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**SENT VIA UNITED STATES MAIL**

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Wellington Web Municipal Office Building  
201 W. Colfax Ave., Dept. 1201  
Denver, Colorado 80202

Denver Police Chief Robert C. White  
Police Administration Building  
1331 Cherokee Street  
Denver, Colorado 80204

Dear Independent Monitor and Chief White:

The American Civil Liberties Union of Colorado has concerns about the conduct of members of the Denver Police Department (“DPD”) in connection with the law enforcement response to the Occupy Denver demonstrations which took place in and around Civic Center Park beginning in October 2011. We write to the Office of the Independent Monitor and Chief White to submit a formal complaint and request an investigation into the Denver Police Department’s decision to strictly enforce a minor city ordinance under circumstances almost certain to result in antagonizing a large crowd of mostly law-abiding and peaceful demonstrators, and provoking a hostile confrontation which ultimately resulted in numerous unnecessary arrests and injuries. We also request an investigation into specific Denver police officers’ use of unreasonable force, and DPD’s illegal confiscation and destruction of demonstrators’ personal property.

**I. INTRODUCTION**

Over the course of the several months during which Occupy Denver demonstrators actively exercised their First Amendment rights in and around Civic Center Park, the Denver Police Department became increasingly hostile to the continued demonstrations and, by taking a hard line in enforcing minor city ordinances, unnecessarily provoked and escalated confrontations between the demonstrators and the police. News accounts, video recordings and Denver police reports raise numerous questions about the Department’s handling of these events. The ACLU of Colorado writes for two purposes.

First, we urge the Internal Affairs Bureau to investigate Denver police officers’ use of unreasonable force in responding to the Occupy Denver demonstrations, including but not limited to officers’ unjustified firing of pepper ball guns and abusive use of batons against

demonstrators. The Internal Affairs Bureau should likewise investigate DPD's illegal confiscation and destruction of personal property during and after Occupy Denver demonstrations. Second, the ACLU of Colorado strongly recommends that DPD conduct a review of its current policies and procedures relating to use of force and crowd management and control in order to ensure that the policies adequately prohibit unconstitutionally excessive and dangerous responses to citizens when they are exercising their First Amendment rights. If, upon review, the actions of DPD officers described in more detail below are deemed to have been consistent with DPD policies, we request that Chief White develop and implement new policies that would prevent and prohibit similar actions in the future.

Given DPD's purported goal of "improve[ing] its ability to manage crowd control events through the study of its past experiences" and the "department's philosophy to fine-tune procedures and training in order to improve preparation for and response to future events," *DPD Crowd Management Policy, 108.08(2)(a)*, we expect our call for a review of policies and practices will be well-received. The following is a non-exhaustive list of the ACLU of Colorado's specific complaints, including citations to video footage, photographs and DPD policies and official reports.

## **II. FACTUAL BACKGROUND**

This complaint focuses primarily on the events of October 29, 2011 as the chief example of the way in which the decisions of high-level Denver law enforcement officials led to the unnecessary escalation of what could and should have been largely peaceful interactions between Denver police officers and the Occupy Denver demonstrators.

### **A. After A Peaceful March, Some Occupy Denver Demonstrators Engaged In Symbolic Expressive Activity By Erecting Tents In Civic Center Park**

On the morning of October 29, 2011 at 10:00 a.m., approximately 1000 citizens who identified with the Occupy Denver demonstration gathered in Civic Center Park to kick off a march through downtown Denver. Throughout the day, the large group of demonstrators marched without incident, stopping at various locations for speeches. Upon completion of the march, some of the demonstrators gathered in Civic Center Park and began to set up tents. The erection of tents was a well-known symbolic expressive activity that was familiar to observers of Occupy activities throughout the country, including those in Denver. The Denver Police Department should have been well aware of the likelihood that some demonstrators would attempt to set up tents, as they had during prior demonstrations. Although the erection of tents violated Denver City Ordinance, D.R.M.C. § 39-7 – which prohibits the erection of tents in city parks – the demonstrators' expressive activity in this regard certainly did not present immediate health or safety concerns under these circumstances.

