

BEFORE THE EQUAL EMPLOYMENT OPPORTUNITIES COMMISSION

Douglas Davis,

Charging Party,

v.

City of Circleville, Ohio,

Respondent.

EEOC Case No. [REDACTED]

AFFIDAVIT OF CHIEF SHAWN BAER

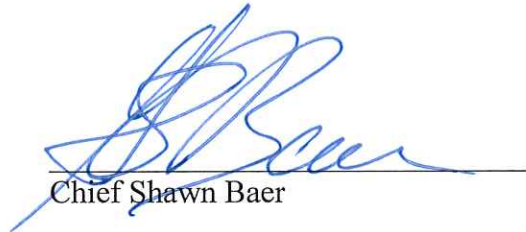
State of Ohio)
) ss:
County of Pickaway)

I, Chief Shawn Baer, having been first duly sworn and cautioned, hereby state that I have personal knowledge of all facts contained in this affidavit and that the following is true and accurate to the best of my knowledge and belief. I hereby swear and state as follows:

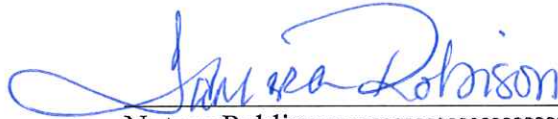
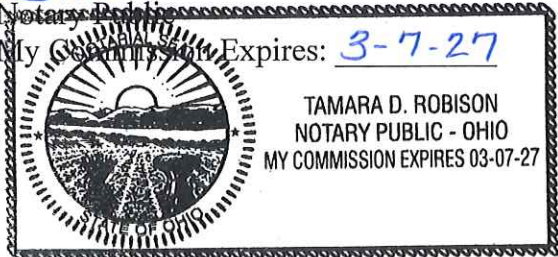
1. I am the Chief of Police for the City of Circleville, Ohio.
2. I have been the Chief of Police, or employed at the City of Circleville Police Department, at all times relevant hereto.
3. Upon his hire in 2013, based upon his prior experiences, Deputy Chief Davis was provided the opportunity to work in the Investigations Bureau rather than Road Patrol.
4. Typically, employees work Road Patrol prior to being provided the opportunity to work in the Investigations Bureau, or other specialized assignment.
5. Deputy Chief Davis has had the opportunity to work several specialized assignments while with the City, including: SWAT, undercover, Investigations Bureau, the US 23 Major Crimes Task Force and the Fairfield County Major Crimes Unit.
6. I am unaware of any allegations of discrimination, or harassment, filed by Deputy Chief Davis during the period of March 2017 through July 2019.
7. Deputy Chief did advise me of concerns regarding statements made by Major Crimes Unit Assistant Commander Haupt.
8. In response to Deputy Chief Davis's concerns regarding Assistant Commander Haupt's inappropriate comments, I reached out to the Chief of Police of the City of Lancaster who is Assistant Commander Haupt's supervisor regarding the inappropriate comments.

9. I reached out to the Commander of the Major Crimes Unit regarding the inappropriate comments of Assistant Commander Haupt.
10. The City is not the employer of the Major Crimes Unit.
11. I am not involved in the rank structure of the Major Crimes Unit.
12. Following my conversations with the Commander of the Major Crimes Unit and Chief of Police for the City of Lancaster, Deputy Chief Davis raised no other concerns with me regarding discriminatory conduct of others at the Major Crimes Unit.
13. The City is no longer a member of the Major Crimes Unit.
14. To the extent that Deputy Chief raised a concern regarding a piece of equipment, clothing or errors on the server upon his return from paid administrative leave, the City has made efforts to remedy any issue.

FURTHER AFFIANT SAYETH NAUGHT:


Chief Shawn Baer

Sworn and subscribed before me this 21st day of March, 2023.


Notary Public
My Commission Expires: 3-7-27

TAMARA D. ROBISON
NOTARY PUBLIC - OHIO
MY COMMISSION EXPIRES 03-07-27

BEFORE THE EQUAL EMPLOYMENT OPPORTUNITIES COMMISSION

Douglas Davis,

Charging Party,

v.

City of Circleville, Ohio,

Respondent.

