including daily reminders if overdue. When the owner marks the remediation as complete, APD administrative support personnel utilize the information in AIM to manually close out the adjudication form maintained in Benchmark, thereby providing clear documentation of the remediation requested and completed. APD also tracks the closure of these cases to ensure compliance. This process enhanced APD's ability to track larger concerns by tying them to APD's personnel system. This remediation tracking was also an emphasis of APD's updated DM 05.08 UOF Adjudications policy and related training.

In light of the above developments, the Monitor considers this mandate remains on the right track at 75-99% complete, and will continue to monitor compliance with this mandate in future reporting periods. In order to achieve substantial compliance with this mandate, APD's UOF adjudication remediation tracking must remain fully operational with automatic notifications, in order to confirm that appropriate and timely remediation and training is being conducted at an individual and systemic level. In addition, APD will need to demonstrate how lessons learned through the evaluation of individual UOF incidents are being utilized in training through the promotion of incidents in which APD officers acted in an exceptional manner, and the utilization of examples of performance which, had alternatives to such performance been employed, a potential better outcome would likely have been achieved. The Monitor will assess this mandate again in RP9.

ASSESSMENT OF MANDATE 27 - USE OF FORCE – CHANGES TO PROCESS (MEASUREMENT OF USES OF FORCE)

Current Status:  - 75-99% Complete. In line with Monitor's expectations.

The CD and compliance definition for Mandate 27, as agreed to in the MADC, require APD to develop, disseminate, and implement appropriate policies, procedures and data collection methods to implement reliable ways to measure the frequency of UOF, compliance with policy, injuries to subjects, the safety of officers, the use of mental health holds to detain persons, and any other relevant measures of improvement; and APD's FRB is required to utilize the above information and detail during its review of force consistent with its policy.

This mandate was assessed during the previous reporting period and the Monitor found it was on the right track at 75-99% complete as APD had implemented a manual workflow to track the completion of recommendations/deliverables arising from FRB adjudications and RISKS meeting outcomes, but APD did not yet have the ability to systematically track all UOF adjudications and recommendations.

During RP8, the Monitor noted that APD continued to collect and report data by district for its RISKS meetings relating to: the frequency of each districts' UOF, the number and tier level of UOFs involving armed subjects and the level of UOF charges, the level of subject resistance and the demographics of the subjects, the extent of subject injuries, the extent and terminating events for vehicle pursuits, and the use of mental health holds to detain persons. APD also revised its process to track adjudication data and demonstrated its ability to show remediation/action item completion dates according to the due dates assigned, as well as UOF metrics for the current period compared to prior periods. However, APD did not collect and report data in its RISKS meetings relating to compliance with UOF policy or the safety of officers; and APD did not compare nor have a reliable automated way to compare the UOF metrics for current periods compared to prior periods.

In light of the foregoing, the Monitor believes this mandate remains on the right track at 75-99% despite the opportunity for significant improvement using automated tracking of completion rates. In order to achieve substantial compliance with this mandate, APD needs to have the ability to systematically track all UOF adjudications and recommendations; in addition, APD needs to collect and report data relating to compliance with UOF policy and officer safety; and APD needs to implement a methodology to compare UOF metrics for current and prior periods. The Monitor will evaluate each of these requirements in upcoming reporting periods, understanding that some of these requirements may hinge on the successful implementation of APD's new data systems.

ASSESSMENT OF MANDATE 28 - USE OF FORCE – COLLABORATION WITH ACADEMY AND OTHER SECTIONS

Current Status:  - 75-99% Complete. In line with Monitor's expectations.

The CD and compliance definition for Mandate 28, as agreed to in the MADC, require APD to develop, disseminate, and implement its FRB and training policies to require: 1) a member of the academy staff to serve on the FRB; 2) the academy member's expertise in training to be used in the evaluation of UOF cases; 3) the academy member's experience on the FRB to be used in the development of training; and 4) BWC footage shown during FRB reviews to be used in recruit and in-service training, including footage depicting successful use of de-escalation, other techniques by APD officers, and incidents where improvement is recommended or needed.

This mandate was assessed during the previous reporting period and the Monitor found that it was on the right track at 75-99% complete as APD had not yet memorialized into policy and procedures the process for including BWC footage in its recruit and in-service training, including footage depicting successful use of de-escalation and incidents where improvement was recommended or needed.

In RP8, APD updated DM 05.08 entitled UOF Adjudication which: 1) requires a member of the academy staff to serve on the FRB; 2) requires all FRB members to receive continuing professional training on training techniques and content coordinated by the training academy, which suggests that the academy member's expertise in training is relevant in the evaluation of UOF cases; and 3) states that a sworn member of any level of the review process may recommend that meeting from a UOF incident be used for training, which goes beyond the CD requirement for the academy member's experience on the FRB to be used in the development of training.

In RP8, BWC was utilized in Command UOF Adjudication training including reviews of prior completed reports. On a localized level, APD commanders utilized BWC from various force reviews to provide briefing, training and feedback. In addition, APD continues to use BWC as part of its Managing Bias Curriculum delivered in both academy and in-service training. APD's use of BWC footage in training demonstrates APD's implementation of the expectations of part 4) of this mandate. In addition, APD's DM 16.04 outlines the approval process required in order to use BWC videos for training purposes in order to ensure that potentially damaging footage of a subject and/or officer is handled appropriately and does not create a negative training situation; however, DM 16.04 does not specifically require BWC video footage shown during FRB reviews to be included in APD's recruit and in-service training, including footage depicting successful use of de-escalation and other techniques used by APD officers, and incidents where improvement is recommended or needed.

For the reasons above, the Monitor believes this mandate remains on the right track at 75-99% complete, with the last element of this mandate remaining to be addressed, namely developing, disseminating and implementing its FRB and training policies to require the use of BWC footage in training. The Monitor will evaluate this element of Mandate 28 in the next reporting period.

ASSESSMENT OF MANDATE 29 - USE OF FORCE TRAINING (SCENARIO-BASED)

Current Status:  - Substantial Compliance

The CD and compliance definition for Mandate 29, as agreed to in the MADC, require APD to develop and deliver scenario-based UOF training to substantially all police personnel who interact with the public by the deadlines in the CD, and to deliver UOF training annually thereafter.

This mandate was assessed during the previous reporting period and the Monitor found that APD was in substantial compliance.

During the current reporting period, APD developed and submitted several trainings to the Monitor related to UOF, all of which included scenario-based training:

- Joint AFR/APD Training as further detailed below under Mandate 31, covered the joint APD/AFR response to persons experiencing a medical or behavioral health crisis. The training included video demonstrations of using different restraint systems and the use of an “M1 hold”, which is a 72-hour temporary involuntary detention for evaluation and treatment of a person who appears to have a mental illness and is an imminent danger to themselves or others, or is gravely disabled. Various examples/scenarios were used throughout the training to help members understand the roles of each organization.
- UOF Adjudication Training covered the changes to the Tier 2A and Tier 2B review process and UOF policy changes and was provided to all command level officers responsible for adjudications. The Monitor observed the training delivered on December 17, 2024, and found it clear, well-structured, relevant, and engaging. The training includes scenario-based training tools such as the use of APD department videos, and walk-throughs of UOF adjudications. The training also covers the role and expectations of APD supervisors when assessing uses of force, including early intervention and documentation.
- KRAV Self Defense Training was delivered as the quarterly UOF training curriculum which teaches various self-defense techniques, including when those actions can be used in response to certain resistance scenarios, and what is reasonable and permissible by law.

While the Monitor found the above training content appropriate and determined that scenarios were used; in the vein of continuous improvement, in order to align with best training practices as discussed in Mandate 4A above, the Monitor recommends that future UOF trainings conclude with student testing to assess comprehension and improved performance of the skills instructed, and that APD incorporate student evaluations of the training content, classroom and instructor for each training session.

In light of the foregoing, the Monitor believes this mandate remains in substantial compliance. The Monitor will continue to assess this mandate in future reporting periods on at least an annual basis.

ASSESSMENT OF MANDATE 31 - USE OF FORCE – TRAINING (JOINT APD & AFR TRAINING)

Current Status:  - 75-99% Complete. In line with Monitor's expectations.

The CD and compliance definition for Mandate 31, as agreed to in the MADDC, require APD to develop and deliver its approved UOF training, which includes joint police and fire on-scene coordination as appropriate, and all appropriate APD and AFR personnel are required to complete the training.

This mandate was assessed during the previous reporting period and the Monitor found that it was on the right track at 75-99% complete because APD had worked on the development of the required joint UOF training with AFR, but the training had not yet been delivered.

During the current reporting period, APD submitted the completed Joint APR/AFR Training which was accomplished by way of a training video covering the joint response to persons experiencing a medical or behavioral health crisis. The established objectives of the training included recognizing the nature of the crisis and stressed the balance in the roles and coordination of both APD and AFR members. The video was developed jointly and included "actors" from both APD and AFR to demonstrate the safe and effective use of different restraint devices and the use of the M1 hold. Various examples/scenarios were used throughout the training to help members understand the roles of each organization.

After the end of the reporting period, APD provided tracking documentation demonstrating that 96.7% of the requisite APD members attended this training as of March 10, 2025. Going forward, APD plans to provide additional in-person scenario-based training to its frontline officers. These additional training sessions will include AFR members who will "talk/walk-through" scenarios and tabletop examples to reinforce the training and provide APD members with the opportunity to ask questions directly to AFR members.

AFR plans to begin distributing the same joint UOF training video to its members in May 2025. APD supervisors will attend AFR's quarterly skills trainings to relay APD perspectives to AFR members, thereby allowing for a two-way exchange of communication.

While APD has demonstrated compliance with this mandate because the joint training was developed, submitted to the Monitor for review, and delivered to APD personnel; substantial compliance will not be achieved until AFR delivers the joint training to all appropriate AFR members. As such, the Monitor continues to believe APD is on the right track at 75-99% complete with respect to this mandate. The Monitor will attend AFR's training in RP9 to assess the delivery of this training.

ASSESSMENT OF MANDATE 32 - USE OF FORCE – GOALS & MEASUREMENT

Current Status:  - 75-99% Complete. In line with Monitor's expectations.

The CD and compliance definition for Mandate 32, as agreed to in the MADC, require APD to develop metrics to measure improvements in: a) participation in ABLE, crisis intervention, and other voluntary trainings; b) the number and type of use-of-force incidents; and c) community and officer complaints.

This mandate was assessed during the previous reporting period and the Monitor found it was on the right track at 75-99% complete because APD was tracking participation in ABLE, crisis intervention and other voluntary trainings, and had made efforts to analyze its UOF and complaint data; however, there were no metrics or analyses to measure UOF or complaint improvements.

During RP8, APD continued to track participation in ABLE training and in crisis intervention training in partnership with Arapahoe County, and continued to track UOF and complaint statistics for its RISKS meetings. In addition, APD introduced comparison statistics for the prior reporting period in its RISKS meetings in order to enable command staff to consider whether there were any trends that warranted further review relating to UOF, pursuits, arrests, summons, traffic citations, complaints, commendations and CDC form completion. APD also presented UOF comparison information regarding the reason for initial contact, the units involved in UOF, whether the subject was armed, the racial demographics of subjects by level of resistance encountered, and the end result of the UOF. For complaints, APD presented information regarding the number of complaints, the source of such complaints, and whether such complaints were sustained, unfounded or pending.

While APD has made progress in tracking and reporting on metrics for most of the areas required by this mandate as described above, APD has not yet developed metrics or analyses to measure

improvements in UOF or complaint statistics, and APD has asked for the Monitor’s assistance in a refinement of the compliance definition for these aspects of Mandate 32.

The Monitor considers that the requirement of Mandate 32 to measure improvements relating to UOFs should involve measuring the number and type of UOFs with areas of concern/policy violations rather than the number and type of all UOFs.

Similarly, the Monitor considers that the requirement of Mandate 32 to measure improvements relating to complaints should involve measuring the number and nature of complaints requiring remediation, regardless of whether such complaints were sustained, rather than the number and type of all complaints.

By measuring improvements in these metrics, APD can evaluate whether its policing practices are progressing, and identify areas that require further attention. A reduction in problematic UOFs or other police encounters as reflected in the data would suggest that the CD is achieving its intended objectives.

Although APD did not specifically measure these types of metrics regarding UOFs, the Monitor notes the improvements in both the efficiency and effectiveness of the FRB as described in Focus Item 3 “SWAT Review & Operational Modifications Following the Kylin Lewis OIS”, and in the ability of command staff to identify and then address issues raised in Tier 1 UOFs. APD has also continued to collaborate with the Monitor in its operational reviews to review and address UOFs with areas of concern. Each of these developments represent improvements to APD’s UOF investigation and remediation processes, thereby sending a message to APD’s sworn personnel that UOF violations are not tolerated.

Similarly, although APD did not specifically measure improvements regarding complaints requiring remediation, APD’s internal affairs investigation processes are being improved as described in Focus Item 4 “Administrative Investigations & Implementation of DM 10.02”, and APD’s RISKS reviews include a review of the status and findings for complaints initiated in each period reviewed by district. A more fulsome picture of the findings for all complaints by district, including complaints opened and closed in prior reporting periods, would be necessary in order to determine the extent and nature of complaints requiring remediation for each district.

In light of the above, the Monitor believes progress has been made with this mandate and that it remains on the right track at 75-99% complete. In order to achieve substantial compliance, APD needs to document and assess trends relating to UOFs with concerns/violations and complaints requiring remediation on a quantitative basis in alignment with the Monitor’s refinement of the compliance definition for measuring such improvements, and also qualitatively evaluate all UOFs

and complaints in order to assess the appropriateness of such police actions in particular relating to any indications of bias.

DOCUMENTATION OF STOPS (MANDATES 33-39)

INTRODUCTION

The issue of when police are permitted to interrupt someone’s liberty by arresting them, detaining them, or even engaging them in investigative questioning lies at the heart of the U.S. Constitution’s Fourth Amendment and its prohibition against unreasonable seizures. The U.S. Supreme Court has, for decades, issued opinions in cases arising under the Fourth Amendment that collectively set the constitutional floor for when police seizures (also known as “police stop”, “Terry Stops”⁶⁸ or simply as “stops) are permitted and how they must be conducted. These opinions, and the body of case law they comprise, form the bulk of federal authority on police stops. However, state, and local governments are empowered to enact legal standards that exceed federal constitutional minimums. Additionally, many state courts have interpreted state laws and constitutions as requiring stricter limitations on police stops than would otherwise be permitted under federal case law.

The cumulative body of law on police stops resulted in the demarcation of different kinds of encounters that are governed by different legal standards. For example, stops that involve the fullest deprivation of liberty, that is, arrests, are permitted only when there is probable cause to believe that a person committed an unlawful offense. In contrast, stops involving less severe deprivations—like temporary detentions during police investigations—are governed by a more permissive standard: reasonable suspicion to believe that a person committed or is presently committing an unlawful offense. For individual police officers, knowing how to identify which legal standards apply to a given interaction with a member of the public is crucial for ensuring the officer’s conduct meets all applicable requirements.

In the aggregate, knowing the total number of stops committed by officers—and the number of each kind of stop (vehicular, pedestrian, or other non-vehicular), and what police action followed the stop (frisk, search, seizure)—is critical for public safety oversight. Data on police stops are relevant when evaluating a police department’s adherence to the principles and requirements of constitutional policing and can help identify areas of both success and needed improvement.

⁶⁸ “Terry Stop,” takes its name from the 1968 U.S. Supreme Court case—Terry v. Ohio—that first articulated the federal constitutional minimum standard for conducting such stops.

Accordingly, some states, including Colorado, have imposed data collection mandates on police departments, requiring them to document police stops and issue regular reports.

Colorado’s requirement, enacted under a landmark law enforcement reform law in 2020 (Senate Bill 20-217, or “SB20-217”), requires each local police department, including APD, to report “[a]ll data relating to contacts conducted by its peace officers.” The law defines the term “contact” to mean “an interaction with an individual, whether or not the person is in a motor vehicle, initiated by a peace officer, whether consensual or nonconsensual, for the purpose of enforcing the law or investigating possible violations of the law.” This definition encompasses the kinds of contacts governed by federal and state constitutional law. “Contact” data that must be reported under the law include the demographics of each individual stopped; data relating to the times, dates, and locations of contacts; the outcomes of contacts, including arrests, warnings, and property seizures; and actions taken by police officers during the contact, including frisks and searches.

HISTORY & BASIS FOR CONSENT DECREE MANDATES

In its September 15, 2021, report, the Colorado Attorney General’s Office noted that APD has a pattern and practice of failing to abide by the data collection mandates enacted under SB 20-217. The law requires that officers have a legal basis for any “contact” (as defined in the law) with a member of the public and imposes strict recordkeeping requirements whenever any such contact is made. The Attorney General found that, under policies that have been in place since 2020—after SB20-217 was enacted—APD officers conducted stops without recording them. As a result, oversight efforts have been hampered by a lack of documentation over APD’s enforcement and investigative conduct. The Attorney General also found that APD’s policies did not provide adequate guidance to officers on when an officer may conduct a Terry Stop or investigative stop.

CONSENT DECREE’S OBJECTIVES

The CD seeks the development of a documentation system that complies with state law, allows for prompt and transparent review of officer behavior, and improves the ability of APD to identify successes and areas for improvement.

OPERATIONAL INTEGRITY ASSESSMENTS RE: DOCUMENTATION OF STOPS

Current Status:  Cautionary track: 50-74% aligned with operational integrity criteria.

The Monitor uses the following operational integrity criteria to assess APD’s implementation of the requirements of the CD relating to “Documentation of Stops”:

1. Were all stops reviewed by supervisors or the Monitor constitutional and within policy?

2. Were all unconstitutional stops reviewed by supervisors identified?
3. Was collection of contact data through APD's CDC forms, substantially compliant with the requirements to collect such data?
4. Was there any significant under-reporting or misreporting of data required to be included in CDCs?
5. Were issues of non-compliance self-identified by APD?
6. To the extent that any stops were found to be unconstitutional or non-compliant with CDC requirements, were they remediated in an appropriate and timely manner through mentoring, coaching, training, and, when necessary, discipline for the relevant individual officers, supervisors, units and/or APD as a whole?
7. Was the data properly reported to the State in accordance with State requirements?

In the previous reporting period, the Monitor found that APD was on a cautionary track at 50-74% aligned with the operational integrity criteria above because of a problem identified in the completion of CDC forms for one officer, low CDC completion rates (below 50%) in one of APD's districts and potential under-reporting of CDC completion rates due to systems issues.

During RP8, the Monitor identified critical deficiencies in the collection and review of CDC forms:⁶⁹

1. CDC form completion rates for enforcement actions were found to be only approximately 82.5%, indicating significant under-reporting of required data.
2. Until the end of RP8, there was no meaningful effort by APD to review and analyze available data despite the Monitor raising concerns. The Monitor worked with APD to analyze data on an on-going basis, creating a dashboard that was shared with and replicated with modifications by APD and can serve as a multi-fold tool for data analysis and real-time supervisory oversight.
3. The extent of non-compliance in non-enforcement encounters remains unknown. Given the substantial under-reporting of required CDC forms for actual enforcement actions, there is an even greater concern regarding situations where no summons, arrest, or formal enforcement action occurs—such as motorist warnings or consensual encounters based on reasonable suspicion.

⁶⁹ Many of the points noted in the bullets below were implemented in an "overtime period" for RP8, which was beyond the end of the current reporting period (February 15, 2025) but before the issuance of this report. The Monitor has considered and included such developments in light of its significance to the CD.

4. After being alerted to compliance issues by the Monitor, APD worked on the remediation of those issues. There was, however, no proactive effort to analyze the full scope of the problem or initiate all necessary corrections prior to the issue being raised by the Monitor until the end of RP8. The full analysis of each critical data point must be undertaken internally by, and live within the DNA of APD.
5. Until the end of RP8, there was no identification of outlying individual officers and appropriate timely remediation thereof through individual coaching, counseling, or disciplinary measures.
6. While prophylactic measures to force CDC compliance were developed for enforcement actions, non-enforcement encounters remain unaddressed.

The failure to properly document police encounters is a fundamental risk to APD's ability to comply with both the CD and state law. Without accurate stop data, oversight efforts are compromised, and patterns of potential biased policing or unconstitutional stops cannot be effectively identified or remediated.

Path Forward for Operational Integrity

While APD has not demonstrated adherence to operational integrity criteria in RP8 and remains on a cautionary track, there is optimism for substantial and near-term improvement. Specifically, APD has committed to implementing and utilizing a dashboard for real-time data analysis and review. This is an essential step toward tracking CDC completion rates and identifying non-compliant officers or units. This dashboard would ideally be utilized in RISKS reviews and used by Commanders in daily operations to spot anomalies in a timely manner.⁷⁰

The upcoming reporting period (RP9) must show measurable progress in operationalizing this system. If a robust review and remediation framework is not established, the current cautionary track will be replaced by a wrong track designation. In order to comply with the mandates of the CD and achieve full alignment with the operational integrity criteria in this area, APD must:

1. Immediately implement a process to track compliance rates across all districts and units, including non-enforcement encounters.

⁷⁰ In mid-March 2025, after the end of RP8, APD implemented a weekly dashboard to facilitate supervisory oversight of CDC compliance, which can also be used to monitor officer productivity. In addition, APD commenced making notations in APD's performance management system regarding officers who fail to complete a CDC as required.

2. Ensure command staff regularly review and assess CDC completion rates, with accountability for officers who fail to comply with CDC completion for enforcement and non-enforcement encounters.
3. Develop and implement a remediation framework, including officer coaching, counseling, and—if necessary—disciplinary actions for continued non-compliance.
4. Enhance automated data tracking and exception reporting through the proposed dashboard, ensuring real-time monitoring and intervention.
5. Analyze other individual outliers as identified from CDC data relative to police actions that may be indicative of potential bias or performance issues.

In light of the foregoing, the operational integrity of the Documentation of Stops section remains on a cautionary track at 50-74% aligned with operational integrity criteria. The next reporting period will be critical in determining whether APD can make substantial progress in this area. The Monitor will assess the reliability and effectiveness of APD's CDC compliance assessments, accountability mechanisms and remediation tracking in RP9.

PREVIOUS FINDINGS OF SUBSTANTIAL COMPLIANCE

During previous reporting periods, the Monitor found Mandates 34 to 38, inclusive, in substantial compliance.

THIS REPORTING PERIOD'S ASSESSMENTS OF INDIVIDUAL MANDATES IN THIS SECTION

During the current reporting period, the Monitor assessed the status of two of the seven mandates in this section of the CD and found both to be on a cautionary track. The Monitor's detailed assessments of these mandates follow.

ASSESSMENT OF MANDATE 33 - DOCUMENTATION OF STOPS - OBJECTIVES

Current Status:  50-74% Complete. Cautionary track. Uncertain if Monitor's expectations will be met.

The CD and compliance definition for Mandate 33, as agreed to in the MADDC, require APD to develop its stops documentation system in compliance with Colorado state law and provide the requisite stops information to the Division of Criminal Justice (DCJ) and Colorado Department of Public Safety (DPS) for publication. APD's system is required to verify that the system permits reviews of officer behavior, and the use of the data within the system has the potential for identifying successes and areas for improvement related to individual officers and/or policy updates or training opportunities.

This mandate was assessed during the previous reporting period and the Monitor found it was on the right track at 50-74% complete as APD had operationalized its CDC process and exception reporting relating to situations where a summons was issued or UOF investigation was completed, but no CDC Form was completed; however, APD had not yet developed a process to identify or report on situations where a criminal summons was issued or an arrest was made without a corresponding CDC Form.

In RP8, the Monitor raised repeated concerns about CDC form completion rates, which were only partially addressed by the end of the Monitor’s RP8 assessment. APD modified its CDC process to require the entry of a CDC number for all summons and arrests as described in Focus Item 6 “Contact Data Collection (CDC)”, thereby establishing a process to force compliance for enforcement contacts. Nonetheless, compliance levels for RP8 were substantially below those necessary for compliance with this mandate. Further, APD did not develop a process to test or otherwise ensure CDC compliance for non-enforcement contacts (e.g., warnings or investigative encounters).

As regards the requirement for APD’s stops system to review officer behavior and identify successes and areas for improvement related to individual officers, in the “overtime period” for RP8, APD developed a system that provides the ability to analyze CDC data in order to identify areas for improvement at the officer or systemic level. The Monitor will assess the degree to which the system is successfully utilized to do so in RP9.

In light of the above, if APD had not implemented the changes described above, the Monitor would have assessed APD as being on the wrong track. As a result of the developments for RP8 prior to the issuance of this report, the Monitor finds that APD is now on a cautionary track at 50-74% complete, pending its ability to appropriately utilize the systems that have been developed. In order to achieve substantial compliance, APD needs to fully utilize its CDC compliance dashboard and implement an exception reporting system relating to CDC compliance in both enforcement-related and non-enforcement stops; and needs to develop a process or have a system that assesses CDC compliance and other metrics related to individual officers.

ASSESSMENT OF MANDATE 39 - DOCUMENTATION OF STOPS – GOALS AND MEASUREMENTS

Current Status:  50-74% Complete. Cautionary track. Uncertain if Monitor’s expectations will be met.

The CD and compliance definition for Mandate 39, as agreed to in the MADDC, require APD to develop, finalize, and disseminate the policies required in Mandates 34-37, and implement an internal review process to monitor compliance with related policies and training. This mandate also requires full implementation of an approved training curricula related to APD’s contacts and

stops policies and requires appropriate accountability measures to be utilized in instances of individual failure to comply with contact-related policies and/or training.

During the previous reporting period, the Monitor assessed that this mandate was on a cautionary track at 50-74% complete primarily because of a low CDC completion rate (of less than 50%) for one district. In addition, APD did not yet have an automated system to check on CDC form completion.

Mandate 39 of the CD requires APD to fully implement an internal review process to monitor compliance with its stops-related policies and training. This includes ensuring that CDC forms are completed as required, reviewed for accuracy, and used to inform policy, training, and remediation efforts. This mandate also necessitates that accountability measures are applied when officers fail to comply with documentation requirements.

In RP8, APD made significant progress in meeting the requirements of this mandate. APD onboarded additional personnel to address its low CDC completion rates and deal with data issues.

Late in RP8, APD was finally able to determine the CDC compliance rate for enforcement actions in 2024 to be at 82%. While this ability represents significant progress in APD's capabilities to measure CDC compliance, it represents a serious under-reporting rate for 2024.

In the overtime period for RP8, APD implemented a system designed to ensure that CDCs are completed where required with respect to enforcement actions and began a remediation process to address individual officers whose 2024 CDC compliance rates were substantially below expectations.

Key deficiencies in RP8 include:

1. *No Significant Progress was Made in Addressing Under-Reporting:* Despite ongoing concerns about CDC form completion rates, there was no structured effort to analyze, identify, or remediate gaps in compliance until the end of RP8.
2. *Failure to Track Non-Enforcement Contacts:* The 82% compliance rate identified above applies only to enforcement actions (relating to arrests, pursuits, and UOFs), which means there is no reliable data on the extent of under-reporting for stops that do not result in enforcement actions (e.g., warnings or investigative encounters). The actual non-compliance rate may be far worse than currently understood.
3. *Lack of Accountability Measures:* Until the end of the current assessment period, APD did not initiate remedial action at the individual officer level for those who failed to complete CDC

forms, nor was there an internal accountability process to ensure compliance. No officer coaching, counseling, or discipline was implemented despite the known deficiencies.

4. *Missed Opportunity to Implement Systemic Improvements:* APD did not take meaningful steps in RP8 to develop an approach to fully and systematically identify and remediate all under-reporting. The lack of an automated or structured method to track and analyze compliance trends remains a major obstacle.

The failure to improve in these areas until the end of the current reporting period's assessment, has severely hindered APD's ability to monitor, analyze, and correct deficiencies in stops documentation for 2024, which undermines a core requirement of the CD. The lack of robust oversight mechanisms means that disparities in police stops and potential unconstitutional stops cannot be properly identified and addressed for 2024.

Path Forward for Compliance

While there were significant improvements at the end of RP8, the Monitor expects further improvement in RP9 as follows:

1. *Implement an Automated Compliance Dashboard:* This must be designed to track all categories of police contacts, not just enforcement actions, ensuring full visibility into stop documentation practices. In early RP9, APD developed a CDC compliance dashboard relating to enforcement actions, but has not yet developed similar reporting for non-enforcement actions.
2. *Create a Structured Remediation Process:* APD must develop a clear framework for addressing non-compliance, including coaching, re-training, and, if necessary, disciplinary actions for officers who repeatedly fail to complete CDC forms. In early RP9, APD commenced making performance review notations in AIM regarding officer non-compliance, which is a good first step, but had not developed a structured remediation process.
3. *Ensure Command-Level Accountability:* Supervisors must proactively review stop data, identify patterns of non-compliance, and take corrective action before being prompted by external oversight.
4. *Develop Exception Reporting & Routine Compliance Reviews:* A process should be established to flag cases where a stop occurred without a corresponding CDC form, allowing for real-time intervention and correction.

As a result of the foregoing, Mandate 39 remains on a cautionary track at 50-74% complete. With the developments in the overtime period of RP8, and further progression expected in RP9 as outlined above, the Monitor expects APD will meet its obligations relevant to this mandate.

USE OF KETAMINE & OTHER CHEMICAL RESTRAINTS (MANDATES 40-48)

INTRODUCTION

The term “chemical restraint” comprises a broad category of chemicals that are administered for the purpose of reducing aggression, violence, or agitation in people experiencing acute mental distress, including those experiencing what had often been classified as “excited delirium.”⁷¹ The diagnosis was used to describe a medical emergency characterized by a combination of acute confusion, distress, agitation, and aggression, often triggered by the consumption of stimulant narcotics like cocaine, methamphetamine, phencyclidine (PCP), and lysergic acid diethylamide (LSD). However, recent discussion about how excited delirium diagnoses is disproportionately used against Black people have been raised to spur the discussion about whether and how the term should be used in the medical field. This discussion emerged most recently after the murder of George Floyd when an officer at the scene was heard saying, “I am worried about excited delirium or whatever.” While delirium is well-defined and described in the *Diagnosics and Statistical Manual of Mental Disorders*, excited delirium is not listed in the manual.

Among the drugs most commonly used as a chemical restraint is ketamine, which is categorized as a dissociative anesthetic due to its sedative and amnesiac qualities.

Although administration of chemical restraints in emergency crisis situations is a common medical practice, the use of chemical restraints is not without controversy. Opponents of the practice have alleged that chemical restraints are disproportionately used against vulnerable populations and that they are often administered as a measure of first resort in lieu of other effective crisis management strategies like de-escalation. Critics also assert that chemical restraints are often incorrectly dosed, leading to life-threatening complications for patients who are improperly monitored post-administration. AFR, up until the death of Elijah McClain, used the drug ketamine as a chemical restraint, but has since suspended its use by AFR paramedics. Today, AFR uses two slower-acting chemical sedatives, Versed and Droperidol, for those situations which, in the medical judgement of paramedics on the scene, the chemical sedative is medically appropriate. Which sedative to use in any given situation is situationally based with

⁷¹ Excited delirium is a controversial diagnosis, typically diagnosed in young adult males, disproportionately black, who were physically restrained at the time of death, most often by law enforcement. ([Position Statement](#) on Concerns About Use of the Term “Excited Delirium” and Appropriate Medical Management in Out-of-Hospital Contexts, American Psychiatric Association.) The term has been banned in Colorado since April 4, 2024.

Droperidol presenting potentially less risk in certain situations. This medical judgement is reviewed in every instance by the Medical Director of AFR.

HISTORY & BASIS FOR CONSENT DECREE MANDATES

After the death of Elijah McClain, AFR's use of ketamine as a chemical restraint was scrutinized by multiple bodies, including the Colorado Attorney General's Office and an Independent Review Panel (IRP) commissioned by the Aurora City Council. The IRP concluded that AFR personnel committed multiple errors throughout their treatment of Elijah McClain, including during their administration of ketamine, to chemically restrain him. These errors included an inadequate assessment of Mr. McClain's medical condition prior to administering ketamine, inaccurate estimations of Mr. McClain's body weight for purposes of determining a correct dose of ketamine to administer, and a failure by AFR paramedics to assert control over Mr. McClain's treatment after their arrival on the scene.

The Attorney General's Office further found that AFR had a pattern and practice of administering ketamine illegally. These patterns and practices including administering ketamine reflexively upon the request of a police officer, without first conducting a proper medical evaluation of a patient, administering ketamine doses that exceeded those allowed under AFR protocols, failing to adequately monitor patients post-administration, and a failure by AFR medical supervisors to follow agency protocols to prevent future violations by AFR paramedics.

As a response to the controversy surrounding Mr. McClain's death, the Colorado state legislature enacted a new law prohibiting the administration of ketamine on "police-involved patients unless a justifiable medical emergency required its use." The law further removed "excited delirium" as a recognized basis for administering ketamine for such individuals. Since April 2021, AFR has agreed not to use ketamine as a chemical restraint and, via AFR policy, prohibited its use. Nonetheless, the City, for the term of the Decree, has agreed to abide by review protocols set forth in the Decree for the use of any other chemical as a restraint.

The CD requires the Monitor to "periodically review AFR's use of chemical sedatives as chemical restraint to confirm policy compliance." It further requires the Monitor to "review and analyze the coordination of policies of APD and AFR to ensure that members of APD do not recommend, suggest, or otherwise encourage the use of any chemical restraint in the field by AFR," requiring the decision to apply such chemical restraints to be made only by qualified AFR personnel pursuant to applicable medical protocols. Finally, the Decree imposes procedural requirements for reviewing any proposal by AFR to resume the use of ketamine as a chemical restraint at any point during the Monitorship period.

CONSENT DECREE'S OBJECTIVES

The CD prohibits the use of ketamine by AFR during the Monitorship period without explicit approval from the Monitor, and requires the monitoring of the circumstances of the use of any chemical sedative by AFR.

OPERATIONAL INTEGRITY ASSESSMENTS RE: USE OF CHEMICAL SEDATIVES

Current Status:  Operational integrity fully achieved.

The Monitor uses the following operational integrity criteria to assess AFR's implementation of the requirements of the CD relating to the "Use of Ketamine & Other Sedatives as a Chemical Restraint":

1. Is there any indication that ketamine is being used by AFR?
2. Is there any indication that the use of any other chemical sedative is outside of policy?
3. Is there any indication that any officer from APD has suggested the use of a chemical sedative or in any other way tried to influence the medical judgement of AFR personnel?
4. If ketamine was used, or if any other chemical sedatives were used outside policy, did AFR supervisors identify such uses? And were any instances of inappropriate uses of chemical restraints appropriately remediated in a timely manner through mentoring, coaching, training and, when necessary, discipline?

In the previous reporting period, the Monitor found that the above operational integrity criteria were fully achieved.

The Monitor has continued to review the use of chemical sedatives by AFR through the review of BWC videos and reports associated with each instance of the administration of chemical sedatives in the field. In addition, AFR itself is reviewing each such instance, including reviewing the BWC footage. The Monitor has found no instance in which ketamine was used by AFR, and has found each use of other chemical sedatives, specifically Versed or Droperidol, to be reasonable and within policy, and without any influence from APD.

In light of the foregoing, the Monitor finds operational integrity in this area to be fully aligned with the above operational integrity criteria relating to "Use of Ketamine & Other Sedatives as a Chemical Restraint". The Monitor will continue to monitor the operational integrity of this section for future reporting periods.

PREVIOUS FINDINGS OF SUBSTANTIAL COMPLIANCE

During the previous reporting period, the Monitor found all nine mandates in this section, Mandates 40 to 48, in substantial compliance.

THIS REPORTING PERIOD'S ASSESSMENTS OF INDIVIDUAL MANDATES IN THIS SECTION

During the current reporting period, the Monitor again assessed the status of all nine mandates in this area of the CD and found that all nine of these mandates remain in substantial compliance. The Monitor's detailed assessments of these mandates follow.

ASSESSMENT OF MANDATE 40 - USE OF KETAMINE AND OTHER SEDATIVES AS A CHEMICAL RESTRAINT – OBJECTIVES

Current Status:  - Substantial Compliance

The CD and compliance definition for Mandate 40, as agreed to in the MADC, require the City to confirm that ketamine is not being used in the field without explicit approval by the Monitor after appropriate consultation with AFR's Medical Director.

During the previous reporting period, the Monitor found this mandate in substantial compliance as the Monitor previously found that, as of September 15, 2020, AFR had removed ketamine from its protocols thus prohibiting its administration and ketamine has not been available for use by AFR's paramedics for any situations since then.

For RP8, AFR reiterated that it has no intention to add ketamine back into its treatment protocols. As such, the Monitor continues to find this mandate in substantial compliance and will continue monitoring this mandate in future reporting periods in order to confirm continued compliance.

ASSESSMENT OF MANDATE 41 - USE OF KETAMINE AND OTHER SEDATIVES AS A CHEMICAL RESTRAINT – OBJECTIVES

Current Status:  - Substantial Compliance

The CD and compliance definition for Mandate 41, as agreed to in the MADC, require AFR to develop, disseminate, and implement an approved policy in compliance with state law and waiver requirements relating to the use of chemical restraints, and any use of chemical restraints in the field adhered to AFR's policies.

During the previous reporting period, the Monitor found this mandate in substantial compliance.

For RP8, consistent with AFR's approved policy relating to the use of chemical sedatives, which has been in place since prior to the CD, AFR's Medical Director reviewed all calls where a chemical

sedative was administered to sedate a combative patient and assessed whether appropriate medical care was provided, then AFR generated a monthly report on individual calls and the results of the Medical Director's review, a copy of which was provided to the Monitor.

In light of the foregoing, the Monitor therefore believes this mandate remains in substantial compliance and the Monitor will continue to review this mandate in the future in order to confirm continued compliance.

ASSESSMENT OF MANDATE 42 - USE OF KETAMINE AND OTHER SEDATIVES AS CHEMICAL RESTRAINT – OBJECTIVES

Current Status:  - Substantial Compliance

The CD and compliance definition for Mandate 42, as agreed to in the MADC, require AFR to develop, disseminate, and implement an approved policy related to the use of chemical restraints, that joint APD/AFR training adequately covers this topic, and that APD members or policies do not recommend, suggest or otherwise encourage the use of any chemical restraints by AFR in the field. The CD and compliance definition also require that any decision to use chemical restraints in the field was made by qualified members of AFR only in accordance with the applicable medical protocols in effect and approved by AFR's Medical Director in compliance with C.R.S. § 26-20-104 et seq.

During the previous reporting period, the Monitor found this mandate in substantial compliance.

In RP8, AFR and APD personnel continued to follow their respective policies with respect to the use of chemical restraints as evidenced by AFR's review of 100% of the BWC videos from incidents involving the administration of a chemical sedative in RP8, and the Monitor's review of BWC footage from August through December of all incidents submitted to the Monitor by AFR.⁷² The Monitor found in every instance reviewed that this was the case, namely that AFR members treated patients without any recommendations or suggestions from APD, and that AFR's field reports appropriately documented the actions of law enforcement on scene during any call in which a chemical sedative was administered.

The Monitor therefore believes that this mandate remains in substantial compliance and the Monitor will continue to review this mandate in the future in order to confirm continued compliance.

⁷² In early March, AFR provided the reports and BWC footage relevant for the Monitor's review of AFR's January 2025 incidents; this timing is consistent with AFR's submissions for such reviews of 1-2 months after month-end.

ASSESSMENT OF MANDATE 43 - USE OF KETAMINE AND OTHER SEDATIVES AS CHEMICAL RESTRAINT – OBJECTIVES

Current Status:  - Substantial Compliance

The CD and compliance definition for Mandate 43, as agreed to in the MADDC, require APD and AFR to meet and resolve any issues regarding the use of chemical restraints.

During the previous reporting period, the Monitor found this mandate in substantial compliance.

As described in previous reporting periods, AFR removed ketamine from its treatment protocol on September 15, 2020. Since then, including in RP8, AFR has no plans to add ketamine back into its treatment protocols. This has raised no objections by the Monitor, APD or AFR. As such, the Monitor continues to find this mandate in substantial compliance and will continue monitoring it for compliance in each future reporting period.

ASSESSMENT OF MANDATE 44 - USE OF KETAMINE AND OTHER SEDATIVES AS A CHEMICAL RESTRAINT – POLICY CHANGES IF KETAMINE IS USED

Current Status:  - Substantial Compliance

The CD and compliance definition for Mandate 44, as agreed to in the MADDC, require AFR to not use ketamine, or if AFR seeks to resume the use of ketamine as a chemical restraint, AFR will seek approval of a new policy from the Monitor and Medical Director prior to implementation that dictates appropriate dosage recommendations and assessment of the level of patient agitations that would lead to the use of ketamine in the field.

During the previous reporting period, the Monitor found this mandate in substantial compliance.

During the current reporting period, the Monitor found the City continues to be in substantial compliance as AFR has not sought to reinstate the use of ketamine, and AFR reiterated its intention to maintain ketamine's removal from its treatment protocols indefinitely. As such, the Monitor continues to find this mandate in substantial compliance and will continue monitoring this mandate in each future reporting period.

ASSESSMENT OF MANDATE 45 - USE OF KETAMINE AND OTHER SEDATIVES AS A CHEMICAL RESTRAINT – PROCESS CHANGES

Current Status:  - Substantial Compliance

The CD and compliance definition for Mandate 45, as agreed to in the MADDC, require AFR to have a policy relating to post-incident analysis that was approved by the Monitor and AFR is required to conduct post-incident reviews for each application of ketamine as a chemical restraint.

During the previous reporting period, the Monitor found this mandate in substantial compliance.

During the current reporting period, the Monitor found AFR continues to be in substantial compliance as ketamine was not used, so there was no need to conduct any post-incident reviews related thereto. As such, the Monitor continues to find this mandate in substantial compliance and will continue monitoring this mandate in each future reporting period.

ASSESSMENT OF MANDATE 46 - USE OF KETAMINE AND OTHER SEDATIVES AS A CHEMICAL RESTRAINT – EVALUATION OF CHEMICAL SEDATION

Current Status:  - Substantial Compliance

The CD and compliance definition for Mandate 46, as agreed to in the MADC, require AFR to develop a process to periodically review its use of chemical sedation in the field to determine what improvements should be made to policy or training at AFR or APD, including assessing: 1) whether the symptoms justified sedation under law and policy, 2) the involvement of police officers before or during a patient’s sedation, and 3) what factors increase the risk of adverse outcomes to patients or providers.

During the previous reporting period, the Monitor found this mandate in substantial compliance.

For RP8, the Monitor found that AFR continued to review BWC footage for all calls involving the use of sedatives to manage combative patients. The reviews were conducted by AFR’s Medical Director pursuant to its Continuous Quality Improvement program and AFR logs such reviews, which the Monitor has access to. The Monitor reviewed all these incidents from August to December 2024 and confirmed that AFR’s assessments appropriately assessed whether any improvements should be made to policy or training at AFR or APD.

In light of the foregoing, the Monitor continues to find this mandate in substantial compliance and will continue to monitor this mandate in order to confirm the 6-month retrospective reviews continue to assess whether improvements are required regarding the use of chemical sedation in the field to manage combative patients.

ASSESSMENT OF MANDATE 47 - EVALUATION OF CHEMICAL SEDATION

Current Status:  - Substantial Compliance

The CD and compliance definition for Mandate 47, as agreed to in the MADC, require AFR to summarize its periodic reviews of the uses of chemical restraints to the Monitor at least twice a year, starting 6 months from the effective date of the CD; and confirm that the summary includes at a minimum, information about the number of times AFR used chemical sedation as a chemical restraint, the symptoms justifying sedation, the type of chemical restraint used, whether AFR

followed policy, what information police officers provided to AFR for compliance with C.R.S. § 18-8-805, and basic information about the use of chemical sedation such as the tabular data included on pages 97-98 of the AG's Report.

During the previous reporting period, the Monitor found this mandate in substantial compliance.

During the current reporting period, AFR continued its review of 100% of calls involving the use of chemical sedatives to manage combative patients, having started such reviews prior to the CD's enactment. In January 2025, AFR's Medical Director conducted a review of AFR's data related to the use of chemical sedation for calls from July 1 through December 31, 2024, pursuant to AFR's Continuous Quality Improvement program. The Medical Director's report summarized, for each month:

- a) information about the number of times AFR used chemical sedation as a chemical restraint
- b) whether physical restraints were applied
- c) whether verbal de-escalation was performed
- d) whether AFR's pre-sedation checklist was used
- e) whether post-sedation monitoring requirements were met
- f) whether care was delivered according to AFR's protocols
- g) whether law enforcement was on the scene and recommended the use of a sedative
- h) the type of chemical sedation given, and
- i) whether adverse effects arose in post-sedation for such chemicals.

While the Medical Director's semi-annual report did not specifically describe the symptoms justifying sedation as required by this mandate, the use of AFR's pre-sedation checklist (item d) in all but one instance (in October 2024) demonstrated the need for sedation. The Monitor recommends that future reporting identify the nature of the symptoms justifying sedation so this is clearly described.

The Medical Director's report concluded that no changes were required to the protocols based on his review, but the report did not provide any particulars regarding the circumstances of any exceptions, such as the exceptions identified in c, d, and f above for the October incident, and no commentary was provided regarding training needs. The Monitor recommends that policy exceptions be further reviewed and summarized in the Medical Director's semi-annual report, and that the Medical Director explicitly assess whether any AFR EMS providers need additional training.

Notwithstanding the above recommendations, the Monitor finds this mandate remains on the right track, and in substantial compliance. The Monitor will continue monitoring this mandate in the future.

ASSESSMENT OF MANDATE 48 - USE OF KETAMINE AND OTHER SEDATIVES AS A CHEMICAL RESTRAINT – GOALS AND MEASUREMENT

Current Status:  - Substantial Compliance

The CD and compliance definition for Mandate 48, as agreed to in the MADC, require that AFR does not use ketamine, or if AFR uses ketamine, that AFR does so only when symptoms appropriately justify the sedation, when AFR has not been influenced in its decision to use ketamine by APD, and AFR has administered the appropriate dosage of ketamine.

During the previous reporting period, the Monitor found this mandate in substantial compliance.

During the current reporting period, the Monitor found AFR continues to be in substantial compliance as ketamine was not used. As such, the Monitor continues to find this mandate in substantial compliance and will continue monitoring this mandate in each future reporting period.

RECRUITMENT, HIRING & PROMOTION (MANDATES 49-66)

INTRODUCTION

Police departments have faced difficulty hiring over the past decade, but those difficulties have been severely exacerbated by high-profile policing controversies whose impact extends beyond the departments in which the controversies originated. Police departments have seen diminished interest in pursuing a career in policing by prospective recruits and diminishing officer morale has led to higher-than-normal attrition in many departments. These trends have been linked by some to recent developments like protests for racial justice and the perception among many officers that public opinion turned against the profession. Given this dynamic, it is not surprising that problems in recruitment, hiring and retention are at an all-time high.

APD has not been immune to the national trends concerning officer recruitment, hiring, and promotion. In fact, the trends in APD have been stark, with nearly 20% of APD officers leaving the agency in the 18-month period between January 2020 and July 2021, as noted by the Colorado Attorney General's September 15, 2021, report. Officers interviewed by representatives of the Attorney General's Office cited a series of factors that contributed to the department's high rate of attrition in this period, including lack of community support, lack of direction and accountability within the department, and concerns about the overall trajectory of the policing profession. The Attorney General's report noted that APD's retention problems, in particular, have led to staffing insufficiencies and a loss of institutional experience throughout the department's ranks, from patrol officers to higher executives.

Although the Attorney General found in its Report that AFR had not experienced the same difficulties relating to departmental turnover, morale, and community relations, AFR leadership has nonetheless expressed concern over the uncertain impact that recent legislation will have on the agency and its personnel, as well as liability concerns that could affect their work. The Attorney General’s report further noted recent controversies that could impact recruitment efforts, including the use of racially derogatory language by a since-terminated Deputy Chief.

Any significant overhaul of the recruitment and hiring processes for APD and AFR necessarily implicates Aurora’s CSC, which is empowered to control hiring of police and fire personnel. The Aurora City Charter, as noted by the Attorney General’s report, “grants the Commission sole responsibility for the examination and certification of all entry-level applicants to the police and fire departments.” In practice, this has been broadly interpreted and established in CSC practices, in a way that removed any significant input from the Departments in entry-level hiring. Any proposal to change how police officers, firefighters, or EMS personnel are hired thus required a modification of the hiring process to provide for greater input from APD and AFR with the final decision on candidate selection resting with APD or AFR.

HISTORY & BASIS FOR CONSENT DECREE MANDATES

APD’s high attrition rate led to concerns that critical policing functions will either be left unstaffed or will be staffed by newer recruits who lack significant experience and must rely on a shrunken pool of senior officers for mentorship and guidance. An associated worry is that these deficiencies could increase the number of critical incident events or worsen their outcomes.

To identify potential solutions to APD’s personnel problems, the CD mandates a revisitation of the City’s recruitment and hiring of police officers and fire fighters.

These processes have historically been bifurcated between APD/AFR and the CSC, with APD/AFR handling candidate recruitment and CSC exclusively responsible for the hiring process, including making final hiring decisions. Notably, the CSC also oversees both the promotion and disciplinary process for APD and AFR. The CD requires both agencies to work with the CSC to review and identify potential changes to minimum qualifications for new recruits and lateral hires, among other mandates. The goal of these mandates is to improve the transparency and accountability of the City’s recruitment of key first-responder personnel and the civil service process that dictates their hiring.

CONSENT DECREE OBJECTIVES

The CD seeks to transform APD’s and AFR’s recruiting and hiring processes to create a more diverse and qualified workforce. It further seeks APD’s and AFR’s commitment to develop a

culture of continuous improvement within each agency and to become better police and fire departments overall. Finally, the CD seeks to improve transparency, accountability, and predictability in each agency's discipline review process, and to improve the role of the CSC in APD and AFR hiring, promotion, and discipline. With regard to hiring, the CD mandates that APD and AFR have a much greater role in the hiring process and have the final say as to which candidates are ultimately selected for hire.

OPERATIONAL INTEGRITY ASSESSMENTS RE: RECRUITMENT, HIRING & PROMOTION

Current Status:  - 75-99% Complete. In line with Monitor's expectations.

The Monitor uses the following operational integrity criteria to assess the City's implementation of the requirements of the CD relating to "Recruitment, Hiring & Promotion":

1. Have APD's and AFR's recruitment and hiring practices resulted in a more diverse and qualified workforce?
2. If not, could the City or its agencies reasonably have done more to have placed the City in a position to do so? Did HR provide appropriate detailed information relative to the hiring process to APD and AFR so as to allow each agency the best opportunity to identify areas for improvement in their ability to increase diversity?
3. Did APD's and AFR's promotional practices reflect the agreed upon changes in their promotional processes?
4. Did APD's and AFR's disciplinary practices reflect the agreed upon changes in their disciplinary processes?

In the previous reporting period, the Monitor found that the City was on a cautionary track at 50-74% aligned with the operational integrity criteria above because the City's RP7 recruitment and hiring practices resulted in a more racially diverse but less gender diverse workforce for APD, and a more gender diverse but less racially diverse workforce for AFR; and because HR did not provide appropriate detailed information relative to APD's and AFR's hiring processes to enable each agency to identify areas for improvement in their ability to increase diversity.

As noted in the Monitor's evaluation of Mandate 49A for RP8, APD's hiring practices for its January 2025 Academy resulted in hiring recruits who were more diverse (by race and gender) than APD's sworn workforce. AFR has not yet concluded its hiring process for its June 2025 Academy; the diversity of AFR's June 2025 Academy recruits will be compared to AFR's workforce thereafter.

In RP8, HR was able to provide more timely and reliable data to APD during and after APD's hiring process; however, such data did not enable APD to reduce the extent of withdrawals and dropouts from the hiring process. In addition, the CSC, working in collaboration with APD and

AFR, engaged with the supplier of APD’s and AFR’s entrance examination in order to assess whether modifications to the entrance examination and/or cut-scores would be appropriate. During RP8, all agreed upon processes for promotion and discipline with respect to both APD and AFR were followed.

For the reasons stated above, the Monitor finds the City is now on the right track relative to operational integrity, at a level of 75-99% aligned with operational integrity criteria relating to “Recruitment, Hiring & Promotion”. The Monitor will continue to monitor the operational integrity of this section for future reporting periods, including the outcomes from AFR’s June 2025 hiring process.

PREVIOUS FINDINGS OF SUBSTANTIAL COMPLIANCE

During previous reporting periods, Mandates 49C, and 50 to 66, inclusive, were found in substantial compliance.

THIS REPORTING PERIOD’S ASSESSMENTS OF INDIVIDUAL MANDATES IN THIS SECTION

During the current reporting period, the Monitor assessed the status of 7 of the 20 mandates in this section of the CD. One mandate related to APD was found to be in substantial compliance, and one related to AFR was found to be on the right track. The five remaining mandates related to CSC were all in substantial compliance. The Monitor’s detailed assessments of these mandates follow.

ASSESSMENT OF MANDATE 49A - RECRUITMENT, HIRING, AND PROMOTION – OBJECTIVES (APD)

Current Status: ● - Substantial Compliance

The CD and compliance definition for Mandate 49A, as agreed to in the MADC, require APD to transform its recruiting and hiring processes to create a more diverse and qualified workforce and establish APD’s commitment to a culture of continuous improvement and becoming a better police department. This requires the City to implement policies and plans relating to APD’s recruitment, hiring, promotion and discipline processes as described in Mandates 50-52, 54, 56, 58, 60-64 and 66.

This mandate was assessed during the previous reporting period and the Monitor found it was on the right track at 75-99% complete because APD had increased the racial diversity but not yet increased the gender diversity of its workforce; and because APD was making efforts to improve its hiring practices to reduce the perceived adverse impact of certain aspects of its hiring process despite the inability to receive relevant, timely and reliable hiring data and reporting.

DIVERSITY OUTCOMES

In RP8, based on the preliminary draft APD Applicant, Candidate & New Employee Report provided by HR regarding the outcomes from the hiring process for APD’s January 2025 Academy, APD’s 50 new recruits for its January 2025 Academy hired in 2024 were **more** racially diverse and **more** gender diverse than APD’s existing sworn workforce as of December 31, 2024.

More specifically, as shown in Table 8 below, APD’s BIPOC⁷³ entry-level recruits for APD’s January 2025 Academy represented 48% of APD’s total entry-level recruits compared to 26% BIPOC sworn members in APD’s existing sworn workforce at the end of 2024.⁷⁴ Looking at this from another perspective, new recruits for APD’s January 2025 Academy were 50% white, which is less than the 72% white members in APD’s sworn workforce at the end of 2024, but more than the 36% white recruits in 2024. In other words, APD’s January 2025 recruits are less racially diverse than APD’s 2024 recruits, but more racially diverse than APD’s workforce. In order to maintain the momentum from 2024, and in the spirit of continuous improvement, the Monitor recommends that APD continue their efforts to encourage racially diverse applicants to apply.

Table 8 - APD Jan 2025 Academy Racial Diversity Comparisons

	Dec 31, 2023 Workforce		2024 Recruits		Dec 31, 2024 Workforce		Jan 2025 Recruits	
	#	%	#	%	#	%	#	%
BIPOC	155	23%	32	64%	171	26%	24	48%
White	492	74%	18	36%	476	72%	25	50%
Not Identified	21	3%	0	0%	18	3%	1	2%
TOTAL	668	100%	50	100%	665	100%	50	100%

Table 9 - APD Jan 2025 Academy Gender Diversity Comparisons

	Dec 31, 2023 Workforce		2024 Recruits		Dec 31, 2024 Workforce		Jan 2025 Recruits	
	#	%	#	%	#	%	#	%
Female	73	11%	6	12%	69	10%	9	18%
Male	593	89%	44	88%	594	89%	41	82%
Not Identified	2	0%	0	0%	2	0%	0	0%
TOTAL	668	100%	50	100%	665	100%	50	100%

As regards gender diversity, 18% of APD’s January 2025 new recruits were female, compared to 10% sworn female members at the end of 2024, and compared to 12% female recruits in 2024 as shown in Table 9 above. While this represents progress, APD’s female recruit percentage is still

⁷³ The term BIPOC refers to people who self-identified as American Indian/Alaska Native, Asian, Black/African American, Hispanic/Latino, Native Hawaiian/Pacific Islander or Two or More Races.

⁷⁴ Ethnicity and gender information for sworn personnel is based on APD’s Affirmative Action Report as of December 31, 2024.

well below the level that would be necessary to achieve the goals set out in the [30x30 Initiative](#)⁷⁵ to increase the representation of women in police recruit classes to 30% by 2030. As described in the Monitor’s RP7 report, while this initiative is not mandated by the CD, it is reflective of best practices in policing, supported by decades of research that shows the unique benefits women officers bring to policing agencies. In January 2024, APD announced its commitment to achieving the goals of this 30x30 Initiative. In an effort to attract more female applicants, APD featured women in their digital and print advertising and planned their next bi-annual Future Women of APD recruiting seminar for early in RP8.⁷⁶

As next steps, the Monitor recommends that APD and HR study the guidance offered in connection with the 30x30 initiative, in order to understand and address any barriers that need to be overcome relating to recruiting and hiring to make further progress on gender diversity. The Monitor also recommends that APD and HR study the elements of APD’s physical fitness testing as that stage of elimination in APD’s hiring process continued to eliminate a disproportionate number of females from APD’s January 2025 Academy hiring process. The [Monitor’s 2024 Hiring Comparison Report](#) recommended that APD examine the beep test scoring methodology and carefully consider whether an alternative scoring approach would have less of an adverse impact on females.

