June 24, 2015

SENT VIA EMAIL: Ruffalaa@ci.colospgs.co.us

Colorado Springs Police Department
Records Section
Attn: Aaron Ruffalo
705 S. Nevada Ave.
Colorado Springs, CO 80903

Re: Open Records Request on Behalf of Ryan Brown and ACLU of Colorado

Dear Mr. Ruffalo,

Please consider the following a request pursuant to the Colorado Open Records Act (CORA) and the Colorado Criminal Justice Records Act (CCJRA) on behalf of Ryan Brown and the American Civil Liberties Union of Colorado.   For the purpose of this request, the term "records" refers to any recorded information, whether kept in written, electronic, or any other form, as defined by C.R.S. §§ 24-72-202(7) & 24-72-302(1) & (4).[1]

On March 25, 2015, Mr. Ryan Brown filed a complaint with the Colorado Springs Police Department (CSPD) regarding an interaction with CSPD officers during a traffic stop earlier that day. During the stop, CSPD officers ordered the driver, Mr. Brown's brother, Benjamin Brown, to get out of the car. CSPD officers then unjustifiably handcuffed, searched, and detained Benjamin Brown for an extended period of time before releasing him with a ticket for "obstructed view." Also during the traffic stop, CSPD officers removed Ryan Brown from the passenger side of the car at gun point, pushed Ryan Brown to the ground, handcuffed him, searched him, and then charged him with obstruction.

Shortly after this incident, Ryan Brown filed a complaint with the CSPD regarding these actions of CSPD officers.   Earlier this month, Mr. Brown received a letter from Colorado Spring Police Commander Fletcher Howard stating that the CSPD had conducted a "complete and

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[1] This includes, but is not limited to all documents, books, papers, maps, photographs, cards, tapes, recordings, digitally stored data or records, electronic mail messages, or other documentary materials, regardless of physical form or characteristics, and every other means of recording upon any tangible thing for every form of communication or representation.

thorough investigation" and determined that officer conduct was "justified, legal and proper." I write now for the documents connected to this investigation, as well as other related records.

 This request seeks the following records:

1. **The <u>complete</u> internal affairs file(s) containing each and every document considered or produced in association with any CSPD investigation into CSPD officers' March 25, 2015 interaction with Ryan and Benjamin Brown ("the Incident").[2] Responsive records should include, but not be limited to, witness statements in whatever form they exist, including any audio or video recordings of any witness statements and any notes regarding or reflecting any witness statements. Responsive documents should also include, but should not be limited to, investigators' notes, any records reflecting the basis for the conclusion that the CSPD officers' actions were justified, and any records casting doubt on the conclusion that CSPD officers' actions were justified.**

2. **All communications created or received by the CSPD regarding the Incident. Responsive records should include any communications among CSPD employees or between CSPD employees and other City agencies or the public.**

3. **Any records reflecting any policy or practice changes by the CSPD related in any way to the Incident.**

4. **Any records reflecting any form of discipline received by any officers in relation to the Incident, including records reflecting oral or written counseling.**

5. **Any records reflecting any additional training undertaken by any CSPD officer related in any way to the Incident.**

6. **The following CSPD General Orders: 210, 310, 601, 701, 705, 710, 740, 750, 755.**

Pursuant to C.R.S. § 24-72-305.5, I affirm that the requested records will not be used for the direct solicitation of business for pecuniary gain. The ACLU of Colorado is a non-profit organization that seeks the records for a non-commercial public purpose, including non-profit activities, research, and/or journalism. If your office so provides, we request a reduced or waived fee pursuant to C.R.S. § 24-72-205(4).

If the records are in electronic form or can be scanned and sent by email, we request to receive those records solely by electronic means sent to msilverstein@aclu-co.org. If the copies cannot be transmitted electronically, and any anticipated charges will be less than $50.00, please mail the copies to this office with any invoice for copy charges, which shall be promptly paid. If the anticipated charges will be in excess of $50.00, or if your office requires prepayment for

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[2] To be clear, this records request seeks not only the internal affairs file related to Mr. Brown's complaint, but also the complete internal affairs file related to *any* investigation CSPD has initiated related to the Incident.

copies, please first contact me at (720) 402-3114. If the estimated charges will be in excess of $50.00 we may elect to first inspect the records, and then designate only certain records for copying.

If you deny this request for records in whole or in part, I ask that you provide forthwith a written statement of the reasons for the denial that cites the law or regulation that you rely on. C.R.S. §§ 24-72-204(4) & 24-72-305(6). If any of the requested records are in active use, in storage or otherwise unavailable at this time, I likewise request that you provide forthwith a written statement and that the custodian set a date and hour at which time the records will be available for inspection. C.R.S. §§ 24-72-203(3)(a) & 24-72-303(3).

I look forward to your response to this request for documents at your earliest convenience, and no later than three business days, as required by Colorado law. Thank you in advance for your attention to this matter.

Sincerely,

Mark Silverstein

Mark Silverstein

Legal Director, ACLU of Colorado