

SUPPORT HB 19-1119***Colorado taxpayers have a right to
law enforcement transparency and accountability***

Across Colorado, law enforcement agencies consistently deny all requests for records of internal investigation of police misconduct, even for cases in which the government paid a hefty monetary settlement.ⁱ



Colorado Springs, Alexis Acker was slammed to the floor, face-first, while handcuffed; \$100,000 settlement; IA file denied - In May 2016, the city of Colorado Springs paid Alexis Acker \$100,000 to settle the lawsuit she filed after a police officer slammed her to the floor, face-first, while she was handcuffed in a hospital waiting area. The impact broke a tooth and bloodied her face. Ms. Acker, 18 at the time, had been arrested for assault on an officer and taken to the hospital before being jailed. An internal investigation of the

incident took more than a year and resulted in discipline against the officer, who later resigned. The city denied several requests from the Colorado Springs Independent for records on the investigation.ⁱⁱ



Aurora, Darsean Kelley was tased in the back; \$110,000 settlement; police found no misconduct; IA file denied - In July 2017, the city of Aurora paid Darsean Kelley \$110,000 to settle his claims against an Aurora police officer who tased him in the back. Although Mr. Kelley was innocent of any crime, the police stopped him and, without explanation, ordered him to turn around and raise his hands. Mr. Kelley complied with officer directives while verbally protesting the illegal stop. The officer nonetheless tased him,

causing him to fall straight back and hit his head on the concrete. A video of the incident has been viewed thousands of times, and Mr. Kelley's case has generated nationwide media coverage. An Aurora police investigation found that the officer's actions were "reasonable, appropriate and within policy." But Aurora refuses to provide the public with the investigative files. The public has no opportunity to know how the city could justify such a significant expenditure of taxpayer money and yet find no officer wrongdoing.ⁱⁱⁱ



Castle Rock, Michael Cardella is a veteran police officer who was an innocent bystander when his car was shot by police; IA file denied

– Michael and Susan Cardella were sitting inside their parked car a few blocks from their suburban home when the car was hit by a Castle Rock police officer's stray bullet in February 2013. According to Mr. Cardella, a veteran of 35 years of police work, the

officer fired at the suspect's approaching SUV, then blindly turned while still discharging his rifle. As the Cardellas watched the officer spin and fire, Mr. Cardella covered his wife's body with his own, at which point they both felt the impact of the gunfire slam into their vehicle. The Castle Rock police department found the officer's actions were "in conformance with Department policy." Castle Rock refuses to provide its internal investigation file to Mr. Cardella.^{iv}

Greeley, Ping Wang was the victim of a police officer who lied in an arrest affidavit; \$150,000 settlement; IA file denied. In March 2017, the city of Greeley agreed to pay masseuse Ping Wang \$150,000 to settle a lawsuit in which she accused a police detective of lying in an affidavit related to her 2015 arrest on suspicion of prostitution. Ms. Wang was found innocent of the charge against her, and the detective left the department. But the city did not admit fault in the case and the police chief said the detective was not fired. The Greeley Tribune's efforts to tell the public more about the case were stymied by the department's denial of its request for records on the investigation. Disclosing the files "would not be in the public interest," the newspaper was told.^v

ⁱ See Jeff Roberts, *DU Study: Limited access to records leaves Coloradoan's 'in the dark' about police misconduct*, CFOIC, Feb. 6, 2018.

ⁱⁱ Pam Zubeck, *CSPD withholds investigation of cop who cost taxpayers \$100,000 in lawsuit settlement*, COLORADO SPRINGS INDEPENDENT, July 20, 2016.

ⁱⁱⁱ Aurora Sentinel Editorial Board, *Disturbing ACLU video shows Aurora must change police misconduct review process*, AURORA SENTINEL, Sept. 15, 2016.

^{iv} John Ferrugia, *Town upholds Castle Rock officer's use of force that endangered an innocent, retired cop and his wife*, 7News, Sep. 29, 2013.

^v Tommy Simmons, *City of Greeley agrees to pay woman \$150,000 to settle federal lawsuit against former Greeley police officer*, THE GREELEY TRIBUNE, Mar. 8, 2017.