



From the Office of
Executive Director of the Department of Safety

1331 Cherokee Street

Room 302

Denver, CO 80204

p: 720.913.6020

f: 720.913.7028

www.denvergov.org/safety

April 18, 2016

[REDACTED]

Re: Video from 4/12/2016 OIS

[REDACTED]

We are in receipt of your request for

Any video in the possession of the Denver Department of Safety or the Denver Police Department showing the April 12, 2016 incident in which Denver Police shot & killed Dion Avila in the 14th & Bannock area, as well as any video taken on scene in the immediate aftermath of this incident.

Records of the Denver Police Department (DPD) are criminal justice records, the disclosure of which is governed by the Colorado Criminal Justice Records Act (CCJRA), sections 24-72-301, *et. seq.* C.R.S. Except for records of "official actions," the disclosure of criminal justice records is discretionary and can be denied where the custodian believes disclosure would be contrary to the public interest. Section 24-72-305(5), C.R.S.

Pursuant to Harris v. Denver Post, 123 P.3d 116 (Colo. 2005), the following factors are used to determine whether a record should be released or withheld:

- (a) the privacy interests of individuals, if any, who may be impacted by a decision to allow disclosure of the record;
- (b) the agency's interest in keeping confidential information confidential;
- (c) the agency's interest in the integrity of on-going investigations;
- (d) the public purpose to be served in allowing disclosure of the record; and
- (e) any other pertinent considerations relevant to the circumstances of the particular records request, including whether disclosure would be contrary to the public interest.

The records you requested are not records of "official actions" and therefore, any disclosure is discretionary subject to a balancing of the factors above. There is currently an investigation and review into the incident being conducted by the Denver Police Department, Aurora Police Department and the District Attorney's Office. Following that process, the Denver Police Department and the Department of Safety will conduct an administrative investigation and review. The public and the Department share an interest in thorough external and internal reviews of the incident. That interest, coupled with the Department's interest in

maintaining the integrity of those investigative processes outweighs any public purpose to be served by disclosing the records you have requested at this point in time. Your request for any video related to the incident is denied because it would be contrary to the public interest to release records related to the incident before the completion of the investigations and reviews of the incident.

Regards,

/MD

Mary Dulacki
Records Coordinator