MORE QUALIFIED WORKFORCE

APD’s hiring process for its January 2025 Academy continued to include minimum qualification criteria, automatic disqualifiers, and a litany of tests⁷⁷ designed to rigorously assess whether each applicant is qualified to be offered a position at APD’s next academy, and the academy provides further training and tests designed to get new recruits ready for their role as a patrol officer.⁷⁸ This robust set of tests includes the same tests as described in the Monitor’s RP7 report. In short,

⁷⁵ The 30x30 initiative is a joint endeavor of the Policing Project of NYU School of Law and the National Association of Women Law Enforcement Executives.

⁷⁶ 33 women attended this event in RP8, on October 5, 2024.

⁷⁷ Pre-employment screening tests/processes include: the submission of written forms, an online Frontline exam which assesses how applicants would respond to certain job-specific situations (in the PSSA portion of the exam), and assesses their reading and writing skills; physical fitness/job function testing of endurance and agility including sit-ups, the Illinois Agility Test and a Beep test; an interview; and a background investigation. The background investigation includes criminal record checks; prior employment validation; medical/drug testing; a polygraph; a Job Suitability Assessment that includes Catelli’s 16 Personality Factors Test (16PF) and the California Psychological Inventory 434 Personality Test (CPI-434) and a virtual interview with a psychologist who is familiar with the applicant’s JSA tests; followed by a review by APD’s Chiefs who perform a “whole person” assessment.

⁷⁸ Testing at the academy includes push-ups in addition to the pre-employment physical fitness testing elements, but with much stricter testing standards as described in [APD’s Pre-Academy Fitness Guide](#).

there is nothing to indicate that APD has relaxed its testing processes, nor that APD's recruits for its January 2025 Academy are not as qualified as in prior years.

HR DATA & REPORTING

The Monitor's RP7 report and [Monitor's 2024 Hiring Comparison Report](#) discussed numerous data and reporting issues, many of which were improved in RP8, but they are not yet fully addressed. Notably:

- HR provided timely and up-to-date hiring data to APD, both during and soon after APD's January 2025 of APD's hiring processes concluded. By providing APD with information during the hiring process, APD had information needed to proactively engage with its applicants before they withdrew or dropped out of the hiring process. Having said this, a total of more than 55%⁷⁹ of APD's 653 applicants for its January 2025 Academy withdrew, were unresponsive or were no-shows (compared to 50% withdrawals/dropouts for 2024), and the reporting provided by HR does not identify when such withdrawals/dropouts occurred.
- During RP8, APD and HR had regular bi-weekly meetings with HR regarding recruiting, hiring and reporting.
- The CSC has not yet received disparate impact reporting from HR for each step in APD's January 2025 Academy hiring process, as required by section II.10 of the [CSC's Rules & Regulations](#).⁸⁰

APD'S EFFORTS TO REMOVE PERCEIVED DISPARATE IMPACTS

APD made several adjustments during RP8 to increase equal opportunities for all applicants, including:

- APD paid the \$65 cost for NTN's Entrance Exam so applicants could take the exam at no cost to themselves.
- APD allowed applicants multiple attempts to pass APD's physical fitness testing requirements during each hiring phase.

⁷⁹ See the data in the following columns in Appendix L: "Non-responsive or No-show" and "Withdrew from Process or Declined".

⁸⁰ This reporting is expected to be provided to the CSC at its April 15, 2025 meeting, which is beyond the current reporting period. This information was considered and included in this report in light of its significance to this mandate of the CD.

APD is tracking the effectiveness of the above changes and has seen a noticeable increase in the number of applicants taking the NTN test since the initiation of APD’s voucher program. APD is early in the process since instituting multiple attempts at physical fitness so it is too early to measure impact. Regardless of the outcome, APD is clearly monitoring its hiring process and making changes as appropriate to strive for a fair testing process for all applicants.

During RP8, the CSC and APD also met with representatives from NTN, the vendor that administers APD’s entrance exam, to better understand APD’s entrance exam results, and to explore whether a different cut-score for any of the elements of the entrance exam would address the disparate impact of such testing on BIPOC applicants.⁸¹ This work is continuing beyond the end of RP8; no decisions have been made yet.

CONCLUSION

In light of APD’s racial and gender diversity for its January 2025 Academy compared to the diversity of APD’s workforce, coupled with efforts to reduce the perceived disparate impact of APD’s entrance exam and physical fitness testing, the Monitor believes this mandate is now in substantial compliance. APD will need to continue hiring a pool of recruits who are more diverse than the diversity of APD’s existing workforce in order to maintain substantial compliance for this mandate. The Monitor will continue to assess this mandate for each reporting period for which a hiring process has concluded.

ASSESSMENT OF MANDATE 49B - RECRUITMENT, HIRING, AND PROMOTION – OBJECTIVES (AFR)

Current Status:  - 75-99% Complete. In line with Monitor’s expectations.

The CD and compliance definition for Mandate 49B, as agreed to in the MADC, require the City to transform its recruiting, hiring and promotional processes to create a more diverse and qualified workforce and establish AFR’s commitment to a culture of continuous improvement and becoming a better fire department. This requires the City to implement policies and plans relating to AFR’s recruitment, hiring, promotion and discipline processes as described in Mandates 50-51, 53, 55, 57, 59-64 and 66.

This mandate was assessed during the previous reporting period and the Monitor found it was on the right track at 50-74% complete because AFR had increased the gender diversity of its

⁸¹ The BIPOC failure rate is 72/372 or 19%, which is more than 20% higher than the failure rate for white applicants of 14%. See the data in Appendix L in the columns entitled “Written Assessment (NTN) – Failed”.

workforce, while the racial diversity of its workforce was declining; and because AFR was not receiving relevant, timely and reliable hiring data and reporting.

In RP8, AFR's hiring process was underway for its June 2025 Academy; this hiring process will conclude in RP9 and the Monitor expects to be able to review the outcomes of this hiring process thereafter. While AFR's June 2025 hiring process has not yet concluded, the Monitor notes that AFR met regularly with HR during RP8, and AFR participated in meetings with the CSC and the vendor responsible for administering AFR's entrance exam to better understand AFR's entrance exam results, to explore whether to eliminate the video portion of AFR's entrance exam, and to explore whether a different cut-score for any of the elements of the entrance exam would address the disparate impact of such testing on BIPOC applicants. This work is continuing beyond the end of RP8; no decisions have been made yet.

As a result of the foregoing, the Monitor believes that progress was made in RP8, and that this mandate is now on the right track at 75-99% complete. The City will achieve substantial compliance with this mandate when AFR receives relevant, timely and reliable hiring data and reporting relative to AFR's upcoming June 2025 Academy hiring process, is making data-informed decisions relating to recruiting and hiring, and is able to demonstrate the ability to create a more diverse and qualified workforce as required by the CD, including with respect to both race and gender. The Monitor will continue to assess this mandate for each reporting period for which a hiring process has concluded.

ASSESSMENT OF MANDATE 49C - RECRUITMENT, HIRING, AND PROMOTION – OBJECTIVES (CSC)

Current Status:  - Substantial Compliance

The CD and compliance definition for Mandate 49C, as agreed to in the MADDC, require the City in collaboration with the CSC to transform the City's recruiting and hiring processes to create a more diverse and qualified workforce for APD and AFR, and to establish APD's and AFR's commitments to a culture of continuous improvement in order to become better police and fire departments.

This mandate was assessed relative to the CSC in the previous reporting period and the Monitor found the CSC in substantial compliance although the Monitor noted that the CSC's Rules & Regulations did not fully address the disqualifiers being applied by HR for APD's and AFR's hiring processes; and the CSC did not request nor receive relevant, timely and reliable reporting on the outcomes from APD's and AFR's hiring processes.

In the current reporting period, in December 2024, the Monitor issued its [2024 Hiring Comparison Report](#) which included an assessment of elements of the CSC's operations to determine the extent to which such elements affected the ability of the City to hire a more

diverse and qualified workforce. The Monitor was then invited to attend and present a summary of the findings and recommendations from the Monitor’s 2024 Hiring Comparison Report at the CSC’s December 10, 2024 meeting. The CSC had several questions about the findings and requested follow-up data to explore certain issues further.

Since then, on February 11, 2025, the CSC updated its automatic grounds for disqualification from the hiring process as described in Section II of the CSC’s Rules & Regulations to include serious driving offenses within the 3 years prior to projected start date of the Academy.⁸² There are 7 types of driving offenses listed therein.⁸³ This update to the CSC Rules & Regulations addresses the first of the Monitor’s recommendations relating to the CSC’s Rules & Regulations and oversight role as described in the Monitor’s December 2024 [Hiring Comparison Report](#). In addition, APD’s job posting issued after February 11, 2025 identified the same list of 7 types of driving offenses as automatic grounds for disqualification.

As regards the reporting requirement in the CSC’s Rules & Regulations, the Monitor’s RP7 report and December 2024 Hiring Comparison Report noted that the CSC did not request nor receive relevant, timely and reliable reporting on the outcomes from APD’s and AFR’s hiring processes. In the current reporting period, APD completed its hiring process for its January 2025 Academy, and AFR’s hiring process for its June 2025 Academy was in progress. Reporting on the outcomes from APD’s January 2025 Academy hiring process has not yet been provided to the CSC, and the Monitor’s recommendations relating to the reporting rules in the CSC’s Rules & Regulations have not yet been addressed. The Monitor will assess the CSC’s reporting requirements in the next reporting period.

Other Monitor recommendations relevant to the CSC’s Rules & Regulations and oversight role have not yet been addressed, including relating to the drug testing automatic disqualifier being applied by HR in the hiring process. This is expected to be addressed in the next reporting period.

While there are several areas for improvement that are in the realm of the CSC to address in order to enable APD and AFR to hire a more diverse and qualified workforce, the Monitor expects that the CSC will address such areas for improvement in due course after appropriate collaboration and consultation with APD, AFR, HR and the Monitor. An example of this is described in Focus Item 12 “Hiring Process Developments”, whereby CSC staff have collaborated

⁸² See Section II.2.b.v. of the CSC’s Rules & Regulations, which the Monitor has highlighted to identify

⁸³ Homicide or assault with a vehicle; leaving the scene of a crash (hit and run); eluding a Police Officer; any vehicle related felony; drag Racing/Exhibition of Speed; reckless driving resulting in serious bodily injury/death; and driving while intoxicated (DUI, DWAI, DUID).

with APD, AFR and an outside vendor to assess and address the adverse impacts in APD’s and AFR’s entrance exam.

In light of the foregoing, Monitor believes this mandate remains in substantial compliance. Having said that, the Monitor expects that the issues identified in the Monitor’s RP7 Report relating to the drug test automatic disqualifier and outcomes reporting will be rectified by RP9 in order to maintain this assessment. The Monitor will continue to monitor compliance with this mandate for future reporting periods in which APD or AFR have a hiring process.

ASSESSMENT OF MANDATE 50 - RECRUITMENT, HIRING, AND PROMOTION – OBJECTIVES

Current Status:  - Substantial Compliance

The CD and compliance definition for Mandate 50, as agreed to in the MADC, require the CSC to improve transparency, accountability, and predictability of its review of discipline, and to have a standardized and codified disciplinary review process.

This mandate was assessed in the previous reporting period and the Monitor found the CSC in substantial compliance.

During RP8, consistent with Section IV, Rule 18B of CSC’s Rules & Regulations, the CSC Chair announced in the CSC’s monthly meetings the receipt of disciplinary appeals received since the CSC’s last meeting, namely an appeal received in November as announced at the CSC’s December 2024 meeting, and the CSC’s Disciplinary Appeals [webpage](#)⁸⁴ contains:

- An 11-page [extract](#) from the CSC’s Rules & Regulations entitled Section IV “Appeal of Disciplinary Actions: Filing Procedures, Rules of Procedure for Appeal Hearings”.
- [Links](#) to AFR’s and APD’s disciplinary appeal hearings reviewed and being reviewed by the CSC to date, including three disciplinary appeals decided in September and December 2024.⁸⁵

In light of the above, the Monitor believes this mandate remains in substantial compliance and the Monitor will continue to assess whether CSC continues to publish the results of its disciplinary reviews, as well as the elements of the CSC’s disciplinary review process on its webpage.

⁸⁴ The CSC’s disciplinary appeals [webpage](#) can be accessed from the CSC’s webpage.

⁸⁵ There were no APD disciplinary appeal hearings in 2023, and no AFR disciplinary appeal hearings from 2022 to date.

ASSESSMENT OF MANDATE 51 – RECRUITMENT, HIRING AND PROMOTION - OBJECTIVES

Current Status: ● - Substantial Compliance

The CD and compliance definition for Mandate 51, as agreed to in the MADDC, require the CSC to improve transparency and the accountability of its work such that community members understand the role that the CSC plays in hiring, promotion and discipline, and requires the City to have programs, processes and procedures for ensuring transparency and sustaining community engagement and relations related to CSC’s work.

During the previous reporting period, the Monitor assessed CSC’s compliance with this mandate and found it to be in substantial compliance.

During RP8, the CSC continued to publish the agendas and meeting minutes for the CSC’s regular meetings to its [webpage](#) in order to provide fulsome information to the community about the CSC’s role in hiring, promotion, and discipline. Specific details about the CSC’s work and how it made decisions in hiring, promotion, and discipline were included in such meeting minutes. Further, in an effort to encourage broader participation, the CSC continued to offer virtual links to CSC meetings for anyone wishing to attend virtually, and the meeting agendas in RP8 included the CSC’s email address in order to request this link.

In light of the foregoing, the Monitor believes this mandate remains in substantial compliance. The Monitor will continue to assess this mandate in future reporting periods.

ASSESSMENT OF MANDATE 61 - RECRUITMENT, HIRING, AND PROMOTION – CSC (PROMOTION)

Current Status: ● - Substantial Compliance

The CD and compliance definition for Mandate 61, as agreed to in the MADDC, require the CSC to work with the Monitor and outside expert to make changes, if any, to the promotional process in order to be consistent with the goals and objectives of the CD.

During the previous reporting period, the Monitor assessed the CSC’s compliance with this mandate and found it to be in substantial compliance.

In RP8, there were no changes to the promotional rules included in Section III of the CSC Rules & Regulations; the most recent changes to this section of the CSC Rules & Regulations were made effective March 12, 2024 to address the Monitor’s recommendations in its [“Assessment of the Promotional Process of the Civil Service Commission”](#) dated June 22, 2023. CSC staff informed the Monitor that the current promotional process as described in the CSC Rules & Regulations was applied to APD’s and AFR’s annual civil service promotional processes.

Based on the foregoing, the Monitor believes this mandate continues to be in substantial compliance. The Monitor will continue to assess this mandate if future changes are made to the CSC's promotional process.

ASSESSMENT OF MANDATE 66 - RECRUITMENT, HIRING, AND PROMOTION – CSC (TRANSPARENCY)

Current Status:  - Substantial Compliance

The CD and compliance definition for Mandate 66, as agreed to in the MADDC, require the CSC to conduct as much of its business as possible so that the public may easily access it by website, and specifically identify what is not public and the basis for keeping it not public.

During the previous reporting period, the Monitor assessed the CSC's compliance with this mandate and found it to be in substantial compliance.

In RP8, the agendas and meeting minutes for the CSC's regular meetings were published on the CSC's [webpage](#). The meeting minutes included discussion and approval of the changes to the CSC Rules & Regulations as described in the Monitor's assessment of Mandates 2C and 3C above; and key points from the Monitor's presentation on the findings and recommendations in the Monitor's 2024 Hiring Comparison Report as described in the Monitor's assessment of Mandate 49C. In addition, the CSC minutes also reflected that both APD and AFR provided an update on their respective recruiting and hiring processes.

The CSC meeting minutes also included a notification about a petition for an appeal of police discipline, an announcement that the findings for that appeal hearing were posted on the CSC's website by the date of the next regular CSC meeting, and CSC staff provided a monthly summary of the outcome of appeals of entry-level qualifications starting in January 2025.

In light of the extent of information published in the CSC's meeting minutes and on the CSC's webpage, the Monitor believes this mandate remains in substantial compliance. The Monitor will assess compliance with this mandate in future reporting periods to confirm that: CSC meeting agendas and minutes continue to be posted to the CSC's webpage; the agendas and minutes continue to identify as much as possible about the work performed by the CSC; the CSC's public reporting specifically identifies what elements of the CSC's business is not public and the basis for keeping such topics non-public; and the CSC continues to be transparent in its reporting of disciplinary and disqualification appeals.

ACCOUNTABILITY & TRANSPARENCY (MANDATES 67-68)

INTRODUCTION

Institutional accountability and transparency are indispensable in any organization that strives for legitimacy. Police departments are frequently at the center of public calls for accountability and transparency, because of the unique authority bestowed upon them under the law and because their mission to use their authority on behalf of the communities they serve. Without accountability and transparency, communities and police departments alike are impaired in their ability to evaluate the alignment between each other's interests and expectations. To the extent that legitimacy is highest when this alignment is congruous, it should be in the best interest of any department to hold itself accountable to, and be transparent with, its community constituency. Further, the most legitimate departments recognize that "accountability" and "transparency" are not simply singular goals to be achieved but are rather components of an institutional ethos that informs departmental policy and administration. To this end, the most accountable and transparent police departments—and by extension the most legitimate—are those whose accountability and transparency policies and practices are motivated by an ethic of continuous institutional improvement in pursuit of those ideals. Demonstrations of this ethic include implementing the accountability mechanisms discussed in the Focus Item, "*Systems to Ensure Best Policing Practices*", contained in the Monitor's first report, including enhanced supervision and early intervention programs that monitor agency personnel for behavioral signs that could indicate the potential for future misconduct, allowing for remedial interventions before misconduct manifests. Successful implementation of these interventions can increase both accountability and transparency by acknowledging the potential and predictability of adverse officer conduct and by improving how agencies respond to the risk of such conduct, minimizing its likelihood.

HISTORY & BASIS FOR CONSENT DECREE MANDATES

The Colorado Attorney General's Office September 15th, 2021, report noted four potential accountability mechanisms for police departments: internal discipline, lawsuits, community feedback, and external oversight. In each of these areas, the report noted significant room for improvement within APD and the City more broadly. For example, the report noted that APD maintained aggregate data in a way that made it difficult to appreciate the scope or scale of alleged misconduct by APD officers, with cases being tracked but not the number of allegations within those cases. This finding tracked closely with community feedback gathered by Aurora residents, who, according to the report, "expressed a desire to have more information about critical incidents promptly disclosed," with many feeling that APD's investigations and reviews are "largely hidden from the public." Even the Attorney General's own investigators expressed

difficulties in being able to assess the scope of misconduct among APD’s officers, with the report claiming that the investigators could not determine how many APD officers within a given sample were disciplined after undergoing the department’s disciplinary process. Further, the report noted that civil liability against individual officers has not been an effective accountability measure since APD and the City have failed to provide direct feedback to officers whose conduct resulted in legal liability for the City. Data concerning legal liability, for example, is not tracked within an early warning database that could flag potential interventions to ensure officers conduct themselves lawfully and appropriately. The CD aims to improve on current practices to maximize accountability and transparency both internally within departmental stakeholders and externally with APD’s service community. Among its goals are tracking officers’ disciplinary outcomes, identifying trends and patterns of misconduct, and improving APD’s public reporting.

CONSENT DECREE OBJECTIVES

The CD seeks the development of systems for APD to regularly and easily identify trends and patterns in the conduct of its officers for use in decision-making and for transparency to the public.

EARLY INTERVENTION

The Monitor’s first report noted that the use of early warning or early intervention systems dates to the late 1990’s. The systems and the premises upon which they were built have not changed significantly since then. The systems allow police departments to track certain indicators⁸⁶ which when aggregated may cross an established threshold and therefore deem the officer to be “potentially at-risk.” A designated supervisor is then tasked to investigate and determine whether the officer is actually at-risk and, if so, to suggest appropriate remediation.

While an important safety net which does have its place, in today’s world this is not truly “early” intervention. Rather, because it relies on an aggregation of different events, and does not require investigation until there is some multitude of events that have already occurred, it is, in fact, late intervention.

The better, and more pro-active approach to identify and correct the behavior of potentially at-risk officers is to enhance first-line supervision with appropriate systems and support. Enhanced supervision permits front-line supervisors and the department alike to track and, essentially, continuously monitor officer performance along multiple metrics. This methodology mandates

⁸⁶ These indicators can include, among others, stops, uses of force, civilian complaints, lawsuits, failure to appear, failure to qualify and negative performance evaluations.

that an officer's immediate supervisor be involved in efforts to identify and remediate concerning behaviors and through the requirement to document those supervisory reviews, allows upper-level management within the department to supervise its supervisors.

With the movement of the Monitorship into an Operational Integrity phase and the introduction of RISKS meetings, the Monitor and APD are attempting to ensure that true intervention is accomplished through the identification of issues observed through intense review of all tier 1 uses of force, pursuits, as well as incidents that have given rise to a complaint, lawsuits, and municipal court cases involving low-level charges that have been dismissed in full by the court. In addition, arrest data, traffic summons data, and contact data are all examined for compliance issues, with a sample of underlying incidents being reviewed as well. As noted in Focus Item 7 "Operational Integrity Assessments & RISKS Reviews", these meetings have been running well and have uncovered some significant issues which have been or are being addressed.

OPERATIONAL INTEGRITY ASSESSMENTS RE: ACCOUNTABILITY & TRANSPARENCY

Current Status:  Right track: 50-74% aligned with operational integrity criteria.

The Monitor uses the following operational integrity criteria to assess APD's implementation of the requirements of the CD relating to "Accountability & Transparency":

1. Is APD utilizing data from its systems to analyze trends and patterns in conduct by officers and supervisors, including relating to disciplinary outcomes and sustained complaints about officers' law enforcement activities?
2. Is APD utilizing data from its systems to address the cause of any trends or patterns and hold officers and supervisors accountable for their conduct?
3. Is APD properly utilizing its systems to track officer conduct with appropriate indicators to help identify potentially at-risk officers?
4. Is APD properly developing policies and training its supervisors to utilize such systems and to analyze trends and patterns by officer, shift, beat and district?
5. Is APD publicly reporting on trends or patterns in the conduct of officers/supervisors by shift, beat or district?
6. Has APD developed an internal review and accountability process designed to ensure continued compliance?

In the previous reporting period, the Monitor found that APD was on the right track at 50-74% aligned with the operational integrity criteria above because APD had developed workarounds to extract, analyze and review trends and patterns in its data relating to the conduct of officers and supervisors in each district, and to hold officers and supervisors accountable for their conduct. In addition, APD was publicly reporting on certain trends and patterns by district.

Further, in the previous reporting period, the Monitor found that while APD had not met the operational integrity aspects of this section using automation, it had, nonetheless developed methods of extracting and analyzing the relevant data in order to analyze trends and patterns. Unfortunately, until the end of the current reporting period, there was a failure to utilize these workarounds appropriately, causing a degradation of the utility of APD's Operational Review meetings. This may have, in part, been due to personnel changes in APD's Constitutional Policing Unit. The Monitor has met with APD and has been assured that the issues will be addressed: a new vendor for critical systems has been selected, and APD is adding a data scientist position to its team. As a result, APD expects to be able to deploy a useable dashboard for visualization of data collected from different sources.

Specifically, the following issues were noted in RP8:

1. *Decreased Use of Workaround Systems From RP7:* The manual processes APD had been using to track officer conduct and compliance were not consistently utilized in RP8. This decline in use was largely due to changes in the RISKS meeting format, where reviews of individual officers were removed from the standard presentation, diminishing the focus on compliance and accountability.
2. *Failure to Analyze Trends & Patterns Using Existing Data:* Until the end of the current reporting period, APD did not effectively utilize its systems to analyze trends and patterns in officer behavior. The lack of systemic review meant that potential areas of concern were not proactively identified.
3. *No Structured Effort to Address the Causes of Identified Patterns:* Even when patterns of policy violations could be inferred from available data, until the end of the current reporting period, APD did not establish a structured response to address root causes or hold officers and supervisors accountable for persistent issues.
4. *Inadequate Use of Systems to Track At-Risk Officers:* Tracking of officers' histories in order to be able to utilize historical data when devising remedies for sub-standard performance, and for spotting an officer who may be at risk is an important part of accountability. APD's systems in this regard continue to be lacking.
5. *Failure to Publicly Report on Trends in Officer Conduct:* There was no effort in RP8 to publish or publicly discuss any trends or patterns in officer or supervisor conduct. Transparency efforts in this area stagnated, leaving community stakeholders without insight into accountability measures.

Path Forward for Compliance

While APD developed an interactive CDC compliance dashboard at the end of RP8, this does not address the lack of action throughout RP8.⁸⁷ To fully align with the operational integrity criteria above relating to accountability and transparency, APD must:

1. *Reintroduce Individual Officer Statistics at RISKS Meetings:* Accountability must be reinforced within APD’s review structures, ensuring that officer performance, compliance, and trends in conduct are systematically analyzed.
2. *Fully Operationalize Data-Driven Early Intervention Efforts:* APD must develop a structured system that tracks patterns of complaints, uses of force, and other indicators of at-risk officers.
3. *Strengthen Supervisor Training & Policy Expectations:* Supervisors must be trained to use APD’s accountability tools effectively and must be required to proactively analyze conduct trends within their command areas.

Because of APD’s efforts at the end of RP8, the Monitor concludes that APD remains on the right track at 50-74% aligned with operational integrity criteria. If APD fails to fully reintroduce structured compliance measures in RP9, this area may face a setback. The implementation of a robust, interactive dashboard will be a critical factor in determining whether APD can establish full operational integrity in the upcoming reporting period.

PREVIOUS FINDINGS OF COMPLIANCE

During the previous reporting period, the Monitor found that neither of the mandates relating to accountability and transparency were in substantial compliance.

THIS REPORTING PERIOD’S ASSESSMENTS OF INDIVIDUAL MANDATES IN THIS SECTION

During the current reporting period, the Monitor assessed the status of both mandates in this section of the CD, both of which relate to APD. Both mandates are 50-74% complete, with one now on a cautionary track while the other remains on the right track.

⁸⁷ The Monitor has shared with APD a Power BI dashboard analyzing CDC data which the Monitor developed as part of its assessment process. The Monitor’s dashboard template will be utilized by APD until such time as APD modifies or replaces that dashboard.

ASSESSMENT OF MANDATE 67 - ACCOUNTABILITY AND TRANSPARENCY – OBJECTIVES

Current Status:  50-74% Complete. Cautionary track. Uncertain if Monitor's expectations will be met.

The CD and compliance definition for Mandate 67, as agreed to in the MADC, require the City to develop and disseminate systems that permit APD to identify trends and patterns in the conduct of its officers with indicators including lawsuits, complaints, misconduct, UOF and other repeated conduct; and that such systems have the ability to track among other things, conduct by officer, supervisor, shift, beat and district. In addition, APD is required to develop, disseminate and deliver policies and training on the use of such systems to its current and newly promoted supervisors; and APD is required to develop an internal review and accountability process to ensure continued compliance.

During the previous reporting period, the Monitor assessed the status of this mandate and found it to be on the right track at 50-74% complete because APD did not have fully-matured processes that identified and reported on trends and patterns in conduct by officer for all units, and by supervisor, shift, beat and district; APD did not have policies and training for its supervisors on expectations relating to early intervention trend and pattern analysis and remediation; and APD did not have an internal review and accountability process to ensure supervisors were held accountable if they were not monitoring and addressing any concerns flagged by APD's early intervention systems and processes in a timely manner.

During RP8, APD failed to make meaningful progress in meeting the requirements of Mandate 67, largely due to uncertainty surrounding the transition from existing tracking systems (Benchmark and AIM) to the newly adopted Axon system. While the City has committed to moving beyond its previous systems, although such systems do not provide the full functionality required, APD should continue to use its existing systems until the Axon system is fully operationalized and able to provide the necessary tracking, analysis, and intervention capabilities.

More specifically, deficiencies in RP8 include:

1. *Uncertainty in the Functionality of the New Axon System:* It remains unclear whether Axon will meet the CD's requirements for tracking trends and patterns in conduct by officer, supervisor, shift, beat and district. There is no detailed implementation plan outlining how Axon will be configured to identify officers at risk, analyze trends, and trigger early interventions.
2. *Lack of a Structured Transition Plan From Benchmark & AIM:* APD has not provided clarity on how it will bridge the gap between the old and new systems. Without a structured transition plan, there is a risk of losing historical data and disrupting ongoing accountability efforts.

3. *Failure to Implement a Fully Functional & Integrated Early Intervention System:* An effective early intervention system (EIS) should be in place to flag patterns of concern in officer behavior, such as repeated UOF incidents, high complaint rates, or performance deficiencies. While APD has two existing systems (FirstSign and PEIS), neither are fully functional/fully integrated with appropriate data inputs, and APD has not established a clear process regarding how to leverage, monitor and act upon such data.
4. *No Structured Process for Evaluating Officer Risk Factors:* Even in cases where officer behavior raises concerns, there is no defined mechanism to assess the underlying causes of performance issues or determine whether training, counseling, or discipline is required.

Path Forward for Compliance

To achieve compliance, APD must:

1. *Clarify Axon's Capabilities and Ensure it Will Meet All CD Requirements:* APD must explicitly define how Axon's system will track trends and patterns in conduct by officer, supervisor, shift, beat and district; and how Axon's system will flag at-risk officers and trigger intervention protocols.
2. *Develop & Implement a Structured Transition Plan from Benchmark and AIM:* APD must ensure that critical officer conduct data is not lost and that there is no lapse in accountability measures during the transition.
3. *Operationalize a Comprehensive Fully Integrated EIS:* APD must establish clear thresholds and response protocols for identifying officers at risk based on the full range of each officer's activities and conduct, and for investigating root causes, and must use such data to develop and implement corrective actions.
4. *Ensure Supervisors are Trained and Equipped:* APD must provide formalized training for supervisors on how to use its data systems to track officer performance and intervene when necessary.
5. *Create a Defined Review and Accountability Process:* APD must establish an internal oversight mechanism to ensure continued monitoring and evaluation of officer behavior, risk indicators, and supervisory actions.

At this stage, based on the foregoing, Mandate 67 is now on a cautionary track at 50-74% complete. The transition to Axon will be a key factor in determining whether APD will be on the right track with the above operational integrity criteria in RP9. APD needs to have a fully functional and integrated tracking and intervention system in the meantime, otherwise further regression may occur. The Monitor will continue to assess this mandate in the next reporting

periods, including the effectiveness of APD’s EIS before, during and after the transition of APD’s EIS to Axon.

ASSESSMENT OF MANDATE 68 - ACCOUNTABILITY AND TRANSPARENCY - GOALS & MEASUREMENTS

Current Status:  - 50-74% Complete. In line with Monitor’s expectations.

The CD and compliance definition for Mandate 68, as agreed to in the MADDC, require APD to plan for, then develop and implement a system that tracks disciplinary outcomes, identifies trends or patterns of sustained complaints about officers’ law enforcement activities, and publicly reports such information. APD is also required to develop internal policies/SOPs on the use of such systems and processes, and to disseminate sufficient training or orientation on such systems and processes to all appropriate supervisory and investigative staff. There must also be sufficient accountability measures for failures to utilize the system or to publicly report on the data, and APD must develop and implement an internal review and accountability process designed to ensure continued compliance.

During the previous reporting period, the Monitor assessed the status of this mandate as being on the right track at 50-74% complete because APD was examining certain trends and patterns in its RISKS meetings, but was not yet assessing or publicly reporting on trends relative to APD.

Much of the work envisioned in this mandate was to be performed by APD’s Constitutional Policing Unit which is meant to: establish goals and measurements against indicators that require ongoing compliance and personnel review, and conduct quality audits across APD on a rolling basis. The unit was staffed during RP8, but robust analysis has not yet begun.

During RP8, the Monitor conducted a review of complaint investigations at both the command level and through APD’s Internal Investigations Bureau as summarized in Focus Item 4 “Administrative Investigations & Implementation of DM 10.02”. This review identified areas for improvement in APD’s complaint investigation processes and protocols, relative to thoroughness and consistency. These issues were discussed with APD leadership and while APD has acknowledged shortcomings, no immediate corrective action was implemented in RP8.

Key Findings in RP8

1. *Deficiencies in Investigation Process and Protocols:* The Monitor’s review of a sample of complaint investigations revealed some areas for improvement in investigative consistency, documentation, and adherence to established procedures. Some cases lacked comprehensive fact-finding, clear evidentiary analysis, or structured reasoning in disciplinary decisions.

2. *Revisions to APD’s Disciplinary Process (DM 10.02)*: The Monitor participated in the revision of APD’s disciplinary policies, including the update to DM 10.02, which introduces more detailed investigative protocols and procedural requirements. While this revision is a positive development, it was not operationalized during RP8.
3. *Expectation of Improvement in RP9*: The updated DM 10.02 is expected to take effect in RP9, with APD continuing to refine its investigative processes and adherence to best practices. The Monitor will continue to review complaint investigations in the next reporting period to assess whether these policy improvements result in tangible operational changes.
4. *Public Transparency Efforts*: APD has continued to publicly post disciplinary decisions on its website, maintaining a degree of transparency. However, the transparency portal was not further enhanced during the current reporting period so as to be able to report disciplinary trends, complaint investigations, and outcomes. Although the use of a “Transparency Portal” is not specifically a requirement of the CD, the portal provides a useful tool to disseminate information to the public, and was the initial approach taken by APD to address the requirements of Mandate 68 of the CD. APD is considering additional methods of posting public information that will serve to satisfy its remaining transparency requirements.

Path Forward for Compliance

To move toward substantial compliance, APD must:

1. *Fully Implement and Adhere to the Revised DM 10.02*: APD must ensure that investigators follow the new protocols consistently and that complaint investigations meet best practice standards.
2. *Establish a Structured Oversight Mechanism*: APD should conduct regular audits of complaint investigations to ensure consistency, thoroughness, and proper documentation.
3. *Provide Supervisor Training on Updated Investigative Standards*: Command staff and Internal Investigations personnel should receive formalized training on the updated disciplinary process and investigation protocols included in DM 10.02 and its appendices.⁸⁸
4. *Enhance Transparency*: APD must expand its public reporting mechanisms to provide greater transparency into disciplinary trends, complaint investigations, and outcomes – either through its Transparency Portal or through alternative means.

⁸⁸ See Appendix J.

5. *Develop an Implementation Plan:* As APD works with Axon to customize and implement Axon Standards, APD must develop an implementation plan regarding how Axon Standards will be used to track disciplinary outcomes, identify and report on trends or patterns of sustained complaints so that such information can be reported publicly; APD must also develop and disseminate internal policies/SOPs/training or other communications on the use of such systems and processes.
6. *Develop an Internal Review and Accountability Process:* As required by this mandate, APD must also develop and implement an internal review and accountability process designed to ensure continued compliance.

At this stage, Mandate 68 remains on the right track at 50-74% complete. While structural improvements have been made through policy revisions, their effectiveness will only be determined as they are operationalized and applied in actual complaint investigations. The Monitor will continue to review a sample of cases in the next reporting period to evaluate whether APD is meaningfully addressing the deficiencies identified in RP8.

V. CONCLUSION

This eighth reporting period reflects continued progress across many areas of the CD, including operational integrity and APD's response to key learnings from critical incidents. The reforms implemented not only meet the mandates of the CD but also reflect APD's genuine commitment to continuous improvement — aimed at preventing future incidents, managing them appropriately when they occur, reducing risk, enhancing public trust, protecting both officers and the public, and improving overall policing outcomes in Aurora. While data-related challenges persisted during this period, APD has made encouraging strides through the efforts of its Quality Assurance Unit and ongoing system enhancements. Overall, the Monitor is encouraged by the progress achieved in RP8 and believes that the CD's reforms are taking root. Although the work is not yet complete, the City is on a steady path toward substantial compliance with the CD.

APPENDICES

APPENDIX A: REPORT CARD MATRIX

DRAFT REPORT CARD MATRIX Legend on page 10		RP1 2/15/22- 5/15/22	RP2 5/16/22- 8/15/22	RP3 8/16/22- 11/15/22	RP4 11/16/22- 2/15/23	RP5 2/16/23- 8/15/23	RP6 8/16/23- 2/15/24	RP7 2/16/24- 8/15/24	RP8 8/16/24- 2/15/25	RP9 2/16/25- 8/15/25	RP10 8/16/24- 2/15/26	RP11 2/16/26- 8/15/26	RP12 8/16/26- 2/15/27
MANDATE NUMBER	TITLE AND SYNOPSIS	COMPLIANCE DETERMINATIONS											
POLICIES & TRAINING GENERALLY													
OPERATIONAL INTEGRITY re: POLICIES & TRAINING GENERALLY: APD/AFR must adhere to the following operational excellence criteria: APD/AFR distributed all CD-related policies and revisions thereof; all APD/AFR members attended training thereon; and all new policies/trainings were approved by Monitor													
1A	Policies & Training Generally (APD): APD must develop/implement policies to address 32 APD policy-driven mandates, and develop/deliver training as required by 17 training-driven mandates, plus policy to hold officers accountable for policy violation												
1B	Policies & Training Generally (AFR): AFR must develop/implement policies to address 10 AFR policy-driven mandates, and develop/deliver training require by 2 training-driven mandates, plus policy to hold firefighters accountable for policy violation												
2A	Policy Development, Review & Implementation (APD): APD must implement an appropriate governance process that: decreases the length of time for APD policy/training development, review and implementation (for all 32 policy mandates and 17 training mandates); is documented; plus standards are being adhered to												
2B	Policy Development, Review & Implementation (AFR): AFR must implement an appropriate governance process that: decreases the length of time for AFR policy/training development, review and implementation (for all 10 policy mandates and 2 training mandates); is documented; plus standards are being adhered to												
2C	Policy Development, Review & Implementation (CSC): CSC must implement an appropriate governance process that: decreases the length of time for CSC policy/training development, review and implementation (for all 8 CSC policy mandates); is documented; plus standards are being adhered to												
3A	Submission of New Policies for Review (APD): APD must submit all CD-related policies, procedures or rules to the Monitor for review and approval before implementation												
3B	Submission of New Policies for Review (AFR): AFR must submit all CD-related policies, procedures or rules to the Monitor for review and approval before implementation												
3C	Submission of New Policies for Review (CSC): CSC must submit all CD-related policies, procedures or rules to the Monitor for review and approval before implementation												

DRAFT REPORT CARD MATRIX Legend on page 10		RP1 2/15/22- 5/15/22	RP2 5/16/22- 8/15/22	RP3 8/16/22- 11/15/22	RP4 11/16/22- 2/15/23	RP5 2/16/23- 8/15/23	RP6 8/16/23- 2/15/24	RP7 2/16/24- 8/15/24	RP8 8/16/24- 2/15/25	RP9 2/16/25- 8/15/25	RP10 8/16/24- 2/15/26	RP11 2/16/26- 8/15/26	RP12 8/16/26- 2/15/27
MANDATE NUMBER	TITLE AND SYNOPSIS	COMPLIANCE DETERMINATIONS											
4A	Incorporation of Best Practices & Scenario-based Training (APD): APD must incorporate best practices into CD-required training, including greater use of scenario-based training												
4B	Incorporation of Best Practices & Scenario-based Training (AFR): AFR must incorporate best practices into CD-required training, including greater use of scenario-based training												
5A	Sharing of Training Plans (APD): APD must share all training plans with Monitor for approval prior to finalization												
5B	Sharing of Training Plans (AFR): AFR must share all training plans with Monitor for approval prior to finalization												
ADDRESSING RACIAL BIAS IN POLICING													
OPERATIONAL INTEGRITY OF BIAS-FREE POLICING: APD must adhere to the following operational excellence criteria: no indication of racial bias in any incident; if any were found, they were self-identified by APD, appropriately investigated and remediated; and any quantitative data regarding protected-class disparities analyzed to determine cause													
6	Addressing Racial Bias in Policing - Objectives- Metrics: City must measurably change APD engagement with community including reducing racial disparities in contacts, arrests and uses of force												
7	Addressing Racial Bias in Policing – Objectives - Transparency: City must create full public transparency on APD contacts, arrests and uses force including racial disparities in each category												
8	Addressing Racial Bias in Policing – Objectives - Policies and Training: APD must 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												
9	Addressing Racial Bias in Policing – Policy Changes – Amendment of Existing Policies - Revision of Directive 8.32 (Biased-based policing): APD must review and revise its biased-policing policy to prohibit discrimination including more detail and examples												
10	Addressing Racial Bias in Policing – Policy Changes – Amendment of Existing Policies - Revision of Directive 6.01 (Arrest Procedure): APD must review and revise its arrest policy to prohibit discrimination including more detail and examples												

DRAFT REPORT CARD MATRIX		RP1	RP2	RP3	RP4	RP5	RP6	RP7	RP8	RP9	RP10	RP11	RP12
Legend on page 10		2/15/22-5/15/22	5/16/22-8/15/22	8/16/22-11/15/22	11/16/22-2/15/23	2/16/23-8/15/23	8/16/23-2/15/24	2/16/24-8/15/24	8/16/24-2/15/25	2/16/25-8/15/25	8/16/24-2/15/26	2/16/26-8/15/26	8/16/26-2/15/27
MANDATE NUMBER	TITLE AND SYNOPSIS	COMPLIANCE DETERMINATIONS											
11	Addressing Racial Bias in Policing – Creation of New Policies - Stops: APD must draft policies on contacts/stops with practical guidance for decision making on the exercise of discretion												
12	Addressing Racial Bias in Policing – Training - Academy Training (Development): APD must develop Academy training on bias, decision making, avoiding unnecessary escalation, doing what should be done, recordkeeping and articulating basis for encounters												
13	Addressing Racial Bias in Policing – Training - Academy Training (Delivery): APD must deliver Academy training on bias, decision making, avoiding unnecessary escalation, doing what should be done, recordkeeping requirements and articulation of basis for encounters												
14	Addressing Racial Bias in Policing – Training – In-Service Training (Development): APD must develop in-service based training on bias, decision making, avoiding unnecessary escalation, doing what should be done, recordkeeping and articulation of basis for encounters												
15	Addressing Racial Bias in Policing – Training – In-Service Training (Delivery): APD must deliver in-service training on bias, decision making, avoiding unnecessary escalation, doing what should be done, recordkeeping and articulation of basis for encounters												
16	Addressing Racial Bias in Policing – Goals and Measurement: APD must develop metrics to measure improvement in training, recordkeeping of police interactions, documentation and tracking of uses of force, and misdemeanor arrest outcomes for specified offenses												
USE OF FORCE													
OPERATIONAL INTEGRITY re: USE OF FORCE: APD must adhere to the following operational excellence criteria: officers used appropriate levels of force; UOFs were reviewed on a timely basis; all UOF issues were identified by supervisors and remediated in a timely/appropriate manner; no issues with FRB operation nor coordination with AFR													
17	Use of Force - Objectives – Policies and Training: APD must create improved policies to handle situations that reduce need to use force, and ensure UOFs are compliant with state and federal law, protect officer and community safety, and build a culture of continuous improvement												
18	Use of Force - Objectives – Culture of De-escalation: APD must create a culture that prioritizes de-escalation in compliance with Colorado law, without compromising officer safety												

DRAFT REPORT CARD MATRIX Legend on page 10		RP1 2/15/22- 5/15/22	RP2 5/16/22- 8/15/22	RP3 8/16/22- 11/15/22	RP4 11/16/22- 2/15/23	RP5 2/16/23- 8/15/23	RP6 8/16/23- 2/15/24	RP7 2/16/24- 8/15/24	RP8 8/16/24- 2/15/25	RP9 2/16/25- 8/15/25	RP10 8/16/24- 2/15/26	RP11 2/16/26- 8/15/26	RP12 8/16/26- 2/15/27
MANDATE NUMBER	TITLE AND SYNOPSIS	COMPLIANCE DETERMINATIONS											
19	Use of Force - Objectives – Accountability Measures: APD must develop/improve accountability mechanisms to consistently identify excessive UOFs, situations where force should not have been used even though legal, and recurring training or tactical issues related to UOF												
20A	Use of Force - Objectives - Culture of Coordination and Collaboration Between APD and AFR (APD): APD must create a culture of collaboration between APD and AFR regarding policies, training and accountability												
20B	Use of Force - Objectives - Culture of Coordination and Collaboration Between APD and AFR (AFR): AFR must create a culture of collaboration between APD and AFR regarding policies, training and accountability												
21	Use of Force - Policy Changes: APD must adopt CJU UOF Policies in collaboration with Monitor by UOF Policy Deadline												
22	Use of Force - Amendment of Existing Policies: City must make appropriate changes to policies on Use of Physical and Deadly Force (5.03), Reporting & Investigating UOF (5.04), Dealing with Persons with Mental Health Disorders (6.13), Coordination with AFR (9.06), and limits on UOF												
23	Use of Force - Creation of New Policies: City must create a policy, procedure or other directive to facilitate comprehensive joint coordination policy between APD and AFR												
24	Use of Force – Force Review Board (Recent Changes): APD must discuss proposed changes to FRB processes with Monitor												
25	Use of Force - Changes to Process (Feedback for Training): APD must develop, disseminate and implement approved FRB policies, including formalizing feedback for training on incidents where no policy violation occurred												
26	Use of Force - Changes to Process (Review in Context): APD must change FRB policy to ensure review is in context of overall circumstances of encounter including mental capacity of suspect												
27	Use of Force - Changes to Process (Measurement of Uses of Force): APD must modify policies to develop reliable metrics for frequency of UOF, compliance with policy, injuries to subjects, officer safety, mental health holds and other relevant metrics												

DRAFT REPORT CARD MATRIX Legend on page 10		RP1 2/15/22- 5/15/22	RP2 5/16/22- 8/15/22	RP3 8/16/22- 11/15/22	RP4 11/16/22- 2/15/23	RP5 2/16/23- 8/15/23	RP6 8/16/23- 2/15/24	RP7 2/16/24- 8/15/24	RP8 8/16/24- 2/15/25	RP9 2/16/25- 8/15/25	RP10 8/16/24- 2/15/26	RP11 2/16/26- 8/15/26	RP12 8/16/26- 2/15/27
MANDATE NUMBER	TITLE AND SYNOPSIS	COMPLIANCE DETERMINATIONS											
28	Use of Force – Collaboration with Academy and Other Sections: APD must develop, disseminate and implement its FRB and Training policies to include Academy staff on the FRB, and require BWC to be used to train showing good and bad techniques for de-escalation and other tactics												
29	Use of Force – Training (Scenario-based training): APD must develop and deliver scenario-based UOF Training by completion deadline												
30	Use of Force – Training (De-escalation training): All APD UOF/de-escalation training must be completed by UOF Training completion deadline												
31	Use of Force – Training (Joint APD & AFR Training): APD must develop and deliver its approved UOF training, including joint APD/AFR coordination, to all appropriate APD/AFR personnel												
32	Use of Force – Goals & Measurement: APD must develop metrics to include at least ABLE training, crisis intervention training, number and type of UOF incidents and complaints												
DOCUMENTATION OF STOPS													
OPERATIONAL INTEGRITY re: DOCUMENTATION OF STOPS: APD must adhere to the following operational excellence criteria: all stops reviewed were constitutional and within policy; no indication of unreported or misreported stops; supervisors identified any unconstitutional stops and any unreported/misreported stops; and APD appropriately remediated all issues with stops; and all stops data properly reported to state													
33	Documentation of Stops - Objectives: APD must develop a stops documentation system that complies with state law, allows for prompt and transparent review of officer behavior and allows APD to identify successes and areas for improvement												
34	Documentation of Stops – Policy Changes (General Principle): APD must develop policies that conform with state law, reduce the need for multiple trainings and policy updates, and allows information to flow into a system that links officer information with stop info												
35	Documentation of Stop – Policy Changes - Creation of New Policies (Legal Requirements for Stops): APD must create a new policy that provides legal guidance on the different types of contacts officers make including an encounter, a detention (Terry stop) and arrests												
36	Documentation of Stops- Policy Changes – Creation of New Policies (Recordkeeping Requirements): APD must create a new policy for implementing the collection of data under CRS provisions												

DRAFT REPORT CARD MATRIX		RP1	RP2	RP3	RP4	RP5	RP6	RP7	RP8	RP9	RP10	RP11	RP12
Legend on page 10		2/15/22-5/15/22	5/16/22-8/15/22	8/16/22-11/15/22	11/16/22-2/15/23	2/16/23-8/15/23	8/16/23-2/15/24	2/16/24-8/15/24	8/16/24-2/15/25	2/16/25-8/15/25	8/16/24-2/15/26	2/16/26-8/15/26	8/16/26-2/15/27
MANDATE NUMBER	TITLE AND SYNOPSIS	COMPLIANCE DETERMINATIONS											
37	Documentation of Stops – Training Plan Development: APD must develop a training plan in consultation with the Monitor for implementing new policies and for revisions of current policies												
38	Documentation of Stops - Training – Training (Delivery): APD must train all personnel who interact with the public on its stops policies												
39	Documentation of Stops - Goals & Measurements: APD must finalize the above policies, effectively train, and monitor compliance with such policies; monitoring will include review of BWC videos, review of reports and ride alongs												
USE OF KETAMINE & OTHER SEDATIVES AS A CHEMICAL RESTRAINT													
OPERATIONAL INTEGRITY re: USE OF KETAMINE & OTHER CHEMICAL RESTRAINTS: AFR must adhere to the following operational excellence criteria: no indication of use of ketamine or other chemical restraints outside policy; if there were any, supervisors identified any such uses; all inappropriate uses were appropriately remediated													
40	Use of Ketamine & Other Chemical Restraints – Objectives: Ketamine must not be used in the field without explicit approval by the Monitor after appropriate consultation with AFR's Medical Director												
41	Use of Ketamine & Other Chemical Restraints – Objectives: AFR must develop, disseminate and implement an approved policy on any use of chemical sedatives in accordance with state law and waiver requirements												
42	Use of Ketamine & Other Chemical Restraints – Objectives: AFR must develop, disseminate and implement an approved policy requiring any use of chemical restraints to be based solely on a medical determination without recommendation or suggestion by APD												
43	Use of Ketamine & Other Chemical Restraints – Objectives: APD/AFR must meet and confer with the Monitor regarding any issues with the use of chemical restraints												
44	Use of Ketamine & Other Chemical Restraints – Policy Changes if Ketamine is Used: If Ketamine is sought to be used in the field again, AFR must work with Monitor to develop policies and procedures for same												
45	Use of Ketamine & Other Chemical Restraints – Process Changes: AFR must develop a post-incident analysis procedure for Ketamine if being reintroduced												

DRAFT REPORT CARD MATRIX		RP1	RP2	RP3	RP4	RP5	RP6	RP7	RP8	RP9	RP10	RP11	RP12	
Legend on page 10		2/15/22-5/15/22	5/16/22-8/15/22	8/16/22-11/15/22	11/16/22-2/15/23	2/16/23-8/15/23	8/16/23-2/15/24	2/16/24-8/15/24	8/16/24-2/15/25	2/16/25-8/15/25	8/16/24-2/15/26	2/16/26-8/15/26	8/16/26-2/15/27	
MANDATE NUMBER	TITLE AND SYNOPSIS	COMPLIANCE DETERMINATIONS												
46	Use of Ketamine & Other Chemical Restraints – Evaluation of Chemical Sedation: AFR must review each chemical sedative utilization to determine if use was warranted under policy and law, whether police officers were involved in decision, and risk factors													
47	Use of Ketamine & Other Chemical Restraints – Evaluation of Chemical sedation: AFR must provide semi-annual summaries of its reviews required in Mandate 46 with basic tabular data and in compliance with CRS 18-8-805(2)(b)(1)													
48	Use of Ketamine & Other Chemical Restraints – Goals and Measurement: AFR must not use ketamine, or if AFR uses ketamine, AFR will only do so when symptoms justify its use, when AFR has not been influenced by APD and appropriate dosage was administered													
RECRUITMENT, HIRING & PROMOTION														
OPERATIONAL INTEGRITY re: RECRUITMENT, HIRING & PROMOTION: City must adhere to the following operational excellence criteria: APD's/AFR's recruitment and hiring practices resulted in hiring a more diverse qualified cohort of recruits; APD's/AFR's recent promotions and disciplinary outcomes followed agreed promotional/disciplinary processes; and HR provided appropriate data/reporting during/post each hiring process														
49A	Recruitment, Hiring & Promotion – Objectives (APD): APD must transform its recruitment and hiring process to create a more diverse and qualified workforce and create a culture of continuous improvement													
49B	Recruitment, Hiring & Promotion – Objectives (AFR): AFR must transform its recruitment and hiring process to create a more diverse and qualified workforce and create a culture of continuous improvement													
49C	Recruitment, Hiring & Promotion – Objectives (CSC): The City and CSC must transform the City's recruiting and hiring processes to create a more diverse and qualified workforce for APD and AFR, and establish APD and AFR's commitments to a culture of continuous improvement													
50	Recruitment, Hiring & Promotion – Objectives: The CSC must improve transparency, accountability and predictability in discipline review including by facilitating CSC standardization and codification of elements of the disciplinary review process													
51	Recruitment, Hiring & Promotion – Objectives: The CSC must improve transparency and accountability in its work to enable community understanding of CSC's role in hiring, promotion and discipline; and City must have processes to sustain community engagement re: CSC's work													

DRAFT REPORT CARD MATRIX		RP1	RP2	RP3	RP4	RP5	RP6	RP7	RP8	RP9	RP10	RP11	RP12
Legend on page 10		2/15/22-5/15/22	5/16/22-8/15/22	8/16/22-11/15/22	11/16/22-2/15/23	2/16/23-8/15/23	8/16/23-2/15/24	2/16/24-8/15/24	8/16/24-2/15/25	2/16/25-8/15/25	8/16/24-2/15/26	2/16/26-8/15/26	8/16/26-2/15/27
MANDATE NUMBER	TITLE AND SYNOPSIS	COMPLIANCE DETERMINATIONS											
52	Recruitment, Hiring & Promotion – Recruitment (APD): APD must review and revise its 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												
53	Recruitment, Hiring & Promotion – Recruitment (AFR): AFR must review and revise its 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												
54	Recruitment, Hiring & Promotion – Recruitment (APD): APD's recruitment plan must include an examination of minimum qualifications for both new recruits and lateral hires in consultation with the CSC												
55	Recruitment, Hiring & Promotion – Recruitment (AFR): AFR's recruitment plan must include an examination of minimum qualifications for both new recruits and laterals in consultation with the CSC												
56	Recruitment (Outreach for Diversity) (APD): APD's recruitment plan must 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												
57	Recruitment (Outreach for Diversity) (AFR): AFR's recruitment plan must include an outreach to community leaders and stakeholders, to increase the diversity of AFR's applicant pool and identify candidates and have skills to succeed												
58	Recruitment, Hiring & Promotion – Recruitment (APD): APD's recruitment plan must include broad distribution of career opportunities and details pertaining thereto in the metro Denver area, and makes the same info available on the website with direct contact to recruiting member												
59	Recruitment, Hiring & Promotion – Recruitment (AFR): AFR's recruitment plan must 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												
60	Recruitment, Hiring & Promotion – CSC (Hiring of Entry-Level Police Officers & Firefighters): APD and AFR must assume a much more active role in the hiring of individuals from the eligibility lists and have the final say on which candidates get hired												

DRAFT REPORT CARD MATRIX		RP1	RP2	RP3	RP4	RP5	RP6	RP7	RP8	RP9	RP10	RP11	RP12	
Legend on page 10		2/15/22-5/15/22	5/16/22-8/15/22	8/16/22-11/15/22	11/16/22-2/15/23	2/16/23-8/15/23	8/16/23-2/15/24	2/16/24-8/15/24	8/16/24-2/15/25	2/16/25-8/15/25	8/16/24-2/15/26	2/16/26-8/15/26	8/16/26-2/15/27	
MANDATE NUMBER	TITLE AND SYNOPSIS	COMPLIANCE DETERMINATIONS												
61	Recruitment, Hiring & Promotion – CSC (Promotion): The CSC must work with the Monitor and outside expert to make changes to the promotional process to be consistent with the goals of the CD													
62	Recruitment, Hiring & Promotion – CSC (Discipline - Timeliness): The CSC must revise rules that reduce the time for a hearing; and strongly consider not allowing a full de novo review of disciplinary cases													
63	Recruitment, Hiring & Promotion – CSC (Discipline): The CSC must revise its rules regarding the content of decisions so as to contain a plain statement of the actual allegation, defenses, findings and basis of decision that public can understand													
64	Recruitment, Hiring & Promotion – CSC (Discipline): The CSC must revise its rules to make as much of its business easily accessible to the public including discipline decisions, requests for continuance, and identification with reasons for any non-public material													
65	Recruitment, Hiring & Promotion – CSC (Outside Expert): The City and CSC must hire an outside expert to assist in developing best practices for recruiting and hiring													
66	Recruitment, Hiring & Promotion – CSC (Transparency): The CSC must conduct as much of its business as possible so that it is easily accessible from its website and shall identify any business which is not being conducted in a way that is publicly available													
ACCOUNTABILITY & TRANSPARENCY														
OPERATIONAL INTEGRITY re: ACCOUNTABILITY & TRANSPARENCY: City must adhere to the following operational excellence criteria: APD is using data re: trends and patterns to assess/address the causes and hold officers and supervisors accountable for their conduct; is identifying potentially at-risk officers; is publicly reporting on trends/patterns in officer/supervisor conduct; and has an internal review and accountability process														
67	Accountability & Transparency - Objectives: The City must develop systems that regularly and easily identify trends and patterns in the conduct of its officers with the ability to track conduct by officer, supervisor, shift, beat and district													
68	Accountability & Transparency - Goals & Measurements: The City must develop a system that tracks disciplinary outcomes, identification of trends or patterns of sustained complaints, and provides public reporting thereon													

DRAFT REPORT CARD MATRIX Legend on page 10		RP1	RP2	RP3	RP4	RP5	RP6	RP7	RP8	RP9	RP10	RP11	RP12
		2/15/22-5/15/22	5/16/22-8/15/22	8/16/22-11/15/22	11/16/22-2/15/23	2/16/23-8/15/23	8/16/23-2/15/24	2/16/24-8/15/24	8/16/24-2/15/25	2/16/25-8/15/25	8/16/24-2/15/26	2/16/26-8/15/26	8/16/26-2/15/27
MANDATE NUMBER	TITLE AND SYNOPSIS	COMPLIANCE DETERMINATIONS											

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

* For operational integrity, instead of measuring completeness, the measurement relates to alignment with operational excellence criteria

APPENDIX B:
DIRECTIVE MANUAL 04.15
POLICE VEHICLE PURSUITS

AURORA POLICE DEPARTMENT

DIRECTIVES MANUAL

04.15 POLICE VEHICLE PURSUITS

Approved By:	Todd Chamberlain, Chief of Police
Effective:	Oct-14-2024
Revised:	Mar-05-2025
Associated Policy:	DM 04.02, 05.05, 16.04
References:	C.R.S. § 42-4-108
Review Authority:	Policy and Compliance Unit, Training Division Chief, and APD Legal Advisor(s)

4.15.01 PURPOSE

The purpose of this directive is to provide sworn members with clear guidance on the authorization to initiate a police vehicle pursuit, guidelines for engagement in a pursuit, and the factors required to be continually assessed in determining whether to continue or terminate a pursuit. The primary goal is to provide sworn members with a means to immediately apprehend violent and dangerous suspects while mitigating the risk of injury or damage posed by engaging in the pursuit.

