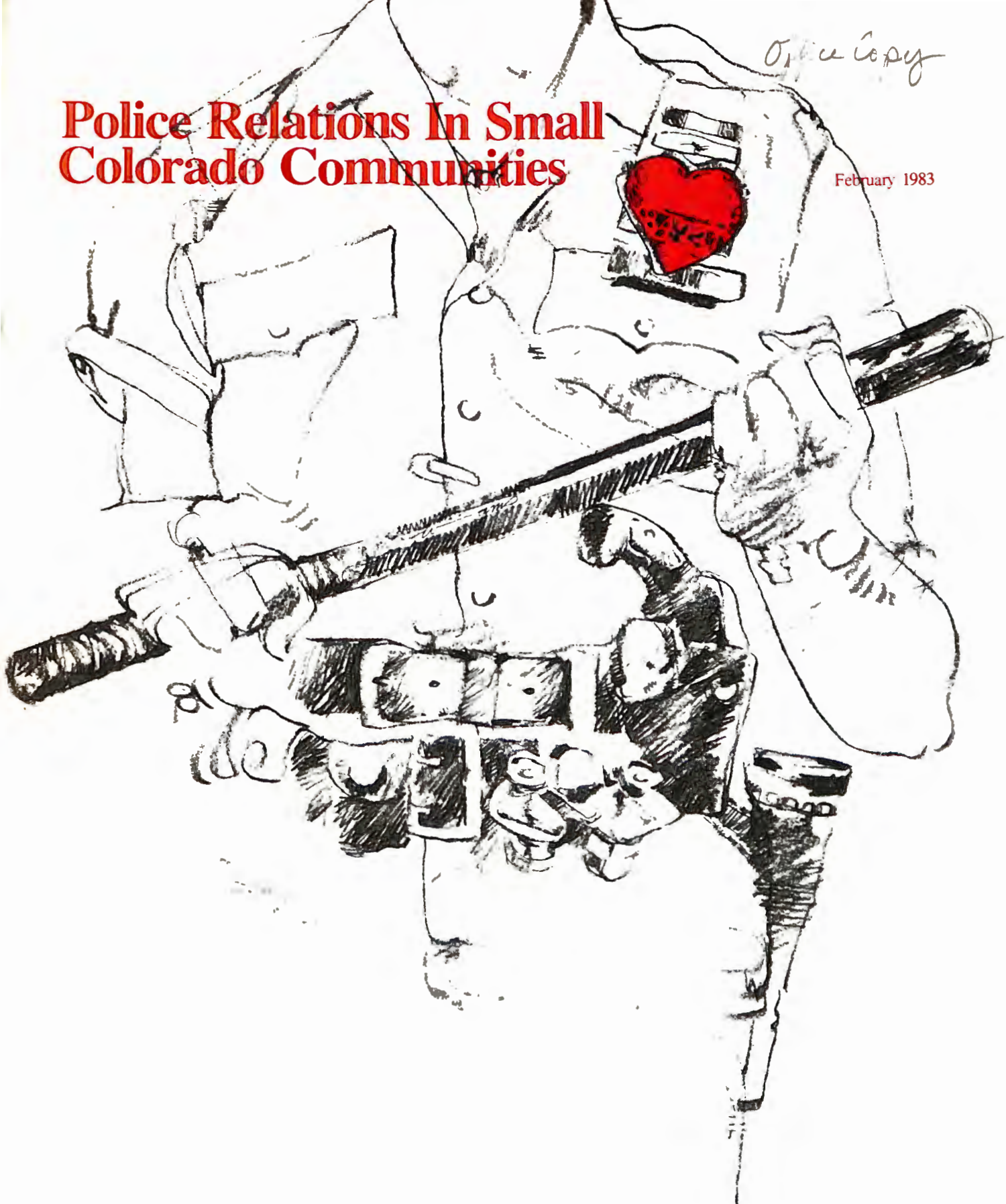


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Police Relations In Small Colorado Communities

February 1983



A report of the Colorado Advisory Committee to the United States Commission on Civil Rights prepared for the information and consideration of the Commission. This report will be considered by the Commission, and the Commission will make public its reaction. In the meantime, the findings and recommendations of this report should not be attributed to the Commission but only to the Colorado Advisory Committee.

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The United States Commission on Civil Rights, created by the Civil Rights Act of 1957, is an independent, bipartisan agency of the executive branch of the Federal Government. By the terms of the act, as amended, the Commission is charged with the following duties pertaining to denials of the equal protection of the laws based on race, color, sex, religion, or national origin, or in the administration of justice: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to denials of the equal protection of the law; maintenance of a national clearinghouse for information respecting the denials of equal protection of the law; and discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

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An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105 (c) of the Civil Rights Act of 1957 as amended. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

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February 1983

A report prepared by the Colorado Advisory Committee to the U.S. Commission on Civil Rights

Attribution:

The findings and recommendations contained in this report are those of the Colorado Advisory Committee to the United States Commission on Civil Rights and, as such, are not attributable to the Commission. This report has been prepared by the State Advisory Committee for submission to the Commission, and will be considered by the Commission in formulating its recommendations to the President and the Congress.

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Prior to publication of a report, the State Advisory Committee affords to all individuals or organizations that may be defamed, degraded, or incriminated by any material contained in the report an opportunity to respond in writing to such material. All responses received have been incorporated, appended, or otherwise reflected in the publication.

LETTER OF TRANSMITTAL

Colorado Advisory Committee to the
U.S. Commission on Civil Rights
February 1983

MEMBERS OF THE COMMISSION

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Mary Frances Berry, *Vice Chairman*
Blandina Cardenas Ramirez
Jill S. Ruckelshaus
Murray Saltzman
Mary Louise Smith

John Hope III, *Acting Staff Director*

Dear Commissioners:

The Colorado Advisory Committee, pursuant to its responsibility to advise the Commission on civil rights problems in the State, submits this report on police relations in small Colorado communities. The Committee initiated this study to assess police-community relations and conditions in over 20 small communities. The results are intended to inform the public and enhance relations. During the study staff and Committee members conducted interviews with Federal and State officials, and private citizens. In addition information was gathered at a three-day consultation on police-minority community relations held in Fort Collins in 1981 in which over 200 police, government officials and members of minority and white communities in Colorado participated.

The Committee found that police-minority relations in small Colorado communities vary widely. It was evident that problems encountered in individual communities between police and minority communities grown out of larger problems which are Statewide in scope and some have national and international implications, such as those involving undocumented workers.

The Committee found

- variations in the amount of money available for law enforcement in small communities;
- lack of Statewide standards for law enforcement programs, personnel recruitment, hiring criteria, patrol officers' conduct, facilities, equipment and salaries;
- and laws inadequate to assure that all law officers have proper training before being assigned to serve alone.

The Advisory Committee made recommendations to alleviate these problems to the Colorado legislature, State agencies, law enforcement associations and departments, and community organizations.

We urge you to consider this report and make public you reaction to it.

Respectfully,

MINORU YASUI

Chairperson

**Membership Colorado Advisory Committee to the United States
Commission on Civil Rights**

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PREFACE

In August 1981, 28 Federal, State, community and police organizations planned and conducted a three-day consultation in Fort Collins on police and minority community relations for the purpose of improving communication and developing mutual respect and understanding. Over 200 police and governmental officials and members of minority and white communities in Colorado participated in that consultation. The impetus for the consultation came from a desire by this wide diversity of persons to discuss the future of police and minority community relations and concerns largely precipitated by an incident which occurred the previous year.

On August 14, 1980 two allegedly unarmed, Hispanic, young men were shot to death by a newly employed police officer in Longmont, Colorado following an argument.¹ The two inexplicable and seemingly unnecessary deaths provoked reactions from minority people, especially those of the Hispanic population in Longmont and throughout the State. The Rocky Mountain Regional Office (RMRO) was contacted by El Comite, a community group in Longmont which pledged to seek a full airing of this and related matters. Staff met with the organization, both in Longmont and in Denver, and conferred, as well, with the Region VIII Community Relations Service, Department of Justice. Thereafter, officers of eight minority organizations in Colorado wrote the U.S. Commission on Civil Rights' former Chairman, Arthur Flemming, expressing concern over the use of excessive force by police against minorities in the State.² The Colorado Advisory Committee to the U.S. Commission on Civil Rights responded to petitions for help in ascertaining the extent of the problem. By means of preliminary interviews and news media coverage, it learned that the perception of problems existing between the police and minorities was, by no means, limited to Longmont and that it extended to other, small Colorado towns as well.³

¹ *Denver Post*, September 12, 1980, p. 3.

² Richard Castro, letter to Arthur S. Flemming, Chairman of the U.S. Commission on Civil Rights, September 26, 1980 (hereafter cited as Castro letter). Lillian Gutierrez, State Director of United Latin American Citizens; Rick Delgado, State Chairman of the American G.I. Forum; Jose Nunez, Executive Director of the Latin American Research and Service Agency; Lawrence H. Borom, President of the Metro Denver Urban League; Robert L. Swallow, Jr., Director of Denver Native Americans United, Inc.; Kenneth A. Wohl, Director of the Mexican-American Legal Defense and Education Fund; and Carol Sample, Executive Director of the Native American Urban Transition Program, letter to Arthur S. Flemming, October 15, 1980.

³ Cynthia Valentine, memorandum to members of the Colorado Advisory Committee, November 15, 1980.

There are other indications of difficulties between police and Colorado communities. Leo E. Cardenas, Director of Community Relations Services (CRS) for Region VII (North Dakota, South Dakota, Montana, Wyoming, Colorado, and Utah), reported that 40 percent of all the cases handled since it opened in 1973 had involved complaints related to law enforcement. CRS logged 36 such complaints in Colorado in 1980, an increase of 36 percent over 25 similar complaints in 1979.⁴

Nor have increased concerns related to police conduct been limited to Colorado. In the last few years complaints of excessive force by law enforcement officers have increased to such an extent that the CRS now considers this problem to be its number one priority. Nationally, from October 1979 to September 1980, that agency logged 249 cases alleging police use of excessive force, a 92.8 percent increase over the previous 12-month period.⁵ Recent studies by the U.S. Commission on Civil Rights also demonstrate that the problems between the police and minority persons are nation-wide in scope.⁶

At its meeting on December 2, 1980, the Colorado Advisory Committee voted to conduct a study of police-community relations in selected non-urban communities. The objective of the project was to assess relations and conditions within these communities and their law enforcement agencies which might lead to the violation of the civil rights of minority residents. The Committee intended the study to inform the public and to enhance police-community relations.

For this study, the Colorado Advisory Committee recorded information presented at the Fort Collins consultation. In addition, members of the Committee and staff from the U.S. Commission on Civil Rights Rocky Mountain Regional Office conducted interviews with Federal and State officials, police and community organization representatives, city officials, and private citizens in over 20 small Colorado communities.⁷ To assure uniformity of information collected from each community, interview guides were prepared for use with each of these groups. As noted in Table 1, in most of these towns the proportion of Hispanic persons in the population was much higher than that of the average for the State as a whole. However, blacks, most of whom reside in Denver, were less than one percent of the population in each of the communities. The same was true for other minority groups, except in Durango and Ignacio near the Southern Ute Reservation where there are high proportions of Native Americans.

Colorado is served by more than 200 local law enforcement agencies and by two State agencies, the Colorado Bureau of Investigation and the Colorado State Patrol. Sixty-two are county sheriff's offices and the remainder are police departments and marshals' offices serving the State's municipalities. These agencies range in size from single officer part-time operations to the Denver Police Department which employs over 1,300 uniformed officers. The sheriff is a locally

⁴ Leo E. Cardenas, remarks to the Colorado Advisory Committee to the U.S. Commission on Civil Rights, December 2, 1980.

⁵ Ibid.

⁶ See the following reports by the U.S. Commission on Civil Rights and its Advisory Committees: *Police Practices and the Preservation of Civil Rights*, 1980; *Who is Guarding the Guardians; A Report on Police Practices*, 1981; Arizona Advisory Committee to the U S Commission on Civil Rights, *Justice in Flagstaff*, 1977; North Dakota Advisory Committee, *Native American Justice Issues in North Dakota*, 1978; Florida Advisory Committee, *Policed by the White Male Minority*, 1976; California Advisory Committee, *Police-Community Relations in San Jose*, 1980; Kentucky Advisory Committee, *Civic Crisis-Civic Challenge*, 1978.

⁷ These communities included Alamosa, Antonito, Brighton, Colorado Springs, Conejos, Dacono, Delta, Durango, Erie, Firestone, Fort Collins, Frederick, Grand Junction, Greeley, Ignacio, Lafayette, La Garita, La Junta, Longmont, Montrose, Pueblo, Rocky Ford, and Trinidad.

elected county official whose office is created by the Colorado Constitution and who has general law enforcement powers throughout the county. Municipal police agencies are established by State laws giving incorporated municipalities the power to preserve the peace. In some localities cooperative arrangements exist between the sheriff's office and municipal police for law enforcement and mutual assistance.⁸

⁸ State of Colorado, Department of Local Affairs, Division of Criminal Justice Statistical Analysis Center, *A Colorado Criminal Justice Compendium*, 1976, p. 1. See also Table 3.

Acknowledgments

The Colorado Advisory Committee wishes to thank the staff of the Commission's Rocky Mountain Regional Office, Denver, Colorado, for its help in the preparation of this report. The investigation and report were the principal staff assignment of William F. Muldrow, with assistance from Joanne Birge, Esq., Cal E. Rollins and Dr. Roger C. Wade; and support from Phyllis Santangelo and Myron Vallier. The project was undertaken under the overall supervision of Dr. Shirley Hill Witt, director, Rocky Mountain Regional Office.

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Introduction

In any community it is essential for the police and the people they serve to work hand in hand to accomplish the goals established by our society. Preservation of peace and the protection of life and property can only be achieved through the joint efforts of both elements.¹

This statement by the Chief of Police of the Washington, D.C. Police Department underscores the point that the effectiveness of any police agency depends, to a large degree, upon the support and cooperation of the community it serves, whether it be the community at large or the minority community. This support and cooperation in turn depends upon good communication links between the police and the community, and enjoyment of credibility by the police with the population they serve. To achieve these goals it is imperative that the community perceives the police as working in its behalf, not as the enemy to be feared and distrusted. Police must, of course, enforce the law. When this responsibility is carried out properly, though individuals who are stopped for a traffic violation or arrested for a more serious crime may feel some resentment, the community looks upon the police as protectors who are doing their job. Poor community relations can be engendered by the appearance of improper law enforcement and unfair treatment of individuals whether or not improper procedures are employed.

