



Office of the City Attorney
300 Hunt Avenue
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Alamosa, CO 81101
(719) 587-2498

June 20, 2023

Andrew Fraieli
2101 Arapahoe Street
Denver, CO 80201

Via email only: andrew@fraieli.com

Re: Nicholas Smith CORA/CCJRA Request

Dear Mr. Fraieli:

This letter and its attachments respond to the open records request you directed to the Alamosa Police Department on February 1, 2023. To the extent the Alamosa Police Department maintains any records responsive to that request, the request is treated as one under the CCJRA (C.R.S. § 24-72-301 to -309). The City also interprets your request as a CORA request to be directed to the appropriate city records custodian if not the Police Department for records kept elsewhere by the City. In response to your request we have included the following:

1. Complaint from Nicholas Hepworth's attorney, Bates numbered 1-14.
2. The City is prohibited from providing personnel records pursuant to C.R.S. § 24-72-204(3)(a)(II)(A), except as specifically allowed by the definition in C.R.S. § 24-72-202(4.5). Officer Smith's performance ratings are attached (Bates nos. 00015-00055). His application for employment is attached at Bates Nos. 00056-00090.



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3. An internal investigation is attached at Bates Nos. 00091-00206. The appeals process has been concluded. The recommendation was upheld by the City Manager, but his written submission pursuant to that appeal and her letter and Officer Smith's resignation are personnel records, which the City is prohibited from providing pursuant to C.R.S. § 24-72-204(3)(a)(II)(A). There are a number of videos that are part of the internal investigation that are available if you wish them. They will all need to be watched in their entirety and redacted before we can provide them, so if you want them, let me know and we can get you an estimated charge.

4. Complaint from Taz Baroz's attorney is attached, Bates numbered 00207-216.

VERY TRULY YOURS,

CITY OF ALAMOSA



Erich Schwiesow, City Attorney

Enclosures as stated

cc: Tammy Brubacher, APD
Holly C. Martinez, City Clerk
Jolene Webb, HR Director