4.15.02 SCOPE

This directive applies to all sworn members of APD.

4.15.03 POLICY

Sworn members will engage in the pursuit of motor vehicles only as stated in this directive. A sworn member is authorized to initiate or to continue a pursuit only if, after consideration of the factors stated in this directive, they reasonably believe that the need for immediate apprehension of the suspect outweighs the risk of harm to the public.

4.15.04 DEFINITIONS

Additional Support Units: Sworn members responding to an anticipated termination point of the pursuit to assist in an ancillary capacity are not involved in the pursuit but are part of the pursuit response.

Blocking Vehicle: A motor vehicle positioned to control and direct traffic.

Boxing / Heading Off: This maneuver involves surrounding the subject's vehicle with moving police vehicles or getting in front of the subject's vehicle with a single police vehicle. Sworn members then reduce their speed in a controlled manner to slow the subject vehicle to a stop.

Deliberate Vehicle Contact: Any action by the member intended to result in contact between a police vehicle and the suspect's vehicle, such as the vehicle containment maneuver, the precision immobilization technique (PIT), or the controlled contact intervention.

Vehicle Containment Maneuver: A calculated maneuver or tactic utilizing vehicle contact to immobilize a target vehicle before the driver can escape or elude police by means of the vehicle. This tactic may be used to prevent a pursuit or at the termination point of a pursuit.

Precision Immobilization Technique (PIT): This technique employs deliberate vehicle contact, involving contact between the front quarter panel of a moving police vehicle and the rear quarter panel of a moving

vehicle intending to cause the vehicle to spin away from the direction of travel and stop the pursuit. PIT should not be employed when the vehicles involved in the pursuit travel more than 45 mph.

Controlled Contact Intervention: A member's deliberate collision of a police vehicle into a subject vehicle with the intent to disable the suspect's vehicle.

Divided Roadway: A road that includes a painted median or physical barrier between traffic traveling in opposite directions.

Eluding: Occurs when a sworn member driving a marked police vehicle gives a visual and/or audible signal(s) such as lights and/or siren directing the operator of a motor vehicle to bring their vehicle to a stop. The operator fails to stop and willfully increases their speed, extinguishes their lights, or takes other evasive action to avoid apprehension by the sworn member.

Emergency Response/Operation: Driving a marked or unmarked police vehicle with the emergency lights and/or siren in operation according to the Colorado Revised Statutes and applicable municipal ordinances.

Failure to Yield: This occurs when a sworn member driving a police vehicle gives a visual and audible signal(s) directing the operator of a motor vehicle to bring their vehicle to a stop. The operator fails to stop but does not willfully increase their speed, extinguish their lights, or take other evasive action to avoid apprehension by the sworn member.

Funneling: A controlled attempt to guide the suspect vehicle towards a predetermined route and influence the suspect driver to reduce its speed. This does not include driving directly alongside or in front of the subject vehicle.

Non-Originating Jurisdiction: A jurisdiction entered during a pursuit when the pursuit began in another jurisdiction.

Originating Jurisdiction: The jurisdiction where a pursuit begins.

Primary Jurisdiction: The jurisdiction of the sworn member driving the primary vehicle.

Primary Vehicle: The police vehicle driven by the sworn member initiating a pursuit or a marked police vehicle taking the lead vehicle position.

Pursuit: An active attempt by a sworn member to apprehend an operator of a motor vehicle who, after having been given a visual and audible signal (emergency lights and siren) directing such operator to bring the vehicle to a stop, fails to obey such direction AND takes overt action to avoid apprehension by the sworn member.

Pursuit Supervisor: A supervisor responsible for overseeing and making critical decisions during a vehicle pursuit.

Roadblock: A restriction or obstruction intended to prevent the free passage of motor vehicles.

Secondary Vehicle: A police vehicle that becomes involved in a pursuit immediately following the primary vehicle and acts as the primary vehicle's backup.

Special-Purpose Police Vehicle: Any police department-owned or operated vehicle other than a marked police vehicle operated by a sworn member. Special-purpose police vehicles include but are not limited to canine vehicles, motorcycles, and unmarked vehicles.

Street Paralleling: Driving a police vehicle on a nearby street in the vicinity of the pursuit with the intent to assist at the scene of the pursuit termination and the taking into custody of the suspect(s). Paralleling units are making a concentrated effort to keep up with the pursuit, and they shall have lights and sirens activated.

Tire-Deflation Device: A device designed to penetrate and deflate the tire(s) of a moving target vehicle, reducing the target vehicle's mobility.

Uninvolved Command Officer: A supervisor at the rank of Lieutenant or higher who did not actively participate in the vehicle pursuit. Approving, acknowledging, or coordinating a vehicle pursuit is not considered actively involved.

4.15.05 CORE PRINCIPLES

Sanctity and Dignity of All Individuals: Sworn members shall make every effort to respect and preserve human life and always uphold the value and dignity of all persons. The life, safety, and welfare of all persons are paramount when carrying out the duties of a peace officer.

Balance of Need to Pursue versus Risk of Injury: A sworn member's mission to enforce the law and to protect life and property includes the need to apprehend suspects who may seek to avoid apprehension by fleeing in a motor vehicle. Engaging in a motor vehicle pursuit poses a risk of loss of life, serious bodily injury, and serious property damage to the sworn members involved, the suspect driver and their passengers, and innocent bystanders. This directive balances the need to pursue a suspect against the risk of injury posed by engaging in the pursuit. Sworn members shall only initiate or continue a pursuit as stated in this directive.

Authorization to Initiate or to Continue Pursuit: A sworn member's decision to initiate or to continue an authorized pursuit must be based on facts known at the time of the determination to pursue. It shall include factors such as the seriousness of the suspected offense, ability to apprehend later, availability of alternative methods of apprehension, weather, traffic, roadway conditions, time of day, and the nature of the area where the pursuit occurs. A sworn member is authorized to initiate or to continue a pursuit only if they reasonably believe that the need for immediate apprehension of the suspect outweighs the risk of harm to the public.

Continuous Assessment: Sworn members shall continuously balance the need for immediate apprehension of the suspect(s) with the need to protect the public from the increased danger caused by the pursuit. This evaluation includes not only the decision to pursue but also continues during the pursuit. Whenever the risk to the public outweighs the benefit of immediate apprehension, all members involved in the pursuit have the responsibility to discontinue the pursuit. Additionally, sworn members shall continually assess whether the initial justification for the pursuit continues to exist as the circumstances of the pursuit change.

Duty to Drive with Due Regard: Although Colorado law may suspend an officer's duty to obey traffic laws when operating an emergency vehicle in pursuit, sworn members shall be required to conduct a pursuit with due regard for the safety of all persons, including themselves, other sworn members, the suspect driver and their passengers and innocent bystanders.

Guidelines for the Pursuit: Only the primary and one secondary vehicle, plus a supervisor, shall be directly involved in a pursuit unless the Pursuit Supervisor or involved member authorizes or requests additional units. The Pursuit Supervisor may authorize additional units if the circumstances dictate (multiple armed/violent suspects) or as required to control the course of the pursuit and/or at the point of termination. Only marked patrol vehicles or special-purpose vehicles equipped with an emergency light and an audible device may be involved in a pursuit. All sworn members involved in a pursuit will perform their respective roles and responsibilities as stated in this directive.

Forcible Termination of Pursuit: Only sworn members trained on department-approved and trained methods of forcible termination may use such methods to terminate a pursuit. Department-approved and trained

methods of forcible termination include tire deflation devices and deliberate vehicle contact, such as the vehicle containment maneuver, precision immobilization technique (PIT), or controlled contact intervention. Sworn members shall obtain supervisory approval before using forcible termination methods unless there are extenuating circumstances that would necessitate their implementation and the involved members have the present ability to perform them. Sworn members must clearly articulate why supervisor approval was not possible.

Pursuit Reporting and Review: All sworn members involved in a pursuit shall follow the reporting and review requirements stated in the directive. All pursuits shall be reviewed to determine whether they were within the departmental directive, whether any training needs should be considered, and whether any changes to the directive are required.

4.15.06 AUTHORIZATION TO INITIATE PURSUIT

A supervisor shall authorize a sworn member's initiation of a pursuit or may pre-authorize a vehicle pursuit to commence.

A sworn member may pursue any person attempting to escape in a vehicle only when, at the time a decision is made to pursue, the sworn member reasonably believes that the suspect driver or occupant:

1. Has committed or is committing a felony and presents a serious risk to public safety if they are not immediately apprehended; or
2. Has committed or is committing a crime involving a firearm that poses a serious threat of harm to the public.
3. Is driving a motor vehicle that is confirmed to have been reported stolen by the owner;
 - a. Members must reasonably believe that the vehicle is stolen due to an active NCIC record or in-person contact with the victim(s) whose vehicle was taken, and the victim(s) can prove ownership.
4. Is driving while under the influence of alcohol and/or drugs (DUI).
 - a. Under this criteria, the decision to engage must weigh the seriousness of the offense against the potential risks of the pursuit, with safety as the primary concern.

Pursuing sworn members shall use their discretion to order the pursuit discontinued if they reasonably believe that the danger to the sworn members engaged in the pursuit, the suspect driver, their passengers, or the public outweighs the need for immediate apprehension of the suspect.

4.15.07 PURSUIT GUIDELINES

In all police vehicle pursuits, sworn members are reminded that their primary responsibility is the safety and welfare of the public and shall be continually assessed during the pursuit.

Sworn Members actively involved in the pursuit will activate their body-worn cameras in compliance with [DM 16.04 - Body-Worn Cameras](#).

Factors in Deciding to Initiate/Continue a Pursuit:

1. A sworn member shall continually evaluate the following factors in weighing the need for immediate apprehension of the suspect versus the risk of injuring themselves, members of the public, or the suspect by initiating and continuing in the pursuit:
 - a. Suspect Identification: Knowledge about the suspect being pursued. The suspect has been positively identified or identifying suspect characteristics and/or vehicle registration are known to the point where later apprehension is possible.
 - b. Vehicular Traffic: Volume, speed, and direction of vehicular traffic and direction of pursuit.
 - c. Nature of the Area: residential, commercial, school zone, highway, etc.
 - d. Pedestrian Traffic: Population density, volume, and time of day.
 - e. Environmental Factors: Adverse weather conditions, darkness, etc.
 - f. Road Conditions: Construction, poor repair, extreme curves, etc.
 - g. Capabilities of the Involved Vehicles: Perceived performance capabilities and conditions of the fleeing vehicle compared to the police vehicle. Officers shall consider the capabilities of their own vehicles before engaging or continuing in a pursuit, i.e., avoid pursuing an off-road vehicle with a non-four-wheel drive low clearance police vehicle off the pavement.
 - h. Speed: The speed of the fleeing vehicle and the officer's vehicle, especially in relation to the speed limit and customary flow of traffic.
 - i. Distance: The distance between the primary and secondary units and the fleeing vehicle.
 - j. Apprehension: Likelihood of successful apprehension.

Number and Types of Vehicles Authorized:

Only the primary and one secondary vehicle, plus a supervisor, shall be directly involved in a pursuit unless the Pursuit Supervisor or involved member authorizes or requests additional units. When authorizing additional units, the Pursuit Supervisor may consider factors such as the number of suspects in the subject vehicle, weapons involved, traffic conditions, and environmental factors, among others. The Pursuit Supervisor shall balance the most effective number of police vehicles needed to successfully apprehend the suspect with the need to minimize risks to the public and sworn members.

The Pursuit Supervisor or involved member authorizes or requests additional units if warranted (multiple armed/violent suspects, etc.) or as required to control the course of the pursuit and/or at the point of termination. Only marked patrol vehicles or special-purpose vehicles equipped with an emergency light and an audible device may be involved in a pursuit. All sworn members involved in a pursuit will perform their respective roles and responsibilities as stated in this directive. The pursuit supervisor shall be aware of and approve the number of units actively involved. Sworn members not authorized by a supervisor shall not participate in the pursuit.

Special-purpose police vehicle restrictions:

1. A marked police vehicle is the most suitable vehicle to conduct a pursuit. A special-purpose police vehicle may initiate a pursuit. However, the special-purpose police vehicle will relinquish primary unit

status immediately upon the participation of a marked police vehicle. The special-purpose police vehicle will relinquish secondary vehicle status when a marked police vehicle can assume that status.

2. A motorcycle officer shall not initiate a pursuit except in life-threatening situations, which cannot be based solely on the articulation of driving impairment due to alcohol or drugs.

Adherence to Law During a Pursuit:

All sworn members operating a vehicle during a pursuit will do so according to the provisions of the Colorado Revised Statutes, specifically C.R.S. § 42-4-108, in its entirety. State law suspends compliance with some traffic laws. Still, it does not relieve sworn members of the responsibility of driving with due regard for the safety of others. Members, when engaging in a pursuit, may:

1. Proceed past a red or stop signal or stop sign, but only after slowing down as may be required for safe operation.
2. Exceed the lawful speed limits so long as the member does not endanger life or property.
3. Engage in speeds in excess of 100mph only when the member and supervisor can justify the necessity of high speeds based on the severity of the crime and potential risk to the public. Pursuit speeds should not exceed the capabilities of the officer or the police vehicle.
4. Disregard regulations governing directions of movement or turning in specified directions.

Sworn members operating a police vehicle in a pursuit shall use emergency equipment (emergency lights and siren) to give adequate warning to motorists and pedestrians of its approach.

Failure to Yield

Sworn members may continue to follow with lights and sirens activated and in compliance with traffic laws as long as the operator's driving actions meet the failure-to-yield definition. If the motor vehicle operator takes any overt action to avoid apprehension, members may initiate a pursuit if otherwise authorized.

Restrictions on Police Vehicle Pursuits:

It is the policy of the Aurora Police Department that pursuits shall not be conducted under the following circumstances:

1. Without emergency lights and siren warning devices activated by all pursuing vehicles.
2. In a direction opposite to traffic flow on a divided roadway. Members are prohibited from pursuing against the flow of traffic on a divided roadway. Members may pursue on the other side of the divided roadway with the flow of traffic.
3. Continue a motor vehicle pursuit if the primary unit, any secondary unit, or any supervisor orders the pursuit to be terminated.
4. When transporting a member of the public (disabled motorist, courtesy ride, etc.) or a person in custody, members shall not engage in a pursuit.

- a. Members may engage in a pursuit with a civilian city employee passenger or a civilian passenger who has signed a department waiver and shall immediately turn over the pursuit upon the entry of a relief unit unless authorized by a supervisor to continue engagement in the pursuit.
5. Continuing to "follow" at a rate of speed exceeding the posted speed limit and/or in violation of other traffic laws when a pursuit is not authorized. The mere act of extinguishing emergency equipment does not imply the discontinuation of a pursuit.
6. Terminating a pursuit with a roadblock, as this is not an authorized termination technique.

Roles and Responsibilities:

Pursuing Member Responsibilities:

When a sworn member initiates a pursuit, they will immediately broadcast details of the pursuit over a primary talk group until a secondary vehicle joins the pursuit. These details will include, at a minimum:

1. Declaration of the pursuit
2. Location and the direction of travel
3. Vehicle Description
4. Occupant description(s)
5. Reason for the pursuit
6. Speed of the pursuit
7. Traffic conditions
8. Road conditions

The primary pursuing sworn member shall update the location, direction of travel, speed, traffic, and road conditions with any significant change.

A secondary pursuing sworn member shall assume the responsibility of broadcasting the above details upon joining the pursuit.

Pursuit Supervisor Responsibilities:

The authorizing supervisor shall assume incident command upon the declaration of a pursuit unless relieved by a higher-ranking supervisor or a supervisor directly involved in the pursuit. An on-duty Watch Commander or command officer shall acknowledge via radio that they are aware of the active pursuit. The acknowledgment of a pursuit by a Watch Commander or command officer does not relieve the Pursuit Supervisor of the responsibility of evaluating the conditions of the pursuit and managing it appropriately, including terminating the pursuit if circumstances warrant.

The Pursuit Supervisor:

1. Shall assess the risks and hazards involved in allowing the pursuit to continue.

2. Shall allow the pursuit to continue only if the pursuit meets this directive's authorization and justification criteria.
3. Shall order the pursuit discontinued if they reasonably believe that the danger to the sworn members engaged in the pursuit, the suspect driver, their passengers, or the public outweighs the need for immediate apprehension of the suspect.
4. May authorize additional sworn members to street parallel and monitor the area of the pursuit as required.
5. May authorize additional sworn members to assist with traffic control along the anticipated route of the pursuit.
6. May assign additional sworn members to render assistance at the termination or discontinuation point of the pursuit.
7. Shall coordinate with an uninvolved command officer (i.e., Lieutenant) to start the review process once the incident has concluded.

Supervisor Discontinuation of a Pursuit:

Supervisors who have knowledge of facts that cause them to reasonably believe that the risks posed by the pursuit outweigh the need for immediate apprehension may modify the decision of the Pursuit Supervisor and discontinue the pursuit.

Watch Commander/Command Officer Responsibilities:

A Watch Commander or command officer shall acknowledge the initiation of a pursuit over the air as soon as practical. While the Pursuit Supervisor is responsible for the tactical level supervision of a pursuit, such as the number of units directly involved, street paralleling units, environmental factors, termination tactics, and related responsibilities, the Watch Commander or command officer is expected to ensure basic policy adherence, including reviewing the reason for the pursuit, number of police units involved and assigned responsibilities. This ensures that there is a second level of review and allows the Pursuit Supervisor to focus on command and control of the pursuit itself.

4.15.08 STREET PARALLELING

Sworn members must have supervisor approval to participate in street paralleling. Sworn members shall operate their police vehicles with emergency lights and sirens while street paralleling. Sworn members participating in street paralleling will be considered to be actively participating in the pursuit. The Pursuit Supervisor will have the authority and the expectation to determine the number of vehicles involved in street paralleling.

4.15.09 TRAFFIC CONTROL

Sworn members participating in traffic control efforts are not authorized as part of the pursuit and will adhere to [DM 04.02 - Emergency Response](#). The purpose of sworn members involved in traffic control is to block traffic at intersections for public safety purposes and enhance the safety of uninvolved motorists. Sworn members providing traffic control will utilize lights and sirens when violating any traffic codes and utilize such emergency equipment to control traffic flow and warn uninvolved members of the public. Sworn members shall notify Aurora911 via radio of the locations where they are providing traffic control upon their arrival. Traffic control is considered part of the pursuit response. Traffic control shall not be used as a roadblock.

4.15.10 ADDITIONAL SUPPORT UNITS

Sworn members may respond to anticipated termination points of a pursuit with the intent to provide quick assistance as additional support units. For this purpose, sworn members operating a police vehicle in violation of traffic laws shall adhere to [DM 04.02 - Emergency Response](#). Sworn members acting only as additional support units will not be considered involved in a police pursuit but rather part of the pursuit response.

4.15.11 TECHNIQUES FOR STOPPING VEHICLES

When the situation justifies the need for immediate apprehension of a fleeing suspect, pursuing members may need to employ forcible termination techniques. Sworn members shall obtain approval from the Pursuit Supervisor prior to initiating any forcible termination method unless there are extenuating circumstances that would necessitate their implementation and the involved members have the present ability to perform them. Sworn members must clearly articulate why supervisor approval was not possible. Only Department-approved and trained methods of forcible termination shall be used, and only sworn members trained in their use may use forcible termination methods.

When a pursuit is forcibly terminated, an uninvolved supervisor will initiate the appropriate use of force investigation. Upon forcible termination of a pursuit, a command officer not involved in the pursuit will conduct the pursuit review.

If no command officer is available at the pursuit termination point, an uninvolved supervisor will photograph the scene and document the units involved in the pursuit. This information will be provided to an uninvolved command officer, who will then conduct the review.

Department-approved and trained methods of forcible termination include the following:

Tire Deflation Devices:

1. Tire deflation devices are authorized to immobilize vehicles, but their use against moving vehicles poses significant risks to officers. Their deployment should prioritize officer safety, including clear communication with pursuing vehicles and strict adherence to training protocols.
2. Tire-deflation devices shall not be used on vulnerable vehicles such as:
 - a. Motorcycles, MOPEDS, three-wheeled vehicles, etc.
 - b. ATVs
 - c. Trucks with passengers riding in the bed/cargo area.
 - d. Vehicles with placards showing hazardous cargo.
3. The use of a tire-deflation device against a moving vehicle is a Tier 1 level of review unless it is the primary cause of an injury requiring professional medical treatment (Tier 2) or where hospitalization or death occurs (Tier 3). A Tier 1 and Tier 2 level of review will be adjudicated in conjunction with the vehicle pursuit review but will require its own report. The Force Review Board will adjudicate a Tier 3 level of review.

Boxing / Heading Off:

This technique is to be used only when sworn members suspect that the subject driver is incapable of stopping the vehicle on their own and there is no nexus to a criminal event. Vehicle contact is expected. If this technique

is used for a medical emergency, not including intoxication due to drugs or alcohol, the sworn member must reasonably believe that the driver is experiencing a medical emergency, and the member will communicate this fact over the radio.

Funneling:

1. A funneling technique shall not be established until all pursuing sworn members are made aware of it and its location and have acknowledged this awareness.
2. Once a funneling technique has been established, and a vehicle or barricade has been positioned, there will be an adequate distance for the suspect to see the funnel and safely stop their vehicle, and there will be an "escape" route available to prevent a collision. The speed of the suspect vehicle shall be considered, and the size and width of the path that the suspect is expected to navigate will be adjusted accordingly. Funneling is commonly used with a tire deflation device to direct the subject vehicle's path over the tire deflation device.
3. Vehicles used to funnel shall be unoccupied.

Precision Immobilization Technique (PIT):

1. Trained members employing the PIT will plan for the execution of the technique. Executing members shall select a location that provides sufficient width, free of obstructions, with the intent to allow the vehicles to implement the technique and come to rest without impacting any other object or person(s).
2. When performing the PIT maneuver, sworn members shall, unless there are extenuating circumstances which the member can clearly articulate:
 - a. Obtain supervisor approval.
 - b. Broadcast via the police radio that they are about to perform the PIT.
 - c. Ensure that emergency lights and sirens are activated prior to and during the technique.
 - d. Employ the PIT at speeds 45 mph or less. Lower speeds minimize the likelihood of injury.
3. The Precision Immobilization Technique (PIT) shall not be utilized when the following circumstances exist:
 - a. Speed is greater than 45 mph.
 - b. The subject vehicle is a:
 - i. Motorcycle, MOPED, three-wheeled vehicles, etc.
 - ii. ATV
 - iii. Truck with passengers riding in the bed/cargo area.
 - iv. Vehicle with placards showing hazardous cargo.
 - v. Bus
 - vi. Large Commercial Vehicle

- vii. Recreational Motor Home
4. Factors required to be evaluated for the implementation of the PIT maneuver are the following:
 - a. Pedestrians Present.
 - b. Type of Area (e.g., commercial, residential, school, etc.).
 - c. Traffic Congestion.
 - d. The vehicle's contact points or bumpers, especially when the points or bumper(s) cannot match the police vehicle.
 - e. Elevation of the Roadway (incl., highway on and off-ramps).
 - f. Blind Curves.
 - g. The vehicle's center of gravity, especially when it is a high center of gravity, such as campers, pick-up trucks, and some sports utility vehicles.
 - h. Roadside Obstacles (e.g., ditches, construction, curbs, traffic signs, guardrails, barriers, etc.)
 5. Upon completing the PIT, pursuing units should attempt a vehicle containment maneuver in accordance with training to prevent the driver from attempting to flee in the vehicle.

Vehicle Containment Maneuver (VCM):

1. The vehicle containment maneuver is a coordinated maneuver where one or more vehicles block the movement of a target vehicle with the intent to restrict or prevent the target vehicle from moving without causing substantial damage to all vehicles involved. The positioning of police vehicles should be against the front and/or rear bumpers of the target vehicle to prevent spacing that the driver could use to escape in the vehicle. The vehicle containment maneuver does not involve performing a controlled contact intervention on the target vehicle. The vehicle containment maneuver is a Tier 0 Level of Review.
2. When a sworn member(s) utilizes the vehicle containment maneuver, they shall complete a general offense (GO) report or supplemental report and articulate their justification for using the maneuver in their report.
3. The initiating sworn member is responsible for coordinating the vehicle containment maneuver with involved members, consistent with department training and policy, unless coordination is assumed or assigned by a supervisor.
4. In circumstances where the target vehicle may be contained by utilizing an environmental object (i.e., concrete wall, hardened barrier, etc.), the sworn member should assess the stability of the object and the likelihood it will be able to hold the containment.
5. The vehicle containment maneuver shall only be employed by sworn members who have received training in such tactics and within the following parameters:
 - a. Other reasonable intervention techniques have failed or appear ineffective.
 - b. Employing the vehicle containment maneuver does not unreasonably increase the risk to the public, the sworn member(s), and persons in the target vehicle.

- c. The target vehicle is stationary.
 - i. The department recognizes that the target vehicle may unexpectedly move, leading to a collision between the target vehicle and the police vehicle. Under such circumstances, the sworn member's attempted vehicle containment maneuver will be considered within the stationary vehicle requirement if the intended and likely outcome of the member's actions was minimal risk of significant damage or injury.
 - ii. A sworn member shall not attempt the vehicle containment maneuver when the target vehicle moves before the vehicle containment maneuver is performed, and the sworn member has time and distance to cease the attempt.
 - d. The contact points or bumpers of the target vehicle and police vehicle(s) are similar in height.
6. For specialized units with specially equipped vehicles, multi-officer vehicles, and/or training in unit tactics and procedures for high-risk vehicle engagements, a vehicle containment maneuver is authorized when it is determined to be the safest option and is dictated by that specialized unit's standard operating procedures (SOPs) and chain-of-command. Specialized units that are authorized to employ the vehicle containment maneuver based on their SOPs are the following:
- a. Special Weapons and Tactics (SWAT)
 - b. Direct Action Response Team (DART)
 - c. Gang Intervention Unit (GIU)

Controlled Contact Intervention (CCI):

1. A controlled contact intervention must be objectionably reasonable based on the totality of the circumstances. Sworn members should only perform a controlled contact intervention when:
 - a. The fleeing suspect reasonably appears to represent a serious threat to the public if not immediately apprehended,
 - b. Other reasonable tactical means at the member's disposal have been exhausted or reasonably appear that they would be ineffective, and
 - c. The CCI does not unduly endanger the public, sworn members, or persons in the target vehicle.
2. A controlled contact intervention does not include a precision immobilization technique or vehicle containment maneuver, as those are performed using a controlled speed not intended to cause substantial damage.
3. A controlled contact intervention is a Tier 2 level of review unless it is the primary cause of hospitalization or death (Tier 3). A controlled contact intervention classified as a Tier 3 level of review requires a scene response and investigation by members of the Traffic Section.

4.15.12 AIR SUPPORT UNIT

An air support unit provides rapid response, aerial patrol, and observational support for police-related activities. Sworn members may consider requesting the assistance of an air support unit in conjunction with or as an alternative to a vehicle pursuit.

4.15.13 INTER-JURISDICTIONAL PURSUITS

The following procedures shall be followed:

Notifications:

Whenever a pursuit enters a non-originating jurisdiction, sworn members shall request dispatch to notify the non-originating jurisdiction of the existence of and reason for the pursuit as well as when a pursuit is discontinued or reaches termination.

Supervisory Responsibilities:

An APD supervisor shall respond to the termination or discontinuance scene and request a supervisor from the other jurisdiction to respond. The APD supervisor shall coordinate with the other jurisdiction's supervisor to gather information concerning the circumstances of its sworn members who participated in the pursuit and coordinate the investigation efforts.

Outside Agency Pursuits Entering Aurora:

A supervisor from APD may assign sworn members to assist with traffic control, render assistance at the termination or discontinuation point, or monitor a pursuit that originated in another jurisdiction. Such sworn members shall not be considered directly involved in the pursuit.

Upon request from an outside agency for assistance, an APD Supervisor will consider the justification for their pursuit to ensure APD pursuit criteria have been met. If the criteria are met, the APD Pursuit Supervisor may authorize and assign APD units to actively participate in the pursuit. The APD supervisor who authorizes the pursuit will be the pursuit supervisor for the duration of the involvement of APD sworn members.

The overall command of the pursuit will rest with the primary jurisdiction.

4.15.14 PURSUIT REPORTING AND REVIEW

Upon termination of the pursuit, the Pursuit Supervisor will determine what reports will be completed by participating sworn members. In all pursuit cases in which the department actively participated, regardless of the outcome, an APD sworn member will complete a General Offense Report documenting the offense(s) and justification for the pursuit. All other members involved in the pursuit response, including those participating in street paralleling activities, participating in traffic control, and providing additional support, shall complete a report pursuant to [DM 08.10 - Reports](#). If the incident involved a use of force, including the use of the PIT maneuver or vehicle containment maneuver resulting in a Tier 3 Level of Review or any controlled contact intervention, a second supervisor will investigate those uses of force in accordance with Aurora Police Department directive [DM 05.05 - Reporting Use of Force](#).

On all vehicle pursuits, an uninvolved command officer will be responsible for completing a preliminary review, entering the information into the administrative management system for reporting and review, and making an initial recommendation in the report. Any PIT or vehicle containment maneuver associated with a

vehicle pursuit resulting in a Tier 2 Level of Review or less shall be included in the vehicle pursuit review. A pursuit ending in a Use of Force requires the completion of a Use of Force report but will be adjudicated by the same member of command.

The uninvolved command officer reviewing a vehicle pursuit shall forward the report to the appropriate Commander or designee. The Commander or designee will review the report for completeness and thoroughness. The Commander or designee will forward the report to the appropriate Division Chief. Should the primary sworn member not report to a Commander, the report will be forwarded directly to the appropriate Division Chief. The Division Chief will adjudicate the pursuit and close the report. The pursuit review and adjudication, along with the use of force review, will be completed in 45 days for uses of force being adjudicated at the district level.

Annually, the analytical results of police vehicle pursuit incidents, including a review of pursuit policies and reporting procedures, will be disseminated to Command Staff for suggestions regarding potential policy revisions, equipment modifications, disciplinary concerns, and/or training needs based on issues or trends identified in the analysis. The Training Section will conduct this annual analysis.

APPENDIX C:
DIRECTIVE MANUAL 05.03
LESS-LETHAL DEVICES, TECHNIQUES & WEAPONS

AURORA POLICE DEPARTMENT

DIRECTIVES MANUAL

05.03 LESS-LETHAL DEVICES, TECHNIQUES, AND WEAPONS

Approved By:	Todd Chamberlain, Chief of Police
Effective:	Aug-18-2023
Revised:	Jan-01-2025
Associated Policy:	DM 05.01, 05.02, 05.06
References:	C.R.S. § 18-1-707, 24-31-905
Review Authority:	Professional Standards and Training Division Chief and APD Legal Advisor(s)

5.3.01 PURPOSE

The purpose of this directive is to provide sworn members of the Aurora Police Department (APD) with clear and direct guidelines to follow when making the decision whether to use less-lethal devices, techniques, and weapons. The availability and use of less-lethal devices, techniques, and weapons covered in this policy are not intended to replace tactics or training that can be utilized to de-escalate a situation and avoid the use of force.

5.3.02 SCOPE

This directive applies to all sworn members of APD.

5.3.03 DEFINITIONS

Definitions from the following directives apply to this directive:

1. [DM 05.01 - Use of Force](#)
2. [DM 05.02 - Use of Force Model](#)

Less-Lethal Techniques: Departmentally approved techniques that, when properly used, have less potential for causing death than with the use of a firearm. Less-lethal techniques are intended to be used to gain control or temporarily incapacitate a subject to take that subject into custody safely.

Less-Lethal Devices and Weapons: Departmentally approved devices and weapons that, when properly used, have less potential for causing death than with the use of a firearm. Less-lethal devices and weapons are intended to achieve temporary incapacitation and/or to aid in gaining control of a subject to safely effect an arrest or place the subject into protective custody.

5.3.04 POLICY

All policies and core principles from [DM 05.01 - Use of Force](#) and [DM 05.02 - Use of Force Model](#) apply to this directive.

APD recognizes that non-compliant, combative, violent, and/or armed subjects can create a substantial danger to sworn members and the public. The use of less-lethal devices, techniques, and weapons contributes greatly to reducing the need for sworn members to use lethal force.

The decision to use less-lethal devices, techniques, and weapons requires continual assessment of the situation. When sworn members are confronted with a decision to use less-lethal devices, techniques, and

weapons, they shall use the minimal amount of force that is objectively reasonable to overcome the level of resistance or threat encountered and control the situation. The use of less-lethal devices, techniques, and weapons must conform to APD's training and policies.

Sworn members shall not use any weapon without proper training, certification, and prior departmental authorization; unless an immediate threat exists, and the sworn member reasonably believes that death or serious bodily injury will occur unless they use the weapon.

Sworn members shall be trained, certified, and carry a CEW, OC spray, or both when they are wearing their full-duty uniform.

Sworn members shall have a straight wood baton or Rapid Containment Baton (RCB) when responding to calls for service or engaging in self-initiated investigatory contacts.

5.3.05 TRAINING AND PROFICIENCY REQUIREMENTS

All sworn members shall be trained in the lawful application of force and demonstrate proficiency with all department-authorized less-lethal devices, techniques, and weapons they are issued before use is authorized.

The Training Section shall maintain a record of the training curriculum, certifications of members who have satisfactorily demonstrated proficiency, and all applicable POST requirements for department-authorized less-lethal devices, techniques, and weapons.

Sworn members shall ensure all tools are in working order and properly maintained. Supervisors are required to inspect their subordinate's equipment in compliance with APD Directive [DM 02.04 - Line and Staff Inspections](#).

5.3.06 AUTHORIZED USES OF LESS-LETHAL DEVICES, TECHNIQUES, AND WEAPONS

Members are permitted to draw, display, or use their less-lethal devices, techniques, or weapons when there are grounds to believe their use would be objectively reasonable based on the totality of the circumstances. Any time a sworn member uses a less-lethal device or weapon on a subject in handcuffs, their actions and decision-making will be subjected to a stringent review.

5.3.07 LEVELS OF FORCE USED BY A SWORN MEMBER

Sworn members who use force shall do so in an objectively reasonable manner with the intent of controlling the subject and the situation using the minimum amount of force required to accomplish a lawful objective. The following are broad categories of influence and force used by sworn members in escalating stages. The levels of force include:

Control: Attempts to influence a subject's behavior or actions taken to restrain a subject safely without the need to overcome resistance. The escorting or handcuffing of a person who is compliant does not constitute a use of force.

Low-Level Force: Actions taken to control a subject that are neither likely nor intended to cause injury.

Intermediate Force: Actions taken to control a subject that is likely to cause pain, injury, or serious bodily injury to the subject.

Members may utilize intermediate level of force to overcome resistance of a suspect, if they can articulate that lesser means would be ineffective, and the suspect is reasonably believed to be capable of causing serious bodily injury or death.

Apparent factors affecting the member's choice to use intermediate level of force may include but are not limited to: the presence of a weapon, physical stature and capabilities of the suspect, the suspect's Mental State, etc.

Lethal Force: Actions taken in which the likely outcome is death, regardless of whether death occurs.

5.3.08 EMPTY HAND TECHNIQUES

Levels of Force:

1. Control: The use of physical control techniques (e.g., twist-locks, rear-wristlocks, etc.), without the need to cause pain, cause injury, or overcome resistance, to control a compliant subject (e.g., handcuffing, searching, escort controls, etc.).
2. Low-Level Empty Hand Techniques: Intentionally applying pain, leverage, or injuring force to control a subject who is resisting.
3. Intermediate Empty Hand Techniques: Using combative techniques, such as strikes, kicks, punches, etc., to control a subject.
4. Lethal Empty Hand Techniques: Using any empty-hand technique with the intent to cause the death of a subject.

Medical Attention:

See APD Directive [DM 05.01 - Use of Force](#), section [5.1.09 - Duty to Provide Medical Assistance](#) for further information.

Requirements for Proficiency:

1. Initial APD Academy Requirements
2. Per Department In-Service Training Requirements

5.3.09 HANDCUFFS

Approved Use for Handcuffs:

1. During investigatory detentions (*Terry Stops* – see APD Directive [DM 08.52 - Constitutional Policing](#) section [8.52.06](#)) the use of handcuffs is permitted.
2. Probable cause exists to arrest a subject for a crime.
3. If probable cause exists to place the subject on an Emergency Mental Health Hold (see APD Directives [DM 06.13 - Dealing with Persons with Mental Health Disorders](#) and [DM 08.52 - Constitutional Policing](#) section [8.52.12](#)).
4. Subject being transported to detoxification facilities.

5. Moving subjects who are in custody.
6. During a search warrant service, as is objectively reasonable to safely execute the warrant.

Additional Considerations:

1. If medical circumstances make it unreasonable to handcuff a subject, sworn members shall refrain from handcuffing. Subjects shall be handcuffed behind their back unless impractical or impossible due to body characteristics, handicap, or other compelling reasons.
2. Subjects who are handcuffed in the prone position shall be placed in recovery or seated position once safe to do so. Sworn members shall not apply prolonged body weight pressure on a non-resisting prone handcuffed subject's upper thoracic region.
3. When responding to a location where security has placed a subject in handcuffs prior to the sworn member's arrival, the sworn member shall not place APD handcuffs on the subject until the sworn member has reasonable suspicion or probable cause based on their independent investigation.
4. Sworn members are not required to handcuff persons while providing voluntary transport. However, if the sworn member agrees to give a subject voluntary transport, the subject must consent to a pat-down for weapons to receive voluntary transport. If an articulable reason exists for the sworn member to place the subject in handcuffs with the subject's consent, the sworn member shall ask something to the effect of "Do you consent to me placing you in handcuffs for voluntary transport?" Sworn members are not required to provide voluntary transport. The decision to provide voluntary transport is left up to the sworn member's discretion.
5. When a sworn member places a subject in handcuffs, they shall visually and physically inspect the handcuffs for proper fit and ensure the handcuffs are double locked.
6. When a handcuffed subject first complains that handcuffs are too tight, the sworn member having custody of the subject shall, as soon as reasonably possible, visually, and physically inspect the handcuffs for proper fit. If they are too tight (per training), the sworn member shall make the necessary adjustments to ensure proper fit and double lock.
7. Hinged handcuffs are prohibited.

Medical Attention:

See APD Directive [DM 05.01 - Use of Force](#), section [5.1.09 - Duty to Provide Medical Assistance](#) for further information.

Requirements for Proficiency:

1. Initial APD Academy Requirements
2. Per Department In-Service Training Requirements

5.3.10 IMPACT WEAPONS

Impact weapons are used to control a subject by striking them for the purpose of achieving temporary incapacitation of a subject in order to safely effect an arrest.

Levels of Force:

1. Control: Verbal warnings regarding an impact weapon.
2. Low-Level Impact Weapon Use: Using an impact weapon as a control device or leveraging tool (e.g., to remove the hands of a subject from underneath their body).
3. Intermediate Impact Weapon Use: Using an impact weapon to jab or strike a subject.
4. Impact Weapon as Lethal Force: When using an impact weapon to intentionally strike a subject on the head, neck, throat, heart, or spine is lethal force.

Additional Considerations:

1. During non-lethal force incidents, sworn members shall not intentionally target the head, neck, throat, heart, kidneys, spine, groin, and knee joints.
2. Adding additional weight, foreign objects, or other modifications is PROHIBITED.
3. The glass-breaking tip on the Rapid Containment Baton (RCB) is PROHIBITED.

Medical Attention:

1. Aurora Fire Rescue (AFR) shall be summoned for any impact weapon strikes regardless of visible injury or complaint of injury.
2. See APD Directive [DM 05.01 - Use of Force](#), section [5.1.09 - Duty to Provide Medical Assistance](#) for further information.

Requirements for Proficiency:

1. Initial APD Academy Requirements
2. Per Department In-Service Training Requirements

5.3.11 OLEORESIN CAPSICUM (OC) SPRAY

OC spray is a less-lethal agent that causes temporary inflammation or irritation to a body surface, including eyes, respiratory tract, skin, or mucous membranes, upon contact.

Level of Force:

1. Control: Verbal warnings and/or pointing of OC spray.
2. Intermediate Impact Weapon Use: Any use of OC spray against a subject.

Restricted Use:

1. OC spray should not be used on a subject inside of a patrol vehicle unless the subject is exhibiting assaultive or life-threatening behavior.
2. Sworn members shall only use OC on a driver in extenuating circumstances with consideration is given to the driver's ability to drive away.

Additional Considerations:

Once a year, during in-service or a qualification, Training Section staff shall inspect each member's canister for the date of manufacture. Four years after the date of manufacture, sworn members are instructed to empty the contents of their current canister and be issued a replacement canister. The Quartermaster shall designate a location for the disposal of the canister's contents and the canister.

Medical Attention:

1. When safe and practical, sworn members shall move the subject who has been sprayed with OC to a fresh air environment while waiting for AFR to respond.
2. Sworn members shall request AFR respond to complete a medical evaluation and decontamination on any subject exposed to OC spray.
3. See APD Directive [DM 05.01 - Use of Force](#), section [5.1.09 - Duty to Provide Medical Assistance](#) for further information.

Requirements for Proficiency:

1. Initial APD Academy Requirements
2. Annual Recertification

5.3.12 CONDUCTED ENERGY WEAPON (CEW) / TASER

A CEW is a device designed to disrupt a person's central nervous system by deploying battery-powered electrical energy sufficient to cause pain, uncontrolled muscle contractions, and override voluntary motor responses.

Levels of Force:

1. Control: Verbal warnings and/or pointing a CEW.
 - a. Laser Display: When the CEW is pointed at a subject in the armed position, the laser(s) will display on the subject's body. This can serve as a visual warning to the subject that a CEW could be used on them. Pointing the CEW at a subject.
 - b. Arc Warning: With the safety in the armed position, pressing and holding the Arc switch displays a visual Warning Arc of electricity across the front of the CEW. This display of electricity is combined with an auditory warning of electricity being discharged from the CEW. The auditory and visual warning demonstrates the CEW's ability to discharge electricity and may deter a subject without having to deploy the CEW against the subject's body.
2. Intermediate Force:
 - a. Probe Deployment: The primary function of the CEW is the probes from within the cartridge being deployed at the subject. The intent is to temporarily immobilize the subject through neuromuscular incapacitation.
 - b. Drive Stun: A pain-compliance application of the CEW, with or without the use of a cartridge, by making direct contact with the subject's body. The use of a drive stun application is limited and should be used to complete neuro-muscular incapacitation by closing a circuit when probes have already been deployed, or probe deployments are not successful. If a sworn member uses the drive

stun without probe deployment, they shall articulate their justification for using this technique.

Additional Considerations:

1. Only department-issued CEWs (Axon Enterprise, Inc. TASER) and department-issued holsters are authorized for use on duty.
2. Sworn members shall have a current agency certification to carry a CEW on duty.
3. Sworn members shall communicate with each other and alert other sworn members that they are about to use a CEW by stating a warning like "TASER, TASER, TASER" unless doing so would unduly place sworn members at risk of injury or would create a risk of death or injury to other persons. This is particularly important in preventing sympathetic fire responses from other sworn members. This advisement is considered an administrative requirement and does not fulfill the statutory obligations of the members to provide a verbal warning to the subject in accordance with [C.R.S. 18-1-707](#). A verbal warning to the subject of the intended use of the Taser shall precede its application unless it would otherwise endanger the safety of the members or when it's not feasible due to circumstances.
4. Sworn members shall communicate with each other and issue a warning to other sworn members that they are about to use an Arc Warning by stating a warning like "ARC WARNING" unless doing so would unduly place sworn members at risk of injury or would create a risk of death or injury to other persons. This is particularly important in preventing sympathetic fire responses from other sworn members.
5. Sworn members shall conduct a spark test at the beginning of the shift to ensure the CEW is functioning properly.
6. The CEW can be worn on either side of the body. A CEW worn on the same side of the body as a member's primary duty firearm must be oriented for a non-dominant hand cross draw. A CEW worn on the opposite side of the body from the primary duty firearm can be oriented for a dominant hand cross draw or non-dominant hand same side draw. After drawing the CEW, members may transition the CEW from the hand used to draw the CEW to the opposite hand.

When deploying a CEW on a subject, sworn members shall:

1. Use the standard CEW five-second cycle and then evaluate the need to apply another five-second cycle after providing the subject with an opportunity to comply. The sworn member can stop the cycle before five seconds. Using a CEW by probe deployment or drive stun, each five-second cycle of the CEW requires independent articulable justification.
2. Begin restraint procedures, including cuffing under power, as soon as reasonably safe to minimize the total duration of CEW exposure(s).
3. Except in extraordinary circumstances, members should not activate a CEW against a person more than three times or longer than 15 seconds, either in one cycle or cumulative over several applications. If the CEW is ineffective against the subject sworn members should consider transitioning to another use of force option.
4. Back shots are the preferred target area if available (below the neck and down).
5. When deploying the CEW on the front of a subject, the preferred target area is below the chest and down. Sworn members shall not intentionally target the head, neck, groin, or chest.
6. Sworn members may remove the probe(s) if required per training protocol. The probe(s) shall be treated

as a biohazard needle and disposed of in an appropriate sharps container per standard medical protocol.

Restricted Use:

1. Due to sympathetic fire responses, a sworn member should not deploy a CEW and a firearm at the same time. If a sworn member chooses to deploy a CEW and firearm simultaneously, their actions and decision-making will be subjected to a stringent review.
2. When entering a jail or detention facility, members must be aware of the detention center's policy regarding the CEW. They should determine if the policy requires the CEW to be locked and secured or if it allows members to carry the CEW inside the facility.
3. The CEW shall not be used:
 - a. On a handcuffed person unless they are armed with a weapon or engaging in assaultive or life-threatening behavior.
 - b. When the sworn member knows a subject has come in contact with flammable liquids or substances.
 - c. Near flammable liquid (e.g., gas pumps, flammable liquid on the floor, etc.).

Medical Attention:

1. Aurora Fire Rescue (AFR) shall be summoned for the following:
 - a. Any CEW probe deployment, where the probes puncture the skin of a subject or when a CEW deployment results in Neuro Muscular Incapacitation (NMI) of the subject, requires that AFR personnel be summoned to complete a medical evaluation of the subject.
 - b. Subjects exposed to a single application that exceeds fifteen (15) seconds or multiple applications with an accumulative time exceeding fifteen (15) seconds shall be transported to a hospital emergency department (ED) for evaluation by hospital staff.
2. See APD Directive [DM 05.01 - Use of Force](#), section [5.1.09 - Duty to Provide Medical Assistance](#) for further information.

The two TASER 7 cartridge bays may be loaded with a close quarter (CQ) 12-degree cartridge and/or a standoff (SO) 3.5-degree cartridge. The manner in which bay #1 and bay #2 will be loaded with one of each (CQ and SO) cartridge, or two of the same, will be at the discretion of the member's personal preference and user experience to maximize the effectiveness of the CEW.

Requirements for Proficiency:

1. Initial APD Academy Requirements
2. Annual Recertification

5.3.13 KINETIC ENERGY IMPACT PROJECTILE LAUNCHER

Impact munitions are considered an intermediate force tool where time and distance are imperative to officer safety. The intent of launcher-based kinetic energy impact projectiles is to achieve temporary incapacitation of a subject in order to safely effect an arrest. Each discharge of a launcher-based kinetic energy impact projectile requires independent articulable justification.

Levels of Force:

1. Control: Verbal warnings and/or pointing a launcher-based kinetic energy impact weapons.
2. Intermediate Force: Discharging a 40 mm launcher-based kinetic energy impact projectile at a subject.
3. Lethal Force: Discharging a 40 mm launcher-based kinetic energy impact projectile to intentionally strike a subject on the head, neck, or throat is lethal force.

Approved Use for Projectile Weapons:

1. Sworn members shall have a current agency certification to carry a kinetic energy impact projectile launcher on duty.
2. Sworn members are cautioned that the target area for launcher-based kinetic energy impact projectile munitions substantially differ from a lethal force target area. The primary target areas for projectile weapons are the abdomen and lower extremities focusing on the large muscle groups. The targeting of head, neck, throat, heart, kidneys, spine, groin, and joints of the body shall be avoided.

Additional Considerations:

1. When practical, sworn members shall communicate with each other and alert other sworn members that they are about to use a launcher-based kinetic energy impact projectile stating a warning like "IMPACT" unless doing so would unduly place sworn members at risk of injury or would create a risk of death or injury to other persons. This is particularly important in preventing sympathetic fire responses from other sworn members. This advisement is considered an administrative requirement and does not fulfill the statutory obligations of the members to provide a verbal warning to the subject in accordance with [C.R.S. 18-1-707](#). A verbal warning to the subject of the intended use of the impact device shall precede its application unless it would otherwise endanger the safety of the members or when it's not feasible due to circumstances.
2. Sworn members shall have a current agency certification to carry a kinetic energy impact projectile launcher on duty.

Medical Attention:

1. AFR shall be requested when any launcher-based kinetic energy impact projectile strikes a subject.
2. AFR shall complete a medical evaluation and determine if the subject needs to be transported to a hospital ED for further treatment.
3. See APD Directive [DM 05.01 - Use of Force](#), section [5.1.09 - Duty to Provide Medical Assistance](#) for further information.

Requirements for Proficiency:

1. Initial APD Certification Course
2. Annual Recertification

5.3.14 CHEMICAL IRRITANTS/MUNITIONS (CN/CS/OC VAPOR)

Levels of Force:

1. Control: Verbal warnings.
2. Intermediate Impact Weapon Use: Any use of chemical irritants/munitions against a subject.

The deployment of these irritants/munitions can be defensive and offensive.

The use of chemical irritants/munitions on an offensive basis will be approved by a SWAT/ERT sergeant or any commanding officer.

Special chemical irritants/munitions (beyond standard issued OC spray) will be deployed by SWAT/ERT gas technicians when practical.

Chemical irritants may be used without prior authorization when a defensive need arises. Whenever a chemical irritant/munition is used, the duty executive should be advised as soon as practical.

Members, especially supervisors, should evaluate the use of chemical irritants/munitions for potential consequences prior to use on an offensive basis. Some chemical irritants/munitions can severely affect person with respiratory conditions, children, and the elderly. Some chemical munitions also have extreme fire potential.

The use of chemical irritants/munitions inside a structure is subject to a tier two level of review, regardless of whether the structure was found occupied at the conclusion of the police operation. [See DM 05.05 - Reporting Use of Force.](#)

In response to a protest or demonstration, and in compliance with C.R.S. § 24-31-905, sworn members shall not use chemical agents or irritants, including pepper spray and tear gas, prior to issuing an order to disperse in a sufficient manner to ensure the order is heard and repeated, if necessary, followed by sufficient time and space to allow compliance with the order. During protest or demonstration, deployment of chemical munitions should only be used by order of chief of police or designee.

Requirements for Proficiency:

Initial APD Certification Course

5.3.15 WRAP RESTRAINT

The WRAP Restraint is a device that immobilizes the subject's body and restricts their ability to kick or do harm to themselves and others.

Approved Use of Auxiliary Restraint Systems:

WRAP Restraints may be used to secure a combative, violent, and/or dangerous subject or when the sworn member reasonably believes the subject to be an escape risk.

Medical Attention:

1. AFR shall be requested when any WRAP Restraint is used.

2. AFR shall complete a medical evaluation and transport the subject to a local medical facility for further treatment and evaluation.

Requirements for Continued Proficiency:

1. Initial APD Academy Requirements
2. Annual Training

WRAP Restraint Transport Protocol:

1. Sworn members shall ensure the subject is in a departmentally approved position as soon as practical, continue to monitor for medical issues, provide first aid if necessary, and update AFR if there is any change in medical status while sworn members wait for medical personnel to arrive.
2. Sworn members shall contact a supervisor and request that AFR respond along with the current contracted ambulance company for an incident involving the WRAP Restraint as soon as practical.
3. Sworn members will stand by while AFR medical personnel assess the subject's medical condition based on AFR's protocols to determine the required medical interventions. Sworn members and supervisors shall not influence medical decisions made by AFR.
4. AFR may complete a medical evaluation and transport the subject to a local medical facility for further treatment and evaluation.
5. The subject shall be transported consistent with AFR's and the contract ambulance company's procedure and practice for transporting detained individuals to the emergency department. The removal of the WRAP restraint device will be completed while coordinating with the medical staff and hospital security. Sworn members will ensure that the subject is searched when removed from the WRAP.
6. Upon the completion of the treatment and medical clearance at the emergency department:
 - a. If the arrestee is no longer combative, violent, dangerous and/or an escape risk:
 - i. Sworn members will transport the arrestee to the detention facility secured in a patrol vehicle. When a person in APD custody is medically cleared from the hospital for transport to the jail, the primary method of transport should be a police vehicle outfitted with a cage.
 - b. If the subject remains combative, violent, dangerous and/or an escape risk to a degree where a WRAP restraint is necessary:
 - i. Sworn members will re-apply the wrap restraint and coordinate the transport of the arrestee to the detention facility with the contract ambulance company.
 - ii. In the event of a transport by ambulance to a detention facility, a sworn member shall ride in the ambulance with the subject, in case removal of the WRAP is necessary for immediate medical care.
 - iii. The ambulance personnel will continue to evaluate the subject during the transport according to their own protocol. Ambulance personnel have the autonomy to decide at any time to divert to the ED for medical reasons or request AFR for additional support.

- iv. The ambulance will use the sally port at the Aurora Detention Center, and the ambulance personnel shall remove the pram from the ambulance. The sworn members are responsible for removing the subject from the WRAP restraint. Coordination of the role of contract ambulance employees and detention staff, if any, during the removal of the subject from the WRAP should be planned on the scene and determined before the start of the process.
- c. If a person is medically cleared and not combative, the use of an ambulance to transport them to the jail should involve unusual or exceptional circumstances where a police vehicle would not be feasible. Examples of these exceptions would be those who are morbidly obese or otherwise would be unable to fit in a patrol vehicle, those with a physical impairment where they could not be safely transported (use of a wheelchair or other mobility device), or situations where a supervisor believes it is necessary for the safety of the subject to use an ambulance. Existing medical conditions such as seizures and other chronic medical conditions do not necessarily prevent sworn members from transporting a person to the jail safely. WRAP restraint will not be applied, and the arrestee's transport to the detention facility will be coordinated with the contract ambulance company.

The application of the WRAP restraint device requires a Tier 1 level of review, as documented in [DM 5.05 - Reporting Use of Force](#). If a second application of the WRAP restraint is required, and sworn members have to overcome the resistance exhibited by the arrestee, a second use of force incident can be documented in the original supervisor's use of force report.

5.3.16 BOLAWRAP

Levels of Force:

1. Control: Verbal warnings or pointing a BolaWrap.
2. Low-Level BolaWrap Use: Using a BolaWrap against a subject.

BolaWrap is a hand-held, remote restraint device that discharges an eight-foot Kevlar cord to entangle an individual at a range of 10-25 feet. The BolaWrap is equipped with entangling barbs at each end of the Kevlar cord.

Only a department approved BolaWrap device that has been issued by the department shall be utilized by personnel who are trained in its deployment and use.

The BolaWrap device has limitations and restrictions requiring consideration before its use. The device should only be used when its operator can safely approach the subject within the operational range of the device. Although the BolaWrap device is generally effective in controlling most individuals, sworn members should be aware that the device may not achieve the intended results and be prepared with other follow-on options.

