

**BEFORE THE CIVIL SERVICE COMMISSION, CITY OF AURORA, COLORADO**

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**PETITION FOR APPEAL OF DISCIPLINARY ACTION**

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**IN RE THE MATTER OF A DISCIPLINARY PROCEEDING AGAINST:**

**OFFICER DOUG WILKINSON #25646, MEMBER OF THE AURORA CLASSIFIED SERVICE, AURORA POLICE DEPARTMENT,**

**Appellant.**

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COMES NOW, Officer Doug Wilkinson, a sworn member of the Aurora Civil Service and the Aurora Police Department, by and through his attorneys Bruno, Colin & Lowe, P.C., by Michael T. Lowe, and pursuant to and in accordance with the Aurora City Charter §3-16(8)(e) and Sections XI and XII of the Rules and Regulations of the Aurora Civil Service Commission, respectfully appeals and requests review by the Civil Service Commission of a Disciplinary Order dated February 3, 2022, regarding EEO Case #21-46, issued by Chief of Police Vanessa Wilson and served upon Officer Wilkinson on that date, sustaining Appellant Wilkinson for alleged policy violations and terminating him from his employment, effective February 3, 2022. In support of the instant appeal, Officer Wilkinson states as follows:

1. At all times pertinent hereto, Officer Wilkinson was a member of the Aurora Civil Service, Aurora Police Department, maintaining the rank of Officer. At all times pertinent hereto, Officer Wilkinson was also a member of the Executive Board of the Aurora Police Association, serving in the position of President of the Aurora Police Association. The Aurora Police Association is a wholly independent benefits organization representing the interests of its members, and a legal entity completely separate from the City of Aurora.

2. At all times pertinent hereto, Respondent Chief of Police Vanessa Wilson was the duly appointed, authorized, and empowered Chief of Police of the Aurora Police Department, and was acting in such capacity in the issuance of the Disciplinary Order, dated February 3, 2022, and served upon Officer Wilkinson on that same date.

3. On or about December 14, 2021, Appellant Wilkinson received a Memorandum from Pat Sylvester, Employee Relations Manager placing Appellant Wilkinson on paid administrative leave and advising him he is the subject of an Equal Employment Opportunity Investigation alleging possible violations of City of Aurora and City of Aurora Police Department Policies:

- a. City of Aurora Employee Manual:  
Section 1.2 Anti-Harassment Policy
- b. Aurora Police Department Directives

10.9 Discrimination, Harassment & Sexual Harassment Complaint Procedure

(See Memorandum, dated December 14, 2021, attached as **Exhibit A**).

4. On or about January 28, 2022, Appellant Wilkinson received a Memorandum from Chief Vanessa Wilson advising that an EEO investigation had been completed and that there was enough evidence to sustain Officer Wilkinson on the above-identified policy violation and that following review of the EEO findings Deputy Chief Darin Parker and Acting Commander Kevin Rossi had identified additional policy violations of:

- c. 14.2.14 – Conduct Toward Superior and Subordinate Officers and Associates; and
- d. 14.2.21 – Police-Community Relations.

5. Chief Wilson set this matter for a Pre-Disciplinary Hearing on January 31, 2022. (See Memorandum, dated January 28, 2022, attached as **Exhibit B**)

6. On or about January 31, 2022 a pre-disciplinary hearing was held with Appellant Wilkinson before Respondent Chief Wilson in connection with the above-specified alleged violations in EEO Case No. 21-46. Appellant Wilkinson provided an oral statement at that time. Following the pre-disciplinary hearing, Chief Wilson sustained the following alleged violations and terminated Officer Wilkinson's employment effective immediately:

- a. City of Aurora Employee Manual:  
Section 1.2 Anti-Harassment Policy
- b. Aurora Police Department Directives  
10.9 Discrimination, Harassment & Sexual Harassment Complaint Procedure

(See Disciplinary Order, dated February 3, 2022, attached as **Exhibit C**).

