



DenverDA

Mitchell R. Morrissey, District Attorney - Second Judicial District

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December 2, 2009

Mary Dulacki
Records Coordinator
Manager of Safety Office
Denver Department of Safety
1331 Cherokee Street, #320
Denver, 80204

Re: Recent Media Attention to Possible Threat Situation During 2006 Governor's Race

Dear Ms. Dulacki:

Out of the recent attention by certain Denver news outlets to a possible threat situation that apparently arose in early October, 2006 at the Bill Ritter for Governor campaign headquarters I have heard that your office, or the Denver Police Department, may have received one or more Colorado Criminal Justice Records Act requests for documentation concerning that matter.

I believe at least one media outlet has reported that the Denver Police Department has no records concerning this possible threat situation. Apparently that outlet is also claiming that because no records exist, therefore, the threat situation is and was fiction. This is an especially interesting and a questionable point because it appears that the same media organization (ClearChannel Communications – KOA Radio and KHOW Radio) received official documentation from your office in February, 2008, indicating there had been a formal Denver Police Department response to a possible threat situation involving Governor Ritter and his campaign headquarters. (see attached letter, dated February 22, 2008, to Mr. Todd Shepherd at KOA)

While I have no personal knowledge of whether or not any records were ever generated in connection with the Denver Police response to the situation, I also do not know whether such records, if they ever did exist, might have been covered by a prior federal court order-consent decree that regulates and limits retention of certain types of records or information by the Denver Police Department.

In researching certain matters that occurred *after* the motions hearing before U.S. District Court Judge Kane in the federal prosecution matter, *U.S. v. Cory Voorhis*, in early February, 2008, we determined you sent this office a copy of a written response you transmitted on

February 22, 2008 to a request for records apparently tendered to you by a research associate and colleague of radio host Peter Boyles. That associate/colleague's name was Todd A. Shepherd at KOA radio. (see attached)

Notably, that letter identified to Mr. Shepherd and his associates the names of at least three Denver Police Officers at the rank of Lieutenant, or above, who became officially involved in the handling of the possible threat situation. Your letter also addresses, in outline form, Mr. Lepley's role in initially contacting Denver Police; responses by the Denver Police Department to the reported threat situation, including increased patrols of the campaign headquarters; and situation briefings provided at DPD District Six patrol roll calls.

The letter notes that Denver First Assistant District Attorney Charles Lepley first reported the possible threat situation to the Denver Police Department on or about October 9, 2006. Generally, it appears from your letter that the Denver Police Department took the possible threat report with appropriate seriousness. The letter further explained that where no request for the filing of charges was made in such circumstances (here, by the Ritter campaign) no written record of the incident would normally be generated by the Denver Police Department.

You may recall that Mr. Lepley testified, in general terms, about this threat situation during the *Voorhis* motions hearing in federal court on February 1, 2008. He testified that after being contacted by Stephanie Villafuerte of the Ritter campaign about the possible threats, he had reported and helped coordinate the relaying of information regarding the threat situation just as he had done in numerous prior possible threat situations over the preceding almost thirty years. He stated those prior matters involved judges, political figures, defense attorneys, or district attorney personnel. He also stated that on October 9, 2006, he made contact with or had attempted to make contact with various Denver Police personnel from the Chief to Deputy or Division Chiefs, to a couple of Commanders. (again, this is covered in your letter to Todd Shepherd) Those contacts were made to inform the Denver Police command of the situation and to determine who should be contacted for appropriate follow up with Ritter campaign representatives.

With the media attention on the threat situation (going back at least as far as one radio host likely defaming Mr. Lepley by making the unfounded, outrageous, and extremely offensive accusation that this threat situation actually did not occur and Mr. Lepley committed perjury in U.S. District Court in his testimony before Judge Kane) this office is concerned that further attempts may be made by the media to determine the identity of the individual who was the subject of the response to the threats situation. This was a security situation that was and continues to be handled with due regard to seriousness, in accordance with the limitations and boundaries of Colorado laws pertaining to criminal justice records and open records. As reflected in those laws, the general practice in security matters centers on confidentiality. Hence, even in testimony in U.S. District Court this matter was covered only in an overview fashion.

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We are not aware of whether Denver Police made contact with the 'subject' person in 2006 or what information about that person was researched or developed by Denver Police in the follow up. It may well be that even at the present time the individual still does not know of the response by Denver law enforcement. We also do not know whether the Colorado State Patrol protective detail assigned to the Governor is familiar with the details of this historical situation.

In the event you or the Denver Police Department believe the identity of the individual identified as the subject of this possible threat situation may at some point be disclosed, we request that the Governor's protective detail be appropriately briefed, if not already done.

Thank you for your assistance. Please contact me if you have any questions.

Very truly yours,

s/

Henry R. Reeve
Chief Deputy District Attorney/General Counsel

cc: Chief of Police Gerald R. Whitman
(w/attachment)



John W. Hickenlooper
Mayor

CITY AND COUNTY OF DENVER

DEPARTMENT OF SAFETY
FIRE • POLICE • SHERIFF

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February 22, 2008

Todd A. Shepherd
850 KOA
4695 S. Monaco Street
Denver, Colorado 80237

SENT VIA E-MAIL

Re: CCJRA Request – threats “Ritter for Governor” campaign

Dear Mr. Shepherd:

I have reviewed your request of February 12, 2008, for:

“...access to and a copy all writings...AND/OR reports AND/OR assessments AND/OR any written phone logs that make mention of or reference to the investigation of any threats, of any kind, of any level, against Bill Ritter, against any member of the immediate family of Bill Ritter, or against any campaign member, staffer, or intern involved with “Ritter for Governor,” campaign, or any writings, reports, phone logs or assessments regarding any individual who may have been perceived as posing a threat to Mr. Ritter from the dates of April 1, 2006 to November 30th, 2006.”

I have learned that on or about October 9, 2006, Assistant District Attorney Chuck Lepley contacted the Denver Police Department about an individual who had previous contact with Bill Ritter when he was the Denver District Attorney. This individual had appeared at Ritter for Governor Campaign headquarters, located at 1100 Bannock Street in Denver Police District Six, causing a disturbance which included making veiled threats and demanding to see Mr. Ritter.

Lieutenant Ronald Saunier forwarded the information to the Lieutenant Kelly Quinones and Commander Deborah Dilley of District Six. Commander Dilley contacted campaign staffer Stephanie Villafuerte and offered various options, including signing a disturbance complaint, choosing not to sign a complaint and requesting extra patrol. During this conversation, Ms. Villafuerte declined to pursue criminal charges against the individual and requested extra patrol. Ms. Villafuerte was provided with Commander Dilley’s phone numbers in the case of further problems and extra patrol for the campaign headquarters was requested at the District Six roll calls.

Disturbance/threat complaints are very common for the Denver Police Department and if a complainant chooses not to sign a complaint or pursue criminal charges, there is no written record of the incident. I have no writings, reports, assessments or telephone logs related to this incident.

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Todd A. Shepherd

Please do not hesitate to contact me if you have further questions in this matter.

Regards,

A handwritten signature in black ink that reads "Mary Dulacki". The signature is written in a cursive style with a large, looped initial "M".

Mary Dulacki
Records Coordinator