



TIMNATH POLICE DEPARTMENT

March 20, 2026

Andrew Fraieli

records@bluesurveillance.org

Dear Mr. Fraieli,

Your request for criminal justice records has been completed, summarized as follows:

Records for Internal Investigations on former **Officer Destiny Kulesh**.

As this is not a discovery request related to pending litigation, your request has been reviewed pursuant to the provisions of the Colorado Criminal Justice Records Act (CCJRA), C.R.S. §24-72-301 et.seq. and the case law interpreting the CCJRA, which includes *Harris v. Denver Post Corp.*, 123P.3d 1166 (Colo. 2006) and *Freedom Colorado Information v. El Paso County Sheriff's Dept.*, 196 P.3d 892(Colo. 2008).

Although your request seeks records related to an Internal Affairs investigation, the records at issue do not meet the criteria for mandatory public inspection under CRS §24-72-303(4)(a), as the investigation does not involve allegations of misconduct by a peace officer arising from in-uniform or on-duty conduct involving a member of the public.

As outlined in *Harris v. Denver Post Corp.*, records custodians must balance several factors when responding to requests for criminal justice records that are not considered "official actions" under C.R.S. §24-72-302(7) and are not otherwise expressly subject to disclosure. These factors include:

- 1) The privacy interests of individuals affected by disclosure;
- 2) The department's interest in maintaining confidentiality;
- 3) The department's interest in preserving the integrity of ongoing investigations;
- 4) The public purpose served by disclosure; and
- 5) Any other considerations relevant to the specific request.

After carefully weighing these factors, the balance weighs in favor of non-disclosure, particularly with respect to the first, second, and fifth factors.

First, there is a significant privacy interest held by the former sworn staff member that would be adversely affected by release of these records.



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Second, the agency has a strong interest in maintaining the confidentiality of internal affairs investigations involving former sworn personnel where the matter does not involve alleged misconduct toward a member of the public.

Fifth, the agency has considered the broader organizational impact of disclosure. Allowing unrestricted public access to internal affairs investigation that concern purely internal personnel matters, rather than public-facing misconduct, could undermine the effectiveness of internal disciplinary processes and the agency's ability to conduct such investigations.

Accordingly, after balancing the applicable factors, your request for criminal justice records is denied pursuant to C.R.S. §24-72-305(5), as disclosure would be contrary to the public interest at this time.

Sincerely,

A handwritten signature in black ink, appearing to be "J. [unclear]".

Police Technician
Timnath Police Department