

Aurora Police Department

**Press Conference Reference
Photo Investigation**

July 3rd, 2020 2:00 P.M.

Speakers

Interim Chief Vanessa Wilson

**Date of Incident:
October 20, 2019**



Included in this packet:

- Employee's involved in this incident (hire dates, assignments, prior IA's)
- IA Summary of Evidence
- Final Discipline Orders for Jaron Jones, Erica Marrero, Kyle Dittrich, Jason Rosenblatt
- Directive 10.11 – Independent Review Board
- City Charter, Section 3-16 – Police & Fire Dept., Service Requirements, Disciplinary Procedures, Salaries (section 8 relates to Disciplinary and Appeal Process)
- Jaron Jones Disciplinary Order from 2019
- 2 Cell Phone Pictures

Erica Marrero

- Hired in February 2018, Started Academy March 2018, Graduated Academy September 2018
- Was assigned to Patrol in October of 2019
- No prior IA Investigations

Kyle Dittrich

- Hired and started Academy in October 2016, Graduated Academy May 2017
- Was assigned to Patrol in October of 2019
- No prior IA Investigations

Jaron Jones

- Hired and started Academy in October 2016, Graduated Academy May 2017
- Was assigned to Patrol in October of 2019
- One prior IA investigation for off-duty DUI that occurred in May 2019. Suspended without pay for 160 hours (discipline order attached below)

Jason Rosenblatt

- Hired and started Academy in June 2017, Graduated Academy December 2017
- Was on Light Duty in October of 2019
- No prior IA Investigations

8. SUMMARY OF EVIDENCE

IN THE MATTER OF DISCIPLINARY PROCEEDING AGAINST

Officer Kyle Dittrich #314456

MEMBER OF THE AURORA CIVIL SERVICE, AURORA POLICE DEPARTMENT

The evidence in support of the investigation is as follows:

On October 20, 2019, Officers Kyle Dittrich, Erica Marrero, and Jaron Jones were on-duty and had just completed a call for service in the 1700 block of N. Billings St. These members were involved in the taking of a selfie photograph at the memorial for Elijah McClain. The photo was taken by Officer Dittrich. All three officers are in the picture and Officer Jones is putting his arm around the neck of Officer Dittrich.

This photo was then shared by Officer Dittrich separately via text message to two officers. One officer received and had no response to the photo. Officer Jason Rosenblatt responded with "HaHa." It was believed that a third officer may have received the photo, but the investigation revealed this officer had no involvement in the incident.

The Chief's Review Board has recommended to the Chief of Police a finding of **Sustained** for violation(s) of the following Aurora Police Department Directives:

14.2.1 Conduct Unbecoming

YOU HAVE THREE (3) DAYS FROM THE DATE OF THE PRE-DISCIPLINARY HEARING TO REQUEST AN IRB.

8. SUMMARY OF EVIDENCE

IN THE MATTER OF DISCIPLINARY PROCEEDING AGAINST

Officer Jaron Jones #314466

MEMBER OF THE AURORA CIVIL SERVICE, AURORA POLICE DEPARTMENT

The evidence in support of the investigation is as follows:

On October 20, 2019, Officers Kyle Dittrich, Erica Marrero, and Jaron Jones were on-duty and had just completed a call for service in the 1700 block of N. Billings St. These members were involved in the taking of a selfie photograph at the memorial for Elijah McClain. The photo was taken by Officer Dittrich. All three officers are in the picture and Officer Jones is putting his arm around the neck of Officer Dittrich.

This photo was then shared by Officer Dittrich separately via text message to two officers. One officer received and had no response to the photo. Officer Jason Rosenblatt responded with "HaHa." It was believed that a third officer may have received the photo, but the investigation revealed this officer had no involvement in the incident.

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8. SUMMARY OF EVIDENCE

IN THE MATTER OF DISCIPLINARY PROCEEDING AGAINST

Officer Erica Marrero #315829

MEMBER OF THE AURORA CIVIL SERVICE, AURORA POLICE DEPARTMENT

The evidence in support of the investigation is as follows:

On October 20, 2019, Officers Kyle Dittrich, Erica Marrero, and Jaron Jones were on-duty and had just completed a call for service in the 1700 block of N. Billings St. These members were involved in the taking of a selfie photograph at the memorial for Elijah McClain. The photo was taken by Officer Dittrich. All three officers are in the picture and Officer Jones is putting his arm around the neck of Officer Dittrich.

This photo was then shared by Officer Dittrich separately via text message to two officers. One officer received and had no response to the photo. Officer Jason Rosenblatt responded with "HaHa." It was believed that a third officer may have received the photo, but the investigation revealed this officer had no involvement in the incident.

The Chief's Review Board has recommended to the Chief of Police a finding of **Sustained** for violation(s) of the following Aurora Police Department Directives:

14.2.1 Conduct Unbecoming

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8. SUMMARY OF EVIDENCE

IN THE MATTER OF DISCIPLINARY PROCEEDING AGAINST

Officer Jason Rosenblatt #315112

**MEMBER OF THE AURORA CIVIL
SERVICE, AURORA POLICE DEPARTMENT**

The evidence in support of the investigation is as follows:

On October 20, 2019, Officers Kyle Dittrich, Erica Marrero, and Jaron Jones were on-duty and had just completed a call for service in the 1700 block of N. Billings St. These members were involved in the taking of a selfie photograph at the memorial for Elijah McClain. The photo was taken by Officer Dittrich. All three officers are in the picture and Officer Jones is putting his arm around the neck of Officer Dittrich.

