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Via Email

Sheriff Chad Day  
Yuma County Sheriff's Office  
310 Ash Street, Suite G  
Wray, CO  
[c.day@yumacountysheriff.net](mailto:c.day@yumacountysheriff.net)

Re: Colorado Open Records Request from Zachary Mider

Dear Sheriff Day,

A three-prong test was delineated in *Denver Post Corp. v. University of Colorado* (812 P.2nd 681 (Colo.App.1990)) that helps determine when an open records request may be denied: "(1) whether the individual has a legitimate expectation of nondisclosure; (2) whether there is a compelling public interest in access to the information; and (3) where the public interest compels disclosure of otherwise protected information, how disclosure may occur in a manner least intrusive with respect to the individual's right of privacy." Each prong of this test is analyzed as follows:

*Does the Yuma County Sheriff's Office in Colorado have a legitimate expectation of nondisclosure of this information?* It is our understanding that some individuals may serve in the capacity of undercover deputies who are involved in suppressing the drug trade. Should their identities become known, the various cartels and drug gangs would have instant access to their personal history and family information. Further, the Open Records Act request asks for all emails, letters, and documents, along with training qualifications and assignments. To disclose this information would jeopardize not only those types of cases and the wellbeing of these deputies, but also the ability of the Yuma County Sheriff's Office to protect the public and would ultimately be directly harmful to the public's interests.

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*Is there a compelling public interest to disclose this information?* It is absolutely in the public's interests to have a sheriff's office that they can trust and rely on to be transparent. However, releasing this information on this broad of a scale would actually serve to do the opposite and would actually threaten the public's interest and safety. The purpose of a Colorado sheriff's force, in all its forms, is to ensure the safety of the people and visitors to the State. In fact, Colorado Revised Statutes provide for such denial of records on this very ground, per § C.R.S. 24-72-305(5):


“on the ground that disclosure would be contrary to the public interest, and unless otherwise provided by law, the custodian may deny access to records of investigations conducted by or of **intelligence information or security procedures of any sheriff, district attorney, or police department or any criminal justice investigatory files compiled for any other law enforcement purpose.**” (emphasis added)

Due to the sensitive and undercover nature of the work conducted by the Yuma County Sheriff's Office and its deputies, releasing these records would reveal important intelligence information or security protocols.

*Even if there is a public interest compelling disclosure of otherwise protected information, how may disclosure occur in a manner least intrusive with respect to the individual's right of privacy?* Given the nature of assignments for these deputies, there is no least intrusive manner to safeguard their wellbeing and the safety of their families.

Therefore it is not in the public's interest to release the information requested by Mr. Mider and his request should be denied.

Respectfully submitted,



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