

DISTRICT COURT, ARAPAHOE COUNTY, COLORADO Court Address: 7325 S. Potomac St. Centennial, CO 80112	DATE FILED June 9, 2025 7:37 AM CASE NUMBER: 2025CV30465
MULTIMEDIA HOLDINGS CORPORATION d/b/a KUSA-9 NEWS, Plaintiff, v. KATHRYN MILLER , in her official capacity as the Records Manager of the Aurora Police Department, for the City of Aurora, Colorado, Defendant.	▲COURT USE ONLY ▲
	Case No.: 25CV30465 Div. 15
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECLARATORY JUDGMENT	

I. INTRODUCTION

This matter concerns the obligations of the City of Aurora (“Aurora”) and its officials to turn over police body camera footage in the wake of the shooting of Kilyn Lewis. Plaintiff Multimedia Holdings Corporation d/b/a KUSA-9 News (“9News”) requests the Court enter an Order directing Aurora to provide all unedited body-worn camera footage from the May 23, 2024 fatal police encounter with Kilyn Lewis. Aurora argues that it has already produced records responsive to 9News’ requests and any further release of the body-worn camera footage is not required. Aurora admits that it “clipped” five police officer videos but asserts it is compliant with the

Law Enforcement Integrity Act (“LEIA”)¹ because it has disclosed the footage of the “incident” that is alleged to be police officer misconduct. The Court held a Show Cause Hearing on March 28, 2025, at which only one witness testified. That witness was Kathryn Miller, a records manager for the Aurora Police Department (“APD”) and the custodian of the body-worn camera footage recordings. At the hearing, she explained Aurora’s rationale for denying inspection of further video and audio records. Having reviewed the testimony, exhibits, relevant law, and fully unedited body-worn camera footage, the Court makes following findings of fact, conclusions of law, and declaratory judgment.

II. FINDINGS OF FACT

Anndrec Lewis and the Estate of Kilyn Lewis submitted formal complaints of peace officer misconduct to Aurora related to the May 23, 2024 shooting of Kilyn Lewis. **Exs. F & G.** The letters allege that APD Officer Michael Dieck used excessive and deadly force against Kilyn Lewis and that APD officers on the scene failed to provide adequate medical care to Kilyn Lewis following the shooting. *Id.*

From October to November 2024, 9News through Aaron Adelson made seven requests for records related to the incident seeking:

- on October 24, 2024, “body camera footage from Officers Mike Dieck, Eric Graham, Nick Wilson, Grant Peet, and Rhett Fox from the 5/23/2024 shooting of Kilyn Lewis at 384 South Ironton St.” (**Ex. H**);
- on October 29, 2024, “[c]opies of complaints of misconduct against Officer Michael Dieck submitted since 5/1/24” (**Ex. I**);
- on November 11, 2024, “body camera footage from the shooting of Kilyn Lewis [] on May 23rd” (**Ex. J**);
- on November 15, 2024, “[a] copy of the report and PowerPoint document, created by APD Force Investigations Unit, present[ing]

¹ C.R.S. § 24-31-902.

the incident to the Force review Board related to the May 23rd fatal shooting of Kilyn Lewis” (**Ex. K**);

- on November 15, 2024, “a copy of the unedited, body camera footage from the 5/23 shooting of Kilyn Lewis” (**Ex. L**);
- on November 27, 2024, “copies of the unedited body[-]worn camera footage from Michael Dieck, Eric Graham, Nick Wilson, Rhett Fox, and Grant Peet, from the incident on May 23, 2024 of the shooting death of Mr. Kilyn Lewis” (**Ex. M**); and
- on November 27, 2024, “copies of all unedited body[-]worn camera footage from Michael Dieck, Eric Graham, Nick Wilson, Rhett Fox, and Grant Peet from the May 23, 2024 shooting death of Mr. Kilyn Lewis (**Ex. N**).

See also Ex. AA (summary exhibit). Ms. Miller, as the records supervisor for APD, responded to or was the point of contact for many of the body-worn camera footage requests. In response to 9News’ requests, Aurora provided some of the body-worn camera footage but not the entire length of the recordings. Ms. Miller testified that while the portions of those videos were “continuous” and “not modified,” they were not the entire footage and had been “clipped.” Aurora submitted into evidence an unredacted and a redacted copy of the following five videos:

- Officer Michael Dierk’s body-worn camera footage with unredacted version lasting 3:10 minutes and redacted version lasting 1:31 minutes (**Ex. A**);
- Officer Rhett Fox’s body-worn camera footage with unredacted version lasting 21:39 minutes and redacted version lasting 6:26 minutes (**Ex. B**);
- Officer Eric Graham’s body-worn camera footage with unredacted version lasting 11:37 minutes and redacted version lasting 6:28 minutes (**Ex. C**);
- Officer Grant Peet’s body-worn camera footage with unredacted version lasting 21:35 minutes and redacted version lasting 6:27 minutes (**Ex. D**); and

- Officer Nick Wilson’s body-worn camera footage with unredacted version lasting 11:58 minutes and redacted version lasting 6:55 minutes (**Ex E**).