7. The Disciplinary Order and the resulting suspension of the Appellant is not supported by the standard of evidence necessary to prove a violation of the Aurora Police Department Policies and Procedures, is contrary to rule or law and/or constitutes an arbitrary and capricious abuse of discretion on behalf of Respondents, and the following are offered pursuant to the Aurora Charter, §3-16, and Aurora Civil Service Rules and Regulations Section XI, Paragraph 61 and Section XII, Paragraph 66 as a brief summary of the reasons for this appeal and reasons the disciplinary action was incorrect:

- a. The sustained finding for the above violation and the suspension imposed is unjustified and unsupported by the facts elicited during the course of the investigation conducted in connection with this matter; further, there is evidence that both the investigation and resulting disciplinary action were initiated, completed and

imposed outside the jurisdiction and/or authority of the City of Aurora to investigate members of the Aurora Police Association for conduct and communications engaged in within the course of Aurora Police Association business; and as such, both the investigation and the resulting disciplinary action were initiated, completed and imposed for reasons unrelated to the efficient administration, operation, or control of the Aurora Police Department.

b. The disciplinary termination is excessive based on the nature and seriousness of the alleged conduct at hand. The level of discipline imposed is therefore punitive rather than corrective in nature and therefore violates the applicable policies utilized by the City of Aurora and the Aurora Police Department, both at the time of the alleged violation and now, regarding corrective discipline;

c. The disciplinary termination further constitutes a penalty disproportionate to the violations by other members of the Aurora Police Department of this same policy under similar circumstances, and as such denies Appellant Wilkinson his right to equal protection under the laws and his right to substantive due process. Such action is contrary to the Constitution of the United States, the Constitution of the State of Colorado, and violates the provisions and policies of the City of Aurora and the Aurora Police Department regarding fair and equal treatment for all employees thereof;

d. The disciplinary termination additionally fails to consider the prior service and work history of Appellant Wilkinson as a longstanding member of the Civil Service and the Aurora Police Department. It entirely ignores his length of service, quality of performance, and lack of significant disciplinary history, again violating the progressive and/or corrective discipline policies previously and presently being utilized by the Aurora Police Department and the City of Aurora;

e. The disciplinary termination is also violative of generally accepted standards of proper police administration and was imposed upon the Appellant for purposes other than the administrative control of the Aurora Police Department.

8. Accordingly, Appellant Wilkinson respectfully requests that pursuant to the Rules and Regulations of the Civil Service Commission of the City of Aurora, and pertinent sections of the Aurora Charter, he be afforded a review *de novo* by the Commission of the subject Disciplinary Order. In that regard, Appellant Wilkinson further requests that such Disciplinary Order be vacated and held for naught, or that the same be modified and the penalty be reduced by the Commission, and that he be awarded back pay, seniority, and all other emoluments of office such that proper progressive disciplinary action is imposed consistent with departmental policy and as appropriate under the attendant and/or mitigating circumstances.

Appellant Wilkinson requests that a hearing in connection with this appeal be closed to the public.

DATED this 15<sup>th</sup> day of February, 2022.

BRUNO, COLIN & LOWE, P.C.

*s/Michael T. Lowe*

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 15<sup>th</sup> day of February, 2022 a true and correct copy of the foregoing **PETITION FOR APPEAL OF DISCIPLINARY ACTION** was filed with the Civil Service Commission via electronic mail to [civilservice@auroragov.org](mailto:civilservice@auroragov.org), and to include the following:

Matt Cain  
[civilservice@auroragov.org](mailto:civilservice@auroragov.org)

Peter Morales  
[pmorales@auroragov.org](mailto:pmorales@auroragov.org)

Isabelle Evans  
[ievans@auroragov.org](mailto:ievans@auroragov.org)

*s/Julie Bozeman*

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Julie Bozeman, Paralegal  
Bruno, Colin & Lowe, P.C.



## **MEMORANDUM**

DATE: December 14, 2021

TO: Douglas Wilkinson, Patrol Officer

FROM: Pat Sylvester, Employee Relations Manager

SUBJECT: Notice of Investigation - Equal Employment Opportunity Investigation  
**SUBJECT**

An investigation is being conducted into allegations of possible violations of City of Aurora and/or Aurora Police Department policies, procedures or directives by you related to incident(s) of the following nature:

- It is alleged that you sent an inappropriate email to members of the Aurora Police Association (APA) on November 16, 2021.

