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April 9, 2026

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Colorado Court of Appeals holds Boulder erred in charging Yellow Scene Magazine thousands of dollars for police body-worn camera footage

Boulder, Colo. – Today the Colorado Court of Appeals sided with Yellow Scene Magazine in its lawsuit against the City of Boulder for failing to comply with a state law that requires prompt release of body-worn camera (“BWC”) footage – without charge. Instead of complying with the law’s requirement to make such video available “to the public” within 21 days of a request, Boulder conditions the release on payment of exorbitant fees, effectively shielding the video from the public and preventing meaningful transparency in policing. The court of appeals rejected that practice, holding that the law “does not allow a law enforcement agency to condition its mandatory obligation to produce requested recordings on the payment of fees.”

Colorado’s legislature passed the Enhance Law Enforcement Integrity Act (the “ELEIA”) in 2020 with the requirement to release this footage in the wake of the police killings of George Floyd and Elijah McClain specifically to allow the public to view BWC footage for themselves when there is a complaint of police misconduct. The court of appeals has shut down Boulder’s efforts to evade that scrutiny by using cost-prohibitive fees to prevent release of the footage.

Grata Law and Policy LLC attorneys Dan Williams and Matthew Simonsen, along with Ashlyn Hare of Hutchinson Black and Cook LLC, filed this lawsuit on behalf of Yellow Scene Magazine when Boulder refused to release the full, unedited video of Boulder Police officers shooting and killing local mother Jeanne Alatorre on December 17, 2023. Boulder would not provide the footage absent payment of \$2,857.50. Yellow Scene’s lawsuit explained that Boulder demanded nearly triple that amount, or \$8,484.00, when attorney Dan Williams submitted an identical request. When Ms. Alatorre’s daughter asked to see the footage, Boulder told her that she could submit a partial request if the total cost was “too expensive.”

The District Court rejected Boulder’s argument without hesitation. Notwithstanding the District Court’s thoughtful opinion explaining why charging for BWC footage after a complaint of police misconduct violates state law, the City of Boulder appealed that ruling to the Colorado Court of Appeals in January 2025. On March 10, 2026, Grata Law and Policy LLC attorney Matthew Simonsen argued on Yellow Scene’s behalf at the court of appeals. Mr. Simonsen commented on today’s ruling as follows: “Today’s ruling reaffirms what should have been obvious to Boulder when this lawsuit was filed two years ago—police departments can’t use exorbitant fees to hide their officers’ misconduct behind a paywall.”

Yellow Scene Magazine is represented by Dan Williams and Matthew Simonsen of Grata Law and Policy LLC and Ashlyn Hare of Hutchinson Black and Cook, LLC. The court’s full opinion can be found here: [SMB Advertising, Inc. v. City of Boulder, 2026 COA 25](#)

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