The crux of the dispute is whether Aurora must release the unredacted versions of the five videos pursuant to LEIA.

III. HISTORY OF THE LAW ENFORCEMENT INTEGRITY ACT (“LEIA”)

In June 2020, following the public outcry over the killings of George Floyd and Elijah McClain, the Colorado Legislature introduced Senate Bill 20-217.² After several amendments, a final version of that bill was codified into law as the Law Enforcement Integrity Act (“LEIA”).³ This law addressed the public’s demand for increased integrity, accountability, and transparency of law enforcement agencies to their communities. Colorado was the first state in the country to pass such comprehensive legislation.

Approximately a year after the legislation went into effect, the Colorado Legislature amended LEIA with House Bill 21-1250⁴ (“2021 Amendments to LEIA”) in response to feedback from law enforcement agencies and communities around Colorado. The amendments modified language of several provisions of LEIA and was designed to clarify the intent of the initial legislation and to respond to questions raised following its passage.

IV. SUMMARY OF THE ARGUMENTS

This case turns on how to interpret a particular clause in LEIA, which is reprinted below:

² S.B. 20-217, 72nd Gen. Assem., Second Reg. Sess. (Colo. 2020) (as introduced on June 3, 2020).

³ C.R.S. § 24-31-902.

⁴ H.B. 21-1250, 73rd Gen. Assem., First Reg. Sess. (Colo. 2021).

For all incidents in which there is a complaint of peace officer misconduct by another peace officer, a civilian, or nonprofit organization, . . . the local law enforcement agency or the Colorado state patrol *shall release, upon request, all unedited video and audio recordings of the incident*, including those from body-worn cameras, dash cameras, or otherwise collected through investigation, to the public within twenty-one days after the local law enforcement agency or the Colorado state patrol received the request for release of the video or audio recordings.”

C.R.S. § 24-31-902(2)(a) (emphasis added). As to the italicized language, the parties take different views as to how to read the terms “incident” and “unedited.” Aurora contends that the officers’ contact with Kilyn Lewis is made up of two separate “incidents” of alleged peace officer misconduct—the officers’ initial contact with Kilyn Lewis and the officers’ rendering of aid to him following the shooting. Aurora points to the complaints of misconduct filed by the family of Kilyn Lewis, which reference use of “excessive force” and the “failure to provide aid.” Per its definition of what the “incident” was in this case, Aurora concludes it provided all unedited footage pertaining to the two incidents of police misconduct involving Kilyn Lewis. In summary, Aurora’s position is that even though the videos have been “clipped” either at the beginning or end, it has provided complete, unedited footage of the two separate “incidents” in accordance with LEIA. Aurora further argues the term “unedited” only applies to video and audio footage of what was captured during an incident. Following this logic, Aurora maintains it is only prohibited from editing footage within the boundaries of what is deemed an “incident.”

9News disputes this narrow legal interpretation of the terms “incident” and “unedited” in LEIA. 9News argues that LEIA mandates the release of *all* video and audio footage that would relate to APD’s engagement with Kilyn Lewis, including portions immediately before the encounter and immediately after when other emergency responders arrived on scene. 9News’ position is that the term “incident” is broader in scope and therefore not limited solely to the officers’ actions during their interaction with Kilyn Lewis. Further, 9News contends the term “unedited” within

LEIA prohibits removing *any* portion of captured body-camera footage. Thus, in 9News' view, "trimming" footage to remove depictions of pre- and post-contact with Kilyn Lewis is by definition "editing" and, therefore, prohibited under LEIA.