The allegations involve the following Directives and/or Policies:

1. City of Aurora Employee Manual:  
Section 1.2 Anti-Harassment Policy
2. Aurora Police Department Directives:  
10.9 Discrimination, Harassment & Sexual Harassment Complaint Procedure

Upon receipt of this notice, you are being ordered not to discuss this situation with any member of the Aurora Police Department or any person you know or reasonably know will be interviewed as a witness by the EEO Investigator.

You are encouraged to review 10.9 Discrimination and Harassment Complaint Procedure. However, be advised that the right to have an observer present during an administrative interview does not apply to EEO investigations. You are also encouraged to review 10.5 Rights of Members Under Administrative Investigation,

10.2.15 Individual Member Responsibility, 14.1.1 Lawful Orders, and 14.3.3 Making a False or Untruthful Declaration **prior** to your scheduled interview. You should also be aware that Directive 10.2.16 prohibits members from being armed during EEO interviews.

**This investigation will be conducted by an outside investigator by the name of Marilee Langhoff. Your interview is scheduled at 9:30 a.m. on Friday, December 17, 2021. Please confirm your scheduled interview time by contacting Ms. Langhoff at [marilee@langhofflaw.com](mailto:marilee@langhofflaw.com) no later than 5:00 p.m. on December 15, 2021. Due to COVID-19, your interview will be conducted virtually over Microsoft Teams. You will need to have access to a private room that includes a computer/laptop with a camera, microphone and speakers.**

If you have any questions or concerns, please feel free to contact me at [psylvest@aurorgov.org](mailto:psylvest@aurorgov.org).

Cc: Jason Batchelor, Deputy City Manager  
Vanessa Wilson, Police Chief  
Darin Parker, Deputy Police Chief  
Ryan Lantz, Human Resources Director  
File

*Please Note: It is recognized that receipt of a notification to participate in an investigation may cause some members stress. If you feel you need to talk to someone you can contact the Peer Support line at 303-739-7550 or Nicoletti-Flater & Associates at 303-989-1617.*



**Office of the Chief of Police**  
**Memorandum**  
***CONFIDENTIAL***

Date: January 28, 2022  
To: Officer Douglas Wilkinson  
From: Chief Vanessa Wilson  
Re: Human Resources Internal EEO Investigation #21-46

This memo serves to inform you that the outside investigator retained by Human Resources has completed the EEO investigation into allegations against you of harassment based on race, color, and gender regarding an email you sent on November 16, 2021.

Based on the investigation, there is sufficient evidence to support a sustained violation of the City's Employee Manual Section 1.2 Anti-Harassment Policy and APD Directive 10.9 Discrimination, Harassment & Sexual Harassment Complaint Procedure.

Pursuant to APD Directive 10.9.5, Deputy Chief Darin Parker and Acting Commander Kevin Rossi met on Monday, January 24, 2022 to review the findings presented by the outside investigator. They identified additional potential violations of 14.2.14 Conduct Toward Superior and Subordinate Officers and Associates, and 14.2.21 Police-Community Relations.

However, due to the seriousness of the allegations and the findings presented as a result of the HR investigation, I will not be ordering an additional Internal Affairs investigation pursuant to APD Directive 3.7. Therefore, I will consider and impose discipline based solely on the report provided by the outside investigator through the Human Resources investigation process and any statements you wish to make at your pre-disciplinary hearing. After consultation with Human Resources, the recommended discipline is termination.

Per Directive 10.9.14, you have the option to request to review the report within five (5) business days of receiving this notification of sustained violations. An appointment has been made for you to review the report in Human Resources on **Monday, January 31, 2021 at 12pm**. The AMC is still closed to the public and your building access card has been disabled so you will need to call 303-739-7225 when you arrive and someone from HR will let you in the building. You can choose to attend the scheduled meeting or not.

**A Pre-Disciplinary Hearing has been set for Monday, January 31, 2021 at 2pm. The Pre-Disciplinary Hearing will take place in the Chief's Office.**

**Next Steps**

- At the expiration of the three (3) business day period the Chief may impose discipline pursuant to the City Charter. Depending on the level of discipline, the City Manager or designee may be required to approve the Discipline Order.

The majority of the Aurora Police department's officers (approximately 500), are members of the FOP (Fraternal Order of Police) which is the recognized bargaining unit.

