

## CIVIL SERVICE COMMISSION MEETING AGENDA

**1:00 PM**

**DECEMBER 14, 2021**

WebEx Meeting info provided to internal staff

**Public Participant Dialing Instructions:**  
Dial Access Number-1-408-418-9388  
Enter Access Code 2493 535 1850

### 1) 1:00 PM CALL TO ORDER OF REGULAR MEETING

**A.** Introduction

**B.** Adoption of Agenda

**C.** Approval of Minutes for October 12th, 2021

### 2) AGENDA ITEMS FOR VOTE

**A.** Officer Elections

Cain

### 3) AGENDA ITEMS FOR DISCUSSION

**A.** Fire Recruiting Unit Presentation

Sherri Jo Stowell

### 4) REPORTS

**A. COMMISSIONER REPORTS**

- Introduction of Commissioner McNeal
- Police Sergeant Promotional Exam
- Police Academy Graduation
- Fire Captain Assessment Center
- Fire Promotional Ceremony
- Fire Lt. Written

**B. STAFF REPORTS**

**C. LEGAL COUNSEL REPORTS – Consent Decree Update**

### 5) COMMENTS

**A. FIRE DEPARTMENT**

1.Chief or Designee

2.Union Designee

**B. POLICE DEPARTMENT**

1.Chief or Designee

2.Association Designee

➤ APA

➤ FOP

**C. CITY MANAGER DEPARTMENT**

**D. PUBLIC COMMENT – Limited to 3 minutes, no discussion \*Please note: The Commission cannot consider or respond to any comments that relate in any manner to disciplinary appeals currently pending before the Commission.**

### 6) ADJOURNMENT



## MEMORANDUM

TO: Civil Service Commission  
 FROM: Julie A. Heckman, Deputy City Attorney  
 THROUGH: Daniel L. Brotzman, City Attorney  
 DATE: December 6, 2021  
 RE: Summary of Consent Decree Sections Impacting the Civil Service Commission

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You have asked for a memo summarizing the sections of the recently stipulated Consent Decree that will most impact the Civil Service Commission, and next steps to be taken.

Summary.

Focusing on what's most relevant to the Civil Service Commission, this memo will start with a short history of the formation of the Consent Decree, followed by the next relevant steps set forth by the Consent Decree, namely the selection of an Independent Consent Decree Monitor, then the selection of a Civil Service Commission Outside Expert in best practices for recruiting and hiring a qualified and diverse public safety workforce, and then finally, a summary of the sections of the Consent Decree that involve the Civil Service Commission, which are Recruitment, Hiring, Promotion, and Review of Discipline. The memo will also highlight the deadlines associated with those applicable sections and discuss future deadlines that must be met, in moving forward.

History of the Formation of the Consent Decree

As you are aware, the City of Aurora and the Attorney General reached an agreement on how the City of Aurora will address issues raised in the Sept. 15, 2021 report of the investigation conducted by the AG's office into the "patterns of practices" of the City of Aurora. The Stipulated Consent Decree sets forth the specific commitments that Aurora, including the Aurora Police Department (APD), the Aurora Fire Rescue (AFR), and the Aurora Civil Service Commission (CSC), will take with the support of an Independent Consent Decree Monitor to improve and comply with state and federal law. It is important to note that the Consent Decree itself contains specific language in multiple places, indicating that nothing in the Consent Decree will be construed to encourage or authorize any Party or the Consent Decree Monitor to violate any state or federal law, including the City of Aurora's Charter. The ultimate goal of the Consent Decree is to implement meaningful and lasting change that will support the City of Aurora and its residents as it works to improve and build trust in law enforcement. On December 2, 2021, Arapahoe County District Court Judge Elizabeth Volz signed the Joint Motion to Enter Judgment of the Stipulated Consent Decree.

