

INDIVIDUAL TECHNICAL ASSISTANCE REPORT

*In Response to a Request for Technical Assistance by*  
Colorado Comprehensive Justice Planning Regions 9 and 10

November 15, 1972

*Prepared by:*

Public Administration Service  
1313 East 60th Street  
Chicago, Illinois 60637

(Per Contract J-LEAA-015-72)

34152

I. PRELIMINARY INFORMATION

- A. **Consultant Assigned:**  
Dr. George D. Eastman  
Law Enforcement Consultant  
Public Administration Service
- B. **Date Assignment Received:**  
August 21, 1972
- C. **Date of Contact with LEAA Regional Coordinator:**  
August 22, 1972
- D. **Dates of On-Site Consultation:**  
September 5 to 21, 1972
- E. **Individuals Interviewed:**  
See attached consultant's report.

## II. STATEMENT OF THE PROBLEM

### A. Problem as per Request for Technical Assistance:

1. Develop a plan for a public safety department to serve the combined law enforcement needs of Archuleta County and the Town of Pagosa Springs.
2. Determine the feasibility of a central public safety building complex to house the total public safety operations of Montezuma and Dolores Counties, Colorado.

### B. Problem Actually Observed:

(As stated in II-A above)

## III. FACTS BEARING ON THE PROBLEM:

(See attached consultant's report)

## IV. POSSIBLE COURSES OF ACTION

(See attached consultant's report)

## V. RECOMMENDED COURSES OF ACTION

(See attached consultant's report)

## Introduction

The request for technical assistance, forwarded to Public Administration Service by the Director of Regions 9 and 10 of the Colorado Commission on Criminal Justice, and which made possible the preparation of this report, contemplated two separate studies and reports, one covering Archuleta County and, a second, Dolores and Montezuma Counties in Colorado.

Study concern in Archuleta County centered primarily on feasibility of creation of a department of public safety to serve the law enforcement needs of both the county and its county seat, Pagosa Springs, as well as review of and recommendations on detention facilities and services. Concern in Dolores and Montezuma Counties focused largely on criminal justice physical facility needs, both operational and administrative, and again, in the area of detention. Interests in the latter two counties, in regard to facilities, were broad; they encompassed, for example, courts and probation as well as facilities for related federal and state agencies and services.

Commonality of problems and interests among the three counties, as well as the overriding influence of state agencies and policies, led to an understanding between the Director of Regions 9 and 10 and the consultant that a single report would be prepared. Thus, this document presents relevant basic data on the three counties, as well as on state/local relations, findings bearing both directly and indirectly on the areas of concern, and recommendations set forth in both general and specific terms.

### Study Methodology

Commonly accepted techniques of data development were used to obtain informational background for this report. Included was review of the Colorado Constitution and pertinent statutory provisions bearing on both local law enforcement and local government. Reviewed, as well, were local records and available legal and study documents.

Officials and staff personnel were interviewed in the three counties covered in the study, at both county and municipal levels. In order to broaden the informational base, however, additional interviews involved officials in La Plata, Montrose, and San Juan Counties as well as in the Ute and Navajo Tribes and the U.S. Bureau of Indian Affairs.

The consultant also attended three meetings at which were discussed both study objectives and tentative findings and recommendations—a regular meeting of the Pagosa Springs Board of Trustees, a special meeting of officials in Montezuma County, and a regular meeting of the Regions 9 and 10 Criminal Justice Planning Councils in Durango.

## The Local Setting

Archuleta, Dolores, and Montezuma Counties are all in Region 9 of the Colorado Commission on Criminal Justice. All three lie in the predominantly rural southwest corner of the State and, indeed, are considered part of the Four Corners Area comprising portions of Arizona, Colorado, New Mexico, and Utah. Dolores and Montezuma Counties are contiguous; Montezuma County, the southwestern county of the State, borders on Arizona, New Mexico, and Utah; and Dolores County, bordering on Utah, adjoins it to the north. Archuleta County, however, though its southern boundary also is New Mexico, is separated from Montezuma County by La Plata County whose county seat is Durango, the most populous community of the area.

### Archuleta County

In 1971, Archuleta County had a population of 2,733, up but slightly from a 1960 population of 2,629.<sup>1</sup> The county area is 1,364 square miles of rugged, largely mountainous territory, of which less than 36 percent is privately owned.

The 1,500-plus residents of Pagosa Springs, the county seat, thus comprise more than one-half the total population of the County. Pagosa Springs is the only incorporated municipality in the County, although there are other but smaller population centers. Pagosa, an unincorporated developing community west of Pagosa Springs, is expected, at least by some, to achieve phenomenal growth over the next 15 years.

There are two local law enforcement agencies in the County—the Sheriff's Department and the Pagosa Springs Police Department; the former is staffed only by the Sheriff, and the latter by a Chief of Police and one patrolman. Unincorporated Archuleta County, to all practical purposes, has no routine provision of police services. The modest provision of law enforcement services in Pagosa Springs is achieved only by unusual attention to duty and long hours of work on the part of its two officers.

A lack of records makes it impracticable to evaluate the crime incidence in either the County or municipality. Crimes of violence apparently have been rare. Apparently, however, a rise in crimes against property is anticipated if, indeed, it is not now apparent. An increased and growing number of isolated leisure-time homes are becoming objects of attack against which there is no routine preventive patrol effort.

<sup>1</sup> Population figures used in this section are taken from 1972 Colorado Marketing Manual, published by the Public Affairs Department of the Colorado Interstate Gas Company; though the area is growing, the figures remain appropriate to this discussion.

Officials and citizens of Archuleta County and Pagosa Springs are confronted presently with four specific problems of immediate and local concern; these are in the areas of responsibility for services, manpower, records and communications, and detention.<sup>2</sup>

**Responsibility for Services.** It would be appropriate, perhaps, to say that this section is one on management of police services. Except for the commendable influence of the Colorado State Patrol which does not provide a full range of law enforcement services, there is, however, no viable police presence in unincorporated Archuleta County. Thus, there is no present police function to manage nor to influence crime conditions in the rural areas. It is incumbent, therefore, on the county commissioners to program somehow for provision of at least modest law enforcement services. Moreover, if anticipated population has been realistically appraised, it is urgent that steps be taken now to assure responsible development of law enforcement services in order to meet needs of the mid and late 70's.