As context for this investigation, I would note the following: In September 2021, an investigation team appointed by the Colorado Attorney General issued an extensive report wherein it found, among other things, that the Aurora Police Department has a pattern and practice of racially biased policing. September 15, 2021 report entitled "*Investigation of the Aurora Police Department and Aurora Fire Rescue*" at pg. 1. In part, the investigators attributed this problem to the "culture" within the department and went on to point out: "because of the [Civil Service] Commission's hiring practices, Aurora Police Officers do not reflect the diversity of the city."

Thereafter, in conjunction with litigation brought against the City by the State of Colorado and the Attorney General's office, the City and the Attorney General submitted a Joint Motion to Enter Judgment of Stipulated Consent Decree and Judgment under C.R.S. § 23-31-113 for the purpose of ensuring that the City addresses the issues identified in the September 15, 2021 report. A portion of the consent decree addresses the desire to "improve the hiring of police officers and firefighters to ensure a qualified public safety workforce that better reflects Aurora's diversity." It is this consent decree that Officer Wilkinson referenced in his November 16, 2021 e-mail.

## II. OVERVIEW OF INVESTIGATION

As is my custom when conducting these types of investigations, I began by reviewing the written documentation provided by your office, which included Officer Wilkinson's e-mail dated November 16, 2021 and the statements each of the complainants provided to Chief Wilson. I also reviewed various pertinent City and Departmental policy provisions including but not limited to the City's EEO and Anti-Harassment policy and Aurora Police Department Directive 10.9 *et seq.* In addition, I reviewed the consent decree referenced by Officer Wilkinson in his e-mail and documents related to that decree.

Next, I began interviews. My first two interviews were with the two complainants ( [REDACTED] and [REDACTED] ) both of whom are minority ( [REDACTED] ) members of APD. During the course of scheduling and conducting the interviews of the two original complainants, two additional written statements were received from two other minority ( [REDACTED] ) members of the department. ( [REDACTED] and [REDACTED] ). Those statements, while not submitted as formal complaints, contained comments expressing concerns similar to those contained in the formal complaints. Thus, I also conducted interviews of those two individuals.

Finally, I interviewed Officer Doug Wilkinson via a recorded Teams meeting. Officer Wilkinson was at his home during the interview as he had been placed on administrative leave by Chief Wilson when the initial complaints were received.

The witnesses, including Officer Wilkinson, were provided with written Notices of the Investigation and their Garrity rights before I conducted their interview. Thereafter, I provided them with a summary I prepared based upon the information they provided during their interview. They were each afforded the opportunity to review and edit the summaries before signing and returning them to me.



I feel compelled to point out that each of the officers who expressed concern about Officer Wilkinson's comments also expressed apprehension about their involvement in this process becoming known. All acknowledged that retaliation for filing an EEO complaint and participating in an EEO investigation is prohibited. However, these witnesses indicated that the practical reality of filing, and/or speaking in support of an EEO complaint is that one's career, and potentially even one's safety, could be jeopardized.<sup>1</sup>

### III. FINDINGS OF FACT AND CONCLUSIONS

Collectively, the four minority members of the department who were interviewed in connection with this investigation have in excess of 75 years of law enforcement experience, the vast majority of which has been in service to the citizens of Aurora. Three of the four officers have bachelor's degrees and all have obtained a wide array of law enforcement related certifications. These officers have worked in a variety of assignments including [REDACTED]

Albeit to varying degrees, each of the four minority officers expressed that throughout their law enforcement careers they have had to overcome an unspoken assumption by many that they are "less than" their white male counterparts. By "less than", they indicated that they are frequently viewed as less qualified, less competent, less intelligent, and less deserving of promotion or highly desirable assignments. These witnesses also indicated that over the years they have been subjected to: ignorant comments, challenges to their competency, and suggestions that they were in the positions they held due their race and/or gender rather than their ability.

These officers noted that while their race, color and/or gender have been an issue for them throughout their career, and in fact throughout their lives, they generally have learned to ignore ignorant comments and accept that while many people have racist attitudes, so long as they are not overtly expressed or acted upon, they have adopted a live and let live philosophy. However, to a person, these individuals report that Officer's Wilkinson's unabashed commentary to a large number of their colleagues has crossed a line that they simply cannot ignore.