Duties of the Consent Decree Monitor

The Consent Decree sets forth the duties and scope of the Independent Consent Decree Monitor (CDM), which could be a lead monitor, supported by a small team of additional subject matter experts. The CDM is to oversee the City of Aurora's implementation of the Consent Decree, including engaging in effective community outreach to understand concerns and what the City of

Aurora is doing well; issuing public updates to the Court on the City's compliance with the Consent Decree; providing guidance and recommendations on compliance with the Consent Decree to the City of Aurora, APD, AFR, and CSC; serve as a resource and a coach, as needed, to help the City of Aurora succeed in the commitments made in the Consent Decree. The CDM shall not substitute or replace their own judgment or decision in place of any official decision. Instead, the CDM will use the Dispute Resolution Procedure in the event of any disagreement.

#### Selection of the Consent Decree Monitor

The City has already put out a Request for Proposals (RFP) to initiate a hiring process for the CDM with the intention of having the role filled by the end of December 2021 or early January 2022. The CDM will not be a City employee, but will be funded by the city, as a contracted service provider position, after a thorough selection process conducted by the City and the Colorado Attorney General's office. This process will have some component of public engagement, and the Civil Service Commission will be specifically invited to meet with the finalists and asked to give input. The timing of the selection of the CDM is very important, as all of the deadlines that are set forth in the Consent Decree are dictated from the effective date of the City's contract with the CDM.

#### Selection of a Civil Service Commission Outside Expert

One of the earliest deadlines set forth in the Consent Decree is the Civil Service Commission Outside Expert Retention Deadline. This expert must be retained within 90 days of the effective date of the City's contract with the CDM. The City or the CSC, in consultation with the CDM, will select and hire an outside expert with expertise in best practices for recruiting and hiring a qualified and diverse public safety workforce of police officers and firefighters within the framework of the authority of the Commission provided by the Charter. Part of what the AG's office reported hearing repeatedly from community stakeholders was that they did not understand what the CSC did, or how they did it. The CSC has a very important role, and the Consent Decree sets a goal for the City to improve transparency and accountability about all of the CSC's work – such that community members understand the role that the CSC plays in hiring, promotion, and discipline, as well as any changes the CSC makes to those processes. The CSC is encouraged and invited to search, suggest, and share any ideas of candidates who would be qualified and interested in filling this critical role as the Civil Service Commission Outside Expert.

#### Recruitment

Recruitment is the first area discussed in the Consent Decree that specifically mentions the CSC. Generally, the objective is that the City will transform recruiting and hiring processes to successfully attract and hire a more diverse group of qualified individuals to create a high-quality workforce and establish APD, AFR, and the CSC's commitments to a culture of continuous improvement and becoming better police and fire departments. APD and AFR are tasked with developing written recruitment plans that include, but are not limited to: clear goals, objectives, and action steps for attracting and retaining a quality workforce that better reflects the diversity of the City. The role of the CSC under Recruitment is to work with APD and AFR to include in their recruitment plans a schedule to collaborate with the CSC to review and make any applicable changes to the minimum qualifications for entry level police and fire recruits, as well as lateral hires.

### Hiring

The hiring of entry-level police officers and firefighters was one area where the Office of the Attorney General believed more than incremental change was necessary, and they held firm. Much was discussed about the Commission's responsibility of administering the separate Civil Service system, as set forth by the City's Charter, including by the City's staff, the CSC Chair and the CSC Administrator. While the Stipulated Consent Decree leaves the CSC in charge of examination and certification of all applicants to positions within the Civil Service, as required by Charter, it also states that to implement this Consent Decree and the policies and goals it requires, this process of hiring entry-level police officers and firefighters will be reworked so that APD and AFR, with coordination and assistance from the Aurora Human Resources Department, will assume a much more active role in the hiring of candidates from the eligibility lists prepared by the CSC and have the final say on which candidates are hired. It is stated that the City Manager, with assistance from HR as needed, shall work with the CSC to bring about necessary changes and recodification of the current CSC Rules and Regulations, by the deadline listed in the Consent Decree, which is 455 days from the effective date of the City's contract with the CDM. The CDM will review the modified procedures solely to ensure they meet the objectives of the Consent Decree and are not inconsistent with other goals of the Consent Decree. Again, the following language is included in this specific section of the Consent Decree titled Hiring of Entry-Level Police Officers and Firefighters – "Nothing in this section is intended to modify or violate the Aurora City Charter and the duties designated to the Civil Service Commission, the Police Department, and Aurora Fire Rescue."

