



C. Ray Drew, Executive Director • Mark Silverstein, Legal Director

August 27, 2010

Sergeant Paul Jimenez, Internal Affairs Bureau
Denver Police Department
1331 Cherokee Street
Denver, Colo. 80204-2787
By email to p.jimenez@denvergov.org and United States Mail

Re: Request to re-open Internal Affairs Investigation # P200902029

Dear Sergeant Jimenez:

We write to ask that you re-open the Internal Affairs Investigation into a complaint of racial profiling that was filed by Ashford Wortham and Cornelius Campbell, two African-American clients of the American Civil Liberties Union of Colorado.

On February 13, 2009, our clients were stopped for no reason, searched without cause, taunted with racial epithets and other verbal abuse, forced to sit on the sidewalk in 28-degree weather for 45 minutes, and finally released after Mr. Wortham received a groundless citation for three minor traffic charge: Seat Belt Required, Traffic Control Signal Red, Failure to sign insurance/registration. The officers responsible for this incident were Sergeant Perry Speelman, Officer Tab Davis and Officer Jesse Campion.

We believe that this traffic stop is a case of racial profiling that violates the Denver Police Department's prohibition on biased policing.

As you may recall, you were the assigned investigator when the ACLU's clients filed their complaints with IAB. After hearing the statements of our clients and the officers, IAB concluded that it couldn't determine whom to believe. On May 15, 2009, these clients were sent a letter from Chief Whitman and Deborah Dilley stating:

“ After a thorough review of the entire case there is no preponderance of evidence to prove the charge of Discourtesy or Racial Harassment against Sgt. Speelman, Officer Davis or Officer Campion for the following reason: The account you and your friend gave were in opposition from the one given by the officers involved. Because of the differing accounts, no independent witness and no other evidence confirming the accusations it is not possible to prove or disprove the charges.”

Although IAB couldn't determine whom to believe, the County Court was able to sort things out. On June 26, 2009, Mr Wortham appeared pro se in Denver County Court for trial. After hearing the testimony of Sgt. Speelman and the testimony of our clients, the County Court had no doubt. It entered a verdict of Not Guilty on all charges and made the following additional findings:

“No PC for stop. Charges not proved BRD. Police conduct was extreme, profane and racially motivated. Def and passenger were unlawfully detained for unreasonable time and without reasonable suspicion.” “Officer’s credibility was seriously questioned based on his testimony about the location of the stop and details of the stop.”

The County Court docket with the quoted finding is attached. We are also attaching a transcript of Sgt. Speelman’s statement to Internal Affairs and a transcript of his testimony before the County Court.

You will note that the version of events Sgt. Speelman provided to Internal Affairs is in complete opposition to the testimony he provided at trial under oath at pages 3-4 of the trial transcript. This sworn testimony is also in complete opposition to the IAB statements of the other two officers at the scene, Davis and Campion.

When Sgt. Speelman realized at trial that his testimony had been proven to be false, he then provided yet another version of the events in the remainder of his testimony. Even that version varies from his IAB statement and the statements of officers Davis and Campion.

Sgt. Speelman was untruthful. The County Court made extraordinary findings in this case that **Police conduct was extreme, profane and racially motivated. Def and passenger were unlawfully detained for unreasonable time and without reasonable suspicion.” “Officer’s credibility was seriously questioned . . . “**

The IAB investigation should be re-opened, and an additional count of “departing from the truth” should also be investigated.

Sincerely,



Elisa Moran
Cooperating attorney
ACLU of Colorado

Sincerely,



Mark Silverstein
Legal Director,
ACLU of Colorado

cc: Gregory Crittenden, Senior Deputy Monitor, Office of the Independent Monitor
201 W. Colfax Ave, Dept 1201, Denver, Co 80202, by email to ois@denvergov.org

Gerald Whitman, Chief of Police, by email to whitmang@ci.denver.co.us

John Hickenlooper, Mayor of Denver, by email to milehighmayor@denvergov.org