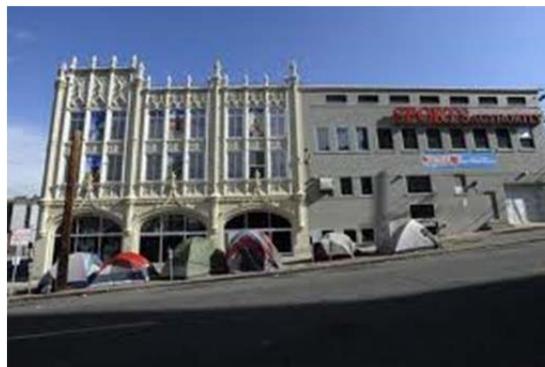
### **B. Denver Police Entered The Energized Crowd In Civic Center Park To Enforce A Minor City Ordinance**

Lieutenant James Henning of District 6 of the Denver Police Department had been appointed the Incident Commander for the October 29, 2011 Occupy Denver event. *After Action Report Narrative of Incident, Oct. 29, 2011*. As the Incident Commander and ranking

officer on the scene, Lieutenant Henning was in charge of creating an operations plan for the event and had responsibility for the direction of all other officers on the scene. Under Lt. Henning's direction and leadership, a small group of DPD officers in riot gear responded to the demonstrators' actions in Civic Center Park and entered the middle of a large group of energized demonstrators in order to enforce the Denver ordinance that prohibits the erection of tents in city parks. *After Action Report Narrative of Incident, Oct. 29, 2011*. The erection of tents in a park during the middle of the day clearly does not present an immediate or serious threat to health or safety. Nevertheless, Lt. Henning decided to enter the large crowd of energized protesters with a small contingent of officers, leading to a predictable escalation of the situation and unnecessary conflict between demonstrators and Denver police officers.

Video of the scene taken at approximately 3:00 p.m. on October 29, 2011, shows Lt. Henning, along with nine officers in riot gear, making their way into the middle of a very large group of energized demonstrators in order to enforce the no-tent ordinance. As seen in **Video Clip 1**, the citizen who was filming Lt. Henning and the other officers enter Civic Center Park asked Lt. Henning, "What are you here to do?" Lt. Henning responded that he was "going to take down the tents" and, pointing to the eight riot-gear-ed officers behind him, Henning said, "I got some help."

At the time that Lt. Henning made the decision to enter the crowd to take down the tents, there had been no reports of violence and no arrests had been made by the Denver police officers in association with the march that day. The Department's one and only claim of illegal activity was the violation of the municipal ordinance prohibiting the erection of tents, which, as noted above, were clearly not presenting an immediate, serious threat to the health, safety or welfare of anyone in the park. In fact, the erection of tents in Civic Center Part was no more serious of a threat than the erection of tents on Denver sidewalks by Sniagrab customers, which DPD had clearly tolerated in the past. *See photos below showing Sniagrab customers camping out on the sidewalk in front of Sports Authority waiting for the annual sale to begin.*



### **C. The Strict Enforcement of a Minor City Ordinance Led to Dozens of Unnecessary Arrests and Injuries**

Once Lt. Henning and the small group of riot-gear-ed officers under his command arrived in the middle of the large group of demonstrators, the officers began to physically take down the demonstrators' tents. In response to the officers' actions, a few of the demonstrators predictably attempted to physically defend their tents and challenged the officers' right to confiscate their

personal property. Within minutes the situation became heated as the officers, at Lt. Henning's direction, attempted to arrest a young woman for alleged interference with removal of one of the tents. As **Video Clip 2** shows, the officers' attempts to arrest individuals who were defending their property predictably riled up the already energized crowd and some demonstrators with cameras attempted to document the arrests.<sup>1</sup> The situation quickly devolved as the commotion caused some officers and demonstrators to end up on the ground. According to DPD documents "[t]his incident deteriorated into a city wide call for help" in which motorcycles were sent into Civic Center Park and the Metro Bureau was called in from home on their day off. *DPD After Action Report Narrative of Incident, Oct. 29, 2011.*

Following Lt. Henning's call for help, DPD decided to set up a perimeter in order to keep demonstrators away from the small contingent of officers that Lt. Henning had led into the crowd for the purpose of dismantling the tents. In order to implement and maintain the perimeter, Denver police officers used OC foggers and pepper ball guns against the demonstrators (described in more detail below). As noted by Lieutenant R.T. Conner in his Use of Force Report, the force used by the officers against the demonstrators – including deploying pepper ball guns, Magnum Foggers, OC Pepper Spray and striking demonstrators with batons – had only become necessary in order to protect the handful of District Six officers who had entered the large crowd solely to forcibly enforce the no-tent ordinance.

