1. **Background:**
   a. In August 2020, Attorney General Phil Weiser launched a ‘patterns and practices’ investigation into the Aurora Police Department after being granted new authority by state lawmakers to probe potential abuses by police.
   b. Rather than focusing on individual issues, the review examined the behavior of APD as a whole with the goal of achieving full accountability and eliminating structural or systemic problems.
   c. On Sept. 15, the city received a report from the Colorado Attorney General’s Office detailing the findings of a lengthy investigation into both Aurora Police Department and Aurora Fire Rescue patterns and practices. Their findings allege the departments have engaged in the following patterns and practices:
      i. APD has a pattern and practice of racially biased policing against people of color as a whole and Black people in particular;
      ii. APD has a pattern and practice of using force excessively;
      iii. APD has a pattern and practice of failing to document stops as required;
      iv. AFD has a pattern and practice of administering ketamine illegally

2. **What is a Consent Decree?**
   a. A consent decree is a civil settlement agreement between two parties to resolve a dispute without an admission of guilt. The City of Aurora has reached a Consent Decree with the Attorney General of the State of Colorado in response to a Patterns and Practices Investigation.

3. **What is the purpose of the Consent Decree?**
   a. The Consent Decree is intended to promote police integrity within the Department and prevent conduct that deprives individuals of their rights, privileges or immunities protected by the Constitution of the United States.

4. **How long will the consent decree last?**
   a. This agreement requires Aurora to spend up to two years changing its policies, hiring practices, and training to meet the requirements of the Decree, and then up to three years demonstrating compliance through monitoring, measurement, and implementation of new policies based on coordination with an Independent Consent Decree Monitor. If Aurora demonstrates substantial compliance in any of the specified areas ahead of the established deadlines, the Decree may last less than five years.

5. **What does the city of Aurora have to accomplish in the Consent Decree?**
   a. The purpose of the Decree is to ensure the city, including all its departments and commissions, address the issues identified in the Attorney General’s report titled “Investigation of the Aurora Police Department and Aurora Fire Rescue.” Changes are outlined under the following topics:
      i. Policies and Training;
      ii. Addressing Racial Bias in Policing;
      iii. Use of Force;
      iv. Documentation of Stops;
v. Use of Ketamine and other Sedatives as a chemical restraint;
vi. Recruitment, Hiring, and Promotion;
vii. Accountability and Transparency

6. **Who are the key players in a Consent Decree?**
   a. State of Colorado, Office of the Attorney General Phil Weiser
   b. City of Aurora General Management, Legal, Aurora Police Department and Aurora Fire Rescue
   c. Consent Decree Monitor
   d. Arapahoe County District Court

7. **What are the costs associated with a Consent Decree?**
   a. The cost, services and expenses of the Consent Decree Monitor are the responsibility of the City of Aurora. Associated costs will likely vary from year to year depending on the area of focus at the time. The Request for Proposal states the City will pay the Monitor either an annual fixed price based on the scope of work and scope of services, or hourly with an annual not-to-exceed amount.
   b. Total costs are difficult to measure at this time and will largely depend how the City and individual departments elect to move forward in implementing some of the required changes. Additional costs to implement recommendations will be evaluated during the first two years.

8. **What measurements are in place to determine success?**
   a. Success will be largely measured by the implementation of policy, effective training on improved policy, and adherence to policy standards once implemented.

9. **Besides the initial investigation, what is the Colorado Attorney General’s role in the Consent Decree?**
   a. The Attorney General will work with Aurora to select the Consent Decree Monitor, participate in any court proceedings that occur under the decree, and be a resource to the court, Consent Decree Monitor, and Aurora to support the commitments the city made in the Decree.

10. **How does the Consent Decree benefit the community?**
    a. The Consent Decree will benefit the Community by ensuring the City’s Police and Fire Departments have policies, hiring processes, and community engagement that are in line with best practices. Every part of the Decree is designed to directly and/or indirectly benefit our community and increase the city of Aurora’s ability to provide effective public safety services to Aurora. The overarching goals are to protect the dignity of all members of our community and their constitutional rights.

11. **What changes have already occurred prior to entering the Consent Decree?**
    a. The Aurora Police Department has made many significant organizational changes over the last two years, informed by the various assessments and reports received. To learn about specific changes under Chief Wilson’s ‘A New Way’ plan, please visit www.auroragov.org/ANewWayProgress
    b. Aurora Fire Rescue removed ketamine from their system on September 15, 2020 – *before* the AG report was released and *before* the statewide ban on the medication.

12. **How does a Consent Decree benefit public safety personnel who serve the Aurora community?**
a. There are advantages to a consent decree. The outcomes of the Decree will provide best practices and bring valuable resources, technology and training to officers. These benefits provide a roadmap to success and allow officers to be confident in their service mission.

13. How can I be involved in the reform process?
   a. The city is committed to bringing community voices into the restorative efforts of public safety in Aurora. We will work with the Consent Decree Monitor to put mechanisms in place to provide input.

14. Where can I learn about the progress being made?
   a. You can visit the “A New Way Progress” page to learn about the accomplishments and progress.