**Manpower.** The problem confronting Archuleta County and Pagosa Springs, in regard to manpower, is one of perspectives and priorities. Clearly lacking today is adequate manpower to efficiently and effectively provide full field services to local residents, and manpower is the most costly of a police agency's resources. Residents should be concerned with achieving a balance, acceptable to them, between the costs of criminal depredations, on one hand, and the costs to prevent them through police agency support, on the other. Police protective services, of course, can be provided directly by the jurisdictions requiring them or under contractual or other arrangements with adjacent or containing jurisdictions. The relative isolation of Pagosa Springs and small urban centers in the County make impracticable consideration of contractual arrangements with adjacent jurisdictions.

**Records and Communications.** Police records—the reporting and internal processing of police-related incidents—may appear to be of little consequence to the average citizen. Yet, when adequate records are not available there can be no clear understanding of police needs nor, within a police agency, data which should dictate personnel assignments and activities. Records are available for neither purpose within the County.

Presently, when a citizen in Pagosa Springs wants to make a request for service, or to report a criminal incident, he may telephone the municipal office where whoever may be available during a limited number of hours per week will answer; when no one is there, the call "rings through" to a local service station which, itself, is closed several hours each day. Assuming the telephone call is received at one point or another, the person receiving it may reach one of the officers by: (1) activating a recall light on the county building; (2) telephoning a location where one may be found, as at home or in a restaurant; (3) making a toll telephone call to the Durango office of the Highway Patrol which, in turn, can radio the officer if he is "on the air"; and (4) by "flaggin' him down" if he happens to pass by. If the officer is alerted by observing the recall light, he must, of course, telephone or go to the person who activated it. A citizen has one other recourse—he may call either officer at his home—in the event he may be there.

<sup>2</sup> A similar presentation will be made of problem areas in Dolores and Montezuma Counties. A subsequent section will deal with the role of the State in its response to identified local problems.

A local telephone company representative advised that neither a concentrator nor a direct line to the Highway Patrol office in Durango could be provided. A citizen or official call to the patrol office, to assign a local officer to an incident in Pagosa Springs or the County, thus must be made under normal tollcall requirements. Though the Patrol graciously, and without charge, provides dispatch service for the local department on its own frequency, the service is relatively unsuitable to local needs. Citizen contact with the Sheriff is even more difficult to make. It should be noted, as well, that a base station is not available for local dispatch needs.

**Detention.** Facilities for the detention of prisoners in Archuleta County are located in the basement of the county building. Physically, they are inadequate in important respects; their maintenance is equally inadequate. Likewise there is poor supervision of infrequent prisoners. Clearly, unless completely rehabilitated and frequently serviced, as well as professionally supervised, they should be abandoned. Some discussion has taken place in regard to construction of a modest addition to the building to provide acceptable facilities, if appropriate alternatives cannot be provided. Although facilities are county owned, Pagosa Springs has assumed responsibility for all prisoner care.

### **Dolores County**

In 1971, Dolores County had a population of 1,641, down more than 500 from a 1960 population of 2,196. The County has 1,028 square miles of rugged, largely mountainous terrain (although its major source of income is agriculture), of which less than 42 percent is privately held. Dove Creek, its county seat, had a 1971 population of 560, substantially less than its 1960 population of 986. The small town of Rico lies near the eastern end of the County and cannot be reached over a surfaced road from the county seat located in the western end of the County. It is believed that the population trend in the County has been reversed, but that growth will occur slowly.

There are two law enforcement units in the County—the Sheriff's Department and a Town Marshal who serves Dove Creek. The former is staffed by only the Sheriff and two part-time deputies, although his wife assists both him and the court on a part-time basis—providing meals for infrequent prisoners, for example. One of the deputies, a businessman in Rico, serves his community in a resident capacity. The Sheriff actively engages on a full-time basis in his work which centers largely in the western part of the County; he is unable to devote much time to the County's eastern area.

Again, as in Archuleta County, adequate records of criminal incidents are not available, although the Sheriff is moving towards systematic records keeping.

The county building is relatively modern and presently adequate for most county needs. The two most frequently used prisoner cells are well maintained, and they and the attendant service are of such quality as to be used by federal law enforcement agencies. They are not suitable, though occasionally so used, for time-serving prisoners. Meals for prisoners are prepared within the building by the Sheriff's wife and, for this service, she receives \$2 per meal; in Archuleta County, in contrast, meals are purchased and brought to the detention facility by the Pagosa Springs Police Department.



## Montezuma County

In 1971, Montezuma County had a population of 12,952, more than 1,000 less than in 1960. The population trend, however, is being turned upward. Optimistic estimates contemplate a 50 percent increase in only 3 or 4 years because of the Dolores River Project, costing perhaps \$80 million over the next 10 years, which will provide for extensive agricultural, recreational, and industrial development. The County has 2,094 square miles of terrain generally described as "mesa," of which less than 29 percent is privately held. The County's major sources of income are diversified, including agriculture, mining, and tourism, in contrast to the single major income source of neighboring Dolores County.

The 6,000-plus residents of the City of Cortez, the county seat, constitute nearly 47 percent of the county population. The towns of Dolores and Mancos, to the east of Cortez, have a combined population total of about 1,600. Thus nearly 60 percent of the county citizens reside in the three municipalities.

There are four law enforcement units in the County—the Sheriff's Department, the Cortez Police Department, and town marshals in Dolores and Mancos. The Sheriff's Department has 10 full-time personnel and makes some use of part-time personnel; there is, in addition, a Sheriff's posse of 50. It should be noted particularly that 6 of the 10 personnel are totally involved in internal service functions—4 are dispatchers, 1 is a jailer, and 1 is a matron (the latter 2, man and wife, live in quarters in the building originally set aside for the Sheriff). Of the remaining four, one is the Sheriff, one the undersheriff, and two are deputies; it is clearly evident that these four, regardless of long hours of work cannot mount an effective and continuous law enforcement field service because of many other duties.