A review of the sequence of events on October 29, 2011 makes clear that it was Lt. Henning's decision, as the Incident Commander, to take a small number of police officers and enter a large crowd of energized – but primarily peaceful – demonstrators to enforce a minor city ordinance that unnecessarily and unwisely escalated the situation leading to dozens of arrests and injuries. These actions were in direct conflict with Denver police policies which state that the Incident Commander is required to "make every effort to ensure that the police response does not exacerbate the situation." *DPD Crowd Management Policy, 108.08 (5)(c)* (emphasis added). Moreover, the police response to planned events such as the October 29, 2011 march should "be commensurate with the overall threat if any, to public safety, order maintenance, life and property. The least police intervention needed to address a particular incident shall be deemed most appropriate." *DPD Crowd Management Policy, 108.08 (5)(c)*. Under these circumstances, in which the *only* justification for police intervention was to remove some tents that were recently erected in a public park, DPD's actions were clearly unnecessary to protect public safety, order, life or property and served only to anger the demonstrators.

Under the circumstances presented on October 29, 2011 – including the planned non-violent march and predictable attempts by a few demonstrators to set up tents – DPD could and should have postponed enforcement of the municipal ordinance to a time when the crowd had diminished in size and when the remaining protesters were less energized. There is no doubt

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<sup>1</sup> The videos cited herein show impassioned demonstrators often responding to the officers with catcalls and insults, and admittedly the officers endured heated verbal attacks. Verbal insults, however, do not justify any police response whatsoever, and certainly do not justify use of force or any other retaliation. In fact, Denver's Rules of Conduct require its police officers to "maintain a professional demeanor, despite unlawful or anti-social behavior on the part of crowd members." *DPD Crowd Management Manual Rules of Conduct*. Because police officers are trained for these types of encounters, they are held to a higher standard of professionalism, which demands that they refrain from the violent and aggressive responses depicted in the videos cited throughout this complaint.

DPD has the ability to exercise its discretion to refrain from strictly enforcing minor city ordinances, and should have done so under the circumstances.

### **III. DENVER POLICE OFFICERS USED UNREASONABLE FORCE AGAINST THE DEMONSTRATORS**

Lt. Henning's unwise and provocative decision to enforce the ordinance under the circumstances described above predictably angered demonstrators and led to subsequent confrontations in which police wielded unreasonable force, including the use of pepper ball guns and batons against demonstrators. Detailed below are several examples of the unreasonable use of these devices and the unnecessary injuries suffered by the demonstrators. Had DPD responded in a less provocative manner, police would not have created a situation in which they felt they needed to respond with force, and certainly these excessive and unreasonable uses of force would have been avoided.

#### **A. Denver Police Officers Shot Pepper Ball Guns Indiscriminately Into Crowds of Demonstrators**

The ACLU is most troubled by Denver police officers' use of pepper ball guns to effectuate crowd control and disperse groups of people. Pepper ball guns are air-powered devices which shoot plastic spheres filled with powdered Oleoresin Capsicum (OC), a chemical compound that irritates eyes to cause tears, pain, and even temporary blindness. *DPD Less Lethal Force and Control Options 105.03(3)(i)*. The impact of a pepper ball is meant to produce three results. First, the surprise of being "shot" produces an immediate psychological impact on the target. Second, the impact is intended to induce immediate pain, and pepper balls are shot with such force that they are capable of leaving significant abrasions, bruises, and/or welts. *DPD Less Lethal Force and Control Options 105.03(3)(i)*. As noted by pepper ball manufacturers, "projectiles will leave welts or bruises on unprotected skin...and hits to exposed skin are discouraged...."<sup>2</sup> Third, when the pepper ball strikes the individual, the ball bursts, releasing the OC and causes incapacitating coughing and a burning sensation in the eyes, nose, throat and skin.

On October 29, 2011, DPD officers fired pepper ball guns multiple times into crowds of demonstrators, often as people were running away. The practice of shooting into a crowd, especially when persons in the crowd are moving, is especially dangerous because the shooter cannot be sure of what he or she is going to hit.

A lesson in the unreasonable and sometimes deadly use of pepper ball guns can and should be taken from the 2004 fatal shooting of Victoria Snelgrove in Boston. During the celebration following the Red Sox World Series win, Ms. Snelgrove was standing near the edge of the crowd waiting for the crowd to clear out so she could retrieve her car from the garage and drive home. In an effort to disperse the crowd, Boston police officers fired pepper balls into the crowd and one pepper ball struck Ms. Snelgrove in the eye and killed her. *Commission Investigation of the Death of Victoria Snelgrove*, p. 11 (which can be found here:

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<sup>2</sup> PepperBall Technologies, Inc., a pepper ball manufacturer, provides this admonition on its "Frequently Asked Questions" webpage, which can be found here: [http://www.pepperball.com/faq.html#answer\\_6](http://www.pepperball.com/faq.html#answer_6).

