

**From:** Jill McGranahan  
**To:** Irvin Muchnick  
**Sent:** Friday, February 27, 2015, 01:13:21 PM PST  
**Subject:** Re: Media inquiry

Hello Mr. Muchnick,

In late October, 1995, the APD was notified by a citizen that Mr. Gibney was employed by the North Jeffco Parks and Recreation District, and that he had previously been accused of child abuse in Ireland. The APD confirmed that Mr. Gibney had been charged with child sexual abuse in Ireland, but that he was not convicted on any of the charges. During its investigation, the APD learned that Mr. Gibney was suspected of possibly pinching (or snapping the swimsuit of) a North Jeffco swimmer. The APD investigated this allegation, but was unable to establish that a crime had occurred. Shortly thereafter, the APD learned that Mr. Gibney was no longer employed by North Jeffco. The APD had no other involvement in this matter.

Sergeant Rzeppa is since retired.

Jill McGranahan  
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**From:** Jill McGranahan  
**To:** Irvin Muchnick  
**Sent:** Tuesday, March 3, 2015, 04:03:23 PM PST  
**Subject:** Re: Follow-up: Media inquiry and records request

Mr Muchnick,

I spoke with records and because the case involves a juvenile and allegations of sexual assault, we are unable to release it. We are unable to forward your information to retired Sgt. Rzeppa.

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**From:** Irvin Muchnick <[irmuch@yahoo.com](mailto:irmuch@yahoo.com)>  
**To:** Jill McGranahan <[jmcgranahan@arvada.org](mailto:jmcgranahan@arvada.org)>  
**Sent:** Tuesday, March 3, 2015 4:24 PM  
**Subject:** Re: Follow-up: Media inquiry and records request

Thank you for this information. Please answer the following questions:

1. Does Colorado law not allow for release of the record with the name of the victim or alleged victim redacted.
2. Can you confirm that the "juvenile and allegations of sexual assault" are the same as this incident in your earlier statement: "**suspected of possibly pinching (or snapping the swimsuit of) a North Jeffco swimmer**"?

Thank you,

Irvin Muchnick

**From:** Jill McGranahan  
**To:** Irvin Muchnick  
**Sent:** Monday, March 9, 2015, 01:04:55 PM PDT  
**Subject:** Re: Follow-up: Media inquiry and records request

As per my email of March 4:

As to your first question, you should know that open records laws vary from state to state. Under Colorado law, records relating to reports of any type of child abuse are confidential and are not public information. See C.R.S. sec. 19-1-307(1)(a). C.R.S.19-1-307 does allow certain persons and agencies access to these reports in certain circumstances. Our records bureau has reviewed this statute, and has determined that this record is not releaseable to you.

As to your second question, I will refer you to my email of February 27. There was a report of possible pinching or possible snapping of a swimsuit. That information is correct; I have no additional information. Thank you again for your time.

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**From:** Irvin Muchnick  
**To:** Jill McGranahan  
**Cc:** "17208986661@j2send.com" <17208986661@j2send.com>  
**Sent:** Sunday, March 15, 2015, 11:46:06 AM PDT  
**Subject:** Public record request

Ms. Jill McGranahan  
Public Relations Coordinator  
Arvada Police Department

Dear Ms. McGranahan:

Please consider this to be a request for a copy of “public records,” and “writings” – as defined in Colo. Rev. Stat. §. 24-72-202(6) and 24-72-202(7), respectively – that are in the custody and control of the Arvada Police Department. I am making this request pursuant to Colo. Rev. Stat. §. 24-72-202(1), 24-72-202(2).

Specifically, I request a copy of the late October, 1995, report of the investigation in which the Department learned that George Gibney “was suspected of possibly pinching (or snapping the swimsuit of) a North Jeffco swimmer,” according to your email to me of February 27, 2015. It is understood that the name of and identifying information about the victim are subject to redaction.

Please process this as a *de novo* request. In the event you deny this request, and unless otherwise asserted by you, I will regard the date of your substantive response to the request contained in this email message as the tolling date from which a court appeal could be filed.

I am resubmitting this request because I believe its earlier denial might have been caused by a misunderstanding. In stating that this Department report was exempted from public disclosure, you cited C.R.S. sec. 19-1-307(1)(a). That is a statute pertaining to children and domestic matters. My original request, on its face, did not concern an allegation of domestic child abuse. In the event that you are denying this request, please specify whether you are doing so under C.R.S. sec. 19-1-307(1)(a), as you stated in your email of March 9, 2015, or, rather, under the Colorado Open Records Act or the Colorado Criminal Justice Records Act. I would direct my appeal accordingly.

Thank you for your time and I look forward to your response.