EEOC Case No. [REDACTED]

AFFIDAVIT OF VALERIE DILLEY

State of Ohio)

) ss:

County of Pickaway)

I, Valerie Dilley, having been first duly sworn and cautioned, hereby state that I have personal knowledge of all facts contained in this affidavit and that the following is true and accurate to the best of my knowledge and belief. I hereby swear and state as follows:

1. I am the Human Resources Director for the City of Circleville, Ohio.
2. I have been the Human Resources Director for the City of Circleville, or employed at the City of Circleville, at all times relevant hereto.
3. No complaint was filed with Human Resources by Douglas Davis in March 2017 regarding comments made by employees, including saying "tink tink" or posting a picture on his locker with words to that effect.
4. Douglas Davis did contact me on or around April 8, 2022 after he submitted a copy of his letter to Chief Baer, but I advised I was going to eat lunch to which he responded enjoy your lunch...or words to that effect. I was not contacted, again on April 8, 2022, by Deputy Chief Davis.
5. Douglas Davis received full pay and benefits while on administrative leave with pay.
6. On April 20, 2022, as a result if complaint filed by Douglas Davis, I met with Officer Johansen to conduct an interview into the allegations set forth in Deputy Chief Davis's complaint. Officer Johansen was represented by his union attorney, Joe Hegedus.
7. Officer Johansen resigned from the City after his interview effective April 22, 2022.
8. On April 20, 2022, the City had a Labor Management Committee meeting with the OPBA (Union representing employees of the Police Department). During the meeting, due to the

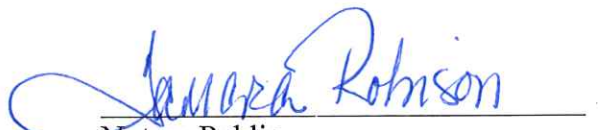
number of internal complaints filed by employees, it was suggested an analysis of the Police Department be conducted by an outside agency.

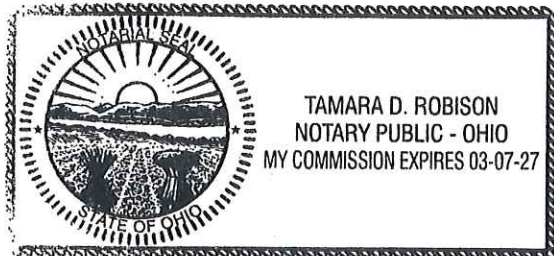
9. The audit was conducted by PRADCO.
10. PRADCO issued a report to the City.
11. Upon his promotion to Captain and Deputy Chief, the City provided Deputy Chief Davis greater compensation than otherwise provided for in the City's compensation plan.

FURTHER AFFIANT SAYETH NAUGHT:


Valerie Dilley

Sworn and subscribed before me this 21st day of March, 2023.


Notary Public
My Commission Expires: 3-7-27



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AFFIDAVIT OF MAYOR DONALD McILROY

State of Ohio)

) ss:

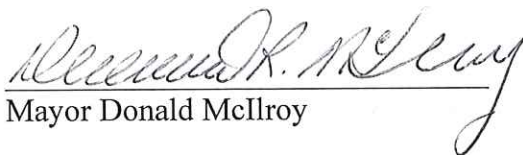
County of Pickaway)

I, Mayor Donald McIlroy, having been first duly sworn and cautioned, hereby state that I have personal knowledge of all facts contained in this affidavit and that the following is true and accurate to the best of my knowledge and belief. I hereby swear and state as follows:

1. I am the Mayor of the City of Circleville, Ohio.
2. I have been the elected Mayor of Circleville, Ohio at all times relevant hereto.
3. In May 2015, the City conducted an investigation into allegations of misconduct by the City's then-Police Chief based upon multiple allegations of misconduct and discrimination.
4. Then-Chief Gray submitted his notice of intent to retire during the investigation.
5. The City received no further complaints from Deputy Chief Davis regarding the City's then-Police Chief following my June 25, 2015 letter to him notifying of the approaching retirement of the then-Chief.
6. I received no complaints directly from Deputy Chief Davis alleging discrimination, or harassment.
7. Based upon a request of, and discussions with, Deputy Chief Davis regarding his promotion to Deputy Chief with the City of Circleville, his compensation as Deputy Chief was increased to \$86,000.
8. Based upon a request of, and discussions with, Deputy Chief Davis regarding his promotion to Deputy Chief with the City of Circleville, modifications were made regarding his probationary period as Deputy Chief.

9. Upon his promotion to the rank of Captain, Deputy Chief Davis was compensated at Pay Grade 8, as opposed to Pay Grade 7, based upon his prior service with the City.
10. To date, there has been no restructuring of the City of Circleville Police Department.
11. I ordered the removal of the Deputy Chief placard from Sergeant McIntyre's door.

FURTHER AFFIANT SAYETH NAUGHT:


Mayor Donald McIlroy

Sworn and subscribed before me this 21 day of MARCH, 2023.


Notary Public
My Commission Expires: 3-7-27

