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Spy Files Archives to be Housed at Denver Public Library

Announcement Closes Painful Chapter in City's History; Opens Door for Records Review

Mayor John Hickenlooper joined City Attorney Cole Finegan, Manager of Safety Al LaCabe, and City Librarian Rick Ashton on Thursday to announce that the Denver Police Department's Intelligence Bureau files, also known as the "Spy Files," will be housed in the Denver Public Library's existing Western History Collection.

This decision brings to a close a long-standing dispute concerning the activities of the Denver Intelligence Bureau. A lawsuit in U.S. District Court between the American Friends Service Committee, et al and the City was settled in May 2003 with the City revising the policies governing the Bureau. Although the City could have destroyed the files, Mayor Hickenlooper has ordered the records to be saved for historical purposes and study, in response to requests from the American Civil Liberties Union and the individuals and organizations documented in the files.

"This decision marks the end of a difficult era in the city's history, but it also demonstrates our renewed commitment to open and accessible government," Mayor Hickenlooper said. "Rather than brushing this decades-old problem under the carpet, we are choosing to preserve these records for historical purposes at the Denver Public Library, hopefully ensuring that the lessons learned from this experience will benefit our community and others for generations to come."

The Denver Intelligence Bureau was founded in 1953 to monitor certain activities including organized crime, activity by the criminal element, individuals in groups of special interest regarding the safety of the public, dignitary protection, the background investigation of police applicants, and the arrest of outstanding fugitives. Over the course of almost 50 years, the Bureau assembled a collection of information about organized crime, especially gangs. Files regarding political and social protest groups from the last 30 years of the 20th century, however, contain the most historically

significant material. Organizations from all sides of the political spectrum are represented in these files, including the American Indian Movement and the Ku Klux Klan, for example.

The Spy Files issue erupted in 2002 and by May 2003, the Police Department had revised its Operations Manual with regard to intelligence gathering to explicitly forbid collecting data on individuals or groups based on their political, social, or religious views or because the person or group supports unpopular causes. The new policy also forbids the collection of intelligence data on individuals because of race, gender, age or ethnic background. Data collection is allowed for individuals or organizations for which there is reasonable suspicion of criminal activity. Officers now assigned to the Bureau receive extensive training on the new policies, and former Colorado Court of Appeals Judge Steven Briggs has conducted two audits of the Bureau.

As soon as funds are available, the Denver Public Library will begin design and construction of a secure, environmentally controlled storage space in a non-public area of the Central Library. Upon completion of this construction, the Spy Files collection will be transferred to the Library for permanent retention, processing and indexing. Two Library archivists will inventory and process the collection according to standard archival principles established by the Society of American Archivists.

"This process has been lengthy and complicated at times, but the efforts of the Police Department, the Library, the ACLU, and our office have paid off," said City Attorney Cole Finegan. "It's our hope that these files will soon be available to anyone who has a legitimate interest in them."

Due to the complexity of the files, the privacy and confidentiality of individuals named in the documents, and security issues, the collection will be processed to an itemized level. Once the collection is processed, the archivists will create a finding aid. This is a descriptive tool that will act as a table of contents for the collection and will list the papers contained in each box. Upon completion of the processing, a cataloger will begin to create an index of names, persons and organizations. Indexing will provide access to the contents of each document. This will enable Library staff to retrieve material for persons who want to know whether the files contain information about them or their organization. Library archivists estimate that it will take a year to complete the processing and indexing of the files. The Library will close the collection during this period, a standard procedure for archival institutions.

Some portions of the files will be made freely available as soon as they are processed. These non-restricted materials will include newspaper articles, flyers, posters, newsletters, and other materials that do not carry any risk of violating anyone's privacy. A portion of the collection that is potentially harmful to living persons will be restricted for 50 years. This 50-year restriction will begin on the day the Library takes custody of the files. Restricted files will be made available only to persons and organizations named in the files.

Access to materials from restricted files will be handled in the following way:

- Individuals requesting access to the files will submit identification and an application that asks for their names and addresses. By signing the application, individuals will agree to hold harmless and indemnify the Library against any loss or damage caused by access to, or by the release of, the informational content of the documents.
- After checking the index the librarian will inform the individual whether there are any documents containing that individual's name.
- An archivist will pull those documents that contain the individual's name. Other than the individual's name, any name that is listed on the page will be redacted. The names of the organizations will not be redacted. Depending on the number of documents, this process may require several days to complete.
- The names of any particular person or persons will not be redacted provided the Library receives a notarized statement from each such individual giving permission to the Library for the release of the individual's name.
- When a researcher who is representing an organization requests papers pertaining to that organization, the same procedure will be followed. All documents mentioning that organization will be made available. Names of persons will be redacted, unless those persons have signed notarized statements granting permission for release of their name. Names of other organizations will not be redacted.
- During the first year after the archivist and indexer have completed their work, there will be no fees for copy handling requests. After the first year, the library will charge \$10.00 for the first page and \$5.00 for each additional page, or whatever fee the library believes necessary to cover expenses such as redacting.
- There are two types of photographs in the files: mug shots and police photographs of public gatherings. Access to the mug shots will be restricted, but the photographs of the public gatherings will be unrestricted. Unrestricted photographs will be reproduced and follow the Library's fee structure for duplication. Restricted photographs will be unavailable until the end of the 50-year restriction.

The Mayor's Office has agreed to seek supplemental funds of \$93,000 to cover the cost of processing, indexing, securing and handling requests for copies during the first year.

"We appreciate the cooperation of the Mayor's Office, the Police Department, the City Attorney, and the ACLU in preserving these documents for historical research," said City Librarian Rick Ashton. "We believe that the Denver Public Library will be delivering an important public service by organizing, storing, and providing access to the documents."

The City Attorney's Office also announced that printouts and photocopies from Police Department computers which were produced for the court process (also known as the Orion Files) will be included with the files for archiving by the Library. The compact discs containing images of the documents stored in the six file cabinets of intelligence documents will also be archived. The names of law enforcement officers and government officials acting in any official capacity shall not be considered public information and shall not be released until the 50-year restriction has ended.

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