Sworn members shall communicate with each other and alert other sworn members that they are about to deploy a BolaWrap by stating a warning like "BOLA, BOLA, BOLA" unless doing so would unduly place sworn members at risk of injury or would create a risk of death or injury to other persons. This is particularly important in preventing sympathetic fire responses from other sworn members. This advisement is considered an administrative requirement and does not fulfill the statutory obligations of the members to provide a verbal warning to the subject in accordance with [C.R.S. 18-1-707](#). A verbal warning to the subject of the intended use of the impact device shall precede its application unless it would otherwise endanger the safety of the members or when it's not feasible due to circumstances.

The BolaWrap device may be used in any of the following circumstances:

1. When the totality of circumstances perceived by the sworn member at the time indicate that such application is objectively reasonable to control a subject:
 - a. Exhibiting life threatening, assaultive, actively resisting, or passive behavior.
 - b. Who has demonstrated, by words or actions, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm sworn members, themselves or others.

Simultaneous applications of the BolaWrap on a single individual by multiple devices is allowed in authorized target areas.

Reasonable efforts should be made to target lower extremities or lower arms. The head, neck, chest and groin shall be avoided. If the dynamics of a situation or officer safety do not permit the sworn member to limit the application of the BolaWrap device to a precise target area, sworn members shall monitor the condition of the subject if it strikes the head, neck, chest or groin until the subject is examined by AFR and/or emergency medical services.

The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

Actions following deployments:

1. Sworn member shall request a supervisor to the scene after deployment.
2. Sworn members shall ensure all restrained subjects receive appropriate emergency medical care for individuals under police care or control.
3. If the hooks penetrate only a subject's clothing, then the sworn member may remove the hooks. The sworn member may cut the Kevlar cord with medical shears or a hook style seatbelt cutter.
4. The Kevlar cord shall be cut prior to any transportation.

Medical Attention:

See APD Directive [DM 05.01 - Use of Force](#), section [5.1.09 - Duty to Provide Medical Assistance](#) for further information.

Requirements for Continued Proficiency:

Initial APD Certification Course

5.3.17 POLICE CANINE

Levels of Force:

1. Control: Verbal warnings.
2. Low-Level Canine Use of Force: Using a police canine on Leash (no bites) is a low-level force.
3. Intermediate Canine Use of Force: When a police canine bites a subject is intermediate force.

Canines may be requested on but are not limited to the following crimes:

1. Felony Crimes
 - a. Arson
 - b. Burglary
 - c. Drive-by shooting
 - d. Homicide
 - e. Kidnapping
 - f. Menacing with a Deadly Weapon
 - g. Motor Vehicle Theft
 - h. Robbery
 - i. Search warrants, building searches where safety concerns exist with an officer entering first
 - j. Serious Assault
 - k. Sexual Assault
2. Misdemeanor Crimes
 - a. Domestic Violence Assault
 - b. Domestic violence court order violations requiring a mandatory arrest shall involve the subject's physical presence at the victim's location with an imminent threat of harm.
3. Other
 - a. For all other crimes where the subject is reasonably believed to be armed or there is a threat of harm to the public or department members.
 - b. Police canines may be used to track missing persons or suspects believed to be in a reasonably sized area and require the approval of the K9 Sergeant or OSS Lieutenant.

Additional Considerations:

1. When practical, APD canine handlers shall communicate to the subject(s) and other sworn members that the canine is going to be released to bite unless doing so would place sworn members or the canine at risk of injury or death or would create a risk of death or injury to other persons.
2. Police canines must be under the control of a certified sworn member. Each team (handler and canine) shall be certified through the Colorado Police Canine Association (CPCA), Utah POST, or a certification designated by the K9 Unit supervisor.
3. K9 Handlers are responsible for determining whether a situation justifies the use of a canine and the appropriate tactical measures that should be utilized. Determination shall be based on accepted

standards, certifications, and formal training. K9 Handlers should take into consideration if a police canine is the most appropriate tool or if other options would be more reasonable or appropriate.

4. When the on-scene supervisor disagrees with the handler's tactical assessment, the K9 Sergeant or OSS Lieutenant may be notified. Where time does not permit notification of the K9 Sergeant or Operation Support Section (OSS) Lieutenant, the decision to deploy the canine shall rest with the handler on the scene.
5. K9 teams shall not be used for crowd control at peaceful demonstrations. In rare and extraordinary circumstances, K9 teams may be present in crowd control situations. Their presence shall remain limited to out of sight and only used for bomb detection, the pursuit of suspects in buildings, or specific violent crimes during a riot or civil disturbance. Also, upon supervisor approval, the canine may be used to protect against serious bodily injury or death that cannot be safely controlled by other means. In these situations, the canine shall:
 - a. Always be maintained under leash control unless no other means are reasonably available to protect an individual from serious bodily injury or death.
 - b. Restrict their defensive actions to the protection of officers or others.

Medical Attention:

1. AFR shall be requested when a canine bites a subject and breaks the skin.
2. AFR shall complete a medical evaluation and determine if the subject needs to be transported to a hospital ED for further treatment.
3. See APD Directive [DM 05.01 - Use of Force](#), section [5.1.09 Duty to Provide Medical Assistance](#) for further information.

Requirements for Continued Proficiency:

1. Initial APD Academy Requirements
2. Annual Recertification

5.3.18 PROCEDURES FOR APPROVING LESS-LETHAL DEVICES, TECHNIQUES, AND WEAPONS

Sworn members may suggest specific weapons for consideration by the department for authorization. The recommendation shall be in writing and directed to the Training Section commanding officer. When available, a sample of the suggested weapon shall be provided to the Training Section commanding officer for inspection. The Training Section commanding officer shall ensure the weapon is inspected and tested by appropriate Training Section personnel. The Training Section commanding officer shall prepare a response for the appropriate Division Chief, with a copy of the response sent to the suggesting member. The appropriate Division Chief may disapprove of the request or present the request to command staff for consideration. The appropriate Division Chief shall notify the suggesting member of the action taken regarding the request.

Based on the conclusions of the command staff, the recommendation with the approval or disapproval of the Chief of Police or designee shall be returned to the Training Section commanding officer. The Training Section commanding officer shall notify the member of the final disposition of the request. If the weapon is approved, the Training Section commanding officer shall ensure the weapon is included on the *Training Section Authorized Weapons Master List*.

5.3.19 PERSONALLY OWNED LESS-LETHAL DEVICES AND WEAPONS

At their own expense, a trained and proficient member may elect to purchase certain approved devices or weapons other than one issued by the department as long as the device or weapon meets the specifications defined by the Training Section Authorized Weapons Master List. Prior to carrying the device or weapon on duty, the member shall present it to the Training Section for inspection to ensure it meets specifications. Prior to carrying any device or weapon for use on duty, the member must be trained and demonstrate proficiency in its use.

5.3.20 UNAUTHORIZED LESS-LETHAL DEVICES, TECHNIQUES, AND WEAPONS

Members are not authorized to wear, carry, or use saps, sap gloves, blackjacks, or other less-lethal weapons not authorized by the department.

5.3.21 UNINTENTIONAL DISCHARGE OF A LESS LETHAL WEAPON

Sworn members are responsible for maintaining control of their less-lethal weapons. Members who unintentionally discharge a less-lethal weapon must report that discharge to their supervisor, another member in their chain of command, or the watch commander as soon as practical.

Members initiating or assigned an initial inquiry shall make the appropriate entry into the administrative management system unless such entry has already been made. The member conducting the initial inquiry shall gather the facts and information concerning the unintentional discharge of a less-lethal weapon.

Once the initial inquiry is completed, the member who conducted the inquiry shall route the case through the chain of command to the appropriate Commander. The initial inquiry shall then be assigned to the appropriate member by the Commander for a "Preliminary Investigation."

Once the preliminary investigation is completed, the member who conducted the investigation shall route the preliminary investigation through the chain of command to the appropriate Commander.

The Commander who receives a completed preliminary investigation shall review the case and take appropriate action.

Unintentional discharges of a less-lethal weapon that constitutes a use of force against another person shall be reported in accordance with Directive [DM 05.06 - Reporting and Investigating the Use of Tools, Weapons, and Physical Force](#) and be investigated as outlined in that directive.

5.3.22 INSPECTION AND INVENTORY

Every district, bureau, section, or unit is responsible for having all departmental weapons issued to that district, bureau, or section properly inspected and inventoried by members approved through the department to conduct such processes.

APPENDIX D:
DIRECTIVE MANUAL 05.06
USE OF FORCE INVESTIGATIONS

AURORA POLICE DEPARTMENT

DIRECTIVE MANUAL

05.06 USE OF FORCE INVESTIGATIONS

Approved By:	Todd Chamberlain, Chief of Police
Effective:	Aug-18-2023
Revised:	Jan-01-2025
Associated Policy:	DM 05.01, 05.02, 05.06
References:	C.R.S. § 18-1-707, 18-8-802, 24-31-905
Review Authority:	Professional Standards and Training Division Chief and APD Legal Advisor(s)

5.6.01 PURPOSE

The purpose of this directive is to provide sworn members of the Aurora Police Department (APD) with clear and direct guidelines to follow when investigating uses of force.

5.6.02 SCOPE

This directive applies to all sworn members of APD.

5.6.03 DEFINITIONS

Definitions from the following directives apply to this directive:

[DM 05.01 - Use of Force](#)

[DM 05.02 - Use of Force Model](#)

[DM 05.03 - Less-Lethal Devices, Weapons, and Techniques](#)

[DM 05.04 - Authorized Firearms, Weapons, and Ammunition](#)

[DM 05.05 - Reporting Use of Force](#)

Force Investigation Unit (FIU): The FIU is a unit in the Internal Investigations Bureau. The FIU is charged with investigating the application of force by members of the Department along with the administrative collection, formatting, and presentation of information relevant to the incident.

Hospitalization: The subject is admitted to a hospital for a force-related injury. Treatment and release from a hospital emergency department, or critical care facility, seen by a jail nurse, paramedic, or EMT, is not hospitalization.

Minor Injury: An injury that does not require professional medical treatment.

Multi-Agency Team (MAT) | Critical Incident Response Team (CIRT): As required by CRS § 16-2.5-301 MAT/CIRT will investigate any incident where; a member of the Aurora Police Department uses, may have used, or is the subject of the use of deadly physical force; or where there is a substantial risk of death. In-custody incidents resulting in death or when a substantial risk of death exists will also result in a CIRT or MAT investigation.

Off Duty: A sworn member who is not working a scheduled shift or secondary employment.

Professional Medical Treatment: Procedures done by a medical provider (i.e., physician, nurse practitioner, or physician assistant) beyond basic first aid and diagnostic tools that specifically correlate to the injuries sustained during the use of force incident. Procedures done by a medical provider include but are not limited to stitching, setting a broken bone, resetting a dislocated joint, etc. Diagnostic tools such as blood tests, X-rays, blood pressure checks, etc., are not treatment.

5.6.04 POLICY

The policy of the Aurora Police Department is that sworn members shall investigate all uses of force in a timely, thorough, and accurate manner, strengthening trust between APD and the public.

5.6.05 CORE PRINCIPLES

The following core principles are provided to guide sworn members regarding when and how to investigate use-of-force incidents:

Accountability: We are responsible for our actions and decisions. We are committed to holding ourselves and each other responsible for misconduct.

Thorough Reporting and Investigating: If a written report is required, each member who uses force or observes another member or members use force shall accurately and completely report the use of force by the end of their shift. When reporting a use of force in a criminal or administrative report, members should focus on describing the specific behavior that the subject was exhibiting, their use of physical force, and the reason for using such force in detail. Members should include any attempts to de-escalate and any non-violent means attempted prior to using force. Each member who uses force or observes another member or members use force shall immediately notify their supervisor.

Fact-Finding Investigation: Supervisors and investigators shall focus on the facts and circumstances pertinent to any use of force event when reviewing and determining whether the use of force complies with department policies and Colorado Revised Statutes (C.R.S.). Opinions or statements that are not a component of conducting an unbiased investigation shall not be included in the review.

5.6.06 RESPONSIBILITIES OF INVESTIGATING SUPERVISORS

The supervisor initially notified of a use of force requiring a Tier 1 or 2 Level of Review is responsible for ensuring that a thorough investigation and a report of the incident are completed. The supervisor shall respond to the scene of the use of force first. Then, that supervisor can follow up at a secondary location, where the subject is if the subject is no longer on the scene, or they may delegate that assignment to another supervisor. The supervisor will ensure the following items are completed and/or documented:

1. Take photographs of the subject, scene, and any other important factors that may have influenced the use of force.
2. Initiate a use of force report via the current administrative management system.
3. A description of the reporting supervisor's actions and observations.
4. Information provided by a civilian witness who did not write a statement.
5. The CEW download report (if applicable).
6. If medical treatment was offered and/or requested.

7. The response to the offer of medical treatment.
8. Photographs of the injuries or lack of injuries. Proper handling of photographic evidence as per [DM 15.15 - Digital Evidence](#) as well as sections 5.4.2 (b) and (c) of this directive.
9. Any other relevant reports by other sworn members related to the use of force.
10. Review BWC video of the reported use of force.
11. Any training conducted by the supervisor regarding immediate concerns that were addressed prior to the report being forwarded to FIU or the district.

If a supervisor is not available to respond to the location of the subject in extraordinary circumstances, a supervisor may assign another sworn member not involved in the use of force to perform the supervisory duties on the scene, but the actual supervisor-ranked person will complete the use of force report. The supervisor may rely on body camera footage to document the injuries or lack thereof on a subject or suspect.

When multiple supervisors are on-scene at an incident where a use of force occurred, they are individually responsible for communicating with each other and determining which will take responsibility for the use of force investigation. If the use of force duties are divided among multiple supervisors, one will be designated as the primary investigating supervisor. The primary investigating supervisor is responsible for ensuring that the use of force is appropriately reported. At a minimum, an entry, including the use of force report face sheet, will be created in the administrative management system. The investigating supervisor will complete and submit their full use of force investigation and report within seven calendar days of the event, unless authorized an extension from a command officer for a specific amount of days. Use of force investigations involving a member of a specialized unit will not be delayed because their supervisor was not available to respond to conduct the use of force investigation.

Any supervisor directly involved in a use of force will not conduct the investigation into that event or approve the reports related to that use of force. If a supervisor directs a sworn member to use force, that supervisor is an involved member in that use of force. An uninvolved supervisor will conduct the UOF investigation.

The investigating supervisor will ensure that all the reports are completed on the day of the event, barring an exception authorized by a command or executive officer. General offense and/or supplemental reports should contain a description of the events leading up to, during, and after the use of force, which are relative to the use of force, along with a record of any medical treatment or first aid rendered. Reports should include any attempts to resolve the issue with non-violent means and any de-escalation techniques attempted.

If, at any time during the investigation, it is determined there are potential criminal conduct against a sworn member, significant policy violations, or if the force is believed to be excessive, the investigating supervisor will notify a command officer immediately. The command officer will review the event, determine the course of action, and make further notifications if appropriate.

A use of force report requiring a Tier 1 or 2 Level of Review will be forwarded to a subject member's lieutenant or immediate command officer. See DM 05.08 – Use of Force Adjudication for the adjudication process.

The FIU will investigate a use of force report requiring a Tier 3 Level of Review in accordance with its standard operating procedure. All responding members must ensure proper evidence preservation and collection regarding the criminal investigation. An FIU member will create the Tier 3 Level of Review report, which will be adjudicated by the Force Review Board.

The Office of Constitutional Policing is responsible for the annual analysis of use of force incidents. They will submit the analysis to the command staff for suggestions regarding revisions to policy or training needs based on issues or trends identified in the analysis.

5.6.07 FORCE INVESTIGATIONS UNIT (FIU)

The FIU is a unit in the Internal Investigations Bureau. It will provide thorough, accurate, and unbiased investigations and data collection related to Aurora Police Department members' uses of force. This unit will also assist with the administrative collection, formatting, and presentation of information relevant to the incident. FIU members will do so with transparency and integrity while maintaining the highest ethical standards to build and maintain internal and external Department trust and confidence.

FIU investigators are assigned use of force reports for some Tier 2 and all Tier 3 Level of Reviews in the administrative management system by the FIU Sergeant. Investigators review each assigned case for completeness and evaluate the body-worn camera video as well as reports in the Report Management System (RMS) associated with the reported use(s) of force for each case. FIU Investigators perform an initial inventory of the submitting supervisor's use of force report, associated General Offense and supplemental report(s), photographs, video footage, and any other related use of force information. In addition, the investigator will:

1. Confirm the tier level of review assigned is correct (i.e., Tier 1, Tier 2, or Tier 3)
2. Ensure all involved officers who used force are identified and properly assigned the correct tier level of review.
3. Determine if all witnesses listed on reports or detected on any audio/video footage are identified and have submitted written statements and/or other relevant material
4. Determine if all required photographs are present and attach them to the use of force report
5. Follow up on any missing information required to complete a thorough investigation
6. Attach the complete General Offense report to the use of force report
7. Download and attach any associated use of force-related information and/or documents (e.g., CEW downloads, outside agency reports, photographs, videos)
8. Consolidate and flag all relevant BWC footage into a case in the current electronic data system (Evidence.com)
9. Note any BWC violations, issues with BWC failure, or dislodging.
10. Note any issues to be addressed by additional/remedial training.
11. Note any potential policy issues.
12. Compare narratives with audio/video footage for consistency.
13. Complete an FIU Investigator's case summary report.
14. Format the report to allow for a sequential, logical, clear, concise, and complete presentation.
15. Identify and document all required statistical data related to the case.

16. Notify the FIU Sergeant of case completion and statistical data obtained.
17. Provide an in-person presentation to the FRB for Tier 2 and Tier 3 Level or Reviews when directed.

The FIU and IAU will respond to use of force incidents requiring a Tier 3 Level of Review.

If a use of force requiring a Tier 3 Level of Review involves an investigation by the Major Crimes Homicide Unit (MCHU), the FIU will conduct a separate but parallel investigation.

5.6.08 POTENTIAL CRIMINAL CHARGES OR SIGNIFICANT POLICY VIOLATIONS

If, at any time during case processing, it is determined there are potential criminal conduct or significant policy violations against a sworn member, or if the force is believed to be excessive, investigators will discontinue their investigation and notify the FIU Sergeant immediately. The FIU Sergeant will contact the IIB Lieutenant or the IIB Commanding Officer to determine whether the case should go to the Internal Affairs Bureau or the appropriate district detective unit to investigate criminal charges. The FIU investigation will be subordinate to any criminal and/or Internal Affairs administrative investigation unless directed by the Chief of Police or designee.

5.6.09 CLARIFICATION INQUIRY

If additional information regarding the facts of the case is required to clarify the use of force incident, the FIU supervisor shall contact the involved member's supervisor and have the member provide the required details in a supplemental report.

APPENDIX E:
DIRECTIVE MANUAL 05.08
UOF ADJUDICATIONS

AURORA POLICE DEPARTMENT

DIRECTIVE MANUAL

05.08 USE OF FORCE ADJUDICATION

Approved By:	Todd Chamberlain, Chief of Police
Effective:	Aug-18-2023
Revised:	Jan-01-2025
Associated Policy:	DM 05.01, 05.02, 05.06, 08.32, 09.06
References:	C.R.S. § 18-1-707, 18-8-802, 24-31-905, SO 23-03
Review Authority:	Professional Standards and Training Division Chief and APD Legal Advisor(s)

5.8.01 PURPOSE

This directive provides sworn members of the Aurora Police Department (APD) with clear and direct guidelines to follow when adjudicating Tier One, Two, and Three uses of force. It also defines the membership, mandate, and operational workflow of the Force Review Board (FRB). Through a thorough adjudication process, APD seeks to establish and sustain a culture of continuous improvement, critical self-evaluation, and promotion of APD's mission and values.

5.8.02 SCOPE

This directive applies to all sworn members of APD tasked with adjudicating use of force incidents. Uses of force will be reviewed for policy compliance, conformance to law, and the objective reasonableness of the application of force.

5.8.03 DEFINITIONS

Definitions from the following directives apply to this directive:

[DM 05.01 - Use of Force](#)

[DM 05.02 - Use of Force Model](#)

[DM 05.03 - Less-Lethal Devices, Weapons, and Techniques](#)

[DM 05.04 - Authorized Firearms, Weapons, and Ammunition](#)

[DM 05.05 - Reporting Use of Force](#)

[DM 05.06 - Investigating Use of Force](#)

[DM 05.07 - Investigating Use of Lethal Force](#)

5.8.04 POLICY

The policy of the Aurora Police Department is that all uses of force are adjudicated in a timely, thorough, impartial, and accurate manner. APD commits to using a transparent adjudication process and a process of critical analysis leading to continuous improvement to further the legitimacy of the agency by the public and promoting trust between the APD and the community we serve.

5.8.05 CORE PRINCIPLES

The following core principles are provided to guide sworn members regarding the adjudication of use-of-force incidents:

Accountability: We are responsible for our actions and decisions. We are committed to holding ourselves and each other responsible for misconduct and performance failures.

Continuous Improvement: Building a culture dedicated to bettering performance individually and as a department is crucial for a professional law enforcement agency. Use of force review can provide valuable lessons for individual sworn members as well as show trends, patterns, and areas where the agency needs strengthening or where the department is excelling in training (such as baseline arrest control proficiency) and policy updates that can be used to enhance department operations.

Critical Assessment: Evaluation of use of force incidents should identify successes, failures, and constructive steps needed to improve for individual members and collectively as an agency.

Objectivity: Use of force adjudications shall focus on the facts and circumstances pertinent to the use of force and precipitating events. The review and determination of whether the use of force complies with department policies and state, federal, and binding case law shall be free of personal bias or agenda. Opinions or statements that are not a component of conducting a fair and unbiased analysis shall not be included in the review.

5.8.06 USE OF FORCE REVIEW RESPONSIBILITIES AND WORKFLOWS

A Tier 1 or 2 Level of Review report will be forwarded to the subject member's lieutenant or immediate command officer. For a Tier 1 Level of Review or a Tier 2A Level of Review with no or minor injury, the initial receiving command officer will have twenty-one calendar days to complete the adjudication process. The initial receiving command officer shall include their findings, commendations or remediations given, and training provided in the adjudication form.

Tier 1 Level of Review

A receiving command officer will adjudicate the use of force and forward the adjudication form to the Bureau/District commanding officer or designee for a final review. When they determine a complete and thorough adjudication has been accomplished, the Bureau/District commanding officer or designee will close the form.

Tier 2A Level of Review with no or minor injury

A receiving command officer will adjudicate the use of force and forward the adjudication form to the Bureau/District commanding officer or designee. When they determine that a complete and thorough adjudication has been accomplished, the Bureau/District commanding officer or designee will send the adjudication form to the FIU, who will review it for consistency and completeness. The FIU will notify an IIB command officer of any significant concerns with these adjudications for assistance in addressing them.

The Force Review Board will adjudicate a Tier 2B Level of Review with professional medical treatment provided or a Tier 3 Level of Review.

Tier 2B Level of Review requiring professional medical treatment

A receiving command officer will provide a summary of their findings, commendations or remediations given, and training provided but will not adjudicate the use of force. Within twenty-one days, they will forward the report to the FIU for adjudication by the Force Review Board.

Tier 3 Level of Review

These reports will be created by an FIU member and adjudicated by the Force Review Board. An entry will be created in the administrative management system for a Tier 3 Level of Review by an FIU member within one day of being notified of the event.

A Bureau/District commanding officer or designee may request assistance adjudicating any Tier Level of Review from the Force Investigative Unit.

The subject member's chain of command will not adjudicate any Tier Level of Review in which the use of force itself is believed to not be in compliance with department policy or any expected discipline is beyond the scope of the chain of command.

The FRB will adjudicate a Tier 1 Level of Review or a Tier 2A Level of Review with no or minor injury at the request of the subject member's chain of command that requires further review or as directed by the Chief of Police or designee.

The FRB will evaluate the need for department-wide improvements relative to the following:

1. Tactics
2. Training
3. Policy
4. Supervisory incident management, investigation, and documentation of the use of force incident.

Generally, use-of-force incidents can have significant training value. A sworn member of any level of the review process may recommend that material from a use-of-force incident be used for training. The sworn member shall be notified before their reports and videos are used for training. Videos shall be approved for training by the Chief of Police or designee ([DM 16.04.22 - Body-Worn Cameras](#)) and requested for download through the Electronic Support Section (ESS). Material records from a use-of-force incident shall not be used for training until the chain of command or FRB has adjudicated it.

5.8.07 FACTORS CONSIDERED IN THE ADJUDICATION OF USES OF FORCE

The following dimensions should be considered when initiating the adjudication of a use of force at any tier level of review (also see [Use of Force Report Considerations](#)):

1. Information Sharing: Available information sought and obtained pre-contact. Aurora911 information, CAD/RMS location history, RP statements, other sworn members, etc.
2. Pre-Event Decision-Making: Efforts made prior to contact. Coordination of resources, avenue of approach, contact/cover, use of cover/concealment.
3. Communication: Efficacy of communication between sworn members, assignment of sworn member roles, airing of new/changing information, and communication between Aurora911 and sworn members.

4. Lawful Presence: Legal basis for contact, including the lawful authority for all actions. Dispatched call or proactive contact, Private/Public area, Consent/Reasonable Suspicion/Probable Cause, Implications of bias [DM 08.32 - Bias-Based Policing](#)
5. De-Escalation: Reference Core Principles in [DM 05.01 - Use of Force](#).
6. Use of Force Analysis: Objective reasonableness of the actions taken by sworn members in light of the facts and circumstances confronting them at the time of the incident. The review of each use of force shall be based on the totality of the circumstances faced by sworn members, including:

[Graham v. Connor, 490 US 386 - Supreme Court 1989](#)

- a. The severity of the crime.
- b. The immediate threat to the sworn member(s) or others.
- c. Whether the subject was actively resisting arrest or attempting to evade arrest by flight.

Per [C.R.S. § 18-1-707\(1\)](#), a peace officer may use physical force only if nonviolent means would be ineffective in:

- a. effecting an arrest;
- b. preventing an escape or;
- c. preventing an imminent threat of injury to the peace officer or another person.

Per [C.R.S. § 18-1-707\(2\)](#), when physical force is used, a peace officer shall:

- a. Not use deadly physical force to apprehend a person who is suspected of only a minor or nonviolent offense;
- b. Use only a degree of force consistent with the minimization of injury to others;
- c. Ensure that assistance and medical aid are rendered to any injured or affected persons as soon as practicable; and
- d. Ensure that any identified relatives or next of kin of persons who have sustained serious bodily injury or death are notified as soon as practicable.

Per [C.R.S. § 18-1-707\(3\)](#), a peace officer is justified in using deadly physical force to make an arrest only when all other means of apprehension are unreasonable given the circumstances and:

- a. The arrest is for a felony involving conduct including the use or threatened use of deadly physical force;
- b. The suspect poses an immediate threat of death or serious bodily injury to the peace officer or another person;
- c. The force employed does not create a substantial risk of injury to other persons.

Other factors pertaining to the use of force analysis MAY include:

- a. Information as to the subject's proximity and access to weapons.
- b. Subject's apparent intoxication.
- c. Subject's apparent size, strength, physical skill, and ability.
- d. Subject's perceived mental health.
- e. Time available to the sworn members to make a decision or attempt to resolve the situation through non-violent means.
- f. Environmental factors.
- g. Risk posed to the public and other exigent circumstances.
- h. Additionally, APD uses the criteria of the non-binding decision of [Hill v. Miracle - Court of Appeals, 6th Circuit 2017](#), to evaluate the use of force on subjects experiencing a medical or mental health-related emergency in which no criminal charges exist. The non-exhaustive factors listed in the above decision for determining whether officers' actions were objectively reasonable are:
 - i. Subject was experiencing a medical or mental health-related emergency and incapable of making rational decisions.
 - j. Some degree of force objectively reasonable to ameliorate the immediate threat (to the subject and others).
 - k. Force was objectively reasonable under the circumstances.
7. Medical Response/ intervention: Monitoring of the subject, offering and provision of medical attention in a timely manner and compliant with [DM 09.06 - Coordination with Aurora Fire Rescue and Emergency Medical Services](#)
8. Officer Relief Protocol: Replacement of involved officers as soon as practical, consistent with [DM 05.10 - Officer Relief Process](#).
9. Incident Management: Appropriateness of the incident and scene management, including supervisory response and oversight. Clarity and appropriateness of directions from supervisors at the scene. Whether police actions placed sworn members or civilians at unnecessary risk.
10. Policy Compliance: Compliance with [DM 05.01 - Use of Force](#) and other APD policies.
11. Equipment: Availability and functionality of all equipment.
12. Report Writing: Quality of written reports. Thorough articulation of the event, all facts and circumstances confronting sworn members, the force used, factors members relied on in making their decisions, and legal justifications for all actions.
13. Evaluation of Tactics and Training: Efficacy of the tactics used, proficiency of the involved sworn members, and currency of their certifications, as well as the viability of other options and the possibility that engaging sooner would have been more effective and possibly led to a better, safer outcome for officers and civilians.

14. Evaluation of Supervisory Review: Quality of the supervisor's initial investigation and evaluation of factors considered for adjudication of the use of force and review of written reports.
15. Sworn Member History: A sworn member's use of force history shall not be used to determine whether the use of force under consideration is within policy. However, it should be utilized to determine an appropriate level of remediation, if any, including training, coaching for improvement (CFI), or enhanced supervision.

5.8.08 ASSIGNED MEMBERS OF THE FORCE REVIEW BOARD

The Force Review Board (FRB) shall be chaired by the Professional Standards and Training Division Chief or designee and shall consist of the following members:

Seats Required for a Quorum / Voting Seats:

1. Professional Standards and Training Division Chief or designee (Chair)
2. Aurora City Attorney's Office Police Legal Advisor
3. Training Section Sworn Member
4. At-Large Command Officer from any Division
5. Operations Sergeant (Peer)
6. Operations Officer (Peer)

Non-voting Seats:

1. Chief of Police
2. Deputy Chief of Police
3. Patrol Division Chief or designee
4. Investigations Division Chief or designee
5. Special Operations Bureau Division Chief or designee
6. Police Chief of Staff or designee
7. Business Services Division Manager or designee
8. Training Section Commanding Officer or designee

Ad Hoc Seats:

1. Subject Matter Experts (SMEs)
2. Internal Affairs Bureau (IAB) Sworn Member

Observer Seats:

1. Consent Decree Monitor(s)
2. Consultant(s)

Two (2) sworn members will be designated for each quorum position; one member will be the primary, and the other will be a backup if the primary cannot attend. Only the primary quorum member for that position will vote if both members are present. The FRB Chair will assign/ appoint members to the peer and at-large command officer positions based on their training and qualifications. Other Chiefs may attend FRB meetings at their discretion. Any member of the FRB may be excused by the Chair, Deputy Chief, or Chief of Police because of a conflict of interest from any particular review of a use of force incident.

The FRB may consult experts or other informed individuals to help determine whether the use of force under review was legal and policy-compliant.

5.8.09 QUALIFICATION, SELECTION, AND TERM OF FRB MEMBERS

The Chief of Police will determine the qualifications and selection process for members and may rely on the members' knowledge and/or experience regarding the use of force. The Chief of Police or designee will approve all FRB members. To maximize consistency, members of the FRB should remain for at least an entire year.

5.8.10 TRAINING OF FRB MEMBERS

The Training Division Commander shall ensure all FRB members receive continuing professional training in the following subjects:

1. Expectations, goals, and mission of the FRB.
2. Department use of force policies.
3. Aurora Arrest Control Techniques (ACT).
4. Demonstrations of training techniques and properly using department-issued tools, e.g., less lethal options and firearms.
5. FIU procedures
6. Investigative Process Criminal and administrative techniques, practices, and standards presented and/or coordinated by the Training Academy.
7. Legal updates on use of force case law presented by representatives from the City Attorney's or the District Attorney's Office.
8. Officer-involved shootings (OIS), vehicle pursuits resulting in serious bodily injury or death, and in-custody death investigations.
9. Human performance factors.
10. Value of critical assessment and culture of continuous improvement.

11. Appropriate methodology in conducting a critical assessment.

5.8.11 FREQUENCY OF MEETINGS

The FRB meets weekly at the discretion of the Chair but no less frequently than monthly.

5.8.12 PARTICIPATION IN FORCE REVIEW BOARD MEETINGS

Only FRB quorum/voting members may actively participate in the meeting discussion unless called upon by the board chair.

5.8.13 OBSERVATION OF FORCE REVIEW BOARD MEETINGS

Sworn members are invited and encouraged to attend FRB meetings in observation status as coordinated by the FIU Supervisor or designee. Currently, sworn members are not allowed to observe presentations of uses of force in which they were involved.

Representatives of the labor organizations are also invited and encouraged to attend in an observation status subject to the approval of the FIU Supervisor or designee. Labor organization observers will adhere to observer conditions defined in [DM 10.2.4](#) to avoid a conflict of interest or the appearance of a conflict of interest.

All members assigned to the FRB and observers shall read, understand, and sign the [APD Form 236 - Chief's Office Confidentiality Acknowledgement](#) located in [PowerDMS](#).

5.8.14 CONDUCT OF MEETINGS

During FRB meetings, FIU investigators present cases to the board on the relevant information about using force for analysis and discussion. After the presentation, the FRB Chair will facilitate a discussion in which each quorum member contributes their evaluation of the use of force incident. Following that discussion, the FRB Chair will oversee a vote of the primary quorum members (or, if not present, their backup) on whether the use of force was reasonable.

FIU presentations include the following:

1. Date, time, and location of the event.
2. Agency case number.
3. Involved officers' names, department photos, identification numbers, time of service with the department and in their current assignment, and weapon types (including serial numbers if applicable).
4. Witness officers' names and identification numbers.
5. Investigating supervisor.
6. Subject's name and date of birth.
7. Identification of each use of force and associated Tier Level of Review.
8. Synopsis of event.

9. Information that led to the officer(s)' initial encounter with the subject.
10. BWC of each use of force.
11. Identification of post-force actions, including when applicable:
 - a. Placing the subject in the recovery position when safe (after the subject is under control and a search for weapons has been done).
 - b. Call for Aurora Fire Rescue (AFR) to respond, evaluate the subject, and render aid if necessary.
 - c. Provision of first aid until the arrival of AFR/EMS.
 - d. Turnover to AFR.
 - e. Processing of subject at the Aurora Detention Center (ADC).
12. Compliance with Body-Worn Camera Policy
13. Presentations may also include any of the following if relevant to the case:
 - a. CAD Notes
 - b. Map of the area both zoomed out and zoomed in.
 - c. Photographs or still frames of BWC footage.
 - d. TASER Downloads
 - e. Weapons Inspections
 - f. Weapons Specifications (e.g., CS Vapor Canister information)
 - g. Statements of civilian witnesses identified by the investigating supervisor.

5.8.15 VOTING BY CONSTITUENT MEMBERSHIP

Following the quorum discussion, the FRB Chair will oversee a vote of the primary quorum members (or, if not present, their backup) as to the objective reasonability of the use of force. The decision is by majority and will determine the board's findings. In the case of a tie, the FRB Chair's vote will be the deciding vote that determines the majority. When it is determined that the use of force was not objectively reasonable, the majority opinion will be summarized in writing, and the case will be presented to the Chief of Police by the FRB Chair to make the final determination.

5.8.16 FRB FINDINGS

The FRB can reach the following findings:

1. The use of force was within policy. This means the use of force was objectively reasonable and comported with all statutory and policy requirements.

2. The use of force was outside of policy. This means the use of force was not objectively reasonable and/or did not comport with statutory and/or policy requirements.
3. Findings relative to supervisory oversight and responsibilities.

5.8.17 POST-ADJUDICATION REVIEW AND RECOMMENDATIONS

After a use of force has been adjudicated and a finding has been made, the FRB will discuss and address any other observations made during the review process. Then, the FRB Chair, along with a subject member's command officer, will review the subject members' relevant departmental history, discipline records, and training records to determine what, if any, recommendations are required. If the FRB Chair or the command officer believes any content of the review should be kept confidential from other members of the FRB, they will conduct the review in private. The FRB Chair will facilitate an agreed-upon course of action with the command officer based on a totality review, which may include the following recommendations:

1. No follow-up training is required.
2. Referral for training.
3. Referral to Chain of Command for after-action debrief.
4. Referral to the Training Section.
5. Referral for Coaching for Improvement.
6. Referral for Enhanced Supervision.
7. Request a referral to the IAU through the Chief of Police.
8. Referral to the Policy and Compliance Unit for a policy revision.

5.8.18 REFERRAL FOR CRIMINAL OR INTERNAL REVIEW

If there is insufficient information for the board to determine whether the force was within policy, the FRB Chair will decide whether the case will be routed to the FIU or IAU for additional investigation. If routed to FIU, the supervisor will conduct a clarification inquiry according to [DM 05.06 – Investigating Uses of Force](#).

With any tier level of review sent to the Force Review Board for adjudication, should the FRB Chair recommend further investigation by the IAU, the use of force report shall be presented to the Chief of Police for consideration of an IAU investigation. Referrals to the IAU will be handled in accordance with [DM 10.02 - Complaint and Discipline Procedures for Sworn Members](#).

Once directed, the IIB Commander shall initiate an investigation and assign it to the appropriate level in the organization. Generally, uses of force involving a criminal or internal investigation will not be adjudicated until those investigations have concluded. Nothing will preclude the Chief of Police from adjudicating a use of force prior to the receipt of the declination letter or closure of the internal investigation.

5.8.19 FOLLOW-UP AND TRACKING PROCESS

Once an adjudication form has been completed, a summary of the decision/ determination will be included in the use of force report workflow and routed to the involved member through their chain of command. The

member's supervisor will ensure any referrals for training, CFI, or enhanced supervision are done/satisfied. The training shall be documented by the person providing it and included in their workflow notes.

5.8.20 RETENTION OF RECORDS

All completed adjudication forms will be maintained in the department's approved management system.

5.8.21 PERIODIC ANALYSIS OF THE USE OF FORCE REPORTS

The Office of Constitutional Policing shall coordinate with FIU to analyze the use of force reports biannually. This analysis shall be used to make suggestions to the command staff regarding the policy or training that needs revisions based on the identified issues, patterns, or trends.

Quarterly, the Office of Constitutional Policing will perform a random body-worn camera assessment of a case adjudicated by the FRB to determine policy compliance and training value.

**APPENDIX F:
DIRECTIVE MANUAL 06.01
ARREST PROCEDURE**

AURORA POLICE DEPARTMENT

DIRECTIVES MANUAL

06.01 ARREST PROCEDURE

Approved By:	Todd Chamberlain, Chief of Police
Effective:	Sep-01-1998
Revised:	Feb-10-2025
Associated Policy:	DM 06.03, 06.05, 06.08, 06.09, 08.10, 08.20, 08.52 and 11.02
References:	C.R.S. § 16-3-102, 16-3-405,18-8-405,19-2-508 Forms: 073,196,197; City Code 2-234(b)
Review Authority:	Professional Standards and Training Division Chief and APD Legal Advisor(s)

6.1.01 PURPOSE

The purpose of this directive is to clearly outline the limitations of authority, acceptable conduct, and practices expected from sworn members of the Aurora Police Department (APD) during the process of making arrests. The outlined procedures are designed to ensure the safety of sworn members and the public, protect the constitutional rights of individuals, and promote consistency, professionalism, and accountability in instances of arrests. This directive aims to enhance public trust in law enforcement by providing comprehensive guidelines while facilitating the lawful and efficient apprehension of individuals suspected of criminal activity.

6.1.02 SCOPE

This directive applies to all sworn members of APD.

6.1.03 DEFINITIONS

Body Cavity Search: Any visual or manual inspection of a person's mouth, nose, ear canal, anus, genital region, and in rare instances, organs such as the stomach, with or without physical contact with, or intrusion, into a body cavity.

Court of Competent Jurisdiction: A court with the legal authority to hear and decide a particular case.

Custodial Arrest: Seizure of a person for the purpose of taking them to a detention facility for booking procedures and the subsequent filing of criminal charges.

Levels of Proof:

Reasonable Suspicion: Articulable facts and circumstances known to the sworn member at the time of a contact when taken as a whole, that would lead a reasonable officer to reasonably suspect that a particular person has committed, is committing, or is about to commit a specific crime(s). Reasonable suspicion is more than a hunch; however less than probable cause. The person is not free to leave during a detention based on reasonable suspicion.

Probable Cause: Facts and circumstances taken as a whole that would lead a reasonable officer to believe that a particular person has committed or is committing a crime.

Non-custodial Arrest: Seizure of a person for the purpose of issuing them a summons to court to face criminal charges. For the purposes of effecting an arrest, sworn members who conduct a non-custodial arrest have the same legal authority as when they conduct a custodial arrest.

Status Offense: Offenses that would not be a crime if committed by an adult (e.g., runaway, truancy, beyond parental control, minor in possession of alcohol, and curfew violations).

Strip Search: Consistent with CRS 16-3-405(2), “strip search” means having an arrested person remove or arrange some or all of their clothing so as to permit a visual inspection of the genitals, buttocks, anus, or female breasts of such a person.

6.1.04 POLICY

It is the policy of the Aurora Police Department to conduct arrests in accordance with the rights protected by the U.S. Constitution and laws of the United States and the State of Colorado. This policy establishes guidelines for APD members to follow when arresting persons with or without a warrant based on probable cause. The principles underlying this policy and the directives contained within apply to all arrests, regardless of the age or status of the arrestee. Members should consider the issuance of a citation or summons in lieu of a custodial arrest, taking into account factors such as the nature of the crime, the arrestee's criminal history, past instances of failing to appear in court, the positive identification of the individual, and other relevant factors. (see [DM 08.52 – Constitutional Policing](#) for further information).

6.1.05 CORE PRINCIPLES

The core principles detailed in [DM 8.52 - Constitutional Policing](#) are applied to this directive and are the expectations of APD members when in contact with a member of the public.

6.1.06 ARRESTS WITHOUT A WARRANT

Members will notify a supervisor as soon as practical whenever a custodial arrest without a warrant is made. This notification may be made by phone, radio, or electronic message. All affidavits for arrest without a warrant must be approved before returning to service. The member's District Watch Commander should approve warrantless arrest affidavits. If the member's District Watch Commander is unavailable, another supervisor may approve the affidavit with notification to the District Watch Commander. Affidavits prepared by detectives will be approved by their immediate supervisor or Lieutenant when available. Otherwise, detectives may get approval from a District Watch Commander.

6.1.07 RELEASE OF ADULTS ARRESTED WITHOUT A WARRANT

When an adult is arrested without a warrant, the individual should be released as soon as practical if one of the following circumstances exists:

1. The sworn member no longer believes probable cause exists to support the allegation against the individual. A Watch Commander must promptly review the facts of the case and determine whether probable cause no longer exists. If so, the Watch Commander should approve the arrestee's immediate release. The Watch Commander will ensure that a supervisor prepares a supplemental report, thoroughly documenting the circumstances and reasons that led to the determination that probable cause no longer existed and the date and time of the release from custody.
2. The offense for which the person was arrested is a misdemeanor or petty offense that allows incarceration, and the sworn member is reasonably satisfied that the person arrested will obey a summons commanding their appearance in court at a later date. The individual may be processed through the Aurora Detention Center to obtain current identification information before the issuance of a summons. Upon issuance of a summons to appear, the individual may be released. The sworn member will issue the summons to the arrestee and advise the individual of the court date and location to appear.

3. If one of the above circumstances is not present and there is an arrest for a crime with the following statutory designations requiring the issuance of a mandatory protection order [C.R.S. § 18-1-1001(5)], the arrestee will be taken to a detention center and held on the appropriate bond.
 - a. Domestic violence, as defined in C.R.S. § 18-6-800.3(1);
 - b. Stalking pursuant to C.R.S. § 18-3-602; and
 - c. Unlawful sexual behavior pursuant to C.R.S. § 16-22-102(9).

If the arrestee is admitted to a hospital at the time of arrest, a Duty Chief may request a [Virtual Court Appearance](#) from the appropriate prosecutor's office.

If a virtual court appearance is granted, a sworn member or an APD-contracted security guard will be required to remain with the arrestee unless one of the following circumstances happens:

- d. A court releases the arrestee on a personal recognizance bond and the court serves a mandatory protection order to the arrestee.
- e. A court determines that probable cause does not exist to hold the arrestee for the charged violations.

If the arrestee is given a bond, a sworn member or an APD-contracted security guard shall remain with the arrestee after the virtual court appearance. When the arrestee is released from the hospital, a sworn member shall transport the arrestee to a detention center.

If a virtual court appearance is not available upon request, a sworn member or an APD-contracted security guard will be assigned to watch the arrestee until they are discharged.

In all other cases, adults arrested without a warrant will be held for bond in accordance with the established bond schedule.

Virtual court appearances may be considered for other criminal offenses in addition to the statutory designations outlined in subsection 3 of this section. With the approval of the Duty Chief, any supervisor can initiate discussions with a prosecutor's office about a virtual court appearance for a specific arrestee.

Service of protection orders for virtual court appearances requested in accordance with this section is not the responsibility of sworn members.

6.1.08 RECORD CORRECTIONS

When it is determined that probable cause for the arrest cannot be substantiated and the arrestee has already been processed through the Aurora Detention Center, an immediate request to correct the arrestee's record will be submitted to a Records Unit Supervisor as soon as possible. Records will complete a formal request to CBI to have the official criminal justice record corrected.

6.1.09 SUPERVISOR REVIEW AND DOCUMENTATION

Whenever a person is arrested and then released because probable cause dissipated or could not be substantiated, the reviewing Watch Commander will ensure that a supplemental report is completed that accurately describes the details leading to the release. If probable cause dissipates during an arrest, the Duty Executive must be notified.

In addition, the Watch Commander will commence an initial inquiry into the incident. When the Watch Commander determines that probable cause was not present at the time of arrest, the Watch Commander shall enter a complaint into the administrative management system and track it to the Internal Affairs Unit for review.

6.1.10 ARREST WARRANTS

Sworn members will advise the Records Section of all warrant arrests as soon as possible so warrants may be confirmed when required.

Three categories of warrants are entered into the Colorado Crime Information Center (CCIC).

1. Colorado Integrated Criminal Justice Information System (CICJIS): Warrants that are entered into CCIC electronically by the county and district courts and do not require confirmation. CICJIS warrants are issued for felony, misdemeanor, and traffic charges and may or may not be extraditable. Sworn members shall confirm the extradition.
2. Non-CICJIS warrants: Warrants that are entered into CCIC electronically or manually by municipalities and counties and may or may not require confirmation as indicated on the warrant. Non-CICJIS warrants are issued for felony, misdemeanor, and traffic charges and may or may not be extraditable. Sworn members shall confirm the validity and extradition of the warrant.
3. Municipal Probable Cause Warrants: Warrants that are issued by the municipal court for city ordinance violations. Sworn members shall confirm the validity of these warrants.

Warrants entered into NCIC require confirmations from Aurora when they are extraditable. NCIC warrants are issued for felony, misdemeanor, and traffic charges and may or may not be extraditable.

Requirements and extradition limits should be explained in the Headers, Miscellaneous (MIS) fields, and Extradition Limitation (EXL) fields of CCIC and NCIC warrants. Sworn members needing confirmation for a warrant(s) must contact the Records Unit. Members of the Records Unit are the only APD members with authorization and permission to complete this task. If a warrant is confirmed, but circumstances lead to the arrestee being released without posting a bond (i.e., admitted to the hospital), then the sworn member shall contact the Records Unit and have them reenter the warrant into NCIC/CCIC.

6.1.11 WARRANTS INITIATED BY OTHER JURISDICTIONS

Persons arrested by an APD member for warrants initiated by another jurisdiction may be incarcerated in the Aurora Detention Center. The arresting/transporting sworn member will complete a General Offense Report detailing the reason for the contact and the warrant confirmation information (not necessary for CICJIS warrants).

If the arrestee is transferred to another agency, the sworn member shall document the transfer in a general offense report and will include the name and employee identification number or badge number of the receiving jurisdiction's member.

6.1.12 SUMMONSES, FORMS, AND PAPERWORK

In the event of a warrantless arrest, the involved sworn members shall thoroughly and accurately document the incident in the Records Management System (RMS), adhering to [DM 08.10 - Reports](#). Any involved sworn member shall submit all related reports before the end of watch.

Any summons(es), associated forms, and/or paperwork stemming from an in-custody arrest or a next-day court arraignment shall promptly be submitted to the Records Unit. Submission should occur after the transfer of custody to Aurora Detention Center personnel and before the member leaves either the Aurora Detention Center or Police Headquarters.

If supervisor approval is needed for any summons(es), forms, or paperwork, these items should be presented to a supervisor as soon as practical for approval. Subsequently, the approved items will be forwarded to the Records Unit.

In instances where immediate submission of summons(es), associated forms, and/or paperwork to the Records Unit is unfeasible after the transfer of custody to Detention Center personnel, the sworn member shall notify and request approval from a Watch Commander. A Watch Commander will communicate the delay to the Records Unit and specify the anticipated submission timeframe for the summons(es), forms, and/or paperwork.

In cases where arrest processing takes place offsite, any summons(es), forms, and/or paperwork must be promptly delivered to the Records Unit at Police Headquarters.

6.1.13 RELEASE OF HANDCUFFED PERSONS FOLLOWING INVESTIGATORY STOP

When it is determined that the threat to the safety of the investigating sworn member(s) is over and/or the handcuffed person should be released without charges or pending further investigation, the detaining sworn member(s) shall un-handcuff and release the person without delay. The sworn member shall notify a supervisor as soon as practical and document the Tier Zero (0) physical force in a Contact Data Collection (CDC) Form in accordance with [DM 8.50- Contact Data Collection](#).

[DM 08.52 - Constitutional Policing](#), section [8.52.06 Guidelines Related to Person Contacts](#), provides further information regarding when a sworn member applies handcuffs or directs a person to stand, sit, or position themselves in a manner not of their choosing.

6.1.14 CIVIL ARREST WARRANTS

The Aurora Police Department makes civil arrests only for warrants issued by a court of competent jurisdiction for civil contempt or for violation of valid restraining orders. Sworn members shall confirm the validity of and the extradition of civil arrest warrants before transporting an arrestee to a detention facility.

6.1.15 INCIDENTS INVOLVING A BAIL BONDSMAN

The Aurora Police Department shall not assist nor be dispatched to requests for assistance from bail bondsmen, bounty hunters, or other private parties to arrest a subject involved in a private contract between both parties unless there is an allegation a crime has occurred.

If there is criminal activity, sworn members will notify a supervisor and take appropriate action.

If there is no criminal activity, sworn members will only assist in determining whether there is a valid warrant for the arrest of the suspect and that extradition is authorized. If a legitimate warrant does exist, the sworn members will dismiss the private parties from the area and follow normal protocols and procedures to enforce a legitimate warrant for the suspect's arrest.

6.1.16 SEARCH INCIDENT TO ARREST

When an individual is placed under custodial arrest by a sworn member, a sworn member shall search the arrestee's person. A search may be performed of any items in the arrestee's immediate possession at the time of arrest, and, if appropriate, of the area immediately around the arrestee at the time they were arrested. The search of the area around the arrestee will be performed immediately after formal arrest while the arrestee is still present and should not extend beyond the area within the arrestee's immediate control at the time of arrest.

Members may also rely on consent to conduct a search of a person or vehicle at any time prior to or post-arrest but must ensure the party providing consent has apparent authority to do so.

Any sworn member who transports an arrestee shall search that arrestee before accepting custody.

[DM 08.52 - Constitutional Policing](#), section [DM 8.52.14 - Searches](#), provides further information regarding searches of persons, places, vehicles, or things that are only permissible under certain circumstances governed by the Fourth Amendment.

6.1.17 VEHICLE SEARCHES

Members are permitted to search a vehicle incident to arrest only when the officer has a reasonable belief that evidence of the arresting crime may be found during the search. The search must be tied to the nature of the crime for which the arrest is made. The nature of the crime will determine the scope of the search. For example, a search of a vehicle will likely not be reasonable if the arresting crime is only a traffic stop.

Members may also impound a vehicle incident to arrest and pursuant to legitimate community caretaking considerations so long as the inventory is carried out pursuant to [DM 08.16 - Towing and Release of Vehicles and Property](#).

6.1.18 STRIP AND BODY CAVITY SEARCHES

Strip searches and body cavity searches will be conducted according to *C.R.S. § 16-3-405 Strip Searches - When Authorized or Prohibited*. This statute covers searches with or without a warrant.

Strip Searches:

Strip searches will only be performed in a detention facility or medical facility. Sworn members will obtain approval from the Duty Executive before performing a strip search. The Duty Executive shall select the sworn member to perform the search, taking into consideration the gender identity of the person to be searched. Sworn members of a unit that has a standard operating procedure for performing a voluntary strip search and who follow that procedure will be in compliance with this section of this directive.

Any strip search of an adult or juvenile will require the completion of [APD Form 196 - DM 06.01 - Strip Search Authorization Form](#) and documentation in a written report as required under [DM 08.10 - Reports](#). The form will be filled out completely, and an authorizing command officer's signature will be obtained before the search.

If the strip search is of a juvenile, the juvenile's parent or legal guardian will be notified and present at the location of the search before the search is performed, if possible.

All strip searches must be performed in an area where the search can only be observed by the sworn member who is physically searching and one witness sworn member.

Any additional sworn member(s) serving as a cover officer conducting the strip search will position themselves outside of the strip search room, ready for immediate entry should problems arise. Should member or arrestee safety concerns arise, additional members are permitted to enter the search room, regardless of gender, until the threat is deemed negated.

After the search, sworn members are responsible for ensuring the arrestee is fully clothed and prepared for movement before leaving the search area.

Body Cavity Searches:

All body cavity searches of an adult or juvenile, other than searches of the oral cavity (mouth), nose, and ear canal, shall require the prior issuance of a search warrant and will only be performed by a licensed physician or nurse.

A body cavity search of any area other than the oral cavity (mouth), nose, and ear canal shall also require the completion of [APD Form 197 - DM 06.01 - Body Cavity Search Authorization Form](#) and documentation in a written report as required under [DM 08.10 - Reports](#). The form will be filled out completely, and an authorizing command officer's signature will be obtained before the search.

Should emergency medical treatment be required, sworn members will request Aurora Fire Rescue (AFR). If the medical emergency should result in the removal of evidence from a body cavity to protect the life or safety of the arrestee, that evidence should be secured, preserved intact at the point of removal, and not further examined or tested until a warrant is obtained. Removal of evidence should not cause further harm to the arrestee or delay access to medical personnel or access to medical treatment. A sworn member shall remain present during medical treatment, if possible, to take possession of any removed evidence.

A body cavity search of any area other than the oral cavity (mouth), nose, and ear canal will be performed under sanitary conditions in an area where the search cannot be observed by a person not physically searching.

If the body cavity search is of a juvenile, the juvenile's parent or legal guardian will be notified and present at the location of the search before the search is performed, if possible.

A sworn member must constantly observe the arrestee before the body cavity search is performed.

Any sworn member(s) serving as backup during a body cavity search will position themselves outside of the room, ready for immediate entry should problems arise unless the physician or nurse requests the sworn member's presence.

In the event an arrestee becomes combative during the search, the sworn member(s) will enter the room to control the arrestee. Once the arrestee is controlled, the sworn member(s) will return to the position outside the room unless the safety of the physician or nurse requires the sworn member(s) to stay in the room to control the arrestee.

Sworn members shall document the identity of any medical staff who handled evidence resulting from the body cavity search.

If the arrestee is taken into police custody and transported, sworn members are responsible for ensuring the arrestee is fully clothed and prepared for movement before leaving the search area.

Sworn members must be aware that any sworn member or employee of a police department who knowingly and intentionally fails to comply with any provision of *C.R.S. § 16-3-405* commits second-degree official misconduct, as defined in *C.R.S. § 18-8-405*.

6.1.19 DISTRICT HOLDING CELL AND PROCESSING ROOM PROCEDURES

APD holding cells and processing rooms are intended for the short-term placement of detainees. Processing rooms will be equipped with a phone, chairs, and desks for the members and a secure holding area for detainees. The rooms are constructed with walls between holding cell rooms to allow the separation of adults and juveniles and separation by gender.

A sworn member shall position themselves where visual and audio observation of the detainee can be maintained pending the detainee's transfer or until released.

The following procedures will be adhered to when utilizing the holding cells/processing rooms to prevent escape by the detainee and for the safety of members and detainees:

1. Members may retain their firearm secured in their holster while placing a detainee in or taking the detainee out of the holding cell if the detainee is handcuffed and the member has a level one or greater security holster for their firearm.
2. When handcuffing or unhandcuffing a detainee, there shall be two sworn members present.
3. Members who need to enter a holding cell with a detainee for a significant time (more than just placing in or taking out) will secure their firearm in the provided lock boxes. At least two members should be present in these instances.
4. Members may secure their firearm in the lock boxes at their discretion whenever they feel it is required.
5. Members will search detainees and visually inspect the area for contraband items or potential weapons before placing a detainee in the cell/room. Members will visually inspect the area for contraband items and potential weapons following the removal of a detainee.
6. Holding cells and processing rooms are not equipped with duress alarms. Members requiring assistance will notify communications via verbal or digital radio communication or telephone.
7. Detainees requesting access to a restroom/water will be escorted to the nearest facility as soon as practical and when it will not interfere with processing and the collection of evidence.
8. Detainees will not be supplied with meals.
9. Members may remove handcuffs from detainees who are secured in holding cells.
10. Detainees will not be secured in any fashion to any stationary object.
11. Members will not place detainees of different genders or an adult and a juvenile in the same holding cell. Members will not have an adult and a juvenile together in the same processing room.
12. Only those members directly involved with the incident related to the detainee(s) should be allowed in the area. Visitors of the detainee will not be allowed in the holding cell area.
13. Members will complete the Holding Cell Log, APD Form 073, for all persons detained in a holding cell,

regardless of the duration or the purpose of the detention.

