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Colorado

COLORADO CASE LAW RELATED TO INTERNAL AFFAIR FILE DISCLOSURE

The public has a strong interest in transparency of internal affairs records

- "The public has an interest in knowing how its public law enforcement officers behave in their jobs and what constraints are in place to prevent inappropriate conduct."
City of Colo. Springs v. ACLU, 06cv2053, El Paso County District Court (2007)
- "The public knows what started the IAB investigation and it knows the results thereof. It is entitled to know what happened in between those two events."
ACLU v. Denver, 97cv7170, Denver City and County District Court (1998)
- "[T]he public does have a legitimate and compelling interest in ensuring that its police officers properly perform their official duties and honestly investigate complaints from citizens related to the performance of those duties."
Loveland v. Loveland Publ'g Corp., 03cv513, Larimer County Dist. Ct. (2003)

Internal affairs transparency improves policing

"Internal affairs secrecy contributes to the "code of silence" or "blue wall", by creating the expectation that things will be kept in house and away from objective outsiders. Open access to internal affairs files enhances the effectiveness of internal affairs investigations, rather than impairing them. Knowing that they will be scrutinized makes investigators do a better job and makes them and the department more accountable to the public. Transparency also enhances public confidence in the police department and is consistent with community policing concepts and represents the more modern and enlightened view of the relationship between police departments and the communities they serve."

Nash v Whitman, 05cv4500, Denver City and County District Court (2005) (emphasis added).

IAB files are not private personnel files

- "Mr. Hardy was a public law enforcement officer, acting within the scope of his authority when the incident occurred. A reasonable officer should expect his action to be subject to public scrutiny. What he did or did not do in public, in front of witnesses, is not personal and sensitive such that there is a significant public policy in not making them available to the public."
City of Colo. Springs v. ACLU, 06cv2053, El Paso County District Court (2007)
- IAB files "concern the performance by these officers of their duties and do not fall within the definition of personnel files."
ACLU v. Whitman, 04cv700, Denver City and County Court (2004)
- "A public entity may not restrict access to information by merely placing a record in a personnel file."
Daniels v. City of Commerce City, 97CA1886, Col. Ct of App. (1999)
- "[T]he IAB file is maintained separate and apart from the personnel files of those investigated. In order for the personnel file exception to apply, the records sought to be disclosed must be maintained in a personnel file."
Broth2Brotha v Denver, 96CV6882, Denver City and County District Court (1997)