



WELLINGTON E. WEBB  
Mayor

# CITY AND COUNTY OF DENVER

DEPARTMENT OF SAFETY

DENVER POLICE DEPARTMENT  
CIVIL LIABILITY BUREAU  
1331 CHEROKEE STREET, ROOM 504  
DENVER, COLORADO 80204-2787

March 29, 2002

Mr. Mark Silverstein  
ACLU Legal Director  
400 Corona Street  
Denver, Colorado 80218-3915

Re: Records Request

Dear Mr. Silverstein:

This letter will respond to your letter dated March 25, 2002, in which you request "records related to the Denver Police Department's intelligence files...." As you know, in part due to your organization's efforts, the Denver Police Department has recently undertaken to refine and improve its intelligence gathering policies and practices. These policies are designed to strike the appropriate balance between the goals of effective law enforcement and preservation of individual rights.

In addition, Mayor Webb has appointed three outstanding individuals known for their fairness and integrity to review the Department's intelligence records and determine whether there are records that should be excluded: Roger Cisneros, a retired Denver District Judge and former State Senator, and Boulder lawyer Jean Dubofsky, a former Colorado Supreme Court justice; and the Honorable William Meyer, a former Denver District Court Judge who founded and served as presiding judge of the Denver Drug Court. These individuals will work closely with the Denver Police Department and the City Attorney's Office to assure that our intelligence gathering is in keeping with applicable guidelines and best practices.

Once that review process is complete, we intend to notify those whose information will not be preserved in the intelligence information database, and determine whether and to what extent to permit access to that information.

With specific reference to the numbered paragraphs contained in your March 25, 2002 request, please be advised as follows:

1. We believe that State law grants records custodians the discretion to deny access to intelligence information, pursuant to section 24-72-305 (5), C.R.S. Though we do not believe as you do that we are required by law to compare the public interests served by disclosure or nondisclosure of intelligence information, we believe there are significant public interests advanced by maintaining the confidentiality of the Police Department's intelligence information, especially