



NEWS RELEASE –

May 25, 2017

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DA MCCANN DECLINES TO FILE MISDEMEANOR CHARGE AGAINST POLICE OFFICIALS IN ALLEGED OPEN RECORDS VIOLATION

On March 3, 2017, the Denver District Attorney's office launched an investigation into an alleged criminal violation by the Denver Police Department (DPD) of the Colorado Open Records Act (CORA) based on the failure by DPD to produce a May 17, 2016, letter written by Denver District Attorney Mitch Morrissey to Denver Police Chief Robert White, and Chief White's June 3, 2016, two-sentence reply.

A criminal violation of CORA is an unclassified misdemeanor, carrying potential penalties of up to a \$100 fine and/or up to 90 days in the county jail. (The General Assembly repealed this criminal offense and penalty provision in the recently concluded legislative session.)

The investigation was formally requested by the Denver Police Protective Association (DPPA) after DPD did not produce the two letters in response to a CORA request made by DPPA on December 28, 2016, and again the following week, on January 3, 2017. DPPA obtained the two documents from the Denver District Attorney's Office on January 9, 2017, 12 days after DPPA's initial request to DPD, following a January 4, 2017, DPPA CORA request to the district attorney's office requesting the same letters. On January 30, 2017, DPD provided the two letters to DPPA.

After a detailed investigation conducted by the District Attorney's Economic Crime Unit, District Attorney Beth McCann declined to file criminal charges. McCann's statement:

“The CORA requests in question were handled carelessly by DPD, particularly by Chief White and Deputy Chief Murray. The public has the right to expect a quick and thoughtful response to CORA requests by city officials, particularly by its police leadership. However, there is not sufficient evidence based on all the evidence gathered in the investigation to find a knowing and willful violation of CORA beyond a reasonable doubt, which is required by the CORA statute in order to prove a criminal charge. I urge the leadership of the Denver Department of Safety and the Denver Police Department to examine and improve the process for responses to CORA requests. These requests provide the public with important access to government documents. Immediate and thorough responses are critical to provide transparency and accountability in government operations.”