### Promotion

The CSC will work with the CDM and the outside expert to make changes, if any, to the promotional process.

### Review of Discipline

This section of the Consent Decree prescribes that the CSC will work with the CDM to update its Rules and Regulations by the Civil Service Commission Rules and Regulations Modification Deadline (455 days from the effective date of the City's contract with the CDM), to include, at a minimum:

- 1) Guidelines that substantially reduce the time disciplinary cases take from filing to resolution, including to strongly consider not allowing a full "de novo" review of disciplinary cases and instead handling them as a more appellate style of review within the parameters set forth by the Aurora Charter;
- 2) Requirements about the content of the disciplinary decisions, including plain statements of the actual allegations, defenses, findings, and basis for the decision so that a member of the public can understand, from that document alone, what gave rise to the discipline and the reasons the CSC affirmed or modified that discipline; and
- 3) Requirements that as much of the business of the CSC as possible be easily accessible to the public by website, including discipline decisions and all requests for continuances, and specific identification of what is not public and the basis for keeping it not public.

Deadlines that must be met

One of the questions that has been raised is what the plan should be for the hiring of entry-level police officers and firefighters to fill the upcoming police and fire academies, each slated to begin in February 2021. One suggestion has been that as soon as the Consent Decree has been accepted by and signed by the Court in which it was filed, the CSC staff shall immediately forward all background findings and applicant testing results to the Human Resources Department, for them to coordinate the final hiring decision with APD and AFR for any future academies.

As has been pointed out throughout this memo, each of the deadlines set forth on the final page of the Consent Decree (the three deadlines associated with recruitment, hiring, and promotion, as well as thirteen others, which do not specifically impact the CSC) is calculated backwards, from the effective date of the City's contract with the Consent Decree Monitor, which is likely to be in the early part of 2022. The first deadline applicable to the CSC (Retention of the CSC Outside Expert) is 90 days from the date the City contracts with the CDM. Therefore, you are at least four months out from even having the outside expert, who you, and the City, will meet and confer with, to discuss your current practices, procedures and protocols, and seek to learn about what best practice information the outside expert has to share about recruiting and hiring a qualified and diverse public safety workforce of police officers and firefighters, within the framework of the CSC's authority, as provided by the Charter. The other two deadlines applicable to the CSC (regarding recruiting and the possible modification of your CSC Rules and Regulations) are not until 455 days from the effective date of the City's contract with the CDM. This will be sometime in 2023.

The CSC may continue your current processes and practices (unless you decide to change them, which is your prerogative to do, by modifying your CSC Rules and Regulations), until at least the time that you have worked with the Consent Decree Monitor to select the CSC Outside Expert and have discussed the requirements and commitments made in the Consent Decree, and hear what the outside expert has to share about potential ways to improve upon our current process of hiring entry-level civil servants. One suggestion is that you continue the conversations that the CSC Administrator has already begun having with the City's HR Department, to strengthen their understanding of your current processes, and perhaps have them shadow you and your staff as you go through the entry-level hiring process for any upcoming police and/or fire academies, including the collaborative process that you have designed, by having invited members of APD and AFR to attend and participate in your file review of applicants, where they can add their subject matter expert advice and opinions. It was not contemplated that any of the current duties and roles of the CSC would immediately be ceded or subrogated without the evaluation, study, consideration and development of policies, processes, and procedures that all agree will likely bring about improvements, which can then be implemented, incorporated, reviewed, and evaluated for measurable compliance and continued improvement, as required by the Consent Decree.

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If this memorandum raises any additional questions, please let me know.