Each of these four officers knows Officer Wilkinson to some degree, based upon interactions with him over the years, but none of them have personally had any particularly negative interactions with him. In fact, one of those interviewed indicated that although [REDACTED] finds Officer Wilkinson to be quite egotistical, [REDACTED] supported Officer Wilkinson when [REDACTED] perceived Officer Wilkinson was being treated unfairly. It was noted that although Officer Wilkinson appears to be intelligent, he is less than diplomatic and has been known over the years to make biased and degrading comments that have generally been passed off as-- "that is just Doug." At this juncture, however, they report that the comments in his November 16 e-mail are not only personally offensive, insulting and disrespectful, they perpetuate unfounded negative stereotypes, and further reflect contempt for, and hostility toward, the majority of the City's citizens along with disdain for those officers who are not part of the white male majority.

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<sup>1</sup> For example, it was pointed out that retaliation in the form of a delayed response to a request for back-up could have life or death consequences.

The witnesses noted that although Officer Wilkinson characterizes the State and City's plan as set out in the consent decree as "sexist and racist", their sense is that his commentary is in itself racist and sexist, particularly in so far as it suggests that efforts to diversify the make-up of the department would diminish the quality of officers on the force. They take personal offense at the implication that people who are not part of the white male majority are somehow not as valuable as those officers and seeking to develop a police force that more closely mirrors the community it serves would be detrimental to the department. They are also outraged at the notion that efforts to hire more minorities and women will require the department to lessen its focus on people with intelligence, personal ethics and courage. They also take offense to the suggestion that the only way to hire minorities is to lower standards. Several wondered how many of the recipients of Officer Wilkinson's e-mail share his view and even questioned whether APD was the place for them given particularly since there has not been an outcry by others about what they perceive to be patently racist and bigoted comments.

The following comments by Officer Wilkinson were felt to be of particular concern:

- Officer Wilkinson characterized the majority of "the [Aurora] community" as being "10% illegal aliens, 50% weed smokers, 10% Crackheads, and a few child molesters and murderers to round it out." To a person, the minority officers interviewed found these comments to reflect hostility toward a large number of individuals who are members of a protected class based upon race and color. Not only do they find these comments to be denigrating and disparaging, they point out such comments reflect negative stereotyping and undermines the Department's and their individual desires, and related efforts, to improve relations with the community and eliminate racial bias in policing. Each of the officers shared that it is these attitudes which underlie the tension between police and the community and which have given rise to a number of the Attorney General's investigation team's findings.

- Officer Wilkinson indicated that some minorities obtained their assignments based upon some "racist practice" of "invitation only" promotional practice sessions. The minority officers interviewed indicated that this is false and insulting. One said, "it implies that I cheated to get to where I am and that hurts." These officers indicated that they participated in the same process as any other officer who sought out the assignment they ultimately obtained. In view of this comment, they wonder how many others within the department believe that they were given their positions rather than having earned them.

- Officer Wilkinson's commented that: "We already hire every minority that passes the minimum requirements." Those interviewed say the implication of this statement is they merely met minimum standards and were hired based on their protected status rather than on their competencies and capabilities to perform the work. To a person, these individuals found that comment to be insulting and highly offensive. It was noted that they have worked hard to demonstrate their abilities and took classes to enhance their competencies and they have not been handed anything.

Officer Wilkinson's statement in this regard is also contrary to the findings of the Attorney General's Investigators. See September 15, 2021 report at pg. 66. "Only 1.1 % of Black applicants (5 out of 454) who met minimum qualifications were offered jobs, as compared to 4.2% of white applicants (119 out of 2809) who met minimum qualifications."

- Officer Wilkinson indicated that APD hiring standards have already been lowered. The minority officers interviewed indicated that comment suggests that was done to benefit minority applicants when in fact the same standards are applied to all applicants. It is also important to note that the Department is under a mandate to hire two officers per thousand residents and has had difficulty filling its academy classes so as to meet that mandate. The APA pursued and obtained a consent decree against the City for its failure to adhere to the “2 per thousand mandate.” Thus the City is in a “Catch-22” situation—subject to contempt if it fails to hire adequate numbers and subject to Wilkinson’s condemnation for altering its standards to attract and provide opportunities to a wider pool of applicants.