Irvin Muchnick

cc by fax: Chief of Police, 720-898-6661



# CITY OF ARVADA



POLICE DEPARTMENT  
FACSIMILE: 720-898-6921 ▲ TDD: 303-424-9379  
PHONE: 720-898-6920

March 16, 2015

Mr. Muchnick,

I am the custodian of records for the Arvada Police Department. Your request for a report related to an alleged child abuse situation has been forwarded to me for response.

You have requested a report related to an allegation of possible child abuse. You mention that you are making this request under the Colorado Open (Public) Records Act, contained in Title 24 of the Colorado Revised Statutes.

While records laws vary greatly from state to state, in Colorado, the report you have requested is not a "public" record. It is a specific type of law enforcement record. Rules relating to the release of law enforcement, or criminal justice, records are governed by a variety of laws. The release of the record that you have requested (a report about a situation that involves a juvenile) is governed by the records release provisions of Title 19 of the Colorado Revised Statutes.

Rules for the release of a record relating to alleged child abuse are contained in C.R.S. sec. 19-1-307(1)(a). That law states that records relating to reports of child abuse are confidential and are not public information. This is true whether the report could support a dependency and neglect action, a criminal child abuse case, both, or neither - in other words, the release decision does not appear to depend on the identity of the alleged wrongdoer.

Please be aware that C.R.S. 19-1-307 does allow for release of a report of an alleged child abuse situation to persons and agencies listed in the statute. For example, certain health care providers, family members, social services providers, etc., are entitled to a copy of a report alleging child abuse. To my knowledge, you do not fall within any of the listed categories for release.

While I realize this is not the answer you were hoping for, I trust it answers your questions about this matter. In the future, should you wish to request a criminal justice record, you may do so by visiting our website at [www.arvadapd.org](http://www.arvadapd.org) and access the online services section.

Thank you for your inquiry.

Sincerely,

Bonnie K. Carson  
Police Records Supervisor

**From:** Irvin Muchnick  
**To:** Edward Brady  
**Cc:** Jill McGranahan; Bonnie Carson  
**Sent:** Sunday, March 18, 2018, 10:01:03 AM PDT  
**Subject:** Media inquiry

Interim Chief of Police Edward Brady

Arvada, Colorado

Chief Brady:

I am a California-based author and journalist -- please see full links to my work at the bottom of this message. Three years ago I communicated with your department in my investigation of the circumstances of former Irish Olympic coach George Gibney's tenure at the North Jeffco swim club in 1994-95. I am revisiting this story with new questions in the wake of findings coming out of *Muchnick v. Department of Homeland Security*, a Freedom of Information Act lawsuit recently settled at the Ninth Circuit Court of Appeals.

Though I am not sure if they are still with the Arvada police or the current contacts, I am cc'ing Jill McGranahan, public relations coordinator, and Bonnie Carson, records supervisor, with whom I corresponded in 2015.

At the time, Ms. McGranahan gave me this statement:

**“In late October, 1995, the APD was notified by a citizen that Mr. Gibney was employed by the North Jeffco Parks and Recreation District, and that he had previously been accused of child abuse in Ireland. The APD confirmed that Mr. Gibney had been charged with child sexual abuse in Ireland, but that he was not convicted on any of the charges. During its investigation, the APD learned that Mr. Gibney was suspected of possibly pinching (or snapping the swimsuit of) a North Jeffco swimmer. The APD investigated this allegation, but was unable to establish that a crime had occurred. Shortly thereafter, the APD learned that Mr. Gibney was no longer employed by North Jeffco. The APD had no other involvement in this matter.”**

Your Sgt. Jo Ann Rzeppa was not named here. However, she was named in another report, in 2000, by the neighboring Wheat Ridge Police Department; the Wheat Ridge officer, Lila Cohen, consulted with Sergeant Rzeppa regarding the 1995 facts and incident. Ms. McGranahan told me

that Sergeant Rzeppa was retired and that you could not forward my message to her seeking further information or comment.

That is the background of this query, which is based on new information, confirmed by multiple sources, that Sergeant Rzeppa had a son swimming with the North Jeffco team at the time of her 1995 investigation and report. I will report Tuesday your preliminary or full response to the following questions.

