

Brittany Freeman

From: Dan Maples <DMaples@edgewaterco.com>
Sent: Wednesday, December 28, 2022 10:30 AM
To: Brittany Freeman
Cc: Lenore Pedroza; Eric Sonstegard
Subject: RE: Records Request.
Attachments: CORA Rees IA, discipline, complaints RMPBS 122722.pdf

Ms. Freeman:

In response to the records request you filed with the Edgewater Police Department on December 21 – and for which we sought clarification on December 27 – responsive documents that are releasable are attached: 1 Notice of Disciplinary Action; 1 Written Reprimand; 1 IA Report and Findings and Dispositions document (for IA 22-01); and 1 Notice of Proposed Discipline.

As required by statute, records within the scope of your request that were not provided, and why, are as follows:

IAs: A 2020 IA investigating a report of inappropriate sexual contact between former employees Rees and Geerdes after a holiday Christmas party; a 2021 IA investigating a complaint from Rees that co-workers were retaliating against her by scrutinizing her work unfairly, reassigning her work shifts, failing to cover her, and denying training requests; a 2021 IA investigating possible violation of the Department’s social media policy for posting pictures of evidence.

These IAs are not produced for multiple reasons. First, they do not fall within the scope of mandatory disclosure under C.R.S. § 24-72-303(4)(a) (“in-uniform or on-duty conduct of a peace officer . . . related to an incident of alleged misconduct involving a member of the public”). These IAs are therefore subject to discretionary release. Accordingly and secondly, I have weighed the public and private interests involved, the relative weight of each, and concluded that the balance of interests weigh against disclosure. The IAs contain statements made under an assurance of confidentiality. Employees and reporting third-parties may be reluctant to provide candid and complete information concerning the conduct of officers without this assurance of confidentiality. Additionally, IAs often contain statements made under the duress and compulsion of *Garrity* advisement. To make such compelled statements public would eviscerate that advisement and constitutional protection. Revealing confidential and compelled statements would ultimately cripple the City’s ability to obtain accurate and complete information in the context of internal investigations. The City and Department’s ability to meaningfully investigate its own police conduct would be lost. I understand the public interest in viewing certain IAs, and I have considered that as well. But the heavy balance of factors and interests at stake here weigh against the release of these IAs. *Madrigal v. City of Aurora*, 349 P.3d 297 (Colo. App. 2014). This would be true even if C.R.S. § 24-72-303(4)(a) did not exist. There are therefore multiple reasons why those IAs were not produced.

Disciplinary actions: Copies of notices of discipline are provided. Redacted from those notices are details and excerpts from IA reports that are not subject to disclosure in accordance with the above.

Complaints: We located no additional complaints that fall outside the scope of the above.

Dan Maples | City Manager |
720.763.3012
Submit a question or concern on [AskEdgewater!](#)



Dan's Schedule

Civic Center: M-F 8am – 5pm

From: Brittany Freeman <brittanyfreeman@rmpbs.org>
Sent: Tuesday, December 27, 2022 9:51 AM
To: Dan Maples <DMaples@edgewaterco.com>
Cc: Lenore Pedroza <lpedroza@edgewaterco.com>
Subject: RE: Records Request.

Hello, thank you for reaching out and clarifying. I'm requesting all IA files/discipline/complaints related to this individual... I'm not sure if there are other incidents beyond the Geerdes matter or not.

Thank you,



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Brittany Freeman
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Investigative Journalism
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From: Dan Maples <DMaples@edgewaterco.com>
Sent: Tuesday, December 27, 2022 9:46 AM
To: Brittany Freeman <brittanyfreeman@rmpbs.org>
Cc: Lenore Pedroza <lpedroza@edgewaterco.com>
Subject: Records Request.

Brittany Freeman,

Good morning. Sorry for the delay as we had staff out of the office late last week. We have the following records request:

All internal affairs investigation reports, disciplinary actions, and complaints received involving the following officers

MCKINZIE REES

To clarify - are you requesting the IA referenced in the recent criminal indictment of Nathan Geerdes? We are fielding multiple requests for that now, given the recency of that indictment, but we don't want to assume. Thank you for any clarification you can give.

Dan Maples | City Manager |
720.763.3012

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