

**HEARING OFFICER, CAREER SERVICE BOARD  
CITY AND COUNTY OF DENVER, COLORADO**

Appeal No. 01-12

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**DISCOVERY ORDER**

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IN THE MATTER OF THE APPEAL OF:

**ANTHONY ROMERO**, Appellant,

vs.

**DEPARTMENT OF SAFETY, DENVER SHERIFF'S DEPARTMENT**

and the City and County of Denver, a municipal corporation, Agency.

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On January 30, 2012, Appellant Anthony Romero filed a Motion for Discovery, making seven requests for production. The Agency did not respond to Appellant's requests. The parties are reminded to engage in informal discovery prior to making a formal discovery request, as required by Career Service Rule § 19-45 A. and in the Notice of Hearing and Pre-hearing Order. Further, Appellant's requests include documents the Agency has provided as exhibits accompanying its Pre-hearing Statement, dated January 23, 2012. Notwithstanding the forgoing, the following orders enter regarding Appellant's requests.

1. The time, date, place of incidents alleged by Deputy Sheriff ██████ in the Internal Affairs Bureau report, the letter of contemplation, and the letter of discipline. To the extent that Deputy ██████ has specific information about the time, date, and place of incidents he alleged occurred between Appellant and the inmate, the request is relevant and narrowly tailored to allow Appellant the opportunity to form a more specific defense to the allegations. This request is GRANTED.
2. Any/all complaints made, for any reason, against Appellant by the Agency or any other person, regardless of employment with the City, during 2010 and 2011. Appellant's request is overbroad and not relevant to the issues in this appeal. This request is DENIED.
3. Appellant requests any/all videos, camera videos, and electronic media relating to allegations made by the Agency against Appellant. Appellant's request is relevant, and narrowly tailored to discover evidence to rebut the Agency's allegations of inappropriate contact with the inmate. This request is, therefore, GRANTED.
4. Any/all phone messages involving conversations between the Appellant and Ms. Sanchez during 2009, 2010 and 2011, concerning the allegations put forth by the Agency. The Agency's dismissal letter does not assert that discipline was based upon any phone message. This request is DENIED.
5. Appellant requests any/all Internal Affairs Bureau communications, e.g., videos, cameras videos, notes, emails, texts, any investigative reports, and/or documentation of any kind, concerning allegations against Appellant. The Agency has provided the IAB case file in its entirety [Exhibits 8 and 9], including all evidence, documents and lab reports upon which the Agency relied in making its disciplinary decision. This request is DENIED as moot.

6. Appellant requests any/all records indicating the dates the inmate was incarcerated from 2008 through 2011. Appellant seeks this information to identify if the inmate was in custody in the same facility in which Appellant was employed on the dates the Agency alleges Appellant had inappropriate interactions with the inmate. This request is relevant, narrowly tailored to elicit admissible information, and is therefore, GRANTED.

7. Appellant seeks any/all evidence, e.g., receipts, documentation, and/or communications regarding Appellant placing money into the inmate's account. Although Appellant's request is relevant to his defense and designed to lead to the discovery of admissible evidence, the Agency has already provided the account summary for the Inmate from 6/28/07 through 3/15/11 as part of the IAB's case file [Exhibit 8 – 150 – 8 – 151]. Only to the extent that the Agency has any additional information or communications showing Appellant placed money in the inmate's account, the Appellant's request is GRANTED.

ORDER

Based on the foregoing, the Agency must produce the requested documents in #1, 3, 6, and 7 by February 15, 2012.

DONE February 8, 2012.

  
Bruce A. Plotkin  
Career Service Hearing Officer

I certify that, on February 8, 2012, I delivered a correct copy of this Discovery Order to the following, in the manner indicated.

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