V. LEGAL ANALYSIS

A. Principles of Statutory Construction

The goal of a court in construing a statute is to "effectuate the legislature's intent." *Dep't of Revenue v. Agilent Techs., Inc.*, 441 P.3d 1012, 1016 (Colo. 2019). (internal citations omitted). To that end, a court will read the entire statutory scheme as a whole, to "give consistent, harmonious, and sensible effect to all of its parts, and . . . apply words and phrases in accordance with their plain and ordinary meanings." *UMB Bank, N.A. v. Landmark Towers Ass'n*, 408 P.3d 836, 840 (Colo. 2017). The plain meaning of a word or phrase is understood to be the word's usual use in context and according to the rules of grammar and common usage. *McBride v. People*, 511 P.3d 613, 617 (Colo. 2022). When reading the statute, a court must also avoid interpreting statutes in ways that would "render any words or phrases superfluous or lead to illogical or absurd results." *McCoy v. People*, 442 P.3d 379, 389 (Colo. 2019). When the language is clear, the Court applies the statute "as written" and does not look to other rules of statutory construction. *Agilent Techs., Inc.*, 441 P.3d at 1016. If the plain meaning of the statute remains unclear or conflicts with other provisions, then a court "may rely on other factors such as legislative history, the consequences of a given construction and the goal of the statutory scheme to determine a statute's meaning." *Diehl v. Weiser*, 444 P.3d 313, 317 (Colo. 2019) (quoting *Frazier v. People*, 90 P.3d 807, 811 (Colo. 2004)).

B. Interpretation of the Word "Incident" in LEIA

In accordance with the principles of statutory interpretation, the Court first examines the plain meaning of the word "incident" as it relates to peace officer

misconduct in LEIA. As a starting point, the Court notes that definitional section of LEIA does not contain a statute-specific meaning for the term “incident.” *See generally* C.R.S. § 24-31-901 (defining words such as “contact” and “peace officer” but not “incident”). The Colorado Court of Appeals in a different context (i.e., relating to criminal sentencing) has turned to the dictionary to ascertain what the word “incident” means. *People v. Beyer*, 768 P.2d 746, 747–48 (Colo. App. 1988). The Colorado Court of Appeals in that case observed that “the word ‘incident’ is not limited in meaning to a separate unit of experience, but is defined also as ‘an occurrence . . . taking place as part of a larger continuum’ or ‘a happening or related group of happenings’ subordinate to a main plot. *Id.* (citing *Webster’s 3d New Int’l Dictionary* 1142). A more current version of the Merriam-Webster dictionary defines the noun “incident” in part as “an action likely to lead to grave consequences especially in diplomatic matters” and “something dependent on or subordinate to something else of greater or principal importance.”⁵ *See also* Black’s Law Dictionary (12th ed. 2024) (the noun incident means “A discrete occurrence or happening; an event, esp. one that is unusual, important, or violent” and “a dependent, subordinate, or consequential part (of something else)”).

Turning to other references of the word “incident” in LEIA, one provision describes the instances when a peace officer may turn off their body-worn camera. C.R.S. § 24-31-902(1)(a)(II)(B). That subsection states, “A peace officer may turn off a body-worn camera to avoid recording personal information that is not case related; when working on an unrelated assignment; *when there is a long break in the incident*; and in administrative, tactical, and management discussions when civilians are not present.” *Id.* (emphasis added). This provision provides context that the legislature recognized that an incident might potentially span an extended period of time, which could be interrupted such that an officer need not have a body-worn camera

⁵ Merriam-Webster Dictionary Online, available at <https://www.merriam-webster.com/dictionary/incident> (last visited June 8, 2025).

activated. This language lends itself to an interpretation that an “incident” is not limited to one singular event but a broader range of events that are connected together.

To the extent that the definition of “incident” in LEIA is ambiguous, the legislative history of the provision in C.R.S. § 24-31-902(2)(a) supports a broader interpretation of the word “incident.” As first introduced on June 3, 2020, an earlier draft of LEIA read that peace officers shall “wear and activate a body-worn camera at any time when interacting with a member of the public.” S.B. 20-217, 72nd Gen. Assem., Second Reg. Sess. (Colo. 2020) (as introduced on June 3, 2020).⁶ The Colorado State Senate subsequently amended that provision to specify times that a peace officer may turn off their body-worn camera: to “avoid recording personal information that is not case related; when working on an unrelated assignment; when there is a long break in the incident or contact that is not related to the initial incident; and in administrative, tactical, and management discussions.” S.B. 217_L.082, 72nd Gen. Assem., Second Reg. Sess. (Colo. 2020). The 2021 Amendments to LEIA modified the circumstances under which peace officers could turn off their body-worn cameras, stating that a body-worn camera “does not need to be on when en route to a call for service, but should be turned on shortly before the vehicle approaches the scene” and that body-worn cameras could only be turned off in “administrative, tactical, and management discussions *when civilians are not present.*” H.B. 21-1250, 73rd Gen. Assem., First Reg. Sess. (Colo. 2021) (emphasis added).⁷ The 2021 Amendments to LEIA also removed the provision permitting peace officers to turn off their body cameras when there is “contact that is not related to the initial incident.”