This photo was then shared by Officer Dittrich separately via text message to two officers. One officer received and had no response to the photo. Officer Jason Rosenblatt responded with "HaHa." It was believed that a third officer may have received the photo, but the investigation revealed this officer had no involvement in the incident.

The Chief's Review Board has recommended to the Chief of Police a finding of **Sustained** for violation(s) of the following Aurora Police Department Directives:

14.2.1 Conduct Unbecoming

YOU HAVE THREE (3) DAYS FROM THE DATE OF THE PRE-DISCIPLINARY HEARING TO REQUEST AN IRB.



Office of the Chief of Police

Memorandum

CONFIDENTIAL

Date: June 30, 2020
To: Officer Jason Rosenblatt #315112
From: Deputy Chief Harry Glidden
Re: IA Case #20-25

The investigation and review of the IAB case is complete. The recommended disposition, as determined by the Chief's Review Board, is as follows:

14.2.1 Conduct Unbecoming
Finding: **Sustained**

The Chief's Review Board has recommended **termination** for the above sustained violation(s). Please note, the Chief can *uphold or modify* the recommendation as determined after the Pre-Disciplinary Meeting.

A Pre-Disciplinary Hearing has been set for June 30, 2020. The Pre-Disciplinary Hearing will take place in the Chief's Office.

Next Steps

- o An Independent Review Board (IRB) **IS NOT** required in this case.
 - If an IRB is *not* required, the member may make a written request for an IRB at the Pre-Disciplinary Hearing or within three (3) business days after the Pre-Disciplinary Hearing.
 - The process for the IRB is governed by Directive 10.11.
- o Notwithstanding whether an IRB is convened or not, the member may submit a written statement to the Chief within three (3) business days after the Pre-Disciplinary Hearing.
- o At the expiration of the three (3) business day period, or after the conclusion of any IRB convened, the Chief may impose discipline pursuant to the City Charter. Depending on the level of discipline, the City Manager or his designee may be required to approve the Discipline Order.
- o The Chief (or designee) will conduct a Final Disciplinary Meeting with the member and any other person the Chief (or designee) requires to be at the Final Disciplinary Meeting. At that meeting, the member will be given a copy of the written Discipline Order or, if no discipline is to be imposed, will be informed of the Chief's decision.
- o Fines, suspensions, reimbursements, demotions or dismissals arising from disciplinary action are subject to appeal as stated in Directive 10.5. Written Reprimands are not appealable.
- o You are encouraged to review Directives 10.02, 10.05, 10.11, and Charter 3-16(8).

****Please note, DM 10.2.16 prohibits the involved members from being armed during all disciplinary hearings with the Chief of Police or designee. Members should either come to the meeting unarmed or be prepared to turn over all weapons for safe-keeping during the meeting.**

Should you have any questions, please contact the Chief's Office at 303-739-6016.



Office of the Chief of Police

Memorandum

CONFIDENTIAL

Date: June 30, 2020
To: Officer Kyle Dittrich #314456
From: Deputy Chief Harry Glidden
Re: IA Case #20-25

The investigation and review of the IAB case is complete. The recommended disposition, as determined by the Chief's Review Board, is as follows:

14.2.1 Conduct Unbecoming
Finding: **Sustained**

The Chief's Review Board has recommended **termination** for the above sustained violation(s). Please note, the Chief can *uphold or modify* the recommendation as determined after the Pre-Disciplinary Meeting.

A Pre-Disciplinary Hearing has been set for June 30, 2020. The Pre-Disciplinary Hearing will take place in the Chief's Office.

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Should you have any questions, please contact the Chief's Office at 303-739-6016.



**Office of the Chief of Police
Memorandum**

CONFIDENTIAL

Date: June 30, 2020
To: Officer Erica Marrero #315829
From: Deputy Chief Harry Glidden
Re: IA Case #20-25

The investigation and review of the IAB case is complete. The recommended disposition, as determined by the Chief's Review Board, is as follows:

14.2.1 Conduct Unbecoming
Finding: **Sustained**

The Chief's Review Board has recommended **termination** for the above sustained violation(s). Please note, the Chief can *uphold or modify* the recommendation as determined after the Pre-Disciplinary Meeting.

A Pre-Disciplinary Hearing has been set for June 30, 2020. The Pre-Disciplinary Hearing will take place in the Chief's Office.

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- The Chief (or designee) will conduct a Final Disciplinary Meeting with the member and any other person the Chief (or designee) requires to be at the Final Disciplinary Meeting. At that meeting, the member will be given a copy of the written Discipline Order or, if no discipline is to be imposed, will be informed of the Chief's decision.
- Fines, suspensions, reimbursements, demotions or dismissals arising from disciplinary action are subject to appeal as stated in Directive 10.5. Written Reprimands are not appealable.
- You are encouraged to review Directives 10.02, 10.05, 10.11, and Charter 3-16(8).

****Please note, DM 10.2.16 prohibits the involved members from being armed during all disciplinary hearings with the Chief of Police or designee. Members should either come to the meeting unarmed or be prepared to turn over all weapons for safe-keeping during the meeting.**

Should you have any questions, please contact the Chief's Office at 303-739-6016.



Aurora Police Department



City of Aurora

Worth Discovering • AuroraGov.org

**Office of the Chief of Police
Memorandum**

CONFIDENTIAL

Date: June 30, 2020

To: Officer Nathan Woodyard #314452

From: Deputy Chief Harry Glidden

Re: IA Case #20-25

You are hereby notified that the investigation and review of the IAB case is complete. The recommended disposition, as determined by the Chief's Review Board is as follows:

14.2.1 Conduct Unbecoming
Finding: **Not Sustained**

Because you were not sustained on any alleged violation of directive, this investigation is concluded and is considered closed.