1. Did Sergeant Rzeppa disclose her connection to the North Jeffco program when the department assigned her to investigate the Gibney situation and the allegation of sexual misconduct against him?
2. If Sergeant Rzeppa did not make such a disclosure, was her action ethically appropriate?
3. Did the Arvada Police Department assign Sergeant Rzeppa to this investigation knowing of her possible conflict?
4. If the Arvada Police Department did so assign Sergeant Rzeppa, was that ethically appropriate?
5. If the Arvada Police Department, on close reexamination, determines that its 1995 investigation and report were flawed on this basis, will you now revisit the matter? This question is raised because of the intense interest of observers in both Ireland and the United States in a campaign to probe the American immigration policies that have allowed Gibney to remain harbored in this country for nearly a quarter of a century, and to seek Gibney's extradition back to Ireland and trial on dozens of counts of sex crimes against minors.
6. Did the Arvada Police Department share its 1995 report or associated information with other law enforcement or other government agencies, including the FBI, Immigration and Customs Enforcement, or U.S. Citizenship and Immigration Services? This question is raised because Gibney would move on to (among other locales) Calistoga, California, and in 2006 an official of the sheriff's office of Napa County was interviewed on camera for a segment of the program *Prime Time* on the RTE television network in Ireland. Operations chief (now sheriff) John R. Robertson said in that interview:

**“[Gibney’s presence in the community] isn’t something we take lightly in the state of California or especially in the county of Napa. Our sheriff is very adamant about wanting to track these people.... We definitely hope that, if Mr. Gibney has committed these crimes, that he wouldn’t be a resident, or a citizen here of the United States. Until there is some information that is brought to our attention that leads us to believe that Mr. Gibney is guilty or suspected of improper behavior regarding sexual abuse or child abuse, then we are in a**



**predicament that doesn't allow us to enter him into Megan's Law, it doesn't allow us to investigate too much further. But we will share the information with the surrounding agencies. If we don't turn anything up, we hope they can in Ireland."**

7. Will you now please forward this message and my request for comment to retired Sergeant Rzeppa, as well?

8. Finally, Ms. Carson told me in 2015 that your 1995 report could not be released on the grounds that it was a report of child sexual abuse and hence exempted by Colorado public records law. In light of the further information and concerns articulated above, I appeal to you to reverse this decision and make public the report. First, from Ms. McGranah's own description, the aspect of a report of child sexual abuse seems incidental at best to the whole of Sergeant Rzeppa's report. Second, the name of the alleged victim and identifying details can be responsibly and efficiently redacted from those portions of the report dealing with a discrete incident of alleged child sexual abuse. Please advise.

Irvin Muchnick

**From:** Jill McGranahan <jmcgranahan@arvada.org>  
**To:** Irvin Muchnick <irvmuch@yahoo.com>  
**Sent:** Wednesday, March 21, 2018, 09:58:01 AM PDT  
**Subject:** Re: Follow-up: Media inquiry

Mr. Muchnick,

This is to respond to your March 18, 2018 questions and request for records from the Arvada Police Department ("APD"). As you were previously advised in March 2015, to the extent your letter includes a request for records, the records you have requested are subject to Title 19 of the Colorado Revised Statutes ("C.R.S."), also known as the Colorado Children's Code ("Children's Code").

Rules regarding release of reports related to child abuse are set forth in the Children's Code at C.R.S. 19-1-307(1)(a). These records are not "exempted" from Colorado public records laws as you state in your e-mail. They are, instead, subject to Title 19 records release rules. Under the statute, reports of child abuse are confidential and are not public information. As such, the APD will not release the report you have requested. Though the report is not releasable, the following information may be of interest.

The synopsis provided to you in 2015 by the APD is correct. As we have noted before, the APD investigation was not triggered by a complaint; it was triggered by a citizen who became aware of Mr. Gibney's background in Ireland and made the APD aware of it. We can tell you that Detective Rzeppa's report documents an extensive investigation during which she did contact law enforcement officials in Ireland. She also spoke with at least one Irish investigative reporter about what happened in Ireland, and reviewed information sent to her by that reporter. Detective Rzeppa also did, in fact, go to the office of Immigration and Naturalization Service in Aurora, Colorado and speak with an INS investigator. This investigator informed her that unless Mr. Gibney had been convicted of crimes "involving moral turpitude" prior to his entry and had not disclosed them on his application, Mr. Gibney was probably not in violation of INS laws.

Detective Rzeppa also met with or interviewed North Jeffco Parks and Recreation District administrators, employees, and swim team parents about this matter. No one Detective Rzeppa spoke with, including family members of the swim team, described any criminal interaction between Gibney and a swimmer. Though there had been no specific allegations against Gibney during his time at North Jeffco, the information regarding Gibney's background was so concerning that the group was advised of his history as reported to the APD. Ultimately, Detective Rzeppa continued the

investigation, but was unable to establish probable cause that Gibney committed a crime in Arvada.

Detective Rzeppa's investigation was not unethical, nor did it violate any department rule, procedure, or applicable law. Any implication otherwise is simply false. Although the question of whether Detective Rzeppa has children is irrelevant, you should be aware that she was divorced at the time of her investigation; she does not have any children. The APD will advise Sergeant Rzeppa (now retired) of your inquiry and the article you published online yesterday. She may choose to contact you, or not, at her sole discretion.

