

BEFORE THE CIVIL SERVICE COMMISSION, CITY OF AURORA, COLORADO

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In the matter of:

**OFFICER EDWARD ACUTI #300603,**

Member of the Aurora civil service system, Aurora Police Department,

Petitioner.

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**PETITION FOR APPEAL OF DISCIPLINARY ORDER**

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Aurora Police Officer Edward Acuti (“Petitioner”), pursuant to the Aurora Charter and the Aurora Civil Service Commission Rules and Regulations, hereby petitions for appeal of the Disciplinary Order:

1. Petitioner is a member of the Aurora civil service system and is an Aurora Police Officer. Petitioner’s name and address are:

Edward Acuti  
c/o Reynolds Gillette LLC  
1735 N. Lafayette Street  
Denver, CO 80218

2. By order of the Chief of Police, on July 6, 2021, Petitioner was placed on paid administrative leave relating to an incident that occurred on June 29, 2021, which incident also triggered internal affairs investigation IAB # 21-13.

3. In IAB # 21-13, the department reviewed the incident of June 29, 2021, incident, and also elected to review five other unrelated incidents from May through June 2021.

4. Neither the internal affairs investigation, nor any administrative law judge or hearing officer, found that Petitioner used or threatened to use unlawful force. In fact, the Arapahoe County Sheriff’s Office conducted an evaluation of Petitioner’s alleged use of force and concluded that Petitioner’s actions “did not violate Colorado’s criminal statutes.”

5. Nonetheless, based on its review of the investigation, the Chief’s Review Board recommended that Petitioner be sustained for violating the following APD policies:

14.2.14 Conduct Towards Superior and Subordinate Officers and Associates  
14.2.15 Unsatisfactory Performance

- 14.2.21 Police-Community Relations
- 14.2.01 Conduct Unbecoming
- 5.03 Use of Physical Force

6. On February 28, 2022, Chief of Police Vanessa Wilson issued a Disciplinary Order to Petitioner in IA Case # 21-13, incorporated as **Exhibit A**, in which the Chief ordered:

- I adopt as my findings of fact the Summary of Findings as prepared by the Internal Affairs Bureau.
- Based on the factual findings above, it is my determination that you successfully complete 40 hours of De-escalation training and that you be demoted from rank of Sergeant to Patrol Officer on the date and time of this Order.

7. In addition to the Disciplinary Order, on February 28, 2022, Chief Wilson issued a Restricted Duty Order to Petitioner, incorporated as **Exhibit B**, in which the Chief ordered: “Effective Tuesday, March 1, 2022, and until further notice, you will be on Restricted Duty...”

8. Petitioner appeals the Disciplinary Order, including the concomitant Restricted Duty Order, for the following reasons:

- a. It is not supported by the weight of the evidence.
- b. It is contrary to what a reasonable person would conclude from the record as a whole.
- c. The discipline issued is inconsistent with, and is excessive compared to, discipline issued against other members under similar circumstances.
- d. The discipline is inconsistent with the principles of progressive and corrective discipline.
- e. It is based on five incidents that were never the basis of complaint, of which Petitioner was not provided with any notice that he was being investigated.
- f. It fails to consider mitigating circumstances, including Petitioner’s minimal prior disciplinary history.

9. Petitioner reserves the right to amend this Petition consistent with the rules.

10. Petitioner requests an in-person evidentiary hearing and further requests that the hearing be closed to the public.

WHEREFORE, Petitioner requests that the Civil Service Commission conduct a *de novo* review of this case; make findings of evidentiary fact; reverse or modify the Disciplinary Order and rescind the discipline; clear Petitioner’s disciplinary record and personnel file; restore Petitioner with all back pay, benefits, and seniority; and grant such further relief as the Commission deems appropriate.

Respectfully submitted on March 9, 2022.

REYNOLDS GILLETTE LLC

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