The Cortez Police Department has a full-time complement of 20: the Chief of Police, two sergeants, eight patrolmen, one investigator, one meterman, one jailer and one matron (husband and wife), four full-time dispatchers (and two part-time), and a secretary. It should be noted that seven of the full-time personnel are involved solely in internal service functions. Only 40 percent of the complement are patrolmen serving on the street in routine law enforcement capacities.

Again, as in Archuleta and Dolores Counties, police records are inadequate. It should be pointed out, however, that both the Sheriff and Chief of Police in Cortez have been appointed only within recent months. The Sheriff's Department does participate, moreover, in the Uniform Crime Reports program of the Federal Bureau of Investigation, and the Chief has initiated steps to do so.

The Cortez Police Department maintains its own communications system on a band assigned to it. The Sheriff's Department provides its own communications service, utilizing a base station, but on the frequency of the Highway Patrol—a courtesy extended by the latter agency to many small departments, as provided for by state statute.

Both the Sheriff's Department and the Police Department maintain full-time detention services. Though the facilities in the county building are less than desirable, they are used for temporary detention of federal prisoners. The city facilities, though superior to those in Archuleta County, are clearly unsuited to needs and should be abandoned. Both facilities are clean, though maintenance could be improved in each. Neither had a capacity, nor have they together, for maximum need particularly under modern-day requirements of separation of prisoners by various classifications.

### **Summary of Problems: Dolores and Montezuma Counties**

Three specific local problem areas are set forth in this section—those of duplication of services and inadequate manpower and facilities. Other concerns common to the Four Corners Area and the State of Colorado, such as training, will be identified and discussed in the subsequent and final section of this report titled *Plans for Improvement*.

**Duplication of Services.** Though not atypical in many parts of the country, the total duplication of communications and detention services, largely separately serving the City of Cortez and Montezuma County, is an unconscionable burden on the taxpayers and results in loss of efficiency and effectiveness to both jurisdictions.

**Manpower.** Again, as in Archuleta County, officials and citizens in Dolores and Montezuma Counties are faced with evaluation of cost trade-offs between a growing impact of criminal activities and the financial outlay required to reasonably offset them. Nonetheless, the unincorporated areas of both counties cannot be served adequately by the law enforcement manpower available to each. This makes particularly pertinent the comments above on duplication of services.

**Facilities.** The single, greatest physical need, at the present time, is the adequate detention facilities to serve the City of Cortez and Dolores and Montezuma Counties; the Montezuma County's facility is not susceptible of appropriate expansion, and the City's should be abandoned. In addition, however, expansion of services, in the area of courts and probation, for example, require consideration of new facilities. There are developing, also, increased needs for housing of state and regional services. Thus, consideration should be given to all criminal justice agency requirements and, logically, to other municipal, county, regional, state, and, perhaps, federal needs.

## Plans for Improvement

This section on plans for improvement will focus on aspects of local government, on the roles of two law enforcement agencies of the State of Colorado, on alternative routes to improvement, and finally, on specific recommendations.

### Local Government

With the unique exception of the City and County of Denver, which has no relevance to this report, Colorado counties, constitutionally provided, are organized and governed in patterns typical of most counties across the nation, and each has a county seat of government. Thus, Archuleta, Dolores, and Montezuma Counties are governed by three-person boards of commissioners, and commissioners perform in both legislative and executive capacities.

Although the State Constitution permits four classifications of municipalities, statutory provision has been made for only three: cities of the first class (population of 70,000 or more), cities of the second class (population in the range of more than 2,000 to less than 70,000), and incorporated towns (population of 2,000 or less).

In the three counties under consideration there is no city of the first class, but one of the second class—Cortez and the towns of Pagosa Springs, Dove Creek, Dolores, Mancos, and Rico. Cortez has elected its option to be a council-manager city and has a mayor and city council. Legislative authority of the towns is invested in six-person boards of trustees and, in each, the municipal executive is an elected mayor.

To direct law enforcement services in each county, there is an elected sheriff. In each city of the second class there is an appointed marshal who is designated as chief of police, while in each town there is, simply, a marshal. In each class of jurisdiction, of course, additional subordinate peace officers may be appointed.

It is clear, thus, that in each county and municipality resides responsibility for local law enforcement, even though each has available to it a variety of actions to gain improvement. A sheriff, of course, may enforce state laws within municipalities, but seldom does.

The court officer, traditionally known as justice of the peace, as well as the peace officer position of constable, have both been abolished in Colorado.

### The Colorado Bureau of Investigation and the Colorado State Patrol

The Colorado Bureau of Investigation may extend its investigative and law enforcement services to a county or municipality only when assistance is requested by a sheriff, chief of police, or chief law enforcement officer, and on approval of the bureau director. Nonetheless, agents of the bureau are vested with powers of peace officers of the State of Colorado and have all the powers and authority of any sheriff, police, or other peace officer.

The Colorado State Patrol, originally called the Colorado Courtesy Patrol, is an agency of strictly limited authority—its responsibility extends only to enforcement of traffic laws of all kinds on Colorado highways, but includes investigative and arrest authority in regard to stolen vehicles, and there are certain other specified duties. Its limitation is clearly and further spelled out in Article 24 of Colorado Revised Statutes (1963), section 3-24-9, which says "Only agents of the bureau [of investigation] shall be vested with the powers of police officers of the State of Colorado . . ."

### **Alternatives for Improvement**

Many alternatives are available for improvement of law enforcement services in the three-county area under discussion. Indeed, alternatives are equally available for improvement of local government, and action on these may well take priority as one or more of these may be necessary or desirable precursors to law enforcement-related actions.