[http://www.cityofboston.gov/Images\\_Documents/sternreport\\_tcm3-8954.pdf](http://www.cityofboston.gov/Images_Documents/sternreport_tcm3-8954.pdf)). The Boston Police Commissioner appointed a Commission to investigate the events surrounding Ms. Snelgrove's death. That Commission determined that the officer "should not have fired" and the officer "failed to take sufficiently into account that he was shooting at a moving target in the midst of a crowd and that a missed shot could easily strike a by-stander." *Id.* at p. 2.

Despite the potential harm that could be caused by the indiscriminate shooting into crowds, DPD officers deployed this tactic numerous times on October 29, 2011. As can be seen in the photo below (published in the Westword on October 29, 2011), Philip Becerra suffered facial injuries from a DPD pepper ball that hit him on the bridge of his nose, less than an inch from his left eye. Imagine the extent of the injuries that Mr. Becerra could have suffered had the pepper ball landed only one inch farther to the right. Philip Becerra could have easily been blinded in that eye, or even killed, as was Ms. Snelgrove in Boston.



Denver's Use of Force policy is clear that "unless deadly force is warranted, an officer shall not intentionally deploy the Pepper Ball projectile to the head, eyes, throat, or neck." ***DPD Less Lethal Force and Control Options, 105.03(4)(d)(5)(c)(1)***. DPD's policies should be expanded to also prohibit shooting pepper balls into large crowds because of the clear danger of unintentional injuries of the type suffered by Mr. Becerra.

Additional video taken on October 29, 2011 provides further evidence of DPD officers utilizing pepper ball guns for crowd control in a way that unjustifiably put bystanders at risk. Video from 9News reporting<sup>3</sup> (at 1:50-2:00) shows a DPD officer deploying chemical spray into a crowd, while at the same time another officer nearby fires at least 15 pepper balls into the moving crowd. Putting aside the question of whether firing pepper balls was justified at all, the officers' actions as shown in the video are especially dangerous. The chemical spraying had already prompted the crowd to run away, which made it more likely that a pepper ball shot into the moving crowd would hit someone other than the target. **Video Clip 3**<sup>4</sup> (at 1:52-2:00) shows a young woman in a bright blue sweater shot in the back with a pepper ball while she appeared to be standing away from the crowd, texting on a cell phone.

If Denver Police Department's policies allow police officers to shoot pepper balls into moving crowds, as was the case in response to Occupy Denver demonstrations, those policies need to be reviewed and amended immediately to prohibit this dangerous practice. If, on the other hand, DPD finds that its current policies do indeed prohibit the actions described above, we request DPD take immediate steps to conduct additional and more comprehensive training on these issues, and discipline the responsible officers. It bears repeating here that all of the events of October 29, 2011 between the officers and the demonstrators – leading to the injuries outlined

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<sup>3</sup> The video clip can be viewed on the 9News website: <http://www.9news.com/rss/story.aspx?storyid=227022>.

<sup>4</sup> The video clip can be viewed here: <http://www.youtube.com/watch?v=bkcNCrurh-U>.

here – were precipitated by DPD’s reckless decision to aggressively enforce the no-tent ordinance.

### **B. Denver Police Officers Used Pepper Ball Guns Against Non-Resistant Demonstrators**

Denver police officers’ use of a pepper ball gun against Occupy Denver demonstrator Andrew Cleres also raises serious concerns about DPD’s overall crowd control methods and policies. On the afternoon of October 29, 2011, Mr. Cleres was standing in a tree in Civic Center Park taking pictures of the Occupy Denver demonstration. As it turned out, the tree was within the area that Denver police were trying to clear following Lt. Henning’s attempt to physically take down tents. On **Video Clip 4** an officer is seen directing another officer’s attention to the tree above, apparently pointing to Mr. Cleres. Nothing in Denver’s documents, or on the video, indicates that Mr. Cleres had done anything to suggest he was a threat to the officers. Nonetheless, upon realizing that Mr. Cleres was in the tree, DPD officers ordered him to get down and shot more than fifteen rounds of pepper balls directly at him. Immediately after being shot, Mr. Cleres jumped down from the branch where he had been standing. As he landed on the ground, he made no attempt to confront the officers and in fact had his back turned to them as he stood up from his jump to the ground. Still, an officer fired pepper spray at Mr. Cleres as he attempted to leave the area.

