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September 23, 2022

**NOTICE OF CLAIM PURSUANT TO GOVERNMENTAL IMMUNITY ACT,
C.R.S. § 24-10-109**

Via Certified Mail

Dan Brotzman, City
Attorney
City of Aurora
15151 E. Alameda Parkway
Aurora, CO 80012

Jim Twombly, City Manager
City of Aurora
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Mike Coffman, Mayor, City
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Danielle Jurinsky, City
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Crystal Murillo, City Councilperson
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Ruben Medina, City Councilperson
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Angela Lawson, City Councilperson
City of Aurora
15151 E. Alameda Parkway
Aurora, CO 80012

Re: Vanessa Wilson

To the Foregoing:

Please consider this letter a Notice of Claim under the Colorado Governmental Immunity Act on behalf of our client, Chief Vanessa Wilson. This Notice is being provided within 180 days of the events giving rise to Chief Wilson's claims and in accordance with the applicable provisions of C.R.S. § 24-10-109. If you contend that this notice is defective in any way, please inform me as soon as possible.

King & Greisen, LLP represents Vanessa Wilson regarding her termination by the City of Aurora on April 6, 2022. On that date, Chief Wilson was fired by the City in retaliation for her commitment to enforcing the consent decree between the City of Aurora and State of Colorado that was entered to reform the long-troubled police department, and end the racist policing practices that had unfortunately become the Department's hallmark. To enforce the decree, Chief Wilson had worked diligently to undo years of a pattern and practice of illegal police conduct, including through terminating a small number of officers who were responsible for using excessive force, and otherwise violating the rights of Aurora residents of color.

Our investigation into the events surrounding Chief Wilson's termination indicates that she has strong legal claims against the City of Aurora and individual City employees (including city council persons) for terminating her in violation of public policy, conspiring to prevent her from discharging her lawful duties pursuant to 42 U.S.C. § 1985, discriminating against her for her association with people of color in violation of 42 U.S.C. § 1981, and retaliating against her for

her association with and actions to protect members of Aurora's Black community (in violation of Title VII (42 U.S.C. § 2000e) and the Colorado Anti-Discrimination Act (C.R.S. § 24-34-400, *et seq*)), as well as other potential torts which may require notice under the notice statute.

I. NAME AND ADDRESS OF CLAIMANT

Ms. Vanessa Wilson
118 S. Logan St.
Denver, CO 80209

II. NAME AND ADDRESS OF CLAIMANT'S ATTORNEYS

Paula Greisen, Esq.
Scott Medlock, Esq.
King & Greisen, LLP
1670 York Street
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III. FACTUAL BASIS OF CLAIMS

A. Summary of the Allegations – the City Illegally Fires Chief Wilson for Enforcing the Consent Decree

Vanessa Wilson became the City of Aurora's interim Chief of Police in January 2020 after working at the Aurora Police Department (APD) for more than 20 years. She was then appointed permanent Chief in August 2020. She was the first woman to lead the department as its Chief of Police.

Chief Wilson was appointed to the top leadership role of the APD at a time when the department was careening through a series of high-profile controversies under the former administrations which involved racially discriminatory policing, including the tragic death of Elijah McClain at the hands of the Aurora police and fire departments. In May 2020, the nation was rocked by the murder of George Floyd and the Aurora Police Department came under heightened public scrutiny about its discriminatory treatment of people of color. Chief Wilson was tasked with addressing these issues in the department and restoring community trust. In so doing, she took steps to reform the department, including developing and implementing robust anti-bias policies and practices and terminating "bad apple" officers.

Shortly after Chief Wilson's permanent appointment to the chief position, Colorado Attorney General Phil Weiser announced that his office was investigating a civil rights "pattern and practices" investigation into the Department's racially discriminatory policing. A little over a year later, in September 2021, after an extensive probe into the department's practices going back over five years, Weiser issued a damning report, finding that APD officers had a long-standing

pattern and practice of violating state and federal law through racially-biased policing and the use of excessive force which disproportionately injured people of color. In fall of 2021, a Court entered a five-year Consent Decree against the City of Aurora which mandated the City to implement necessary reforms of its racially discriminatory policing, many of which Chief Wilson had already begun.

As part of her commitment to enforcing the consent decree, Chief Wilson publicly committed to equitable policing, and holding officers accountable when they violated the law, firing at least a dozen police officers during her tenure.

Chief Wilson was then illegally terminated for her actions to enforce the terms of the consent decree, and to otherwise eliminate racially discriminatory policing and reform the department and protect all citizens of Aurora from the police.

