

AURORA POLICE DEPARTMENT

DIRECTIVES MANUAL

08.50 CONTACT DATA COLLECTION

Approved By:	Art Acevedo, Interim Chief of Police
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Associated Policy:	DM 05.01, 05.03, 05.04, 05.05, 05.06
References:	C.R.S. § 18-1-704, 18-1-707, 18-1-901(3)(d), 24-31-901
Review Authority:	Professional Standards and Training Division Chief and APD Legal Advisor(s)

8.50.01 PURPOSE

Pursuant to C.R.S. § 24-31-901 and C.R.S. § 24-31-903, this directive implements the Aurora Police Department (APD) Contact Data Collection (CDC) program, assigns responsibilities and provides detailed procedures for CDC and reporting.

8.50.02 SCOPE

This directive applies to all sworn members of APD.

8.50.03 DEFINITIONS

Contact: as defined by C.R.S. § 24-31-901(1) means an in-person 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. To qualify as a contact, three criteria must be met:

- In-Person Interaction: The proximity of an officer to a specified individual, which allows that officer to both see and interact with that person.
- Initiated by the Officer: The officer initiates the in-person interaction with the specified individual. Any contact resulting from a call for service is deemed to be “initiated by the officer,” regardless of whether the first contact is made by the officer or a civilian.
- For Violations of Law: The reason the officer initiated in-person interaction with the specified individual, with legal justification, is for the purpose of enforcing the law or investigating the specified individual for violating the law.

Non-Contact: as defined by C.R.S. § 24-31-901 (1) includes routine interactions with the public at the point of entry or exit from a controlled area; a non-investigatory and consensual interaction with a member of the public, initiated by a member of the public, unless and until the interaction progresses into an investigation of a possible violation of the law; a motorist assist; undercover interactions; or routine interactions with persons detained in a jail or detention facility.

APD also defines non-contact for clarification: victims, witnesses, reporting parties, over-the-phone conversations, and any individuals who do not meet the above criteria of a contact. Interacting with non-contact does not absolve the sworn members from body-worn camera (BWC) use.

Demographic Information: as defined by C.R.S. § 24-31-901(2) means race, ethnicity, sex, and approximate age. C.R.S. § 24-31-903(2)(c)(i) also states that the identification of these characteristics is based on the observation and perception of the peace officer making the contact.

Investigative Incident: is defined as the totality of an investigation from initiation to case or event closure (e.g., the incident is listed in the records management system (RMS) as closed/cleared).

8.50.04 POLICY

All sworn members shall collect specified data as defined in this directive on all contacts they conduct and report the information to the department. CDC reporting is designed to comply with the new C.R.S., Department of Criminal Justice (DCJ), and the Consent Decree Monitor (CDM) requirements.

8.50.05 CDC | WHEN APPLICABLE

The provisions of this directive apply to:

- a. All sworn members who conduct a contact while on duty, which also includes secondary employment ([DM 08.12, Secondary Employment](#) is employment which requires the use or potential use of police authority, typically wearing a full police uniform). Secondary employment equates to shifts elected through the Court Liaison and Secondary Employment Unit via the *XtraDuty* system.
- b. All sworn members who use force at any time, either on or off duty.

The provisions of this directive do **not** apply to:

- a. Sworn members engaged in an authorized undercover operation.
- b. Sworn members who are off-duty or work additional employment ([DM 08.12, Additional Employment](#) is off-duty employment **not** involving the use of police authority and not utilizing a police uniform). Additional employment equates to jobs held by an APD employee that are separate from the police department (e.g., personally owned companies or employment with other non-law enforcement related companies).
- c. An interaction initiated by a sex offender for the sole purpose of a sex offender registration.

8.50.06 CDC REPORTING REQUIRED

Contact Data Collection (CDC) reporting is only required if a contact has occurred.

To qualify as a contact, the three criteria defined in section 08.50.1 must be met: in-person interaction initiated by the officer and for the purpose of enforcing or investigating a possible violation of the law. These reportable contacts include but are not limited to pro-active/self-initiated contacts, contacts resulting from a call for service, contacts resulting from a dispatch to a location, traffic or pedestrian contacts, and all instances of officer-involved UOF. If any of the above criteria is not met, per C.R.S. 24-31-901(1), then no contact has occurred, and a CDC report is not required.

Individuals encountered as witnesses, victims, reporting parties, or other non-contact categories that do not meet the definition of a contact as defined above do not require CDC reporting. However, if, through investigative methods, the officer suspects that the original non-contact individual has violated the law, a CDC report would be required as a result of the change in focus (e.g., non-contact turns into a contact, then a CDC report is required).

If a sworn member determines through the investigation that an individual no longer meets the criteria for a contact as originally suspected, the member must still complete the CDC report (e.g., if the interaction changes from contact to non-contact, a CDC report is still required.).

When sworn members complete a CDC Report, as required by APD Directive [DM 08.50 - Contact Data Collection](#), they shall add the term “@CDC” to the CAD notes of the call in which the corresponding contacts are made.

8.50.07 NON-USE OF FORCE INCIDENT

Each person who is contacted during a non-use of force incident will be documented once in the CDC reporting system for each investigative incident as defined above. There should be no duplicate or overlapping CDC entries for the same contact when they are associated with a specific investigation.