Within Colorado, there has grown a feeling among minority group members that they are not treated fairly or equally by police officers. Partially

as a result of these feelings and past experiences, the level of communication between the police and community people in many instances is insufficient to maintain good relationships. This state of affairs is recognized by the Department of Local Affairs in a list of law enforcement deficiencies in Colorado presented in *Comprehensive Criminal Justice Plan for 1978, 1979, and 1980*.²

Law enforcement is an extraordinarily complex public responsibility. Charles Rogovin, Professor of Law at Temple University, stated that the police discharge the most complex set of functions of any governmental agency of government and at the same time are the only agents of the State empowered to use force.³ He indicated that in reality most police work has very little to do with crime-fighting per se, but rather that somewhere between 60 and 80 percent of police working time is spent on non-crime-related activities.⁴ Richard A. Myran, Dean of the School of Justice in the College of Public Affairs at the American University, listed some of these service functions which police perform peripheral to duties related to law enforcement and the maintenance of order:

1. Supervision of health problems
2. Regulation of traffic
3. Operating ambulance services, jails, dog pounds and recreational facilities
4. Collecting delinquent taxes
5. Furnishing chauffeurs for executive officers

¹ Washington, D.C. Metropolitan Police Department, *Police Community Relations*, 1980.

² p. 29.

³ Charles R. Rogovin, transcript of the consultation on police

and the minority community in Longmont, Colorado, August 13-15, 1981, pp. 78-79 [hereafter cited as Consultation Transcript].

⁴ *Ibid.*, p. 80.

6. Performing clerical functions for courts
7. Licensing and regulating certain businesses as taxicabs, pawn brokers and night clubs
8. Escorting funerals and parades⁵

Rogovin lists six other functions: aiding individuals who are in danger of physical harm, protecting constitutional guarantees, facilitating the movement of people in vehicles, assisting those who cannot care for themselves, creating and maintaining a feeling of security in the community and providing emergency services.⁶

The experience of Chief John Taggart of the Colorado Springs Police Department has led him to feel that since the public tends to believe the police are able to solve all kinds of problems, their responsibilities will multiply when social programs are financially or otherwise reduced. He fears the inability of police officers to cope with this multiplicity of expectations placed upon them will make them the focus of community resentment.⁷ Heavy involvement of police in service functions detracts attention from their primary tasks of combating crime and maintaining order. The resulting dilution of resources reduces the degree of professionalism possible in the police career group, which in turn diminishes the quality of performance of basic police tasks and results in increased community dissatisfaction.⁸ The question then raised is whether police can or should be both police officers and general public servants.

The difficulties of police work are also heightened by the hazardous nature of many of their tasks. It is a profession which makes unique physical, emotional, and legal demands of its members. In 1980 a national average of 17 out of every 100 law enforcement officers were assaulted in the line of duty, and six out of every 100 assaults resulted in injury to police officers.⁹ During that year 104 local, county, State and Federal officers were feloniously killed.¹⁰ In Colorado that same year there were 865 assaults on sworn police officers with 26 cases of severe personal injury resulting from every 100 assaults.¹¹ This was over four times the national average.

⁵ U.S., Commission on Civil Rights, *Police Practices and the Preservation of Civil Rights: A Consultation*, Washington, D.C., December 12-13, 1978, p. 28.

⁶ Consultation Transcript, p. 80.

⁷ Interview in Colorado Springs, July 30, 1981.

⁸ Richard A. Myren, *Police Practices Consultation*, p. 29.

⁹ U.S., Department of Justice, Federal Bureau of Investigation, *Crime in the United States*, 1981, p. 331.

¹⁰ *Ibid.*, p. 338.

On the other side of the coin, the National Center for Health Statistics estimates that 350 citizens across the Nation are killed each year by police officers. This amounts to almost one each day. Estimates from other sources are significantly higher¹². The National Minority Advisory Council has collected statistics showing that this use of deadly force by police disproportionately involves minority citizens. Between 1950 and 1973, for example, although blacks represented only 14 percent of the population of this country, they accounted for approximately 45 percent of the more than 6,000 persons killed by police throughout the Nation.¹³ There are strong indications that in some parts of the country a disproportionate number of those killed by police are Hispanic. According to Ruben Bonilla, former chairman of the League of United Latin American Citizens [LULAC], in Texas alone, during the period from May 1977 to September 1978, 17 Hispanics who had been detained or arrested for being drunk or disorderly were killed while in legal custody.¹⁴

Such statistics, and the incidents behind them, serve to erode the credibility of the police in the eyes of the minority population. Persons knowledgeable about police/community relations point out that if police are to perform with any degree of effectiveness the highly varied, difficult and dangerous role which they have been assigned, it is imperative that they enlist the cooperation and support of the communities they serve. But all too often this does not happen. Many of the persons interviewed for this report thought police-community relations in Colorado have reached a critical point. This is true also in other communities across the Nation. Gilbert G. Pompa, Director of the U.S. Department of Justice Community Relations Service, underscored the seriousness of the situation when he stated that the emotional intensity and the increasing number of confrontations between black and Hispanic minorities and law enforcement officers has resulted in

¹¹ State of Colorado, Bureau of Investigation, *Crime in Colorado*, 1980, p. 114.

¹² U.S., Department of Justice, Community Relations Service, *National Consultation on Safety and Force*, 1979, p. 112.

¹³ As quoted in the U.S. Commission on Civil Rights, *who is Guarding the Guardians: A Report on Police Practices*, 1981 p. 3.

¹⁴ Ruben Bonilla, Immediate Past National Chairman of Latins United for Latin American Concerns [LULAC], consultation transcript, p. 24.

virtually an undeclared war in some parts of this country.¹⁵

Many problems contribute to these poor relationships but no single issue provokes more resentment from both minority and majority persons than perceived use of excessive or deadly force by the police. This was made abundantly clear in presentations and discussions at the August 1981 consultation on police and the minority community in Fort Collins.

But many other factors also help to determine the quality of the relationships which exist between the police and community members. Police training, avenues of communications between the police and the community, and police policies and procedures with regard to the use of firearms as well as other

equipment, and arrests and complaints by minority citizens were all identified as priority issues at the Fort Collins consultation. Recruitment of minority officers, psychological testing, citizen review and advisory boards, and resources and equipment available to the police were also discussed as areas in which there are problems contributing to the quality of community relations, all of which were explored in the context of their impact upon minority group members.

The Colorado Advisory Committee is confident that an examination of these issues, and the implementation of the recommendations which follow, will support and strengthen efforts already underway to harmonize relations between the police and the community.

¹⁵ Fort Collins consultation transcript, p. 14.

Police-Minority Relations

Vernon Jordon, former president of the National Urban League, felt that racism might be a major underlying reason for poor relationships between police and the community, though not the only reason. He said:

There may be some officers so consumed by racist attitudes that they constitute a clear and present danger to minority communities. There may be some who are so locked into aggressive behavior patterns, who see their badges as licenses to do a Wyatt Earp he-man number, that they constituted a grave danger to everyone. [But— I think it's fair to say that most police departments make every effort to spring those types out. Police chiefs don't want such people in their units, and police officers don't want to have to work alongside such people.¹

Ruben Bonilla of LULAC believes that minorities are not given equal treatment because police interpret the historical values that minorities hold as being unAmerican, or not equal to those of other Americans. He feels that frequently their lack of fluency in English contributes to this misunderstanding.²

Historical View

With regard to the history of Colorado however, the settlement of the State after pacification of the Native American was accomplished by Hispanic colonists from old and New Mexico. The southern tier of the State was parcelled out into land grants to the settlers by first the Spanish Crown and then later

by the Mexican government until the treaty of Guadalupe Hidalgo was signed in 1846. While population movement within the Hispanic sphere never entirely ceased, the next major influx from Northern New Mexico and old Mexico occurred during the depression years of the 1930s and again in the war years of the 1940s. The migration route fed population growth into the San Luis Valley and farther north into the Arkansas Valley and the Brighton-Wallenburg-Fort Lupton area of Colorado and into southern Wyoming. The migrants found work with sugar beet and vegetable crops and many worked in the mines in the Trinidad-Walsenburg area or were employed by the railroad headquartered in La Junta.³ There has been a tendency for some communities to disparage Hispanic persons because of their agrarian background, an attitude which they no longer tolerate. Art Montoya of the CRS said of the situation which formerly existed in Brighton:

Brighton, the agrarian community, has previously viewed the Chicano populace as "inferior" or second class citizens to be considered as laborers only. Many of the Chicanos were first brought to Brighton as farm laborers needed by the beet farmers and the sugar beet companies. They settled, raised families, developed concerns about the community around them. They have tried to gain a voice in the community, with most efforts having been unsuccessful. Education and formal recognition of equality restated in the 1964 Civil Rights Act have made the

¹ U.S., Department of Justice, *National Consultation on Safety and Force*, p. 7.

² Ruben Bonilla, press conference held at Colorado State University, Fort Collins, Colorado, August 13, 1981.

³ W. Carl Dorr, *Looking Back: A Historical Account of the Development of Brighton and Surrounding Community from 1859-1976*, Brighton Centennial-Bi Centennial Committee, undated, p. 44.

younger Chicanos impatient. No longer will they tolerate what they perceive to be oppression and/or neglect.

As the use of mechanical equipment has decreased the demand for farm workers, many second and third generation persons of Hispanic descent have entered industrial or business occupations. Many others have gone on to higher education to study and teach and to enter professional fields such as medicine, law, and politics. In the process, numbers of them have moved into the larger towns and to the Denver metropolitan area. Table 1 indicates that there may be over 92,000 Hispanic persons in Denver, alone, making up 19 percent of the city's population, whereas their proportion of the population of the State as a whole is about 12 percent.

Yet, while Hispanic citizens have a firm and noble place in the history of the State of Colorado, their frequent exclusion from mainstream culture and society has sown seeds of resentment which have sprung up upon occasion in recent years.⁴

In Brighton, as a result of 1974 confrontation between police and Hispanic persons in that city's Veteran's Park, a community relations inquiry and review committee reported that one-fourth of the police officers on the force at that time admitted the existence of bias in the police department against Hispanic citizens.⁵

Perhaps the most startling observation to come out of the present study was the vehemence and hostility exhibited by Hispanic and other minority persons toward the police. Virtually without exception minority persons interviewed portrayed a negative picture of their relationships with law enforcement officers. Their attitudes ranged from distrust and suspicion to deep feelings of hatred and fear. On the other hand, white persons from the communities, or among city officials, by-and-large tended to view relations between the police and the community as "pretty good" or improving. For example, the 11 persons interviewed in the town of Fort Morgan responded in the following manner to a question about race relations:

⁴ Arthur E. Montoya, letter to Brighton Mayor Guy R. Sanders, August 6, 1974, in U.S. Department of Justice, *National Consultation on Safety and Force*, appendix.

⁵ State of Colorado, City of Brighton, Mayor's Community Relations Inquiry and Review Committee, *Final Report*, 1974, p. 15.

⁶ Interview Ft. Morgan July 15, 1981.

⁷ Ibid.

⁸ Ibid.

White Police

Ray Roderick DeBowes, Patrol Officer: "Pretty good overall. . . no real incidents"⁶

Orrin M. Knutson, Police Sergeant: "We have a pretty good working relationship with minorities."⁷

Harold Davidson, Chief of Police: ". . . relations with the minority community are real good."⁸

Jerry E. White, Police Lieutenant: "I think our relations with Hispanics are fair. We don't have any more problems than any place else."⁹

White Citizens

Ken McCloud, City Personnel Director: "Though— there is a definite division racially in town there are— not a lot of racial tensions."¹⁰

Tim Crews, Newspaper reporter: "Crimes against Hispanics are not investigated with the same zeal. . . there is a pervasive insensitivity among officers here toward Hispanics."¹¹

Irven L. Billiard, Mayor: ". . . the town has done better than average in police-community relations. Not aware of any complaints."¹²

Ron Edwards, City Council member: "No big problems. Some minor things."

Hispanic Citizens

Eleanor Urdiales, Chamber of Commerce Board of Directors: "Some of the Mexican-American girls I have had part time in my store told me of different incidents they had experienced in which they felt the police were picking on them."¹³

John Torrez, Director of the Northern Colorado Consortium, Inc.: "Things have come a long way for minorities. . . no major incidents between police and Hispanics, but a few claims of police brutality in the last couple of years."¹⁴

Fran Costa, Northern Colorado Consortium, Inc.: "There is prejudice and discrimination here. . . Hispanics feel discriminated against. . . I work with youth, they are suspicious of police but— they don't say the police pick on Hispanics more."¹⁵

Minority voices in other communities spoke out more strongly. In La Junta several Hispanic commu-

⁹ Ibid.

¹⁰ Ibid.

¹¹ Interview, July 17, 1981.

¹² Ibid.

¹³ Interviews, July, 1981 and May 14, 1982. Letter to Shirley Hill Witt, Director, Rocky Mountain Regional Office, U.S. Commission on Civil Rights, May 11, 1982.

¹⁴ Ibid.

¹⁵ Interview, July 18, 1981.

TABLE 1**Persons by Race and Spanish Origin in Colorado and Selected Incorporated Places: 1980**

Place	Population								Percent of Total
	Total 1980	Total 1970	White	Black	Native American	Asian & Pacific Islander	Other	Spanish Origin	
Alamosa	6,830	6,985	5,145	62	32	59	1,532	2,545	37.3
Antonito	1,103	1,113	325	—	6	1	771	993	90.0
Brighton	12,773	8,309	10,847	51	56	165	1,654	3,802	29.8
Dacono	2,321	360	2,185	6	17	7	106	237	10.2
Delta	3,931	3,964	3,578	3	36	17	297	785	20.0
Durango	11,426	10,333	10,152	24	193	40	1,017	1,563	13.7
Firestone	1,204	570	998	5	9	5	187	318	26.4
Fort Collins	64,632	43,337	60,500	478	247	913	2,494	4,402	6.8
Fort Lupton	4,251	2,489	3,427	11	14	50	749	1,614	38.0
Fort Morgan	8,768	7,594	8,219	7	25	31	486	947	10.8
Grand Junction	28,144	20,170	26,714	137	168	161	964	2,674	9.5
Ignacio	667	613	328	3	119	—	217	289	43.3
Lafayette	8,985	3,498	7,962	90	43	52	838	1,367	15.2
La Junta	8,338	8,205	6,594	47	46	48	1,603	2,805	33.6
Longmont	42,942	23,209	40,307	140	226	338	1,931	3,710	8.6
Montrose	8,722	6,496	8,166	25	24	14	493	1,238	14.2
Rocky Ford	4,804	4,859	2,968	12	11	15	1,798	2,539	52.9
San Luis	842	781	617	1	1	6	217	792	94.1
The State X 1000	2,889	2,210	2,571	101	18	30	168	339	11.7
Denver x 1000	491	515	367	59	4	7	54	92	18.7

Note: According to delineations made by Bureau of the Census, "White" includes persons of Spanish origin who did not classify themselves as Cuban, Puerto Rican, Mexican or Dominican. "Spanish Origin" includes these latter four categories as well as those who indicated they were of other Spanish/Hispanic origin.