In this investigator’s opinion, each of these four officers were sincerely offended and insulted by Officer Wilkinson’s comments. No evidence was found suggesting that they were unduly sensitive to comments concerning their race, color or gender. To the contrary, each officer identified situations which have arisen over the years that they attribute to their race, color and/or gender that they have overlooked so as not to cause waves. Although those interviewed indicated that their views are shared by a number of other minority members of the department, they noted that most have chosen not to speak out so as not to negatively impact their careers. One officer also noted that speaking out seems to many to be futile. In support of that statement a situation was identified wherein an officer who made an unquestionably racist comment was fired only to be reinstated by the Civil Service Commission. Despite that fact, these officers individually determined that Officer Wilkinson’s brazen commentary, published to a large number of their colleagues, and ultimately made known to the public,<sup>2</sup> has to be addressed if the department has any hope of becoming the type of department they want to continue to work for.

In his interview, Officer Wilkinson acknowledged that he authored and sent the e-mail in question. He says that the e-mail contains his personal opinions and that he did not consult with members of the APA Board before sending it. Officer Wilkinson says that by virtue of his involvement with the APA’s pursuit of a Consent Decree against the City on the two per thousand issue, he has specialized knowledge/insights with regard to various hiring, promotional and disciplinary matters and the implications of consent decrees.

Officer Wilkinson says that when carefully read he does not believe his comments are offensive. He says his comments about the make-up on the citizenry was a “metaphorical” estimate of the type of misconduct amongst those he has interacted with during his time on patrol. He went on to say that he finds it ironic that he actually low balled the numbers with respect to drug usage based upon numbers published by the state health department. He says that his comment regarding the community make-up was meant to point out that in reality, the consent decree is not intended to get the police force to mirror the make-up of its citizenry, but rather is clearly premised on “race and sex politics” which he says the “leftist Chief, City Manager and Attorney General” are addicted to. He went on to say that it is evident that the goal of the leftist regime is to reduce the number of white male officers even if to do so, it must focus on hiring criteria other than intelligence, personal ethics and courage.

Officer Wilkinson reported that the majority of the responses he received to his e-mail were positive and said that only two officers that he communicated with directly indicated that they were

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<sup>2</sup> Officer Wilkinson’s November 16, 2021 e-mail was obtained by various media outlets which publicized his comments to members of the public.

offended by his comments. The first such individual was a [REDACTED]. Officer Wilkinson says that when that officer reread his email more carefully, [REDACTED] "calmed down." The other individual was [REDACTED]. He says that he thinks [REDACTED] was upset for several reasons including his less than flattering commentary concerning the department's training program, which [REDACTED]. He indicated that [REDACTED] told the [REDACTED] that [REDACTED] was upset about the tone of the e-mail and also said [REDACTED] didn't feel respected. However, according to Officer Wilkinson, [REDACTED] ultimately admitted to the former [REDACTED] that [REDACTED] had overreacted. Officer Wilkinson believes that [REDACTED] filed the EEO complaint against him in this matter and wanted to note that [REDACTED] has since basically recanted [REDACTED] complaint.

Officer Wilkinson expressed no concern about the fact that some people might have been offended by his comments noting that it is his role to do what he thinks is best for the majority of the APA membership and indicating that he can't please everyone. Officer Wilkinson also said that although the majority of the APA membership are white males, he thinks his comments should also be embraced by minority and female officers who shouldn't want to work in a place where a quota system determines who is hired or who is promoted. Officer Wilkinson further noted during his interview that the department had "plenty" of competent minority and/or female officers and pointed out that he never said that women or minority applicants could not also be intelligent, have personal ethics and have courage, the three "objective" criteria he insists should be the sole basis for hiring and promoting police officers.

Officer Wilkinson indicated that he does not believe his e-mail was divisive and faults those who were offended by it for their failure to carefully read his comments and understand his concern the impact leftist politics will have on policing.

It is Officer Wilkinson's position that the City is without legal authority to conduct this investigation. Although he said he would, and in fact did, answer the questions posed to him, he indicated that he was doing so under duress. Officer Wilkinson maintains that his November 16, 2021 e-mail is protected and privileged "concerted union activity" and said that this investigation is a "pretty naked attempt to subvert union activity."

