

Brittany Freeman

From: Dan Maples <DMaples@edgewaterco.com>
Sent: Friday, January 6, 2023 2:15 PM
To: Brittany Freeman
Cc: Eric Sonstegard
Subject: Records Request.
Attachments: EDG Slaven Complaint Geerdes Mar 2021.pdf

Brittany Freeman:

In response to the follow-up records request you filed with the Edgewater Police Department on December 28, 2022, seeking “internal affairs investigation reports, disciplinary actions, and complaints received involving Nathan Geerdes”:

Disciplinary actions: On December 27, 2022, in response to a prior records request you filed, you were provided a redacted copy of the February 16, 2021 Notice of Disciplinary Action to Mr. Geerdes. That is the only located written notice of discipline to him.

IAs: There are no IAs concerning Mr. Geerdes that fall within the scope of mandatory release 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”).

There are 2 IAs concerning Mr. Geerdes that fall outside that scope and are therefore subject to discretionary release. One is the 2020 IA previously referenced in response to your prior records request for all IAs involving former Officer Rees, and the reasons for nondisclosure are the same as previously articulated.

The other IA was commenced in 2021 in response to a complaint filed by EPD Officer Slaven. It appears that this IA was not completed because I cannot locate a final written IA report. The IA documents I can locate, however, are not produced for reasons similar to the first: not only does this IA fall outside the scope of C.R.S. § 24-72-303(4)(a), it involves sensitive issues (intimidation, retaliation) that require witnesses to be assured of confidentiality. Victims, witnesses and reporting third-parties will undoubtedly be reluctant to provide candid and complete information concerning the conduct of fellow officers without such assurance. Additionally, statements may have been made and provided under the duress and compulsion of Garrity advisement. To make any 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. Additionally, the conduct complained of in this particular IA is now the subject of an indictment and pending criminal prosecution. The City respects the integrity of that criminal justice process and does not want to potentially taint, bias or compromise that process or its potential jurors.

I understand the public interest in viewing certain IAs, particularly when they touch upon alleged criminal conduct of officers who hold public trust. However, the many other interests articulated above also come into play. In this case, the balance of factors and interests at stake weigh against disclosure. *Madrigal v. City of Aurora*, 349 P.3d 297 (Colo. App. 2014).

Complaints: The 2020 IA was not initiated by written complaint. The 2021 IA was initiated by a written complaint from Officer Slaven, a copy of which is provided.

Submit a question or concern on [AskEdgewater!](#)



Dan's Schedule

Civic Center: M-F 8am – 5pm