

January 30, 2014

Mr. David Kelly

BY E-MAIL to david@libertasprimoris.org

Dear Mr. Kelly:

This e-mail is to serve as an initial response to your CORA request of January 23, 2014. It answers some of the requests, but it also asks for clarification. In general, however, note that Colorado public records laws govern “records”—existing documentation of something, to include electronic and multimedia items. The public records laws do not mandate the creation of records in response to a request, including but not limited to recounting of past verbal communications. Therefore, to the extent that you defined “communications” to include “oral” and “face to face” communications and the like, no records will exist that are responsive to your request.

The total fees for what is available and described below came to **\$53.03** (supporting documentation attached). Please either bring cash or mail either a business check, a cashier’s check, or a money order, made payable to *El Paso County*, to the following address:

Records Unit

El Paso County Sheriff’s Office

27 East Vermijo Avenue

Colorado Springs, CO 80903

Once they receive payment, they will mail (or give) you the records and a receipt.

You requested the following, within the date range of “**October 1, 2012[,]** until and through **January 23, 2014**”:

Please produce, pursuant to CORA, the following information and/or documents regarding El Paso County Sheriff’s Office Policies 105 and 313; and including 313, #39 Political Activities Allowed: and 105 – F. #2 Command And Staff Personnel.

1) All County/ Sheriff’s Office Social Media files during the Covered Dates regarding the policies in question listed above.

The El Paso County Sheriff's Office maintains Twitter, Facebook, and YouTube accounts for public relations purposes, but it does not post matters concerning Sheriff's Office Policies on these sites. The only possible responsive documents to this request would be found, if they existed, on the Sheriff's Office internal communication website, available by County intranet only. This site and its archives have been searched. Any responsive documents will be provided upon payment of fees. The responsive documents are essentially printouts of intranet postings of the information responsive to number 2, immediately below, with one exception.

2) All Covered County/ Sheriff's Office correspondence, during the Covered Dates regarding the policies in question listed above.

You are not entitled to any correspondence that would be protected by the attorney-client privilege. A search was done for any non-privileged correspondence. The responsive documents consist of the Policy update e-mails that are sent-out office wide. Copies of these e-mails will be provided upon payment of fees.

3) All correspondence between a Covered County/ Sheriff's Office and a Former County/ Sheriff's Office Employee concerning any alleged or purported violation of a Severance Agreement related to the policies in question listed above.

The Sheriff's Office requests clarification. The Sheriff's office does not offer "Severance Agreements"; there is nothing of this nature to violate, as you put it. Please restate this request, clarifying what you are seeking.

4) All Covered County/ Sheriff's Office Documents regarding the information requested in Request Numbers 1, 2 & 3.

Please see my comment as to the scope of Colorado's public records laws in the first paragraph of this letter. This request is redundant.

Sincerely

Charles C. Greenlee

In-House Counsel