I was not asked to evaluate the legal merits of Officer's Wilkinson's position in this regard and have not done so. The following factual findings may, however, help to facilitate the evaluation of this contention by those who are asked to undertake that task.

The email at issue was sent from Officer Wilkinson's personal e-mail to undisclosed recipients. He advised that the e-mail was not sent to the entire APA membership but rather only to members who had provided their personal e-mail address to him. He estimated that the e-mail went to approximately 235 of the APA members. He estimates the APA membership to be 260/270 members.

Officer Wilkinson acknowledged that he does have an e-mail address specifically associated with his position as the President of the APA that he probably could have used to send his e-mail, but says he has not used that address to communicate with his members. Officer Wilkinson says that when he has wanted to communicate with the entirety of the APA membership, he has done so using his City work e-mail and addressed the membership at their City e-mail addresses.

Officer Wilkinson reported that the Consent Decree was a matter of concern to the APA members but in his communications, he said: "The "diversity" hiring and promotion plan "won't work and isn't your problem so if I were you I'd forget about it."

Aurora Police Department Directive 10.9, prohibits harassment and discrimination, either intentional or unintentional, based upon on any legally protected characteristic, including but not limited to race, color and/or gender. As defined in the directive, harassment can include derogatory written statements or negative stereotyping, as well as the circulation of any written material that denigrates or shows hostility toward an individual or group.

It is this investigator's conclusion that the statements contained in Officer Wilkinson's November 16, 2021 e-mail denigrated the complainants and showed hostility toward them and other members of their protected class ( [REDACTED] minorities). Although Officer Wilkinson maintains that it was not his intent to harass anyone, the reality is that his widely published comments caused the complainants, and other members of the department, to be offended, insulted, hurt and to feel diminished and denigrated based solely upon their [REDACTED]. These officers feel disrespected by the sentiments expressed by Officer Wilkinson and caused them to feel uncomfortable in their workplace. These sentiments have also caused these officers to question whether they should remain with the Aurora Police Department, an agency they have collectively devoted decades to, if their fellow officers feel the way Officer Wilkinson does.

In sum, although Officer Wilkinson does not believe his comments were divisive, his utter lack of appreciation for the impact they might have on his fellow officers is astounding. While he might believe that "leftists" are attempting to destroy police departments by exploring means of incorporating diversity, equity and inclusion in law enforcement, it should surprise no one that many minority and female officers believe that his comments reflect that the attitudes and beliefs that ultimately lead to the adoption of civil rights laws, remain unchanged.

I trust that the foregoing is self-explanatory and that I have addressed the issues you have asked me to address. However, if you need any clarification regarding my findings and conclusions, or if you have any further questions, please feel free to contact me.

Regards,

Marilee E. Langhoff

January 18, 2020

Pat Sylvester, Employee Relations Officer  
City of Aurora  
15151 E. Alameda Pkwy  
Aurora, CO0012

Re: Workplace Investigation--EEO Complaint--Officer Doug Wilkinson's  
Communications

Dear Ms. Sylvester:

On November 16, 2021, Officer Doug Wilkinson sent out an e-mail to undisclosed recipients including a large number of Aurora police officers. The e-mail was entitled "APA Update on the Consent Decree." The following day, EEO complaints lodged by two APD Officers stemming from Officer Wilkinson's e-mail comments were brought to the attention of Aurora Police Department Chief Vanessa Wilson. Both complaints were premised on harassment/discrimination on the basis of race, color and gender.

The City ultimately determined that it would be appropriate to retain an outside investigator to determine whether Officer Wilkinson's statements constituted a violation of the City's/APD's Equal Opportunity Employment Policy. I was retained by the City for the purposes of conducting the investigation and making related findings and conclusions.

Based upon the facts obtained during my investigation, I have concluded, for the reasons more fully set out below, that the complaints of prohibited harassment/discrimination on the basis of race and gender against Officer Wilkinson are Sustained.

## I. FACTUAL BACKGROUND

Officer Wilkinson has been with Aurora P.D. since May of 2002. With the exception of two military reserve deployments and an interim assignment to the recruiting and background section, Officer Wilkinson has worked patrol throughout his tenure with the agency.

In January of 2021, Officer Wilkinson became the president of the Aurora Police Association ("APA"). He has served on the APA Board for approximately 11 years. According to Officer Wilkinson, the APA has approximately 260-270 members.