Should you have any questions, please contact the Chief's Office at 303-739-6016.



Aurora Police Department



City of Aurora

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Office of the Chief of Police

Memorandum

CONFIDENTIAL

Date: June 30, 2020

To: Officer [REDACTED]

From: Deputy Chief Harry Glidden

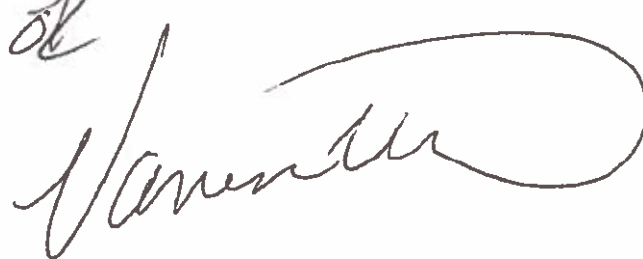
Re: IA Case #20-25

You are hereby notified that the investigation and review of the IAB case is complete. The recommended disposition, as determined by the Chief's Review Board is as follows:

14.2.1 Conduct Unbecoming
Finding: **Unfounded**

Because you were not sustained on any alleged violation of directive, this investigation is concluded and is considered closed.

Should you have any questions, please contact the Chief's Office at 303-739-6016.

OK




Aurora Police Department



City of Aurora

**Office of the Chief of Police
Memorandum**

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Date: July 3, 2020
To: File
From: Vanessa Wilson, Interim Chief of Police
Re: IAB Case #20-25

Discipline arising from IAB Case #20-25 was not imposed due to the resignation of Officer Jaron Jones, effective June 30, 2020. Had he not resigned, and based on the information in the file, I would have upheld the Chief's Review Board recommendation of Sustained findings.

Vanessa Wilson
Interim Chief of Police

07-03-20

Date

MEMORANDUM

TO: Interim Chief Vanessa Wilson

FROM: Officer Jaron Jones

SUBJECT: Letter of Resignation

Dear Interim Chief Wilson,

I have made the difficult decision to resign my position as an Officer with the Aurora Police Department, for personal reasons, effective June 30th 2020.

It has been an honor and privilege to work alongside the men and women of the Aurora Police Department. I am proud of the work we have done and value and appreciate the opportunity to serve this community.

Respectfully,


Jaron Jones



06/30/2020

0800

**AURORA POLICE DEPARTMENT
DIRECTIVES MANUAL**

10.11	Title: INDEPENDENT REVIEW BOARD		Duty Honor Integrity
	Approved By: Vanessa Wilson, Interim Chief of Police		
	Effective: 01/26/2009	Revised: 05/20/2020	
	Associated Policy: DM 10.02		
	References:		
Review: Internal Affairs Bureau Commander, City Director of Human Resources			Page 1 of 2

10.11 Duties and Responsibilities of the Independent Review Board

The Independent Review Board (IRB) is designed to assist the Chief of Police in the deliberative process of determining an appropriate level of discipline for instances of sustained misconduct by subject members. The IRB may also review events that draw significant community interest as described below.

The IRB is not designed to determine or question findings, or evaluate the Department, the Chief's Office, and/or the Internal Affairs Bureau, unless specifically empaneled by the Chief of Police to do so. The IRB is designed to recommend discipline for violations of policy under the circumstances of the violation.

The IRB process, although supported by the Police Department, is a function of the Human Resources Department under the control of the City's Director of Human Resources or his or her designee ("Director of Human Resources").

10.11.1 Disciplinary Matters Subject to IRB Review

With the intent of recommending a course of discipline to the Chief of Police, the Chief of Police or a subject member officer involved in a potential disciplinary action by the Department, may request an IRB review.

The Chief of Police should always consider requesting an IRB review in cases of serious misconduct or with the potential for substantial community impact in order to determine the appropriate level of discipline.

Should a subject member request an IRB review, the fact that he or she requested an IRB review will have no bearing on the discipline recommendation from the IRB.

Note: In matters involving allegations of criminal conduct by a member of the Department, the Police Chief may, in his/her discretion, move to discipline or terminate the member without input from an IRB.

When the need for an IRB review arises under this Directive, the Chief or his or her designee will send a written request, which can be by e-mail, for an IRB to the Director of Human Resources, or his/her designee.

When a review by the IRB is enacted in the case of Disciplinary matters, the IRB review will take place after the Pre-Disciplinary (*Loudermill*) hearing with the Chief.

The specific procedures for the IRB review process will be established by the City's Director of Human Resources. The IRB conference will be managed by the facilitator, upon the general direction of the Director of Human Resources.

Following the IRB conference, a recommendation of discipline will be forwarded to the Chief of Police. The Chief of Police will have the option of accepting, increasing, or decreasing the recommended discipline of the IRB.

10.11.2 Non-Disciplinary matters subject to IRB review

An IRB may also be called, for the sake of public transparency, for any incident that has created a significant community concern, and when the Chief of Police or City Manager, in consultation with the City Attorney, determines that it is in the best interest of the city to call for an IRB review.

An IRB may also be called when the original complainant involved in the case requests a review of the case, regardless of the original recommendations and findings in the case and when the Chief of Police or City Manager, in consultation with the City Attorney's office, determines that it is in the best interest of the city to call for an IRB review.

The specific process for reviewing an incident or non-disciplinary matter will be determined by the Director of Human Resources, with approval by the Chief of Police. The IRB conference will be managed by the facilitator, upon the general direction of the Director of Human Resources.

3-16. - Police and fire department, service requirements, disciplinary procedures, salaries.