Source: U.S. Department of Commerce, Bureau of the Census, *1980 Census of Population and Housing* (1980), pp. 4-13.

nity people denounced the police in bitter terms, saying that Hispanic people hate the police because of what they described as harassment and differential treatment. The Colorado Rural Legal Services staff person in La Junta, Philip Bienvenu, said that though there had been definite improvement in police relations over the last 10 years there were still racial tensions and complaints of police harassment.¹⁶ Ray Encinias, investigator for the Public Defender's Office who was born and raised in La Junta, said that though there were some good police officers, the low and middle income [largely Hispanic] population feared the police and lacked respect for them.¹⁷

Dr. Gwendolyn Thomas, Dean of Denver's Metropolitan State College School of Community and Human Services, characterized the situation thusly:

The more established members of your white society think of police as protectors, as helpers, and have a much more accepting attitude. Your ethnic communities are too close to the roots from which they've come, even when they themselves are existing at a fairly good socio-economic level. They are still too close to the people who live in the ghettos and the barrios and they feel a very great concern for the people who don't think of the police as their protectors.¹⁸

Whether deserved or not, police in Colorado have a poor image in the eyes of the minority population. State Representative Federico Pena says that the police need to recognize this and seek community help in correcting the problem.¹⁹

It is clear that most Hispanic persons feel that they are not treated equally to the rest of the population by the police. Their experiences and those of their friends reinforce this perception. State Representative Richard Castro points out that it is difficult to talk to a Chicano and not find an instance in which they, or their family and friends, have not had a bad experience with the police.²⁰ The underlying reasons for the poor image which the police all too often have in the eyes of minority persons require further analysis.

State Representative Pena says that Hispanic people grow up with the idea that police are bad. He cited the example of an 18 year old female neighbor

who was arrested for shoplifting a Coca Cola in a Safeway store. Allegedly, the police officer was discourteous and foul mouthed, asking her about her weight and other seemingly irrelevant questions. Inquiries revealed that this particular officer had a reputation for use of foul language. Representative Pena pointed out that though this person, who was a good student, had not been subjected to physical abuse or brutality, the experience she had with this particular officer reinforced her negative view of police. This was a concept with which she and her friends, to whom she related the incident, had grown up.²¹ This incident was not atypical for it is a fact that the only law enforcement officers that many minority persons come in contact with are those who stop them, whether it be for a traffic ticket, disturbing the peace, or something more serious.²²

Though the police may be seen as protectors by some Hispanic people they are seldom viewed as friends. This negative view of the police is shared by other minority groups. Julian Bond, the black State Senator from Georgia, summed it up:

For most Americans, the policeman is likely to be a helpful figure, the protector of lost children, a handy source of directions to a suburban movie theater, the reassuring man in blue who stands between the peaceful citizen and a horrifying criminal society. But for many, many others, the lawman and the law he represents is an oppressive force.

For these people, the law enforcement officer becomes the advance guard of an occupying army, the protector of the haves against the have-nots, the soldier at the ghettos' edge who keeps its inhabitants in the surrounding communities safe from their imminent invasion.

Those who live in the ghetto or the barrio face, in turn, an intolerable system which makes their clashes with the law more frequent and traumatic than is usual in most American communities. Their birth, condition, and color set them in inevitable conflict with organized society. The policeman they meet at an early age is its defender.²³

There are few communities in which minority individuals are not quick to cite examples of what, to them, are incidents of police harassment or unjustified use of force, though not all of these incidents command the kind of State-wide media attention that the 1980 shooting deaths in Longmont received.

¹⁶ Philip Bienvenu, interview April 15, 1981, and letter to Shirley Hill Witt, May 10, 1982.

¹⁷ Ibid.

¹⁸ Consultation transcript, p. 145.

¹⁹ Interview in Denver, August 6, 1981.

²⁰ Interview, August 16, 1982.

²¹ Interview, August 6, 1981.

²² Ron Ramirez, Colorado State Director of LULAC, Fort Collins consultation transcript, p. 6.

²³ Fort Collins consultation manuscript, p. 417.

For example, in Grand Junction blacks felt harassed when the police indiscriminately stopped black males for questioning in their search for a suspected black rapist.²⁴ Last summer the Hispanic community in that town was alarmed when the police shot and killed a Chicano robbery suspect, and a later investigation revealed that his limited knowledge of English may have hampered his ability to understand police orders to stop.²⁵ In La Junta suit was filed against the police department by three Chicanos for complaints including an allegation that the police beat the head of one of them on the hood of a car after he was handcuffed.²⁶

Pat Gooden, of the Pikes Peak Legal Services in Colorado Springs, stated that people in the poorer or minority neighborhoods often feel victimized, and are harassed and intimidated, because as many as five or six police cars will respond to a call in their community, whereas the more affluent neighborhoods get quick, efficient and unobtrusive service.²⁷ Lieutenant Cecil Dressel, of the Community Relations Division in the Denver Police Department, said that "All it takes for several police to respond to an incident in a minority neighborhood is a slow night and a comment from the dispatcher: sounds good. . . ." He further commented, "It is not uncommon, then, for four to seven cars to respond to calls for shoplifting, domestic violence, a fight, etc."²⁸

The use of force, especially deadly force by police officers, is a highly volatile community relations issue which does much to reinforce the negative and hostile feelings of minority groups. It has already been pointed out above that, nationally, the use of force by police involves a disproportionate number of minorities. Though statistics are lacking in Colorado the strong impression on the part of many community people and police is that a disproportionate number of incidents with the police involve minority persons.²⁹ Professor Paul Takagi, Professor of Education at the University of California in

Berkeley, recognized this as a major obstacle for good police relations. He said:

What police strategists fail to understand is the seething anger that is felt in the minority community following each police shooting incident. While officials can explain to their satisfaction the incidents on a case by case basis, the minority community views them as a structured pattern of behavior that is based upon race discrimination, and the incidents as they occur deepen their belief that the police are committing genocide.³⁰

Ricardo La Fore, former director of the Colorado Migrant Council which has branch offices in Rocky Ford, Lamar, Delta, Alamosa and La Salle, is of the opinion that such feelings are especially prevalent in the rural areas where too much discretion and power is invested in police officers and too few mechanisms have been established for monitoring or curbing their actions.³¹

There are, of course, other reasons for the poor image which police have among Colorado minority persons. The tone in the community, as Gilbert Pompa, Director of the U.S. Department of Justice, points out, is set at the highest levels, with the mayor, the city council or the police chief.³² An electorate which supports an insensitive or apathetic leadership in these positions will find reflection in the attitudes of officers on the street. Lack of minority representation or community input at the decision-making levels can further result in lack of communication and misunderstanding between police officers and the public.

The news media also have an important role in channelling the views of the public with regard to incidents in a community involving the police. State Representative Richard Castro feels that irresponsible reporting emphasizing negative aspects of a situation exacerbates the conflict.³³ Pat Gooden of the Pikes Peak Legal Services in Colorado Springs is also of the opinion that the media is all too ready to report negative situations. She suggested that it

Chastain, Executive Director of the Southeast Colorado Family Health Center in La Junta, interview April 16, 1981; John Eberly, Sheriff of Otero County, interview, April 16, 1981; Chris Lucero, Rocky Ford Chief of Police, interview, April 16, 1981.

³⁰ U.S. Department of Justice, *National Consultation on Safety and Force*, p. 114.

³¹ Interview, July 19, 1981

³² Press conference at Colorado State University in Fort Collins, August 13, 1981.

³³ Fort Collins Consultation on Police-Community Relations, Workshop A, August 14, 1981.

²⁴ Ed Nugent, Public Defender, interview, March 12, 1981.

²⁵ Jose Cruz, Regional Manager for the Colorado Civil Rights Commission, interview, March 11, 1981; and Joan Havercroft, Regional Director for the Division of Youth Services, interview, March 13, 1981.

²⁶ Philip Bienvenu, Colorado Rural Legal Services, interview, April 15, 1981, and letter to Shirley Hill Witt, May 10, 1982.

²⁷ Fort Collins Police-Community Consultation, Workshop A, August 14, 1981.

²⁸ Ibid.

²⁹ For example, Ricardo La Fore, former Director of the Colorado Migrant Council, interview, July 29, 1981; Billy

would be highly beneficial if the news media would report more of the positive things that police do.³⁴ This was also the consensus of participants at the Fort Collins police-community relations conference which was summed up in the following manner:

There was a generally expressed concern involving the news media concerning the number of times that the media plays a negative role in fostering relations between the police and the minority community in order to sell newspapers. As an example, the La Raza Park demonstration held during the Conference was given more coverage, in some cases, than the overall very positive impact of the Conference itself. In relation to this, it was suggested that law enforcement agencies should have at least a part-time if not a full-time public information officer who specifically deals with the media and the minority community.³⁵

Activities of an organization in Denver, Citizens Appreciate Police [CAP], in which public service awards are sporadically presented to police officers, were cited as one attempt to present through a major media event some of the positive aspects of police work.³⁶

Law Enforcement Response

There are strong indications that a number of the Colorado law enforcement officers contacted are concerned about the quality of their relationships with the minority communities and are trying to improve them. To cite a few examples, Grand Junction is making concentrated effort to hire minority police officers,³⁷ and the police department is seeking the cooperation of the school system in the employment of a liaison officer.³⁸ In Brighton a new police chief was selected who excels in community relations, and a public relations program has been initiated in the schools.³⁹ Al Brown, Sheriff of La Plata County with offices in Durango, has compiled a comprehensive procedures manual which includes policies designed to “. . . gain public support and win friendly citizen cooperation in its program and procedures. . . .”⁴⁰ The Lafayette

Police Department, headed by Chief Lawrence Stallcup, has solicited extensive community input, done a community needs survey, initiated an “open door policy with the press” and writes a weekly column for the local newspaper. Citizens are called upon regularly for volunteer help in the department, police officers are given “training in human relations, and efforts are being made to teach them Spanish and familiarize them with Hispanic culture.”⁴¹

Efforts like these can bear fruit. Hispanic people interviewed in Otero County were unanimous in their praise of Sheriff John Eberly who “. . . has a good attitude, is not authoritarian, and doesn't intimidate people. . . .”⁴² James O'Neil, Executive Director of the County Sheriffs of Colorado, notes that Sheriffs are the only law enforcement officers who are elected, and in some communities their ability to get elected to office is determined by their standing with the Hispanic population. Since they are answerable to and serve at the pleasure of the community, they are motivated to maintain good relationships.⁴³ Minority persons have also been elected to this position by their communities. There are currently one black and five Hispanic sheriffs in Colorado.⁴⁴

But, the negative feelings which minority persons have for the police are frequently echoed by the police in their views of the minority community. If part of the police officers' perception of their charges is colored by their prejudices, it can also be laid in part to opinions which arise from the kind of limited experiences they have with minority persons. Contacts they make can be under unpleasant and stressful conditions and from them arise generalized impressions of the entire minority community. Ron Ramirez, State director of LULAC, observed that

If a [police officer] has no friends who are from the black or Hispanic community, then usually the only ones he knows are those whom he has arrested for a criminal offense. And, if asked to describe a black or Hispanic, he

³⁴ Ibid.

³⁵ “A Consultation on Police and the Minority Community: Summary of Workshop Discussion,” information attached to a letter from William L. Koleszar and Gilbert D. Roman to conference participants, October 30, 1981.

³⁶ Syl Morgan Smith, interview, June 2, 1982.

³⁷ Jane Quimby, Mayor of Grand Junction, interview, March 12, 1981.

³⁸ Gary Richardson, Sergeant, Grand Junction Police Department, interview, March 11, 1981.

³⁹ James Nelms, Mayor, and Ronald Pellsbusch, City Manager, interviews, March 20, 1981.

⁴⁰ Alvin L. Brown, Sheriff of La Plata County, Colorado, *Policy and Procedures Manual*, [1981], p. 1.

⁴¹ Lawrence Stallcup, Lafayette Chief of Police, and Aleta Parcell, Senior Center Staff, interviews, February 11 and March 3, 1981.

⁴² Roy Encinias, Investigator for the Public Defender's Office in La Junta, interview, April 15, 1981.

⁴³ Interview, July 28, 1981

⁴⁴ Interviews, July 28, 1981, and May 13, 1982. Conejos, Costilla, Huerfano, Las Animas and Moffat Counties have Hispanic sheriffs and the sheriff of Summit County is black.

TABLE 2
Levels of Poverty in Colorado

Ethnic Group	City of Denver				State of Colorado			
	Estimated Population		Population in Poverty		Estimated Population		Population in Poverty	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Black	64,529	13.3%	17,581	29.8%	97,657	3.3%	28,060	10.0%
Hispanic	108,000	22.2	20,276	34.4	388,737	13.2	76,137	27.2
White	302,668	62.3	18,176	30.8	2,413,307	82.2	166,195	59.4
Other	10,623	2.2	2,971	5.0	35,783	1.2	9,220	3.3
Total	485,820	100.0	59,004	100.0	2,935,484	99.9	279,612	99.9

Note: Percentages may not add up to 100 due to rounding.

Source: Frederick D. McEvoy, Denver Opportunity, Inc., *On the Outskirts of Hope in Inner-City Denver, 1981: A Study of the Social and Economic Impact of Federal Budget Cuts* (April 1981), p. 11.

might reply that they are a bunch of criminals, often drunk and belligerent. . .⁴⁵

The problem is exacerbated by the fact that a disproportionate number of confrontations with police in mixed communities involve minorities. In Otero County, which is 33 percent Hispanic, 85 percent of the arrests Sheriff John Eberly makes are Hispanic and the population of the county jail has the same proportion.⁴⁶ Figures available for 1975 show that 25 percent of all arrests in the United States involved black people, though they made up only 13 percent of the national population.⁴⁷ Because of the disproportionately negative nature of contacts which police officers have with minority persons, they frequently experience what Chief John Taggart of the Colorado Springs Police Department terms "cultural fear." Their relationships with minorities are filled with apprehension and forboding, and as a result they have a tendency to be abrupt which may come across as insensitiveness or hostility.⁴⁸

William L. Koleszar, former Chief of the Arvada Police Department, says that in dealing with blacks and Hispanic persons the tension police officers experience is high because, though their feelings may have no validity, they have come to expect certain behavior that they don't expect from whites. This tension, he says, contributes to excessive shootings involving these minority persons.⁴⁹

⁴⁵ Fort Collins consultation transcript, p. 6.

⁴⁶ Interview, April 16, 1981.

⁴⁷ Julian Bond, Fort Collins consultation transcript, p. 420.

⁴⁸ Interview, July 30, 1981.

⁴⁹ Press conference, Colorado State University, Fort Collins, August 13, 1981.

Senator Bond is of the opinion that the behavior and attitudes of police officers toward minorities is colored by individual prejudices, and that this is a reflection of a larger attitude which prevails in society towards those whose skins are dark and accents different.⁵⁰ In like manner the minority persons' view of the police is colored by the world they see about them, an environment which he uses the words of W.E.B. Dubois to describe:

It is the atmosphere of rebellion and discontent that unrewarded merit and reasonable but unsatisfied ambition make. The social environment of excuse, of listless despair, of careless indulgence and lack of inspiration. . . This social environment has been built up slowly out of the disappointments of deserving men and the sloth of the unawakened.⁵¹

Bond goes on to point out that the disproportionate number of blacks that are arrested cannot be accounted for alone by the influence of any pervasive bias on the part of the arresting officers. He demonstrates that poverty and social deprivation inevitably make crime an option for many Americans whose skin is dark. "The origins of crime are in the social environment and not the genes."⁵² It is clear from the statistics in Table 2 that minority persons in both Denver and the State as a whole are disproportionately poor. Though blacks make up 3.3 percent of Colorado's total population, 10 percent of the the State's poverty population is classified as

⁵⁰ Fort Collins consultation transcript, p. 419.