***San Juan County: A Special Illustration.*** Although San Juan County is not a focus of this study, some comments on it may illustrate a viable option for improvement of both local government and law enforcement functions—given appropriate circumstances. In 1971, San Juan County had a population of 831, down about 2 percent from 1960. The County contains 392 square miles of mountainous terrain; of this, however, less than 9 percent is in private ownership. Silverton, the county seat, had a 1971 population of 797, or about 96 percent of the population of the County; thus, fewer than 5 percent of county residents lived in unincorporated areas. Nonetheless, there is both a county and municipal government serving this small area and a limited number of people; there is, of course, both an elected county sheriff and an appointed town marshal.

Two significant actions could be taken nearly concurrently. One would disincorporate the Town of Silverton; the other would achieve home-rule status for San Juan County. There would thus emerge a single more viable governmental unit—one more capable of adequately serving its constituency than the two it would replace—for both general government and law enforcement purposes. There would be no loss of local autonomy nor of local identity—cherished local concepts and traditions; indeed, use of the name Silverton should be continued.

A parallel case cannot be made for Montezuma County and its three municipalities, although both Archuleta County and Pagosa Springs, as well as Dolores County, Dove Creek, and Rico, may wish to explore the possibilities.

***County Home Rule.*** The principal advantage arising from adoption of home rule in counties is local determination of the governmental structures under which they will operate. The commission form of government was once thought, 50 or more years ago, to be ideal for municipalities, and many adopted it. Disenchantment, however, soon set in and almost all municipalities which did adopt it have since abandoned it. Almost all now operate as mayor-council or council-manager municipalities. A similar reaction to the commission form of government is developing and many counties, though usually larger ones, have

adopted charters providing governmental structures more typical of municipalities. Doing so has given them more flexibility in responding to basic and urban development-related problems; the need is often important in provision of adequate law enforcement and detention and corrections services.

***Service Authorities.*** Provision has been made by state statute for creation of service authorities which must include all of at least two counties in the provision of designated services but which may not include any enclave. There appears to be no rationale for creation of service authorities in the counties studied; for this reason, and because they involve multijurisdictional tax authority, their use is not recommended.

***Special Taxing Districts.*** Colorado statutes permit residents of areas to tax themselves for the purpose of increasing the level of one or more services in the taxed area. An urban area in the unincorporated portion of a county, thus, could arrange with the Sheriff's Department for a higher level of police services in the specially taxed area than the Department would otherwise provide. Similarly, it is believed that a portion of an incorporated area could make the same arrangements with its own municipal government. Perhaps the situation can be made more clear with a specific illustration. If a town, for example, decided to disincorporate for its own valid reasons, it could retain its existing level of police services, or increase them, by the simple expedient of creating a taxing district and arranging with the Sheriff's Department for the desired services.

***Contractual Arrangements.*** Provision of police services through contractual agreements with other jurisdictions is fully provided for in Colorado. Contracts are simple to work out, can and should precisely specify levels of services and costs, and are subject to cancellation under appropriate conditions.

***Interlocal Government Agreements.*** Although Colorado does not have a specific statute on interlocal government agreements, such as are provided for in the laws of California and Washington for example, it is believed that their essence can be captured locally by cooperating jurisdictions. Though the constitutional designation of the office of sheriff and the statutory prescription of his duties may hinder program development in nonhome-rule counties, special avenues of interlocal agreement should be identified as access routes to improved services. Interlocal agreement, as herein discussed, suggests, as a management device for jointly mounted programs, creation of quasi-public corporations or, less formally, interjurisdictional partnerships, which on the basis of joint boards of management, may provide services to several jurisdictions on a user-charge basis.

***General Comment.*** The balance of this report will deal directly with specific recommendations; where alternatives are offered, they generally will be designated on a basis of preference. Five perspectives, however, should be made clear at this point. The first, and the one which may appear the least credible, is that vexing law enforcement problems of small communities and sparsely populated counties are often less susceptible of solution than those of more populous and urban areas. The basic impediment is a simple lack of financial and human resources. Commonly acceptable solutions applicable to large jurisdictions may have but little relevance to smaller ones.

The second is that some suggestions which may, and indeed would, appear ludicrous in an application to larger jurisdictions may have merit in smaller ones. The third is that present senses of local autonomy, pride, and identity may be harmful in the extreme unless extended to the greater community in which neighbors and neighboring communities are looked upon as partners rather than competitors. The fourth is that solutions which only deal with the present may not long remain viable and, indeed, if too formalized may hinder future success. And fifth is the view that a consultant, if he is to serve well, must recognize and understand existing community and political stands and prejudices without conditioning his recommendations by them; resolution of problems ultimately lies in the hands of those affected by them, and they must have the facts and alternatives on which to base judgments.

#### **Recommendations: Archuleta County**

While the following recommendations offered in regard to Archuleta County are prepared to stand independently, those offered in a subsequent section, however, in relation to the State of Colorado, also, have a direct bearing on services in Archuleta, Dolores, and Montezuma Counties.

**Local Government.** Two recommendations are made in the area of local government. One is that the County initiate consideration of adoption of home rule as authorized by state statute. Early consideration allows adequate time for thoughtful evaluation of its worth to the County as well as early preparation of a structure suitable to emerging needs accompanying the expected rapid increase in population. Adoption of home rule will make easier the development of viable law enforcement services throughout the County.

The second is that the Town of Pagosa Springs give prompt consideration to substantial expansion of its geographical area on all sides in order to: (1) provide for more orderly growth; (2) achieve adequate size to permit development of viable service programs, as in law enforcement; (3) preclude becoming an enclave in a larger urban area; and (4) become more quickly eligible for change of status from town to city of the second class and, thus, for more flexibility in governmental structure, management, and operation.

**Law Enforcement.** In order to provide even minimal, basic patrol coverage of the County and the Town, five working officers are required; the term working is used deliberately, for with only five available none could be devoted to other functions, except modest investigative services arising out of patrol activities. Even with five, however, there would have to be one person responsible for scheduling, assignments, and supervision.