- (1) The service requirements, disciplinary procedures, and methods of establishing salary scales for members of the Civil Service shall be the same for both Departments and as outlined hereafter.
- (2) *Probationary appointment, grades of firefighters and police officers.* Every original appointment in the Civil Service shall have a period of probation of one year from the end of the Department's academy training. At the end of the period of probation following an original appointment, if the conduct and capacity of the person appointed has been satisfactory, the member shall be permanently appointed; otherwise, the member shall be involuntarily separated. Service during the period of probation following an original appointment shall be deemed active service in the civil service of the Departments and shall be included and credited in determining eligibility for advancement, promotion, retirement, pension, increased salary or compensation based on length of service, and other benefits of the Civil Service. A member of the Police or Fire Department is, during the period of probation following original appointment, a member of such Department in Civil Service for all purposes, except for tenure of the employment or position to which the member has been so appointed. During the period of probationary appointment the person appointed shall be classified as a police officer 4th grade or firefighter 4th grade. Members of the Departments, while serving during the probationary period, may be separated from the Service in the following manner:

During the probationary period after the date of appointment, the member shall be separated at any time by written notification (indicating the date of separation and stating the reason for separation) by the Chief of the Department with the approval of the City Manager or a designee within the City Manager's office. The chief's action shall be final.

- (3) *Advancement standards for Police Officers and Firefighters 1st Grade, 2nd Grade and 3rd Grade.* A Police Officer 3rd Grade, or a Firefighter 3rd Grade, shall be one who has served for more than one (1) year but less than two (2) years in the service of the Department; a Police Officer 2nd Grade, or a Firefighter 2nd Grade, shall be one who has served for more than two (2) years, but less than three (3) years in the service of the Department; and a Police Officer 1st Grade, or a Firefighter 1st Grade, shall be one who has served more than three (3) years in the service of the Department.
- (4) *Work force reduction.* When the force in either Department is reduced, the person last certified to such Department for employment shall be the first laid off; and when the force in such Department is increased, persons laid off shall be reinstated in the order of their original certification in accordance with the rules of the Civil Service Commission consistent with this provision; and, for the purposes of determining tenure and longevity, all time served, whether or not interrupted, shall be computed.
- (5) *Service in Armed Forces.* Involuntary service in the Armed Forces of the United States shall be deemed and considered active service in the Civil Service of the Police or Fire Department, if performed by a member of either such Department and while a member thereof; provided that, after discharge from the Armed Forces, the member has sought reentrance into the Civil Service in said Department within such time and under such conditions as provided for by the rules of the Civil Service Commission. If the probationary period following an original appointment is interrupted by service in the Armed Forces and the appointee is thereafter readmitted to active service, the appointee shall complete the remaining portion of such period of probation before being permanently appointed.
- (6) *Promotion.* All ranks in the Civil Service of the Police and Fire Departments above the grades of Police Officer 1st Grade and Firefighter 1st Grade shall be filled by promotion from within the respective Departments, under such service requirements and examination procedures as shall hereafter be outlined by the Civil Service Commission; provided that all such rules and regulations outlining qualifications and service requirements for both applicants for original appointment and for promotion be promulgated without any reference to political or religious opinions or affiliations, or race, creed, color, or gender. All promotions shall be made by appointing the first person on the eligibility list for the position as certified by the Civil Service Commission. The person so appointed shall complete a probationary period after appointment of twelve months' duration, at the end of which period he or she shall either be permanently appointed to said grade or rank or demoted to his or her former position, in accordance with the following procedure:

Between ten (10) and fifteen (15) days prior to the end of the probationary period, the Chief shall have the right to serve an order of demotion upon the officer, in the event an officer, having been duly certified and promoted, fails to satisfactorily perform the duties of the position to which he was promoted, in the opinion of the Chief of his Department. A copy shall be filed with the Civil Service Commission. The order of demotion shall state with specificity the reasons said officer did not satisfactorily perform his duties and shall be approved by the City Manager or a designee within the City Manager's office. The order of demotion shall be served upon the member no later than ten (10) days prior to the end of the probationary period. If the member cannot be personally served with the order of demotion, a copy of the order shall be transmitted by certified mail to the member's official address as shown in the department records. If it is necessary to mail the order of demotion, the date of service shall be the date upon which the order is deposited in the United States mail. If no order of demotion is served within the specified time period, the promotion shall become permanent at the conclusion of the probationary period. Within ten (10) days after receipt of an order of demotion, the Civil Service Commission shall approve or disapprove said action, and the decision of the Commission in this matter shall be final, subject only to judicial review.

- (7) *Organization charts, creation of and filling vacant positions.* The Chiefs of the respective Departments, with approval of the City Manager, shall, in conjunction with the proposed annual budget, supply City Council with an organization chart setting forth the number of positions in the Civil Service which will be necessary to perform the duties assigned to their Departments. The City Council shall, in accordance with authority vested in them, determine thereafter the number of positions to be allocated, based upon the budget available to said department. A vacant position, other than entry level, having been created or one which shall have become vacant by the promotion, death, retirement, resignation, or discharge of the holder thereof, shall be filled within sixty (60) days or said position shall be declared abolished for the remainder of the budget year. However, in the event the Civil Service Commission does not have a current certified list for a vacant or newly created position, the sixty (60) day period within which said position must be filled or abolished shall not begin until such list shall become available.

Nothing in this provision shall prevent City Council from creating new positions at any time, as the needs of the respective Departments may require; however, any new positions so created shall be filled in accordance with Civil Service Commission requirements and with the terms of this section.