On video from 7News reporting<sup>5</sup> (at 1:52-2:00), Mr. Cleres can be seen displaying the injuries he suffered from the multiple pepper ball shots. In that video, he acknowledged that he had been told to get out of the tree but said the pepper ball rounds were fired before he had adequate time to obey the officer’s order. The video and photo below show the dark welts left behind by the decision of the Denver police to shoot a non-violent demonstrator numerous times on bare skin with a pepper ball gun.



<sup>5</sup> The video can be viewed on the 7News website: <http://www.thedenverchannel.com/news/29626331/detail.html>.

Denver police officers' use of pepper balls and pepper spray against a non-resisting and non-violent demonstrator under the circumstances described above violated the Fourth Amendment, which prohibits the use of unjustified or unreasonable force. It is clearly established that a police officer's use of force, particularly against a bystander who is not suspected of any wrongdoing, must be justified under all of the circumstances. *Holland v. Harrington*, 268 F.3d 1179, 1196 (10th Cir. 2001) citing *Lester v. City of Chicago, et al.*, 830 F.2d 706, 711 (7th Cir. 1987). Factors to be considered are "the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers and others, and whether he is actively resisting arrest or attempting to evade arrest by flight." *Fogarty v. Gallegos*, 523 F.3d 1147, 1159 (10th Cir. 2008) quoting *Graham v. Connor*, 490 U.S. 386, 396 (1989).

Standing in a tree and photographing a demonstration under these circumstances is either not a crime, or certainly is not a serious crime. Mr. Cleres had done nothing to suggest he was an immediate threat to the safety of anyone, including the officers, and Mr. Cleres was not actively resisting arrest or attempting to flee. He was simply standing in a tree. Under the circumstances, the unjustifiably aggressive use of a pepper ball gun to force Mr. Cleres out of the tree, and the gratuitous use of pepper spray while Mr. Cleres' back was turned, constituted excessive and unnecessary use of force against a bystander who police officers were not even attempting to seize or detain.

Moreover, the uses of force described here violated the DPD's own policies. The policy titled "Less Lethal Force and Control Options" states that acceptable use of pepper balls includes "incapacitate[ing] a combative or physically resistive person whose conduct rises at least to the level of Defensive Resistance. The purpose is to neutralize the person to the point they can be safely controlled and taken into custody." ***DPD Less Lethal Force and Control Options, 105.03(4)(d)(5)(b)(1)***. "Defensive Resistance is defined as physical actions that attempt to prevent an officer's control including flight or attempt to flee, but do not involve attempts to harm the officer." *Id.* As noted, when DPD officers deployed force against Mr. Cleres, the officers were not even attempting to take him into custody, so it is unclear what policy, if any, could have arguably authorized such a significant and dangerous use of force. In any event, there can be no doubt that Mr. Cleres' actions did not rise to the level of defensive resistance, as he was doing nothing more than standing in a tree in a public park. Firing a pepper ball gun fifteen times at Mr. Cleres clearly violated DPD's policies.

### **C. DPD Engaged In Abusive Use of Batons Against Demonstrators**

The videos taken on October 29, 2011 reveal at least two incidents showing officers using their batons unjustifiably and aggressively toward demonstrators who remained non-violent.<sup>6</sup> The first, and one of the more egregious examples, can be seen on **Video Clip 5**,<sup>7</sup> (at 0:03-1:17) in which a man with gray hair wearing a plaid flannel shirt is standing in front of a line of police officers. (At the beginning of **Video Clip 5**, the man can be seen in the bottom, middle of the screen.) The unidentified man is clearly addressing the officers on the line, but he

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<sup>6</sup> Given the prevalence of Denver police officers who carried and utilized batons, both properly and improperly, during Occupy Denver demonstrations, the two videos cited here almost certainly do not reflect all of the inappropriate uses of batons by Denver officers, but instead reflect those few incidents that were actually caught on tape.