Regardless of how many sworn members contact the same person during the investigative incident, only the initial initiating sworn member who conducted the contact for the purpose of enforcing or investigating a possible violation of the law is responsible for documenting the contact in the CDC reporting system.

All sworn members assigned to an incident who conduct a contact are responsible for initiating communication with each other to discuss and confirm who is completing the CDC reports as required. If multiple sworn members contact one person, only the initial investigating member completes the CDC report. If multiple officers contact multiple people separately, each of those members would be required to complete a CDC report, not to overlap the same contact.

The CDC reporting system is designed to allow documentation of multiple contacts on one CDC report if they were all conducted by the same sworn member for that investigative incident.

8.50.08 USE OF FORCE INCIDENT

Each sworn member who uses Tier Zero (0), Tier One (1), or Tier Two (2) level force during an incident is required to complete their own CDC report documenting the contact and force used on that person. If additional contacts were conducted during that incident and force was not used on those people, the contact will be added to the CDC report of the officer who initiated contact for the purpose of enforcing or investigating a possible violation of the law. Those contacts, whether force was used or not, can be added simultaneously to the same CDC report if initiated by that sworn member.

Officers completing CDC reports when force was used are required to answer the question, "Did you use force with this contact?" for which there are three options:

- a. Answering "NO," will indicate the officer conducted a contact during the incident but did not use force on the contact being reported.
- b. Answering "YES, APD Tier 0/1/2 Incident" will activate the UOF section on the CDC report, which must be completed by that reporting officer.

Sworn members directly involved in an Officer Involved Shooting (OIS) or Tier 3 UOF incident are not required to complete the CDC report. Data surrounding the Tier 3 level use of force is submitted manually to CBI via the Colorado In-Site portal by the Professional Standard Section.

Additional Witness Officer Information

The Additional Witness Officer Information section is designed to capture a list of sworn members who witnessed the use of force. The Additional Witness Officer Information section is only activated for completion when sworn members have answered "YES, APD Tier 0/1/2 Incident," use of force on the CDC report. Sworn members are required to complete the "Additional Witness Officer" data field if:

- a. The additional witness officer directly witnessed a UOF on the same contact being reported in the CDC report; and
- b. That additional officer did not conduct a contact with the individual force was used on (e.g., a sworn member directly witnessed the use of force but only held a flashlight to help illuminate during handcuffing. That illuminating officer did not conduct a contact; therefore, that sworn member is not required to complete their own CDC report for that contact. The sworn members who used force would each include the witness officer holding the flashlight in the Additional Witness Officer section.)

8.50.09 MULTIPLE CONTACTS WITH THE SAME INDIVIDUAL

If a specified individual was already documented in a CDC report, sworn members can re-contact that same person without having to document the specified individual in another CDC report, so long as the reason for the re-contact/follow-up is for the original investigative incident.

If the sworn member concludes an investigative incident and contacts the specified individual again for a different reason, regardless of time lapsed, another CDC report is required.

8.50.10 CDC REPORT COMPLETION

The CDC report is accessible for online data entry in the Benchmark Analytics System.

All applicable fields of the CDC report must be completed.

Based on the data entered in the CDC report, additional branching questions will be activated. These additional fields are required and relate to:

- a. Consent
- b. Pat downs
- c. Searches (person, vehicle, property)
- d. Seizures (evidence, safekeeping, contraband)
- e. Property
- f. Use of force data
- g. Injury (officer, contact)
- h. Field show-up
- i. Unannounced entries

The approval process for the CDC report is member-driven and does not require supervisor approval. After the sworn member completes the report, the approval process provides the member with an opportunity to review the data prior to submitting the report. Sworn members are responsible for managing their CDC report queue and confirming all reports are in the closed status before completing their shift.

8.50.11 USE OF CDC REPORTS

CDC reporting does not replace or affect any current AIM or UOF reporting requirements, as noted in [DM 05.01 - Use of Force](#).

8.50.12 RESPONSIBILITY

Sworn members are responsible for CDC and entering that data into the CDC reporting system as required by this policy. Members are also responsible for managing their CDC report queue, confirming all CDC reports are in the closed status before the end of their shift. Sworn members who fail to complete CDC reporting as required are subject to the following progressive discipline to be recorded in the personnel management system:

- a. First incident – complaint entry that documents supervisory counseling.
- b. Second incident – complaint entry forwarded through the chain of command to a commanding officer for corrective action.
- c. Third incident – complaint entry forwarded through the chain of command to the appropriate Chief for a written reprimand.
- d. Fourth incident – complaint entry forwarded through the chain of command to the Chief of Police for referral to the Internal Affairs Bureau (IAB) for investigation.

The supervisor will apply progressive discipline for multiple CDC reporting violation entries within a 24-month period. The beginning of the 24-month period will begin on the date of the incident the violation occurred, not the date of the entry into the personnel management system.

The Internal Affairs Bureau (IAB) commander is responsible for ensuring the outcome of complaints resulting from contacts are tracked, and those outcomes are reported to the Professional Standards Section (PSS) programs administrator.

The PSS programs administrator is responsible for ensuring CDC-related data entered into the department's CDC reporting system is uploaded to the CBI portal as required, including:

- a. CDC-related complaints and their outcomes provided by IAB, and
- b. The annual summary report indicating the number of officers who resigned from the agency while under investigation for violating department policy.
- c. The number of officer-involved civilian deaths.