A certified list for original appointment shall be prepared by using applicants taken from a pool of eligible candidates for which testing shall take place whenever the commission, in consultation with city management, determines that it is appropriate to conduct the testing in order to meet staffing requirements. The certified list for original appointment to positions in the civil service shall expire upon the effective date of a newly established list of eligible candidates. A certified list for promotional appointments shall contain the names of applicants who passed required testing, which testing shall take place no less than once per year; such list shall expire after one year, except that in the event a vacancy should exist in one of the Departments and the certified list for that position is scheduled to expire and a new list is not available, the Civil Service Commission may extend such list, one time only, for a period not to exceed ninety (90) days.

- (8) *Disciplinary and appeal procedure.*

- (a) The rules governing the conduct of the members of the civil service in the Police and Fire Departments shall be set forth as written rules and regulations by the Chiefs of each of the respective departments, with the approval of the City Manager or a designee; provided that such rules and regulations shall not contain any political, religious, race, creed, or gender qualifications or disqualifications. Any member of the civil service shall be subject to discipline for a violation of such rules and regulations.
- (b) Prior to the imposition of any discipline other than a reprimand, the member shall be provided with a predisciplinary hearing before the Chief or a designee. At this hearing, the member shall be given: (i) a copy of the specification of the charges; (ii) a copy of the written report of the evidence supporting the charges; (iii) a copy of the summary of the disciplinary record of the member, if any; and (iv) an opportunity to make a statement in response to the charges and written report. The statement, if made, shall be transcribed. The member shall have the right to submit a written statement to the Chief within three (3) days after the predisciplinary hearing. At the expiration of

the three (3) day period, the Chief may proceed in accordance with the provisions of this section. If an appeal is filed by the member, all of the above-referenced documents shall be transmitted by the Chief to the Civil Service Commission. No other documentary materials shall be initially provided to the Civil Service Commission.

- (c) Discipline shall be by written command signed by the Chief of the Department. If discipline involves a monetary impact on the member greater than one-third (1/3) of the member's monthly salary, the disciplinary order must be approved by the City Manager or a designated Deputy City Manager. A disciplinary order submitted for City Manager approval shall be accompanied by all the materials described in (b). The City Manager or a designated Deputy City Manager shall, by endorsement or other written document, within five (5) business days approve, modify or disapprove the disciplinary order.
- (d) A copy of the written command with the endorsement by the City Manager or a designated Deputy City Manager shall be served on the member. If personal service of the order cannot be made within five (5) days because of the inability to locate the member within the City of Aurora, the copy of the order shall be mailed by certified mail, return receipt requested, to the last known address of the member as shown by the records of the department. If service is by certified mail, it shall be complete upon return of the mailing receipt regardless of whether the order has been accepted.
- (e) A member shall have ten (10) business days from the service of the order to file an appeal of the disciplinary order with the Civil Service Commission. The appeal shall be in writing and contain the name and address of the appealing member, a copy of the written command being appealed and a brief summary of the reasons for the appeal. A member may express a desire to have the hearing closed to the public. Upon receipt of an appeal, the Commission shall promptly provide a copy of it to the office of the City Attorney.
- (f) The Commission shall conduct a hearing on the appeal not less than fifteen (15) nor more than thirty (30) days after receipt of the appeal. After a hearing date has been set, it may be continued only upon agreement of all the parties or upon good cause shown to the Commission. The notice of the hearing shall indicate whether the hearing will be public.
- (g) At the hearing before the Commission, each side may offer evidence and cross examine witnesses. The member may be represented by a representative of their choosing and the City Manager-Department shall be represented by the City Attorney or a designee. The hearing shall be recorded by a reporter or an electronic recording device. The Commission may adopt rules for the conduct of the hearing. The City Manager and Chief of the Department, through the office of the City Attorney as counsel, shall offer evidence and justification of the departmental action. The rules of evidence shall conform, to the extent practicable, with those in civil nonjury cases in the District Courts. However, when necessary to do so in order to ascertain facts affecting the substantial rights of the parties to the proceeding, the Commission may receive and consider evidence not admissible under such rules if such evidence possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs.
- (h) Commission hearings may be conducted by less than all of its members, but in no event by less than a majority of the members. After the hearing, the Commission shall issue a written decision affirming, reversing or modifying the disciplinary order, provided that the commission may not increase the level of discipline imposed by the order. In reviewing the disciplinary order, the Commission shall give due consideration to the necessity for maintaining administrative control of the Department by the Chief. The decision by the Commission must be concurred in by a majority of the members of the Commission hearing the appeal.
- (i) Appeals of Civil Service decisions reviewing disciplinary orders shall be made pursuant to the Colorado Rules of Civil Procedure applicable to judicial review of quasijudicial activities. Any appeal must be filed within thirty (30) days of the decision of the Commission. Judicial review of the decision shall not be further than to determine if the Commission has exceeded its jurisdiction or abused its discretion under the provisions of this Charter.
- (j) Written and oral reprimands are not subject to the hearing and appeal procedure set out in this section. The Chiefs of the respective Departments shall have the power and authority to suspend with pay any member of the Civil Service pending an investigation and the initiation of disciplinary action, provided that the written specification of charges as heretofore set out is served upon the member, or such suspension must be terminated within thirty (30)

days. If the investigation is still continuing at the expiration of the initial thirty (30) day period, the City Manager or his designee is authorized to extend the period of suspension with pay for up to an additional thirty (30) day period upon a finding that it is in the best interests of the affected Department to continue the suspension. Where a predisciplinary hearing is convened in accordance with the provisions heretofore set forth and before the expiration of the suspension, the disciplinary action emanating from such hearing shall supersede the suspension. Indictment of a member of the Civil Service, or the filing of an information or felony complaint against him by a prosecuting agency, charging any felony shall be cause for an immediate and indefinite suspension without pay upon order of the Chief, provided that such suspension shall be terminated by restoration to the service or by discharge as soon as the decision of the court becomes final. If the member of the Civil Service is restored to his position, he shall receive full pay for the entire period of such suspension and his eligibility for other benefits of the Service shall not be deemed to have been interrupted by such suspension. The conviction of a member of the Civil Service for a felony shall result in discharge from the Civil Service. A member of the Civil Service may be subject to discipline for the failure to answer questions concerning their own or any other member's conduct and activities as part of an internal departmental investigation only under the following circumstances:

