



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

when we have not concluded the process of determining what information should be taken out. We intend to revisit the issue of disclosure of intelligence to individuals who will be removed from our database when the review of our files has been concluded, and will at a minimum notify those individuals. In light of the authorization for release submitted with your request, we would be happy to treat the ACLU as the representatives for those individuals named in your request.

2 and 3. With regard to your request for the names and files of "organizations who appear in the files as a result of the political, educational, social, or religious activities of the organizations or their members," the Department does not believe there are documents responsive to this request. While the current review process may result in the determination that there were insufficient grounds to include certain organizations in the intelligence database, or that information regarding those organizations was mischaracterized in the database, we do not admit that files were compiled on organizations "as a result of the political, educational, social, or religious activities of the organizations." However, once our review is complete we will notify organizations that were inaccurately included in our intelligence information, and will decide at that time whether to permit those organizations to inspect their records. Absent the sort of release and the waiver you included for the individuals you are representing, we do not intend even at that time to release information from our intelligence database to you or the public generally. Again, we believe the law grants us this discretion, per the provisions of section 24-72-305 (5), C.R.S.

4. While I am aware of several intelligence-related activities by the Denver Police Department that are funded in part by non-City sources, I am unclear whether the funding is from grants the City "has applied for or received since 1997 pursuant to Title I of the Omnibus Crime and Control and Safe Streets Act of 1968." I have collected the Department's documents relevant to those activities, and you may arrange to inspect those by contacting the undersigned at (720) 913-6734.

5. Enclosed is the existing Police Department policy regarding intelligence systems information. The Department is in the process of refining and amplifying its intelligence systems policy, and would be happy to provide you with that document when it has been finalized. To our knowledge, we have no other documents responsive to your requests in paragraph numbered 5.

Should you have any additional questions regarding this matter, please contact me direct at (720) 913-6734.

Sincerely,



Captain John L. Weber  
Civil Liability Bureau

cc: Stan Sharoff, City Attorney's Office