**APPENDIX G:
DIRECTIVE MANUAL 06.03
CUSTODIAL ARREST DETERMINATION**

AURORA POLICE DEPARTMENT

DIRECTIVE MANUAL

06.03 CUSTODIAL ARREST DETERMINATION

Approved By:	Todd Chamberlain, Chief of Police
Effective:	Sep-01-1998
Revised:	Dec-25-2024
Associated Policy:	DM 06.01, 08.52
References:	
Review Authority:	Professional Standards and Training Division Chief and APD Legal Advisor(s)

6.3.01 PURPOSE

This directive establishes guidelines for sworn members to consider when determining whether to issue a summons or make a custodial arrest. This directive does not remove a sworn member's discretion to give a warning to address a lesser offense when determined appropriate.

6.3.02 SCOPE

This directive applies to all sworn members.

6.3.03 DEFINITIONS

Custodial Arrest: Refer to DM 08.52 - Constitutional Policing.

Lesser Offense: A misdemeanor, municipal ordinance violation, petty offense, or traffic violation.

Non-Custodial Arrest: Refer to DM 08.52 - Constitutional Policing.

6.3.04 POLICY

Sworn members exercise discretion in their daily duties, which is crucial for effective policing. This enables members to respond to situations with flexibility and prioritize public safety. When determining whether to cite or arrest, sworn members must evaluate the circumstances, consider available resources, and rely on their training, department procedures, statutory law, and supervision to make the appropriate decision.

6.3.05 FELONY ARRESTS

All felony arrests will require a custodial arrest unless a supervisor approves a release pending further investigation or filing of charges.

6.3.06 CONSIDERATIONS FOR CUSTODIAL ARREST FOR LESSER VIOLATIONS

In most circumstances, persons arrested for lesser offenses should be given a summons in lieu of articulable justification for a custodial arrest.

Members' consideration of factors that justify a custodial arrest may include but are not limited to the following:

1. Prior history of felony arrests.

2. Outstanding warrants.
3. Presents a public safety concern if released.
4. History of failure to appear in court.
5. Expressly states they will not appear in court.
6. Cannot produce sufficient identification, or the member cannot positively identify.
7. Refuses to provide an address or does not provide a valid address of domicile.
8. Likelihood of continued engagement in criminal activity.
9. Intoxicated to a degree that immediate release would jeopardize their or another person's welfare or safety. These arrestees may be released to a medical facility or detoxification center on a summons.

6.3.07 DOCUMENTATION

In their reports, sworn members shall clearly document the considerations that influenced the decision to make a custodial arrest when Colorado law or APD policy did not require it.

APPENDIX H:
DIRECTIVE MANUAL 06.08
FOREIGN NATIONALS, DIPLOMATS, AND
COLORADO STATE OFFICIALS

AURORA POLICE DEPARTMENT

DIRECTIVE MANUAL

6.08 FOREIGN NATIONALS, DIPLOMATS, AND COLORADO STATE OFFICIALS

Approved By:	Todd Chamberlain, Chief of Police
Effective:	Sep-01-1998
Revised:	Feb-03-2025
Associated Policy:	DM 06.01
References:	C.R.S. § 24-76.6-101, 24-76.6-102
Review Authority:	Professional Standards and Training Division Chief and APD Legal Advisor(s)

6.8.01 PURPOSE

The purpose of this directive is to provide members of the Aurora Police Department (APD) guidance in contacting, detaining, and arresting foreign nationals, diplomats, and Colorado State Officials.

6.8.02 SCOPE

This directive applies to all members of APD.

6.8.03 DEFINITIONS

Civil Immigration Detainer: As described in CRS § 24-76.6, a civil immigration detainer is a written request issued by federal immigration enforcement authorities to law enforcement officers to maintain custody of an individual beyond the time when the individual is eligible for release from custody, including any request for law enforcement agency action, warrant for arrest of alien, order to detain or release alien, or warrant of removal/deportation on any form promulgated by federal immigration enforcement authorities.

Colorado State Officials: An individual holding a position of authority or responsibility within the state government of Colorado. These officials can be elected or appointed and typically serve in various roles, such as legislators, executives, or judges.

Criminal Offense: Any violation of a state statute for which a fine or imprisonment may be imposed, including petty offenses. A violation of an Aurora Municipal ordinance is considered a criminal offense if there is a counterpart state criminal statute or the ordinance carries a possible penalty of jail time. De-criminalized traffic offenses (infractions), both at the state and municipal levels, are not considered criminal offenses. The status of a person “not legally present in the United States” is not a criminal offense for the purposes of this directive.

Custodial Arrest: Refer to DM 08.52 - Constitutional Policing.

Foreign Diplomatic Counsel: Often referred to as a Consul, is a government official representing the interests of their home country in a foreign country, typically at a consulate. While diplomats such as ambassadors focus on broader political, economic, and diplomatic relations between countries, a consular officer’s primary responsibilities include assisting citizens of their home country who are living or traveling abroad, promoting trade and business interests, issuing visas, and protecting the legal rights of their nationals.

Foreign National: Any person in this country who is not a United States citizen or an official member of any foreign diplomatic consul.

Non-Custodial Arrest: Refer to DM 08.52 - Constitutional Policing.

6.8.04 POLICY

Under international treaties and customary international law, the United States is obligated to notify foreign authorities when foreign nationals are arrested or incarcerated (e.g., including but not limited to detoxification holds, mental health holds, etc.) in the United States. However, foreign nationals are not entitled to diplomatic or personal immunities.

Foreign diplomats are members of diplomatic consuls and are entitled to special immunities while in the United States.

Colorado state officials who are members of the general assembly are privileged from arrest under specific circumstances.

The APD is committed to upholding the rights and protections afforded to foreign nationals, foreign diplomats, and state officials in accordance with international, federal, and state law.

6.8.05 IDENTIFICATION OF FOREIGN NATIONALS AND DIPLOMATS

Sworn members may rely on various documents to lawfully establish the identity of suspects, witnesses, and victims involved in criminal investigations, including immigration documents. However, requests for specific identifying information for the sole purpose of determining someone's immigration status are not permitted. For any further information regarding the rights of witnesses refer to subsection 15 of [DM 08.52 - Constitutional Policing](#).

Sworn members may ask the subject of a custodial arrest if they are a foreign national and from which country to determine the correct foreign national reporting requirements.

Sworn members who effect the arrest of a foreign national, custodial or non-custodial, will inquire about the person's diplomatic status.

Should a foreign national claim diplomatic immunity, members will verify the status using the person's official identification cards, such as diplomatic ID cards or visa stamps that indicate their immunity status. Law enforcement can ask to see these credentials to verify the information. For further guidance, law enforcement can refer to the Vienna Convention on Diplomatic Relations (1961) and the Vienna Convention on Consular Relations (1963), which outline the rules and procedures for diplomatic immunity as provided by the [US Department of State Website](#).

6.8.06 ARRESTING FOREIGN NATIONALS

When a sworn member effects a custodial arrest of a foreign national (other than a person entitled to diplomatic immunity), the following actions are required:

1. Notify the Aurora Detention staff, who will then follow their established protocols described in the Consular Notification/Foreign Nationals Directive.
2. If the foreign national asks for such notification to be made, the involved member should do so as quickly as possible. The member must notify a detention supervisor, who will consult the foreign embassies and consulates list in the detention lead office and will notify the appropriate consulate. In the arrest booking report, the member will document the steps taken to make the notification.

The Aurora Detention Center policy and procedures regulate visitation by foreign consular officials.

6.8.07 CRIMINAL INVESTIGATIONS OF FOREIGN NATIONALS

Members may investigate and enforce any criminal law except for violations of federal immigration regulations. Members may also participate in coordinated law enforcement actions with federal law enforcement agencies in the enforcement of local, state, or federal criminal laws.

6.8.08 CIVIL AND CRIMINAL IMMIGRATION ENFORCEMENT

While APD may cooperate with various federal law enforcement agencies in investigations, in accordance with C.R.S. § 24.76.6, sworn members shall not arrest or detain an individual solely on the basis of a civil immigration detainer request. Enforcement of Federal Immigration Laws is the responsibility of Federal Law Enforcement Agencies.

6.8.09 REQUESTS FOR ASSISTANCE BY DHS/HSI

APD will utilize the following considerations when responding to requests for assistance by Federal Agencies tasked with immigration enforcement and removal operations:

1. Requests for assistance with criminal investigation, public safety concerns, or defense of others will be treated in the same manner and with the same priority as any other call for assistance by another law enforcement agency.
2. APD will not respond to assist in the arrest or detention of an individual solely on the basis of a civil immigration detainer request. In the event a request of this nature is received, a Watch Commander or other command level officer will contact the requesting party to confirm that none of the circumstances from section one exists. If the request is confirmed as strictly for the enforcement of civil immigration detainers, the command officer will notify the requestor that no response will be provided in accordance with state law.
3. In the event a federal immigration operation that may impact public safety, or there is a possibility of significant media interest, the Watch Commander will notify the Duty Executive and PIO regardless of whether APD is assisting or not.
4. A request for assistance for a pre-planned federal operation involving immigration enforcement will require the approval of a Duty Executive, even if a criminal nexus or public safety concern exists.

6.8.10 DIPLOMATIC IMMUNITY

On rare occasions, persons entitled to privileges and immunities in the United States become involved in criminal or traffic law violations. When proper identification is available, the individual's immunity shall be fully respected to the degree to which the particular individual is entitled, as detailed in [DM 6.08 – Diplomatic Immunities Chart](#).

6.8.11 VERIFYING DIPLOMATIC IMMUNITY

When a member is confronted with a person claiming immunity, official Department of State identification should be immediately requested to verify the person's status and immunity. If the individual cannot produce satisfactory identification, and the situation normally warrants arrest or detention, the member shall inform them that they will be detained until proper identity can be confirmed.

6.8.12 IMMUNITIES FOR CONSULAR OFFICIALS

Under prevailing international law and agreement, e.g., The 1961 Vienna Convention on Consular Relations, a foreign career consular officer is not liable to arrest or detention pending trial except for a grave crime (a felony offense that would endanger the public safety) and pursuant to a decision by the competent judicial authority. Immunity from criminal jurisdiction is limited to acts performed in the exercise of consular functions and is subject to court determination. Members shall reference the Watch Commander Notification Matrix and make the appropriate notifications when encountering these situations.

Family members of a Consular Officer cannot claim immunity.

6.8.13 HONORARY CONSULS

These individuals are not immune from arrest or detention. They are not entitled to personal immunity from the civil and criminal jurisdiction of the receiving state except as to official acts performed in the exercise of their consular functions.

6.8.14 TRAFFIC VIOLATIONS

Stopping a diplomatic or consular officer and issuing a traffic summons does not constitute an arrest or detention and is permissible even if immunity bars any further action at the scene. Members may stop diplomats or consuls committing moving violations and issue a summons if appropriate. The diplomat or consul will not be required to sign the summons.

The primary consideration in Driving Under the Influence is to see that the official is not a danger to themselves or the public.

Based upon a determination of the circumstances, the following options are suggested:

1. Call a relative or a friend to respond.
2. Arrange for transportation to their home or office.
3. They may be voluntarily transported to the station or other location to recover sufficiently to enable them to proceed safely.

6.8.15 REPORTING REQUIREMENTS

Information that may relate to the person's citizenship including, among other information, place of birth, will be recorded on the Arrest / Booking form as an effort to properly identify a person. Information related to an arrested person's diplomatic status (verified diplomat or not a diplomat) will be recorded in the narrative portion of the member's report. The member will include all information related to the verification process.

Requests for specific documents for the sole purpose of determining someone's immigration status are not permitted. However, if offered by the person and not specifically at the member's request, it is permissible to rely on immigration documents to establish someone's identity in response to a general request for identification.

6.8.16 IMMUNITY TO COLORADO STATE OFFICIALS

F Article V, Section 16 of the Colorado Constitution states in part:

“The members of the general assembly shall, in all cases except treason or felony, be privileged from arrest during their attendance at the sessions of their respective houses, or any committee thereof, and in going to and returning from same...”

Unless the conduct of a member of the general assembly is directly related to their duty as a legislator, enforcing traffic laws, including DUI laws, is permitted. Members of the general assembly can be arrested if probable cause exists for a felony charge. Summonses can be issued for minor traffic violations. However, the legislator will not be arrested or detained for an undue amount of time.

Immunities are not given to other Colorado State Officials.

APPENDIX I:
DIRECTIVE MANUAL 06.13
INTERACTING WITH PERSONS
EXPERIENCING A HEALTH CRISES

AURORA POLICE DEPARTMENT

DIRECTIVE MANUAL

06.13 INTERACTING WITH PERSONS EXPERIENCING A BEHAVIORAL HEALTH CRISIS

Approved By:	Art Acevedo, Interim Chief of Police
Effective:	Sep-01-1998
Revised:	Aug-18-2023
Associated Policy:	DM 06.06, DM 06.12, DM 08.36, DM 09.06
References:	C.R.S. § 27-65-102(4.5), 27-65-106, AFR 5.12 Management Of Agitated Patients Or Other Behavioral Health Crisis
Review Authority:	Professional Standards and Training Division Chief and APD Legal Advisor(s)

6.13.01 PURPOSE

The purpose of this directive is to provide all sworn members of the Aurora Police Department (APD) with clear and direct guidelines for interacting with persons experiencing a behavioral health crisis and/or persons with a mental health disorder.

6.13.02 SCOPE

This directive applies to APD sworn members and department-affiliated mental health professionals.

6.13.03 DEFINITIONS

Aurora Mobile Response Team (AMRT): An unarmed non-sworn unit that responds to behavioral health calls for service without law enforcement.

Behavioral Health Crisis: As defined by C.R.S. § 27-65-102 (3), a *behavioral health crisis means a significant disruption in a person's mental or emotional stability or functioning resulting in an urgent need for immediate assessment and treatment to prevent a serious deterioration in the person's mental or physical health.*

Certified Peace Officer (POST Certification Required): As defined by C.R.S. § 16-2.5-102, *peace officers shall meet all the standards imposed by law on a peace officer and shall be certified by the peace officers standards and training board.*

Crisis Intervention Training (CIT): A program that provides a foundation to promote community and statewide solutions to assist persons with mental illness and/or addictions. The CIT model reduces both stigma and the need for further involvement with the criminal justice system. CIT provides a forum for effective problem-solving regarding the interaction between the criminal justice and mental health care system and creates the context for sustainable change.

Crisis Intervention Training (CIT) Sworn Member: Certified CIT sworn members are specially trained to intervene and de-escalate situations involving persons in crisis suffering from mental health issues or emotional situational crises.

Crisis Response Team (CRT): A unit consisting of a mental health professional (licensed/eligible clinicians) paired with a CIT-trained sworn member to provide trauma-informed intervention services to individuals in a behavioral health crisis.

Emergency Mental Health Hold (M-1): When a certified peace officer or other intervening professional (as defined by C.R.S. § 27-65-102[20]) has probable cause to believe a person has a mental health disorder and, as a result of the mental health disorder, is an imminent danger to the person's self or others or is gravely

disabled, the certified peace officer may take the person into protective custody and transport the person to a designated facility for an emergency mental health hold.

Danger to Self or Others: As defined by C.R.S. § 27-65-102(10)(a) and (b), a person is considered a danger to self or others if they pose *a substantial risk of physical harm to the person's self as manifested by evidence of recent threats of or attempts at suicide or serious bodily harm to the person's self; or a person poses a substantial risk of physical harm to another person or persons, as manifested by evidence of recent homicidal or other violent behavior by the person in question, or by evidence that others are placed in reasonable fear of violent behavior and serious physical harm to them, as evidenced by a recent overt act, attempt, or threat to do serious physical harm by the person in question.*

Gravely Disabled: As defined by C.R.S. § 27-65-102(17), a person is considered gravely disabled when the *person, as a result of a mental health disorder, is incapable of making informed decisions about or providing for the person's essential needs without significant supervision and assistance from other people. As a result of being incapable of making these informed decisions, a person who is gravely disabled is at risk of substantial bodily harm, dangerous worsening of any concomitant serious physical illness, significant psychiatric deterioration, or mismanagement of the person's essential needs that could result in substantial bodily harm. A person of any age may be "gravely disabled," but the term does not include a person whose decision-making capabilities are limited solely by the person's developmental disability.*

Levels of Proof:

Reasonable Suspicion: Articulable facts and circumstances known to the sworn member at the time of a contact when, taken as a whole, that would lead a reasonable officer to reasonably suspect that a particular person has committed, is committing, or is about to commit a specific crime(s). Reasonable suspicion is more than a hunch; however less than probable cause. The person is not free to leave during a detention based on reasonable suspicion.

Probable Cause: Facts and circumstances taken as a whole that would lead a reasonable officer to believe that a particular person has committed or is committing a crime.

Mental Health Disorder: As defined by C.R.S. 27-65-102(22), *mental health disorder includes one or more substantial disorders of the cognitive, volitional, or emotional processes that grossly impairs judgment or capacity to recognize reality or to control behavior. An intellectual or developmental disability is insufficient to either justify or exclude a finding of a mental health disorder pursuant to the provisions of this article 65.*

Protective Custody: The detention of a person in a jail or other facility for their own protection pursuant to C.R.S. § 27-81-111(1)(a).

Targeted Violence Prevention (TVP) Program: Housed within the Crisis Response Team, the TVP program aims to prevent acts of mass violence or violent extremism through threat assessment, education, and direct intervention.

6.13.04 POLICY

The policy of the APD is that sworn members shall interact with individuals in a behavioral health crisis and/or those suffering from a mental health disorder in a manner that reflects recognition and awareness of the sanctity of human life while serving these individuals with empathy, respect, and professionalism. Sworn members shall afford all persons in a behavioral health crisis and/or persons with a mental health disorder the same rights, dignity, and access to law enforcement, government, and community resources as are provided to all members of the public.

A behavioral health crisis or mental health disorder can affect a person's ability to understand, communicate, and cooperate. While still recognizing that persons experiencing a behavioral health crisis and/or suffering from a mental health disorder can pose a real threat to sworn members and others, sworn members are expected to continually assess these situations and, when safe and practical, attempt to influence a situation by employing de-escalation tactics and techniques. When practical, sworn members shall request available behavioral health crisis resources (i.e., CRT, CIT sworn member, and/or AMRT) for assistance.

6.13.05 CORE PRINCIPLES

The Aurora Police Department is committed to striving for positive outcomes when interacting with individuals in behavioral health crises and those suffering from mental health disorders. These core principles serve as a guiding mindset to sworn members that should be reflected in their actions while they are in the Contact and Assessment Procedures phase of these interactions. Recognizing the unique challenges and vulnerabilities of individuals in such situations, the department strives to approach these interactions using the following core principles:

Sanctity and Dignity of All Individuals: Sworn members shall make every effort to respect and preserve human life and uphold the value and dignity of all persons at all times. The life, safety, and welfare of all persons are paramount to carrying out the duties of a peace officer.

De-Escalation: When safe and practical, sworn members shall attempt to influence a situation by taking action or communicating verbally or nonverbally during a potential force encounter in an attempt to reduce tension, stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force. Some examples of de-escalation tactics and techniques are communication skills (verbal persuasion, speaking calmly, maintaining a calm and composed demeanor, showing empathy, developing rapport, conveying concern, etc.), containment, and tactical disengagement.

Empathy: Whenever possible, members should strive to view the situation from the perspective of the individual in crisis and to treat them as they would expect to be treated if they, or a family member, were in crisis.

Behavioral Health Crisis Resources: Depending on the totality of the circumstances, sworn members shall utilize available resources such as CIT sworn member, CRT, or AMRT in an effort to seek the most favorable resolution.

Least Restrictive Treatment: Treatment and services which will best meet the patient's treatment and security needs, and which least limit the patient's freedom of choice and mobility.

Active Listening: Listening attentively and without judgment to the words, tone, and non-verbal cues of the individuals involved. Sworn members should strive to understand their perspectives, concerns, and needs, and ask clarifying questions when required to gather accurate information.

Trauma-Informed Approach: Being aware of the potential impact of trauma on individuals and responding in a compassionate and supportive manner. Sworn members should be mindful of signs of trauma and provide appropriate resources or referrals when needed.

Problem-Solving Orientation: Adopting a problem-solving mindset and working collaboratively with individuals to identify solutions and alternatives. Sworn members should strive to understand the underlying issues or concerns and work towards resolving them in a fair and just manner.

Medical Assistance: Sworn members shall provide appropriate medical assistance without delay and request emergency medical services promptly when appropriate. The immediate medical needs of any patient will take precedence over law enforcement functions / criminal investigations.

The Aurora Police Department recognizes the importance of incorporating these core principles during the Contact and Assessment Procedures to enhance the quality of interactions and strive for positive outcomes. These principles can foster trust, understanding, and cooperation between sworn members and members of the public, leading to better outcomes and improved relationships.

6.13.06 EMERGENCY MENTAL HEALTH HOLD (M-1)

As defined by C.R.S. § 27-65-106, a sworn member may invoke an Emergency Mental Health Hold (M-1) *when any person appears to have a mental health disorder and, as a result of such mental health disorder, appears to be an imminent danger to others or to the person's self or appears to be gravely disabled, then an intervening professional or certified peace officer, upon probable cause and with such assistance as may be required, may take the person into custody, or cause the person to be taken into custody, and placed in a facility designated or approved by the commissioner for a seventy-two-hour treatment and evaluation. If such a facility is not available, the person may be taken to an emergency medical services facility.*

6.13.07 EMERGENCY COMMITMENT

As defined by C.R.S. § 27-81-111(1)(a), *When a person is under the influence of or incapacitated by substances and clearly dangerous to the health and safety of himself, herself, or others, law enforcement authorities or an emergency service patrol, acting with probable cause, shall take the person into **protective custody** in an approved treatment facility. If no such facilities are available, the person may be detained in an emergency medical facility or jail, but only for so long as may be necessary to prevent injury to himself, herself, or others or to prevent a breach of the peace. See [DM 06.12 - Emergency Detoxification Holds](#) for further information.*

6.13.08 CONTACT AND ASSESSMENT PROCEDURES

The following preliminary steps shall be taken when a sworn member comes into contact with a subject who, pursuant to the above-described factors, is believed in good faith to have a mental health disorder:

- * If a sworn member has reason(s) to believe the person they are contacting may meet the criteria for an emergency mental hold, the sworn member shall investigate whether probable cause exists to place the person into custody pursuant to C.R.S. § 27-81-111(1)(a). If a sworn member does not have independent reasonable articulable suspicion or probable cause for a criminal offense, the sworn member should not physically detain the person until probable cause is developed to place the person on a mental health hold.
- a. Assess the need for emergency medical treatment and administer first aid if required. Notify rescue and/or arrange for transportation to a medical facility.
- b. Sworn members shall attempt to influence the situation by using de-escalation tactics and techniques when practical.
- c. When practical, sworn members shall request CRT to respond to their location through Aurora911. If CRT is unavailable, sworn members shall request a CIT sworn member and AMRT to respond to their location through Aurora911.
- d. Assess whether probable cause exists to invoke an emergency mental health hold based on the appearance of a mental health disorder and either an imminent danger to self or others or gravely

disabled due to a mental health disorder. Sworn members shall consider the totality of the circumstances to determine if a person meets the criteria for an emergency mental health hold.

Some factors to consider include the following:

- Showing signs of significant depression.
- Showing signs of either loss of rational thinking, obsession, delusions, or hallucinations.
- Having an organized plan or thoughts of homicide and/or suicide, coupled with the lethal means (weapons, drugs, devices) to act on those plans.
- Threats of harm to self or others or statements by the person that suggest that they are prepared to commit a violent or dangerous act. Such comments may range from subtle innuendo to direct threats.
- A personal history that reflects prior violence under similar or related circumstances.
- The amount of self-control that the person exhibits, particularly the amount of physical control, over emotions such as rage, anger, fright, or agitation.
- Aggressive behaviors, including advancing on or toward a sworn member, refusing to follow directions or commands, physical posturing, and verbal or nonverbal threats.
- Use of words that suggest a lack of understanding of what is going on, evidence of confusion.

If the sworn member establishes there is probable cause to place a person on an emergency mental health hold, they shall place them into custody on the M-1 Hold. However, if the sworn member believes, based on the totality of the circumstances, that physically placing the person on hold is likely to result in a deadly force situation. In these instances, the sworn member should, when practical, contact a supervisor, explain the facts and circumstances of the situation, and the supervisor will decide how to proceed. Sworn members shall not use lethal force against a person based on the danger they pose to themselves if a sworn member would objectively and reasonably believe the person does not pose an imminent threat of death or serious bodily injury to the sworn member or another individual.

When a situation does not fit within the *Graham* test regarding uses of force because the person in question has not committed a crime, is not resisting arrest, and is not directly threatening a sworn member, the sworn member shall follow the ruling by the Sixth Circuit in *Hill v. Miracle*.

- To ensure compliance, the following concise summary, and three-prong test regarding *Hill v. Miracle* shall be followed when sworn members decide to use physical force in an interaction with a person experiencing a behavioral health crisis and/or mental health disorder:
 - Is the person experiencing a medical emergency that renders him/her incapable of making a rational decision under circumstances that pose an immediate threat of serious harm to himself or others?
 - Is some degree of force objectively reasonable to ameliorate the immediate threat?
 - Is the use of force objectionably reasonable under the circumstances?

The sworn member shall answer each question in the affirmative if they are to use physical force in such a situation. It shall be an exception to the requirement of placing a person on an emergency mental health hold if each question cannot be answered in the affirmative.

- e. Assess if the subject is under the influence of alcohol or drugs in addition to those factors found in part "c" above. Clinicians cannot place a subject who is under the influence of drugs and/or alcohol on an emergency mental health hold.

6.13.09 BEHAVIORAL HEALTH RESOURCES

The APD has specialized units trained in dealing with persons experiencing behavioral health crises and/or persons with mental health disorders. When en route to the call for service, sworn members shall request through Aurora911 for a CRT response. If CRT is unavailable to respond, the sworn member shall request a CIT sworn member and ARMT to respond. The sworn member responding to the call for service will contact the subject in a timely manner; they will not wait for the requested resources (i.e., CRT, CIT, or ARMT).

Crisis Response Team (CRT): CRT shall respond, when possible, to active dispatched calls for service where behavioral health is the underlying cause. CRT is most appropriate for calls that are predominantly behavioral health in nature with a secondary criminal component. Sworn members shall request the assistance of Aurora911 to determine if a CRT unit is available to respond to the scene. CRT is best utilized when the call for service is primarily mental health related with minor or no criminal elements.

Crisis Intervention Training (CIT) Officer: Certified CIT sworn members are most appropriate for calls that are predominantly criminal in nature. Sworn members shall request the assistance of Aurora911 to locate an on-duty certified CIT sworn member to respond to the scene.

Aurora Mobile Response Team (AMRT): AMRT may be requested when there is no probable cause to place someone on an emergency mental health hold and when law enforcement resources are not appropriate for the situation, but additional resources are required to resolve the matter. AMRT is most appropriate for behavioral health calls for service that are non-violent in nature, have no mention of weapons, and do not require criminal intervention. Sworn members shall request the assistance of Aurora911 to determine if the AMRT unit is available to respond to the scene.

Targeted Violence Prevention (TVP) Program: Housed within the Crisis Response Team, the TVP program aims to prevent acts of mass violence or violent extremism through threat assessment, education, and direct intervention. Sworn members shall send referrals to the TVP program by emailing apdcrt@auroragov.org if they encounter a subject who is indicated to be a potential threat of mass violence through communications, observed behaviors, or other collateral information.

Rocky Mountain Crisis Partners (RMCP): RMCP is a regional system of crisis intervention that provides its services to Colorado through phone and electronic messaging. Aurora911 uses RMCP as a resource for callers who need support regarding their mental health but do not require assistance from the APD and/or Aurora Fire Rescue (AFR). When there is no probable cause to place someone on an emergency mental health hold and when law enforcement resources are not appropriate for the situation, but the person requests additional resources, sworn members can refer that person to RMCP at phone number 844-493-8255 for further resources.

If there is a dispute between sworn personnel and/or clinicians as to whether probable cause exists to place a person on an emergency mental health hold, the sworn member shall contact a supervisor, and the sworn personnel and/or clinicians in disagreement will explain the facts and circumstances of the situation, and the supervisor will decide how to proceed.

Sworn members can access additional resources through the resource guide maintained by the Crisis Response Team on the resources tab on the MDC.

6.13.10 DISPOSITIONS AVAILABLE

Voluntary:

If probable cause does not exist, but the person wants an evaluation completed or support for their mental health, the sworn member should take them to the walk-in crisis center. The walk-in crisis center will not accept a person who is overly aggressive, violent, intoxicated or suffers from a medical complaint that requires medical attention. Transportation to the walk-in clinic or the emergency room may be done by a sworn member or other means, such as an ambulance or private vehicle. Sworn members are not required to transport a person to a walk-in crisis center when probable cause does not exist to place that person on an emergency mental health hold.

Sworn members shall not handcuff persons without their consent while providing voluntary transport. However, the subject must consent to a pat-down for weapons to receive voluntary transport. If an articulable reason exists for the sworn member to place the subject in handcuffs, the sworn member shall ask something to the effect of, "Do you consent to me placing you in handcuffs for voluntary transport?" If the person refuses to be placed in handcuffs voluntarily, the sworn member is not obligated to provide voluntary transport.

If the sworn member is unable to develop probable cause for an M-1 hold, the sworn member may contact a CRT, CIT member, or AMRT unit, if practical under the circumstances, to provide alternative mental health information and assist with transport to a lower level of care mental health facility. If a CRT unit, CIT member, or AMRT unit is unavailable, the sworn member may access listed resources as needed and consider possible alternatives to arrest.

Involuntary:

If the sworn member establishes there is probable cause to place a person on an emergency mental health hold, they shall place them into custody on the M-1 Hold. The person shall be transported to a hospital emergency room. Transportation to the emergency room may be done by a sworn member or an ambulance.

If the involuntary subject is cooperative, the preferred method for transportation is an ambulance. Sworn members shall offer involuntary subjects who are cooperative the option of being transported to the hospital emergency room by an ambulance or by a police vehicle. If the involuntary subject is not cooperative, it is left to the discretion of the sworn member to transport the subject by ambulance or police vehicle.

If the sworn member transports the person by a police vehicle, they shall search and handcuff the person prior to transport. The sworn member shall state something with the effect of "Per policy; you will be placed in handcuffs for the purpose of transport."

If the person is going to be transported by ambulance, the sworn member shall search the person, and the person will either be handcuffed or restrained by medical restraints in the ambulance (see [DM 09.06 - Coordination with Aurora Fire Rescue and Emergency Medical Services](#) for further information). If the person is transported by ambulance, the sworn member shall follow the ambulance to the emergency room or ride inside the ambulance with the person being placed on the mental health hold. The immediate medical needs of any patient will take precedence over law enforcement functions / criminal investigations.

In all instances of involuntary emergency mental health holds, the sworn member writing the Emergency Illness Report and Application (M-1), also known as the M-1 application, shall go to the emergency room where the person is being taken and ensure the form is given to the appropriate hospital staff member. The sworn member shall assist the facility with the person until that person is secured in a designated location of that facility or the facility no longer requires the assistance of the sworn member.

Sworn members invoking an emergency mental health hold for a subject meeting the requirements of this directive are responsible for completing the Emergency Illness Report and Application (M-1), also known as

the M-1 application. The sworn member shall articulate the probable cause for establishing that the person has a mental health disorder and is a danger to themselves or others or that the person is gravely disabled and unable to care for themselves in the M-1 application. Sworn members shall write the case number on the last page of the M-1 form and have the last page of the M-1 scanned into the report by the APD Records Unit.

6.13.11 HOLDS ON SUSPECTED PERSONS WITH MENTAL HEALTH DISORDERS WITH CRIMINAL CHARGES

Any individual being held on criminal charges, warrants, or bond in any other matter, are not to be handled as "Emergency Mental Health Holds." In cases where a person with a mental health disorder is being held as indicated above or displays potential for suicide, special care should be given to the monitoring needs as outlined in APD Directive [DM 06.06 - Detention Center Procedures](#).

When circumstances exist where a person has committed a misdemeanor crime and no statute mandates an arrest and probable cause exists to place that person on an emergency mental health hold, the sworn member should follow the involuntary protocol outlined above and issue that person a summons (i.e., drop serve) for the offense at the hospital.

When circumstances exist where a person has committed a felony crime, and no statute mandates an arrest and probable cause exists to place that person on an emergency mental health hold, the decision to bond them on the felony charge or place them on an emergency mental health hold is left to the discretion of the supervisor.

Under no circumstances will a subject be held in the Aurora Detention Center on an emergency mental health hold only. If a sworn member arrests a subject and there is a concern for the mental health of the subject, the following process will be followed to ensure the subject is evaluated before release:

- a. The sworn member shall note all concerns regarding the subject's mental health in the first paragraph of the General Offense report. This allows mental health caseworkers, judges, city attorneys, or others to review the concerns quickly and arrange for proper disposition and care of the individual.
- b. Sworn members will indicate "Mental/Disturbed or Suicidal" in the text section of the MRE Electronic Arrest Booking Form.
- c. If, after the resolution of criminal or related charges, Aurora Mental Health determines that a mental health hold needs to be placed on the individual, a sworn member may be requested to respond and complete the M-1 form.
- d. Should the criminal or related charges be resolved, and complete detoxification of the subject remains an issue, sworn members should take the subject to an approved medical facility to be held for evaluation.

A supervisor will determine a proper course of action for any special circumstances or conditions that may arise in cases where a mental concern and criminal charges co-exist.

6.13.12 TRAINING

All sworn members shall receive initial training for interacting with persons experiencing a behavioral health crisis and/or persons with a mental health disorder. Sworn members shall receive training during the basic police academy. Sworn members shall also receive refresher training based on the needs of the department as identified by the APD In-Service Training Unit and CRT. Training shall be conducted with the assistance of the department CIT coordinator and CRT. APD will collaborate with other city departments as requested.

Sworn members can use any current and department-approved training they receive and deem appropriate when interacting with persons experiencing a behavioral health crisis (e.g., Integrating Communications Assessment and Tactics [ICAT] course).

6.13.13 INTERVIEWS AND INTERROGATIONS

When conducting an interview and/or interrogation with a subject who is experiencing a behavioral health crisis or has a mental health disorder, sworn members should keep the following in mind:

- a. The subject's state of mind and ability to answer the sworn member's questions appropriately.
- b. Sworn members should refrain from coercion or tactics meant to confuse the subject.
- c. Sworn members should read the waiver of Miranda rights, when applicable, and document their perception of the subject's understanding of his/her rights in their general offense or supplemental report.

APPENDIX J:
DIRECTIVE MANUAL 10.02
COMPLAINT & DISCIPLINE PROCEDURES
FOR SWORN MEMBERS

AURORA POLICE DEPARTMENT

DIRECTIVES MANUAL

10.02 COMPLAINT AND DISCIPLINE PROCEDURES FOR SWORN MEMBERS

Approved By:	Jason Batchelor, City Manager
Effective:	Apr-11-2025
Revised:	Apr-11-2025
Associated Policy:	DM 8.02, 8.32, 10.03, 10.05, 10.09, 10.11, 10.12, 14.01
Associated Forms:	023, 111, 112, 125, 192, 296, 520-333
References:	C.R.S § 24-31-303(1)(r), C.R.S § 24-31-305(2.5), C.R.S § 24-31-904, C.R.S § 24-33.5-114(4) C.R.S § 24-72-303(4)(a), HB 19-119, HB 20-1250, SB 15-218, SB 19-166, COA Charter § 3-16(8),
Review Authority:	Chief of Police and the APD Legal Advisor(s)

10.2.01 PURPOSE

The purpose of this directive is to provide guidelines for complaints and discipline procedures for all members.

10.2.02 SCOPE

This directive applies to all sworn members of the Aurora Police Department. For Career Service Employees, [DM 10.03 - Complaint and Discipline Procedures for Non-Sworn Members](#) will apply. The following procedures apply to allegations of misconduct, except allegations related to internal discrimination or harassment, which will be handled in accordance with Directive [10.09—Discrimination, Harassment, and Sexual Harassment Complaint Procedure](#).

10.2.03 DEFINITIONS

Active Complaint: A complaint is considered active upon receipt of an allegation against a department member. It remains active until findings are reached or until all appealable sustained violations are adjudicated before the Civil Service Commission.

Administrative Investigation: An investigation into alleged, suspected, or possible violations of the APD Directives, Bureau or Section Standard Operating Procedures (SOPs), Special Orders, or any other city administrative or personnel-related policies. The results of administrative investigations are used to support a finding, which may include disciplinary action. Administrative investigations may include interviewing the member(s) involved.

Allegation: A claim or assertion of misconduct against a member of the APD.

Complaint: A written or verbal statement containing an allegation(s) of misconduct involving a member of the APD.

Chain of Command Complaint Investigation: Complaints investigated by a member's chain of command.

Citizen Inquiry: An inquiry or clarification regarding policy and/or procedure that a supervisor can address, without any specific allegation of misconduct, and where the citizen expressed satisfaction with the response provided by the supervisor. When an individual disputes their guilt or innocence in a criminal case, the court process will be explained to them, and they will be referred to the appropriate courts. These above instances require documentation in the AMS, summarizing the

individual's opinions, but can be closed by the supervisor as a citizen's inquiry without further action and are not routed through the chain of command or the IIB.

Criminal Investigation: Criminal investigations are used to investigate alleged, suspected, or possible criminal violation(s) by the APD member(s). If a violation of law is revealed during an administrative investigation, the investigative body (chain of command or IIB) will notify the Chief of Police or designee for review. At the Chief's discretion, the Chief will assign the appropriate investigative unit/team(s) to conduct the criminal investigation separately from the administrative investigation. Criminal investigators from the APD or an outside law enforcement agency will conduct all criminal investigations. IIB will not direct or otherwise become involved with the criminal investigation. Criminal-related complaints will be investigated to the extent possible, regardless of the statute of limitations.

First-Line Supervisors (FLS): Responsible for managing and coordinating law enforcement activities and performing both administrative and leadership duties; first level of supervision within the chain of command.

Findings: A conclusion made based on the facts obtained from an administrative investigation. One of the following findings will be determined for all allegations in a complaint:

1. Exonerated: The allegation(s) did occur but was justified, lawful, and/or proper.
2. Expired: A finding that the complaint was received three or more years after the alleged event. Only the Chief of Police is authorized to render a finding of "Expired." Any finding of expired for a complaint will be added to the investigation of the complaint.
3. Not Sustained: The investigation failed to discover sufficient evidence to prove or disprove the allegations occurred.
4. Policy Failure: A finding that the member's actions did not violate existing policy, but department actions are recommended to better resolve the issue. This may involve complaints where the allegations are true, but the member conformed to existing training or policy, which led to an undesirable result, or the member's actions violated existing policy, but the action was reasonable and appropriate given the totality of the circumstances.
5. Sustained: The preponderance of the evidence has established a violation of policy. The term "preponderance of the evidence" means the allegation is more likely to have occurred than not.
6. Unfounded: The allegation(s) did not occur or did not involve police personnel.

General Grievance: Complaints concerning the police department without specific allegations directed towards any member of the APD and/or allegations that definitively do not involve any members of the APD. These grievances do not require documentation in the Administrative Management System (AMS).

IIB Formal Investigation: An internal investigation that requires the authority of the Chief of Police and involves a comprehensive executive review.

IIB Preliminary Investigation: Complaints received by IIB that do not require authority from the Chief of Police to investigate (e.g., In person, Public Web Report (PWR), and calls/voicemails left with IIB). At the direction of the Chief of Police, IIB shall investigate any complaint.

Initial Investigation: An initial inquiry into the facts and circumstances of a complaint to assess the event's significance and the severity of the possible policy violation, if any, and determine the appropriate next steps of the process. The initial investigation is a way of triaging the case to correctly route the information to the appropriate personnel to handle the complaint.

Internal Investigations Bureau (IIB): The bureau responsible for complex administrative, complaint, and use of force investigations. The bureau contains the Department's Internal Affairs Unit (IAU) and Force Investigation Unit (FIU).

Misconduct: Unacceptable or improper behavior that, if true, would violate the APD Directives, Bureau or Section SOPs, Special Orders, or any other city administrative or personnel-related policies.

Preliminary Investigation: The initial phase of an administrative investigation identifies potential policy violation(s), potential disciplinary outcome, and appropriate routing of the complaint. This may include determining the facts surrounding the allegations by contacting the complainant, interviewing witnesses, obtaining additional information, and reviewing relevant evidence (i.e., videos and reports). This information shall be documented in the Administrative Management System (AMS) and routed through the appropriate chain of command. Additional investigative techniques beyond a preliminary investigation may not be necessary to determine findings for an allegation in a complaint.

10.2.04 POLICY

The APD is committed to an equitable and transparent complaint, investigation, and discipline process that allows for a fair and impartial investigation of allegations against members of the APD by members of the public and employees. Pursuant to the City of Aurora Charter, the Chief of Police determines discipline within the police department. The Internal Investigation Bureau (IIB) is supervised directly by the Chief of Police. Nothing in this order precludes the Chief of Police from monitoring or directly supervising an IIB investigation or delegating this responsibility to the Deputy Chief or other senior command officer or from consulting with Division Chiefs or the Deputy Chief regarding a complaint or proposed discipline at any stage in the investigation or discipline process.

10.2.05 CONFIDENTIALITY

Any department member aware of information related to a complaint or administrative investigation will keep the information confidential unless authorized by the proper authority to discuss such information. The proper authority comprises the investigating member's chain of command, members of IIB, and/or the executive staff.

Nothing in this policy will interfere with a member's privileged conversations with their attorney, licensed counselor, labor representative, peer support member, chaplain, or religious counselor or with reporting their information to the appropriate legal authority.

All members are prohibited from participating in or conducting an independent investigation relating to the subject matter of the administrative investigation.

10.2.06 ACCEPTING COMPLAINTS

Members of the public and employees may bring complaints regarding the alleged misconduct of APD members to the attention of the APD in any manner (e.g., in-person, by phone, online, or social media) and to any location or member of the department for review and investigation. Any non-supervisory department member contacted by a complainant in any manner wishing to lodge a complaint against

any department member shall immediately personally notify a supervisor (i.e., in person, by phone, or radio) and arrange for a supervisor to contact the complainant.

Any documents the complainant submits shall be accepted and entered into the Administrative Management System (AMS) as an exhibit if a supervisor determines that they have evidentiary value.

Members will accept complaints in a professional manner. All department members will perform their duties and assume the obligations of their rank in reporting allegations of misconduct.

Anonymous complaints will be accepted and investigated in the same manner as all other complaints. If a member wants to remain anonymous, efforts will be made to protect their identity. However, there is no guarantee that the member will not be called as a witness or compelled to participate in an administrative investigation. According to [DM 10.05 - Rights of Members Under Administrative Investigation](#), the member shall be informed of the name of the complainant(s) unless the Chief of Police or the Chief's designee determines that such information would compromise the investigation.

All employees may file a complaint without fear of retaliation or reprisal.

10.2.07 NOTIFICATION TO COMPLAINANT AFTER ADJUDICATION

After any complaint has been adjudicated, the member who completed the investigation shall inform the complainant, verbally or in writing, that the complaint was adjudicated. There is no expectation to identify, contact, or locate anonymous complainants for a case status update or conclusion. The investigating member will document the notification in the Administrative Management System (AMS).

The Complaint Resolution Notification form will be used for written notification.

10.2.08 EXPIRED COMPLAINTS

If a supervisor receives a complaint where the allegation occurred three or more years after the alleged misconduct, a summary of the allegations will be entered into the Administrative Management System (AMS) and sent through the chain of command before completing an administrative investigation. The supervisor will send the complaint through the subject member's chain of command. If the subject member is no longer employed, the supervisor receiving the complaint will send the complaint through their own chain of command. The complaint will be sent to the Division Chief of the appropriate chain of command, who will confer with the Chief of Police. The Chief of Police may authorize an administrative investigation by the chain of command or by IIB or render a finding of "Expired." If the Chief of Police finds that the complaint has expired and no further action shall be taken, this notification will be sent to the commander through the chain of command, who will close the complaint. Nothing precludes the Chief of Police from directing that an investigation be conducted for an allegation that may be expired.

10.2.09 COMPLAINTS RECEIVED IN THE CHIEF'S OFFICE

Complaints received in the Chief's Office will be entered into the Administrative Management System (AMS), forwarded to the appropriate chain of command or sent to IIB for review and processing.

10.2.10 COMPLAINTS CONTAINED IN LEGAL DOCUMENTS

IIB shall investigate any complaints of misconduct contained in legal documents (Notice of claim, complaints, etc.) unless the facts and circumstances in the complaint have already been investigated by APD.

10.2.11 COMPLAINTS AGAINST THE CHIEF OF POLICE

If a complaint alleges misconduct by the Chief of Police is received, it shall be formally documented within the Administrative Management System (AMS) and subsequently forwarded through the appropriate chain of command to the IIB Commander. The IIB Commander shall draft an official memorandum detailing the complaint and send it to the City Manager for notification and review.

10.2.12 COMPLAINTS ALLEGING EXCESSIVE USES OF FORCE

Allegations involving excessive use of force will be received according to the complaint intake process. The investigating supervisor will verify that the use of force has been entered into the Administrative Management System (AMS). Irrespective of whether the use of force has undergone adjudication, the receiving supervisor will track the complaint to the IIB Commander or Lieutenant to assign for a comprehensive review and potential further investigation.

10.2.13 COMPLAINTS OF BIASED-BASED POLICING

Complaints alleging biased-based policing will be accepted in accordance with policies regarding the acceptance of all internal and external complaints described in [DM 08.32 - Biased-Based Policing](#).

All biased-based policing complaints will immediately be forwarded to the APD Internal Investigations Bureau (IIB) for tracking in the Administrative Management System (AMS). After that member's supervisor completes the initial inquiry, IIB will determine whether the complaint should be investigated by IIB or by the command of the member whose conduct is the subject of the complaint.

If IIB determines that no additional investigation is required, the complaint may be returned to the member's chain of command for adjudication. Upon the chain of command's completion of the investigation, the complaint will come back to IIB for final review and closure. All allegations involving biased-based policing, shall be sent to IIB for final review, regardless of whether or not it was ultimately determined to have been biased-based.

10.2.14 COMPLAINTS OF DISCRIMINATION, HARASSMENT, AND SEXUAL HARASSMENT

It is the department's intent that Human Resources will handle the investigation of allegations of harassment and discrimination based on a protected class or sexual harassment as defined in [DM 10.09 - Discrimination, Harassment, and Sexual Harassment Complaint Procedure](#). Allegations of discrimination or harassment not based on the above-protected classes will be handled as any other complaint of alleged misconduct.

All employees may file a complaint without fear of retaliation or reprisal. All complaints must be brought forth in good faith. Employee(s) should make a timely complaint. This will enable the Department to promptly investigate and correct any behavior violating this Directive. An employee who believes they have witnessed or were the subject of an act of discrimination or harassment must report the incident within 300 days of the occurrence. While a complaint may appear to be time-

barred, nothing precludes Human Resources from initiating an internal administrative investigation for the best order and discipline of the agency.

Member Responsibility

The reporting member(s) shall immediately notify a supervisor/sergeant or lieutenant/watch commander regarding the incident. Subsequently, either the reporting member(s) or the supervisor/sergeant or lieutenant/watch commander receiving the complaint shall submit a written or verbal complaint, preferably a memorandum detailing the complaint, which will be addressed through the chain of command to the Chief of Police, Deputy City Manager, City Manager, and Director of Human Resources.

If the subject of the complaint is the Chief of Police, the complaining member(s) should submit a written or verbal complaint to Human Resources and/or the City Manager or Deputy City Manager.

Human Resources will advise the Chief of Police and the City Attorney's office (Police Legal Advisor or Human Resources Attorney) that a complaint was filed.

An investigation may continue even if the complainant(s) fails to pursue the complaint, withdraws the complaint, or separates from their employment with the Department.

Human Resources will determine when an outside investigator is needed.

Supervisory Responsibility

Any supervisor or command-level officer who receives an allegation or observes a suspected allegation against an employee for violations of rules, regulations, laws, statutes, ordinances, and/or misconduct concerning discrimination, harassment, or sexual harassment as defined in [DM 10.09 - Discrimination, Harassment, and Sexual Harassment Complaint Pro](#) will:

1. Document all complaints of harassment, sexual harassment, or discrimination on the Harassment, Sexual Harassment, and/or Discrimination Investigation Summary form.
2. Forward the Harassment, Sexual Harassment, and/or Discrimination Investigation Summary form to Human Resources within two working days.
3. All Equal Employment Opportunity (EEO) complaints must be finalized and submitted before the end of the respective shift unless exceptional circumstances hinder the supervisor/sergeant or lieutenant/watch commander from doing so. Extension requests due to extenuating circumstances will be reviewed, approved, or denied by the duty executive or higher rank.

Members under investigation may be placed on administrative leave in accordance with [DM 08.02 - Leave and Scheduling Procedures](#) only with the approval of the Chief of Police or designee.

10.2.15 EQUAL EMPLOYMENT OPPORTUNITY (EEO) INVESTIGATIONS

The IIB Commander and the Deputy Chief of Police will review the Report of Findings of the EEO investigation. Should the IIB Commander and Deputy Chief of Police determine potential violations of the APD directives that may exist based on the EEO investigation, an IIB investigation will be initiated pursuant to [DM 10.09 - Discrimination, Harassment, and Sexual Harassment Complaint Procedure](#).

If IIB, during an active investigation, learns of possible EEO violations arising out of the same incident(s) for the subject of the IIB investigation, the IIB Investigator and Human Resources will coordinate the investigations.

10.2.16 COMPLAINT INVESTIGATIONS RECEIVED BY IIB

If IIB determines findings for allegations of a complaint and no further action is required after completing an administrative investigation, IIB may adjudicate the complaint as not sustained, unfounded, no cooperation or citizen inquiry and shall enter its findings into the Administrative Management System (AMS). In all other cases, IIB will coordinate with the chain of command for investigation and disposition.

10.2.17 COMPLAINTS ROUTED TO THE CHAIN OF COMMAND BY IIB

When a complaint is received by IIB, an initial inquiry or a preliminary investigation will be conducted, and a decision to retain the case or track it back to the respective district command will be made.

IIB may route a complaint to the subject member's chain of command after IIB has conducted a preliminary administrative investigation or route the complaint to the subject member's chain of command to complete a chain of command complaint investigation.

When a commanding officer receives a complaint from IIB that requires additional investigation, they will assign it for completion within their chain of command. The supervisory responsibilities for complaints will apply.

If a commanding officer receives a completed IIB preliminary investigation, they shall assign and address any noted issues or follow-up investigation. The supervisory responsibilities for complaints will apply.

10.2.18 SUPERVISOR ADDRESSING PERFORMANCE

Nothing in this directive will prohibit supervisors from performing or engaging in routine, normal, and/or customary supervisory and leadership communications or from counseling, training, and coaching for improvement. Routine and customary communication, however, will not be used as a pretext to avoid the complaint and investigation procedures in this directive.

10.2.19 RESPONSIBILITIES FOR FIRST-LINE SUPERVISORS

This section delineates the responsibilities of first-line supervisors in managing complaints, initiating investigations, and determining appropriate actions based on the findings. Additionally, it establishes timelines for conducting preliminary investigations, emphasizing the importance of timely resolutions. When a first-line supervisor receives a complaint, the following course of action shall be taken:

Acceptance of Complaint: Upon receipt of a complaint or when a supervisor gains knowledge of a member's alleged misconduct, a careful assessment shall be conducted to classify it as either a *general grievance*, *citizen's inquiry* or *complaint*, as defined in the accompanying *definitions section* below. The following procedure for data entry into the Administrative Management System (AMS) shall be followed:

1. Significant Event Notification: In cases involving possible criminal charges, significant allegations of misconduct, or there is a great public interest, the first-line supervisor shall immediately notify the lieutenant or, in their absence, the watch commander or duty executive.
2. General Grievance: Shall not be entered into the Administrative Management System (AMS).
3. Citizen's Inquiry: Shall be entered into the Administrative Management System (AMS) and may be closed by the front-line supervisor.
4. Complaint: A potential policy violation shall be forwarded to the subject member's direct supervisor or retained within their own chain of command if the receiving member is in the subject member's chain of command. The first-line supervisor will consult the Lieutenant to determine if the supervisor retaining or receiving the external complaint will conduct a preliminary investigation into the allegations of the complaint.
 - a. If the misconduct is minor or performance-related and the resulting consequences do not exceed a Corrective Action, the first-line supervisor shall take appropriate measures to address the misconduct, complete preliminary investigation, including documentation in the Administrative Management System (AMS) and notification to the supervisor's Lieutenant. All complaints will be sent to a Commander for final adjudication.
 - b. If the resulting consequences may exceed a Corrective Action, the first-line supervisor shall conduct a preliminary investigation.

First-Line Supervisors who gain knowledge of a member's misconduct will document the incident appropriately, track it to the next level supervisor, and handle it in accordance with the complaint process outlined above.

Preliminary Investigation: The initial phase of an administrative investigation, which includes determining the facts surrounding the allegations that may include making reasonable attempts to contact the complainant, interviewing witnesses, obtaining additional information, and reviewing relevant evidence (e.g., videos, reports, etc.). This information shall be documented in the Administrative Management System (AMS).

Handling of Alleged Misconduct: At the conclusion of the preliminary investigation, the first-line supervisor shall send the investigation through their appropriate chain of command for review and a command officer recommendation of findings or whether additional investigation is required, including interviewing members or additional witnesses.

Timeline for Preliminary Investigations:

1. All preliminary investigations shall be concluded and forwarded within eight (8) regularly scheduled duty days of receiving the complaint. A lieutenant or higher-ranking command officer may grant extensions in extenuating circumstances.
2. In cases involving possible criminal charges, allegations of significant misconduct, or great public interest, first-line supervisors shall conclude and forward the preliminary investigation by the conclusion of their shift. Extensions due to extenuating circumstances may be granted at the discretion of a lieutenant or higher-ranking command officer.
3. If an investigation necessitates follow-up and is delegated back to a first-line supervisor, it shall be finalized within eight (8) regularly scheduled duty days.

Remedial Training: Any remedial training and/or counseling identified as being required for resolution by the chain of command shall be documented within the Administrative Management System (AMS).

10.2.20 RESPONSIBILITIES FOR LIEUTENANTS

This section delineates the responsibilities of Lieutenants in managing complaints, initiating investigations, and determining appropriate actions based on investigative findings. Additionally, it establishes timelines for reviewing and conducting preliminary investigations, emphasizing the importance of timely resolutions. When a Lieutenant receives or reviews a complaint, the following course of action shall be taken:

1. Acceptance of Complaint: Upon receipt of a complaint by a lieutenant, a careful assessment shall be conducted to classify it as either a *General Grievance*, *citizen's inquiry*, or *complaint*, as defined in the accompanying *definitions section* above. The following procedure for data entry into the Administrative Management System (AMS) shall be followed:
 - a. Significant Event Notification: In cases involving possible criminal charges, significant allegations of misconduct, or there is a great public interest, the lieutenant shall notify the duty executive as soon as practical.
 - b. General Grievance: Shall not be entered into the Administrative Management System (AMS).
 - c. Citizen's Inquiry: Shall be entered into the Administrative Management System (AMS) and may be closed by the lieutenant.
 - d. Complaint: A complaint will be assigned to the subject member's direct supervisor or retained if the lieutenant supervises the subject member. The supervisor retaining or receiving the complaint will conduct a preliminary investigation into the allegations of the complaint.
2. Alleged Misconduct: Lieutenants who gain knowledge of a member's alleged misconduct, absent from receiving a complaint, shall consult with a command officer by phone within their chain of command to discuss comparables, and the agreed-upon course of action will be documented in the Administrative Management System (AMS).
 - a. If the misconduct is minor or performance-related and the resulting consequences will not exceed a Corrective Action, the lieutenant shall take appropriate measures or assign a supervisor to address the misconduct with documentation in the Administrative Management System (AMS). If the expected level of a disciplinary measure is a "Corrective Action" or less, The Lieutenant will complete or delegate the preliminary investigation and notify the commander upon completion. All complaints will be sent to the Commander for final adjudication.
 - b. The Lieutenant shall conduct or assign a supervisor to conduct a preliminary investigation if the resulting consequences may exceed a Corrective Action.
3. Preliminary Investigation: When a preliminary investigation is routed to a Lieutenant, they shall identify whether additional investigation is required, absent questioning the witnesses or the subject member(s). Should the need for additional investigation arise, the Lieutenant retains the authority to delegate the task to the designated investigating supervisor or conduct additional investigation themselves.

If the investigation reveals a potential violation of law, the reviewing or investigating lieutenant shall notify the duty executive through their chain of command, who will determine the appropriate investigative unit/team(s) to be assigned to conduct the criminal investigation. The complaint will then be routed through the chain of command to IIB.