With the present structure of local government, the relative lack of resources and the sparse population in the unincorporated portion of the County, there is no single, viable alternative for provision of adequate law enforcement service throughout the County. The alternatives, nonetheless, are susceptible of simple identification:

1. The Town and County may continue with what it now has—minimal service in the Town made possible by a small force working almost always under an overload situation, and no identifiable county service.
2. The Town may increase its police complement by one—in no way a completely satisfactory alternative but one which is apparently reasonable within budgetary limitations.
3. The County could employ one or two deputies or even special policemen to provide rural-area patrol.
4. The Town may increase its complement by three or four and then by contract extend modest patrol services to the unincorporated area, as well as improve its own services, under agreement between the County and the Town.
5. The County could contract with the Highway Patrol to provide basic services in the county area.
6. The County could contract with the Bureau of Investigation to provide the same services.
7. The Town and the County (on securing home-rule status) could:  
(a) jointly establish a police agency to serve both jurisdictions under appropriate legal and management controls, (b) or one could contract to provide services to the other.

Although considerable time is involved in providing for the last alternative, it holds the most promise for satisfactory solution to local law enforcement problems in Archuleta County, and is herein made as the consultant's recommended course of action.

Alternative four, above, appears to be the best available immediate solution and would not interfere with ultimate implementations of the key recommendation. Its implementation, however, involves legal problems in relation to the office of sheriff and its responsibilities as well as clear understandings between the board of commissioners and the board of trustees on cost sharing, kinds and levels of services, control, and agreement terminations.

Alternatives five and six, above, should not be overlooked as immediate and interim possibilities. Present legal restrictions on such use of the Patrol as well as political considerations involved in use of either the Patrol or the Bureau are fully recognized. Nonetheless, the Patrol is comprised of well-trained, disciplined, and supervised personnel accustomed to field patrol functions; a modest change of legislation, on a limited and restricted basis, and minimal training for personnel to be so assigned could provide immediate relief in the present local situation. The Bureau could perform credibly as well; it may, however, because of its legal charge and small complement, be less able to respond to changing manpower needs for local patrol assistance.

**Records and Communications.** Local maintenance of police-related records and, in fact, air wave usage and procedures should soon become basic matters of concern to the State. Nonetheless, certain steps should be taken promptly in Archuleta County in regard to both; and the matter of local resources dominates, in large measure, the nature of recommendations.

In the area of records, four proposals are made:

1. Records processes recommended by the Federal Bureau of Investigation for small departments should be adopted, or another comparable but simple system developed locally.
2. Both the County and the Town should regularly participate in the Uniform Crime Reports program of the FBI and plans should be prepared to make this possible by January 1, 1973.
3. While incident reporting is a responsibility of police personnel, records receipt, indexing, filing, and retrieving as well as reporting in compliance with state and federal programs should be the responsibility of civilian clerical personnel for which there should be budget line items in both county and town budgets.
4. Records keeping for both the County and the Town should be assigned to one person of either jurisdiction who should maintain a common county/town records system; if necessary, the jurisdiction assuming responsibility could negotiate a modest charge for services with the other.

In the area of communications it is essential that constant citizen-to-police contact be available. It is equally important that (1) sworn personnel of whatever limited complement is available not be diverted to the communications function and (2) costs be held to minimal levels which will provide and support dependable service. Several alternatives, adopted singly or in combination, appear to be available:



1. Provision of automatic access from any telephone in the area to a direct line to the State Patrol communications facility in Durango.
2. Provision for unqualified acceptance by the State Patrol Durango facility of all collect station-to-station calls originating in Archuleta County.
3. Provision of a single emergency telephone number for the County and the Town with immediate response 24 hours per day at a location in Pagosa Springs.
4. Direct access to the emergency number, coin free, from a well-marked and lighted telephone placed in front of the town hall or county building.
5. With permission of the State Patrol, purchase and use of a base station to serve the entire County to be operated at the location where emergency calls are received.

As said earlier in this report, informal discussions with a representative of the local telephone company suggest that facilities cannot presently be provided in support of the first alternative above. The second alternative appears to be feasible and, if provision cannot be made for items three, four, and five above—or at least three and five—should be planned and implemented by agreement among the County, the Town, and the State Patrol. A billing procedure, of course, would have to be worked out to reimburse the Patrol for accepted long-distance charges. A handicap to this arrangement involves: (1) calls unnecessarily placed to Durango and (2) the complexity of detail involved in hour-to-hour relationships which would devolve on all three contracting parties, particularly the Patrol.

It is recommended that the County and Town, combined, establish a communications operation within the conditions of the last three items above. The jurisdiction and office which accepts responsibility for the records function could serve as the daytime communications center. However, because of the limited normal hours such an office would be open, in addition to closure on weekends and holidays, a dependable service should be established at one other point for all hours not covered by the public office.

It would be most desirable if the local telephone company would accept such responsibility, either as a public service or on a nominal charge basis. The second choice would be acceptance of responsibility, on the basis of appropriate charges, by a firm in business and open 24 hours per day. This suggests, in Pagosa Springs, a motel, which though it actually may be open only 16 to 18 hours, normally responds to calls at all hours. Details to be worked out, in addition to selection of whomever would handle center responsibilities,

include purchase of one base station with remote access to it, or two base stations establishing the emergency number, providing ring-through arrangements from one location to another, securing the single, on-street, public-access telephone, developing formalized service and charge arrangements, and most importantly, securing approval of the State Patrol.

**Detention.** Personnel and financial resources and factors of time and distance are crucial matters in devising recommendations responsive to detention needs of the County and the Town.

If further use is to be made of the present facilities, there are three overriding considerations. One is that the quarters, the cell blocks, and the surrounding area should be completely rehabilitated; this includes replacement of broken windows and provision of adequate protection for all windows, protection of all electrical outlets and other physical features against vandalism and possibly injury to inmates, repainting of the quarters, and replacement of mattresses and similar equipment. A second is a continuance maintenance program to assure cleanliness, safety, and general well-being of inmates. A third is that constant supervision should be provided whenever a prisoner is confined in the jail quarters.