⁵¹ *Ibid.*, pp. 420-421

⁵² *Ibid.*, p. 422 ff.

black according to the U.S. Office of Management and Budget guidelines. Hispanics make up 13.2 percent of the State's population but account for 27.2 percent of the poverty population. "Other" minorities, principally Native Americans and Asians, are 1.2 percent of the total State population yet they make up 3.3 percent of persons in the poor category. By way of contrast only 60 percent of the poor are white although whites make up 80 percent of the total 1980 population for Colorado.⁵³

Caesar Puerto, economist for the Catholic Archdiocese Housing Issues Task Force, states that not only is there a direct relation between the economy and criminality which results in a larger proportion of arrests among people at the lower economic levels, but police tend to stigmatize those persons

⁵³ Frederick D. McEvoy, Denver Opportunity, Inc., *On the Outskirts of Hope in Inner-City Denver, 1981: A Study of the Social and Economic Impact of Federal Budget Cuts*, April 1981, pp. 12, 13.

who live in lower income areas because of where they live and how they look. The implication is that poor people, who are disproportionately minorities, come under closer scrutiny by the police because of the neighborhood in which they live, and this in turn leads to a greater proportion of confrontations than experienced by white persons in wealthier neighborhoods. Mr. Puerta is of the opinion that because increased arrests are confused with spiraling crime a vicious circle develops. More police officers are sent to core city areas where they make arrests, suggesting that more officers are needed. Because fewer arrests occur in wealthy areas the police tend to presume that criminality is an inherent attribute of the poor.⁵⁴

⁵⁴ Fort Collins consultation on police-community relations, workshop A, August 14, 1981, and letter to Shirley Hill Witt received May 18, 1982.

Resources, Recruitment and Training

In the Fort Collins Consultation in 1981, Ed Nelson, Sheriff of Arapahoe County, pointed out that though law enforcement agencies recognize that the contact they have with the public is almost always negative and their goal is to change the negative image that this portrays, they don't have the staff or resources to engage in the kind of public relations effort that it would take to change that impression.¹

Good relations with the minority community and the community at large require a high degree of professionalism on the part of police officers which in turn requires adequate resources. When police lack the resources to do a good job of basic law enforcement it detracts from the good will that they earn from other positive services they perform for the public.² Ultimately it will be the calibre of the officers who are well trained and well equipped that will make the crucial difference between a competent agency and one which is not.

This point was illustrated in one rural Colorado community when in 1981 a minority person was shot and seriously wounded. The Hispanic population was incensed that no charges were brought against the person who did the shooting. The district attorney determined that the investigation did not produce the necessary evidence. Manuel Salinas of the Community Relations Service believed that this was due to the department's lack of a detective with the skills required to do a thorough investigation.³

Art Montoya pointed out that police departments invariably assign top priority for the use of their resources to crime fighting and that when resources are limited, building relationships with the minority community gets short shrift.⁴ Resources required to do an adequate job in both areas include not only facilities and equipment but funds for the recruitment of good officers and training for them.

In its annual *Comprehensive Criminal Justice Plan* the Division of Criminal Justice of the Colorado Department of Local Affairs has repeatedly included the lack of adequate resources in its annual list of law enforcement deficiencies. In 1978 it prioritized deficiencies as follows:

- 1) There is a lack of sufficient personnel to meet the demands of law enforcement services.
- 2) There is a lack of adequate police facilities to meet present and future needs of law enforcement.
- 3) There is a lack of adequate data for planning and management of police operations.
- 4) There is lack of adequate and sufficient training resources for law enforcement.

In 1979 this agency stated, "There is insufficient person power to meet the law enforcement needs of the State." In 1980 it reiterated this basic deficiency: "There is a lack of sufficient law enforcement personnel services to provide basic support services and forensic lab services. . ." Actual per capita budget allocations for police departments varies widely from department to department throughout

¹ Fort Collins Consultation, workshop F, August 15, 1982.

² Richard A. Myren, *Police Practices Consultation*, p. 25.

³ Interview, June 7, 1982.

⁴ Interview, June 7, 1982.

the State. Comparative budget figures for selected cities are shown in Table 3.

Lt. Gail Dressel, of the Denver Police Department's Community Relations Division, feels that this lack of resources can only be rectified by help from the State. He said:

There is a great need for a Statewide effort in upgrading help in this from the State legislature, and until the legislature realizes that it is a State of

Colorado problem, rather than an individual community problem, little is likely to change and no dollars will be provided by the State.⁵

In Colorado "boom towns" which are experiencing very rapid growth due to expansion of energy resource development industries, the shortage of resources for law enforcement programs is particularly acute. In the town of Parachute, for example, an analysis done by the Colorado Department of Local Affairs in May 1981, projected a 1,200 percent increase in the town's population by the end of 1981 over that indicated by the 1980 census, from 338 to 4,200 persons. The study noted that with this increase in population would come an upsurge of crime resulting from heightened tensions between the local residents and newcomers, increased unemployment, and the reduced quantity and quality of social services.⁶ Yet the only law enforcement officer employed at the time of the study was the town marshal who operated on a completely informal basis with no written procedures or policies.⁷ James O'Neil, Executive Director of the County Sheriff's Association, pointed out that law enforcement agencies are typically overwhelmed by the sheer volume of population in boomtown areas made up of people who have no roots but who multiply the demand for services. The changes in the character of the communities take place prior to any increase in the tax base which would provide resources to cope with the situation.⁸ Certainly an agency's capability to render efforts toward estab-

lishing and maintaining good community relations is at a minimum, given such circumstances.

Information from many of the Colorado communities included in this study indicated that police officers themselves are one of the resources which are in critically short supply. Adequate numbers of officers is a major element in properly serving the needs of a community. A study done of the Longmont Police Bureau showed that the staffing ratio of sworn officers in that agency per 1,000 population was 1.2 compared to 1.7 for the Denver metropolitan area as a whole.⁹ Nationally, 2.18 certified officers per 1,000 population is considered ideal.¹⁰ The numbers of sworn police officers (through the rank of sergeant) per 1,000 population is shown in Table 4 for communities included in this study where statistics were available. To build strong police-community relations, there must be enough officers to serve the needs of the community competently and well. Yet management studies in several small communities revealed the need for more personnel. For example, an organizational analysis of the Brighton Police Department revealed a critical shortage of police officers.¹¹ The analysis of Parachute showed that ". . . more policemen are needed. . . only 44 percent of the community felt safe at night."¹² Irvin L. Billiard, Mayor of Fort Morgan, stated flatly that his town does not have enough police officers but can't afford more.¹³

In an attempt to make up for these personnel deficiencies the staffs of sworn officers of many law enforcement agencies are supplemented with either a reserve police officers corps or a sheriff's posse. These persons serve as volunteers or are paid a small stipend and given a uniform allowance. Though many of these reserve police officers, or posse members, are well trained or always work in the company of a certified police officer, they are exempt from the Colorado Law Enforcement Train-

ing in an escalation of crimes against persons and property. See p. 18 ff.

⁹ Hernandez and Associates, Management Associates, *Longmont Police Bureau: Management Assessment*, 1980, p. 10.

¹⁰ Lawrence Stallcup, Chief of Lafayette Police Department, interview, February 11, 1981.

¹¹ Denver Regional Council of Governments, *An Organizational Analysis of the Police Department, Brighton* (1981), p.ii.

¹² State of Colorado, Department of Local Affairs, Division of Criminal Justice, *Management Analysis of the Parachute Law Enforcement System*, May 1981, p. 13.

¹³ Interview, July 17, 1981.

⁵ Fort Collins Consultation on Police Community Relations, Workshop A, August 14, 1981.

⁶ State of Colorado, Department of Local Affairs, Division of Criminal Justice, *Management Analysis of the Parachute Law Enforcement System*, p. 4. A recent decrease in the area's oil shale development lessens the likelihood that the population of Parachute will increase as projected.

⁷ *Ibid.*, p. 7.

⁸ Interview, July 28, 1981. In their report, *Energy and Civil Rights*, the six Advisory Committees to the U.S. Commission on Civil Rights in the Rocky Mountain Region graphically pointed out how social disorganization in boom towns invariably results

TABLE 3**Police Department Budgets in Selected Colorado Jurisdictions, 1981 and 1982**

City	1980 Population	1981 Budget	1981 Per Capita Budget Allocation	1982 Budget	1982 Per Capita Budget Allocation
Alamosa	6,830	\$ 379,829	\$55	\$ 447,505	\$ 66
Arvada	84,576	4,396,456	52	5,129,594	61
Aurora	158,588	11,092,240	70	15,423,600	97
Boulder	76,685	4,589,906	60	5,083,133	66
Brighton	12,733	643,482	50	798,661	63
Colo. Springs	215,150	12,390,497	58	14,763,885	69
Cortez	7,095	460,540	57	538,881	76
Craig	8,133	687,000	84	778,850	96
Dacono	2,321	136,694	59	134,870	58
Delta	3,931	337,922	86	328,005	83
Denver	491,396	42,960,200	87	43,948,303	89
Durango	11,426	1,018,318	89	1,251,790	109
Fort Collins	64,632	3,843,157	59	4,184,737	65
Fort Lupton	4,251	279,935	66	316,955	75
Fort Morgan	8,768	518,775	59	615,507	70
Firestone	1,204	31,417	26	48,417	40
Golden	12,237	859,631	70	933,195	76
Grand Junction	28,144	2,281,958	81	2,780,588	99
Greeley	53,006	3,214,812	61	4,221,122	80
Gunnison	5,785	363,573	63	391,951	68
Ignacio	667	51,774	78	61,854	93
Lafayette	8,985	473,917	53	494,678	55
La Junta	8,338	361,767	43	406,719	49
Lakewood	112,848	5,921,164	52	5,941,085	53
Littleton	28,631	1,857,123	65	2,048,963	72
Longmont	49,942	2,391,052	48	2,778,389	56
Montrose	8,722	574,361	66	597,252	68
Rocky Ford	4,804	167,619	35	172,585	36
Sterling	11,385	634,017	56	710,908	62
Wheat Ridge	30,293	1,764,615	58	2,024,273	67

Source: Budget information supplied by the Colorado Division of Local Government, Department of Local Affairs, and local police departments. Population statistics from the U.S. Department of Commerce, Bureau of the Census, *1980 Census of Population and Housing* (1980), pp. 4-13.

TABLE 4**Uniformed Police Officers per Thousand Population
in Selected Colorado Jurisdictions, May 1980**

Jurisdiction	1980 Population	Total Uniformed Police Officers	Uniformed Officers per 1,000 Population
Alamosa	6,830	16	2.3
Arvada	84,576	111	1.3
Aurora	158,588	270	1.7
Boulder	76,685	91	1.2
Brighton	12,773	24	1.9
Colorado Springs	215,150	364	1.7
Cortez	7,095	16	2.3
Craig	8,133	21	2.6
Denver	491,396	1,386	2.8
Durango	11,426	26	2.3
Fort Collins	64,632	72	1.1
Fort Morgan	8,768	18	2.0
Golden	12,237	21	1.7
Grand Junction	28,144	65	2.3
Greeley	53,006	85	1.6
Gunnison	5,785	10	1.7
Lafayette	8,985	10	1.1
La Junta	8,338	14	1.7
Lakewood	112,848	202	1.8
Lamar	7,713	14	1.8
Littleton	28,631	51	1.8
Longmont	49,942	59	1.2
Montrose	8,722	14	1.6
Pueblo	101,686	195	1.9
Rocky Ford	4,804	7	1.5
Steamboat Springs	5,098	15	2.9
Sterling	11,385	22	1.9
Wheat Ridge	30,293	52	1.7

Notes: 1) The category "Uniformed Police Officers" may include non-certified officers.

2) In a letter to William F. Muldrow on May 25, 1982, Longmont Director of Public Safety, Edward J. Camp, notes that currently, there are 1.5 officers per 1,000 population in his police department.

Sources: U.S. Department of Commerce, Bureau of the Census, *1980 Census of Population and Housing (1980)*, p. 4-13. Colorado Municipal League, *Salaries and Fringe Benefits in Colorado Cities With a Population of 3,000 and Over and Selected Jurisdictions (1980)*, pp. v, vi.

ing Academy (CLETA) training required by the State for all certified police officers.¹⁴ The amount of training reserve police officers or posse members receive and the way they are used is left to the discretion of the sheriff or chief of police. Some receive only in-service training before being given assignments in which they are required to work by themselves. Liability for their actions to the county, to the sheriff personally, or to the municipality is the same as that for sworn officers.¹⁵ Some agencies depend heavily on these reserve or posse units. Sheriff John Eberly of Otero County, who employs eight sworn deputies on his staff, maintains a posse of 30 men. He says that without this supplemental force he could not adequately police the county.¹⁶

Yet, Colorado Springs Chief of Police John Taggart considers the use of poorly trained reserve police officers a highly dangerous practice. The policy of his own department is to never use reserve officers unless they are accompanied by certified police officers. Even so, reserve officers in Colorado Springs receive training in their local academy which is almost equivalent to the training received by regular police officers. The selection process, Chief Taggart says, is even more stringent than for certified officers, utilizing polygraph and psychological testing.¹⁷

Related to this problem of insufficient personnel is the high turnover rate of police officers in many communities. Several communities reported that they have trouble keeping police officers because of their low salary structure. For example, the 1980 Longmont Management Assessment shows that the salaries of Longmont police officers were below those in comparable jurisdictions. At least partially as a result, 33 vacancies occurred in the 52 authorized sworn positions during the previous two years. This represented an annual turnover rate of 30 percent which forced the city and the police to conduct extensive recruiting, testing and training activities for new recruits at the expense of other responsibilities. An even more undesirable result was the necessity for the police to service the

community with a staff of predominately inexperienced officers.¹⁸

Table 5 shows the salary range for police sergeants and police officers in communities included in this study where the information was available. Beginning salaries range from \$850 per month in Alamosa to \$1,402 in Denver. However, in some of the smaller towns, La Junta for example, the police chief felt that in light of the lower cost of living and the desire to live in a smaller community on the part of some officers, salaries paid were adequate. The wage for a beginning officer in La Junta is \$5.16 per hour.¹⁹

The salaries of county officials, including sheriffs, are set by statute.²⁰ These salaries and those for their deputies are also comparatively low. For example, in Otero County the basic wage for deputy sheriffs is \$856 per month (amounting to \$4.86 per hour) compared with \$908 per month received by their counterparts on the La Junta police force. Sheriff Eberly states that these low salaries are a problem for him. He feels they are inadequate as a living wage and the major reason for the rapid turnover among his deputies. Last year he lost three out of a force of eight. The sheriff himself receives an annual salary of only \$15,250 despite responsibilities which include administration of a \$163,000 budget, supervising 13 fulltime employees, and management of the jail and law enforcement in a county which contains 25,000 people scattered over 12,000 square miles.²¹ It is not uncommon for police chiefs, who may have less responsibility than that of sheriffs, to make salaries up to \$10,000 higher. And in some situations, as in Arapahoe County, the sheriff makes less salary than some on his staff.²²

However, according to the new salary schedule (see Table 4) set by the 1981 State legislature Sheriff Eberly will be eligible to receive within 15 percent of a \$28,000 salary should he be elected for a new term of office. State law prohibits the salaries of elected officers from being increased or decreased

¹⁴ James A. Yarrington, Director of the Colorado Law Enforcement Training Academy, interview, July 28, 1981; and Ed Nelson, Sheriff of Arapahoe County, interview, July 29, 1981.