<sup>7</sup> The video can be viewed here: <http://www.youtube.com/watch?v=IDTvdAYkKdg&feature=related>.

does not physically threaten any of the officers. Nevertheless, one of the officers hits the man in the chest with a baton so hard that the man falls to the ground. *Id.* at 0:30-0:34. As the man returns to his feet, he holds his hands behind his back, presumably so as not to appear confrontational, and is immediately jabbed in the chest again by another officer's baton. *Id.* at 0:34-0:37. The man immediately throws his hands up in the air, appearing to indicate confusion as to the basis for the continued abuse by the officers, but just as quickly he places his hands behind his back again, making clear that he is not a threat. *Id.* Unfortunately, the officers' abuse of this man continued, and he was struck in the chest, pushed, shoved and forcefully hit with batons at least seven more times. *Id.* at 0:38-1:17. The actions documented on **Video Clip 5** show violations of Denver's Use of Force Policy, which prohibits such uses of a baton against a "person, who remains non-violent." *DPD Less Lethal Force and Control Options, 105.03(5)(b)(1).*

Likewise, **Video Clip 6** shows an officer using his baton in an unauthorized manner. This officer (who can be seen at the beginning of the video in the front of the line, stepping up onto piles of property) walks toward a man in an orange and black jacket. As the officer approaches, he aggressively wields his baton to hit the man in the upper chest and neck area, knocking the man violently to the ground.

Both of these incidents expose Denver police officers' unreasonable use of force against Occupy Denver demonstrators who had done nothing to suggest that they posed an immediate threat. Such use of force violates the Fourth Amendment as well as the DPD's use-of-force policy.

#### **IV. DENVER POLICE OFFICERS ILLEGALLY CONFISCATED AND DESTROYED PRIVATE PROPERTY**

In addition to the physical abuses described above, DPD is also responsible for the illegal destruction of personal property. In the early evening of October 29, 2011, Denver police officers formed lines around the outside of Civic Center Park and moved into the areas in which demonstrators had set up tables, tents and other fixtures. As the officers moved forward, they needlessly destroyed personal property. For example, on video from 7News reporting<sup>8</sup> (at 1:35-1:45), Denver police officers can be seen knocking over tables and destroying significant amounts of private property.<sup>9</sup> Later that evening, after Denver police had cleared demonstrators out of Civic Center Park, police summoned Denver public works employees, who loaded demonstrators' left-behind personal property into garbage trucks instead of properly cataloguing and storing the property. **Video Clip 8** clearly displays the carnage left over from the police tearing down property and the public employees throwing all property indiscriminately into a city dump truck, without separating garbage from personal property.

After clearing Occupy demonstrators out of Civic Center Park during a similar incident on November 12, 2011, DPD likewise called in public works employees. Although DPD's

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<sup>8</sup> The video can be viewed on the 7News website: <http://www.thedenverchannel.com/news/29626331/detail.html>.

<sup>9</sup> Denver police officers also took similar actions in November when confrontations between Denver police officers and the demonstrators occurred. **Video Clip 7** (<http://www.youtube.com/watch?v=YdfsmvkrW4&feature=related> at 0:55-1:17) shows an incident which took place on November 12, 2011 during a similar response to an Occupy Denver demonstration when police officers likewise trampled tables with reading materials and destroyed other private property.

reports indicate that flatbed trucks were provided to take “abandoned” property to centers where it would be stored for pickup, **Video Clip 9** clearly shows that personal belongings, including large tarps, blankets and other personal items, were stuffed in the back of the garbage truck along with trash.

Denver Police Department’s actions depicted in the video clips likely violated the Fourth Amendment, which prohibits the unreasonable seizure of property. Courts have found violations of the Fourth Amendment when the property has not only been seized, but is then immediately destroyed without providing any opportunity for the owner of the property to retrieve it. *Lehr v. City of Sacramento*, 624 F. Supp. 2d 1218, 1234-1235 (E.D. Cal. 2009) (finding a violation of the Fourth Amendment when the City of Sacramento seized property of homeless citizens without providing any notice and destroyed the property on the spot without providing any opportunity to retrieve it after confiscation).

## V. CONCLUSION

The American Civil Liberties Union of Colorado requests that the Office of the Independent Monitor and the Internal Affairs Bureau take all necessary steps to investigate the issues and complaints raised herein. We also request that Chief White review DPD’s current policies to determine whether DPD officers conducted themselves in accordance with DPD policies and, if so, develop new policies that would prohibit the actions described herein. In addition, we respectfully request that you respond to our concerns and provide the outcome of the investigation to our office. If we can provide any clarification that will help you comply with this request please contact us. Thank you for your prompt attention to this matter.

Sincerely,



Sara J. Rich  
Staff Attorney, ACLU of Colorado