15. What is the role of the Consent Decree Monitor specifically?
   a. The Monitor will oversee the implementation of the Decree, including engagement in community outreach; issuing public reports to the Court on the city’s compliance with the Decree; providing guidance and recommendations on compliance with the Decree to the City of Aurora, the Aurora Police Department, and Aurora Fire Rescue, including reviewing and commenting on policies, training, and initiatives developed under the Decree; and working closely with leadership and staff from city management, Aurora Police and Aurora Fire Rescue.
Previously sent out to APD staff after release of AG Patterns and Practices Report:

Background:

- In August 2020, Attorney General Phil Weiser launched a patterns and practices investigation into the Aurora Police Department after being granted new authority by state lawmakers to probe potential abuses by police.

- Rather than focusing on individual issues, the review examined the behavior of APD as a whole with the goal of achieving full accountability and eliminating structural or systemic problems.

- On Sept. 15, we received a report from the Colorado Attorney General’s Office detailing the findings of a lengthy investigation into both Aurora Police Department and Aurora Fire Rescue patterns and practices. Their findings allege the COA has engaged in the following patterns and practices:
  - APD has a pattern and practice of racially biased policing against people of color as a whole and black people in particular;
  - APD has a pattern and practice of using force excessively;
  - APD has a pattern and practice of failing to document stops as required
  - AFD has a pattern and practice of administering ketamine illegally

What is a consent decree:

- A “Consent Decree” is a court-enforceable agreement that ends a dispute or a lawsuit between parties, in this case the City of Aurora and the Attorney General’s office (on behalf of the State of Colorado). It details a plan the parties agree to use in order to correct the problem(s) that caused the dispute or made the lawsuit necessary. The important factor is that the plan is enforced by a court of law.

- There are many agencies in the United States that have entered into these agreements, usually stemming from investigations done at the federal level, by the Department of Justice. However, this state initiated pattern and practiced investigation has so far followed this same structure, and we expect the consent decree will also.

What is the purpose of the consent decree?:

- A Consent Decree is intended to promote police integrity within the Department and prevent conduct that deprives individuals of their rights, privileges or immunities protected by the Constitution of the United States.

What gives the Colorado Attorney General’s Office the authority to conduct a PnP and to enforce a Consent Decree?:

...
The following statute is what authorizes the state AG to conduct this Patterns and Practices investigation. The authority for the AG’s office in the State of Colorado to conduct a PnP investigation and bring a civil lawsuit in Title 24 of the CRS was created by SB 217:

It is unlawful for any governmental authority, or any agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by peace officers or by officials or employees of any governmental agency that deprives persons of rights, privileges, or immunities secured or protected by the constitution or laws of the United States or the state of Colorado. Whenever the attorney general has reasonable cause to believe that a violation of this section has occurred, the attorney general, for or in the name of the state of Colorado, may in a civil action obtain any and all appropriate relief to eliminate the pattern or practice. Before filing suit, the attorney general shall notify the government authority or any agent thereof, and provide it with the factual basis that supports his or her reasonable cause to believe a violation occurred. Upon receipt of the factual basis, the government authority, or any agent thereof, has sixty days to change or eliminate the identified pattern or practice. If the identified pattern or practice is not changed and permanently eliminated after sixty days, the attorney general may file a civil lawsuit. The attorney general may issue subpoenas for any purpose in conducting an investigation under this section. (CRS 24-31-113)

What are the next steps?

- City leaders will meet with the Colorado Attorney General’s Office to start discussions on next steps. This will include getting clarification and discussing sustainable solutions. We are working on a mechanism for you to provide input on this as we move forward.

Can we dispute the findings?:

- While we have made significant progress that speak to the findings, we will be participating in rigorous discussions with the AG’s office to make sure we come up with viable solutions to resolve the patterns and practices.

How will we know when something changes?:

- As things progress and we learn more information about the process, we will communicate this out. We are looking into the best platforms to do this for both our internal team and our community. The responsibility for implementing changes rests on leadership. When these changes are made, we will roll them out in briefings, in-service trainings and other ways.

What advantages, if any, exist with a consent decree for our agency and officers?:

- Some advantages include:
  - Increased resources to successfully achieve department efficiency and reform
Increased training for officer

Increased clarity on roadmap to success

Well-defined expectations

What we don’t have definitive answers to without entering into a consent decree:

- Start date of decree
  
  We have 60 days to show we are willing to cooperate and take actions to eliminate the identified patterns and practices. However, the start date of the decree is to be determined.

- How long will the consent decree last once approved?
  
  By law, the consent decree must stay in place until a judge determines the city has implemented and maintained the reforms mandated in the consent decree. The length of time this takes depends on how rapidly and how well the city and police department work to implement the reforms. Typically there isn’t a defined timeline. However, decrees often last 5+ years. Regular monitoring of progress and the opportunity to modify the decree once reforms are met are part of the ongoing process.

- Oversight of the decree
  
  While we do not know who will do it, AG Weiser stated he would employ an independent monitor and there would likely be a 3rd party administrator. An independent monitor often evaluates and issues public reports on progress. Although we have not entered into these discussions with the AG’s office yet, we will attempt to have conversation and input about the independent monitor.