

Beth McCann
District Attorney
Second Judicial District



201 W. Colfax Ave. Dept. 801
Denver, CO 80202
720-913-9000

Beth.McCann@denverda.org

July 3, 2023

Andrea Webber
Records Administrator
Department of Public Safety
Office of the Executive Director
City and County of Denver
VIA E-MAIL Andrea.Webber@denvergov.org

RE: Request for records per CORA/CCJRA
Elijah Smith
DOB: 09/02/1996

Dear Ms. Webber,

I am in receipt of your notification that the video(s) related to IA case IC2023-0057 against Officer Adam Glasby have been requested pursuant to C.R.S. § 24-31-902(2). I have reviewed the applicable law, consulted with the investigating sergeant, and reviewed the available information in this investigation. After my review, I have determined that release of this video *would* substantially interfere with and jeopardize an active investigation. Below is my written explanation.

C.R.S. § 24-31-902 (2)(b)(III) states in relevant part:

Any video that would substantially interfere with or jeopardize an active or ongoing investigation may be withheld from the public; except that the video shall be released no later than forty-five days from the date of the allegation of misconduct; ... In all cases when release of a video is delayed in reliance on this subsection (2)(b)(III), the prosecuting attorney shall prepare a written explanation of the interference or jeopardy that justifies the delayed release, contemporaneous with the refusal to release the video. Upon release of the video, the prosecuting attorney shall release the written explanation to the public.

C.R.S. § 24-31-902(2)(b)(III).

As you are aware there are active administrative and criminal investigations into Ofc. Glasby's conduct. Those investigations are not complete. Specifically, there is more than one witness to this incident who has yet to interviewed. Should these witnesses view video of this incident prior to providing their statements they may tailor their statement to fit what is observed on the video. At minimum, their credibility could be called into question if they had the opportunity to view the video prior to making their statements. As such, it is my

opinion that release of this video *would* substantially interfere with and jeopardize this investigation.

In summary, it is my request that this video be withheld from the public beyond the twenty-one day time period provided for in C.R.S. § 24-31-902(2)(a). I also request that this written explanation of our request not be shared with the requestor until the video is made public as contemplated by C.R.S. § 24-31-902(2)(b)(III). Finally, it is my request that you notify me when the video is made public so that we may release this statement to the public at that time.

I also understand that the requestor of this video made a request pursuant to the Colorado Open Records Act, C.R.S. § 24-72-201, *et. seq.* and the Colorado Criminal Justice Records Act, C.R.S.24-72-301, *et. seq.* For purposes of informing your decision as to whether your agency might release the requested records pursuant those statutes, please consider the investigation and prosecution of this incident as still pending a final resolution.

Sincerely,

/s/ Z.E. McCabe

Zach McCabe

Assistant District Attorney

Denver District Attorney's Office

201 W. Colfax Avenue, Dept. 801

Denver, CO 80202

Zach.McCabe@DenverDA.org