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**From:** Irvin Muchnick  
**To:** Jill McGranahan  
**Sent:** Wednesday, March 21, 2018, 04:02:30 PM PDT  
**Subject:** Media inquiry

Ms. McGranahan:

These are the follow-up questions promised in my previous message. I expect to be publishing tomorrow your statement earlier today and an article pondering these questions. What seems most efficient is to submit this query to you in the general expectation that it will be answered within the next days, and to assure you that Concussion Inc. will faithfully report what APD says soon after you say it.

- You state, “You are incorrect. She did not have a family connection to the team and, specifically, she did not have a child on the team.” I wonder if there is less here than meets the eye. I don’t know why APD does not simply say, categorically, that Ms. Rzeppa had no close connection whatsoever with North Jeffco; the wording seems calculated to leave open the possibility that there was a stepson or the child of a boyfriend. (And really, Ms. McGranahan, Ms. Rzeppa’s marital status is an invasion of privacy of no obvious relevance whatsoever, and I am shocked that APD has introduced such a non sequitur element into an attack on my reporting.) I can tell you this: An Irish source, who I believe is the journalist from 1995 cited in your new information, recently said to me on email, “By coincidence [Sgt. Rzeppa] was both a cop and a member of the swimming club.” When I pressed for details, he added, “I recall she said she had kids who swam there. I can’t remember if she said they were members of the club or that they simply used the facility.” I then spoke to an American source who is an expert on all things Gibney, and this person told me, “The woman in question had a son who swam for the team, thus I would think the kid was a member.” So I ask you to fully clarify this -- beyond the conclusory assertion that Ms. Rzeppa’s investigation “was not unethical, nor did it violate any department rule, procedure, or applicable law.” And while you’re at it, explain what her being divorced has to do with any of this.
- Your explanation of Title 19 of the C.R.S. is a useful clarification of my perhaps less than rigorous reference to a privacy exemption under public records law. However, there is no difference in the effect with respect to the legitimacy of my request for this record. I believe, furthermore, that APD is the one caught in contradiction here. If “the APD investigation was not triggered by a complaint,” but rather “by a citizen who became aware of Mr. Gibney’s background in Ireland and made the APD aware of it,” then how does the report qualify as a report of child abuse? I strongly suspect that with the facts here, in combination with the as-yet-unanswered questions of Detective Rzeppa’s connection to the

program that was the setting of the investigation, Colorado public records act-oriented litigation would have a strong chance of prevailing in the argument that the public agency here is stretching in a way contrary to the public interest a definition of things “related” to a report of child abuse. As I proceed to study up on the statutory language, I invite APD’s further comment on this point.

- There is likewise cause for skepticism regarding your characterization of the INS standard. The immigration experts with whom I have preliminarily consulted on this say the standard for disclosure is of being either convicted *or charged*. (Certainly that would be the case with Gibney’s failed application for naturalized citizenship in 2010.) Again, I invite further comment. And again, I note that whatever was recorded regarding Detective Rzeppa’s conversations with INS, whether correct or mistaken, should not be protected on the vague grounds that it was “related” to a report of child abuse.
- The second-to-last paragraph of your message seems loaded with rhetorical puzzles. APD says “No one Detective Rzeppa spoke with ... described any criminal interaction between Gibney and a swimmer,” yet further down says she “continued the investigation” (-- what investigation? --) “but was unable to establish probable cause that Gibney committed a crime in Arvada.” Again, Ms. McGranahan: Was this an investigation of a criminal complaint or was it not? It’s more than casually noteworthy that your 2015 synopsis referenced suspicion of Gibney’s “possibly pinching (or snapping the swimsuit of) a North Jeffco swimmer.” Only the production of the report itself can answer these questions.
- What was the exact date range of the 1995 APD investigation? Was it prior or subsequent to Gibney’s separation from the North Jeffco program? Your 2015 synopsis is unacceptably vague in the language, “Shortly thereafter, the APD learned that Mr. Gibney was no longer employed by North Jeffco.” Your new information does not address the timeline at all.
- The most alarming output of APD’s combined statements at this point is that there is no indication anywhere of a meritorious child safety or public safety outcome other than getting Gibney booted from the North Jeffco swim program. (Your 2015 synopsis said, “No further action was taken.”) Gibney would live in Greater Denver for five more years until an employer discovered his background and reported him to the Wheat Ridge police. During that time, Gibney appears to have attained high positions in local programs giving him scary access to children: board member of an program for at-risk youth associated with the state government, and chair of a local church’s eye clinic mission in Peru. Please share with my readers in what exact respects APD believes it performed well here?

Thanks,  
Irv