¹⁵ Lavern Eubank, La Junta Chief of Police, interview, April 16, 1981; and James P. O'Neil, Executive Director of the County Sheriffs Association, interview, July 29, 1981.

¹⁶ Interview, April 16, 1981.

¹⁷ Interview, July 30, 1981.

¹⁸ *Longmont Police Bureau: Management Assessment*, (1980) p. 17.

¹⁹ Lavern Eubank, La Junta Chief of Police, interview, April 16, 1981.

²⁰ C.R.S. 30-2-102.

²¹ John Eberly, interview, April 16, 1981.

²² James P. O'Neil, Executive Director of the County Sheriffs of Colorado, interview, July 28, 1981.

TABLE 5**Monthly Salaries of Police in Selected Colorado Cities, January 1981**

City	Monthly Salary Ranges			
	Police Sergeant		Police Officer	
	Minimum	Maximum	Minimum	Maximum
Alamosa	\$1,000	\$1,417	\$ 850	\$1,150
Brighton	1,410	1,889	1,289	1,727
Delta	1,103	1,549	1,003	1,413
Denver	2,182	2,182	1,402	1,868
Fort Collins	2,027	2,027	1,288	1,782
Fort Lupton	1,343	1,343	1,100	1,187
Grand Junction	1,498	1,917	1,229	1,653
Greeley	1,590	1,828	1,126	1,523
La Junta	1,257	1,257	1,040	1,147
Longmont	1,770	1,967	1,172	1,466
Rocky Ford	1,000	1,347	920	1,224

Note: In a May 25, 1982, letter to William F. Muldrow, Longmont Director of Public Safety, Edward J. Camp, stated that currently minimum/maximum salaries for police sergeants are \$2,081/\$2,312 and for police officers \$1,455/\$1,970.

Source: Colorado Municipal League, *Salaries and Fringe Benefits in Colorado Cities With a Population of 3,000 and Over and Selected Jurisdictions* (1980), p. 4.

TABLE 6**Annual Salaries of County Sheriffs, May 1, 1982**

County Category	Salary + 15 percent
1	\$36,500
2	31,000
3	28,000
4	26,000
5	20,000
6	18,000

Category 1: Arapahoe, El Paso, Jefferson

Category 2: Boulder, Larimer, Mesa, Pueblo, Weld

Category 3: Delta, Douglas, Eagle, Fremont, Garfield, Grand, La Plata, Moffat, Montrose, Morgan, Otero, Pitkin, Rio Blanco, Routt, Summit

Category 4: Chafee, Clear Creek, Gunnison, Lake, Las Animas, Logan, Montezuma, Park, Prowers, San Miguel, Teller

Category 5: Alamosa, Archuleta, Baca, Bent, Conejos, Costilla, Elbert, Gilpin, Huerfano, Jackson, Kit Carson, Lincoln, Rio Grande, Saguache, Washington, Yuma

Category 6: Cheyenne, Crowley, Custer, Dolores, Hinsdale, Kiowa, Mineral, Ouray, Phillips, San Juan, Segwick

Source: C.R.S. 30-2-102 as amended.

during the term of office to which they have been elected.²³ Table 6 shows, however, that the salaries of sheriffs in category VI counties could still receive as little as \$15,300 annually. However, under the new schedule which takes effect January 9, 1983, no county has determined to pay less than \$16,200 annual salary. Most sheriffs will receive either the specified salary or an amount within the 15 percent increase allowed. Seven counties will pay salaries within 15 percent below the specified amount.²⁴ Sheriff's officers, then, are expected to work more than 40 hour weeks in many cases, and are to be armed and on call even when off-duty, weekends included, for an overall low rate of compensation compared to other service professions.

Chief William Koleszar of the Arvada Police Department regards the selection, hiring, promotion and assignment of minority police officers as the first cornerstone of good police-community relations. He said:

Every jurisdiction should have an affirmative action program, written, open, articulated and enforced for every single level of the law enforcement agency in that jurisdiction. . . . Only then will it be clear for the minority community that they are welcome in the law enforcement agency to enforce the laws that control the citizens within that jurisdiction.²⁵

Many police officers and community persons would agree with that assessment. Chief Taggart of Colorado Springs feels that the police force, like any other critical service, should mirror the community, for even if it did not improve the quality of service it provided it would positively impact the community perception of the police.²⁶

In a study done by the U.S. Commission on Civil Rights on the administration of justice for Hispanic people in the Southwest the conclusion was drawn by both police officers and private citizens that the fear and distrust which many Mexican Americans feel toward law enforcement agencies could be significantly dispelled by increasing the number of Mexican American law enforcement officers at all levels of authority.²⁷

²³ C.R.S. 30-2-102 as amended.

²⁴ James P. O'Neil, interviews May 13-14, 1982.

²⁵ Fort Collins consultation transcript, pp. 51, 52.

²⁶ Interview, July 30, 1981

²⁷ *Mexican Americans and the Administration of Justice in the Southwest*, 1970, p. 83.

²⁸ *National Consultation on Safety and Force*, p. 7.

²⁹ John Taggart, Chief of the Colorado Springs Police Department, interview, July 30, 1981.

Vernon Jordan, past president of the National Urban League, pointed out that when so many incidents of the use of deadly force involve white policemen and minority youth, whereas so few involve black or Hispanic policemen, a cultural dimension to the problem is strongly suggested. He explains the reason he sees for this, thusly:

I do not claim that minority policemen are more humane or that minority policemen are more courteous, or that minority policemen are less likely to panic. I am suggesting that their intimate understanding of the ghetto's values and behavior patterns and of the verbal and non-verbal signals minority people send makes them better equipped to deal with situations that might otherwise become explosive.²⁸

Some of the persons interviewed for the present study disagreed with the position that minority police officers have fewer confrontations with minority citizens than do white officers.²⁹ Pete Amory, a black officer on the Denver police force, and Peter La Fore, former director of the Colorado Migrant Council, both pointed out that minority officers may at times over react in situations involving minority persons because of the pressure they are under to be "one of the boys," or to prove themselves in the eyes of their fellow officers.³⁰ But it was clear that despite the additional pressures under which minority police find themselves adequate representation on the force from minority communities is essential to good relationships. Representative Richard Castro said, "It helps to have Hispanic police officers [because] a mixture makes the system better by helping to bring sensitivity to the department."³¹

Some police departments in the smaller Colorado communities have good minority representation. In Rocky Ford, for example, with a population which is 53 percent Hispanic, four of the seven police officers, including the chief, are Hispanic.³² But such communities are rare exceptions. In Grand Junction, which has a Hispanic population of 2,805, almost 10 percent of the total (see Table 1), there are

³⁰ Pete Amory, Fort Collins Consultation Workshop F, August 14, 1981. Richard La Fore, interview, July 29, 1981.

³¹ Interview, August 16, 1981.

³² Chris Lucero, Chief of Police in Rocky Ford, interview, April 16, 1981.

only four certified Hispanic police officers out of a total force of 61.³³ Fort Morgan has none, though 11 percent of its population is Hispanic. Furthermore, the police force there has no officers who speak Spanish and no affirmative action program.³⁴ La Junta, whose population is 34 percent Hispanic has three Hispanic officers, one of which is the animal warden, out of a total of 13.³⁵ Out of eight deputy sheriffs in Otero County, which has 7,451 Hispanic citizens (33 percent of the total), one is Hispanic.³⁶ Lafayette has one certified Hispanic officer out of 18 though the town is 15 percent Hispanic.³⁷

A disproportionately low utilization of minority citizens in American police departments is the rule across the Nation rather than the exception.³⁸ At the Fort Collins consultation on police-community relations Professor Charles H. Rogovin asserted that:

It is indisputable that many departments of police administrators in past years have to some degree, perhaps in some places, still today, failed to reflect substantial enthusiasm about efforts to recruit to the police service new personnel from the minority communities of America.³⁹

However, he also noted that there has been substantial gain in the number of departments who do make bonafide efforts to increase minority involvement and that these efforts have received positive response from leaders and members of the minority communities.⁴⁰ In many of Colorado's small-town police departments the need is seen for more minority officers, and among the communities included in this study, several are obviously making a good faith effort at recruiting them. Since the shooting death of the two Hispanic young men on August 14, 1980, in Longmont the number of minority patrol officers in the police department there has increased from two to six, despite budget limitations which necessitates salaries so low it is difficult to attract recruits.⁴¹ Though currently there are no minorities on its police force, Montrose, a small town on Colorado's Western Slope, has

³³ Ed Vandertook, Chief of the Grand Junction Police Department, interview, March 6, 1981.

³⁴ Harold Davidson, Chief of the Fort Morgan Police Department, interview, July 15, 1981.

³⁵ Lavern Eubank, Chief of Police, interview, April 16, 1981.

³⁶ Sheriff John Eberley, interview, April 16, 1981.

³⁷ Lawrence Stallcup, Chief of the Lafayette Police Department, interview, February 4, 1981.

³⁸ U.S. Commission on Civil Rights, *Who is Guarding the Guardians?*, 1981, p. 6.

³⁹ Fort Collins consultation transcript, p. 84.

established a recruitment program and advertises widely for minority applicants. Citizens are invited to participate in the oral evaluation of candidates.⁴²

For some departments recruitment of qualified police officers presents formidable obstacles and the recruitment of minority officers entails an additional set of problems. Whatever the reason, minority applications for police officer positions are scarce. Officer Julie Korsmeyer of the Lafayette Police Department said, "Putting more Chicanos on the force would help, but it's hard to find people who want to apply. They are socialized against it."⁴³ Lieutenant John DeVico of the same department speculated that the reason for the dearth of Hispanic applicants was their ability to make more money other places.⁴⁴ However, to recruit adequate numbers of minority police officers, more is required than a sincere desire on the part of police officials to have them and the initiation of an aggressive affirmative action program.

Testimony at the Fort Collins consultation makes clear that the minority community and the police must work together in establishing lines of communication and breaking down barriers and negative images of each other. Sy Lee, of the Urban League in Colorado Springs, emphasized this by saying, "We. . .in the minority community have not done as much as we should in terms of helping in the recruitment process of minorities. Part of [the reason for] that is because we don't talk to each other."⁴⁵ Professor Rogovin summed it up in his address at the consultation:

. . . it behooves minority community leadership to explore objectively and with care the interest and desires of police leadership in increasing minority representation. Where such is determined to be the case, it is incumbent upon minority leadership to lend assistance to recruitment efforts conducted by open-minded police leaders.⁴⁶

Budget limitations and inadequate salaries in some municipalities have previously been mentioned as reasons for the rapid turnover of personnel in police

⁴⁰ Ibid, p. 85.

⁴¹ Hernandez and Associates, *Longmont Police Bureau Management Assessment*, 1980, p. 14. Ed Camp, Longmont Director of Public Safety, interview, March 9, 1981.

⁴² William Shearer, Montrose Chief of Police, interview, April 6, 1981, and letter to Shirley Hill Witt, May 12, 1982. Sue Merritt, Mayor of Montrose, interview, April 17, 1981.

⁴³ Interview, February 11, 1981.

⁴⁴ Interview, February 11, 1981.

⁴⁵ Consultation transcript, p. 275.

⁴⁶ Ibid.

departments. The diverse package of stress-filled and complex tasks which police officers are expected to handle require special qualifications which are difficult to define, let alone find, in a single individual. Professor Rogovin said that what America needs in its police are

. . . individuals who have the capacity to be firm and yet are constantly fair; persons who will act as if devoid of bias or prejudice regardless of whether or not, in fact such bias or prejudice exists. Persons able to make the transition from helper to thief-catcher, and with all of that, persons who can relate to that broad range of diverse elements in the American society which is the great challenge to American law enforcement.⁴⁷

It would require the combined skills of psychologists, social scientists and even medical specialists to create a definitive set of instruments to measure these qualities which would enable the ranking of applicants for police service. This has never been done.⁴⁸

Criteria for selecting police officers in Colorado towns were usually much more mundane than those ideal qualities listed by Professor Rogovin. For example, in La Junta a successful candidate is only required to be 21 years of age or older, possess a high school diploma, have a good moral record, be in good physical condition, and successfully pass a series of interviews with the chief of police and his lieutenant. The chief says that there is no problem getting qualified persons, though there are not many Hispanic applications.⁴⁹ In Lafayette more comprehensive criteria are cited:

Any person seeking employment must be 21 years of age or older.

His or her physical and mental state must be stable.

He or she must not have a past felony record.

All persons are required to have a high school diploma or equivalency.

All persons must take a polygraph test and pass it.

All persons must take a written exam and pass it with at least a 70 percent.

⁴⁷ Charles H. Rogovin, Temple University Professor of Law, consultation transcript, pp. 81, 82.

⁴⁸ *Ibid.*, p. 82.

⁴⁹ Lavern Eubank, Chief of Police in La Junta, interview, April 16, 1981.

⁵⁰ Information supplied by the Lafayette Police Department, February 11, 1981.

⁵¹ Colonel C. Wayne Keith, Superintendent of the Colorado Law Enforcement Training Academy, Fort Collins Consultation on Police-Minority Relations, Workshop A, August 14, 1981.

All persons must take an oral exam and pass it.

If accepted, there is a one year probation period.

All persons must have a driver's license and good driving record.

A physical and psychological examination, paid for by the police department, is required.⁵⁰

This wide disparity in criteria for selection of police officers is possible because there are no State-wide standards, only requirements that officers be certified within one year of hiring and that they possess a high school diploma or GED at the time of certification. Although a committee was established by the State legislature in 1980 to actually draw up a set of standards they were rejected because of strong opposition from municipalities and counties to State control of any kind.⁵¹

In order to pool recruitment efforts 10 municipalities in the Denver region participate in the Centralized Organization for Police Selection (COPS) program which is administered by the Denver Regional Council of Governments. This program centralizes and coordinates police testing and recruiting. The level of screening provided, however, is very low and participating police departments must further investigate candidates referred to them in order to assure their recruitment needs and selection criteria are met. No psychological tests are administered by the organization.⁵²

In its 1981 report on police practices, the U.S. Commission on Civil Rights established that the ability of police officers to respond properly under continued stress is a highly important qualification for their position, as the physical or mental inability to do so can be fatal to themselves or others.⁵³ One expert quoted in that report determined that:

police integrity is at least partly determined by personality characteristics that are present when the recruit is hired. There is also convincing evidence that the problem of

⁵² Karen Atkinson, Denver Regional Council of Governments, interview, June 10, 1982. Also, Denver Regional Council of Governments, *Notes*, July, 1982, p. 4. Participating communities include Arvada, Broomfield, Cherry Hills Village, Commerce City, Englewood, Glendale, Littleton, Northglenn, Westminster and Wheat Ridge.

