

**From:** adrienne.jacobson@state.co.us [mailto:adrienne.jacobson@state.co.us] **On Behalf Of**  
Open\_Records, DOC  
**Sent:** Thursday, May 09, 2013 11:09 AM  
**To:** Mark Silverstein  
**Subject:** Re: records request from ACLU of Colorado

In accordance with C.R.S. 24-72-304, the official custodian (of a criminal justice record) "may make such rules and regulations with reference to the inspection of such records as are reasonably necessary for the protection of such records and the prevention of unnecessary interference with the regular discharge of the duties of the custodian or his office."

Provision of any responses that the department may have received concerning availability of lethal injection drugs, could create unnecessary interference with the regular discharge of the Department's duty to carry out the death sentence by lethal injection by, for example, compromising the Department's relationship with any such responders.

In addition, the factors considered by the courts in evaluating a CJRA request include: the privacy interests of individuals who may be impacted by a decision to allow inspection; the agency's interest in keeping confidential information confidential; the agency's interest in pursuing ongoing investigations without compromising them; the public purpose to be served in allowing inspection; and any other pertinent consideration relevant to the circumstances of the particular request. *Freedom Colorado Information, Inc. v. El Paso County Sheriff's Dept.* 196 P.3d at 899.

In light of the confidentiality issues, the potential for interference with the discharge of the duties associated with the Departments statutory obligations and the privacy interests of any responders, your requests #2,3,4,5 and 6 are denied.

I have attached the original request sent to compounding pharmacies requesting lethal injection drugs and I have also provided the one document we do have that was received prior to the request being sent.

Thank you,

On Thu. May 9, 2013 at 10:39 AM, Mark Silverstein <[msilverstein@aclu-co.org](mailto:msilverstein@aclu-co.org)> wrote:  
Adrienne:

I received your acknowledgement of the ACLU's records request on May 1, and I have assumed that you would be responding within three days. When can I expect to hear from you?

Let me know. Thanks much

--Mark Silverstein

**Mark Silverstein**

Legal Director

ACLU of Colorado

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**From:** [adrienne.jacobson@state.co.us](mailto:adrienne.jacobson@state.co.us) [mailto:[adrienne.jacobson@state.co.us](mailto:adrienne.jacobson@state.co.us)] On Behalf Of  
Open\_Records, DOC

**Sent:** Wednesday, May 01, 2013 4:41 PM

**To:** Mark Silverstein

**Cc:** Jessica Howard

**Subject:** Re: records request from ACLU of Colorado

Thank you Mark and Jessica.

I have received your request and will begin processing it in the morning.

Adrienne

On Wed. May 1, 2013 at 4:32 PM, Mark Silverstein <[msilverstein@aclu-co.org](mailto:msilverstein@aclu-co.org)> wrote:  
Ms. Jacobson:

Please find attached a request for records from the ACLU of Colorado

--Mark Silversteine

**Mark Silverstein**

Legal Director

ACLU of Colorado

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Denver, CO 80203

720-402-3114

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