Going further, the Colorado Legislature expanded the meaning of the word “incident” in Section 20 of H.B. 21-1250, in the provision relating to public inspection

⁶ The bill text and amendments are available at <https://leg.colorado.gov/bills/sb20-217> (last visited June 8, 2025).

⁷ The bill text and amendments are available at <https://leg.colorado.gov/bills/hb21-1250> (last visited June 8, 2025).

of internal investigation files examining peace officer misconduct.⁸ Specifically, the Committee on State, Veterans, and Military Affairs struck adjectives in the existing statute qualifying that an incident of alleged misconduct had to be “specific” and “identifiable,” and adopted a broader scope that it need only be “an incident of alleged misconduct involving a member of the public.” HB1250_L.055, 73rd Gen. Assem., First Reg. Sess. (Colo. 2021). When introducing this amendment, Senator Julie Gonzalez explained that the removal of these words was meant to “help the public to access any of these files related to potential misconduct.” Colorado Senate Committee Hearing on H.B. 21-1250, 73rd Gen. Assem., First Reg. Sess., Hearing at 9:39:30 to 9:40:54 p.m. (May 25, 2021).⁹

Taking together, the plain meaning of the term “incident,” the context surrounding that word in the statute, and the legislative history support 9News’ statutory interpretation. The term “incident” may refer not just to a discrete act but also to a series of acts committed in close temporal proximity to each other or a chain of events forming a part of a schematic whole. *Cf. People v. Beyer*, 768 P.2d 746, 748 (Colo. App. 1988). The 2021 Amendments to LEIA further demonstrate that the Colorado Legislature intended for officers to capture not only the “initial incident” but also context around peace officer contact with individuals. The removal of qualifiers around what might be “an incident of alleged misconduct” in C.R.S. § 24-72-303(4)(a) further shows the Colorado Legislature’s intent to give the public expanded access to captured body-camera footage. The language of LEIA does not support Aurora’s interpretation that it can select the contours of what is considered to be “incident” (whether those contours are proposed by a constituent, a victim or family of a victim of an officer-involved shooting, or another source). As it relates to Kilyn Lewis on May 23, 2024, the “incident” includes not just when APD was in direct contact with

⁸ This provision is now codified at C.R.S. § 24-72-303(4)(a).

⁹ Available at <https://sg001-harmony.sliq.net/00327/Harmony/en/PowerBrowser/PowerBrowserV2/20210525/-1/11829#agenda> (last visited 06/08/2025)

him but also the moments leading up to and immediately following that encounter, which are captured on the unredacted body-worn camera footage.

C. Interpretation of the Word “Unedited” in LEIA

Turning to Aurora’s argument that “clipping” body camera footage is not a violation of LEIA, the Court again first looks to the plain language of the statute. For all incidents in which there is a complaint of peace officer misconduct, the local law enforcement agency “shall release, upon request, all unedited video and audio recordings of the incident.” C.R.S. § 24-31-902(2)(a). The Court notes that the word “all” precedes the phrase “unedited video and audio recordings of the incident.” When examining meaning of a statute, the Court “must avoid constructions that would render any words or phrases superfluous.” *McCoy v. People*, 442 P.3d 379, 389 (Colo. 2019). Further, a court should consider the language in the context of the statute and by reference to the meaning of words or phrases associated with the phrase at issue. *See People v. Trusty*, 53 P.3d 668, 675 (Colo. App. 2001); *see also* 2A Sutherland Statutory Construction § 47:16 (7th ed.) (describing the principle that a word is given more precise content by the neighboring words with which it is associated). When a statute uses the inclusive adjective “all,” it evidences the legislature’s intent to permit no unenunciated exceptions. *See, e.g., Hennepin Cnty. v. Fed. Nat. Mortg. Ass’n*, 933 F. Supp. 2d 1173, 1176 (D. Minn. 2013). As to the term “unedited” itself, the Merriam-Webster dictionary defines that word as meaning “left unrevised” and “not yet edited.”¹⁰

Read on its own and in conjunction with the associated words in the statute, the term “unedited” (as it relates video and audio recordings) means body-worn camera footage must be unaltered from its original form. The statute thus disallows law enforcement agencies from removing footage in any manner. Regardless of the

¹⁰ Merriam-Webster Dictionary Online, available at <https://www.merriam-webster.com/dictionary/unedited> (last visited June 8, 2025).

descriptions Aurora uses as it relates to the videos (i.e., “clipping,” “trimming,” “shortening,” and the like), such actions are fundamentally inconsistent with the plain and ordinary language of the statute. LEIA is clear that the entirety of the body worn camera footage in this instance must be provided upon request. C.R.S. § 24-31-902(2)(a).