⁵³ *Who is Guarding the Guardians?*, p. 19.

police impropriety is in part a function of the personality type that is attracted to police work.⁵⁴

The Commission found, however, that the cities studied for its report made only limited use of psychological screening in police selection in order to ensure stability under stress. It recommended that psychological screening for all applicants be an integral part of the selection process and should be performed by qualified experts.⁵⁵

In Colorado Springs the police department maintains a psychologist on its staff to conduct psychological testing as well as for training, crisis intervention and counseling.⁵⁶ Some departments are able to utilize outside resources for these purposes, as the one in Lafayette which utilizes psychological screening in its selection process, as well as requiring an annual psychological profile for each officer.⁵⁷ The Greeley Police Department contracts with psychologists at a cost of \$125 per interview, which is based upon psychological tests to determine whether or not an applicant is suitable to withstand the stresses a police officer encounters, and to deal with responsibilities entailed in the use of deadly force.⁵⁸ Littleton also contracts with a specialist to provide these services.⁵⁹ Most small town departments, however, cannot afford this resource.

The training process for police officers characteristically follows the selection process, although this is not always so. A high quality candidate who is given inadequate training may be ineffective or even dangerous patrolling the streets. And the selection of a poor candidate may be partially offset by a good training program. Professor Rogovin suggested that training of police officers is a critical responsibility through which it is determined whether police officers produced will be good, bad or indifferent.⁶⁰ He also asserted that there is recognition among police leaders that

...there really was no day when we could afford to put ill or untrained officers on duty armed and expect them to deliver quality service to our citizens. Resource limitations

⁵⁴ Allen E. Shealy, *Police Integrity: The Role of Psychological Screening of Applicants*, (New York: John Jay Press, 1977) p. 14.

⁵⁵ *Who is Guarding the Guardians?*, p. 154.

⁵⁶ Chief John Taggart, interview, July 30, 1981.

⁵⁷ Lawrence Stallcup, Lafayette Chief of Police, interview, February 11, 1981.

⁵⁸ Willis Piper, Training Coordinator, Greeley Department of Police, consultation transcript, pp. 276, 277.

⁵⁹ Lieutenant Grayson Robinson, consultation transcript, p. 274.

⁶⁰ Fort Collins consultation transcript, p. 83.

⁶¹ *Ibid.*, p. 84.

are no excuse for the presence on our streets and highways of untrained personnel who have not met at least minimum standards of performance in appropriate training programs.⁶¹

In Colorado police officers may serve for a period up to one year with no certification and no training other than what is given by the department which hires them.⁶² Not only may police officers in Colorado legally serve for up to a year without certification, but in fact many of them do. Some departments are said to circumvent the State's requirement by hiring a person to serve 11 months, laying them off for a period, and then rehiring them in the next reporting year.⁶³ CLETA estimates that throughout the State there were well over one hundred virtually untrained and fully empowered officers handling police duties at any one time, though this figure is now being reduced with the advent of new field academies throughout the State. Most of these officers served for at least six months prior to training, some well over a year.⁶⁴

In August 1980, when a 22 year old patrolman shot and killed the two young Hispanic men whom he had stopped in Longmont, according to witnesses, for yelling an obscenity at him, he had been an employee of the Longmont Police Department for three months. This patrolman had been allowed to work alone after receiving only four weeks of local training and riding with a supervisor for two weeks.⁶⁵ A grand jury investigation resulted in a charge of reckless use of firearms. The officer was exonerated, however, by a Boulder jury.

Longmont is not a unique example of communities which have had police officers serving alone before completing the basic training provided by the Colorado Law Enforcement Training Academy (CLETA). Edward Camp, Director of Public Safety in that city, stated that, to the contrary, it is common practice in many of the State's smaller towns for 10

⁶² C.R.S. 24-32-607(2). Ed Camp, Director of the Longmont Department of Public Safety, Fort Collins consultation transcript, p. 271. Colorado statutes provide that, in order to be certified, police officers must complete a nine-week training course within one year after hiring plus 40 hour on-the-job-training.

⁶³ Mark Pautler, Assistant Attorney General and former director of the Colorado Organized Crime Strike Force, interview, August 6, 1981, and letter to Shirley Hill Witt, May 10, 1982.

⁶⁴ Colorado Law Enforcement Training Academy, *Annual Report: 1980-1981*, p. 30.

⁶⁵ *Denver Post*, September 12, 1980, p. 3.

or 11 months to elapse before getting newly-hired police officers into the training academy.⁶⁶ Mr. Camp related his own experience in the role of a newly-hired officer:

. . . when I came on I rode in a car for two weeks with an officer, they handed me my car and said, go to it. And I can't remember the times that I would see something happen and not have the slightest idea what happened but know it was wrong and have to pull my car into a parking lot, whip out my code book until I found it. The next time I knew it, but that's a hell of a way to learn.⁶⁷

As mentioned above, reserve police officers and members of the Sheriff's Posse are not required by Colorado law to have any training at all, and some are trained only briefly on the job.⁶⁸ However, most do receive some training⁶⁹ and some, according to Colorado Springs Chief Taggeret, are as well trained as certified officers.⁷⁰ Sheriffs, as elected officials, are also exempt from training requirements, though James O'Neil, Director of the County Sheriffs of Colorado, says that they do get training on their own initiative.⁷¹

Colorado is not alone among States which allow police officers on the streets with very little training or supervision. Vernon Jordan said:

In many cities he [the police officer] is turned loose with few clear guidelines, little supervision, and inadequate training in dealing with threatening situations. So, he falls back on the gun, a solution that is totally inadequate.⁷²

The use of poorly trained officers entails considerable risk, not only to people in the community, but also to municipalities. In *Monell v. Department of Social Services of the City of New York*⁷³ the Supreme Court found that municipalities were "persons" subject to suit under section 1983 of the Civil Rights Act of 1871.⁷⁴ Local governments, pursuant to *Monell*, can be sued directly for monetary, declaratory or injunctive relief where "the action alleged to be unconstitutional implements or executes a policy statement, ordinance, regulation, or decision official-

ly adopted and promulgated" by local government officials. Further, local governments may be sued for constitutional deprivations even where officials have not given formal approval if the injury results from a government policy or "custom."⁷⁵ The *Monell* case has been used many times to hold local governments liable for police officers' actions. In the most recent case reported, *Garris v. Rowland*, the City of Fort Worth, Texas was held liable for defective arrest procedures that permitted an officer to arrest a citizen on spurious charges.⁷⁶

Municipalities and individual officials can also be sued for negligence, for example in hiring or in training.⁷⁷ In a negligence action courts can apply a "knew or should have known" standard of liability equating an official's foreseeability of the injury inflicted by the police officer, e.g. poorly trained or carelessly hired, with the proximate cause of the injury.⁷⁸ Though most, if not all, municipalities carry liability insurance, there are law enforcement officials who are not aware of this liability, and others, if they are aware of it, ignore it.⁷⁹ Through training courses which they provide, the County Sheriffs of Colorado Association makes sheriffs aware of their potential liability.⁸⁰

Some departments are very much aware of the risks involved in failure to train. Longmont, for example, has increased its required training from six to eight *weeks*, to six to eight *months*. Edward Camp, Longmont Director of Public Safety, believes that. . . 'at while some smaller departments may have to take the calculated risk of putting police officers on the street with little training, Longmont has taken the position that we aren't going to do that anymore, and if we have to run short on the street, we'll run short on the street."⁸¹ In Montrose training requirements are also strict: police officers are not allowed to work alone before they have completed the basic training at CLETA, been

⁶⁶ Fort Collins consultation transcript, p. 269.

⁶⁷ *Ibid.*, p. 270

⁶⁸ James O'Neil, director of the County Sheriffs of Colorado, interview, July 30, 1981, interview, July 28, 1981.

⁶⁹ *Ibid.*

⁷⁰ Chief John Taggart, interview, July 30, 1981.

⁷¹ Interview, July 28, 1981.

⁷² *National Consultation on Safety and Force*, p. 8.

⁷³ 436 U.S. 659 (1978).

⁷⁴ 42 U.S.C. 1983.

⁷⁵ 436 U.S. 658 at 690-691.

⁷⁶ (U.S. Court of Appeals for the 5th Circuit, decided June 24, 1982), 51 U.S.L.W. 2050 (July 27, 1982).

⁷⁷ See e.g.: *F&T Co. v. Woods* 594 P. 2d 745 (N.M. 1979).

⁷⁸ See: Note, 10 *New Mexico Law Review* 491, 1981.

⁷⁹ Mark Paulter, Director of the Organized Crime Strike Force, interview, August 6, 1981. James P. O'Neil, Executive Director of the County Sheriffs' of Colorado, interview, July 28, 1981. John Taggart, Police Chief of Colorado Springs, interview, July 30, 1981. See also C.R.S. 29-5-111.

⁸⁰ James P. O'Neil, interview, May 13, 1982.

⁸¹ Fort Collins consultation transcript, p. 270.

certified and passed review by the department's training officer.⁸²

The difficulties police departments in small Colorado communities face in getting their officers trained stem mainly from lack of available monies and other officers to handle the duties of the trainee while absent on training (which will be discussed further). Police training through CLETA is funded by the State. The total budget in 1981 was \$590,000 and it cost the Academy \$1,200 to train each recruit for a period of eight weeks.⁸³ Superintendent C. Wayne Keith terms this funding "miserable." The result has been a backlog of from 170 to 180 officers waiting to enroll in basic training. It is hoped that recent State certification of training classes for establishing branch academies on college campuses throughout the State will eventually reduce this backlog.

Though regional training academies are less expensive to operate because of a reduction in room and board costs for trainees, they still are based upon State funding. In 1981 these regional academies were reimbursed \$433 for each officer who satisfactorily completed training. State educational funds are at times available in addition to this if the program is implemented in conjunction with a State college.⁸⁴ Still, lack of adequate and sufficient training resources for law enforcement was given priority by the Colorado State council on Criminal Justice among deficiencies in law enforcement in Colorado.⁸⁵ The CLETA Advisory Board has requested that the basic training course be extended from eight to nine weeks which will require additional funding from the State and there is a question whether the legislature will approve this additional expenditure.⁸⁶

But the shortage of CLETA resources and the backlog of recruits seeking admission to basic training has not been the only problem small departments have faced in getting their police officers trained. An organizational analysis of the police department in Brighton revealed that the

principal problem associated with training was lack of personnel.⁸⁷ Though the State pays the cost of basic training, individual departments must continue to pay the salaries of officers being trained. Consequently, when funds are not available to hire replacement officers for those in training, as is true in most small departments, there may not be enough officers to adequately patrol the city when one or more are absent for training.⁸⁸

What Brighton's Police Department of 24 uniformed officers in releasing officers faces for training is even more acute in smaller departments.⁸⁹ For example, a department with four officers would have to deplete its force 25 percent to send one officer for training. Furthermore, trained officers are valuable commodities, and the discrepancy in salaries for police officers throughout the State makes it possible for a recruit who is hired by a small department to receive a much higher salary from a larger department upon completion of basic training.⁹⁰ Will Piper, training coordinator for the Greeley Police Department, illustrated this with the example of a small town in the county whose only law enforcement officer was the town marshal when he commented:

He worked there for a whole year before the council thought he might work out and it was worthwhile to spend the money to send him to training. So [the town was out] the cost of that person's salary for the time that he was gone. . . .and then the first thing that officer wants to do is apply to another department that pays maybe \$400 a month more. And that small department is right back in need of another officer.⁹¹

For the most part police officials interviewed in connection with this study felt that the basic training provided by CLETA was quite good. Captain Yarrington pointed out that if a requested nine-week basic training course is approved and funded by the legislature it will exceed the national average which is about eight weeks, though many cities in other States require much more than this.⁹² He also feels that smaller departments, not having the use of

⁸² Robert Cain, Montrose Police Department, Fort Collins transcript, p. 271.

⁸³ James A. Yarrington, Director of CLETA, interview, July 28, 1981.

⁸⁴ Will Piper, Greeley Police Department Training Coordinator, Fort Collins consultation transcript, p. 282.

⁸⁵ State of Colorado, Department of Local Affairs, Division of Criminal Justice, *1978 Comprehensive Criminal Justice Plan*.

⁸⁶ James A. Yarrington, CLETA Director, interview, July 28, 1981.

⁸⁷ Denver Regional Council of Governments, *An Organizational Analysis of the Police Department*, 1981, prepared for the City of Brighton, p. 12.

⁸⁸ Col. Wayne Keith, Director, CLETA, Fort Collins consultation workshop, August 14, 1981.

⁸⁹ Ibid.

⁹⁰ James A. Yarrington, interview, July 28, 1981.

⁹¹ Fort Collins consultation, p. 277.

⁹² Interview, July 28, 1981.

laboratories and crime specialists, need to give their officers even more training than larger departments.⁹³

Ruben Bonilla, past president of LULAC, was of the opinion that one of the most crucial elements in the training of police officers is that of acquiring ethnic and racial sensitivity to enable the understanding of social and economic problems unique to the minority community, and the barriers and problems in communication that accompany these.⁹⁴ William Koleszar, at that time Chief of the Arvada Police Department, observed that:

. . .if there is a large minority contingent in the community, . . .training should not only include operational training and administrative training but should also include culturization training and sensitivity to whatever minority is included in that community. If that minority is . . .Hispanic or black. . .there's no way members of my department can serve our community under those circumstances without having some idea of the community they are serving.⁹⁵

Some criticism has been leveled at CLETA for not providing more community relations and sensitivity training. Pete Reyes, an attorney formerly with MALDEF, observed that CLETA courses deal mainly with providing technical skills required to be a police officer: handling firearms, dealing with problems in arrest situations, and the legal aspects of law enforcement. But relatively few hours in community relations are required. He suggests specifically that police need more training in how to deal with situations involving confrontations with minority persons, either with individuals or with groups.⁹⁶

James A. Yarrington, Director of CLETA, explained that officers who attend the training academy at Golden receive a block of 13 hours training in human relations. This instruction is scattered throughout the curriculum in courses such as ethics for law enforcement officers or stress management. No attempt is made in basic training at the academy to familiarize or sensitize officers to particular

cultures such as Hispanic or Native American, for it is believed that these skills would not be needed in locations where no ethnic persons reside. Instead, Captain Yarrington is of the opinion that knowledge of specific cultures must be acquired in the community where the officers will serve. Beginning July 1, 1981, officers attending the academy will no longer be tested on the content of specific courses but on the knowledge, skill and ability that they have acquired. They will be required to demonstrate, for example, that they have certain basic skills in human relations which can be applied to specific situations in which they find themselves.⁹⁷

The CLETA Advisory Board, which is appointed by the Governor, is composed of three sheriffs, three police chiefs, nine police officers, one non-law enforcement person, the regional director of the FBI and the attorney general who chairs the Board. In early 1981 the lay member was a woman and there were no racial or ethnic minority members. However, that year a Hispanic non-law enforcement person, Manuel Salinas, was appointed to the Board. Of a 1980-81 staff of 87 CLETA instructors, only two part-time instructors are minorities.⁹⁸

Some of the law enforcement agencies throughout the State supplement the human relations training received at CLETA with in-service or on-the-job (OJT) training which they provide. The Longmont police department, for example, puts all of its recruits through a training program at the Boulder County Mental Health Center which provides sensitivity training, cultural awareness, and instruction in handling stress and managing domestic disturbances.⁹⁹ Sheriff John Eberly attempts to supplement the training his deputies receive at CLETA with instruction he personally provides in basic human relations. He feels the training received there is too "impersonalized" for the rural situation he serves.¹⁰⁰ But opportunities such as these are rare for police officers who live and serve in rural Colorado.