Consideration has been given, in the County, to detention needs and actions required to fill them; included has been the suggestion that a modern detention facility be constructed as an addition to the present county building. Certain factors should be reviewed, however, before such action is taken and, in fact, before recommendations of this report are presented. First, there are insufficient data available to analyze past detention usage, although clearly it has not been extensive, except under unusual and nonrecurrent situations exemplified by the recent arrests for narcotics violations. It is thus difficult to project need. It may be, and this point is only raised conjecturally, that the present condition of the jail influences sentencing practices. Clearly, nonetheless, changes in enforcement policies and practices may materially affect detention needs.

Second, bonding requirements and practices can significantly affect requirements for holding facilities from arrest to arraignment. Third, the County's growth rate and potential population, though optimistically considered fast and large, cannot be predicted accurately at this time.

Fourth, detention facilities are expensive to construct, far more so than most public facilities, especially in view of modern requirements for separation of classes of prisoners and for provision of more amenities such as recreation quarters. Fifth, detention facilities are expensive to staff and supervise and, in this respect, it should be noted that medical care is not readily available in the area.

Analysis of the above factors lays the ground work for the following recommendations:

1. Bonding practices should be reviewed with the appropriate courts to see if a relatively high percentage of those arrested cannot be released, pending trial, on their personal recognizance; experience elsewhere has shown that such a release practice is effective and that but few, under a sound program, fail to appear as instructed.
2. Present facilities should be fully rehabilitated and adequately maintained.
3. The facility should be used only for holding purposes; there should be no time-serving in it.
4. When inmates are in the facility, they should be under constant observation and supervision; during the normal working day, this can be accomplished adequately by remote optical scanning as long as competent personnel are readily available. At other times, supervision could be provided by off-duty or reserve police personnel on an hourly compensation or contract basis.
5. Prisoners serving time should be housed in facilities of other jurisdictions, on a charge basis, which have quarters and staff appropriate to need. On a space-available basis, arrangements possibly can be made with La Plata County; and even more distant facilities should be considered under certain circumstances.
6. Transportation could be arranged by: (a) agreement with the other county or (b) locally through use of regular or reserve officers, using county or city vehicles properly equipped for prisoner transport, on a per trip or hourly basis.

Prisoner transport and per diem costs no doubt will seem high, if items five and six above are accepted; they will be minimal, however, on an annual basis in contrast to costs involved in new construction, maintenance, and personnel to accommodate such prisoners. On a long-range basis, consideration can be given to adequate local facilities and, ultimately, there may be a decision to build; now, however, seems to be an inappropriate time to do so.

### **Recommendations: Dolores and Montezuma Counties**

Some of the following recommendations parallel and some differ from those made above concerning Archuleta County. Where there are differences, they arise from consideration of many factors such as present population, growth trends, economic variables, the present status of law enforcement, and still others.

**Local Government.** Sparsely populated Dolores County, with a single major source of income, an apparently rather stabilized population, and no immediately visible dramatic change in view, may be content for some years to maintain its present form of government. If, however, rapid developments do take place, it may then wish to consider home rule. Meanwhile, various arrangements may be worked out with Montezuma County and, indeed, even with the City of Cortez, which may be beneficial to it and the cooperating or contracting jurisdictions.

It is recommended, on the other hand, that Montezuma County give prompt attention to gaining home-rule status and, as in Pagosa Springs, that Cortez develop a master annexation plan. The projected rapid growth in population and the economy, as well as the area's increasing attractiveness for tourists and vacationers, give at least some sense of urgency to these two suggestions.

As plans progress for improved general government and law enforcement services, the role of the bicounty planning coordinator should be strengthened and his office augmented by additional professional staff.

**Law Enforcement.** No direct recommendations are made at this point in regard to police services in Dolores County, although assistance to Dolores County will be discussed later. The County and the towns have but modest law enforcement problems and, at the same time, minimal services to offset them. Here, again, is the question of balance between the costs incurred by criminal actions and those incurred to repress them. Thus, Dolores County has two obvious alternatives: one is to continue its present level of services, accepting them as appropriate to need, and the other is to increase the level of service with the reasonable belief that, to do so, will improve security in the County.

The Montezuma County situation is more complex and requires detailed comment. It is judged that the City of Cortez Police Department is adequately staffed to meet its current obligations, especially as the Chief of Police has further opportunity to develop and implement plans for improvement of personnel, organization, management, and operations. The Sheriff's Department, however, is inadequately staffed to cope with the law enforcement problems of the County.

It is recommended that the City of Cortez abandon its detention operation and detention will be discussed more fully in a later section of this report. Certain financial resources will become available to the City when this action is taken; they may be used to improve field or other police services, applied elsewhere as needed, or assumed simply as an opportunity for budget reduction. Pending such closure, however, an important change in the charging of arrested persons should be made—no one should be charged under a city ordinance which may result, on conviction, in his serving time in the city detention facility; equivalent charges can be made which would result in incarceration in the county facility.

It was earlier recommended that Montezuma County adopt home rule. A key reason for this is the opportunity for improvement of law enforcement in the County. Pending such action, however, is a need for immediate improvement. One opportunity for improvement of county law enforcement services in the County, of course, lies in augmenting the resources of the Sheriff's Department. If this is to be considered, the Board of County Commissioners should require a comprehensive plan of improvement to be prepared by the Sheriff which preliminarily should outline, in detail, present field services and the resources used in providing them, and then establish new service schedules along with resources required to maintain them. Two factors are paramount in decisions in this course of action: (1) the confidence the Board has in the Sheriff's ability to effectively use additional resources and (2) the extent to which the Board will commit additional resources.