B. Chief Wilson is Confronted with the Aurora Police Department's Long-Standing Pattern and Practice of Racist Policing

Chief Wilson was tasked with implementing the consent decree to correct numerous problems in a deeply troubled police department. Her actions to implement and enforce the consent decree included:

- March 2020 – A white APD officer pulled his gun on an Indian-American doctor after the doctor honked his car horn at the officer because the officer's squad car was blocking the entrance to the parking lot of the refugee center the doctor owned. Chief Wilson suspended the officer 40 hours without pay, and required him to attend additional training.
- June 29, 2020 – Photos are discovered of three white APD officers mockingly grinning while "re-enacting" the chokehold used to kill McClain.



Chief Wilson fired two officers in the photo (as well as a third who received the photo and responded “ha ha” to the image – one of the officers who contributed to McClain’s death), and the third officer in the image resigned during the investigation.

- August 2, 2020 – Five white APD officers pulled over an SUV occupied by a Black woman and four Black children, ordered them out of the car, and forced them to lay on hot asphalt at gunpoint. The officers (wrongly) believed the vehicle was stolen because the license plate numbers of the SUV matched a reported stolen vehicle. But the stolen vehicle was actually a motorcycle, and the stolen motorcycle’s license plate was issued by another state. Chief Wilson apologized for the officers’ conduct, changed the training that required this type of traffic stop, and hired a member of the local Black community to contribute to a video shown to officers during future trainings (which would prohibit this type of tactics during a standard traffic stop). Chief Wilson further demoted the lead officer at the scene – who had shockingly been a “training” officer instructing the others that this was actually proper police procedure – and suspended him for two weeks.
- August 10, 2020 – A white APD officer responded to a report of trespassing at a grocery store. When he arrived, another APD officer had already restrained an obviously mentally-ill man on the ground, such that the alleged trespasser posed no threat to anyone. The newly arrived officer, however, punched the restrained man multiple times, then shocked him with a TASER five times in less than two minutes. Chief Wilson fired this officer for using excessive force.
- March 2021 – Chief Wilson opened an investigation into allegations that a white APD officer – while wearing his department uniform – gave methamphetamine to a recovering addict as she was leaving a local hospital where the officer was working as a security guard. The officer resigned during the investigation.
- June 29, 2021 – A white male police sergeant screamed profanity at a terrified Black teenager he had pulled over for speeding, telling her: “You think I’m out here playing fucking games?” “You’re out of your fucking mind!” “You better keep your fucking mouth shut!” and “I’ll make your life a living fucking hell from this day forward ... I don’t give a shit how old you are. Let that sink in!” After an investigation, Chief Wilson demoted the sergeant to punish him for his conduct during this traffic stop.
- July 2021 – Two white officers, John Haubert and Francine Martinez, arrested and violently beat Kyle Vinson, an unarmed 29-year-old Black man. Haubert repeatedly pistol-whipped Vinson, striking him in the head approximately 13 times. Haubert then held his gun at Vinson’s head and strangled him, as Vinson begged, “you’re killing me.” Martinez did nothing to stop Haubert. Soon after this incident, Chief Wilson released the body worn camera footage of Haubert’s assault – going against the recommendations from the City’s communications team – to promote transparency

with the Black community. When an investigation began, Haubert resigned, and Chief Wilson fired Martinez for failing to intervene.

- September 24, 2021 – Chief Wilson announced an investigation into an earlier incident where a white APD officer shocked a Black man, Preston Nunn, III, with a TASER during a traffic stop without giving Nunn an opportunity to comply (and while issuing contradictory instructions that Nunn was attempting to comply with). Chief Wilson also removed the officer from duty until the conclusion of the investigation, and required him to undergo significant re-training.

C. City and Police Union Officials Conspire to Terminate Chief Wilson

In November 2021, shortly after the adoption of the consent decree, Officer Doug Wilkinson, the president of the Aurora Police Association (“APA”) union, emailed the APA’s members to mock the consent decree and Chief Wilson’s efforts to implement its mandates:

The decree indicates that they want to replace as many of the department's white males as possible with as many women and minorities ... To match the ‘diversity’ of ‘the community,’ we could make sure to hire 10 percent illegal aliens, 50 percent weed smokers, 10 percent crackheads, and a few child molesters and murderers to round it out. You know, so we can make the department to look like the ‘community.’

Wilkinson further called the consent decree “sexist and racist” because it “discriminated” against white men. When several APD officer complained about Wilkinson’s racist and misogynist email to human resources, an investigation was opened, and Chief Wilson ultimately fired Wilkinson in February 2022.

Also in November 2021, the composition of Aurora City Counsel changed and certain newly-elected Councilmembers, particularly Danielle Jurinsky and Dustin Zvonek, publicly and privately sought to halt or even reverse Chief Wilson’s reform efforts. Both Jurinsky and Zvonek had been endorsed by the APA and Wilkinson.