4. Handling of Alleged Misconduct: At the conclusion of the preliminary investigation, the Lieutenant shall send the investigation through their appropriate chain of command with a recommendation of findings or whether additional investigation is required.

The issuing of NOI will generally be conducted by Lieutenants, with the option to delegate the task to a Sergeant, while maintaining oversight of the process.

If the disciplinary outcome for any misconduct will likely lead to discipline greater than a written reprimand, the Lieutenant will not ask the involved members about the circumstances involved in the complaint, unless the Lieutenant receives direction from the Commander to issue an NOI and ask clarifying questions. The lieutenant will send the investigation through the appropriate chain of command with recommendations on whether additional interviews with members are required, a recommendation on findings, and potential disciplinary outcomes listed.

5. Timeline for Preliminary Investigations:
 - a. In cases involving possible criminal charges, discipline greater than a Written Reprimand, or there is a great public interest, the lieutenant shall conclude and forward their preliminary investigation and/or review of the primary investigation through their chain of command immediately. Extensions due to extenuating circumstances may be granted at the discretion of a higher-ranking command officer.
 - b. All preliminary investigations shall be concluded and forwarded within eight (8) regularly scheduled duty days of receiving the complaint. A higher-ranking command officer may grant extensions in extenuating circumstances.
 - c. If a completed investigation is returned to the lieutenant for follow-up, it shall be finalized within eight (8) regularly scheduled duty days. A higher-ranking command officer may grant extensions in extenuating circumstances.
6. Remedial Training: Any remedial training and/or counseling identified as being required for resolution by the chain of command shall be documented within the Administrative Management System (AMS).

10.2.21 RESPONSIBILITIES FOR CAPTAINS

This section delineates the responsibilities of captains in managing complaints, initiating investigations, and determining appropriate actions based on investigative findings. Additionally, it establishes timelines for reviewing and conducting preliminary investigations, emphasizing the importance of timely resolutions. When a captain receives a complaint, they shall adhere to the lieutenant protocol above numbers one through seven (1-7) and substitute the title of lieutenant with that of a captain.

Captains may be given the ability to supervise the investigation, review findings and have adjudication ability as delegated by the commander.

10.2.22 RESPONSIBILITIES FOR COMMANDERS

Commanders' responsibilities encompass managing complaints within their chain of command, reviewing and initiating investigations, and discerning appropriate actions based on investigative findings, with an emphasis on timely resolutions. Upon receipt of an administrative investigation, commanders assume the critical responsibility of reviewing investigations forwarded to them, conducting comprehensive assessments to determine the necessity for further inquiry, and adjudicating disciplinary matters, particularly when the prescribed discipline falls short of a suspension period exceeding 40 hours.

When a Commander receives a complaint, they shall adhere to the lieutenant protocol above numbers one through four (1-4) and substitute the title of lieutenant with that of a commander. After numbers one through four (1-4) are progressively reviewed or completed, commanders shall complete the following:

1. Handling of Alleged Misconduct

- a. Handling of Alleged Misconduct of Members in Their Chain of Command: At the conclusion of the preliminary investigation, the Commander shall determine the potential disciplinary actions or whether additional investigation is required, including interviewing members.

b. Written Reprimand or Less:

If the potential disciplinary outcome for any misconduct is likely a written reprimand or less, the commander shall adjudicate the complaint, or if it is necessary to interview members involved in the investigation, the commander reserves the right to assign the task of interviewing members without the issuance of a Notice of Investigation (NOI).

c. Greater than Written Reprimand but Less Than forty (40) Hours of Suspension:

If the disciplinary outcome for any misconduct will likely lead to discipline greater than a written reprimand not exceeding forty (40) hours of suspension, the commander will provide the findings, summary of evidence and recommended discipline to the Division Chief.

If the disciplinary outcome is likely to result in less than forty (40) hours of suspension and can be addressed within the chain of command, the commander shall send the investigation through the appropriate chain of command to their division chief for review, with recommendations on findings and the desired disciplinary outcomes. The Chief of Police must review and approve all disciplinary recommendations.

d. Presumed Discipline Greater than forty (40) hours of suspension:

Referral to IIB, will not be handled within Chain of Command.

- e. Referral to IIB for Formal Investigation: During the course of a chain of command complaint investigation, the Commander may request through their chain of command to the Chief of Police assistance of IIB, including but not limited to the following reasons:

- i. Great public interest
- ii. Discipline involving suspension, greater than forty (40) hours
- iii. Complex investigation
- iv. Allegations involving potential criminal charges

2. Timeline for Preliminary Investigations:
 - a. In cases involving possible criminal charges, allegations of significant misconduct, or there is a great public interest, the commander shall conclude and forward their preliminary investigation and/or review of the primary investigation through their chain of command as soon as practical. Extensions due to extenuating circumstances may be granted at the discretion of a higher-ranking command officer.
 - b. All preliminary investigations shall be concluded and forwarded within eight (8) regularly scheduled duty days of receiving the complaint. A higher-ranking command officer may grant extensions in extenuating circumstances.
 - c. If a completed investigation is returned to the commander for follow-up, it shall be finalized within eight (8) regularly scheduled duty days. A higher-ranking command officer may grant extensions in extenuating circumstances.
3. Remedial Training: Any remedial training and/or counseling identified as being required for resolution by the chain of command shall be documented within the Administrative Management System (AMS).

10.2.23 IIB FORMAL INVESTIGATIONS

The IIB has the authority of the Chief of Police to conduct investigations without interference or obstruction by any member. The Chief of Police or designee, at their discretion, may assign an administrative investigation to any member or appropriate outside entity. Investigations will be conducted according to IIB Standard Operating Procedures (SOPs). Reasons for a Formal Investigation may involve, but are not limited to:

1. Great public interest
2. Discipline involving suspension, greater than forty (40) hours
3. Complex investigation
4. Allegations involving potential criminal charges

If a formal IIB investigation is authorized, and the allegations involve a matter that was the subject of a criminal investigation, the entire criminal investigation shall be attached to the IIB investigation.

10.2.24 NOTICE OF INVESTIGATION

A member will be issued [the APD Form 112 - DM 10.02 - Notice of Investigation](#) prior to an interview with them if they are the subject member of an administrative investigation, and the presumptive disciplinary outcome will likely be greater than a written reprimand.

The NOI will include a synopsis of the incident's nature and the members' status in relation to the investigation. The allegations of misconduct for which the member will be interviewed will be documented and tied to a specific policy-related violation.

Any member may be required to submit to a medical or laboratory examination at the agency's expense when the examination is specifically directed and narrowly related to a particular administrative investigation. Any member may be required to be photographed, participate in a line-up, submit to a fingerprint comparison, and/or submit a financial disclosure statement when such

actions are material to a particular administrative investigation. The member must submit to any test (e.g., breath test, blood test, urine sample, hair follicle test, fitness for duty, etc.) as deemed necessary for any internal investigation.

If additional allegations are identified during an interview, the supervisor will stop the interview, prepare an additional NOI specifying the additional allegation(s), and serve it to the subject member. Supervisors conducting administrative investigations will not rely on a "blanket statement" to notify the member that other misconduct complaints will be investigated.

Members involved in critical incidents may be issued [the APD Form 023, Notice of Investigation - Critical Incident](#), only under the IIB Commander's or designee's authority. Anytime a critical incident is suspected to have occurred, the IIB Commander or designee will be contacted prior to any investigation or issuance of an NOI.

10.2.25 PROCEDURES FOR INTERVIEWS IN IIB FORMAL INVESTIGATIONS

Members are prohibited from being armed, having cell phones, smart watches, or any other electronic recording devices on their person during interviews, the IRP process, and the pre-disciplinary/disciplinary hearings.

A member will be issued [the APD Form 112 - DM 10.02 - Notice of Investigation](#) prior to an interview if they are the subject member of an administrative investigation and the presumptive disciplinary outcome will likely be greater than a written reprimand, which they will be required to acknowledge and sign. Subject and witness members will be allowed an observer in accordance with this directive and the observer conditions defined in [the APD Form 111 - DM 10.02 - Acceptance of Observer Conditions](#), which they must acknowledge and sign prior to an interview. Subject and witness members will be provided with [the APD Form 520-333 - DM 10.10 - Investigative Advisement \(Garrity Warning\)](#) prior to an interview with them, which they must acknowledge and sign.

The investigating supervisor or IIB investigator interviewing a member shall electronically record all relevant interviews with equipment provided by the department. The interview will begin with the interviewer reading from the interview advisement form [the APD Form 296 - Interview Advise-Sworn Subject Emp](#) or witness advisements. If a subject or witness member takes notes during the interview, they may not retain their own notes, as they will be collected and maintained with the case file.

Members are required to cooperate in an administrative investigation and respond to questions from a supervisor or IIB investigator(s). They are required to answer questions completely and truthfully and will not omit any material facts. Members may be required to provide a written statement relating to their activities, circumstances, events, conduct, or acts that pertain to the incident that is the subject of this investigation. Failure or refusal to fully and truthfully cooperate may subject the member to discipline up to and including termination.

At the end of the questioning, the investigator will allow the subject member to add information related to the investigation that they feel was not obtained during the interview. The investigator will ask the observer if they have any suggested questions, and the observer may suggest questions that are narrow in scope and relevant to the investigation. The investigator may ask additional questions or decline to ask any or all of the questions. At no time will the observer directly question the subject or witness member.

If the administrative investigation is being conducted by a member other than IIB, the investigating member will retain all investigative material and will upload this information into the Administrative Management System (AMS) as exhibits. It shall not be uploaded into the criminal case to which it may be related.

All members shall keep all information from the interview confidential.

Observers/Representatives

Observers must adhere to the observer conditions as defined in this section [the APD Form 111 - DM 10.02 - Acceptance of Observer Conditions](#) while participating in any and all processes. Observers are allowed to be present during the following investigative/disciplinary processes:

1. Any investigation when a member is interviewed
2. Investigations when a Notice of Investigation (NOI) is issued.

The subject member may choose to have their attorney serve as an observer but is limited to either a member or attorney for any part of the processes listed above.

To avoid a conflict of interest or the appearance of a conflict of interest, observers and representatives cannot be the subject member's subordinate, supervisor, or within the subject member's chain of command, either currently or at the time of the alleged misconduct. In addition, the observer or representative cannot be anyone who has had any role in the incident or matter under investigation, including the role of a potential witness or peripheral party.

If the subject member chooses to have an observer present for the IIB interview, they must be present at the scheduled time and place. Should the observer arrive after the scheduled interview time and the interview has begun, the observer will not be permitted to attend the in-progress interview unless allowed by the investigator.

The observer shall not convert the interview into an adversarial proceeding, interfere with the questioning or investigation, give any advice that would be contrary to complete honesty and truthfulness or discuss the complaint with any member of the department or any other person the observer knows or reasonably should know will be interviewed as a witness during the investigative process while the administrative investigation is active.

The materials present in the room during the interview are not available for review, perusal, or access without the consent of the investigator. The observer's presence is a privilege extended by the Chief of Police. Any violation of these conditions may result in forfeiture of this privilege for the current investigation and for that observer's presence in future investigations.

Observer and Representative Compensation

If a sworn member is asked to participate as an observer during an accused subject member's interview, the following procedures will be adhered to:

1. If authorized and on duty, the member will be allowed duty time to serve as an observer.
2. Should the requested member be off-duty, they will receive straight-time compensation for time spent in an observer role.

Representatives participating in the IRP will be allowed up to four (4) straight-time compensation hours to assist with the review of a completed IIB investigation. If more than four hours is reasonably required to perform this task, the representative may request approval from the Deputy Chief for additional time compensation.

10.2.26 INVESTIGATIVE REVIEW PROCESS

At the discretion of the Chief of Police, an Investigative Review Process (IRP) may begin prior to an IIB case being completed. The Chief of Police or designee may grant an extension of the IRP process on a case-by-case basis (i.e., pre-scheduled leave or volume of case files to review). When there is a departmental interest, the Chief of Police or their designee may shorten the timeframe for the IRP, which will be written and added to the IIB file. If the process is shortened, the Office of the Chief of Police will notify the IIB in writing, and the IIB will notify the subject member in writing. Both notifications will be added to the IIB case.

The IRP occurs after the IIB formal investigation and after the IIB commander or lieutenant has reviewed the investigation. The IIB investigator will notify the subject member by email that the formal investigation is available for the IRP. If the subject member is on administrative leave, the IIB investigator will call the subject member in addition to sending an email. The subject member must acknowledge receipt of that notice via email within twenty-four (24) hours of their first scheduled duty day (excluding preapproved leave) of the subject member's duty or scheduled availability and indicate whether they intend to exercise their right to utilize the IRP or waive it. If the involved member is on administrative leave, they will be contacted by phone to ensure acknowledgement of receipt.

The subject member has five (5) days – excluding pre-approved leave – after receiving the email notice to review the investigation and make notes of any issues in dispute. The IRP period will be considered closed when the member fails to respond to review the investigation after five (5) days from the notification being sent, or the member declines to review the investigation, or the member completes the review of the investigation and completes/declines to complete a letter of dispute. The subject member shall be afforded overtime or compensatory time to review the case.

Upon review of the IIB formal investigation, the subject member should discuss any perceived deficiencies with the investigation, such as a failure to interview a witness, a failure to inquire into certain areas during a witness interview, and/or a failure to collect evidence. Members shall not record, photograph or produce any copies of the case file during their review. The member may take notes during the review, which they must turn over to IIB, and IIB will retain with the case.

In the event that there is an issue in dispute that cannot be resolved between the subject member and IIB, a Letter of Dispute may be drafted by the subject member to address any perceived inadequacies in the investigation. The subject member has three (3) business days after the conclusion of the IRP period to prepare and submit a signed Letter of Dispute to address any perceived inadequacies in the investigation. The Chief of Police or designee may grant an extension on a case-by-case basis (i.e., pre-scheduled leave or volume of case files). If the subject member notifies the IIB in writing that they will not submit a Letter of Dispute, the Chief of Police or designee will proceed with the adjudication process. The Letter of Dispute will be added to the investigation and included when the case is submitted to the Chief's Office.

If the member needs to use their notes to draft the Letter of Dispute, the IIB investigator will number and copy the page(s) of notes in the member's presence. The originals will remain in IIB, and the copies will be provided to the member for review. The IIB investigator will advise the member of the guidelines for having a copy of the IRP notes using [the APD Form 192 - DM 10.02 - IRP Notes](#). The guidelines are:

1. The member will not make copies of the notes in any form.
2. The member will not provide information from the investigation or notes to any other department member except their Aurora Police Association (APA) or Fraternal Order of Police (FOP) observer listed on the form.
3. The member will not provide information from the investigation or the notes to the public or media.
4. The member will return the copy of the notes to IIB along with the Letter of Dispute.

Upon returning the notes to IIB, the IIB investigator will verify that all pages of the notes were returned. Members are reminded that the initial notification of investigation from the IIB investigator and [the APD Form 112 - DM 10.02 - Notice of Investigation](#) are direct orders not to discuss the complaint.

10.2.27 POLICE CHIEF & EXECUTIVE REVIEW OF IIB FORMAL INVESTIGATION

The IIB commander or Lieutenant will ensure the investigation is complete before providing the investigation and an executive summary to the Chief of Police. The Office of the Chief of Police will schedule a meeting between IIB and Executive Staff for the IIB investigator to provide a briefing on the case. After the briefing, the Chief of Police will choose from one of the following actions after reviewing the investigation:

1. Send the case back to IIB for additional investigation
2. Reach a finding for the complaint violations:
 - a. Exonerated
 - b. Expired
 - c. Not Sustained
 - d. Policy Failure
 - e. Sustained
 - f. Unfounded

Should the complaint involve the Chief of Police or there is a conflict of interest with the Chief of Police, the City Manager will review the IIB investigation and determine final discipline .

In the event that department action is recommended, an administrative investigation may also find that changes to existing policy or training should be considered. Any investigation with a finding of department action recommended will require a memorandum from the commander overseeing the investigation, detailing the basis for the finding and outlining the recommended policy or training change(s). This memo will be sent to the Chief of Police through the chain of command. After reviewing with relevant stakeholders, the Chief of Police or designee will determine the required revisions to policy or training, which will be placed in the complaint investigation.

10.2.28 PRE-DISCIPLINARY HEARING AND IMPOSITION OF DISCIPLINEFormal Discipline Greater than Written Reprimand:

After the conclusion of an administrative investigation, the Chief of Police will notify the member in writing of the preliminary findings and recommended discipline and whether the Chief will hold a pre-disciplinary hearing. If the Chief does not require a pre-disciplinary hearing, the member will be informed of their option to have a pre-disciplinary hearing prior to the issuance of formal discipline.

The Chief of Police, at their discretion, can require a pre-disciplinary hearing regardless of waiver by the member, and the member will be notified of the pre-disciplinary hearing in writing.

1. The member may request a pre-disciplinary hearing with the Chief of Police in accordance with Aurora City Charter § 3-16(8)(b) prior to the imposition of any discipline greater than a written reprimand. Members must submit a letter to the Chief of Police within three (3) business days of receipt of notification to request a pre-disciplinary hearing or the right to a pre-disciplinary hearing shall be waived.
2. The member may waive the pre-disciplinary hearing in writing prior to the expiration of the three (3) business days.

If a pre-disciplinary hearing is required or requested in accordance with this section, the member will be notified by the Chief of Police or designee in writing or email of the date and time of the pre-disciplinary hearing. If the involved member is on administrative leave, they will be contacted by phone to ensure acknowledgement of receipt.

The notification will include any recommendations for discipline and other interventions determined by the Chief of Police. The notification will also include the next steps in the process for the member.

At the pre-disciplinary hearing, the member shall be given the following:

1. A copy of the specification of the charges.
2. A copy of the written report of the evidence supporting the charges.
3. A copy of the summary of the disciplinary record of the member, if any.
4. An opportunity to make a statement in response to the charges and written report. If a statement is made, it shall be transcribed.

After three (3) days following the pre-disciplinary hearing, the Chief of Police may impose final discipline or enter into an agreement on discipline with the member.

All discipline must be approved by the Chief of Police subject to the provisions in the City of Aurora Charter. Per the City of Aurora Charter, discipline will be by written command signed by the Chief of Police. If discipline involves a monetary impact on the member greater than one-third (1/3) of the member's monthly salary, the disciplinary order must be approved by the City Manager or a designated Deputy City Manager. A copy of the written disciplinary order shall be served on the member. In the event this directive is inconsistent with the language of the Aurora City Charter regarding discipline, the Aurora City Charter overrules this directive.

10.2.29 DISPOSITION OF SUSTAINED FINDINGS FOR ADMINISTRATIVE INVESTIGATIONSNot Formal Discipline:

Personal Appraisal Entry: This record captures the actions of members in connection to a specific incident, whether positive, neutral, or negative. Each entry contains vital summary information required for supporting the performance review process. It's important to clarify that these entries, referred to as Performance Action Entries (PAEs), do not constitute formal disciplinary measures.

Corrective Actions: Written documentation of a member's actions related to a specific incident, providing essential information for the performance review process. It serves as a written warning to correct behavior, indicating acknowledgment of performance concerns by the member. Subsequent violations may lead to disciplinary measures. Corrective Actions do not constitute formal disciplinary measures.

Formal Discipline:

Written Reprimand: Documents specific allegations and findings. It represents a penalty of documented disciplinary action imposed after a finding of sustained or an admission of a policy violation. The command officer will consult IIB for comparable historical discipline. The Chief of Police must approve the written reprimand. Once approved, a command officer will personally issue the written reprimand to the subject member. A copy of the fully executed written reprimand will be uploaded to the management system and tracked to IIB for closeout and retention procedures. A written reprimand is not an appealable form of discipline.

Suspension: Formal discipline imposed by the Chief of Police or designee to temporarily revoke a member's privilege of performing their duties without pay. The number of penalty hours constitutes a suspension without pay, irrespective of whether such hours are deducted from the member's leave bank or regularly compensated work time. The decision to allow members to use leave time for suspension is at the discretion of the Chief of Police.

Reimbursement: A penalty that may be assessed in addition to performance-oriented action or discipline, if any, to compensate for the loss of or damage to city property.

Demotion: Formal discipline imposed by the Chief of Police on a sworn member for misconduct, resulting in a demotion to a lower rank, with the possibility of being demoted multiple ranks.

Termination: Formal discipline imposed by the Chief of Police against a sworn member due to misconduct, which results in termination of employment from the department. Written communication shall be made available to the member that includes the following:

1. Reason for dismissal.
2. The effective date of the dismissal.

In addition to potential remedial outcomes, additional measures may be mandated to ensure the correction of the member's conduct. These may include, but are not limited to, mandatory counseling, probation, reassignment, supplementary training, and enhanced supervision.

10.2.30 APPEAL OF DISCIPLINARY ACTION

Suspensions, reimbursements, demotions, or dismissals of sworn members arising from disciplinary action are subject to appeal as stated in Aurora Police Department Directive [DM 10.05 - Rights of Members Under Administrative Investigation](#).

10.2.31 DISCIPLINARY ACTIONS REPORTS

All command-level administrative investigations involving disciplinary action reports (written reprimands and greater) will be forwarded to the IIB after the investigation concludes and the applicable orders are issued.

A written reprimand, suspension, reimbursement, demotion, or dismissal order will be maintained within the member's APD personnel file.

Written reprimands contained in members' personnel files will automatically be removed according to the five (5) year records retention schedule.

10.2.32 RECORDS MAINTENANCE AND RETENTION

The IIB maintains records of all formal IIB investigations. These records are stored electronically and separate from other department records.

Records maintenance and purging will be accomplished in accordance with relevant Aurora Police Department Directives, Procedures, City of Aurora Policy, and the State of Colorado Municipal Records Retention Schedule governing police administrative actions.

Any complaint investigation with a disposition code of sustained will require a statement of the action taken.

All member and observer notes created in the IRP processes will be destroyed after the complaint is concluded and no longer active, as defined in section [10.2.9 - Investigative Review Process](#) of this directive.

10.2.33 MANDATED DISCLOSURE REQUIREMENTS

Certain notifications regarding sustained disciplinary findings are required by law. The Aurora Police Department IIB Commander will report all required notifications to the appropriate entity.

Brady/Rule 16 Disclosure:

Notification to appropriate district attorney's and city prosecutor's offices for any sustained finding related to the Officer's credibility or character for truthfulness or statements by the Officer indicating bias directed at a particular individual, numerous individuals, or any characteristics of individuals or groups (e.g., gender, ethnicity, nationality, race, creed, religion, and sexual orientation). Notification is also required when a sustained finding is related to an Officer's criminal acts.

Notification will typically occur after the completion of any appeals to the Civil Service Commission. Some legal requirements may require earlier notification.

The Peace Officer Credibility Disclosure Notifications Model Policy pursuant to SB 21-174 is documented through the following appendices:

[Appendix DM 10.02 – SB-174 Policy – Law Enforcement Agency’s Obligation](#)

The IIB is responsible for preparing, reviewing, and submitting official notifications to the district attorney’s office for the 17th, 18th and 23rd Judicial Districts and the Aurora Municipal Criminal Division of the City Attorney’s Office.

C.R.S. § 24-31-305(2.5) (SB 19-166):

On or after August 2, 2019, the department must notify the Colorado Department of Law – POST Board if any sworn member is sustained in an internal affairs investigation for knowingly making an untruthful statement concerning a material fact or knowingly omitting a material fact in one of the following instances:

1. On an official criminal justice record.
2. While testifying under oath.
3. During an internal affairs investigation.
4. During an administrative/disciplinary process.

This notification will be made after the department conducts an administrative internal affairs investigation and makes formal disciplinary findings, and all appeal rights have been exhausted by the member. If the Chief of Police determines by a clear and convincing evidentiary standard that the untruthful statement or omission occurred, the IIB will report the finding(s) with supporting documentation to the Colorado Department of Law – POST Board, as required by statute.

The IIB is responsible for preparing, reviewing, and submitting the official POST notification form within fifteen (15) days of any finding(s).

C.R.S. § 24-33.5-114 (4) (SB 15-218):

Requires the department to notify the district attorney’s office for the 17th, 18th, and 23rd Judicial Districts and the Aurora Municipal Criminal Division of the City Attorney’s Office no more than seven (7) days after the sustained finding that any sworn member of the agency has knowingly made a misrepresentation:

1. In any testimony or affidavit relating to the arrest or prosecution of a person or to a civil case pertaining to the peace officer or to the peace officer’s employment history.
2. During the course of any internal investigation by a law enforcement agency that is related to the peace officer’s alleged criminal conduct, official misconduct, or use of excessive force.

The IIB is responsible for preparing, reviewing, and submitting official notifications to the district attorney’s office for the 17th, 18th, and 23rd Judicial Districts and the Aurora Municipal Criminal Division of the City Attorney’s Office.

C.R.S. § 24-72-303(4)(a) (HB 20-1250):

Requires the department to grant public access to records on an entire completed IIB investigation files with necessary statutorily permitted redactions, including any appeals process, for any on-duty or in-uniform conduct of an Officer related to an incident of alleged misconduct involving a member of the public. This includes investigations initiated after April 12, 2019, regardless of the final determination.

The custodian of the records may first provide the requestor with a summary of the investigation file.

C.R.S. § 24-31-904 (HB 20-1250):

Requires the department to notify the Colorado Department of Law – POST Board whenever an Officer is convicted or pleads guilty or nolo contendere to a crime involving the unlawful use of physical force or failure to intervene in the use of unlawful physical force, when an Officer is found civilly liable for the use or threatened use of unlawful physical force, and when an internal affairs investigation finds a sustained violation of Aurora Police Department’s use of force policy related to unlawful use of force or failure to intervene.

The IIB is responsible for preparing, reviewing, and submitting the official POST notification form within fifteen (15) days of any findings.

C.R.S. §24-31-303(1)(r) - Colorado POST Rule 17 - Certification Records and Reporting Requirements

On or after November 15, 2021, the IIB must notify the Colorado Department of Law – POST Board by emailing an official POST Form to post@coaag.gov within fifteen (15) days of any of the following:

1. Untruthfulness;
2. Three or more failures to follow POST Board training requirements within ten (10) consecutive years;
3. Revocation of a POST certification, including the basis of the revocation;
4. Termination for cause, unless the termination is overturned or reversed by an appellate process. A notation must be placed next to the officer’s name during the pendency of any appellate process;
5. Resignation or retirement while under investigation by the peace officer’s employing law enforcement agency, a district attorney, or the attorney general that could result in being entered into the database;
6. Resignation or retirement following an incident that leads to the opening of an investigation within six (6) months following the peace officer’s resignation or retirement that could result in being entered into the database;
7. Being the subject of a criminal investigation for a crime that could result in revocation or suspension of certification pursuant to section 24-31-305 or 24-31-904 or the filing of criminal charges for such a crime; and
8. Actions described by the applicable statutory provision identifying the basis for a credibility disclosure notification as set forth in section 16-2.5-502(2)(c)(i), C.R.S.

By the 31st of January of each year, the IIB shall verify the accuracy of the certified peace officers employed by the department listed on the POST Records Management System by submitting the Rule 17 Form to POST. By submitting the form, the IIB is certifying that the agency has confirmed all certified peace officers associated with their law enforcement agency have no disqualifying incidents that would prevent the individual from being a certified peace officer in Colorado and that each certified peace officer has a valid Colorado driver's license or Colorado ID.

The department is required to provide accurate data for the POST Records Management System. Failure to adhere to the requirements of Rule 17 may subject individual certificate holders and the department to fines or other administrative sanctions as determined in accordance with Rule 31.

IIB Submission of Official POST Required Forms:

The Aurora Police Department, -IIB, will notify the Colorado Department of Law – POST Board using the appropriate official POST notification forms listed below:

1. Form 13 Finding of Untruthfulness
2. Form 13B Finding of Unlawful Use of Physical Force OR Failure to Intervene
3. Form 13C Unlawful Use of Body-Worn or Dash Camera
4. Form 13D Criminal Investigation or Charges by Investigating Agency

The required forms are accessible through the Aurora Police Department Power DMS and the [Colorado Peace Officer Standards and Training \(POST\) website](#).

10.2.34 RESOURCE GUIDES AND FLOWCHARTS

Appendices:

1. First Line Supervisor Complaint Guide
2. Command Officer Complaint Guide

Flowcharts:

1. First-Line Supervisor Complaint Process
2. Lieutenant Complaint Process
3. Command Complaint Process
4. IIB Complaint Process

10.02 APPENDIX A | DISCIPLINE – FIRST-LINE SUPERVISOR COMPLAINT GUIDE

Approved By:	Todd Chamberlain, Chief of Police
Effective:	Apr-14-2025
Revised:	Apr-14-2025
Associated Policy:	DM 10.02

10.02-1 RECEIVING A COMPLAINT OR BEING MADE AWARE OF ALLEGED MISCONDUCT

1. If a complaint is received, conduct an initial investigation.
2. Proceed with classification.
3. If alleged misconduct is observed or brought to your attention informally, consult with a Lieutenant and handle it accordingly.

10.02-2 CLASSIFYING A COMPLAINT

1. Significant Event Notification.
2. General Grievance – Do not enter into the administrative management system.
3. Citizen’s Inquiry – Enter into the administrative management system and close.
4. Alleged misconduct – Forward to the officer’s direct supervisor for review.

10.02-3 DETERMINE THE LEVEL OF ALLEGED MISCONDUCT

1. If the first-line supervisor gains awareness of alleged misconduct, they must consult with a Lieutenant.
2. Determine if the alleged misconduct exceeds a corrective action:
 - a. If alleged misconduct does NOT exceed a corrective action, at the direction of the Lieutenant, a first-line supervisor will complete a preliminary investigation, take corrective measures (e.g., verbal counseling, retraining), document the action in the administrative management system and track to the Lieutenant.
 - b. A Notice of Investigation (NOI) is not required to interview involved members.
3. If the alleged misconduct EXCEEDS a corrective action
 - a. The Lieutenant will assign a supervisor for a preliminary investigation.
 - b. A Formal NOI must be issued before interviewing involved members.
 - c. The Sergeant may issue NOI with the approval form Lieutenant
 - d. Once the preliminary investigation is complete, track to the Lieutenant.

10.02-4 CONDUCTING A PRELIMINARY INVESTIGATION

*A preliminary investigation not requiring a Significant Event Notification shall be concluded and forwarded within **eight (8) regularly scheduled duty days**.*

1. Gather Evidence
 - a. Determine the facts surrounding the allegation.
 - b. Make reasonable attempts to contact all complainants.
 - c. Make reasonable attempts to contact all witnesses
 - d. Review applicable body-worn camera (BWC) footage, surveillance footage, incident reports, and witness statements.

2. Interview Complainant/Witnesses
 - a. Complete thorough and unbiased interviews of witnesses. When key individuals are not interviewed, it diminishes the integrity of the investigation and may leave crucial details unexplored or unchallenged. Obtain the following:
 - i. Witness name and relationship to the incident
 - ii. What they allege occurred
 - iii. Their perspective on the incident
 - iv. Ask for any supporting information or evidence
 - v. Review [*DM 16.04 - Body-Worn Cameras*](#) for instruction regarding case number assignment and categorization of recorded interviews

3. Document Findings
 - a. Document attempts if you are unable to contact a complainant or witness.
 - b. Provide a neutral, fact-based summary of the alleged incident.
 - i. Include the complainant's initial statement (paraphrased or verbatim).
 - c. Clearly state each allegation, identify the specific policy violations (include policy name & specific section) and document the exact timestamps for BWC footage and any other applicable video evidence.
 - d. Clearly identify and categorize all relevant evidence as inculpatory or exculpatory.
 - e. Incorporate any additional evidence that provides necessary context or requires further interpretation.
 - f. Explain how each piece of evidence was used to come to a determination.
 - i. Were there credibility issues with statements?
 - ii. Did video/evidence support or refute the allegation?
 - g. Does the evidence support or contradict the allegations?
 - h. Consistency/inconsistencies with other evidence
 - i. Ensure the document is well-organized, with clear sections for allegations, policy violations, evidence, interviews and findings.
 - i. If the level of discipline does not exceed a corrective action, forward findings and recommendations up the chain of command for review.
 - ii. If the level of discipline is equal to or greater than a written reprimand, do not include disciplinary recommendations or conclusive statements.

All inculpatory and exculpatory evidence should be clearly documented to assist the adjudicator in making a fair and impartial decision. If evidence does not clearly fit into either category but is relevant to the case, it should still be included and documented to ensure a comprehensive and transparent review of all available information.

4. Submit the preliminary investigation report through the chain of command for review and adjudication by the commander.

10.02-5 PERSONNEL HISTORY

At the conclusion of any investigation, the command officer should review the last 24 months of the subject member's personnel history for consideration on adjudication outcomes.

- a. A review includes prior discipline, performance appraisal evaluations, annual evaluations, commendations and awards.

10.02-6 HANDLING SIGNIFICANT EVENTS

*Identified Significant Event Notifications shall be concluded and forwarded by the **end of the shift**.*

If at any point during the investigation a first-line supervisor becomes aware that the situation qualifies as a significant event (e.g., possible criminal charges, significant allegations of misconduct, or there is great public interest)

1. Notify a Lieutenant immediately or call duty executive if Lieutenant is not available
2. Immediately stop your investigation
3. Track the report to the Lieutenant

10.02-7 FOLLOW-UP

If an investigation is reassigned to a first-line supervisor for follow-up, it shall be finalized within **eight (8) regularly scheduled duty days** with an option of an extension approved by the Sergeant's Supervisor.

10.02-8 RECOMMENDATIONS

When interviewing subject officers and involved personnel, first-line supervisors should:

1. Avoid leading questions and ensure being fair, impartial, and unbiased in their interview process
2. Remain neutral throughout the interview process.
3. Avoid any framing that could introduce bias into findings.

First-line supervisors who require guidance during the investigation process are encouraged to reach out to IIB for support. While IIB serves as a resource to answer specific questions, they will not conduct the investigation on your behalf. Supervisors remain responsible for completing their assigned investigations barring a significant event notification requirement.

10.02-9 CONCLUSION

Minor Issues: Complete the investigation, correct behavior and document.

Moderate Issues: Conduct a preliminary investigation and forward it.

Serious Issues: Immediately notify the Lieutenant and escalate, call duty executive if Lieutenant is not available.

10.02-10 COACHING FOR IMPROVEMENT

Coaching for Improvement is an essential and independent process. Supervisors are encouraged to actively engage in counseling and training while addressing performance-related issues with members. This proactive approach is crucial, regardless of the ongoing investigation, and fosters a supportive and effective work environment.

10.02 APPENDIX B | DISCIPLINE – COMMAND OFFICER COMPLAINT GUIDE

Approved By:	Todd Chamberlain, Chief of Police
Effective:	Apr-14-2025
Revised:	Apr-14-2025
Associated Policy:	DM 10.02

10.02-1 RECEIVING A COMPLAINT OR BEING MADE AWARE OF ALLAGED MISCONDUCT

1. If a complaint is received, conduct an initial investigation.
2. Proceed with classification.
3. If misconduct is observed or brought to your attention informally, consult with a Command Officer.

10.02-2 CLASSIFYING A COMPLAINT

Lieutenant

1. Reviews complaints and classifies them as significant event, general grievance, citizen inquiry, or complaint, and determines if additional investigation is needed.
2. Assigns complaints to the subject member's first-line supervisor or command officer, or may retain to complete the investigation.

Commander

1. Reviews the classification of complaints forwarded through the chain of command.
2. Has broader authority to ensure proper adjudication of cases and determines if additional investigation is needed.
3. Can close out, adjudicate or escalate complaints as needed according to policy.

10.02-3 LIEUTENANTS HANDLING OF ALLEGED MISCONDUCT

1. Consult with a command officer to determine potential disciplinary outcomes.
2. If the alleged misconduct is **minor or performance-related**, and the consequence is at most a Corrective Action:
 - a. Conduct a preliminary investigation or assign a first-line supervisor to conduct a preliminary investigation
 - b. Document actions in the administrative management system.
 - c. Track to commander or designee for closure
 - d. Take appropriate corrective measures utilizing coaching for improvement and document the actions taken.
3. If the alleged misconduct **may exceed a Corrective Action**, conduct or assign a preliminary investigation.

- a. Discipline does not take the place of a corrective measure, and coaching for improvement should still take place along with proper documentation.

10.02-4 SIGNIFICANT EVENT NOTIFICATION

1. Notify the duty executive immediately if the case involves:
 - a. Possible criminal charges.
 - b. Matters of high public interest.

10.02-5 CONDUCTING A PRELIMINARY INVESTIGATION

Lieutenant

1. Refer to the First-Line Supervisor Complaint Guide for direction.
2. Forward findings and recommendations regarding potential adjudication by Commander.

Commander

1. **Reviews completed preliminary investigations** for accuracy and thoroughness.
2. Determines whether **additional investigation is required** and may assign follow-ups.
3. If disciplinary action beyond a **40-hour suspension** is likely, ensures case is properly escalated.
4. Can **refer cases to IIB** for complex investigations or matters of public interest.

10.02-6 DETERMINING DISCIPLINARY ACTION HANDLING INVESTIGATION OUTCOME

Lieutenant Actions

1. Written Reprimand or Less:
 - a. Lieutenants may clarify details with involved members before making findings.
 - b. Prior to interviewing a subject member, issue an NOI or delegate the task to a first-line supervisor.
2. Greater Than Written Reprimand:
 - a. Consult with the Commander regarding the next steps, referral to IIB.

Commander Actions

1. The Commander will request comparables from IIB for similar violations.
2. May instruct Lieutenant to issue NOI and conduct and gather additional facts.
3. The Commander will consult with Division Chief for referral to IIB in case of discipline greater than Written Reprimand.

10.02-7 POLICY FAILURE – DEPARTMENT ACTION RECOMMENDED

If it is determined that the issue stemmed from a policy failure, the Commander overseeing the investigation will author a memo detailing the findings and outline the recommended policy or training change(s).

This memo will be sent to the Chief of Police through the chain of command.

Chief of Police or designee to determine revisions to policy or training.

10.02-7 INVESTIGATION TIMELINES

1. Criminal, serious discipline, or high-public-interest cases:
 - a. Forward investigation ASAP.
 - b. Extensions granted by higher command.
2. Standard cases:
 - c. Complete and forward preliminary investigations within eight (8) duty days.
 - d. Follow-ups to completed investigations should be finalized within eight (8) duty days.

10.02-8 DOCUMENTATION AND REMEDIAL TRAINING

1. Document any remedial training or corrective action in the administrative management system.
2. Ensure recommendations align with department policies.

10.02-9 COACHING FOR IMPROVEMENT

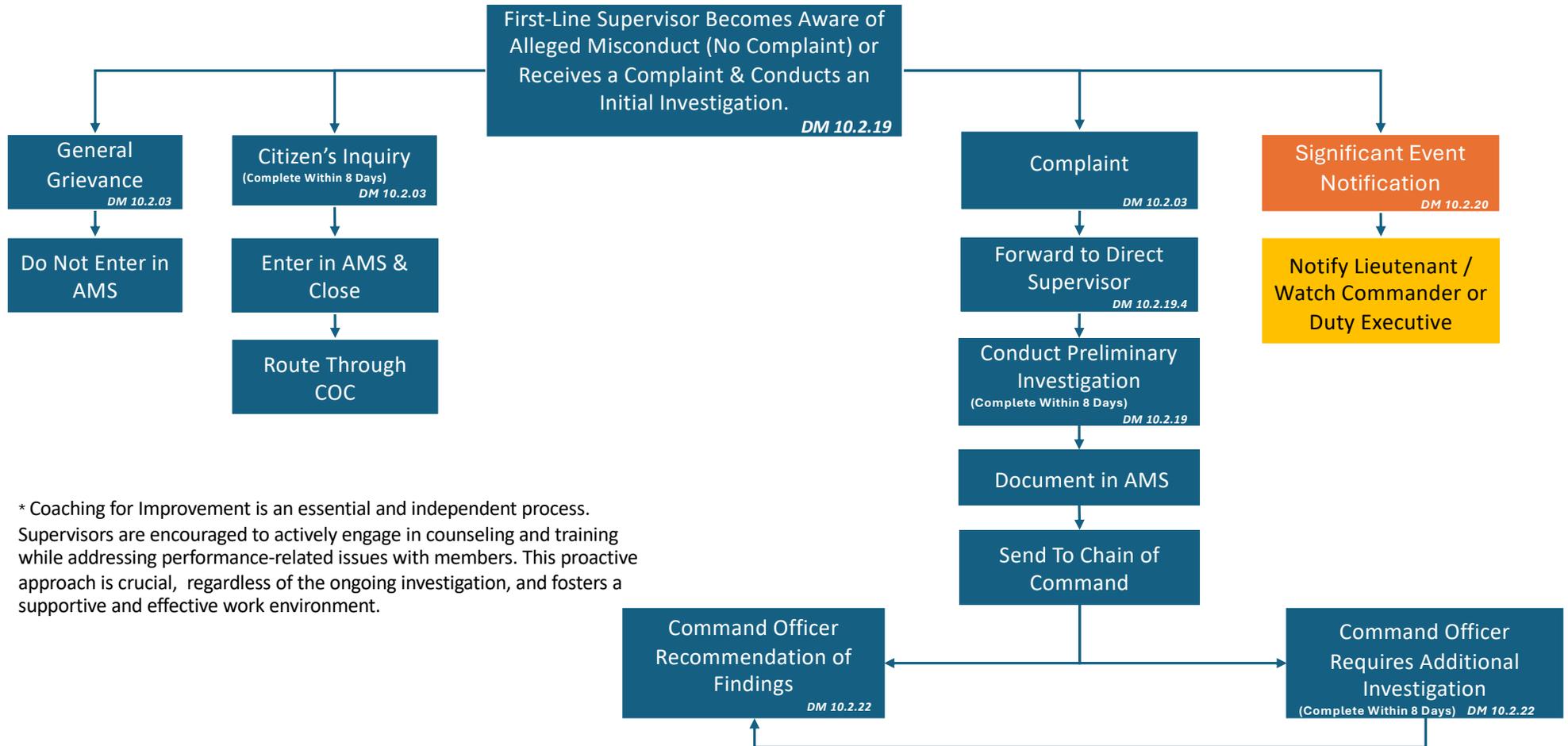
Coaching for Improvement is an essential and independent process. Supervisors are encouraged to actively engage in counseling and training while addressing performance related issues with team members. This proactive approach is crucial, regardless of the ongoing investigation, and fosters a supportive and effective work environment.

10.02-10 KEY DIFFERENCES BETWEEN LT AND CMDR RESPONSIBILITIES

	Lieutenant Responsibilities	Commander Responsibilities
Complaint Classification	Classifies complaints and assigns them within the chain of command.	Reviews and ensures proper classification before proceeding with adjudication.
Handling Minor Misconduct	If the misconduct is minor, limited to Corrective Action , the lieutenant will document the issue and send to Cmdr with recommendations of findings.	Oversees the handling of misconduct within their command and ensures the lieutenant followed proper procedures.

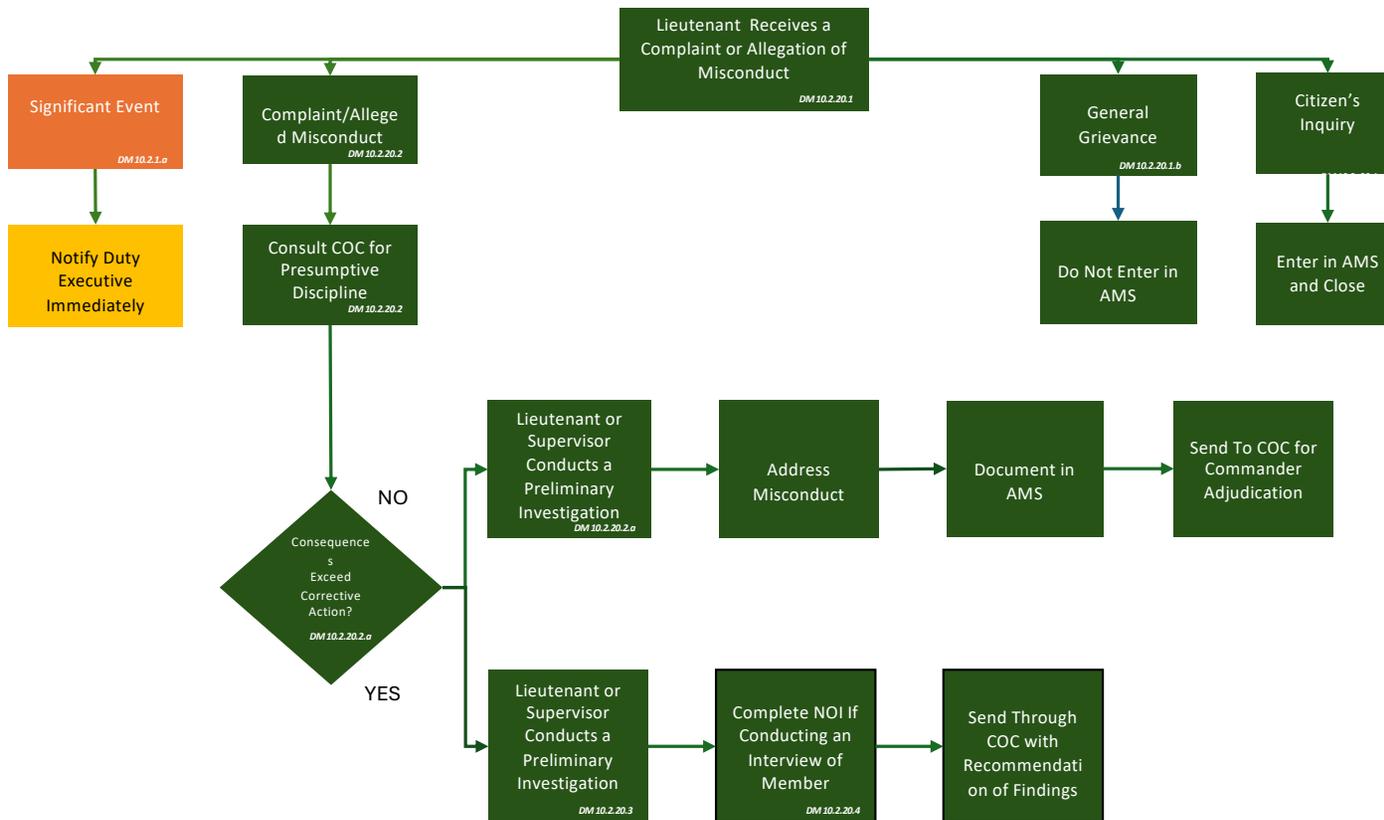
	Lieutenant Responsibilities	Commander Responsibilities
Handling Serious Misconduct	If the misconduct may result in discipline greater than a Written Reprimand , the lieutenant forwards the case without questioning the involved members.	With the expected discipline up to a 40-hour suspension , the commander provides findings, summary of evidence, and recommends discipline.
Significant Event Notification	Notifies duty executive of serious cases (criminal charges, suspension, high public interest).	Ensures higher-level review and notifies the division chief if necessary.
Preliminary Investigation	Conducts or assigns a preliminary investigation to gather initial facts and determine if further inquiry is needed.	Reviews completed preliminary investigations and determines if additional interviews or investigative steps are required.
Investigation Timelines	Must conclude and forward investigations within 8 duty days (extensions allowed by higher command).	Ensures preliminary investigations are completed on time and reviews findings before adjudication .
Adjudication & Disciplinary Recommendations	If discipline does not exceed a written reprimand , may clarify details and make a recommendation.	If discipline exceeds a written reprimand up to a 40-hour suspension , the commander recommends findings and discipline to the division chief.
Referral to IIB	Routes complaints to IIB if criminal violations are suspected, or complex investigation is needed.	May request IIB assistance for complex cases or cases of great public interest.
Final Decision Authority	Does not have the authority to impose discipline at the level of written reprimand and beyond.	Reviews and finalizes findings for discipline 40-hours and below of suspension before submitting to the division chief.

First-Line Supervisor Complaint Process



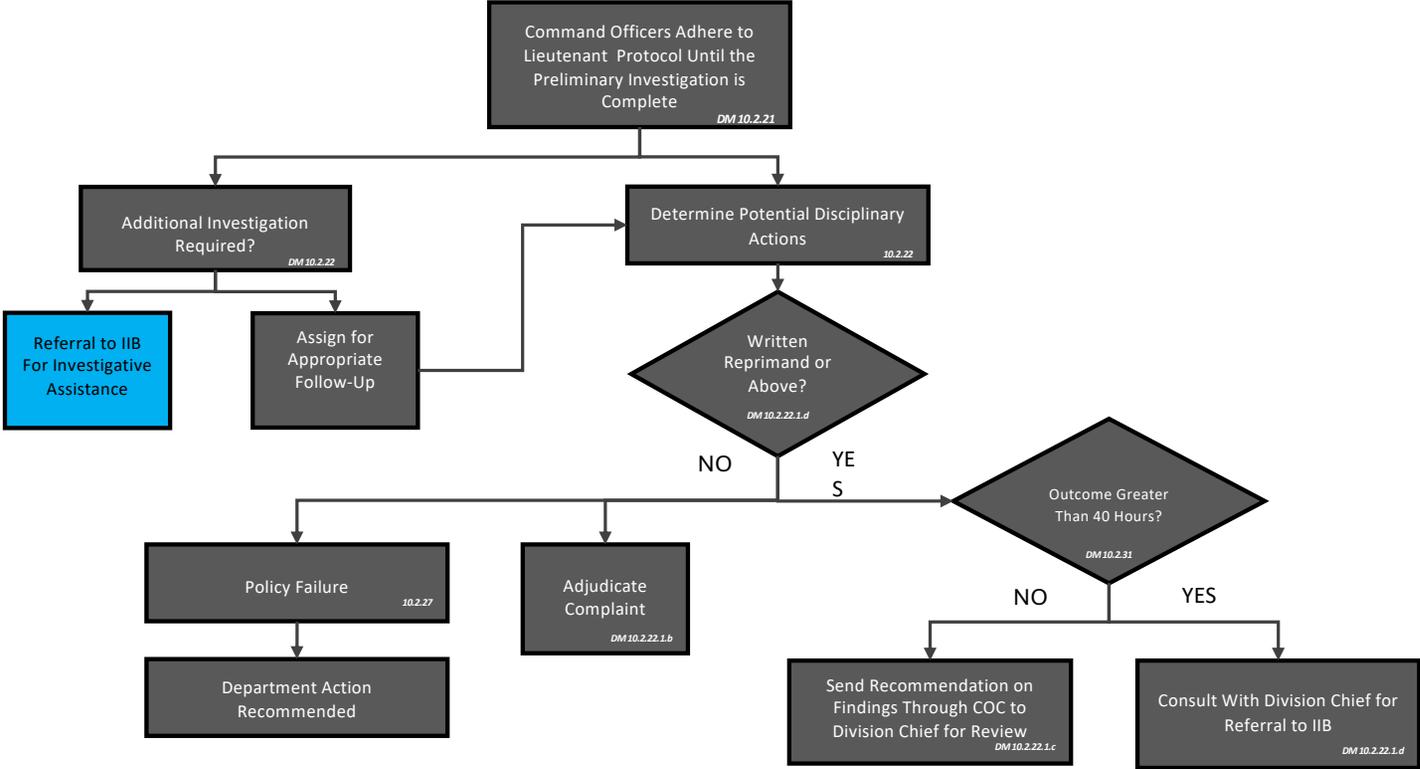
* Coaching for Improvement is an essential and independent process. Supervisors are encouraged to actively engage in counseling and training while addressing performance-related issues with members. This proactive approach is crucial, regardless of the ongoing investigation, and fosters a supportive and effective work environment.

Lieutenant Complaint Process



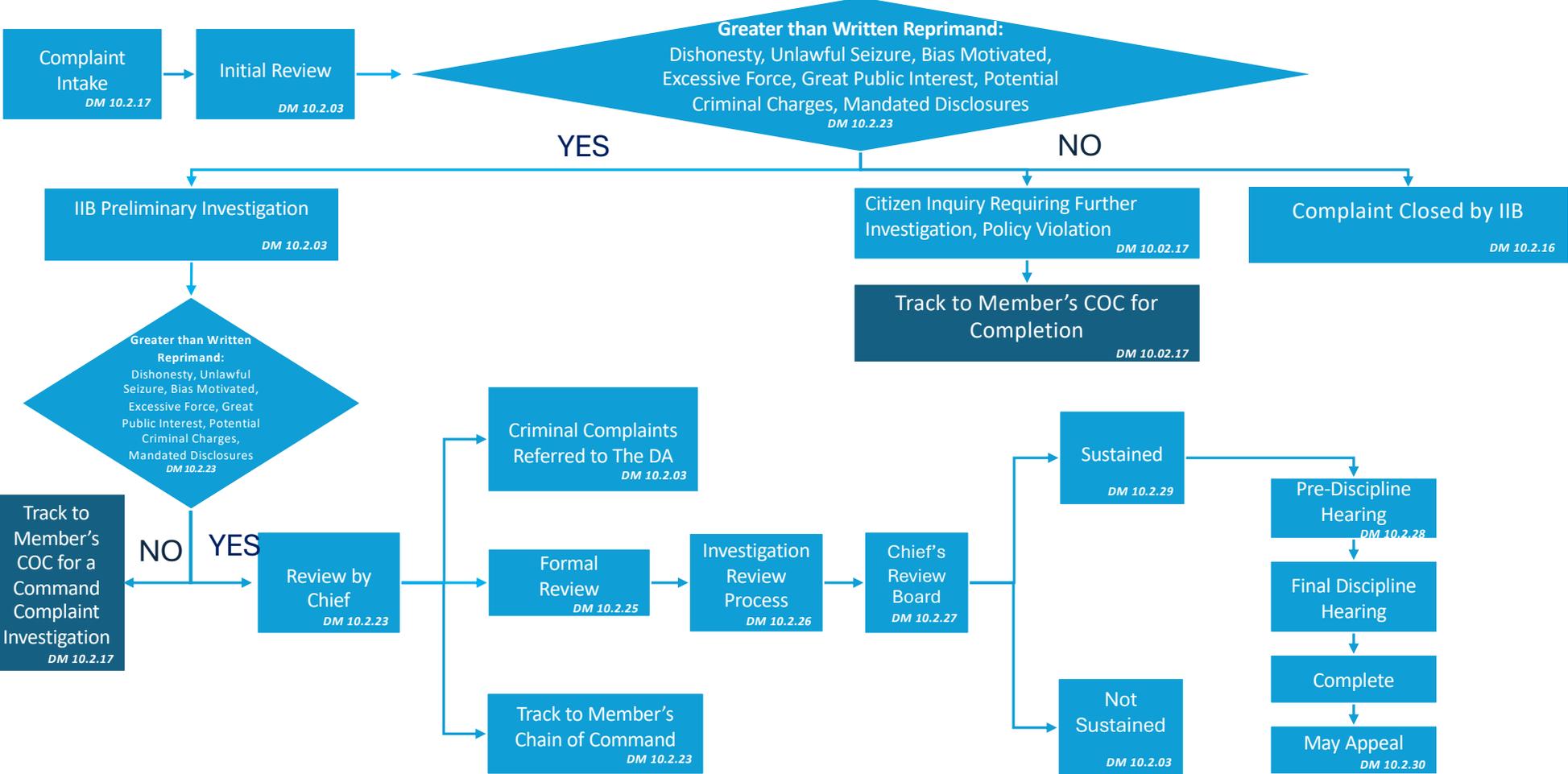
* Coaching for Improvement is an essential and independent process. Supervisors are encouraged to actively engage in counseling and training while addressing minor discrepancies with team members. This proactive approach is crucial, regardless of the ongoing investigation, and fosters a supportive and effective work environment.

Command Complaint Process



* Coaching for Improvement is an essential and independent process. Supervisors are encouraged to actively engage in counseling and training while addressing performance-related issues with members. This proactive approach is crucial, regardless of the ongoing investigation, and fosters a supportive and effective work environment.

IIB Complaint Process



APPENDIX K:

AFR 5.12

MANAGEMENT OF AGITATED PATIENTS OR
OTHER BEHAVIORAL HEALTH CRISES



5.12 Management Of Agitated Patients Or Other Behavioral Health Crises

Initiation of Restraint for an Individual with a Medical or Behavioral Health Crisis

Objective:

The objective of this policy is to protect agitated, combative, or violent patients from injuring themselves while simultaneously protecting the public and emergency responders from injury. The goal is to assess and evaluate these individuals to determine what is causing the behavior and provide appropriate care by medical protocols while ensuring safety for the patient and the emergency responders.

Definitions:

Aurora Mobile Response Team (AMRT): AMRT may be requested to evaluate an individual for an emergency mental health hold and when law enforcement resources are not needed for the situation, but additional resources are required to resolve the matter. AMRT is most appropriate for behavioral health calls for services that are non-violent in nature, have no mention of weapons, and do not require enforcement of criminal statutes. AFR shall request the assistance of Aurora911 to determine if the AMRT unit is available to respond to the scene.

Crisis Intervention Training (CIT): A program that provides a foundation to promote community and statewide solutions to assist persons with mental illness and/or substance abuse issues. The CIT model reduces both stigma and the need for further involvement with the criminal justice system. CIT provides a forum for effective problem-solving in such situations by promoting a context for the interaction between the criminal justice and mental health care systems.