## CIVIL SERVICE ACKNOWLEDGMENT

(APPLIES ONLY IF DISCIPLINE EXCEEDS WRITTEN REPRIMAND)

Officer Douglas Wilkinson #25646

EEO #21-46

I acknowledge receipt of true and correct copies of:

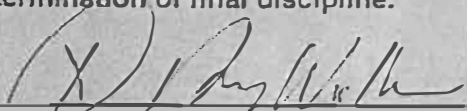
1. The Specification of Charges against me.
2. The Summary of Evidence supporting those charges.
3. The summary of my disciplinary history.

I further acknowledge that I have been given an opportunity to review those documents and am familiar with them.

I realize I have the following rights:


1. To a pre-disciplinary hearing with the Chief of Police or designee.
2. To make a statement in response to the charges at the pre-disciplinary hearing.
3. To have this statement transcribed and included in the file.
4. To submit a written statement to the Chief of Police or designee within three (3) business days after the pre-disciplinary hearing. I may submit the written statement whether or not I made an oral statement.
5. To an automatic review by the City Manager or designee who may approve, modify, or disapprove the terms of the Order if it involves a monetary impact greater than one-third (1/3) of my monthly salary.
6. To appeal the Disciplinary Order to the Civil Service Commission within ten (10) business days from service of the Order on me, provided I follow the requirements set forth in Sec. 3-16(8)(e) of the City Charter, as amended November 6, 1987, for such appeal.

I understand that, pursuant to applicable policy, I may request a review by an Independent Review Board. This is not a right, but a privilege provided by policy and granted at the sole discretion of the Chief of Police. The IRB panel provides a recommendation of disciplinary action to the Chief of Police, which may or may not be used for consideration in the Chief's determination of final discipline.

  
Member Signature

1-31-22  
Date

2:08 PM  
Time

  
Witnessed By

**Office of the Chief of Police  
Disciplinary Order**

Date: February 3, 2022  
To: Officer Douglas Wilkinson #25646  
From: Vanessa Wilson, Chief of Police  
Re: EEO Case #21-46

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Please be advised that I have reviewed the Human Resources report related to EEO #21-46 in its entirety and considered statements made during your Pre-Disciplinary meeting held on January 31, 2022. In making my determination, I make the following findings and orders:

1. **FINDINGS OF FACT:** I adopt as my findings of fact the Final Findings and Conclusion Report provided by Human Resources after an independent investigation was conducted.

As a result of the investigation, you are found to be sustained for the violations of City of Aurora Employee Manual Policy 1.2 Anti-Harassment Policy and Aurora Police Department Directive 10.9 Discrimination, Harassment and Sexual Harassment Complaint Procedure.

2. **DISCIPLINARY ORDER:** Based on the factual findings above, it is my determination that you be ~~terminated~~ effective on the date and time of this Order.
3. **NOTICE OF RIGHT TO APPEAL:** You have the RIGHT TO APPEAL this Order within ten (10) business days from the service of the order to file an appeal of the disciplinary order in writing with the Civil Service Commission as is more fully set out in the Home Rule Charter of the City of Aurora.

By Order of:

Vanessa Wilson  
Chief of Police

VW/djc



**APPROVED AS TO FORM:**

K. Kelly Styr  
Office of the City Attorney

February 3, 2022  
Date

Received by this Office of the City Manager on February 3, 2022, at 9:14 a.m.

**ORDER:**

Approved XX, Disapproved \_\_\_\_\_, Modified as follows:

On February 3, 2022, at 10:07 a.m.

Jason D Batchelor  
Jason Batchelor  
Deputy City Manager

**ACKNOWLEDGMENT OF SERVICE**

I, Douglas Wilkinson, hereby certify that I received a true and correct copy of the above Disciplinary Order on the 3<sup>RD</sup> day of FEBRUARY, 2022, at 3:55 a.m./p.m.

Douglas Wilkinson  
(Signature)

**CERTIFICATE OF PERSONAL SERVICE**

The undersigned hereby certifies that on the 3<sup>RD</sup> day of February, 2022, I hand delivered a true and correct copy of the above Disciplinary Order to Douglas Wilkinson.

[Signature]  
Signature of Person Affecting Service