



LARIMER COUNTY SHERIFF'S OFFICE

Justin E. Smith, Sheriff

One Agency

One Mission

Public Safety

Date: January 3, 2014

To: David Gregg, Berthoud Mayor
Jan Dowker, Berthoud Mayor Pro Tem
John Bauer, Berthoud Trustee
Thomas Jones, Berthoud Trustee
Dick Shepard, Berthoud Trustee
Suzie White, Berthoud Trustee
Paul Alaback, Berthoud Trustee

From: Justin Smith, Larimer County Sheriff

Subject: Berthoud Policing Operations

I understand that the previous two months have been very difficult for the citizens of Berthoud, police department personnel and the leadership of the town. Any time that allegations of serious misconduct or criminal activity are leveled against an officer of the peace, it can create distrust issues between the community and their government.

As your Sheriff, I've taken your request for assistance very seriously. My intent has been to make all the resources of my office available to the town, so that you could stabilize the situation, get to the facts and chart the course forward. While our law enforcement operations primarily focus outside of municipalities, we serve each and every citizen of the county equally, so we consider your community our community as well. They deserve the best public safety operations as can be provided.

With the pending criminal case against the now former officer involved, along with the separation of and the chief, I believe that a unique opportunity for growth and improvement lies ahead. Since I entered this profession in the late 1980s, I've been witness to countless changes and advances in the field of local policing. Communities' expectations of their police departments have justifiably risen tremendously. Policing in general and managing police operations has become more and more complex.

In addition to assigning professional standards staff to conduct specific investigations into allegations of misconduct by individual police department employees, we have also worked to provide you a independent assessment of the condition of the department, based on modern policing standards. With this, we want to provide you a map of potential challenge and opportunities for policing in Berthoud.

I want to provide you an overview of my observations. Let me begin with the obvious, Berthoud is a growing community of citizens with high expectations of their local government. Many of them commute to Longmont, Boulder and the Denver metropolitan area for work. They seek a high quality of life in their home community.

Administration
2501 Midpoint Dr.
Fort Collins, CO 80525
970 498-5100

County Jail
2405 Midpoint Dr.
Fort Collins, CO 80525
970 498-5200

Emergency Services
1303 N. Shields
Fort Collins, CO 80524
970 498-5300

www.larimersheriff.org

Twenty or thirty years ago, providing quality police services simply meant that you could hire academy trained officers, provide them a couple of months of on the job training and outfit them with the basic equipment (firearm, uniform, basic police car and a radio) and send them out into the community. In that time period, an officer could be issued a camera, fingerprinting kit and cassette tape recorder and they were essentially equipped with the tools of modern day crime fighting. Today, the equipment and training needs can be daunting and officers can expect that their every action will be filmed and their every word will be recorded and rebroadcast on the internet.

No matter the size of the department, there are several critical functions that have to be coordinated and delivered. Those functions can be categorized into the following general groupings:

1. Personnel selection, management and retention
2. Training (new hire and in-service)
3. Patrol operations management
4. Investigations and courtroom procedures
5. Evidence storage and management
6. Victim support, school safety and crime prevention services
7. Patrol vehicle and officer issued equipment management
8. Support Services (information technology, communications, records, etc)
9. Professional Standards (legal standards, risk management, policy development and internal investigations)

With a smaller police department, that means that the chief has to spend significant amounts of time becoming an expert in each and every one of those areas in addition to leading the department. With police chief tenure averaging 3-5 years, in a smaller department, it means each and every one of those functions starting over every time a chief turns over.

At the Berthoud Police Department, we found that the chief has overlooked and neglected many of the things that are absolutely necessary to leading an effective and accountable police operation. Below are some examples to help give you a glimpse.

- The application and hiring process for town officers allowed unqualified individuals to be hired and to maintain employment, despite glaring warning signs of inappropriate and sometimes illegal behavior.
- Police equipment purchased by the town was not appropriately tracked, maintained or secured. For example, many times, officers in the field had no access to the in-car computers because they were not serviceable. Less lethal Tasers, were no longer in service, because they were no longer functional. Most shockingly, fully automatic machine guns (not appropriate for standard police operations) were acquired from the military and we stored in an open room with minimal security.
- Court filing documents were not being submitted in a timely manner, which can lead to perpetrators not being charged.
- Paperwork filing appeared to be haphazard at best. The chief did not maintain appropriate personnel files on officers, yet he had documents in town filing cabinets from his previous employment. Those files should have never left those agencies.
- The police evidence room lacked accountability and many items were mislabeled or completely unlabeled. The Sheriff's Office Evidence Manager has corrected those deficiencies as much as possible.

- Continuing Education or In-Service training for officers was woefully inadequate. Training in high liability areas such as emergency driving, defensive tactics, less lethal weapons, active shooter training, firearms training, search and seizure training, interview and interrogation and legal updates were either non-existent or well below industry standards. While some of these issues could be attributed to a shortage of in-house dollars and resources, evidence showed that opportunities to participate in regional training were routinely rebuffed by the chief.
- Allegations of misconduct were not handled consistently, in accordance with standard police operating procedures. We found examples of extremely high liability violations being handled as minor incidents. These types of actions could certainly lead to negligent retention suits against the town.

Because of these increasing challenges, more and more agencies have moved to contracted policing with their county Sheriff's Office. It often allows them to stretch their dollar further, while still allowing them to maintain town enforcement priorities and input into the feel of the police department.

When contracting policing services, a town essentially pays for the officers assigned to the community and in turn receives the benefits of many of those behind the scenes services that the Sheriff's Office already provides countywide. They get the knowledge and experience of the overhead team through their county Sheriff's Office, while still maintaining the community feel of the local agency.

With this model, it also means that when the large or complex cases occur, the investigative component is a seamless process and not a handoff of the case to an outside agency.

As your Sheriff, I welcome the opportunity to submit a mutually agreeable proposal to the Town of Berthoud to provide the needed, local police services as the Town sees fit, understanding that if you should accept this proposal, it would be a partnership between the Town and your local Sheriff's Office.