A second alternative, though fraught with some legal and political complications, is provision of police field services to unincorporated Archuleta County by the Police Department of the City of Cortez through a contractual arrangement negotiated between the County and the City. Under such an arrangement, the Sheriff would retain full responsibility for court-related, detention, and other nonfield-related functions. It is suggested that county and city public officials, including the Chief of Police and the Sheriff, fully explore this alternative. There should be no difficulty in arriving at commonly accepted field policies and little difficulty in effecting other interagency arrangements. The Chief of Police could be appointed undersheriff with responsibility for field operations in the County. The Sheriff, alternately, could continue to assume responsibility for on-site supervision of incidents, if he wished. Key advantages lie in such a program. Clearly, one is the stability of the law enforcement function in the City. A second is improved scheduling of personnel, in a single, larger agency, to effect better balance between field needs and personnel available. A third is more effective coordination of effort. And a fourth is the likelihood of consistent field supervision.

**Records and Communications.** The Sheriff's Department and the Cortez Police Department should not, independently, maintain records and communications systems. It is recommended that a single records and communications center be established to serve both counties and their municipalities. With such a center, service can be improved for both administrative and field personnel and costs reduced for both major jurisdictions. Inasmuch as the City of Cortez has its own communications system, the latter should be used to serve both counties with whatever modifications or changes in equipment are required. A common reporting process should be developed to serve the combined records system.

Records and communications, as a coordinated and effective joint operation, should be located together in a single facility and be under singular supervision. This requires an arrangement, primarily between the two larger jurisdictions—for provision of facilities, management and supervision, and sharing of costs. The latter may be accomplished by having one jurisdiction, probably the City of Cortez, provide all services to the other jurisdictions under contractual or other arrangements. Another method would involve creation of a joint-venture operation placed under the supervision of contributor/users on

either a formal or informal but legal arrangement. Unless the center concept is expanded to include other staff and auxiliary services, and this will be discussed later, the former arrangement is suggested as the more practicable.

**Detention.** Already a serious problem, in several respects, provision of adequate detention services will become a matter of critical concern before too long. It is recommended that Montezuma County have the only time-serving facility in the two-county area, but that Dolores County and the several towns (not including the City of Cortez) maintain such minimal holding facilities as may be needed. The Montezuma County Sheriff would, thus, have responsibility for detention needs arising anywhere in the two counties, if appropriate arrangements could be made by the two boards of commissioners and the two sheriffs. Practicability of the detention suggestion is dependent, of course, on adequate facilities and, to assist in determining need, both major agencies should improve their detention records in regard to inmate occupancy. It is recommended, insofar as is possible—consistent with sound detention practices—that the Montezuma County Sheriff arrange immediately to house all time-serving prisoners and that the Cortez jail be used only on an as-needed basis of overflow from the county facility.

**Facilities.** Several governmental facilities in Montezuma County, already unsatisfactory in several respects, soon may become seriously inadequate—with a consequent deterioration of functions and services and, indeed, an inability to provide some, as in the detention area. Planning for new facilities is a complex and difficult endeavor, and several important considerations and processes are involved.

Perhaps the most critical decision involves determination of who will occupy the new building or building complex. Assuming joint occupancy by the City of Cortez and Montezuma County, will it be an all-purpose building for all or most components of the two jurisdictions, or will consideration be given only to a criminal justice complex?

Once this decision is made, even tentatively and with the alternatives clearly in mind, there should be a detailed analysis of current space available in regard to its suitability for present functions and services. This analysis will make more practicable determination of future needs which must take into account reasonable projections of increasing requirements predicted on the basis of five-year increments for at least 30 years. Importantly, in relation to this projection, attention should be given to three considerations. The first is organization for functions; departments and agencies should be reviewed to assume that they are presently organized in accordance with today's most advanced concepts. The second is the possibility, and perhaps the actual determination, of consolidating like county and city functions, even though each is now properly organized to achieve its purposes. The third is developing projected growth patterns for present services.

Parallel to the above, consideration should be given to the possibility or probability of the County or City being involved in the provision of services not now available. Such services may be to assist government, itself, as in the employment of data processing equipment for many purposes. Other services may be undertaken in response to some identified public need.

While the question of who will occupy the complex was raised earlier, it was done primarily in regard to local government departments and agencies. Consideration should be given additionally to potential other users such as regional and state offices and, perhaps, even some at the federal level.

If a tentative decision is made to proceed with planning for facilities, the services of an architect will be required. A special caution is required in this respect. Many architects are familiar with general public building needs and skilled in responding to them; however, there are fewer who are as competent in the areas of detention and rehabilitation facilities—and these are costly to construct or, later, to remodel. Legal and other detention requirements and concepts are changing rapidly and a thoroughly competent corrections specialist should be involved in the planning.

It is recommended that planning be undertaken immediately to respond to both criminal justice and general government needs. If a decision is made to proceed only with a criminal justice complex, additional planning will be required to assure effective utilization of the present county and city facilities. Although local officials are familiar with financing such projects, alternatives now need to be spelled out in detail in order to achieve desired ends at the least total as well as the least cost to local government.

## Other Considerations

Numerous other matters, not especially appropriate to earlier sections of this report, perhaps merit discussion at this point.

### Personnel Matters

There are numerous pressing problems of personnel management in Colorado which, of course, are common to most states. Paragraphs below identify only three which suggest immediate attention, and which affect conditions in the Four Corners Area and are related recommendations made earlier in this report.

***Standards and Training.*** Colorado now provides training to police personnel throughout the State through its Law Enforcement Training Commission. It has not, however, provided for entrance requirements to the police service nor has it made its training mandatory. It is suggested that the Governor, after consultation with law enforcement and other public officials as well as appropriate higher education faculty and lay citizens, establish a task force or study committee to think through the needs for standards and training for all levels of personnel and to prepare a report on the requirements and processes for effectuating a new program. It is further suggested that the scope of the study should include all criminal justice components and their needs, and not, thus, be limited to the State's peace officers.

***Criminal Justice Education.*** Although no state has accepted fully the strong recommendations of the President's Commission on Law Enforcement and Administration of Justice in regard to education for police personnel, there is increasing recognition of the values to police inherent in higher education. State support of higher education in Colorado reflects a strong interest in it. Attention should be turned now to further involvement in criminal justice education programs and processes in order that police, corrections, and related agencies in the State can be further responsive to the need for improvement in the criminal justice system.