Crisis Response Team (CRT): CRT shall respond, when possible, to active dispatched calls for service where behavioral health is the underlying cause. CRT is most appropriate for calls that are predominantly behavioral health in nature with a secondary criminal component. AFR will request the assistance of Aurora911 to determine if a CRT unit is available to respond to the scene. CRT is best utilized when the call for service is primarily mental health related with minor or no criminal elements or AMRT is not the appropriate response team because the interaction may involve violent behavior or involve weapons.

Revised: 12/23/2024

Reviewed: 12/23/2024

Effective: 12/23/2024

Danger to Self or Others: As defined by **C.R.S. § 27-65-102(10)(a) and (b)**, a person is considered a danger to self or others if they pose a substantial risk of physical harm to the person's self as manifested by evidence of recent threats of or attempts at suicide or serious

bodily harm to the person's self; or a person poses a substantial risk of physical harm to another person or persons, as manifested by evidence of recent homicidal or other violent behavior by the person in question, or by evidence that others are placed in reasonable fear of violent behavior and serious physical harm to them, as evidenced by a recent overt act, attempt, or threat to do serious physical harm by the person in question.

Gravely Disabled: As defined by **C.R.S. § 27-65-102(17)**, a person is considered gravely disabled when the person, as a result of a mental health disorder, is incapable of making informed decisions about or providing for the person's essential needs without significant supervision and assistance from other people. As a result of being incapable of making these informed decisions, a person who is gravely disabled is at risk of substantial bodily harm, dangerous worsening of any concomitant serious physical illness, significant psychiatric deterioration, or mismanagement of the person's essential needs that could result in substantial bodily harm. A person of any age may be "gravely disabled," but the term does not include a person whose decision-making capabilities are limited solely by the person's developmental disability.

Intervening Professional: Means a professional person¹, a registered professional nurse as defined in section 12-38-103(11), C.R.S. who by reason of postgraduate education and additional nursing preparation has gained knowledge, judgment, and skill in psychiatric or mental health nursing, a licensed marriage and family therapist, licensed professional counselor, or addiction counselor licensed under Part 5, 6, or 8 of Article 43 of Title 12, C.R.S., who by reason of postgraduate education and additional preparation has gained knowledge, judgment, and skill in psychiatric or clinical mental health therapy, forensic psychotherapy, or the evaluation of mental health disorders, or a licensed clinical social worker licensed under the provisions of Part 4 of Article 43 of Title 12, C.R.S.² Law enforcement officers, EMT's, and Paramedics are not Intervening Professionals.

JOINT POLICY³: An agreement between AFR and APD pertaining to a shared understanding of scene management practices.

M1 Holds: M1s are initiated by APD or CRT / AMRT. The individual signing the M1 paperwork is considered the authorizing authority. Per **C.R.S. § 27-65-106**, when a certified peace officer has probable cause to believe a person has a mental health disorder and, as a result of the mental health disorder, is an imminent danger to the person's self or others or is gravely disabled, the certified peace officer may take the person into protective custody and transport the person to a facility designated by the commissioner for an emergency mental health hold. If such a facility is not available, the certified peace officer may transport the person to an emergency medical services facility. The certified peace officer may request assistance from a behavioral health CRT or AMRT for assistance in detaining and transporting

¹ Intervening professionals: MD, DO, Psychologist, PA, APRN, RN with BHA training, LCSW, LMFT, LPC, LAC.

² <https://bha.colorado.gov/involuntary-transportation-for-immediate-screening-rules>

³ [APD Directive #09.06 COORDINATION WITH AURORA FIRE RESCUE AND EMERGENCY MEDICAL](#) Effective: 09/07/2021 References: C.R.S. § 18-1-707

the person or an emergency medical services provider in transporting the person. Pursuant to section 18-8-805 (1) and (2)(a)(I), peace officers shall not use, direct, or unduly influence the use of ketamine upon another person nor compel, direct, or unduly influence an emergency medical service provider to administer ketamine.

When an intervening professional reasonably believes that a person appears to have a mental health disorder and, as a result of the mental health disorder, appears to be an imminent danger to the person's self or others or appears to be gravely disabled, the intervening professional may cause the person to be taken into protective custody and transported to a facility designated by the commissioner for an emergency mental health hold. If such a facility is not available, the certified peace officer may transport the person to an emergency medical services facility. The intervening professional may request assistance from a certified peace officer, a secure transportation provider, or a behavioral health crisis response team for assistance in detaining and transporting the person, or assistance from an emergency medical services provider in transporting the person.

Med Control Consult: Consultation with a base contact physician or medical director to obtain an expert medical opinion on the appropriate disposition of the patient to first responders (example: law enforcement and EMS professionals that are on scene). **The determination for when a consultation is needed or appropriate is outlined in Protocol 0120 of the Aurora EMS Protocols.**

Mental Health Disorder: As defined by **C.R.S § 27-65-102(22)**, mental health disorder includes one or more substantial disorders of the cognitive, volitional, or emotional processes that grossly impairs judgment or capacity to recognize reality or to control behavior. An intellectual or developmental disability is insufficient to either justify or exclude a finding of a mental health disorder pursuant to the provisions of this article 65.

Reasonable Force: Force which is objectively reasonable under the circumstances and the minimum amount of force necessary to effect an arrest, enforce an M1 hold, or protect the officer or first responder.

Scene Safety: For EMS, this means that there are no obvious threats or hazards that can impede EMS providers from doing their work or bring them harm. This could be anything from an electrical hazard to an active shooter to an agitated patient. Scene safety also involves looking for less obvious risks that may not be clearly apparent to bystanders and managing them correctly.

Timely Manner: Is determined at the discretion of the team on scene, patient considerations, and other operational and public safety considerations.

Operational Guidance for Patients with Behavioral Health Crisis or Agitated/Combative Patients:

General Decision Points

- A. Determine if AFR has adequate personnel on scene to manage the scene and ensure safety for all. Request APD assistance if needed for crew safety.
- B. Determine if patient is having a medical emergency, a traumatic injury, or a behavioral health crisis.

- C. If this is a behavioral health crisis, determine if the patient is suspected to be a danger to themselves, danger to others, or is gravely disabled.
- D. If an M1 hold evaluation is needed, determine if APD or CRT/AMRT can arrive on scene within a timely manner.
- E. If APD or CRT/AMRT cannot arrive in a timely manner, AFR will determine decision making capability to make their medical decisions including the ability of patient to refuse care. AFR will follow their EMS protocols to provide appropriate medical care if a patient lacks decision making capacity to make their medical decisions.
- F. If AFR has any concerns about the disposition or safety of the patient if they are not transported, they can consult with Medical Control for guidance.

Refer to [Appendix A](#) for Operational Flow Diagram

Indications For Restraints:

- A. Use of medical restraints by EMS providers must be in compliance with Protocol 1130 of the Aurora EMS Protocols.
- B. Physical restraint of a patient is permissible and encouraged if the patient poses a danger to themselves or to others. Verbal de-escalation should be attempted, when possible, per treatment protocols. Only reasonable force is allowable, i.e., the minimum amount of force required to control the patient and prevent harm to the patient or others.
- C. Restraints can be used to keep the providers safe from injury while performing medical care if the patient is showing or has shown aggression to first responders and others.
 - a. Verbal de-escalation should be used first if the situation allows.
 - b. Physical restraints are the most commonly used form of restraints and are the first line option for EMS providers.
 - c. Use of a sedating medication can be used in situations where physical restraints are not adequate to protect the EMS providers from a patient, and when the degree of agitation and aggressive actions prevents the EMS providers from being able to perform the necessary evaluations and render medical treatment to a patient with possible serious or life-threatening medical emergencies. **See Agitated/Combative Patient Protocol (6010) in the Aurora EMS Protocols.**
- D. Restraints may be needed for patients who meet the following criteria:
 1. A patient who lacks decision making capacity to consent to or refuse care and who exhibits violent, combative, or aggressive behavior and who does not respond to verbal de-escalation.
 2. A patient who is considered to be at risk for behavior dangerous to themselves or to healthcare providers.

Special Considerations:

- A. Calls of this nature may have extended scene times, anticipate longer than expected dispositions.
- B. Request the involvement of law enforcement to assist in the safe restraint of violent patients. Law enforcement never serves as medical control for EMS and cannot suggest, request, or order EMS to restrain a patient for any reason.
- C. Any attempt to restrain a patient involves risk to the patient and the prehospital provider. Efforts to restrain a patient should only be made with adequate assistance present. (Refer to the Scene Management section.)

- D. Evaluate the patient to determine their medical condition, mental status, and decision making capacity.
- E. Be alert for any medical conditions or traumatic injuries that may ensue following a physical struggle. **Refer to Agitated/Combative Protocol (6010) in the Aurora EMS Protocols** for appropriate assessment and treatment guidelines.
 - 1. Continually monitor and assess the patient for any sign of restraint asphyxia, respiratory depression, decreased mental responsiveness, limb ischemia, or other emergency conditions according to the Aurora EMS Protocols.
- F. Attempt to gain information about the patient's condition, medications, medical devices, limitations or physical ailments through bystanders or family if possible.
- G. All patients receiving sedative medications should have supplemental oxygen administered, titrated to the needs of the patient.

Required Actions:

- A. **Required:** All patients that are in a Wrap restraint device placed by law enforcement will only be transported to a hospital via ambulance. Patients in a Wrap device are not to be transported in a police vehicle.
- B. **Required:** If given a sedative, cardiac and respiratory monitoring, and oxygen must be immediately applied as soon as it is possible to do so.
 - 1. This is to include cardiac monitoring, pulse oximetry, and capnography. It is imperative to minimize the gap between patient control and objective verifiable life status data which allows crews to immediately recognize life threats and intervene if necessary.

Restricted Actions:

- A. **Restricted:** Restraints may not be used as punishment, or for the convenience of transport.
- B. **Restricted:** "Hog Tying" and the use of hobble restraints is not authorized by the city; this includes for transport.
- C. **Restricted:** Handcuffs are not appropriate medical restraints and should only be placed on an individual by law enforcement personnel.
 - 1. Refer to Transport of Handcuffed Patient Protocol (6020).
- D. **Restricted:** At no point should the patient be restrained prone, and every attempt should be made not to put pressure on the abdomen, chest, or neck. Only in extreme situations where the life of responders is directly threatened should these areas be controlled.

Scene Safety and PPE:

- A. In the event of an imminent threat to physical safety, AFR retains the right to refuse assistance and leave the scene to preserve personal safety until the scene has been made safe to operate in.
- B. PPE must be worn prior to engaging the unrestrained combative patient needing transport.
 - 1. This is to include gloves and safety glasses.
 - 2. A bunker coat can be utilized to guard against a biting patient.
 - a) Prior to donning, ensure items in the pockets cannot be used as a weapon if taken by the patient.
 - 3. Make every attempt to ascertain whether the patient has a weapon prior to engaging.
 - 4. As deemed necessary, the utilization of spit hoods and soft mobile restraints is recommended.

- a. When a spit hood is used, EMS providers must remain attentive to the patient to assess for any ability of the patient to protect their airway and act accordingly if there are any airway or respiratory issues of concern.

Scene Management and Chain of Command:

- A. Prior to arrival on scene, request CRT/AMRT/APD resources to respond per the guidance in **C.R.S. § 27-65-107**.
 1. Asking responders who have a good rapport with patients to make the first contact may aid in creating a more favorable outcome.
 2. AMRT is most appropriate for behavioral health calls for service that are non-violent in nature, have no mention of weapons, and do not require criminal intervention. (See CRT/AMRT Information).If anticipating the need for APD assistance not currently on scene, request response through dispatch utilizing the phrase, "*Aurora Fire is requesting police assistance, due to personal safety risks*". Remember to relay the nature of the help needed, urgent vs. not urgent, and any other pertinent information.
- B. If CRT/APD is already on scene, AFR is to make contact to formulate and implement a plan prior to engaging the patient if the scene dynamics allow. CRT/APD may request AFR to stage as needed.
 1. An "on scene briefing" prior to engaging the patient is regarded as a best practice to safeguard against unfavorable outcomes.
 - i. Events that occurred prior to AFR's arrival.
 - ii. Known pertinent information regarding injuries or illnesses.
 - iii. Scene Safety concerns.
 - iv. Patient Disposition Concern.
 - v. Legal status of the patient in-custody vs. protective hold.
 2. When a scene is safe for EMS to evaluate a patient, the priority for AFR and APD is the life safety of the patient. Refer to the Patient Advocacy section in MOP 6.15 for further details.
 3. AFR will help evaluate the individual to determine whether the patient will remain with EMS or can be left in the care of CRT/APD.
 - i. Patients who do not have an acute medical condition or traumatic injury requiring care at an Emergency Department can potentially be released from EMS to the custody of CRT/APD.
- C. Prior to a transport against a patient's wishes, an APD member will confirm with AFR the patient's custody status to establish the transfer of care, by verbalizing, "*APD is transferring the patient to AFR patient care.*" AFR will verbalize to APD, "*AFR is assuming patient care*" when taking responsibility for a patient. AFR will notify dispatch over the radio when they have assumed care of the patient from APD. APD policies dictate this transfer of care will be captured on an APD member's body-worn camera.
- D. If patient control is to be retained by CRT/APD, AFR will assist as requested per JOINT POLICY.
- E. When a patient is transported by ambulance at the direction of APD due to their in-custody/arrest status, an APD member shall either ride with the patient in the ambulance or follow the ambulance to the hospital.

- F. When a patient is not in custody/under arrest, an APD member may ride in or follow the ambulance in the event AFR/EMS requires their assistance.
- G. If it is determined the patient will be treated and transported under AFR guidelines and protocols, then the lead AFR medic will make the decision on the level of restraint (physical/sedation).
- H. The use of medications is solely the decision and responsibility of EMS. Ideally, evaluation of the patient should be performed in a lateral recumbent or supine position without handcuffs. Physical control of the patient may require both EMS and police participation after the “hand-off” until the patient can be safely de-escalated or restrained⁴.
- I. The agency retaining control will ensure that adequate resources and personnel are on-scene to provide the highest level of patient care and safety for bystanders and EMS personnel.
- J. When AFR is retaining patient management, AFR may request APD to stay on scene to ensure security and safety.

Technique For 4-point Restraints:

- A. If use of a sedating medication is anticipated, the appropriate medication should be determined and drawn up ahead of time and prior to physical restraint. Have all equipment and personnel ready (i.e., monitor, restraints, suction, and a means to promptly remove restraints).
- B. Treat the patient with respect. Attempts to reassure or calm the patient should be made prior to the use of restraints. To the extent possible, explain what is being done and the reasons for it.
- C. Remain situationally aware, all interactions are being recorded.
- D. Have on scene or call for the minimum number of people to assist in physically restraining the patient. 6 in total:
 - a. one (1) for manually holding/controlling each limb;
 - b. one (1) for controlling the head and monitoring the airway/respirations;
 - c. one (1) to apply the restraints on each limb one at a time.
 - d. If a medication has been administered, the EMS providers are then responsible for application of the cardiac and respiratory monitoring and obtaining the first set of vital signs to include heart rate, blood pressure, respiratory rate, pulse oximetry, and EtCO₂.
- E. If a patient has received a medication to sedate them, one EMS provider will be designated with the sole task of monitoring the patient’s cardiac and respiratory status through the remainder of the call and transport until handoff at the receiving facility.
 - 1. Immediately obtain baseline vital signs upon successfully restraining the patient and retake every 5 minutes.
 - 2. Apply restraints to the extent required to allow treatment and prevent injury to the patient.
- F. After application of restraints, check all limbs for circulation. During the time that a patient is in restraints, continuous attention to the patient’s airway, respiratory status, circulation, and vital signs is mandatory.
- G. A restrained patient may never be left unattended by EMS personnel.

⁴ <https://cdphe.colorado.gov/paramedic-education-and-training/police-interaction-transfer-of-care-hand-off-and-medical-decisions>

Transport:

Refer to the specific guidelines regarding transport under the **Psychiatric/Behavioral Patient Protocol (6000)**.

Training Requirement:

- A. Crews should receive ongoing hands-on training on this topic annually as outlined in the AFR training requirements or more frequently as deemed necessary by AFR leadership.

Continuous Quality Assurance Reviews:

- A. All incidents involving use of medical restraints or chemical sedation will be reviewed by the Community Medical Branch on a continual basis under the Continuous Quality Improvement Program. These reviews will ensure that the Aurora EMS Protocols and the care being delivered remain current with best practices.

Appendix B

AURORA POLICE DEPARTMENT DIRECTIVES MANUAL

09.06	Title: COORDINATION WITH AURORA FIRE RESCUE AND EMERGENCY MEDICAL SERVICES		Duty Honor Integrity
	Approved By: Christopher Juul, Acting Chief of Police		
	Effective: 09/07/2021	Revised: 04/25/2022	
	Associated Policy: DM 05.03, 06.05, 16.04, 17.05		
	References: C.R.S. § 18-1-707		
Review: Professional Accountability Division Chief			Page 1 of 5

9.6 COORDINATION WITH AURORA FIRE RESCUE AND EMERGENCY MEDICAL SERVICES

9.6.1 Purpose

The purpose of this policy is to ensure effective emergency service delivery to the Aurora community when Aurora Police Department (APD) members are working jointly with Aurora Fire Rescue (AFR) and/or other Emergency Medical Service (EMS) providers.

9.6.2 On-Scene Communication

APD and AFR routinely respond together to emergency incidents. Communication and continuity of operations are imperative for scene safety and effective service delivery. For large-scale or prolonged incidents, both departments utilize the Incident Command System (ICS) to manage operations. During large-scale incidents, APD Incident Command will, as early as is practical, establish face-to-face communication with Aurora Fire Command to unify command and coordinate the efforts.

9.6.3 Radio Communications

Small Scale Events: APD and AFR will utilize their assigned talk groups and request assistance from Aurora911 when information needs to be relayed and agency personnel have not yet made contact.

Large Scale Events: Radio communications should be coordinated with AFR and Aurora911 to determine if channels should be patched or a dedicated channel is necessary. As control of the incident progresses, Aurora911 may request the incident commanders move to OP-A or another appropriate radio channel or talk group. Protocol for non-emergency situations that require direct radio communication between police and fire incident command is provided for in "DM 17.05 - Communication Protocols."

9.6.4 AFR Staging Procedure

AFR will determine if a scene they are responding to requires them to "stage" for police protection prior to contact. Aurora911 will provide risk factors to AFR and this determination is the responsibility of the AFR Company Officer.

In cases where APD is already on-scene, Aurora911 will provide risk factors and AFR will coordinate through Aurora911 when it is appropriate for them to proceed on-scene.

In cases where APD is on-scene and is requesting AFR/EMS to stage, the information should be relayed to Aurora911 by APD members, including any risk factors for AFR/EMS (e.g., staging distance, at-large subject, weapons, etc.). In these cases, AFR/EMS will stage and wait for further direction. APD members should advise of safe entry routes or provide escorts into scenes as appropriate.

9.6.5 Patient Care

A person being assessed for medical care, receiving medical care, or being transported for medical purposes is considered a "patient," regardless of whether they are in custody or under arrest. The immediate medical needs of any patient will take precedence over police functions.

APD members should work with AFR/EMS to coordinate the ability to provide necessary medical care with considerations for the safety of personnel and the community.

APD members should provide all relevant information to AFR/EMS that is known about the patient, including but not limited to:

- Name
- Custody Status (e.g., police custody/under arrest, lawful police detention, voluntary or involuntary M-1, free to leave, etc.)
- Nature of Injury (e.g., accident, the victim of assault, subject of police use of force, etc.)
- Treatment rendered prior to AFR/EMS arrival.
- Safety Concerns (e.g., scene, subject, etc.)
- Known or suspected drug or alcohol use.
- Known pre-existing medical conditions.

All reasonable requests by AFR/EMS regarding patient medical care should be accommodated. This could include:

- Modifying Restraints
- Relocating the patient if the current location is unsafe or inhibits medical assessment/care.
- Altering the position of the patient to enhance medical assessment/care.

9.6.6 Patient Restraint

Restraining a person (patient, suspect, or arrestee) requires the use of physical force. C.R.S. § 18-1-707 and "DM 05.03 - Use of Physical Force" describe the circumstances in which police have the authority to use physical force. Members may use physical force only if non-violent means would be ineffective in:

- Effecting an arrest,
- preventing an escape, or
- preventing an imminent threat of injury to the sworn member or another person.

This authorization does not include restraining solely for medical reasons.

In cases where a patient is uncooperative, resistive, or combative during the medical assessment, medical care, or medical transport by AFR/EMS, and none of the circumstances cited in C.R.S. § 18-1-707 are present, it is unlawful for APD to use physical force. In these cases, APD members should explain to AFR/EMS that APD members do not have statutory authority to restrain the patient.

APD members will work with AFR/EMS to coordinate patient assessment, care, or transport options which may include APD members' non-physical assistance such as:

- De-escalation Techniques
- Utilizing Family/Friends (without compromising safety)
- Crisis Response Teams (CRT)
- Mental Health Counselors

If these measures prove ineffective, AFR/EMS will determine the next steps using their combative patient protocols. If AFR/EMS determines the circumstances constitute a refusal, AFR/EMS will handle the patient according to their policy.

APD members shall not direct medical decisions to AFR/EMS, including recommending force or using sedation. APD members may provide critical medical information or any other pertinent information about the individual or the scene of the emergency that may assist the EMS provider's assessment. APD members who are also certified as an EMS provider acting in the role of a SWAT or ERT paramedic can consult with other providers on the scene regarding patient care.

9.6.7 Search of Patients

Statutorily, APD members may only search patients under the following circumstances:

- Incident to a lawful arrest.
- Reasonable suspicion the patient unlawfully possesses a weapon.
- Consent of the patient.

If a transporting agency has the policy to search prior to medical care or prior to transport, the transporting agency employees will be responsible for the search. APD members will not conduct a search to enforce another agency's search policy.

9.6.8 Patients in Possession of Weapons

APD members may be asked to assist AFR when an AFR patient (who is not in APD custody) is legally armed with a weapon. Members will attempt to gain voluntary compliance and/or consent to disarm the patient. An APD member will only use physical force to remove the weapon if they can articulate that non-violent means would be or have been ineffective and that they acted to prevent an imminent threat of injury to the member or another person.

APD members will identify a safe method to secure the AFR patient's weapon. Options may include:

- Leaving the weapon with family or friends if safe to do so and they are willing to accept it.
- Leaving the weapon in a residence or other safe and secure location.

Firearms shall not be secured in a vehicle that will be left unattended. APD members will take possession of weapons that cannot be safely secured at that time and will place them into APD Property as personal property. The patient and AFR/EMS personnel should be provided the associated APD case number related to the placement of the personal property.

9.6.9 Transfer of Care

APD members may request AFR assist with the transport of an in-custody/arrested person based on injury or illness. Under these circumstances, the in-custody/arrested person cannot refuse transport. In these situations, prior to transporting against the patient's wishes, an APD member will confirm with AFR/EMS the patient's police custody status and medical custody status to establish the transfer of care by verbalizing that, "APD is transferring the patient to AFR patient care." Additionally, AFR will verbalize to APD "AFR is assuming patient care" when taking responsibility for a patient. This transfer of care will be captured on an APD member's body-worn camera.

When a patient is transported by ambulance at the direction of APD due to their in-custody/arrest status, an APD member shall either ride with the patient in the ambulance or follow the ambulance all the way to the hospital.

When a patient is not in custody/under arrest, an APD member may follow the ambulance in the event AFR/EMS requires their assistance.

9.6.10 Medical Clearances

AFR/EMS cannot medically clear a person on-scene. AFR/EMS's role, when requested by APD, is to evaluate a patient to determine if the person should be transported to a medical facility for further evaluation or medical treatment. Refer to APD "DM 06.05 - Transportation of Detainees," section "6.5.11 Sick or Injured Detainees," for further guidance.

If an in-custody/arrested person requires medical clearance, the subject must be transported to an authorized medical facility. APD members should consult with AFR members to determine the appropriate form of transport (e.g., ambulance or police vehicle).

9.6.11 Body-Worn Camera Use

APD members are directed by state law to have body-worn cameras (BWC) activated when in contact with the public. This includes situations when AFR/EMS are treating a patient. APD members will comply with APD directive "DM 16.04 - Body-Worn Cameras" (APD members have the sole authority to mute cameras as directed in this policy). AFR/EMS does not have the authority to direct APD members to turn off or mute a BWC.

If necessary and/or appropriate, the BWC video can be edited by APD to redact audio, personal identifying features, and personal information prior to release.

APPENDIX L:
JANUARY 2025 APD ACADEMY
CANDIDATE DROP RATES

January 2025 – APD Academy

Data and Analysis



Candidate Drop Rates By Various Stages In the Hiring Process

- Hired 7.7% (50 of 653) of applicants

APD Academy - January 2025

Demographics Categories	Applicants		Application Review - Rejected <i>(not eligible)</i>		Non-responsive or No-show <i>(at any stage)</i>		Withdrew from Process or Declined		Written Assessment (NTN) - Failed		Physical Fitness - Failed		Interview Panel - Failed		Chief's Review - Not Approved		Hired Selected	
Female	117	17.9%	4	3.4%	59	50.4%	8	6.8%	17	14.5%	9	7.7%	2	1.7%	7	6.0%	9	7.7%
Male	531	81.3%	15	2.8%	250	47.1%	42	7.9%	99	18.6%	18	3.4%	29	5.5%	28	5.3%	41	7.7%
Nonbinary	2	0.3%		0.0%	1	50.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%		0.0%		0.0%
Choose not to Identify	3	0.5%		0.0%	1	33.3%	0	0.0%	0	0.0%	1	33.3%	0	0.0%	1	33.3%		0.0%
Total	653	100.0%	19	2.9%	311	47.6%	50	7.7%	116	17.8%	28	4.3%	31	4.7%	36	5.5%	50	7.7%
American Indian or Alaska Native	13	2.0%		0.0%	6	46.2%		0.0%	3	23.1%		0.0%		0.0%		0.0%	1	7.7%
Asian	23	3.5%	1	4.3%	11	47.8%	1	4.3%	7	30.4%	2	8.7%	1	4.3%		0.0%	1	4.3%
Black or African American	106	16.2%	8	7.5%	54	50.9%	4	3.8%	19	17.9%	2	1.9%	4	3.8%	8	7.5%	6	5.7%
Hispanic or Latino	128	19.6%	1	0.8%	60	46.9%	10	7.8%	18	14.1%	6	4.7%	5	3.9%	6	4.7%	13	10.2%
Native Hawaiian or Other Pacific Islander	11	1.7%		0.0%	5	45.5%	1	9.1%	2	18.2%	3	27.3%		0.0%		0.0%	1	9.1%
Two or More Races	91	13.9%	2	2.2%	44	48.4%	5	5.5%	23	25.3%	4	4.4%	4	4.4%	5	5.5%	2	2.2%
White	239	36.6%	3	1.3%	111	46.4%	24	10.0%	34	14.2%	11	4.6%	16	6.7%	14	5.9%	25	10.5%
Choose not to Identify	42	6.4%	4	9.5%	20	47.6%	5	11.9%	10	23.8%		0.0%	1	2.4%	3	7.1%	1	2.4%
Total	653	100.0%	19	2.9%	311	47.6%	50	7.7%	116	17.8%	28	4.3%	31	4.7%	36	5.5%	50	7.7%

**APPENDIX M:
RULES & REGULATIONS
OF THE CIVIL SERVICE COMMISSION
EFFECTIVE FEBRUARY 11, 2025**

R U L E S & R E G U L A T I O N S

OF THE CIVIL SERVICE COMMISSION AURORA, COLORADO

(Updated February 11, 2025)

The rules and regulations contained in this manual are intended to effectuate the purposes of the City of Aurora's Civil Service System. These rules are not intended to create any contractual rights for applicants or employees. These rules are subject to change at any time by formal action of the Civil Service Commission. All applicants for original appointment and all employees for promotion shall be subject to the same rules and regulations as all other applicants or employees for the same eligibility list.

CONTENTS:

SECTION I – GENERAL INTENT AND STRUCTURE OF THE CIVIL SERVICE COMMISSION

SECTION II – ORIGINAL APPOINTMENTS: ENTRY-LEVEL, LATERAL, REINSTATEMENT, WORK FORCE REDUCTION

SECTION III – PROMOTION WITHIN CIVIL SERVICE RANKS

SECTION IV – DISCIPLINARY APPEALS PROCEDURE

SECTION I. GENERAL INTENT AND STRUCTURE OF THE CIVIL SERVICE COMMISSION.

For Additional detail, please see Appendix A

- 1. CIVIL SERVICE COMMISSION.** The Aurora Civil Service Commission (hereinafter referred to as the "Commission") was created in 1967 by the City Charter of Aurora, Colorado (hereinafter referred to as the "Charter") and is charged with the responsibility of administering a separate Civil Service system for uniformed members of the Fire and Police departments. The Commission is committed to the support of the City of Aurora's policy of equal employment opportunity as well as upholds the Civil Service Commissioner Code of Ethics (Resolution No. R2000-81, signed November 27, 2000, when hearing disciplinary appeals).
 - a. Members.** The Commission is composed of not less than three (3), nor more than five (5) members, as determined by the Aurora City Council (hereinafter referred to as "City Council") by Charter. Commissioners shall be residents of and registered electors of the City of Aurora, Colorado, prior to their appointment as Commissioners. Should a Commissioner cease to be a resident or elector of the City of Aurora, the Commissioner must resign. According to the Charter, no member of the Commission may hold any other position in the City of Aurora for which he/she receives either a per diem or salary compensation. A waiver of any such per diem or salary compensation may not circumvent this provision, nor may any member of the Commission be an appointive member of any other Board or Commission serving the City of Aurora.
 - b. Commissioner Term.** All Commissioner appointments shall be for a three (3) year period, up to three (3) consecutive terms. Commissioners shall be selected and appointed by a majority vote of the City Council.
 - c. Duties.** The Commission is responsible for establishing rules and regulations to administer the separate Civil Service system of the Fire and Police departments. It is responsible for:
 - (1) Establishing qualifications and service requirements, examination and certification of all applicants for original (cadet and entry-level) and lateral-entry appointment to the Civil Service system; and
 - (2) Promotional appointment within the Civil Service system; and
 - (3) Conducting Civil Service disciplinary review hearings. Compensation and Classification of Commissioners
 - d. Compensation and Classification of Commissioners.** Commissioners are compensated as set forth in Section 102-69 of the City Code. Pursuant to IRS regulations and a 1995 legal opinion, Commissioners are classified as employees of the City of Aurora.
 - e. Compensation and Classification of Commission Staff.** Pursuant to City Charter, the City's Personnel Policies and Procedures Manual, and legal opinions,

most recently July 2014, Commission Staff are "at will" employees subject to the Policies and Procedures established by the Civil Service Commission. The Commission sets its own classification and compensation system for their staff. Commission staff shall receive the same benefits as Career Service employees (annual and sick leave, medical, retirement contributions, etc.), although they are not able to appeal any discipline to the Career Service Board. Oversight for this compensation system comes only from the City Council as part of the annual budget proposal process.

- 2. COMMISSION MEETINGS.** Regular meetings shall be held as determined by a majority of Commissioners. The Chairperson may call special meetings at any time, provided each Commissioner is given twenty-four (24) hours notice thereof and the provisions of the Colorado Sunshine Act, C.R.S. 24-6-402, are met. A meeting will be called if requested by a majority of Commissioners, subject to the twenty-four-(24) hour notice requirement.
 - a. Notice of Meetings.** Meetings at which a majority of the Commission is in attendance, or is expected to be in attendance, and at which the adoption of any proposed policy, position, rule, regulation, or formal actions are expected or occurs shall be held only after full and timely notice to the public. Full and timely notice shall be deemed to have been given when the notice of the meeting is posted within the boundaries of the Commission offices and/or forwarded for posting in the City of Aurora Municipal Building in the normal location for such posting no less than twenty-four (24) hours prior to the holding of the meeting. Individual electronic notification will specifically be given to the Deputy City Manager, Police and Fire Chiefs.
 - b. Quorum.** Two (2) Commission members shall constitute a quorum with a three member Commission, and three (3) members shall constitute a quorum with a four or five member Commission. Any vote cast shall constitute "one vote." All actions determining Commission policy shall require a majority vote of the full body.
 - c. Agendas.** Agendas of regular meetings shall be prepared in advance by the Commission staff. Any Commissioner may place items on the agenda. Items may be placed on the agenda at regular meetings with concurrence of the majority of Commissioners present at the meeting.
 - d. Procedure for Meetings.**
 - (1) At the first meeting in December, or at the earliest possible date thereafter, the Commission shall elect a Chairperson and Vice Chairperson from its members by a majority vote of those Commission members present. The Chairperson and Vice Chairperson shall serve for that calendar year. If the position of Chairperson or Vice Chairperson becomes vacant between annual elections, an election will be held as soon as possible by a majority vote of the remaining Commissioners to fill such vacancy.

(2) The Chairperson shall preside at all Commission meetings and shall direct the business and affairs of the Commission in an orderly manner, as approved by Commission members. In the absence of the Chairperson, the Vice-Chairperson shall preside at meetings, sign necessary documents, and perform other duties ordinarily performed by the Chairperson. Should both Chairperson and Vice Chairperson be unavailable for conduct of Commission business including, but not limited to, chairing meetings and signing correspondence, the remaining Commissioners may, by majority vote, elect an Acting Chairperson from their number for conduct of such business.

(3) The Chairperson or Vice Chairperson may be removed from such position during term of office by a majority vote of Commissioners at a special meeting convened for that purpose.

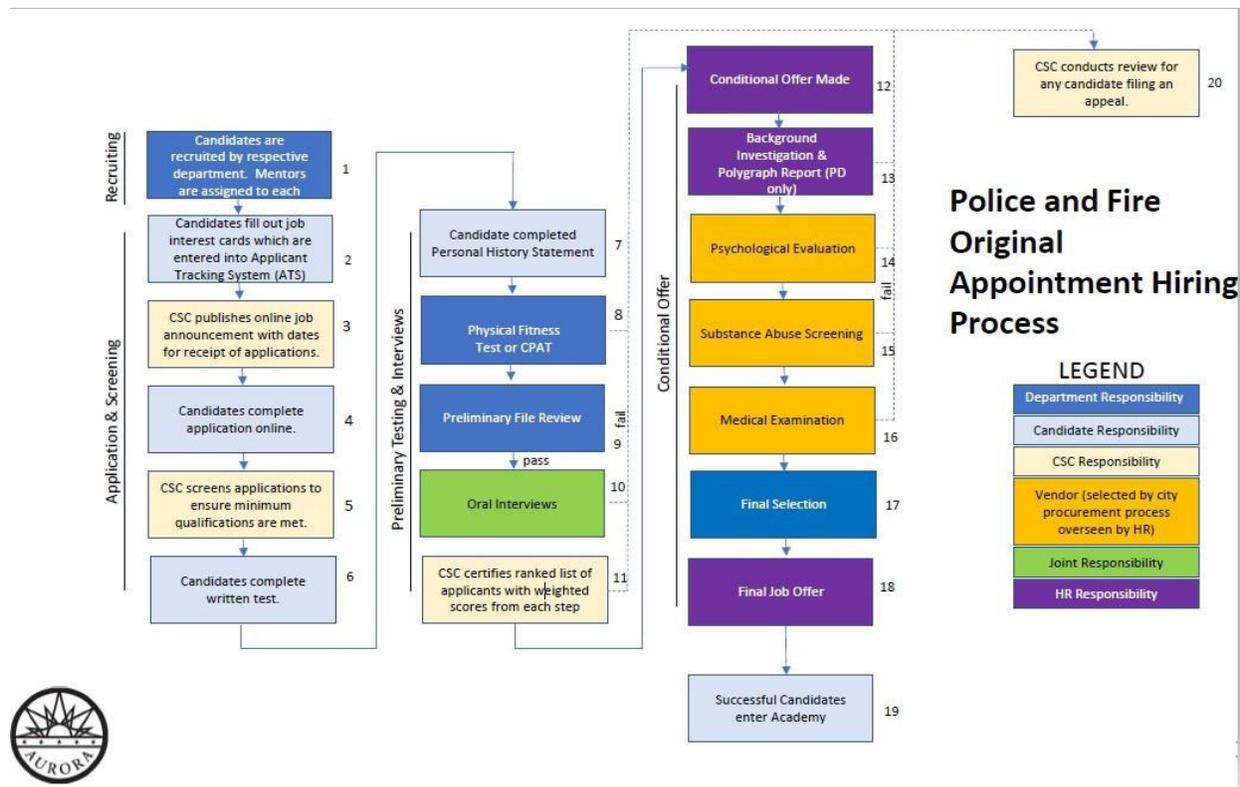
e. Minutes. A record, in the form of minutes, shall be kept at each meeting of the Commission. Minutes shall note time and place of meeting, names of Commission members present and absent, and all official acts of the Commission during the meeting. A draft of the minutes shall be transcribed and distributed to Commissioners prior to the next regular meeting via email, and shall be approved by Commission members as presented or amended. After Commission approval, minutes shall be signed by the Chairperson, attested to by the staff member appointed by the Commission acting as recording secretary, and permanently maintained in Commission files.

3. COMMISSION OFFICE HOURS. Commission business shall normally be conducted Monday through Friday, from 8:00 a.m. to 5:00 p.m., and shall be closed on Saturdays, Sundays, certain off-site testing dates, and City recognized holidays. The Commission must specifically approve changes to this schedule.

SECTION II. ORIGINAL APPOINTMENTS: ENTRY-LEVEL, LATERAL, REINSTATEMENT, WORK FORCE REDUCTION.

Section Summary: Applicants for original appointment including Entry-Level, Lateral, and Reinstatement appointments to Civil Service positions of the Aurora Fire Rescue or Aurora Police Department shall be subject to qualification and examination procedures stated in the following paragraphs. All applicants who possess the minimum qualifications established by the Commission shall be allowed to participate in the initial examination process. This process seeks to provide the Aurora Fire Rescue, Aurora Police Department, and all Aurora citizens with the most qualified applicants irrespective of the applicant's race, creed, color, gender, age, national origin, sexual orientation, religion, or political opinions or affiliations.

The full process effective for the Academies beginning after July 1, 2023 is detailed in the flowchart below. The Civil Service Commission Rules and Regulations lay out the responsibilities of the Civil Service Commission. Please note the Legend lays out the responsibilities of other city departments throughout the hiring processes which has been discussed with all stakeholders.



Application and Screening Section

1. JOB ANNOUNCEMENT. Box #3 from flowchart:

- a. The Civil Service Commission publishes the online job announcement with dates for receipt of applications based on the job descriptions, including application and testing deadlines, provided by the respective departments, and reviewed by Human Resources.
- b. The Civil Service Commission shall initiate a process to create a Certified Eligibility List for one or more Academies as described below.

2. SCREENING APPLICATIONS. Box #5 from flowchart: Civil Service Commission screens applications to ensure minimum qualifications are met.

- a. The Civil Service Commission shall determine the minimum qualifications for original appointment to include:
 - i) Entry-Level Police applicants shall be 21 years old by the projected end date of the Academy. Entry-level Fire applicants shall be 18 years old by the projected start date of the Academy. Proof of age shall be either a copy of a state, or municipality-issued original Birth Certificate, Passport of the United States of America, or evidence of Naturalization.
 - ii) Be a citizen of the United States of America or a person who is lawfully admitted for permanent residence in accordance with the Immigration and Nationality Act. Proof of citizenship shall be either a copy of a state or municipality-issued original Birth Certificate, Passport of the United States of America, or evidence of Naturalization.
 - iii) Have completed a minimum education of high school completion, or GED equivalency. Proof shall be a copy of the High School Diploma, copy of the GED Certificate, or successful completion letter from an accredited school's Principal or District Superintendent, or other documentation approved by the Commission. Candidates who have completed any credit hours from an accredited college/university must also include a copy of college transcripts from all post-secondary schools attended along with any of the accepted documentation above when requested. If home-schooled, documentation must meet the standards of the state of matriculation. If the home-schooled candidate has been accepted in any accredited post-secondary institution, it shall be determined that they have met all the above education requirements.
 - iv) Must have a valid driver's license and if not a Colorado driver's license, be able to obtain a Colorado driver's license by the start of the Academy.
 - v) Be able to perform minimum essential job functions of the recruit position.
- b. The Civil Service Commission shall determine automatic grounds for disqualification from the hiring process to include:
 - i) Conviction of, or deferred judgment for, a crime which is a felony under state or federal law; or military conviction by a court-martial that is comparable to a felony conviction.

- ii) Conviction of any crime or ordinance violation, which would bar the applicant from possessing a firearm or ammunition under Federal or Colorado law. (For Police Officer Applicants only.)
- iii) Conviction of, deferred judgement for, or combination of any misdemeanor causing disqualification under POST standard 24-31-305. (For Police Officer Applicants only.)
- iv) Illegal distribution of any controlled substances or drugs, including steroids, in the last (3) years. Frequency of behavior, quantity of drugs involved, and type are considered at time of background.
- v) Conviction of or deferred judgment for any driving offense below within the last three (3) years from the projected start date of the Academy:
 1. Homicide or assault with a vehicle;
 2. Leaving the scene of a crash (hit and run);
 3. Eluding a Police Officer;
 4. Any vehicle related felony;
 5. Drag Racing/Exhibition of Speed;
 6. Reckless driving resulting in serious bodily injury/death;
 7. Driving while intoxicated (DUI, DWAI, DUID)

Frequency and type of all driving offenses are considered at time of background.

- c. The Commission shall notify any applicant whose application has been disqualified during the application screening process via the applicant tracking system (ATS) and shall identify the Commission Rule(s) for such disqualification.
- d. Applicants who have been disqualified due to factual errors in their applications may appeal their disqualification to the Civil Service Commission under the established appeal procedures in Section II Rule (9).

3. ENTRANCE EXAMINATION. Box #6 from flowchart: Candidates complete written test.

- a. The Civil Service Commission shall collaborate with the departments and Human Resources to choose the written examination, the testing vendor, and the minimum passing score and deadlines for the examination period.
- b. The Civil Service Commission shall receive the testing results and notify Human Resources of all candidates with passing scores.
- c. The Commission shall notify any candidate whose application has been disqualified during the entrance examination via the ATS.
- d. Candidates who have been disqualified may appeal their disqualification to the Civil Service Commission under the established appeal procedures in Section II Rule (9).

Preliminary Testing and Interview Section

- 4. PRELIMINARY FILE REVIEW.** Box #9 from flowchart:
- a. Candidates who have been disqualified during the preliminary file reviews conducted by the respective department may appeal their disqualification to the Civil Service Commission under the established appeal procedures in Section II Rule (9).
- 5. ORAL INTERVIEWS.** Box #10 from flowchart: Department led interview panels administered by Human Resources.
- a. At the discretion of the Civil Service Commission, Commissioners may elect to; 1) score applicants as board members, 2) serve as a non-scoring monitor on each interview panel, or 3) decline participation.
 - b. The number and content of interview questions, number of interview panels and assessors for each panel shall be determined through collaboration with the Commission, the applicable Department, and Human Resources.
 - c. Oral Interviews shall have a minimum combined passing score of 70%.
 - d. Candidates who have been disqualified may appeal their disqualification to the Civil Service Commission under the established appeal procedures in Section II Rule (9).
- 6. CERTIFIED ELIGIBILITY LIST.** Box #11 from flowchart: Civil Service Commission certifies ranked list of qualified entry-level applicants for original appointment.
- a. Each entry-level applicant who successfully completes each step of the testing process to this point shall be given a position in rank order by final score on a certified eligibility list.
 - b. The applicant's position on the certified eligibility list shall be determined by averaging the passing entrance examination score with the passing oral interview score. Preference points shall then be added to this averaged score. The relative scoring weights of each component of the final score shall be determined by the Civil Service Commission in collaboration with the respective department and Human Resources. For illustration purposes, the following formula represents the final combined score calculation: Passing Entrance Exam score X .5 (50%) + Passing Oral Interview score X .5 (50%) + any applicable preference points = Applicant's final combined score for ranking on the certification list.
 - c. Preference points, as determined by the Civil Service Commission, shall be applied to the candidate's passing combined score in accordance with the following policies outlining these points:
 - i) Veteran's Preference points shall be added in accordance with the provisions of Section 15, Article XII of the Colorado State Constitution prior to final ranking.
 - ii) [Language Proficiency Preference points](#) shall be added in accordance to the policy outlining these points and qualifications.
 - iii) [Aurora Police Explorer Preference points](#) shall be added in accordance to the policy outlining these points and qualifications.

- iv) [Aurora Fire Explorer Preference points](#) shall be added in accordance to the policy outlining these points and qualifications. [Colorado POST Certifiable Preference points](#) shall be added in accordance to the policy outlining these points and qualifications.
- d. In the event a tie final score occurs, rank order priority shall be based on the date and time the application was received with the earlier taking precedence.
- e. The certified eligibility list shall be reviewed and signed by the Civil Service Commission. The list shall be published to the respective department and Human Resources.
- f. Civil Service shall notify candidates of their ranking on the eligibility list.
- g. Candidates on the certified eligibility list may request a deferment from the Civil Service Commission **to the following Academy**. Candidates shall provide the request in writing along with appropriate backup documentation detailing the reasons for the request. **In the event the candidate wishes to defer again, the candidate shall submit another request for deferment to the next Academy.**
- h. When considering the request for deferment, the Commission may consider any candidate testing results, number of recruits needed by the department for the academy, the validity of the reasons for the request, and any other information deemed of value to the Commission.
- i. If approved, the deferred candidate may be re-certified on the next certified eligibility list (following the deferral period) in a position corresponding to the ranking based on the candidate's final combined score.

Conditional Job Offer, Background Investigation, and Final Job Offer Section

At this point forward the respective departments shall utilize the rank ordered certified eligibility list prepared by the Civil Service Commission.

- 7. POST CONDITIONAL JOB OFFER TESTING**. Box #12 through #16 from flowchart:
 - a. Background investigation and post conditional job offer examinations are determined and conducted by Human Resources.
 - b. Candidates who have been disqualified may appeal their disqualification to the Civil Service Commission under the established appeal procedures in Section II Rule (9).
- 8. FINAL SELECTION AND FINAL JOB OFFER**. Box #17 through #19 from flowchart:
 - a. The respective department, with assistance from Human Resources, shall determine and administer the final selection process.
 - b. Remaining candidates shall receive a final job offer in the order in which they are certified on the eligibility list. The respective Chief of the department shall have the final say on which candidates are selected to receive a final job offer.

- c. Candidates not selected to receive a final job offer are not eligible to appeal to the Civil Service Commission.

9. APPEAL PROCEDURE. Box #20 from flowchart: Civil Service Commission conducts review for any candidate filing an appeal.

- a. Any candidate disqualified from the entry-level application process may file an appeal with the Civil Service Commission.
- b. Candidates shall provide the appeal in writing along with appropriate backup documentation detailing the reasons for the appeal.
- c. The appeal must be received by the Commission within seven (7) business days from the date of the notice of disqualification to the candidate.
- d. A copy of the appeal shall be provided to Human Resources. Human Resources shall provide a summary of the testing results of the candidate and any additional information for the Commission to consider within (10) ten business days from the date the appeal is received by the Commission.
- e. Commissioners having any personal conflict-of-interest concerns shall recuse themselves from the appeal process for that candidate.
- f. The appeal shall be reviewed by a majority of remaining Commissioners within five (5) business days of receipt of the summary of testing results and any additional information provided by Human Resources.
- g. The Commission may seek guidance on an appeal from the City Attorney's Office representative assigned to the Civil Service Commission.
- h. A majority of Commissioners shall decide one of the following options to resolve the appeal;
 - i) Additional or clarifying information is needed from either the applicant or Human Resources with deadlines for such information to be decided by the Commission based on the complexity of the information requested.
 - ii) To reinstate the candidate into the application process at the point of disqualification.
 - iii) To uphold the disqualification of the candidate from the testing process.
- i. A summary of the Commission's decision on the appeal shall be provided in writing to the candidate and Human Resources. The appeal decision of the Commission shall be final.

10. REPORTING REQUIREMENTS.

- a. The Civil Service Commission shall receive reports from Human Resources on disparate impact on protected classes, if any, from assessments of minimum qualifications and disqualifications at each testing step.
- b. Human Resources shall be deemed to be the custodian of all candidate testing records including all applications, personal history statements, interview materials, background investigations, external vendor reports, and medical records.

11. LATERAL ENTRY.

- a.** In accordance with the City Charter, Article III, Section 3-16, paragraph (10), the Civil Service Commission establishes the following conditions and regulations which shall apply to Lateral-entry appointment. The Civil Service Commission strongly encourages each Department to adhere to this following stipulation from Ordinance Number 89-88, "WHEREAS, lateral entry will also assist the Police and Fire Departments in implementing their affirmative action programs."
- b.** At the time of application, unless otherwise noted, applicants for lateral- entry appointment to Civil Service fire and police positions shall;
 - i) Lateral Police applicants shall be 21 years old by the projected end date of the Academy for which they are applying. Lateral Fire applicants shall be 18 years old by the projected start date of the Academy for which they are applying. Proof of age shall be either a copy of a state, or municipality-issued original Birth Certificate, Passport of the United States of America, or evidence of Naturalization.
 - ii) Be a citizen of the United States of America or a person who is lawfully admitted for permanent residence in accordance with the Immigration and Nationality Act. Proof of citizenship shall be either a copy of a state or municipality- issued original Birth Certificate, Passport of the United States of America, or evidence of Naturalization.
 - iii) Have completed a minimum education of high school completion, or GED equivalency. Proof shall be a copy of the High School Diploma, copy of the GED Certificate, or successful completion letter from an accredited school's Principal or District Superintendent, or other documentation approved by the Commission.
 - iv) For Police Applicants only: Have three (3) years previous related experience in good standing within the four (4) year period immediately preceding the application. Related experience shall consist of full-time paid employment as a Police Officer in a full service Police department. (The previous sentence is suspended until 07/25/2025) For Fire Applicants only: Have three (3) years paid related experience in good standing within the four (4) year period at the time of application.
 - v) Be able to perform the essential functions of the position.
- c.** Per City Charter, the Civil Service Commission shall establish an unranked pool of qualified individuals who meet the minimum qualifications. To establish this unranked pool of qualified individuals, the Civil Service Commission shall accept applications for Lateral-entry employment.
- d.** All applicants who meet the minimum qualifications established by the Civil Service Commission shall form the unranked pool of qualified individuals.
- e.** Qualified individuals in the unranked pool shall then be subject to appropriate testing by the Chiefs of the respective Departments, with assistance from Human Resources, which may include, but not necessarily consist of a medical,

background, polygraph and psychological examinations. The Chiefs of the respective Departments may, at their sole discretion, select qualified individuals from the remaining unranked pool of individuals.

- f. No person can remain on the lateral entry appointment list for more than two (2) years without reapplication.
- g. The Commission shall notify any applicant whose application has been disqualified for failing to meet the minimum qualifications via the ATS.
- h. The Chiefs of the respective Departments, with assistance from Human Resources, shall notify any applicant whose application has been disqualified as a result of testing and/or the review process.
- i. Human Resources shall be deemed to be the custodian of all lateral applicant testing records including all applications, personal history statements, interview materials, background investigations, external vendor reports, and medical records.

12. REINSTATEMENT.

- a. Any former Civil Service member of the Fire or Police departments who successfully completed the probationary period as defined in Section 3-16 of City Charter and was in good standing at the time of resignation, (satisfactory performance reports and no pending disciplinary actions), may apply in writing to the Commission for reinstatement to the department within thirty-six (36) months from the effective date of resignation or retirement. For Police purposes, must be completed prior to the 36-month period for POST standards and certification. Any member of the Civil Service who resigns or retires from the Fire or Police departments must meet all minimum qualifications for original applicants, to include education, at the time the former member submits his/her request for reinstatement. No applicant shall be reinstated without the specific approval and testing of the Commission. An applicant may be reinstated only once in a lifetime. The decision of the Commission shall be final. (Note: At the Commission's discretion, any AFR member may have the time limit extended to allow for continuity of City government, or in the event of contingencies, disasters, emergency staffing requirements, or military service obligations.)

13. REINSTATEMENT PROCEDURES.

The Commission recognizes that there may be delays in the reinstatement process because of weather, availability of key personnel or examiners; however an effort should be made to complete the reinstatement procedures within a reasonable time frame. The procedures for reinstatement are as follows:

- a. The applicant will submit a written request for reinstatement to the Civil Service Commission and the Chief of the respective department.
- b. Upon approval of eligibility for reinstatement by the Civil Service Commission and respective department, a background investigation shall then be completed as

the first step of the reinstatement process. The background investigation shall include the conditional job offer and all necessary investigations needed prior to reinstatement. A medical exam and substance abuse screening will be completed on all applicants during the background investigation. Further testing may include a job suitability assessment, polygraph, fitness test, post offer psychological exam, or any other exam deemed necessary for reinstatement. The completed background investigation will be provided to the Commission for review.

- c.** Following review of the reinstatement request and the background investigation, the Commission must receive letters of favorable recommendation from the Chief of the department and City Manager and must be received by the Commission within the thirty-six (36) month period stated above.
- d.** The Commission may conduct a personal interview with the Chief of the appropriate department, and review the applicant's official personnel file.
- e.** The Commission may conduct a personal interview with the applicant.
- f.** The applicant may be required to undergo any or all of the following examinations prior to reinstatement: polygraph, job suitability assessment, psychological exam, substance abuse screening, fitness test, full or partial medical, a background investigation, and any other examination deemed appropriate by the Commission. The applicant must meet the standards of entry-level applicants on all examinations, as required by the Commission.
- g.** The applicant shall be notified in writing of the Commission's FINAL decision. A copy of the notification shall be forwarded to the Chief of the appropriate department and Human Resources. There shall be no further appeals to the Commission.
- h.** Human Resources shall issue the final job offer letter with a start date to be coordinated with the applicant and the respective department.
- i.** If approval is granted by the Commission, reinstatement must become effective within 180 days of the Commission's approval for hire. No individual may be reinstated after this 180-day period. Such individual, when reinstated, shall retain the rank held at the time of resignation, except that in no case shall an individual be reinstated at any rank higher than Police Officer or Firefighter, Grade I, or Rescue Technician. The reinstated officer shall be eligible to test with the Civil Service Commission for the next higher rank in the first scheduled promotion testing following reinstatement, provided time and service requirements for testing are met. In the event an applicant declines reinstatement when it is offered, such applicant shall not be offered an opportunity for reinstatement again.
- j.** Should there not be a vacancy at the time a reinstatement request is approved; the Chief of the appropriate department must notify the Commission in writing of

the anticipated date of the first available Civil Service vacancy, which must be no later than 180 days following the Commission's approval for hire.

14. WORK FORCE REDUCTION (LAYOFF).

Work force reductions may apply to Civil Service members of the Fire and Police departments whose job position is removed or eliminated through any budgetary consideration upon review and approval of City Council and implementation by the City Manager. The respective department Chief shall notify the Commission of any work force reduction of Civil Service members. Any work force reduction of Civil Service members in either department must be in accordance with the City Manager's Work Force Reduction (Layoff) Plan and Layoff Rules outlined in the City of Aurora Personnel Policies and Procedures Manual, with the following exceptions:

- a. When the Civil Service work force in either department is reduced through budgetary consideration which has been reviewed and approved by City Council and implemented by the City Manager, the Civil Service member last certified for employment to such department shall be the first laid off. For purposes of this rule, Civil Service members on the same certified list shall be laid off in reverse order of their original certification for employment, except members not eligible for veteran's preference under Article XII, Section 15 of the Colorado Constitution shall be separated before those so entitled.
- b. When the Civil Service work force in such department is increased, Civil Service members laid off shall be reinstated in the order of their original certification for employment in accordance with paragraph 79, Reinstatement Procedures for Work Force Reductions, provided the member has notified the Civil Service Commission in writing of his/her desire to be reinstated.

15. APPEAL PROCEDURES FOR WORK FORCE REDUCTION.

Civil Service members of the Fire and Police departments who wish to have a hearing before the Civil Service Commission to appeal their work force reduction (layoff) must submit a written request to the Commission no later than seven (7) business days following the effective date of the work force reduction. The request for hearing before the Commission must include a summary of the reasons for the appeal based on the following considerations. Hearings on such appeals shall be scheduled in accordance with the practices of the Commission. The Commission shall base its decision on the following considerations:

- a. Is there evidence that the City Manager's expressed reasons for affecting the lay-off are not the actual reasons?
- b. Were there procedural defects in executing the layoff, or in granting retention rights, which were detrimental to the employee?
- c. Was the layoff affected in an arbitrary and unreasonable fashion?

16. REINSTATEMENT PROCEDURES FOR WORK FORCE REDUCTION.

A former Civil Service member who is terminated because of a work force reduction may be reinstated by the Commission provided the member meets all minimum medical and fitness qualifications of the position to which the member is seeking reinstatement.

