


# AURORA POLICE DEPARTMENT DIRECTIVES MANUAL

<b>10.04</b>	<b>Title: ACCESS TO INTERNAL AFFAIRS FILES</b>	
	<b>Approved By: Nicholas J. Metz</b>	
	<b>Effective: 09/01/1998</b>	<b>Revised: 05/03/2018</b>
	<b>Associated Policy: DM 10.02, APD Form 141</b>	
	<b>References: CRS 24-72-301</b>	
<b>Review: Internal Affairs Bureau Commander</b>		<b>Page 1 of 3</b>

## 10.4 ACCESS TO INTERNAL AFFAIRS FILES

### 10.4.1 Confidentiality

Except as set forth in this policy, all Internal Affairs files are confidential and are not available to litigants in criminal cases or civil cases unless such case involves the appeal of a disciplinary action brought by a member. Routine exposure of such files to public inspection would undermine the Police Department's capacity to investigate misconduct, diminish the Department's ability to control officers' accountability and violate officers' rights of privacy.

### 10.4.2 Access

The access to any Internal Affairs files, records, or reports is limited to:

- (a) Chief of Police
- (b) Deputy Chief of Police
- (c) Division Chiefs
- (d) Internal Affairs Personnel
- (e) Members

Pursuant to Directive 10.2 or after obtaining permission from the Chief of Police or designee.

- (f) Review Boards

Pursuant to Directive 10.2 or after obtaining the permission from the Chief of Police or designee.

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(g) Subpoena *Duces Tecum* or Discovery Request

- i. In order to ensure that the privacy rights of all involved parties are protected, IAB or any member, upon receipt of a Subpoena *Duces Tecum* or discovery request, will immediately forward such document to the City Attorney's office. The City Attorney's office will analyze the request with consideration to the relevant statutory and case law. The City Attorney's office should seek to uphold the policy of confidentiality maintained by the Aurora Police Department.

(h) Producing records by court order

- i. When a court orders the Aurora Police Department to disclose Internal Affairs records, the City Attorney's office will be notified of such an order. The Aurora Police Department will proceed as instructed by the City Attorney's office.

(i) Persons whom the Chief of Police has determined need access to such information for a specific purpose

(j) Producing records pursuant to the Colorado Criminal Justice Records Act (CCJRA)

- i. Internal Affairs records are criminal justice records under the CCJRA, C.R.S. § 24-72-301 *et seq.* The inspection of such records is subject to the sound discretion of the Chief of Police, or his/her designee, as the official custodian of records.
- ii. When a public records request is received for internal affairs files, such request will be forwarded to the Chief of Police and he/she, or a designee, will review the request and determine if disclosure is appropriate, considering the following pertinent factors:
  - 1. the privacy interests of individuals who may be impacted by a decision to allow inspection;
  - 2. the agency's interest in keeping confidential information confidential;
  - 3. the agency's interest in pursuing ongoing investigations without compromising them;
  - 4. the public purpose to be served in allowing inspection; and
  - 5. any other pertinent consideration relevant to the circumstances of the particular request.

*Harris v. Denver Post*, 123 P.3d 1166, 1174 (Colo. 2005); *Huspeni v. El Paso County Sheriff's Dept.*, 196 P.3d 892, 899 (2008).

- iii. The Chief of Police, or his/her designee, will either disclose the requested information or respond to the request in writing indicating why the requested information, or some of it, will not be disclosed.
- iv. Notification will be sent to the officer(s) who are the subject of the Internal Affairs file(s) being requested.

10.4.3 Information

Supervisory and command level members are allowed to review a history of sustained complaints and any Written Reprimand Reports on members under their command.

10.4.4 Confidentiality for Members

Only authorized members may review Internal Affairs files, records or reports. Prior to reviewing any Internal Affairs records or reports, members will sign the Confidentiality of Internal Affairs Section Information (APD 141) and complete the IAB Case File Review log.