



ACLU Exposes Denver's Law Enforcement to Justice Department

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tasered and restrained by the five with a "chokehold" after he tried to retrieve his shoes while waiting to be processed in the intake area. The Denver district attorney refused to prosecute, saying he could not win a conviction against the deputies.

"After a thorough review of the investigation and after considering the recommendations of the City's Independent Monitor, this Office concludes that the deputies did not violate the Department's Use of Force policies or any other Department rules related to use of force," said Garcia. "Therefore, no disciplinary sanctions will be ordered," he said.

The formal request to DOJ, which included documentation of 50-plus cases of police and sheriff's deputies' misconduct, was emailed to Thomas E. Perez, Assistant Attorney General in the Justice Department's Civil Rights Division in Washington, and to Jonathan Smith, Section Chief of the division's Special Litigation Section.

The Special Litigation Section is an office within the division charged with enforcing federal civil rights statutes in four major areas: Civil Rights of Institutionalized Persons, Conduct of Law Enforcement Agencies, Access to Reproductive Health Clinics and places of Religious Worship, and Religious Exercise of Institutionalized Persons. The Section undertakes investigations and litigation through the United States and its territories.

"What we want is for the Justice folks to look at Denver law enforcement, to bring awareness to these patterns and practices, and to put a stop to them," said Rev. Dr. Leon M. Emerson, president of the Greater Metro Denver Ministerial Alliance, in explaining his organization's joining in the request.

"While we're not necessarily seeking prosecutions, if that becomes necessary, we're okay with it fitting our desire for justice. We want to see all people treated fairly, like human beings and not like animals,"

Emerson, Pastor of Now Faith Christian Center Church in Montbello, told DWN in a telephone interview Wednesday.

The ACLU letter, a copy of which was provided to DWN, explains that in the City and County of Denver, law enforcement consists of the Denver Sheriff's Department and the Denver Police Department. Overseeing both departments is the Denver Manager of Safety. The Sheriff's Department is unique in all of Colorado, according to its website: the "Sheriff," Charley Garcia, was appointed as Manager of Public Safety by Mayor Vidal on March 16, 2011. The Police Chief is Gerry Whitman.

In its call for an investigation, the ACLU advises DOJ that misconduct and civil rights violations by Denver law enforcement has repeatedly been the subject of complaints, media headlines and exposes, civil rights lawsuits, settlements, and community "outrage."

"The number and frequency of alle-

gations of serious misconduct—along with community concern—appears to be increasing dramatically," Silverstein reported.

About the city's decision to exonerate the five deputies involved in Booker's homicide, Silverstein wrote:

"This decision, that a homicide carried out by Sheriff's deputies carries no consequences, that Denver's policies allow Sheriff's deputies to take a prisoner's life, has fueled the already-burning outrage in the communities policed by Denver law enforcement, especially among communities of color.

"Many see the death of Rev. Booker, and Denver's decision that no policies were violated, as the culmination of a long series of incidents in which Denver authorities have tolerated, acquiesced in, or ignored serious allegations of law enforcement misconduct.

"The community no longer trusts Denver law enforcement authorities to investigate themselves. For that reason, we call on the Department of Jus-

tice to investigate the long-enduring pattern and practice of police misconduct in Denver," wrote Silverstein on behalf of the ministers, the NAACP, the Booker family, and its attorneys.

On behalf of the Rev. Booker's surviving family members, Killmer Lane & Newman, LLP has filed a federal lawsuit against the City and County of Denver, and the five deputies involved in his killing alleging they violated the late minister's Constitutionally-protected 14th Amendment rights to life by depriving him of it without due process and then engaged in a conspiracy and cover up. The family seeks justice, monetary damages and other relief, according to the complaint.

The next hearing in the matter has been set for Tuesday, June 14, 2011 at 10:30am in Courtroom C-201 at the Byron Rogers U.S. Courthouse, 1929 Stout Street in Denver. Chief District Judge Wiley Y. Daniel has referred the case to U.S. Magistrate Judge Kathleen M. Tafoya.

Foreclosure Nightmare Continues

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ttorney, decided on Matthew Agüero, a bankruptcy attorney with Cohen and Cohen, PC. Lewis made the choice of another lawyer for himself but, reluctantly stepped back and let his partners proceed with Agüero. He did, however, predict that the attorney would not work in the Castro's favor.

As the setting and postponing of foreclosure sale dates continued for months, the men fell out of regular contact. By the summer of 2010, the brothers received a visit from representatives of the AG's office who came to the home looking for Lewis. The Castros do not remember the names of these men but George told DWN they informed the brothers of charges of fraud against Lewis and offered them assistance in getting their money back, a new home and correcting their loan documents if they would help the AG arrest and jail Lewis. George is certain the visitors made these types of "promises." The Castros trusted what they were told and accepted the truthfulness of the allegations since these officials from such a high office were relaying the information.

A 10-point affidavit produced for Luis, and signed on his behalf by his brother, outlined the business relationship he had with

Lewis. The final point of the typed document states that in early 2010, Agüero requested that the advocate transfer back his interest in the house for a bankruptcy filing and an attempt to sell the home. It goes on to say that Lewis refused that offer. Per court documents, George also gave testimony during the hearing in which submission of the affidavit took place. He told DWN he only spoke on his understanding of the business arrangement the brothers had with Lewis.

The Castro's case ended up one of two specifically mentioned in the AG's preliminary and final injunctions, the other case involving a female homeowner in Illinois. A judgment of \$181,000 was issued early this year against Lewis and for which recent garnishment action has been instituted via a court order directing the tenant of his rental property to begin making rent payments directly to the court.

As reported previously, last December, the Lewis filed a claim against the AG's office in Illinois federal court alleging discrimination as the reason for the charges brought against him and outlining a number of other grievances. That case, despite the AG's motions to dismiss, remains under review and consideration.

Homeowners accuse AG of 'coercion'

Weeks ago, he and the Castros touched base again and shared all that has gone on over past months. The Castros revealed to him that the AG's office kept none of the promises or offers they made and that Atty. Agüero did little to defend their interests or keep them out of foreclosure. They now state that the only reason they are still in the home is because of the filings and assistance of Lewis. George said they see the truth in much of what their partner told and warned them about and the Castros now question

how someone guilty of fraud could have success in stopping foreclosure action on their home.

In early May, the brothers signed an affidavit addressed to Lewis which briefly outlines their experiences, starting with the AG representatives coming to their home and accusing Lewis of fraud and deception and asking them to testify against him and sign their house over to the bank. Once they did these things, the document states, "the bank attorney told us they were going to help us find another house," and also help them financially. The final sentence reads, "We now know that everyone was lying to us just to get us to turn against you [Lewis] and if we had known this, we would have never testified or sign (sic) any of the papers they made us sign."

In speaking with DWN, George explained that in his conversation with the AG's reps, the focus expanded beyond Lewis and they also voiced complaints about the builder, Dominique Luzinski, his unsatisfactory work and the \$50,000 cash given to him that he never accounted for. They also reported the errors on the original deed of trust and actions of the bank, title company, broker, lender and attorneys who charged high fees but failed to perform. "I didn't just name Sherron in helping us," he said. "The AG is not doing the full investigation. They just focused on [him]."

In supplying a copy of the Castro affidavit to the AG's office, DWN received this response from spokesperson Mike Saccone. "You can rest assured that we have every intention of investigating the origin and credibility of [it] and given Mr. Castro's sworn testimony in our case, will refer the findings to the appropriate law enforcement agency." He later clarified that his comment referred to George, not Luis and that the AG's office does not make the types of "promises" the Castros referred to.