



ALBANY COUNTY & PROSECUTING ATTORNEY'S OFFICE

Peggy A. Trent, County & Prosecuting Attorney
ptrent@co.albany.wy.us

Chief Deputy

E. Kurt Britzius
kbritzius@co.albany.wy.us

Deputies

Adria B. Schiel
aschiel@co.albany.wy.us

Cheryl L. Brome
cbrome@co.albany.wy.us

Becky G. Farley
bfarley@co.albany.wy.us

Joel H. Defebaugh
jdefebaugh@co.albany.wy.us

Victim Witness Advocates

Fawn Johnson
fjohnson@co.albany.wy.us

Kallie Hackbarth
khackbarth@co.albany.wy.us

Laura Cundy
lcundy@co.albany.wy.us

Legal Assistants

Melissa Irvine
mirvine@co.albany.wy.us

Sandy Chavez
schavez@co.albany.wy.us

Lisa Riggs
lriggs@co.albany.wy.us

November 19, 2018

Albany County for Proper Policing (ACoPP)
acoppwy@gmail.com

RE: Wyoming Open Record Request

To Whom It May Concern:

I am in receipt of your email transmission dated November 16, 2018, and the petition filed with the Albany County Clerk's Office on this same date, requesting the release of peace officer recordings relating to the officer shooting of Robert Ramirez and the personnel file of Corporal Derek Colling.

Wyoming Open Records Act permits the custodian of any public record to deny the right of inspection of records of investigations conducted for prosecution and shall deny the right of inspection of personnel files. Wyo. Stat. § 16-4-203 (b) (i) and (d) (iii). See also, *Sheridan Newspapers, Inc. v. City of Sheridan*, 660 P.2d 785, 788 (Wyo. 1983). Specifically, peace officer recordings involving an incident of deadly force may be denied. Wyo. Stat. § 16-4-203 (d)(xviii)(B)(II).

Due to the pending criminal investigation by Wyoming Division of Criminal Investigation relating to Corporal Derek Colling's use of deadly force, our office will not at this time, be releasing to the public or media the peace officer recordings. The physical release of these recordings will compromise the pending investigation and potential prosecution of Corporal Derek Colling in light of the potential exploitation of the peace officer recordings in the public while other pieces of evidence which are relevant to the shooting are still being tested and relate to information contained in the peace officer recordings. Depending on the results of the testing of other evidence, additional investigation may be required. In looking at the totality of the investigation, the release of the peace office recordings to the public would compromise the integrity of the entire investigation and potential prosecution.

Instead, our office along with Albany County Sheriff's Office, held a press conference on November 13, 2018 for local media and the public to view the peace officer audio and video recordings and provide an overview of the course of events leading to the use of deadly force by Corporal Derek Colling. Additionally, our office will not be releasing the personnel file of Corporal Derek Colling as its release is contrary to state law and requires a court order for its release.

On a side note, it does not appear your organization has a mailing address for me to distribute the peace officer recordings upon their release. Your organization is

not listed with the Wyoming Secretary of State, or it is unknown if the organization is collecting funds or a non-profit organization. Thereby, I am unable to discern as to who are the organizers of your organization so I may physically release in the future any of the requested information. I am also unclear if you are requesting I send a copy of all requested information to the 573 individuals listed in the petition which will result to a substantial cost to our County. I would appreciate some clarity on these items as we move forward.

If you have any further questions, please do not hesitate to let me know.

Sincerely,

ALBANY COUNTY & PROSECUTING
ATTORNEY

By: 

Peggy A. Trent, County & Prosecuting
Attorney

- c. Sheriff David O'Malley & Undersheriff Josh Debree, Albany County
Sheriff's Office
Albany County Commissioners