- (a) The subject matter of the statement or questions must be reasonably related to a member's work performance and/or fitness to hold his or her position and related to the specific charge or complaint being investigated;
 - (b) The member shall be afforded the appropriate legal assurances that said statement(s) will be used solely for the internal investigation pertaining to continuing employment;
 - (c) The statement or answers to questions shall not be used in any criminal proceeding against the member making the statement or answering the questions;
 - (d) The statement shall be confidential and neither the statement, any information contained therein nor the answers to questions shall be disclosed to anyone except:
 - (1) The statement or information may be disclosed to persons within the member's department on a need-to-know basis as determined by the Chief of the Department;
 - (2) The statement or information learned from a member not being investigated for misconduct may be disclosed to representatives of the District Attorney or City Attorney on a need-to-know basis as determined by the Chief of the Department; and
 - (3) The statement or answers may be offered as evidence to the Civil Service Commission in an appeal brought by a member challenging any discipline imposed; and
 - (e) The member is advised in writing of the conditions contained in this section prior to giving the statement or answering any questions.
- (9) *Salaries.* The salaries for the members of the Civil Service shall be established by the City Council by ordinance subject to referral provision, as hereinafter set forth.

In the event City Council shall fail to provide an acceptable pay adjustment for the Civil Service for a period of two (2) consecutive years, the members of each department shall have the right to have their own pay increase proposal, which they submitted the second year, presented to the registered electors in the form of a Charter Amendment, at a regular or a special election called in accordance with the following provision:

- (a) On the second consecutive year in which the City Manager's budget, as presented to City Council, does not include an acceptable pay adjustment for the members of the Civil Service and said members of the Civil Service, having not received an acceptable pay adjustment in the previous year by City Council action, shall be authorized, through a designated representative, to present to City Council a pay adjustment plan of their own. Said plan shall be presented along with the City Manager's annual budget proposal.

City Council shall consider the plan so submitted and may, at their election, meet with the designated representatives of the Departments. In the event that City Council refuses to pass the pay plan as proposed, or some compromise thereof which is acceptable to a majority of the respective Departments, then City Council shall,

by ordinance, call a special election in the event no regular election is scheduled, within ninety (90) days of the adoption of the regular city budget. The ordinance calling said election shall refer to the city electorate, the pay plan as proposed by the Departments, or either of them, for acceptance or rejection by the voter. In the event the pay plan, as proposed, is adopted, it shall take effect at the beginning of the fiscal year in the same manner as if it had been included in the regular city budget. In the event the proposed plan is rejected, another plan may not again be submitted to the electorate by either ordinance referral or initiation until a period of two (2) years has elapsed and the City Council has again failed to make an acceptable pay adjustment for a two-year period and the same procedure as outlined herein has been followed.

An "acceptable pay adjustment" as used herein shall mean any pay adjustment which has been accepted by a majority vote of the members of the Civil Service of each of the Departments voting separately on the pay adjustments affecting their own Departments.

Any other matters which may by law be presented to the electorate for their consideration may be placed on the ballot at any election called under the provisions of this amendment; however, the pay plans presented must be contained in a separate amendment permitting the voters an opportunity to accept or reject the salary proposals as submitted.

- (10) *Lateral entry.* Lateral entry into the Police and Fire Departments by individuals with prior public safety experience shall be permitted under those conditions and regulations promulgated by the Civil Service Commission and the provisions of this Charter. Such regulations shall include provisions requiring a minimum of three (3) years of previous related experience with good standing within the four (4) year period immediately preceding the application. Persons hired from the lateral entry appointment list shall not be eligible to take a promotional examination for ranks above Police Officer and Firefighter until a person hired from the certification list for original appointment at the same time is or would be eligible to take the same promotional examination. The seniority date for lateral entry hires shall be the date of hire. Applicants for the lateral entry program who meet the admission requirements shall be subject to appropriate testing, which may include, but not necessarily consist of, medical, background, polygraph, and psychological. Applicants who successfully pass these tests shall be placed in a pool of qualified individuals. The Chiefs of the respective Departments may, at their sole discretion, select qualified individuals from the unranked pool of individuals, unless the City Council, by ordinance, modifies the selection process described hereinabove. The respective Chiefs may hire from either the certification list for original appointment or the lateral entry appointment list provided that no more than half of the persons hired at any given time shall come from the lateral entry appointment list. A person hired from the lateral entry appointment list, during the training period established by the department for such persons and upon successful completion of that training program, shall be classified at such rank and grade as determined by the Chiefs of the respective Departments pursuant to departmental policy, but in no event at a rank higher than a Police Officer 1st Grade or Firefighter 1st Grade. Notwithstanding any other provision of this section, nothing in this section shall be deemed to prohibit the holding of a "lateral only" police academy.

If an individual meets the requirements for lateral entry of both the Aurora Civil Service Commission and the Department, this lateral entry privilege shall supersede the requirement found in section 3-16 of the Charter relating to entry into the Civil Service exclusively at the ranks of Police Officer 4th Grade and Firefighter 4th Grade.