During a December 2021 meeting with Chief Wilson, Jurinsky told her that she did not believe in the consent decree, did not believe that there was racial policing in Aurora, and would seek to reverse the decree. Jurinsky further criticized training designed to reduce officers’ use of force that Chief Wilson had required, absurdly asserting that the training would “get officers killed.” Jurinsky also asked Chief Wilson to keep Wilkinson on the force, despite his email to officers mocking the decree. When Chief Wilson refused to support terminating the consent decree or commit to retaining Wilkinson, Jurinsky repeatedly publicly called Chief Wilson “trash” and falsely accused her of making the City, its businesses, and its residents “unsafe.” Repeatedly, Jurinsky and Zvonek publicly began pressuring City Manager Twombly to fire Wilson because of Chief Wilson’s strong commitment to enforcing the consent decree.

D. The City Fires Chief Wilson in Retaliation for her Commitment to Enforcing the Consent Decree

In March 2021, City Manager Twombly began to pressure Chief Wilson to resign. Chief Wilson told Twombly that she was committed to her responsibilities and would not resign. Then, on April 6, 2021, City Manager Twombly fired Chief Wilson, falsely claiming that a change in leadership was necessary to “provide the level of public safety that our community deserves.” Twombly explicitly stated he was firing Chief Wilson “without cause,” and that she was being fired for “prioritiz[ing] community involvement.” Twombly further echoed Jurinsky’s false claims that the City was less safe as a result of Chief Wilson’s reforms of the racist Department. Twombly also cited a misleading report which claimed that it had just come to light that there was a backlog in the police records department - a problem which was known to exist prior to Chief Wilson’s tenure.

Chief Wilson was terminated because of her efforts to implement and enforce the consent decree, her association with and advocacy for people of color, and in retaliation for, and in anticipation of her engaging in additional protected activities to reform racially motivated policing in the City of Aurora.

Immediately after firing Chief Wilson, the City appointed a white man, Chris Juul, as a temporary interim chief to lead the department. Two weeks later, the City named Daniel Oates, another white man, as interim chief while the City conducted a search for a permanent replacement. Notably, Oates was previously the APD Chief during the period shortly before Chief Wilson’s appointment, when the pattern and practice of racist policing was taking place.

On September 21, 2022, the City named three finalists to replace Chief Wilson – all three are also white men. Though one third of applicants were people of color or women, the City initially selected only white men as finalists.

Following Chief Wilson’s illegal termination, the City continued to retaliate against her. Though officers in good standing are routinely allowed to keep their badges upon separation from the department, the City refused to allow Chief Wilson to have her badges following her 26 years of service. Likewise, the City refused to issue Chief Wilson a Law Enforcement Officer Safety Act card, which would have allowed her to carry a concealed weapon. Deputy City Manager Jason Batchelor told Chief Wilson that he had approved releasing the badges and LEOSA card, but he was overruled by “the powers that be.”

Accordingly, the City of Aurora and individual employees violated Chief Wilson’s civil rights, and terminated her in violation of public policy.

IV. NAME AND ADDRESS OF PUBLIC EMPLOYEE(S) INVOLVED

The list of public employees involved includes, but is not necessarily limited to, the following persons:

- A. Mike Coffman, Mayor, City of Aurora;
- B. Danielle Jurinsky, City Councilperson, City of Aurora;
- C. Dustin Zvonek, City Councilperson, City of Aurora;
- D. Jim Twombly, City Manager, City of Aurora;
- E. Jason Batchelor, Deputy City Manager, City of Aurora;
- F. Doug Wilkinson, former police officer, City of Aurora;
- G. Any and all other "John Does" who were involved in the decision to terminate Chief Wilson, and/or who participated in the conspiracy to terminate Chief Wilson, who may be identified during the course of the investigation of this matter;
- H. Other persons at the City of Aurora, the Aurora Police Department, or their policy-makers, supervisors, or agents who may be identified during the course of the investigation.

V. STATEMENT OF NATURE AND EXTENT OF INJURY

As a result of the willful and wanton conduct detailed above, Chief Wilson has suffered and continues to suffer severe emotional distress, as well as economic damages from the loss of her job (including, but not limited to, lost backpay and frontpay).

VI. MONETARY DAMAGES SOUGHT

Chief Wilson seeks all legal and equitable relief available to her, including compensatory and actual damages; punitive damages against those responsible individuals in their individual capacities; damages associated with violations of her federal and state rights, declarative and injunctive relief, as well as attorney's fees and costs, and such other claims and remedies as the law allows.

Sincerely,

KING & GREISEN, LLP

s/ Paula Greisen

Paula Greisen

PG/SM/lam
cc: Vanessa Wilson