***Mobility of Personnel.*** As the police service is further professionalized, and as the need for specialists and administrators becomes more acute, provision should be made to allow an accrual of pension benefits as officers move from one jurisdiction to another. Three solutions are readily apparent. One is revision of the present state pension plan. A second is immediate vesting in local pension plans for participants; immediate may mean, in this case, after one year of service but with permission then to both the jurisdiction and the participant to pay at an increased rate until first year benefits are accrued. A third, especially applicable to administrators who may be employed in a particular position for only a few years, is to permit and encourage local jurisdictions to negotiate private annuity agreements for which both parties would make contributions identical to those of the formal pension plan applicable to the jurisdiction. Two adverse situations develop under



present circumstances. One is that jurisdictions in need of certain competencies cannot attract personnel who have them. The other, and parallel to the first, is that many dedicated and professional personnel are moving, but only under conditions which seriously jeopardize their financial security.

### **Crime Investigation**

Reference was made earlier to the possibility of provision of police field services to unincorporated county areas by the State. This section refers, thus, only to local and unfilled needs for field investigation and evidence examination assistance.

**Field Investigative Services.** No police agency in the three-county area, or all agencies in combination, can muster and maintain resources required to handle investigations of serious crimes of a wide variety which may occur. Indeed, but few crimes of violence are recorded, and even major crimes against property are relatively infrequent; the latter, however, appear to be increasing on both an absolute basis and in relation to population. Professional conduct of investigations requires finely honed skills, and these can only be developed and maintained by adequate training and continued use. Thus, there are two problems: (1) a need for adequately trained investigators and (2) a sufficient work volume to assure skills maintenance.

Three alternatives seem feasible and, for the areas under discussion, are presented on the basis of descending suitability. The most logical is an expansion of the Colorado Bureau of Investigation and a decentralization of its investigative functions and personnel in accordance with demonstrated regional and local needs. The second is the more difficult-to-achieve creation of regional investigative centers based on interjurisdictional agreements and multijurisdictional support. The third is acceptance of this kind of responsibility by such cities as Cortez and Durango; in this case, as in the second alternative above, a cost sharing agreement should be made but, if one is not, the City may find extending such service to surrounding areas worthwhile because of its potential for creating a crime deterrence buffer. If either of the first two alternatives is accepted and implemented, the use of the service by all concerned jurisdictions should be assiduously solicited—otherwise a valuable service may not reach its full potential.

**Laboratory and Related Services.** There is a clear need in the area for skill in crime-scene searches—the protection, collection, and preservation of evidence, as well as more extensive use of laboratory services. Part of the need centers on training of personnel in the region, part in higher availability of services from the State, and part persuasion of police personnel of the need and value of the services. There is no question of the competence of the Bureau of Investigation, but field recognition of the need and potential value of the service is not strong. The latter should be strengthened and the Bureau should take the lead in assuring this development. Ultimate organization and staffing for such services is not projected at this time; there may well be a need, however, for some decentralization—and this could be best accomplished by coordination of laboratory and related services with provision of investigative services.

**Medical Examination Services.** A further step toward identification and solution of crimes of violence, particularly homicides, would result from creation of a state medical examiner system. Such a system would bring to bear highly developed medical skills where virtually none are now applied. Although the present coroner system is based on county jurisdictions, the medical examiner system could be established on a basis paralleling judicial districts.

### **Detention**

Earlier in this report, detention inadequacies in the three counties were identified, and observation suggests that similar inadequacies may be found elsewhere in the State. The problems of detention and, indeed, those of corrections, need careful and exhaustive review and, ultimately, solution. Basic questions focus on the role of the State.

There should be recognition that small counties do not have the resources required for maintenance of programs responsive even to their minimal needs nor, in some areas, would two or more in combination. The State should have, in fact, a detention/corrections master plan which gives credence to and makes provision for detention and corrections needs throughout the State, although the pressing, present local problem is largely one of detention. The State may wish to consider regional time-serving facilities, leaving only responsibility for holding facilities to local jurisdictions. At a minimum, however, it should establish standards for detention facilities and services applicable to all jurisdictions maintaining them, whether holding or time-serving in nature, and adequate provision made for standards enforcement. Creation of the standards, themselves, and their review in relation to local conditions will bring the detention problem into sharp focus.

### **Records and Communications**

As in the area of detention, there should be a state master plan for records and communications. Steps toward its development should be taken immediately, and there are two basic reasons for this suggestion. One is a developing local interest in improved records and communications. The other is the inevitability of state development of at least state records and, perhaps, a records analysis and planning program, in criminal justice, which will utilize sophisticated automated data processing. It is only logical, thus, that the State and its local governments develop basic data needs and reporting formats so that present problems of records inadequacies and incompatibility will be resolved before they become acute.

### **Indian Affairs**

Problems of significant consequence exist in the Four Corners Area involving the state and local jurisdictions, the Bureau of Indian Affairs, and Indian Tribes. Although no

provision was made for their analysis in this study, it is recommended, under positive and continuous leadership of the State, in cooperation with local jurisdictions, the Bureau, and the Indian Tribes, that a long-range program of interagency relationships be developed and implemented. Concerns range widely and involve such diverse matters as arrest authority, the status of Indian courts, communications, and detention facilities and services.

### Conclusion

It should be pointed out that this report does not reflect study in depth of law enforcement operations in Archuleta, Dolores, and Montezuma counties; it results, rather, from a reconnaissance or survey-type review. Moreover, while many recommendations are made, and where alternatives are identified, they are set forth on a preferred or priority basis, none is set forth in such a manner as to preclude need for further study. Indeed, some problems are merely identified and suggestions are made for others to resolve them.

Many problems of the three-county area are serious; fortunately, they are clearly recognized by and are a concern to local officials and citizens. None are insurmountable, and determined local leadership can bring about their dissolution or mitigation.