Notwithstanding the reclassification to a higher grade provided herein, employment shall be subject to the a probationary period pursuant to section 3-16(2) of this Charter. No person can remain on the lateral entry appointment list for more than two (2) years without reapplication.

(Ord. No. 67-35, § 1, 7-25-67; Ord. No. CA75-4, 11-4-75; Ord. No. CA75-5, 11-4-75; Ord. No. CA75-6, 11-4-75; Ord. No. CA77-1, 11-8-77; Ord. No. CA77-2, 11-8-77; Ord. No. 87-199, § 1, 11-3-87; Ord. No. 89-88, § 1, 11-7-89; Ord. No. 89-92, § 1, 11-7-89; Ord. No. 91-47, § 1, 11-13-91; Ord. No. 38, § 1, 11-4-2003; Ord. No. 2006-47, § 1, 8-7-2006; Ord. No. 2018-24, § 1, 7-7-2018)

Editor's note— Ord. No. 2006-47, § 1, adopted by the City Council Aug. 7, 2006 and approved at a special municipal election held on Nov. 7, 2006 amended section 3-16(6). Formerly, former §§ 3-12-3 and 3-12-4 were amended by §§ 1 and 2 of Ord. No. 87-199, approved at a city election held Nov. 3, 1987. Such former sections were renumbered as §§ 3-16 and 3-17 to correspond to the index of art. III

which was amended by § 7 of Ord. No. 87-202, also approved Nov. 3, 1987. See the editor's footnote to the title of art. III.



Aurora Police Department



City of Aurora

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

Worth Discovering • AuroraGov.org

Date: December 4, 2019
To: Officer Jaron Jones #314466
From: Paul O'Keefe, Acting Chief of Police
Re: IA Case #19-21

Please be advised that I have reviewed in its entirety IAB Case #19-21. In making my determination, I make the following findings and orders:

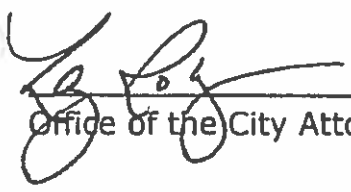
1. **FINDINGS OF FACT**: I adopt as my findings of fact the Summary of Evidence prepared by the Internal Affairs Bureau.
2. **DISCIPLINARY ORDER**: Taking into account all of the above, it is my determination that you are suspended without pay for 160 hours. The date and time of the suspension shall be in accordance with Addendum "A" attached to 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:


Paul O'Keefe
Acting Chief of Police

PFO/djc

APPROVED AS TO FORM:


Office of the City Attorney

12/5/2019
Date

Received by this Office of the City Manager on 5 DECEMBER, 2019, at 3 o'clock p.m.

ORDER:

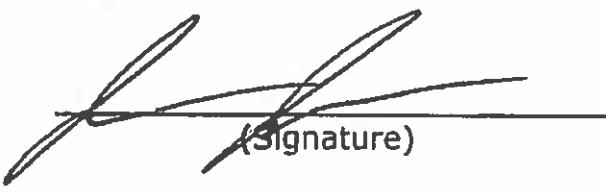
Approved X, Disapproved _____, Modified as follows:

On 5 DECEMBER, 2019, at 6 o'clock p.m.


Jason Batchelor
Deputy City Manager

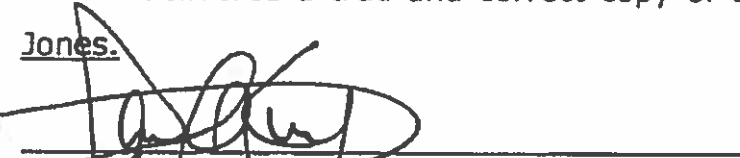
ACKNOWLEDGMENT OF SERVICE

I, Jaron Jones, hereby certify that I received a true and correct copy of the above Disciplinary Order on the 10 day of December, 2019, at 1500 a.m./p.m.


(Signature)

CERTIFICATE OF PERSONAL SERVICE

The undersigned hereby certifies that on the 10 day of December, 2019, I hand delivered a true and correct copy of the above Disciplinary Order to Jaron Jones.


Signature of Person Affecting Service

ADDENDUM "A"

It is agreed that Officer Jones will serve the 160-hour suspension as noted below:

Officer Jones will serve 120 hours as outlined below and the remaining 40 hours will be held in abeyance for two (2) years from the date of this order and will be imposed for any sustained violation resulting in discipline greater than a Written Reprimand.

<i>December 14, 2019</i>	<i>2200-0800</i>	<i>10 Hours</i>
<i>December 18, 2019</i>	<i>2200-0800</i>	<i>10 Hours</i>
<i>December 28, 2019</i>	<i>2200-0800</i>	<i>10 Hours</i>
<i>January 4, 2020</i>	<i>2200-0800</i>	<i>10 Hours</i>
<i>January 11, 2020</i>	<i>2200-0800</i>	<i>10 Hours</i>
<i>January 18, 2020</i>	<i>2200-0800</i>	<i>10 Hours</i>
<i>January 24, 2020</i>	<i>2200-0800</i>	<i>10 Hours</i>
<i>January 25, 2020</i>	<i>2200-0800</i>	<i>10 Hours</i>
<i>February 1, 2020</i>	<i>2200-0800</i>	<i>10 Hours</i>
<i>February 8, 2020</i>	<i>2200-0800</i>	<i>10 Hours</i>
<i>February 12, 2020</i>	<i>2200-0800</i>	<i>10 Hours</i>
<i>February 22, 2020</i>	<i>2200-0800</i>	<i>10 Hours</i>