- a. Upon receiving written notification from the Chief of the appropriate department, accompanied by approval from the City Manager, that the department's Civil Service work force shall be increased, the Commission shall send such notification by registered mail to the Civil Service member's last known official residence address on file with the City of Aurora Human Resources Department. Former Civil Service members who were terminated under a work force reduction shall be responsible for ensuring their current residence addresses are on file.
- b. The former Civil Service member must express a desire to be reinstated to the Commission in writing within ten (10) business days from the date of receipt of the Commission's notice that the department's Civil Service work force shall be increased. Former Civil Service members who do not respond during the specified time period shall be ineligible for reinstatement, and no further consideration shall be given, unless otherwise directed by the Commission. If the member was serving during the original appointment probation period when laid off, the member shall complete the remaining portion of such probation period.
- c. The applicant may be required to undergo any or all of the following examinations: polygraph, substance abuse screening, fitness, full or partial medical, background investigation, and any other examination deemed appropriate by the Commission, prior to reinstatement.
- d. The Commission may also conduct a personal interview with the applicant.
- e. The applicant shall be notified in writing of the Commission's FINAL decision. A copy of the notification shall be forwarded to the Chief of the appropriate department. There shall be no further appeals to the Commission.
- f. Upon Commission approval, reinstatement shall be effective on the date established in the department's notification letter pertaining to an increase in the Civil Service work force, or a subsequent date agreed to by the department, the Commission, and the member.

17. SERVICE IN THE ARMED FORCES.

- a. A Civil Service member of either department who enters upon active duty or in active duty for training in the Armed Forces of the United States in response to an order or call to active duty shall be entitled to reemployment rights and may be reinstated to the department in accordance with appropriate federal statutory guidelines. If the probation period following an original appointment was interrupted by service in the Armed Forces, the Civil Service member, upon reinstatement, shall complete the remaining portion of such probation period before permanent appointment. The Civil Service member must request

reinstatement in accordance with appropriate federal statutory guidelines. The request must include a copy of the member's military discharge, DD Form 214, and a copy of the official notification letter ordering the member to active duty.

SECTION III. PROMOTION WITHIN CIVIL SERVICE RANKS

- 1. GENERAL.** The Commission is required by City Charter to conduct testing for all promotional ranks in the Fire and Police departments. The department Chief shall notify the Commission of his/her intent to create, abolish or modify a current promotional rank, as soon as possible, but no later than 4 months prior to the recommended effective date so that the Commission may evaluate the impact of the proposed change and adjust its rules, policies, procedures and processes. The department Chief or designee will also supply at least 2-3 Subject Matter Experts (SME's) to the Commission whose responsibility it will be to determine a reading list and content of the assessment center in conjunction with the Consultant and assisted by CSC staff. Members of the Civil Service system who desire to participate in promotional testing for Fire or Police positions shall be subject to the qualification and examination procedures stated below. Promotional appointment lists will be created as follows:

 - a.** Examinations for promotional appointment shall take place no less than once per year for each promotional rank. Applicants who are successful in completing all examination requirements will have their names placed on a certified list for promotional appointments in rank order.
 - b.** Each certified list for promotional appointments shall expire after one year from date of certification, except that in the event a vacancy should exist in one of the Departments and the certified list for that position is scheduled to expire and a new list is not available, the Civil Service Commission may extend the list, one time only, for a period not to exceed ninety (90) days.
- 2. APPLICATION PROCEDURES.** Civil Service members of the Fire and Police departments who desire to participate in promotional testing shall register with the Commission by the closing date that is published on the posting. An official college or university transcript(s) must be in possession of the Commission, if applicable to the tested rank, prior to the commencement of testing, per the official posting. Other documents, as determined by the Commission, may be required for each promotional examination. The Civil Service member has sole responsibility to ensure his/her registration and applicable documents are received by the Commission.
- 3. PROMOTION ELIGIBILITY REQUIREMENTS.** All Civil Service ranks of the Fire and Police departments above the rank of Police Officer and Firefighter shall be filled by promotion from within the respective departments under service and educational requirements, and examination procedures outlined by the Commission. Any Civil Service member with cumulative discipline equal to or greater than an 80 hour suspension, to include involuntary demotion, within the two (2) year period preceding the first day of testing shall be ineligible to test. Civil Service members with appeals pending to the Civil Service Commission of cumulative discipline equal to or greater than an 80-hour suspension, to include involuntary demotion, shall be ineligible to test. The date of the discipline shall be the date of the Disciplinary

Order. To be eligible for promotional examinations, candidates for the rank being examined, must meet the following service, certification, education, and training requirements as of the first day of testing in the promotional series:

Fire Engineer

SERVICE	EDUCATION	TRAINING
3 years regular service with Aurora Fire Rescue AND Currently holding the rank of Firefighter Grade I or Fire Medic.	No college requirement for this position.	Successful completion of the Aurora Fire Department Acting Driver / Operator Training Program.

Fire Lieutenant

SERVICE	EDUCATION	TRAINING
5 years regular service with Aurora Fire Rescue AND 2 years as an Aurora Firefighter, Grade 1, Fire Medic, Engineer, or any combination thereof totaling 2 years AND Currently holding the rank of Aurora Firefighter, Grade 1, Fire Medic, or Engineer.	60 earned semester or 90 earned quarter hours of college level course work from an accredited college or university. Minimum cumulative GPA of 2.0 on a 4.0 scale.	Successful completion of the Aurora Fire Department Development Program or the Acting Officer Program on record with Fire Administration AND Successful completion of the Aurora Fire Department Officer 1 Program, or equivalent as approved by the CMCB Board of Directors.

Fire Captain

SERVICE	EDUCATION	TRAINING
7 years regular service with Aurora Fire Rescue. 2 years as an Aurora Fire Lieutenant. Currently holding the rank of Aurora Fire Lieutenant.	60 earned semester or 90 earned quarter hours of college level course work from an accredited college or university. Minimum cumulative GPA of 2.0 on a 4.0 scale.	Successful completion of the CMCB Fire Officer 2 program, or equivalent as approved by the CMCB Board of Directors.

Police Agent

SERVICE	EDUCATION
3 years as Police Officer AND Currently holding the rank of Police Officer, Grade I.	No college requirement for this position.

Police Sergeant

SERVICE	EDUCATION
2 years as Agent or Police Officer, Grade I, or any combination thereof AND A minimum of 5 years regular, continuous service *Lateral officers are eligible with at least 3 years regular continuous service with the Aurora Police Department <i>and</i> at least 5 years as a full-time paid officer in good standing in any jurisdiction. AND Currently holding the rank of either Police Officer I, or Agent AND (Education requirement, see right)	60 earned semester or 90 earned quarter hours of college level course work from an accredited college or university. Minimum cumulative GPA of 2.0 on a 4.0 scale.

Police Lieutenant

Police Lieutenant Service and Education Option A	
SERVICE	EDUCATION
2 years in grade as Sergeant, AND Currently holding the rank of Sergeant, AND (Education requirement, see right)	A Bachelor's Degree from an accredited college or university.

Police Lieutenant Service and Education Option B	
SERVICE	EDUCATION
4 years in grade as Sergeant AND Currently holding the rank of Sergeant AND (Education requirement, see right)	60 earned semester or 90 earned quarter hours of college level course work from an accredited college or university. Minimum cumulative GPA of 2.0 on a 4.0 scale.

Police Captain

SERVICE	EDUCATION
2 years in grade as Lieutenant, AND Currently holding the rank of Lieutenant AND (Education requirement, see right)	A Bachelor's Degree from an accredited college or university.

4. SCORING WEIGHTS FOR PROMOTIONAL EXAMINATION:

The following are examinations administered by the Civil Service Commission with the following scoring percentage weights applied to determine the final score. All exercises in the Assessment Center and Practical are weighted equally in compiling the final score with the overall pass-point set at 70%, unless otherwise determined by the Commission.

FIRE DEPARTMENT

Position	Written Exam	Assessment Center or Practical Exam	Records Evaluation
Engineer-Driver	35%	50%	15%
Investigator Tech	30%	55%	15%
Lieutenant	30%	55%	15%
Captain	30%	55%	15%

POLICE DEPARTMENT

Position	Written Exam	Assessment Center or Practical Exam	Records Evaluation
Agent	30%	55%	15%
Sergeant	30%	55%	15%
Lieutenant	25%	60%	15%
Captain	N/A	85%	15%

EXAMINATIONS FOR PROMOTIONAL APPOINTMENT

- 5. GENERAL.** Examinations shall be open to all candidates who meet the minimum established qualifications. The Commission shall be responsible for the types of examinations to be used, which may include written, oral, assessment center, practical, records evaluation, or any combination thereof, and any other examination which the Commission may consider helpful in evaluating the candidate's ability to serve in the position. All examinations for promotion shall be competitive among such members of each department as are qualified and desire to submit themselves to examination. The following procedures shall be used as guidance for the conduct of all promotional examinations unless otherwise specified by the Commission.
- a.** If it is determined by the Commission that not enough applicants with the required qualifications sign up to take a specific examination, the Commission may invite additional promotional ranks to test or lower regular service requirements for only that particular promotional examination.
 - b.** At its sole discretion, the Commission shall determine the relative weight for each portion of the examination series and shall set minimum passing scores. Failure in any portion of the examination series shall be grounds for disqualifying the candidate from further participation in the current examination process.
 - c.** Examinations shall be held on specified dates and at times determined by the Commission. Rules for starting time, scoring and conducting an examination shall be posted prior to the examination.
 - d.** Written examinations shall be administered in the presence of a Commissioner, Chief Examiner or designee.
 - e.** Requests for exceptions from the testing schedule, which may include changes to time, date, place, and examiner, will be considered only if the request is submitted in writing at least three (3) working days prior to the first day of testing and (1) the candidate is assigned to military duty, or (2) the candidate is assigned by the department for specialized training or public duty during the time the written test is to be administered. For all requests for exception from the testing schedule, the Commission will consider factors involved in arranging proctoring, etc., in each individual case before granting or denying a request. Applicable USERRA provisions shall be considered in attempting to accommodate promotional candidates assigned to military duty, however all testing shall be completed prior to establishing the certification list.
 - f.** The Commission may, at its sole discretion, make the following exceptions for failure to appear at the scheduled time for promotional written examinations only provided the candidate can be rescheduled during the normal conduct of the examination. However, the Commissioner(s) present at the examination also may use his/her/their sole discretion to excuse an applicant after the examination has begun if one of the following should occur:

- (1) a candidate's supervisor (Battalion Chief, Police Captain or above) contacts the Commission office prior to commencement of the examination to indicate the candidate is on duty and, due to an emergency situation, cannot be removed from his or her duty location.
 - (2) a candidate is hospitalized or suffering from a serious illness, and provides written documentation from a treating physician stating that the candidate is incapacitated. Notification must be provided to the Commission prior to the commencement of the scheduled examination. If approved, the candidate must submit medical documentation to the Commission confirming an improved health condition before the examination is administered.
- g.** Candidates shall not use books, references or other data, except as expressly authorized by the Commission, and shall not confer with each other during the examination.
 - h.** The Commission may review complaints regarding any errors or alleged errors made by examiners or consultants and may order a correction or reexamination where it appears proper.
 - i.** Candidates for promotion will be required to acknowledge confidentiality statements for each examination in the promotional testing series indicating that testing materials and results are confidential until such results are formally released in writing by the Commission. Any candidate who breaches, or attempts to breach, the confidentiality on any examination, or any candidate who uses such information in any manner prior to the proper release of the information by the Commission, may be disqualified from further consideration for promotion in the current testing cycle. In addition, such an individual may be removed from the current certification list for promotional appointment, if already certified.
 - j.** Examination results will be posted by the Commission at the earliest reasonable time as determined by the Commission. Examination results shall be provided to candidates by email prior to posting. Any candidate who does not successfully complete any examination for the promotional position shall be disqualified from further consideration in the current testing process. The decision of the Commission is final. There shall be no further appeal to the Commission.
 - k.** Final examination results certified eligibility lists will be posted at the earliest practical date as determined by the Commission after completion of all examinations. Per City Charter, the Commission shall submit to the appointing authority the list with the names of all members who have satisfactorily passed the entire examination, in the order in which their grades placed them.
 - l.** The Commission may, at its discretion, cancel or postpone an examination as long as such action is not in conflict with applicable Charter provisions.

jurisdiction and ranked at or above the position level being tested selected by the assessment center consultant. Evaluators should come from the immediate geographical area as determined by the Commission, when possible, and meet the qualifications of the Commission. Ratings shall be averaged to determine the final assessment center score for each candidate. Assessment Center scheduled start times for candidates shall be established in advance. Assessment Centers will not be cancelled or delayed because of the lack of selected evaluators provided that the minimum number is present. Individuals arriving for the examination after the starting time may not be eligible to participate in the examination, at the discretion of the Commission. Whenever practical, feedback will be provided to all candidates participating in the assessment center. All assessment center results are final. There shall be no further appeal to the Commission.

- 8. PRACTICAL EXAMINATION.** A practical examination shall be conducted for the Engineer-Driver promotional rank. Practical examinations will generally consist a minimum of one (1) rater observing each graded part of the examination. The Commission may utilize one of its Commissioners, the Chief Examiner, or their designee to monitor each part of the practical examination.
 - a.** Each rater present shall make an independent rating of each candidate observed. Ratings shall be averaged to determine the final practical examination score for each candidate. Candidates shall be required to achieve a passing score, as determined by the Commission, on each part of the practical examination to be certified as eligible for promotion.
 - b.** A promotional candidate who participates in a practical examination will receive written feedback regarding their performance. Feedback will be summary in nature and the anonymity of the ratings and comments of the individual raters shall be preserved.
 - c.** Practical examination starting times for candidates shall be fixed. Individuals arriving for the examination after the starting time will not be allowed to take the examination.
- 9. RECORDS EVALUATION.**
 - a.** Records evaluations may differ between Police and Fire promotional candidates. Fire Candidates ONLY will not be required to submit anything to the Civil Service Commission. A Civil Service staff member will obtain all documents needed through Fire Administration and score the Records Evaluation accordingly. Police candidates will be required to submit a standardized record evaluation document containing information regarding job performance, and other areas as specified by the Commission. Specific requirements and procedures for the candidate-testing file will be published by the Commission to include: formatting, content and submittal instructions. Note: Some promotional positions may require extensive departmental training; in that case the Commission may elect to validate the training record and promote in lieu of any other testing.

- b. Additional information voluntarily submitted by the candidate will be removed and not considered for scoring.
 - c. At the Commission's option either a staff member (for Fire), or experienced personnel from outside agencies (for either Fire or Police), at a rank at or above that being tested, will score the records evaluations books based on the method established by the Commission.
 - d. The candidates' scores will be submitted to the Commission for inclusion in the overall scoring process for promotion.
 - e. A passing score is not currently established by the Commission for the records evaluation document.
- 10. EXAMINATION RECORD RETENTION.** All examination papers and results thereof shall be retained in Commission files in accordance with Colorado State Archives and Colorado Open Records Act, as revised. Results of examinations will be released only to applicants pursuant to the Colorado Open Records Act, C.R.S. 24-72-204.
- 11. TIE BREAKING.** In case of a tie for promotional appointment, prior to certification, seniority in the department as members of the Civil Service shall be considered first.

ELIGIBILITY LISTS FOR PROMOTIONAL APPOINTMENT AND PROBATIONARY PERIOD FOLLOWING APPOINTMENT.

12. CERTIFICATE OF ELIGIBILITY LISTS FOR PROMOTION.

- a. Certificate of Eligibility Lists for promotion to positions in the Civil Service shall contain the names of all candidates who satisfactorily passed all required examinations in the order in which their scores placed them.
- b. Certificate of Eligibility Lists for promotional positions shall expire one (1) year from the date of certification. However, in the event a position vacancy should exist in one of the departments and the list for that position is scheduled to expire or a new list is not available, the Commission may extend such list, one time only, for a period not to exceed ninety (90) days.
- c. Certificate of Eligibility Lists for promotion to positions in the Civil Service are considered confidential until officially released in writing by the Commission. Any candidate who breaches, or attempts to breach, the confidentiality on any examination, or any candidate who uses such information in any manner prior to the proper release of the information by the Commission, may be disqualified from further consideration for promotion in the current testing cycle. In addition, such an individual may be removed from the current certification list for promotional appointment, if already certified.
- d. Once completed, the Commission shall submit to the appointing authority the Certificate of Eligibility List, and the appointing authority, after having received a list duly certified, shall make promotions in the order in which the names appear.
 - (1) Any member of the civil service may decline promotion from the Certificate of Eligibility List when that member is the next to be promoted. That individual must indicate that he/she intends to decline the pending promotion in writing to the Civil Service Commission through the Chief of the Department. The declination of promotion must take place before the effective date of the promotion.
 - (2) If it is the declining individual's first request from the list, it shall be without prejudice, and the individual will remain in the same position on the list and eligible for the next following promotion should one be available before the list expires. The Chief of the Department will then promote the next individual(s) in rank order after the declining individual. Multiple promotions may occur on the same date and will not affect the declining individual's position of remaining at the top of the list. The next subsequent date that promotions are to be made off the list shall constitute a new promotion opportunity and the rules under paragraphs d. 3) through d. 5) apply.
 - (3) If an individual who has requested a first declination of promotion requests a second declination from the same list (following procedures outlined in d. 1)

above), that individual will then be automatically placed at the end of the Certificate of Eligibility List.

(4) If an individual is in the final remaining rank order next to be promoted and declines the promotion, the list will then be declared exhausted without the promotion taking place.

(5) Upon notification in writing by the Department Chief that an individual has declined a promotion, the Civil Service Commission shall republish the promotion eligibility list, reflecting the new order of candidates, or, if applicable, deem the current list exhausted.

13. PROBATIONARY PERIOD FOLLOWING PROMOTIONAL APPOINTMENT.

A person receiving a promotional appointment shall complete a one (1) year probationary period after appointment, at the end of which they shall either be permanently appointed to said grade or rank or be demoted to the rank or grade that he/she previously held. (NOTE: If an individual decides to voluntarily vacate a promotion during the probation period, the individual will revert to the last rank held and must retest for any future promotional rank because the action falls outside of the voluntary demotion rules). In the event an individual, in the opinion of the Chief of the department, fails to satisfactorily perform the duties of the position to which promoted, the Chief shall have the right to serve such individual with an order of demotion in accordance with Charter provisions. A copy of the demotion order shall be filed with the Commission. Within ten (10) days after receipt of an order of demotion, the Commission shall approve or deny the Chief's action. The decision of the Commission in this matter shall be final, subject only to judicial review.

14. POLICE CHIEF BYPASS OF A CANDIDATE ON CERTIFIED PROMOTION LIST.

For police promotions the Chief of Police, for a specific reason(s) without consideration of any legally protected characteristics pursuant to applicable federal, state, or local law, has the authority to bypass any candidate on the promotion eligibility list and move to consider the next candidate on the eligibility list. If a candidate on the eligibility list is bypassed by the Chief of Police and not promoted, the candidate may appeal the Chief's decision to the Civil Service Commission.

15. APPEAL PROCESS FOR POLICE CHIEF BYPASS OF A CANDIDATE ON CERTIFIED PROMOTION LIST.

Within 10 days of a candidate becoming eligible for promotion based on an open position and the candidate's position on the certified eligibility list, the Police Chief shall file a written Declaration Of Bypass with the Civil Service Commission and the candidate to be bypassed. The Declaration Of Bypass shall contain the specific reason(s) for the bypass of the candidate. Once a Declaration of Bypass has been filed, that promotion spot on the certified eligibility list shall be held until the conclusion and outcome of the appeal process. If the candidate wishes to appeal the bypass, the candidate shall file a written appeal to the Commission within ten (10) days of the Declaration Of Bypass. Within ten (10) days after the receipt of the written appeal from the candidate, the Commission

shall review both the Declaration Of Bypass and the appeal from the candidate and approve or deny the Chief's action. In making the determination, the Commission shall evaluate if there was a valid specific reason(s) identified by the Police Chief in arriving at the decision to bypass the candidate, without consideration of any legally protected characteristic(s) pursuant to applicable federal, state or local law. The Commission shall notify the Police Chief and the candidate of their decision in writing. The Commission may either overturn the Chief's decision and the candidate would be placed back on the certified promotion list in the order in which they were certified, or the Commission may uphold the Chief's decision and the candidate would be removed from the certified promotion list. Nothing in the Commission's ruling on this appeal would prevent the candidate from participating in future promotional opportunities, provided the applicant meets all requirements to test for that process. Upon completion of any appeal from a bypassed candidate, promotions may then resume from the certified eligibility list.

SECTION IV. APPEAL OF DISCIPLINARY ACTIONS: FILING PROCEDURES, RULES OF PROCEDURE FOR APPEAL HEARINGS.

Section Summary: These rules and regulations establish a community review, through the Civil Service Commission, of disciplinary decisions of Civil Service members of each department. These rules and regulations are intended to inspire public confidence and ensure transparency while providing due process to Civil Service members through de novo hearings in appeals of discipline.

The full process for disciplinary appeals is detailed in the flowchart below:

Current APD/AFR Civil Service members who receive a discipline greater than a written reprimand may appeal that discipline to the Commission within 10 business days from the date of the reprimand.



The appeal shall be in writing and contain a copy of the discipline, a summary of reasons for the appeal, and whether the appellant desires an open or closed hearing.



The Commission shall set a hearing date 15-30 days from the date the appeal is received by the Commission. This date may be continued upon agreement of all parties or good cause shown to the Commission.



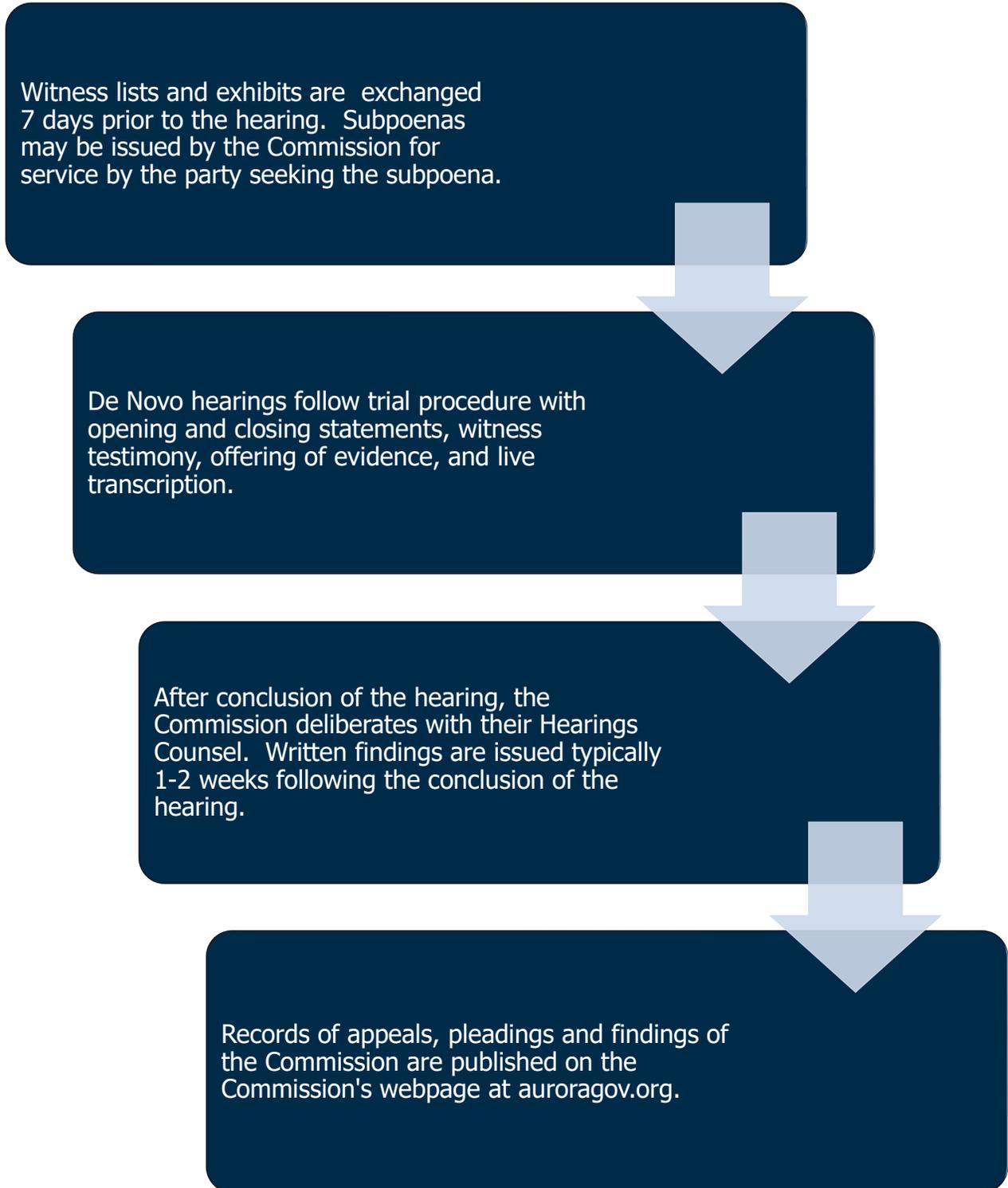
Parties shall participate in Discovery as guided by the Commission's Rules and Regulations.



Pre-hearing conferences are held by the Commission's Hearings Counsel. The conferences are intended to create a list of stipulated facts to present to the Commission at the hearing and limit testimony only to those facts in dispute.

Flowchart continued on next page.

The full process for disciplinary appeals is continued in the flowchart below:



1. DISCIPLINARY ACTIONS SUBJECT TO APPEAL. Civil Service members of the departments may appeal any disciplinary action, except written and oral reprimands, to the Commission. Written and oral reprimands are not subject to the Commission appeal and hearing procedure.

2. FILING PROCEDURES FOR DISCIPLINARY APPEALS.

- a. Any member of the Civil Service against whom a covered disciplinary order has been issued, and who desires to appeal, shall have ten (10) business days, as defined in Article III, Section 3-16(8)(e) of the City Charter, from the date of service of the disciplinary order in which to file an appeal of the order with the Commission.
- b. The petition for appeal shall be in writing; contain the name and address of the appellant; a copy of the written command order being appealed; and a brief summary of the reasons for the appeal.
- c. A member of the Civil Service system who has filed an appeal may be represented by someone of his/her choosing. The representative's name and mailing address shall be provided, in writing, to the Commission prior to scheduling a hearing date.
- d. The petition for appeal shall state whether the appellant desires to have the hearing open or closed to the public, a brief summary of the reasons for this position, and include the requirements outlined in Section IV Rule 6 Pleadings, of these Rules and Regulations.
- e. Upon receipt of an appeal, the Commission shall promptly provide a copy of the appeal to the office of the City Attorney. The City Attorney's Office shall have five (5) business days to provide any response opposing the position of the appellant for the desire to have the hearing be open or closed to the public with a brief summary of the reasons for this position.
- f. In the event the parties agree that the hearing shall be open or closed to the public, the Civil Service Commission shall accept this agreed upon position. In the event the parties disagree whether the hearing shall be open or closed to the public, the Civil Service Commission shall decide following the procedure outlined below in Section IV, Rule 11 Motions.
- g. The Commission will comply with the Open Meetings Act, C.R.S. 24-6-402 in determining whether a hearing shall be open or closed to the public.

3. PROCESSING DISCIPLINARY APPEALS.

- a. Upon receipt of an appeal of a disciplinary action, the Commission shall set a date for a hearing on the appeal, to be held no less than fifteen (15) calendar days nor more than thirty (30) calendar days from the date the appeal is received by the Commission.
- b. After a hearing date has been set, it may be continued only upon agreement of all the parties or upon good cause shown to the Commission. Commission staff

will notify the parties of the new hearing date within ten (10) working days of the Commission approving the continuance.

- c. Failure of the member to cooperate in the resetting may result in a finding that the member has waived his/her right to appeal.
- d. The new date shall be set within 60 days of the granting of the continuance unless good cause is shown to the Commission.
- e. The hearings shall be recorded by a court reporter or an electronic recording device. When the Commission deems it advisable, the hearings may be chaired by the appeals counsel for the Commission.

4. OTHER LEGAL MATTERS.

- a. When an appeal concerning a disciplinary action is filed with the Commission, or when there is a subsequent judicial appeal from a decision of the Commission, the Commission may retain an attorney to render impartial advice and/or advocate the Commission's position before the reviewing court.
- b. When the Commission renders its decision concerning the disciplinary action originally imposed by the City on a civil service member, and there is an appeal filed by the civil service member, the Commission may request that the City Attorney represent the Commission before the reviewing court, unless the City has filed or intends to file an appeal based upon the Commission's modification of the disciplinary action.
- c. In situations where either the City is appealing a decision of the Commission or where both parties are appealing the decision, the Commission shall retain its own attorney. Nothing stated herein shall infringe upon the Commission's right to exercise at any time its discretion to retain legal counsel concerning any matter.
- d. The Civil Service Commission recognizes the Independent Review Board (IRB) as a process that encourages open and frank discussions between the parties, their representatives, and within the IRB board itself. To facilitate the use of the IRB without limiting the Commission's consideration of disciplinary appeals as authorized by Charter, recommendations or conclusions of the IRB shall not be presented or disclosed during a disciplinary appeal hearing before the Commission, as long as it is clear that the existence of the IRB does not interfere with an Officer's access to appeal a discipline to the Commission and that the ability of the Civil Service Commission to conduct a fair and impartial hearing is preserved.
- e. Any dispute over the admissibility of recommendations or conclusions of the IRB shall be resolved by motion prior to the hearing.
- f. Consistent with a de novo presentation of evidence to the Civil Service Commission during disciplinary appeal hearings, a witness who testifies before the IRB can testify in a Commission disciplinary hearing without impeachment from their testimony to the IRB.

- g. Under no circumstances will settlement discussions between the parties be admitted during Commission disciplinary hearings.

Rules of Procedure For Disciplinary Hearings

5. GENERAL. Rules of procedure governing the conduct of Disciplinary Appeal Hearings follow. These Rules are intended to be supplemental to and not in derogation of the provisions set forth in Section IV of the Commission Rules and Regulations as well as other provisions of the Aurora City Charter.

6. PLEADINGS.

- a. The appeal to the Commission shall be initiated by a petition for appeal. In addition to the requirements set forth in Section IV, Rule 2 of these Rules and Regulations, the Petition shall conclude with a concise paragraph describing with specificity, each reason the Petitioner asserts the disciplinary action was incorrect.
- b. Any issue not specifically raised in the Petition will not be heard by the Commission. The Petition may be amended to include additional issues identified as a result of discovery and preparation for the hearing, but such amendments must be made in a timely manner. Copies of the Petition, as well as any amendments must be provided to the City. No written response to the Petition or any amendments is required by the City except as otherwise noted in determining whether a hearing will be open or closed to the public.

7. HEARING DATES AND CONTINUANCES.

- a. The City Charter requires the Commission to conduct a hearing on the appeal not less than fifteen (15) nor more than thirty (30) days after receipt of a petition for appeal.
- b. The Civil Service Commission shall reserve a minimum of two continuous days each month in a calendar year for a potential hearing. These reserved hearing dates shall be provided to the City Attorney's Office and hearings counsel for the respective labor groups by the end of November for the subsequent year. Any hearing shall be completed in succession once started regardless of how many days it takes.
- c. Upon receipt of a petition for an appeal of discipline, the next available set of previously reserved days shall become the days for the hearing for that petition. A Notice of Hearing shall then be provided to all parties.
- d. The Charter further provides that after a hearing date has been set, it may be continued only upon agreement of all parties or upon good cause shown to the Commission. Continuances are discouraged.
- e. Commission hearings may be conducted by less than all of its members, but in no event will a hearing be conducted by less than a majority of its members.
- f. At the time of setting, each party shall be responsible for informing the Commission if they believe the hearing would last more than two continuous

days. The Commission shall attempt to set such dates in consultation with the parties or their representatives.

- g.** If the date for a hearing was cleared in advance with the parties or their representatives, no continuance will be granted except upon a showing of good cause, which could not reasonably have been foreseen at the time the hearing date was initially set.

8. DISCOVERY.

- a. Initial disclosures.** Each party shall, without awaiting a discovery request, provide to the other party:

- (1) The name and, if known, the address and telephone number of each individual likely to have discoverable information relevant to the issues set forth in the Petition or the underlying event that resulted in disciplinary action; and
- (2) A listing, together with a copy of, or a description by category and location of all documents, data compilations, and tangible things in the possession, custody, or control of the party that are relevant to the issues set forth in the Petition or that relate to the underlying event that resulted in disciplinary action.

Such initial disclosures shall be provided by the earlier of (a) twenty (20) days of the date the Commission receives the petition for appeal, or (b) ten (10) days before the date of the appeal hearing.

- b. Supplemental discovery.** In addition to the initial disclosures, either party may file a request for production of documents. Written responses must be provided to such requests by the earlier of (a) twenty-five (25) days of the date of such request for production of documents, or (b) ten (10) days before the date of the appeal hearing, unless some other date is mutually agreed to by both parties.
- c. Claims of Privilege or Protection of Trial Preparation Materials.** If a party, in connection with its initial disclosure or in response to a supplemental discovery request, withholds information required to be disclosed by claiming that it is privileged or subject to protection as trial preparation material, the party shall make the claim expressly and shall describe the nature of the documents, communications, or things not produced or disclosed in a manner that, without revealing information itself privileged or protected, will enable the other party to assess the applicability of the privilege or protection.
- d. Duty to Supplement Disclosures or Responses.** A party is under a duty to supplement its disclosures and responses when the party learns that in some material respect the information disclosed is incomplete or incorrect and if the additional or corrective information has not otherwise been made known to the other party during the disclosure or discovery process.

- e. **Signing of Disclosures and Responses.** Every disclosure, supplemental discovery request or discovery response, including objections thereto, made pursuant to the provisions of this Rule shall be signed by at least one attorney of record in the attorney's individual name. A party not represented by an attorney shall sign the disclosure and state the party's address. The signature of the attorney or party constitutes a certification that to the best of the signer's knowledge, information, and belief, formed after a reasonable inquiry, the disclosure is complete and correct as of the time it is made and that the request, response or objection is made in good faith and not interposed for any improper purpose such as to harass the other party, or delay the proceeding or needlessly increase the cost of the hearing.
- f. **Filing of Disclosures, Supplemental Discovery Requests and Responses.** Initial disclosures by the parties, supplemental discovery requests and discovery responses need not be filed with the Commission unless a dispute arises which requires the Commission's involvement to resolve.
- g. **Discovery Disputes.** The parties are encouraged to conduct discovery informally and freely exchange materials without involving the Commission. If it becomes necessary for a party to file a formal motion to compel discovery with the Commission, such request shall include a certification by the party or their representative that all reasonable efforts have been made to resolve the discovery issue informally between the parties.

9. SUBPOENAS.

- a. Upon request of either party or their representative, the Chair or Vice Chair or the Commission shall issue subpoenas to desired witnesses requiring their attendance at the hearing.
- b. It shall be the responsibility of the party seeking the subpoena, to have it served on the witness, in the manner provided by the Colorado Rules of Civil Procedure.
- c. If a witness has been properly subpoenaed and fails to appear for the hearing, the Commission may apply to a court of competent jurisdiction for issuance of a subpoena, enforceable through the contempt powers of the Court.

10. WITNESSES AND EXHIBITS.

- a. No later than seven (7) days before the hearing each party shall provide the opposing party or their representative with a list of each witness they intend to call and a copy of each exhibit they intend to introduce.
- b. Any witness not disclosed to the opposing party shall not be permitted to testify at the hearing, except upon a showing of good cause for such failure.
- c. Any exhibit not disclosed to the opposing party shall not be admitted at the hearing, except upon a showing of good cause for such failure.
- d. All exhibits shall be marked in advance of the hearing. The City shall mark their exhibits using numbers and the Petitioner shall mark their exhibits using letters.

- e. Copies of all exhibits, preferably arranged in a notebook, shall be provided to the Commission members at the time of the hearing.
- f. Parties are encouraged to stipulate to the admissibility of as many exhibits as possible in advance of the hearing and through their cooperative efforts to avoid duplication of exhibits.

11. MOTIONS.

- a. In general, written motions are discouraged, but permitted. One copy of the motion and any attachments must be filed with the Commission. In addition an electronic copy of the motion and attachments must be provided to the Commission and the opposing party.
- b. All written motions must be filed no less than ten (10) days before the hearing, unless good cause is shown for the failure to do so. The opposing party shall have five (5) days to file a written response to the motion, if so desired. No reply shall be permitted by the moving party, except with the express consent of the Commission or hearing counsel.
- c. In addition to the printed copy of the response filed with the Commission, an electronic copy of the response must be provided to the Commission and the opposing party.
- d. In their discretion the Commission or hearing counsel may request oral argument or an evidentiary presentation on the motion or they may resolve the motion based solely on the written submissions by the parties.
- e. In the discretion of the Commission, motions may be ruled on prior to commencement of the hearing.
- f. The Commission may, in its discretion, delegate resolution of pre-hearing motion to hearing counsel. Any decision or ruling by hearing counsel may be revised by the Commission prior to the hearing.

12. PRE-HEARING CONFERENCES.

- a. The parties or their representatives shall be required to attend, either by phone or in person, a pre-hearing conference to be conducted by hearing counsel for the Commission. The Commission may or may not be present at such pre-hearing conference.
- b. The parties shall be prepared to address the following issues at the pre-hearing conference:
 - (1) Procedural issues, including but not limited to timing and availability of witnesses, whether the hearing will be open or closed, and anticipated length of hearing.
 - (2) Discovery issues
 - (3) Exhibits
 - (4) Issues to be presented at the hearing. Parties shall be prepared to identify and confirm, with specificity, the actual issues to be presented to the

Commission at the hearing. All issues that a party no longer intends to pursue shall be identified and eliminated from the proceedings.

- (5) Stipulation as to undisputed facts. Upon request of hearing counsel, prior to the pre-hearing conference the parties shall exchange lists of disputed and undisputed facts that they believe are relevant to their case or defense. A party shall stipulate to any fact that they do not have a good faith, articulable basis for disputing.
- (6) Motions. Hearing counsel may resolve all motions at or as a result of the pre-hearing conference.
- (7) Other pre-hearing matters requested by the parties or raised by hearing counsel. Such pre-hearing conferences may be conducted at any time prior to the hearing.

13. OPENING AND CLOSING STATEMENTS.

- a. Opening statements are to be limited to ten (10) minutes per party, unless a greater amount of time has been granted to the party in advance by the Commission.
- b. Closing statements will generally be permitted to be made orally but should be kept as concise as possible. In its discretion, the Commission may request that closing arguments be submitted in writing.

14. ORDER OF PRESENTATION.

- a. The City has the burden of persuasion and shall present its case in chief first. This shall be followed by the case in chief of the Petitioner.
- b. In the discretion of the Commission either party may be permitted to provide rebuttal evidence. The Commission may inquire into the purpose of rebuttal evidence prior to its presentation.

15. EVIDENCE.

- a. All witnesses shall take an oath or be sworn by the reporter or by hearing counsel for the Commission.
- b. In general, the Colorado Rules of Evidence shall govern the admissibility of evidence presented to the Commission. However, the Commission may receive and consider evidence not admissible under such Rules if it possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs, and if the Commission concludes such evidence is necessary to enable the Commission to ascertain the facts affecting the substantial rights of the parties.
- c. The Commission may consider discipline imposed upon other civil service personnel on matters of a similar nature if it possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs. All comparisons shall indicate the Chief that imposed the discipline. Deference shall be given to discipline imposed by the same Chief of Police or Fire Chief who imposed the discipline which is on appeal.

- d. The Commission may also consider any disciplinary matrix adopted by, as applicable, the Police or Fire Department.
- e. Hearing counsel for the Commission shall initially rule on all evidentiary matters during the hearing or, for the purposes of judicial economy, prior to the hearing. If any Commissioner disagrees with the ruling of hearing counsel to the Commission, then the issue will be resolved by a vote of a majority of the Commissioners presiding over the hearing. All votes taken shall be on the record. In the event of a tie vote, the evidence or material will be admitted. A record may be made setting forth the reasoning behind a dissenting vote.

16. QUESTIONS BY THE COMMISSION.

- a. Commissioners shall be permitted to ask questions during a hearing of any witness, party, or representative of a party.

17. TEMPLATE FOR FINDINGS

- a. The template contained in Appendix B shall be utilized for all disciplinary hearing findings of the Civil Service Commission

18. PUBLICATION OF CIVIL SERVICE COMMISSION DISCIPLINARY DOCUMENTS.

- a. The Civil Service Commission shall publish all petitions for appeals of discipline received on the webpage within the City of Aurora website dedicated to the Civil Service Commission. The associated pleadings and discipline decisions and all requests for continuances shall also be published. Specific identification of what is not public and the basis for keeping it not public shall also be published.
- b. The Civil Service Commission shall announce at their public meetings any new receipt of a petition for appeal of discipline as well as any newly published findings.

19. TRANSCRIPT ON APPEAL.

- a. In accordance with the Colorado Rules of Civil Procedure, if a party chooses to appeal the Commission's decision, such appeal shall be filed in the District Court. If an appeal is filed, the Commission is required by the court to file the record of such disciplinary hearing. The cost of preparing the record, including the transcript fee, shall be advanced by the appellant, unless the Court otherwise orders.
- b. Upon receipt by the Commission of written notice that an appeal has been filed in District Court, the Commission shall transmit to the appellant an estimate of the cost of preparing the record. The appellant shall advance to the Commission the estimated cost of preparing the record, including the transcript fee. Upon receipt of such payment, the Commission shall prepare the record, including the transcript, and submit it to the District Court, as provided by the Colorado Rules of Civil Procedure. Failure of the appellant to tender the requisite fee in a timely manner may be brought to the attention of the Commission, who may then

recommend appropriate action including requesting dismissal of the appeal for failing to tender the requisite fee in a timely manner.

APPENDIX A

The following supplements the information contained in Section I of these Rules and Regulations pertaining to "General Intent and Structure of the Civil Service Commission":

- 1. Attendance Standards** - Commissioners shall attend 80% of regular meetings during their term. With a minimum of one Commissioner per testing series, each Commissioner shall attend one written exam, one assessment center and one additional exam per year. Three Commissioners are required, as a minimum, for each disciplinary appeal hearing. Three Commissioners are required, as a minimum, for each Approval/Disapproval of entry-level candidate files.
- 2. Press/Public Policy** - The Chair, on behalf of the Commission, shall conduct all interviews with members of the press, authorize statements, and be the primary media contact. Requests to address, or Commissioner initiatives to attend groups, shall be referred to and coordinated with the Chair. In the absence of the Chair, the Vice-Chair may speak to the press on behalf of the Commission. Due to the sensitive and confidential nature of Public Safety information, only publicly available information should be discussed with the Press/Public.
- 3. Organizational Structure** – Pursuant to the Aurora City Charter, the Commission shall hire an Administrator who serves at the pleasure of the Commission. The Administrator shall be responsible for hiring the staff and assigning tasks and duties in any manner that will ensure the successful completion of Charter requirements. The staff works for, and is responsible to, the Administrator although hiring and termination of staff employees shall be at the recommendation of the Administrator with approval from the Commission. The Commission shall direct requests for special projects to the Administrator who will determine how best to accommodate such requests. The Commission, as a whole, shall function as the Department Director. Issues regarding staff conflicts and complaints shall be resolved by the Administrator with the Chair and/or Legal representative involved when full resolution is not possible.
- 4. Overtime Compensation for Exempt Employees** – The City of Aurora and Civil Service Commission recognize that there are certain times when employees who are classified as "exempt" for purposes of the Fair Labor Standards Act should receive compensation for hours worked beyond the normal 40-hour work week. Compensation shall be only in the form of compensatory time and will not be granted on a direct hour-to-hour basis but will be determined by the Administrator. In the event an employee terminates his or her employment with the City, the employee shall not be compensated for any compensatory time not used.
- 5. Procedure for Violations of these Policies** – Alleged violations of these Policies and subsequent remedial steps shall be determined by the Commission with

assistance, as necessary, from other Departments within the City as requested by the Commission.

APPENDIX B

The following template shall be utilized for all disciplinary hearing findings of the Civil Service Commission:

CIVIL SERVICE COMMISSION, CITY OF AURORA, COLORADO

FINDINGS, CONCLUSIONS AND ORDER

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST: _____, A MEMBER OF THE AURORA CIVIL SERVICE, AURORA _____ DEPARTMENT, Petitioner.

[SUMMARY OF APPEAL] This matter involves Officer/Firefighter _____'s appeal of discipline imposed by Aurora _____ Chief _____ based on allegations that Petitioner violated Directive(S) _____, _____, resulting in Chief _____ imposing _____ as discipline.

Date and place of hearing:

The Petitioner elected to have the hearing be open/closed.

Commissioner's present:

Parties and their counsel:

1. PROCEDURAL HISTORY

Date of disciplinary order:

Discipline imposed:

Date of filing appeal petition:

2. DIRECTIVES INVOLVED

a. First Directive

(1) Title of Directive

(2) Relevant text of Directive:

b. Second Directive

(1) Title of Directive:

(2) Relevant text of Directive:

3. FINDINGS AND CONCLUSIONS

a. Whether the City established that Petitioner violated the First Directive

[Insert findings and conclusions based on the evidence presented as to the first Directive]

Accordingly, the violation of the First Directive, Directive _____ – _____, is SUSTAINED/NOT SUSTAINED.

b. Whether the City established that Petitioner violated the Second Directive

[Insert findings and conclusions based on the evidence presented as to the Second Directive]

Accordingly, the violation of the Second Directive, Directive _____ – _____, is SUSTAINED/NOT SUSTAINED.

4. DISCIPLINE

a. After giving due consideration to the Chief’s need for administrative control over the Department, was the discipline imposed by the Chief appropriate for the sustained violations?

[Insert findings based on evidence presented]

b. If the discipline imposed by the Chief was not appropriate, what lesser discipline should be imposed?

[Insert findings based on evidence presented]

5. ORDER

Based on the foregoing findings and conclusions, the Commission hereby [sustains/does not sustain] the violations and [approves the Chief ’s discipline/orders that Petitioner’s discipline be modified as follows: _____].

ENTERED THIS _____ DAY OF _____, 202_.

AURORA CIVIL SERVICE COMMISSION

Chair

1
2
3
4
5
6
7

**APPENDIX N:
ACRONYMS, ABBREVIATIONS & TERMINOLOGY
USED IN THE MONITOR’S REPORTS**

Acronyms, Abbreviations & Terminology Used in the Monitor's Reports

16PF: Cattell's 16 personality factor psychological test, which gives insight into a candidate's strengths, motivations and potential behavioral tendencies

ABLE: Active Bystander for Law Enforcement training

Academy: Recruit training for APD and AFR entry-level police officers and firefighters, held at the City of Aurora Public Safety Training Center (CAPTSC), comprising 26 weeks of training for APD new recruits, and 24 weeks of training for AFR new recruits

Adverse Impact: There's an adverse impact if the selection rate of a protected group is less than 80% of the selection rate for a non-protected group; similarly, there's an adverse impact if the de-selection rate of a non-protected group is less than 80% of the de-selection rate for a protected group (in other words the de-selection calculation is the inverse of the selection calculation). See the Monitor's October 2024 Hiring Comparison Report for further details.

AFR: Aurora Fire-Rescue

AG Report: The report of the Attorney General of Colorado on the findings of its investigation pursuant to the authority granted to the Attorney General by Senate Bill 217

AG: The Attorney General of Colorado

APD: Aurora Police Department

AIM: APD's Administrative Investigation Management system

ALPR: Automatic license plate recognition, a technology that uses police dash cameras to scan license plates, access relevant databases, and identify stolen vehicles of persons of interest

ASHER: Active Shooter Hostile Event Response training

ATS: Applicant Tracking System, used to track the status of applicants through the hiring process; also see "NeoGov" and Workday" below

Axon: Axon Enterprise, Inc. (formerly TASER International), is an American company based on Scottsdale, Arizona that develops technology and weapons products for military, law enforcement and civilians; in RP8, this company was selected by APD as the vendor to replace APD's AIM and Benchmark systems

Aurora: The City of Aurora, Colorado

Benchmark: APD’s system containing data relating to police operations, including contacts and UOF; this system was intended to replace APD’s AIM system

BIPOC: Technically, this term means “Black, Indigenous, and people of color”. For the Monitor’s reports, this term refers to people who self-identified as American Indian, Alaskan Native, Asian, Black or African American, Hispanic/Latino, Native Hawaiian or Other Pacific Islander, or Two or More Races

BPM: Business Policy Memorandum

BWC: Body-worn camera

CAC: Community Advisory Council for the City of Aurora

CAD: Computer aided dispatch

CAMP: Community Assisted Monitoring of Police initiative to foster collaboration between APD, the Monitor and the community in the oversight of APD’s policing

CAPSTC: City of Aurora Public Safety Training Center, which is used for APD and AFR recruit and incumbent training

CBI: Colorado Bureau of Investigation

CD: Consent Decree

CDC: Contact Data Collection form

CDCs: Contact Data Collection forms (plural)

CIRT: Critical Incident Response Team, a fact-finding group of impartial experts who are independent of APD

CIT: Crisis Intervention Training

City: The City of Aurora, Colorado

CPI-434: California Psychological Inventory 434 Personality Test, containing 434 true/false questions that measure personality traits

CRB: Chief’s Review Board

CSC: Aurora Civil Service Commission

CSI: Crime Scene Investigation

CSR: Community Service Representative, an unarmed representative of the APD who responds to traffic collisions, collects evidence at crime scenes, and handles cold calls such as vandalisms where the suspects are not on the scene

DART: Direct Action Response Team

DCJ: Division of Criminal Justice - one of six divisions within the Colorado Department of Public Safety

DM: Directive Manual; APD's policies and procedures

DPS: Colorado Department of Public Safety

DUI: Driving under the influence (of alcohol or drugs)

DUID: Driving under the influence of drugs

DWAI: Driving while ability impaired

EIS: Early Intervention System; APD uses two systems that are expected to be replaced by the end of 2025: First Sign, a product of Benchmark, and PEIS, APD's Police Early Intervention System

EWS: Early Warning System

FIU: Force Investigation Unit, a unit that presents APD's UOF cases to the FRB

First Sign: Benchmark's Early Warning System

Focus Items: Events and issues of note that reflect seminal events to the community, significant achievements, significant developments, or areas that must be prioritized in order to achieve substantial compliance with the CD

FRB: Force Review Board, with responsibility to adjudicate uses of force (UOFs)

FrontLine: National Testing Network's entrance exam for all entry-level applicants for sworn roles with APD and AFR

FTO: Field Training Officer

GIU: Gang Intervention Unit

HR: The City of Aurora's Human Resources Department

ICAT: Integrating Communications, Assessment and Tactics training

IntegrAssure: IntegrAssure, LLC, founded in March 2021 by its President and Chief Executive Officer, Jeff Schlanger, upon his retirement as the Deputy Commissioner of Risk Management Bureau for the New York City Police Department

IRP: Independent Review Panel commissioned by Aurora City Council into the death of Elijah McClain and AFR's use of ketamine as a chemical restraint

IUM: Investigation Update Message module of SPIDR Tech's customer communications/survey system

JSA: Job Suitability Assessment, a pre-employment screening assessment for APD and AFR recruits; it includes two online personality tests and a review with a licensed clinical psychologist

KPIs: Key Performance Indicators

LMS: Learning Management System

LSD: Lysergic acid diethylamide, a hallucinogenic drug

MADC: Methodologies to Aid in the Determination of Compliance

M1 Hold: A 72-hour temporary involuntary detention for evaluation and treatment of a person who appears to have a mental illness and is an imminent danger to themselves or others, or is gravely disabled

Monitor: The Independent Consent Decree Monitor for the City of Aurora, IntegrAssure, LLC

MOP: AFR's Manual of Procedures

NAACP: National Association for the Advancement of Colored People

NeoGov: A public sector ATS used by the CSC until HR implemented Workday to track applicants through the hiring process for APD's January 2024 Academy

NFIRS: National Fire Incident Reporting System, which is the reporting standard that fire departments use to uniformly report on the full range of their activities, from fire to emergency medical services

Non-Binary: This is an umbrella term for people who do not identify as male or female

Non-Male: People who self-identified as female or non-binary

NPI: National Policing Institute, engaged by IntegrAssure and the City of Aurora to conduct statistical analyses and interpret enforcement data collected by APD

NTN: National Testing Network, the vendor who provides APD's Front Line entrance exam for new applicants to entry-level sworn positions within APD and AFR

OIS: Officer Involved Shooting

PCP: Phencyclidine, a type of hallucinogen, commonly known as "angel dust"

PEIS: APD's Police Early Intervention System

PIO: Public Information Officer

PIT: Precision Immobilization Technique, a technique used by law enforcement personnel to force a fleeing vehicle to abruptly turn 180 degrees, causing the vehicle to stall and stop

POST: Colorado’s Peace Officer Standards & Training, a unit of the Criminal Justice section of the Colorado Attorney General’s Office that documents and manages the certification and training of all active police officers in Colorado

PowerBI: APD’s interactive data visualization software that was developed by Microsoft

PSSA: Public Safety Self-Assessment, one of the tests included in APD’s online entrance exam included in the National Testing Network’s FrontLine exam

QA Unit: APD’s Quality Assurance Unit that will serve as the standards section within APD’s Office of Constitutional Policing

Race/Ethnicity Categories:

- **American Indian or Alaska Native:** A person having origins in any of the original peoples of North, Central, and South America, including, for example, Navajo Nation, Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, Native Village of Barrow Inupiat Traditional Government, Nome Eskimo Community, Aztec, and Maya
- **Asian:** A person having origins in any of the original peoples of Central or East Asia, Southeast Asia, or South Asia, including, for example, Chinese, Asian Indian, Filipino, Vietnamese, Korean, and Japanese
- **Black or African American:** A person having origins in any of the Black racial groups of Africa, including, for example, African American, Jamaican, Haitian, Nigerian, Ethiopian, and Somali
- **Hispanic or Latino:** A person of Mexican, Puerto Rican, Salvadoran, Cuban, Dominican, Guatemalan, and other Central or South American or Spanish culture or origin, regardless of race
- **Middle Eastern or North African:** A person having origins in any of the original peoples of the Middle East or North Africa, including, for example, Lebanese, Iranian, Egyptian, Syrian, Iraqi, and Israeli
- **Multiracial and/or Multiethnic:** A person who self-identifies with multiple races/ethnicities
- **Native Hawaiian or Other Pacific Islander:** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands, including, for example, Native Hawaiian, Samoan, Chamorro, Tongan, Fijian, and Marshallese
- **White:** A person having origins in any of the original peoples of Europe, including, for example, English, German, Irish, Italian, Polish, and Scottish

RFP: Request for Proposal

RISKS: Remediation of Identified Situations Key to Success, a joint initiative of the Monitor and APD that involves reviewing individual incidents and wider trends in each district and SOB every two months in

order to identify areas for improvement and best practices to be commended and leveraged as exemplars for further improvement throughout APD

RMS: Records Management System

RP1: First reporting period of the Consent Decree, from February 15 to May 15, 2022

RP2: Second reporting period of the Consent Decree, from May 16 to August 15, 2022

RP3: Third reporting period of the Consent Decree, from August 16 to November 15, 2022

RP4: Fourth reporting period of the Consent Decree, from November 16, 2022 to February 15, 2023

RP5: Fifth reporting period of the Consent Decree, from February 16 to August 15, 2023

RP6: Sixth reporting period of the Consent Decree, from August 16, 2024 to February 15, 2024

RP7: Seventh reporting period of the Consent Decree, from February 16 to August 15, 2024

RP8: Eighth reporting period of the Consent Decree, from August 16, 2024 to February 15, 2025

RP9: Ninth reporting period of the Consent Decree, from February 16, 2025 to August 15, 2025

SB20-217: Colorado’s Senate Bill 20-217, which requires each local police department to report all data relating to contacts conducted by its peace officers, where “contact” means “an interaction with an individual, whether or not the person is in a motor vehicle, initiated by a peace officer, whether consensual or nonconsensual, for the purpose of enforcing the law or investigating possible violations of the law”, and “contact data” that must be reported includes demographics of each individual stopped; data relating to the times, dates, and locations of contacts; the outcomes of contacts, including arrests, warnings, and property seizures; and actions taken by police officers during the contact, including frisks and searches

SOB: Special Operations Bureau of the APD

SOP: Standard Operating Procedure

SPIDR Tech: APD’s multi-lingual system used to enhance and streamline communications between APD and the community

TCCC: Tactical Combat Casualty Care training

TEEX: Texas A&M Engineering Extension Service, a training service provider that offers immersive learning and simulations for firefighters, law enforcement personnel, public works professions and cybersecurity specialist. APD and AFR use their services. (In the late 1800’s, A&M referred to the Agricultural and Mechanical College of Texas. When Texas A&M gained university status in 1963, the “A&M” was incorporated into the official name in deference to the institution’s history, but the individual letters no longer explicitly stand for anything.)

Terry Stop: A police stop, that takes its name from the 1968 U.S. Supreme Court case – Terry v. Ohio – that first articulated the federal constitutional minimum standard for conducting such stops

Tier 1 UOF: A Tier 1 UOF (low level) involves actions taken to control a subject that are neither likely nor intended to cause injury

Tier 2 UOF: A Tier 2 UOF (intermediate level) involves actions taken to control a subject that are likely to cause pain or injury to the subject

Tier 3 UOF: A Tier 3 UOF (lethal level) involves UOF for which the outcome could be serious bodily injury or death

Transparency Portal: APD’s public-facing online dashboard reporting website

UOF: Use of Force

UOFs: Uses of Force

VAM: Victim Acknowledgment Message module of SPIDR Tech’s customer communications/survey system

Whole Person Approach: This approach involves considering an applicant’s full background before an employment eligibility decision is made

Workday: APD’s cloud-based human capital management system, including an applicant tracking system used by HR to track applicants through the hiring process, starting with applicants for APD’s January 2024 hiring class and AFR’s February 2024 hiring class