⁹³ Ibid.

⁹⁴ Fort Collins consultation transcript, pp. 37, 38.

⁹⁵ Ibid, p. 51.

⁹⁶ Fort Collins consultation workshop, August 14, 1981.

⁹⁷ Interviews, July 28, 1981, March 29 and 30, 1982.

⁹⁸ Ibid.

⁹⁹ Edward J. Camp. Longmont Director of Public Safety, Fort Collins consultation transcript, p. 272.

¹⁰⁰ Interview, April 16, 1981.

Policies and Procedures

Efficient law enforcement and effective community relations require that the training of police officers, as the U.S. Commission on Civil Rights has pointed out, go hand in hand with the development of clear, consistently enforced, written policies.¹ William Koleszar, former police chief of Arvada, underscored this need:

There is no excuse, absolutely no excuse whatsoever, for any public safety agency or any law enforcement agency not to have clear, understood, written policies in areas such as the following: the use of force and deadly force; hot pursuit; arrest and search; treatment of the public; officer conduct; and, lastly, a good, clear, understood, written policy regarding investigation of complaints against police officers. This written policy and procedure must be understood by both citizens and officers if it is to produce what it was meant to produce.²

This report has already established that the use of deadly force by police officers is an increasingly serious problem in Colorado as well as throughout the Nation. Statistics indicate that minority persons are disproportionately among the victims of police shootings and brutality making the excessive use of force a matter of great concern in many minority communities.³

Evidence indicates that most officers in a long career use deadly force infrequently, if ever, and

that a relatively small percentage of police officers are responsible for the majority of such incidents.⁴ This observation, however, does little to mitigate the enormous resentment, distrust and anger which police shootings engender in a community and which are leveled at the police in general.

Outrage over what is perceived to be excessive use of force is heightened by the minority community's additional perception that police officers are seldom punished. A national sample found that only three out of 1,500 police homicides resulted in the criminal conviction of a police officer.⁵ Another study in Los Angeles County showed that of 18 killings which Police departments had ruled unjustified, only one of them was referred to the prosecutor for criminal prosecution. Two of the officers involved were dismissed from the department, two incidents resulted in suspension, and 13 resulted in no action being taken.⁶

It appears the law has proved to be ineffective as a deterrent to police misconduct.⁷ Though the presumptions favoring the police in civil litigation have begun to change significantly, historically the prospect for recovery in suits against police officers has provided little incentive to sue. When a plaintiff is poor, is of minority group status or is a criminal, the

¹ *Police Practices and the Preservation of Civil Rights*, p. 12.

² Fort Collins consultation transcript, pp. 51, 52.

³ Vernon E. Jordon, U.S. Department of Justice Community Relations Service, *National Consultation on Safety and Force*, 1979, p. 7.

⁴ Chuck Stone, Senior Editor of the *Philadelphia Daily News*, *National Consultation on Safety and Force*, p. 117.

⁵ Lawrence W. Sherman, Director of the Criminal Justice

Research Center Project on Homicides by Police Officers, in U.S. Department of Justice Community Relations Service, *Police Use of Deadly Force*, 1978, p. 17.

⁶ *Ibid.*

⁷ Edward J. Littlejohn, "Civil Liability and the Police Officer: The Need for New Deterants to Police Misconduct," *University of Detroit Journal of Urban Law*, vol. 53, 1981, p. 366.

judicial processes are more likely to favor the police officers.⁸

Edward J. Littlejohn, Professor of Law at Wayne State University and former chair of the Detroit Board of Police Commissioners, states that, due to their long history of conflict with groups they consider outcasts, police have developed an amazing resilience to pressures exerted to control their own abusive behavior. And the law has been particularly ineffective in compelling change.⁹

At present, solutions to the problem of the use of the excessive force by police officers must lie primarily with the police departments themselves. Lieutenant James J. Fyfe of the New York Police Academy, drawing on the experience of police practices in that city, stated that there are two things that police agencies can do about the use of deadly force:

One. . .to put together policy statements which give officers more guidance in this important decision A second is to enforce these policies by establishing administrative review procedures.¹⁰ The institution of these policies in New York resulted in a reduction of injuries and deaths to both civilians and police.¹¹

The Colorado Criminal Code specifies the conditions under which a law enforcement officer may use deadly physical force: (1) when the officer reasonably believes it is necessary to defend himself or a third person from the use or imminent use of deadly force; (2) to effect an arrest or prevent the escape from custody of a person whom he reasonably believes has committed a felony using a deadly weapon; (3) and to effect the arrest or prevent the escape of a person likely to endanger human life or inflict serious bodily injury unless apprehended without delay.¹²

State limitations on the use of deadly force vary widely throughout the United States. Twenty-four States permit use of deadly force to arrest a felony suspect. This concept of deadly force dates back to 15th Century English Common Law which made all felonies punishable by death. Seven States mandate that only "forcible felonies" justify force; and seven

States, including Colorado, adopt the Model Penal Code approach which sanctions firearms policies based on danger to the suspect, the officer, or society as a whole. Twelve States have no justification statutes limiting an officer's use of deadly force.¹³

All law enforcement in Colorado is bound by the State's law on the use of deadly force. Many departments rely exclusively on the statutes, with no additional standards or guidelines for officers.¹⁴ Chief of Police John Taggart believes that it is crucial, however, that departments develop policies more restrictive than the limits set by the State.¹⁵

The present study revealed wide variation in understanding and implementation of the State statute by individual police and sheriffs' departments. Officers interviewed in two departments disclaimed any knowledge regarding limitations on the use of deadly force.¹⁶ One indicated only a vague awareness of the content of their department's policies commenting, "Our chief would not put up with the use of firearms in a casual manner."¹⁷ In Fort Morgan the police department has an "oral understanding" regarding the use of deadly force, which is conveyed through department meetings, but there is no written policy regarding use of handguns, pursuit, or the baton.¹⁸ The Conejos County Sheriff's Office relies upon CLETA to instruct recruits regarding the use of deadly force, and until that time they "talk it over."¹⁹

However, many departments included in this study indicated that they have developed written policies to supplement the State statute regarding the use of deadly force. The content of these policies varies widely from department to department. The Fort Collins Police Department regulations state that the Colorado statutes are to be followed and lists the essential provisions.²⁰ Instructions issued by the Brighton Police Department also cite Colorado statutes on use of deadly force, and follow with three pages of explanations. According to the Brighton guidelines, officers are absolved from

Sheriff's Office, April 16, 1982; Firestone, April 1, 1980 Alamosa County Sheriff's Office, January 23, 1981.

¹⁵ Interview, July 30, 1981.

¹⁶ Interviews in Dacono and Frederick, April 1, 1981.

¹⁷ Interview, July 2, 1981.

¹⁸ Interviews, July 15, 1981.

¹⁹ Interview, June 23, 1981.

²⁰ Office of the Chief of Police, Special Order No. SO 18.1.

⁸ Ibid. p. 369.

⁹ Ibid, p. 366.

¹⁰ U.S. Department of Justice, Community Relations Service, *Police Use of Deadly Force*, 1978, p. 34.

¹¹ Ibid., p. 33.

¹² C.R.S. 18-1707.

¹³ U.S., Department of Justice, *National Consultation on Safety and Force*, p. v.

¹⁴ Interviews in Ignacio, February 17, 1981; Otero County

blame if they decide *not* to use a firearm in the arrest or apprehension of a felon:

If an officer believes that under existing conditions he should not use a firearm to arrest or apprehend a felon, he will not be criticized or disciplined for this decision or his decision to employ every other means to effect the desired end.²¹

The La Plata County Sheriff's policy is similar. It emphasizes that in the use of deadly force "sound judgment, rather than strict interpretation of the statutes should be the basis for action."²²

Policies in other departments are somewhat harsher and more explicit. In Dacono, in 1981 for example, under the former chief of police, the following policy existed:

If an officer actually sees a person commit a serious crime such as murder, rape, burglary, armed robbery, or the like, he should shoot him rather than permit him to escape. Especially, is this true if he does not know who the criminal is and if he is permitted to escape his crime will likely go unpunished.²³

These local instructions subvert the intent of the State statute.²⁴ The current police chief has since revised this policy more in line with Colorado law.²⁵

A system for receiving and processing citizen complaints about police actions is also vital to development of community confidence in the police. No one at the 1981 Fort Collins consultation disagreed. Citizen grievance procedures was an area specifically singled out as needing careful attention and clear definition.²⁶ Attitudes of the police chiefs in Colorado Springs and Arvada typified those of other officials interviewed. Chief Taggart termed an equitable complaint process as being "essential."²⁷ Chief Koleszar said that there is no excuse for any law enforcement agency not to have a good, clear, understood, written policy regarding investigation of complaints against police officers.²⁸

²¹ Interview in Brighton, July 2, 1981.

²² Alvin L. Brown, *Policies and Procedures Manual* January 1, 1981, p. 7 ff.

²³ Information supplied by Police Commissioner Robert Renner, April 1, 1981.

²⁴ C.R.S. 18-1707.

²⁵ Ted Kozaneki, Dacono Chief of Police, letter to William F. Muldrow, May 10, 1982.

²⁶ William L. Koleszar and Gilbert D. Roman, letter to conference participants with followup information summary October 30, 1981.

Despite this unanimity, many police departments in Colorado do not have formal complaint procedures, and many of those who do have such procedures have not made them known to their communities. In Fort Morgan Chief of Police Harold Donaldson stated that his department has no internal affairs unit and no formal grievance process.²⁹ Lt. Jerry E. White of that police department said that in his 10 years on the force he has had only three or four complaints against officers. When he received these he listened to them and passed them on to the chief who discussed them with the officers involved.³⁰ Mayor Irvin L. Billiard affirmed that there is no established grievance or complaint process in Fort Morgan, and in his opinion none is needed since "People can come to the city council."³¹

In many localities complaint procedures are extremely informal and largely unknown by the general population or even by city officials. This conforms with findings of the law enforcement study done in the Southwestern United States by the U.S. Commission on Civil Rights. This investigation found that in most Southwestern cities the only body to which complaints of misconduct by police officers can be addressed is the local law enforcement agency itself. And in most of these agencies final resolution of complaints rests with the head of the agency.³² It found also that, in general, police complaint procedures are not procedurally fair and seldom result in disciplining officers. Extended administrative review was practically non-existent and civil and criminal litigation of police brutality cases was rare.³³

Colorado procedures for law enforcement complaints vary widely. In La Junta and Rocky Ford complaints are made orally to the chief of police and may be appealed to the city manager and to the town council.³⁴ In both towns, citizens know little of the procedures.³⁵ In Greeley procedures call for citizens to go to the city council or to the city

²⁷ Interview, July 30, 1981.

²⁸ Fort Collins consultation transcript, p. 52.

²⁹ Interview, July 15, 1981.

³⁰ Interview, July 15, 1981.

³¹ Interview, July 17, 1981.

³² *Mexican Americans and the Administration of Justice in the Southwest*, p. 20.

³³ *Ibid.*, p. 26.

³⁴ Interviews with La Junta Chief of Police, Lavern Eubank, and Rocky Ford Chief of Police Chris Lucero, April 16, 1981.

³⁵ Interviews, April 16-17, 1981.

manager with their complaints and then to the Human Relations Commission.³⁶ However, neither the regional office manager for the Colorado Commission on Civil Rights or a member of the Greeley Human Relations Commission were aware that these procedures existed.³⁷ In Ignacio the town board accepts citizens' complaints but citizens allege that board members tend to either ignore or evade such complaints.³⁸ Grand Junction has a written complaint process which requires complaints to be in writing and for them to proceed up through various supervisory levels in the police department, and then to the city manager, if necessary.³⁹ But, again, citizens interviewed were either unaware of the existence of these procedures, or lacked any knowledge of whether or not they were used.⁴⁰

Other law enforcement agencies in Colorado have complaint processing policies that are more formal, specific, and publicized. In Brighton, for example, a brochure informs citizens (1) when and how to file a complaint, including office hours for doing so, (2) of investigatory policy regarding complaints, (3) of procedure for notification of disposition of the complaint, and (4) of appeal procedures to the city council or the district attorney.⁴¹ The La Plata County Sheriff's Office *Policy and Procedures Manual* also has a comprehensive section on filing and processing complaints against members of the department. Complaints must be in writing, may be made at any hour of the day, and are investigated by the Division Commander. There is no requirement, however, that complainants be notified of the results, nor is there any provision for appeal beyond the Sheriff's Office. The report and findings of investigations are maintained in a confidential file accessible only to the sheriff or persons authorized by him.⁴²

The Police Executive Research Forum proposed that a model policy for handling complaints against police should include the following:

³⁶ George W. Hill, Mayor, interview, June 9 and 11.

³⁷ Edward Gibbs and Paul Stoddard, interviews, June 9 and 11, 1981.

³⁸ Patricia Hall, Municipal and Tribal Judge, interview, February 17, 1981.

³⁹ Chief of Police Ed Vandertook, interview, March 11, 1981.

⁴⁰ Ed Nugent, Public Defender, interview, March 12, 1981; Sara Beery, Municipal Judge, interview, March 11, 1981; and Jose Cruz, Colorado Civil Rights Commission, interview March 11, 1981.

⁴¹ Brighton Police Department, *Citizen Complaint Procedures* n.d.