TOTAL HOURS: 160 Hours

SUSPENSION LEAVE WITHOUT PAY

8. SUMMARY OF EVIDENCE

**IN THE MATTER OF DISCIPLINARY
PROCEEDING AGAINST**

Officer Jaron Jones #314466

**MEMBER OF THE AURORA CIVIL
SERVICE, AURORA POLICE DEPARTMENT**

The evidence in support of the investigation is as follows:

On May 5, 2019, you were off-duty and driving your personal vehicle when you were stopped by an Adams County Sheriff's Deputy for squealing your tires at an intersection after leaving the Grizzly Rose bar at 5450 N Valley Highway in unincorporated Adams County. After noticing signs of intoxication, the Deputy subsequently arrested you for DUI. You did not submit to a breath or blood test as required by the Colorado Express Consent Law. You were charged with DUI and Speed Exhibition. Your DOR hearing was dismissed due to the deputy failing to appear for the hearing. You subsequently pled guilty to Driving While Ability Impaired on August 12, 2019. The charges of DUI and Speed Exhibition were dismissed by the court. You admitted during your Internal Affairs interview that you had consumed an unknown amount of alcohol prior to driving that night.

The Chief's Review Board has recommended to the Chief of Police a finding of **SUSTAINED** for violation of Aurora Police Department Directive:

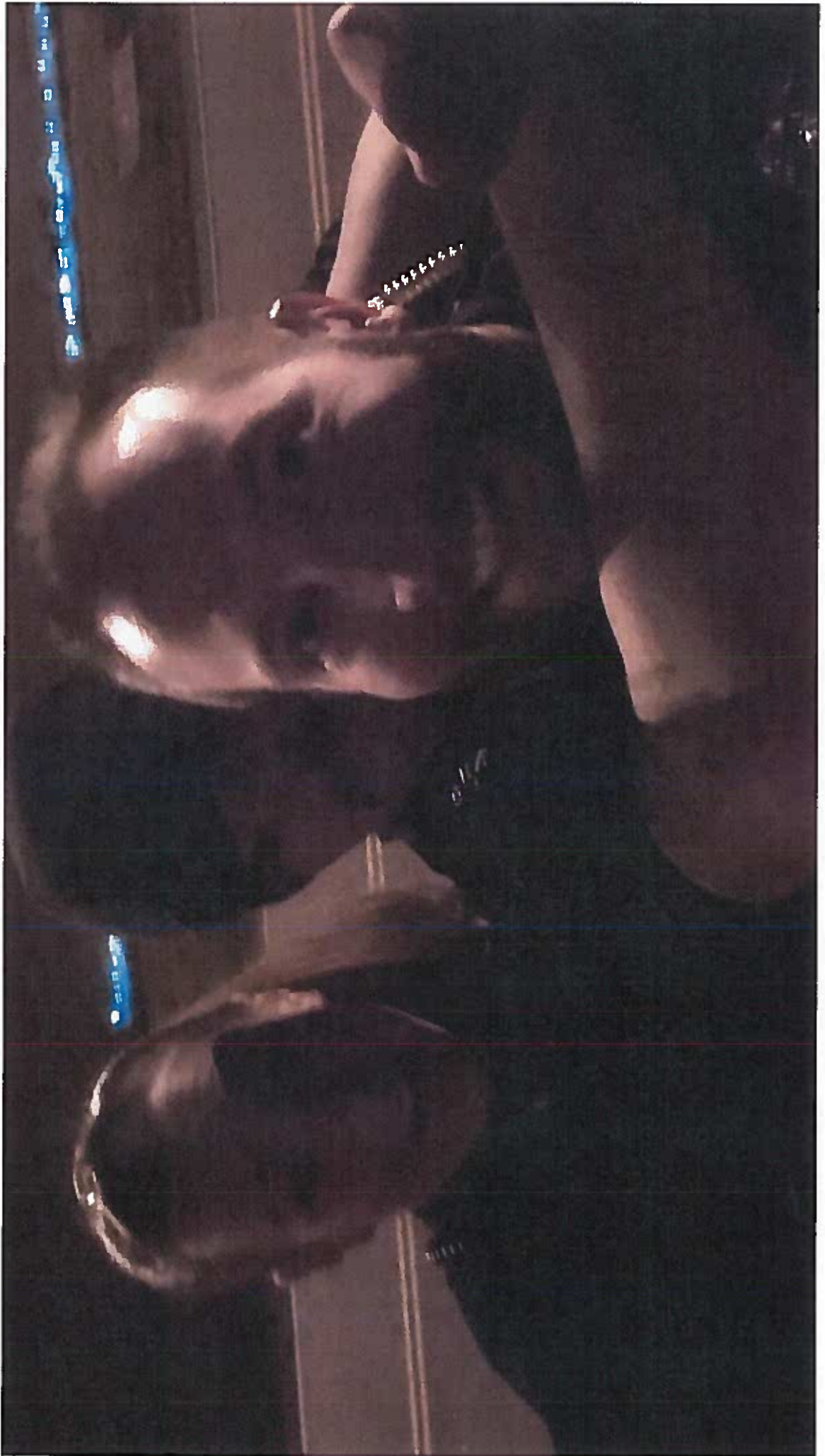
14.1.5 Conformance to Law.

The Chief's Review Board recommended a finding of **NOT SUSTAINED** for the allegation that you violated Aurora Police Department Directive:

14.2.1 Conduct Unbecoming.

You have three (3) days from the Pre-Disciplinary Hearing to request an IRB.





For the entire IA 20-25 file, please visit:

<https://www.auroragov.org/>