Other aspects of LEIA support this interpretation. A separate provision of LEIA allows peace officers to deactivate their body-camera, including when “en route to a call for service,” “working on an unrelated assignment,” or to avoid capturing “personal information that is not case related.” C.R.S. § 24-31-902(1)(a)(II). Thus, the default is that a peace officer shall wear and activate body-worn cameras, unless there is specified exception, and all body-worn footage collected shall be released to the public (in accordance with the statutory procedure) upon request when an incident police officer misconduct is alleged.

To the extent there is any ambiguity in the statute, the Court further considers the legislative history of the term “unedited.” As first introduced on June 3, 2020, the original introduced version of S.B. 20-217 required “All unedited video and audio recordings of the incident, including those from body-worn cameras, dash cameras, or otherwise collected through investigation, must be released to the public within fourteen days after the incident.” S.B. 20-217, 72nd Gen. Assem., Second Reg. Sess. (Colo. 2020) (as introduced on June 3, 2020). The legislature subsequently adopted multiple provisions allowing for “redaction or blurring” to preserve a significant privacy interest or prevent interference with an ongoing investigation. SB217_L.082, 72nd Gen. Assem., Second Reg. Sess. (Colo. 2020); *see also* SB217_L.114, 72nd Gen. Assem., Second Reg. Sess. (Colo. 2020). The 2021 Amendments to LEIA restricted how video could be altered to protect privacy interests. Specifically, video which previously could be “*redacted or blurred*” could now only be “blurred.” H.B. 21-1250, § 2, 73rd Gen. Assem., First Reg. Sess. (Colo. 2021) (emphasis added). Further, the Colorado Legislature further added language that “This subsection (2)(b)(II)(A) *does*

not permit the removal of any portion of the video.” Id. (emphasis added). In explaining the 2021 Amendments to LEIA, Representative Leslie Herod expressed the very concern that 9News presents in this case: “We’ve seen how law enforcement has . . . only shown certain clips of a full body-camera footage, which was why we wanted the entire body-cam footage.” Colorado House Judiciary Committee Hearing on H.B. 21-1250, 73rd Gen. Assem., First Reg. Sess., Hearing at 1:58:32-2:00:36 p.m. (April 21, 2021).¹¹ She further stated the intent was “to keep as clean of a primary source document that could be used or must be needed for accountability purposes.” *Id.* In short, the legislative history supports a statutory interpretation that the word “unedited” precludes “trimming,” “clipping,” “removing” video or audio footage related to an incident of police officer misconduct from public scrutiny, regardless of whether it immediately before, during, or after an incident.

VI. CONCLUSION AND DECLARATORY JUDGMENT

Colorado’s Law Enforcement Integrity Act (“LEIA”), C.R.S. § 24-31-902(2)(a), and the 2021 Amendments to LEIA require law enforcement agencies to release, upon request, all unedited video and audio recordings of an incident of police officer misconduct, including those from body-worn cameras. The Court determines Aurora has denied 9News’ requests in violation of LEIA by providing only select portions of the body-worn camera footage. The Court ORDERS Aurora to release all unedited body-worn camera footage from the May 23, 2024 police encounter with Kilyn Lewis to 9News in accordance with the procedure set forth in C.R.S. § 24-31-902(2)(b).¹² If the video implicates a significant privacy interest, pursuant to C.R.S. § 24-31-902(2)(b)(II)(A), then Aurora shall blur relevant sections of the footage to allow for public release or otherwise comply with C.R.S. § 24-31-902(2)(b). Aurora shall file a

¹¹ Available at <https://sg001-harmony.sliq.net/00327/Harmony/en/PowerBrowser/PowerBrowserV2/20210421/-1/11528#agenda> (last visited June 8, 2025).

¹² This procedure involves notifying Kilyn Lewis’ lawful representative of their right to receive and review the recording at least seventy-two (72) hours prior to public disclosure. Based on the time sensitive nature of such disclosure, the Court is serving a courtesy copy this Order on counsel of record for the Estate of Kilyn Lewis in Arapahoe County District Court Case Number 2025CV31242.

Certificate of Compliance with this Order no later than June 16, 2025. The Court reserves jurisdiction to enforce this Order and Declaratory Judgment pursuant to C.R.C.P. 57.

SO ORDERED, this 9th day of June, 2025.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Ben Figa", written in a cursive style.

Benjamin Todd Figa
District Court Judge