-a readily available brochure describing the citizen complaint process in clear and concise language;

-investigation of complaints from all sources, including juveniles, people under arrest and anonymous people as long as the complaints contain sufficient facts;

-a written explanation of the investigation outcome and an annual public report summarizing the types of complaints received and their disposition for citizens; and a requirement that officers charged with misconduct cooperate with any investigation unless investigators believed there had been criminal misconduct, at which point the case must be turned over to prosecutors.⁴³

The Forum's suggestions sought to balance the right of citizens to seek redress for legitimate grievances and the right of law enforcement officers to be protected from false and malicious charges.⁴⁴

However, the development and dissemination of a sound complaint procedure does not insure its utilization. Moises Martinez, who teaches alcohol education classes at the Region Six Alcohol and Drug Abuse Center in Las Animas, observed that complaints of police improprieties are filed infrequently because of lack of faith that any action will be taken.⁴⁵ Others expressed the view that complaints are not filed for fear of harassment or retaliation.⁴⁶ Representative Frederico Pena agreed, citing one situation where charges had actually been increased against a defendant after a complaint was filed. As a result, he said, there have been situations where criminal law attorneys have advised their clients not to file complaints against the police.⁴⁷

Civilian review boards, which range in nature from those which have advisory functions only to those which make investigations and prescribe remedies, have been suggested as another mechanism for reviewing police misconduct. Interest in review boards, dating back at least 30 years, is often prompted by a general belief that existing means of redress are ineffective.⁴⁸ While encountering some successes, review boards have had a stormy history.

⁴² La Plata County Sheriff's Office, *Policy and Procedures Manual*, p. 43.

⁴³ *Rocky Mountain News*, December 14, 1981, p. 50.

⁴⁴ *Ibid.*

⁴⁵ Interview, April 17, 1981.

⁴⁶ Jane Rivera, Colorado Migrant Council in Rocky Ford, interview, April 16, 1981.

⁴⁷ Interview, August 6, 1981.

⁴⁸ *Who is Guarding the Guardians?*, p. 124.

Some never became active and others have been legally enjoined from operating.⁴⁹ Basic flaws have included a lack of sufficient investigative staff or adequate resources and, being advisory only, lack the essential authority to decide cases or impose punishment. Traditionally and legally, a police chief cannot give away his authority to make decisions and impose discipline.⁵⁰

The U.S. Commission on Civil Rights found in its recent national study of police practices that, though a few cities do have some form of citizen review of police conduct in operation, most such efforts at external control have serious limitations.⁵¹

In background investigation for the present report relatively few persons, law enforcement officers or community advocates favored use of civilian review boards. Ruben Bonilla of LULAC was opposed to them:

I, personally, do not support police commissions. . . . What we call citizens advisory committees are unwieldy, usually lack citizen subpoena power, you have lay persons who don't understand the departmental guidelines and the legal intricacies passing judgment on officers who, perhaps, would be better monitored through internal department policy or existing legal statutes or the grand jury mechanism.⁵²

Gilbert G. Pompa, Director of the Department of Justice Community Relations Service, echoed this opinion: "A civilian review board serves as an extra layer of accountability. I cannot conclude that they have been successful."⁵³

⁴⁹ Ibid., p. 125.

⁵⁰ Ibid.

⁵¹ Ibid., p. 127. Minoru Yasui, of the City and County of Denver Commission on Community Relations, suggests there are also "constitutional" limitations requiring the protection of the constitutional rights of individual police officers.

⁵² Fort Collins consultation transcript, p. 36.

Professor Charles H. Rogovin stated while in Fort Collins that a civilian review mechanism to oversee or review police actions is ". . . a well-intended but exceptionally erroneous effort to remedy the excessive use of force. . . ." He amplified his reasons for this opinion by stating:

. . . if the police are to be responsible in the exercise of their authority to use force, we should hold them accountable for the exercise of that authority. We cannot permit them to excuse any failure to properly train and supervise personnel by suggesting that that responsibility lies in the hands of an agency external to the police organization. It is all too easy for an unresponsive police administrator, when confronted with an allegation or allegations of excessive use of force, to excuse his noninvolvement and his unwillingness to confront the issues by suggesting that any inquiry belongs to them, "them" being the external agency. The "them" being the civilian review body created to do what is the police Chief's job That is not, in my judgment, a situation which is to be condoned.⁵⁴

However, law enforcement officers and community persons alike viewed a community advisory committee such as El Comite in Longmont (organized after the August 1980 shootings there), as a worthwhile and workable endeavor. El Comite has spent countless hours working to reduce the climate of violence and to create change and understanding between police and a community. They have worked closely with police officials to make improvements in the police department and to establish lines of communication which would enhance police credibility with the public. Most would see this as a step toward mutual respect and understanding.⁵⁵

⁵³ Press conference at Colorado State University in Greeley, August 13, 1981.

⁵⁴ Fort Collins consultation transcript, p. 85.

⁵⁵ El Comite, *Noticias del Comite*, August 1981, p. 7. Fort Collins consultation transcript, p. 62.

Conclusions Findings and Recommendations

Conclusions

As demonstrated throughout the report, police-minority relations in small Colorado communities vary widely. The summary of the findings of the Colorado Advisory Committee to the U.S. Commission on Civil Rights which follow point to some of the problems. The recommendations suggest ways that relationships can be upgraded. It is evident that the problems encountered in individual communities between police and minority communities grow out of larger problems which are Statewide in scope and some have national and international implications, such as with undocumented aliens and drug traffic. Variations in the amount of money available for law enforcement in small communities; lack of Statewide standards for law enforcement programs, personnel recruitment, hiring criteria, facilities, equipment and salaries; ambiguous legislation affecting the conduct of police officers; and laws inadequate to assure that all law officers have proper training before being assigned to serve alone are all problems which contribute to poor community relations.

Finding 1:

Some police departments in small Colorado communities lack the resources or minimum standards enabling them to develop the professionalism in law enforcement required for good relations with the minority community. Meager resources often result in neglect of minority relations and selection procedures, salaries, and the training necessary to produce and retain quality police officers. Many police departments lack personnel, pay inadequate salaries,

and suffer from a paucity of facilities, training resources, support services, and forensic laboratory and testing services. Resource needs are particularly acute in some of the smaller communities and in areas where energy resource development is occasioning rapid population growth. The State's contribution to local law enforcement resources is limited to funding the Colorado Law Enforcement Training Academy, certification from the Academy being a requirement of State law.

Recommendation 1.1:

The Department of Local Affairs, or its Division of Criminal Justice, should develop suggested minimum standards for resources required to provide effective law enforcement in small communities.

Recommendation 1.2:

The Department of Local Affairs, in cooperation with Regional Councils of Governments, should design a State-wide plan for the sharing of police services and facilities between communities to assure access by all law enforcement agencies to resources required for effective law enforcement. In areas where resources are inadequate to meet minimum standards the Department, regional governments, and others should recommend State approaches to remedy the deficiencies.

Recommendation 1.3:

Private industry and the State should assure the establishment of effective law enforcement programs in areas of rapid population growth.

Recommendation 1.4:

The Department of Local Affairs should establish mechanisms by which citizens in minority communities have a voice in ascertaining their law enforcement needs, and are encouraged to make such needs known to local governments and to the State legislature.

Finding 2:

The quality of relations between minority persons and police which exist in some Colorado communities undermines the cooperation and support required for effective and equitable law enforcement. These poor relationships continue to exist for numerous reasons despite efforts by some police departments to improve them. Significant factors include

- misunderstanding occasioned by differences between police officers and minority persons in language and values;
- media reporting which has at times focused on the negative aspects of confrontations between police and minority persons to the exclusion of positive behavior by police officers;
- the involvement of a disproportionate number of minorities in arrests and the use of deadly force by police;
- negative feelings of police officers which stem from the disproportionate number and stressful nature of confrontations with minority persons;
- incidents of harassment and intimidation of minorities who are stigmatized because they live in poor neighborhoods;
- past experiences of minority persons which make them perceive of the police as an oppressive force;
- racist attitudes on the part of some officers; and
- a lack of understanding and appreciation of the function and problems of law enforcement officers on the part of some citizens.

Recommendation 2.1:

The Colorado legislature should create a State Department of Public Safety which would oversee, aid, and advise law enforcement agencies in the State. Among other responsibilities this department would provide technical assistance to local law enforcement agencies.

Recommendation 2.2:

The Colorado Department of Local Affairs should establish a task force with appropriate expertise composed of persons from minority communities and officials from State government and local police departments for the purpose of providing advice and technical assistance to small town departments in fostering communication, understanding and good relationships with their communities.

Recommendation 2.3:

The Community Relations Service of the U.S. Department of Justice should develop a public relations handbook for use by police departments.

Finding 3:

In many Colorado law enforcement agencies there is serious underrepresentation of minority officers. This deficiency contributes to a lack of communication and understanding between police and the community, reduces the ability of police officers to deal with potentially explosive situations in predominately minority neighborhoods, and increases the likelihood of tension and violence in those areas. Poor relations between police and the minority population result in lack of community cooperation with police which is essential to a successful minority recruitment effort.

Recommendation 3.1:

All law enforcement agencies should assume responsibility for developing and implementing affirmative action programs with the ultimate objective of a police force which reflects the composition of the community and constructively relates to it. The State Division of Criminal Justice should monitor these efforts. Community minority organizations should actively cooperate and assist in the recruitment of minority candidates for law enforcement positions.

Finding 4:

Lack of State-wide standards for police officer qualifications in Colorado has resulted in wide disparity in selection criteria among police departments. Though the ability of police officers to respond properly under continued stress is an important qualification for their position, relatively few police departments in smaller Colorado communities utilize psychological screening as a part of the selection process.

Recommendation 4.1:

The Colorado Association of Police chiefs and the County Sheriffs of Colorado Association should develop State-wide minimum standards for police officers and guidelines for their testing and selection. These organizations should assure that psychological screening is an integral part of the selection process for all police officers including reserve officers and posse members.

Recommendation 4.2:

A psychological profile should be developed for each officer annually to identify those who are prone to violence and to enable the provision of training and therapy for those who have difficulty managing stress that is inherent to their work. Stress management training should be conducted annually for all officers.

Recommendation 4.3:

All 15 Regional Councils of Government in Colorado should participate in cooperative police officer recruitment and selection programs such as the central organization for police selection (COPS) administered by the Denver Council of Government.

Finding 5:

Colorado statutes require that, prior to certification, law enforcement officers must complete an eight-week training course with the Colorado Law Enforcement Training Academy (CLETA) within a year after being hired. However, numerous police officers in Colorado serve up to a year with no training other than what is given in-house by the department. Training and certification requirements can be circumvented entirely by hiring officers to serve for 11 months, laying them off prior to the year-end deadline and then re-employing them at the beginning of the next reporting year. Reserve police officers, and members of the sheriff's posse are not required by law to have any training at all, and some are trained only briefly on the job before serving alone.

Recommendation 5.1:

The Colorado legislature should revise statutes regarding the training of law enforcement officers to assure that all officers, including reserve officers and posse members, are certified before serving alone.

Recommendation 5.2:

The State legislature should provide funding for CLETA at a level that will assure that all police officers can be admitted to training within three months of their employ.

Finding 6:

Law enforcement agencies in small communities have difficulty meeting training requirements for their police officers due in part to the lack of funds to hire replacement officers for those in training, and the loss of officers to better paying jobs once they are trained. In some situations, armed police officers are permitted to serve prior to CLETA training.

Recommendation 6.1:

The Colorado Association of Chiefs of Police and the County Sheriffs of Colorado Association should encourage and facilitate the regional sharing of police officers to replace those in training. When required, the newly established Department of Public Safety should provide funds to cover the cost of replacement for officers in training when such training is mandated by law.

Finding 7:

Though CLETA provides 13 hours training in human relations, no course is specifically designed to present ethnic viewpoints and values. Responsibility for the acquisition of knowledge of specific cultures by police officers is placed upon individual departments which often do not provide this training.

Recommendation 7.1:

Basic training at CLETA should include instruction which results in the awareness of cultural differences in Colorado.

Recommendation 7.2:

The National Conference of Christians and Jews, the Urban League, the Latin American Research and Service Association, the Colorado Alliance of Pacific Asian Americans (CAPAA), and the Colorado Commission on Indian Affairs should be requested to prepare materials for use by CLETA and local law enforcement agencies in familiarizing trainees with the cultures of their constituents. If such materials cannot be so provided, in regard to any group, the State Division of Criminal Justice should be ordered to compile such materials and distribute them as necessary.

Finding 8:

Only one woman and one minority person serve on the 18 member CLETA Advisory Board. No minority persons serve on the permanent staff of CLETA, and there is only one Hispanic person and one black person who serve part-time among the Academy's 87 instructors.

Recommendation 8.1:

The Governor should increase representation of minority groups on the CLETA Advisory Board.

Recommendation 8.2:

CLETA should take affirmative action to assure that minorities are represented on their staff and instructor corps, and those of other training academies, in approximate proportion to their availability in the work force and in the general population.

Finding 9:

In communities throughout Colorado the use of excessive force by police officers is perceived to victimize a disproportionately large number of minority persons who strongly believe such differential treatment is a major threat to community welfare. Colorado Statutes regarding the use of deadly force may be interpreted in an ambiguous manner, and local police department guidelines implementing the statutes are lacking in uniformity. In a number of instances the guidelines are either ignored or unknown to individual police officers.

Recommendation 9.1:

Police and community organizations should promote community awareness of legitimate police procedures and citizen's rights.

Recommendation 9.2:

The Colorado legislature should revise statutes to restrict the use of deadly force to defend life or to prevent serious bodily harm in those circumstances where it is reasonably believed to be the only available means for protecting the officer's life or the life of another person, or preventing serious bodily harm.

Recommendation 9.3:

The Colorado Association of Police Chiefs, the County Sheriffs of Colorado Association, and State authorities should develop uniform standards for implementing Colorado statutes regarding the use of deadly force by law enforcement officers in Colora-

do. Standards should include specific instructions as to when deadly force is appropriate and when it may not be used.

Recommendation 9.4:

The use of force by individual police officers should be reviewed at least annually by local department officials.

Recommendation 9.5:

Police officials and sheriffs should make the public aware of their policies with regard to the use of force and provide advice on how to behave when stopped by a police officer. When deadly force is used the facts would immediately be made known to the community.

Finding 10:

"Civilian review boards" have met with varying degrees of success. At least one Colorado community has a functioning citizen advisory council which works with the police department to establish lines of communications and improve procedures.

Recommendation 10.1:

The Colorado Civil Rights Commission and the Community Relations Service of the U.S. Department of Justice should provide encouragement, materials and technical assistance to local communities in establishing human relations agencies and citizen advisory councils.

Finding 11:

Many police departments in Colorado do not have well developed procedures for receiving and investigating complaints against officers. In communities who do report the existence of such procedures they often are little known by the general public or are found to be ineffective. In communities where effective complaint procedures are established they serve as a channel of communication and provide a means of self evaluation for police departments and the application of appropriate disciplinary measures and policies for more effective and acceptable law enforcement.

Recommendation 11.1:

The Colorado Association of Chiefs of Police and the County Sheriffs of Colorado Association, with assistance from minority and community organizations, should develop model procedures for receiving, investigating and resolving complaints.

Recommendation 11.2:

Every police department and sheriff's office

should have a written formal procedure for receiving and investigating complaints.

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