

ORDER Re: APPELLANT'S MOTION FOR DISCOVERY

ISABELLE ROCHA, Appellant,

v.

DEPARTMENT OF SAFETY, DENVER SHERIFF'S DEPARTMENT,
and the City and County of Denver, a municipal corporation, Agency.

Appellant requested formal discovery. The Agency agrees to produce RFPs K-N, with the exception of privileged information. The Agency objected to the remaining requests on the following bases: (1) Appellant is not permitted to seek discovery beyond what the Agency relied on to determine discipline; and (2) some of the documents are not relevant, are confidential, or are protected by the deliberative process or attorney client privileges. The discovery requests are granted or denied as follows.

- a. Medical records of inmate DH relating to alleged injury on 1/18/15: GRANTED to the extent the information is contained in IA investigative file S2015-0012, subject to privilege claims.
- b. Training materials, orders, policies, procedures & regulations re use of restraints: GRANTED to the extent the information is contained in IA investigative file S2015-0012, subject to privilege claims.
- c. All records and/or documentation pertaining to DSD IAB Case No. S2015-0012. . . including those of the Internal Affairs Bureau ("IAB"), Office of the Independent Monitor ("OIM") and/or the Manager of Safety's ("MOS") office: GRANTED, insofar as the information is contained in IA investigative file S2014-0126, subject to privilege claims.
- d. All OIM records involving DSD IAB Case No. S2015-0012: DENIED, as duplicative of RFP C.
- e. Any and all communications and e-mails exchanged between the DSD IAB and OIM relating to DSD IAB Case No. S2015-0012: GRANTED, insofar as the information is contained in IA Investigative file S2015-0012, subject to privilege claims.
- f. DSD IAB Case Investigation Summary Report(s) pertaining to DSD IAB Case No. S2015-0012: GRANTED, insofar as the information is contained in IA Investigative file S2015-0012, subject to privilege claims.
- g. All handwritten notes taken by all participants (excluding Appellant and his counsel) at the Pre-Disciplinary Meeting: DENIED, as not relevant to the narrow issues on appeal.

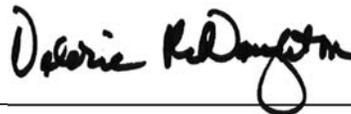
- h. Any and all materials the OIM and disciplinary panel relied upon to support discipline in DSD IAB Case No. S2015-0012: GRANTED, insofar as the information is contained in IA investigative file S2015-0012, subject to privilege claims.
- i. All communications in IA Pro CUFs II, and EIS concerning this case: GRANTED, insofar as the information is contained in IA investigative file S2015-0012, subject to privilege claims.
- j. Communications to/from the Conduct Review Office regarding the incident underlying this discipline, the investigation of the incident, and the disciplinary decision: GRANTED, insofar as the information is contained in IA investigative file S2015-0012, subject to privilege claims.

The Agency's objection that Appellant exceeded the presumptive discovery limit of 10 RFPs including the three RFPs the Agency agreed to produce, and its request to limit Appellant's RFPs to 10 is without merit. Appellant's IA file for the underlying incident, his career service personnel file, his performance evaluations, awards, and commendations, are all relevant to the imposition of discipline, and should have been provided to Appellant as a matter of course. [Career Service Hearing Office Procedural Guide, at 5-6].

ORDER

1. On or before **July 11, 2016**, the Agency shall produce documents responsive to the aforementioned RFPs.
2. Any documents over which the Agency chooses to assert privilege shall be described in a detailed privilege log to be submitted on or before **July 11, 2016**.
3. The deadline for parties to submit amended prehearing statements is extended *sua sponte* until **July 14, 2016**. The **July 20, 2016** hearing date and all other deadlines remain the same.

DONE July 7, 2016.



Valerie McNaughton for Bruce A. Plotkin
Career Service Hearing Officer