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El Paso County Sheriff's Office
210 South Tejon Street
Colorado Springs, CO 80903

May 12, 2014

El Paso County Board of County Commissioners
200 South Cascade Avenue
Suite 100
Colorado Springs, CO 80903

Attn: Board of County Commissioners

As concerned El Paso County residents, El Paso County employees, and taxpayers, we are requesting the Board of County Commissioners initiate an investigation into the activities at the Sheriff's Office during Terry Maketa's term as the El Paso County Sheriff. Sheriff Maketa has made statements to the media indicating that he does not answer to the Board of County Commissioners, the County Administrator, or the County Attorney. He has repeatedly stated that, as Sheriff, he is exempt from following the policies and rules of conduct that apply to others within his office. Although he may consider himself exempt from the policies that apply to his employees, he is not above the law on issues related to discrimination, harassment, hiring, and discipline. Recent local media coverage regarding activities at the Sheriff's Office has revealed many serious concerns about the way Sheriff Maketa manages his people, his budget, and his resources. His actions are illegal and expose El Paso County to significant financial liability. Specific examples are provided below, however, an independent investigation will likely reveal many more troubling practices at the Sheriff's Office.

This request is for an investigation into the following concerns:

- Hostile Work Environment & Threats
- Sexual Discriminatory Workplace
- Procurement and Budget Practices Inconsistent with County Policies
- Retaliation for Political Views and Violations of Civil Rights

On May 10, 2014, The Gazette released an article titled: *Leaders felt pressured to give award to Sheriff Terry Maketa*. This article is the latest of a series of articles in 2014, describing questionable practices by Sheriff Maketa and Undersheriff Presley. Many of these articles have relied on anonymous sources, recently "retired" sources, and people who have been pressured to resign the Sheriff's Office. In his response to the article, Maketa accused two unnamed commanders of collaborating with the Gazette in a character assassination meant to taint the reputation of the Sheriff, the Sheriff's Office and the Hundred Club Award. His response is full of inaccuracies and is a clear attempt to discredit the two commanders, who have not been identified. He refers to them as cowardly, dishonest, immature, and a cancer on the organization, based solely on the contents of a short article in the Gazette. In fact, neither commander initiated contact with the Gazette. Neither commander had any agenda to damage any persons character, much less the reputation of the Sheriff's Office or the Hundred Club. Reporter Dave Philipps

already had the story and sought verification of the events that occurred regarding Maketa's nomination to the Hundred Club.

The information in the Sheriff's response which infers that they were the only two command staff members who felt pressured is untrue. Many others disagreed with the nomination, but remained silent to avoid a backlash that would occur by taking a position against the Undersheriff in her attempt to give the award to Maketa. This silence among the Sheriff's Office leadership is a direct result of the oppressive style of leadership displayed by both Sheriff Maketa and Undersheriff Presley during the past several years.

Hostile Work Environment & Threats

There are many reasons for an EPSO staff member to request anonymity when providing information to the media. Retribution and potential termination are among the reasons. Recent threats made by Undersheriff Presley against a Sergeant Rob Stone, however, illustrate an increased level of tension in the Sheriff's Office that would cause a reasonable person to use caution when questioning the practices of the Sheriff and the Undersheriff. During an interview into the Bill Elder's missing IA file conducted on February 6, 2014, Stone was asked about who he believed took the now infamous file. Stone, who has since retired, reported that he believed, like many, that Presley had taken it. According to staff members, Presley became outraged at this statement. She repeatedly stated, "I am going to kill that fucker! I am going to kill that fucker!". Sheriff Maketa was aware of the threat and directed a detective to keep an eye on her to make sure she didn't do anything "stupid". At the direction of the sheriff, Sergeant Stone was ordered to stay off the fifth floor, the location of Presley's office. Undersheriff Presley regularly directs hostilities toward Sheriff's Office employees. The hostilities are usually verbal in nature however this recent outburst is a sign of increasing tensions and cause for alarm. As a witness to the threat, the Sheriff did not take appropriate action in addressing her behavior and potentially endangered employees at the Sheriff's Office.

Although the event described above is far more serious than most hostile behavior at the Sheriff's Office, Sheriff Maketa and Paula Presley have routinely subjected employees to harassment, abusive language, and emotional distress. Threats of termination of employment have been routine occurrences and a favorite tactic used by Maketa to demonstrate his authority over his subordinates, while creating a feeling of helplessness. Members of his Command Staff are frequent targets of his abusive attacks, presumably due to the fact that they have witnessed his unethical and illegal behavior. He has called in numerous employees and cursed them for failing to meet his expectations, although his expectations are rarely clear and are often contrary to written operating procedures and policies. On at least one occasion, numerous employees were contacted by phone in the middle of the night, and ordered to report to his office at 6:30 A.M., wearing the Class A uniform (dress uniform). Upon their arrival, they were made to wait for hours before he called them into his office individually to verbally berate them. During numerous other occasions, he has forced many employees to turn in their credentials, badges, and firearms, sending them home for a period of time to "think about" how they have failed him. These employees have been forced to endure extreme levels of emotional distress, not knowing if they were ultimately going to be terminated and lose their livelihoods. Other employees, including Bureau Chiefs, have been forced to write memos outlining their qualifications and stating why they should be retained as an employee of the Sheriff's Office. To increase the

stress related to the event, Maketa has given them a limited period of time in which to complete the memos, stating they would be terminated if they missed the deadline. The only explanation for such tactics is to intentionally inflict emotional distress on his employees, and exert his control over them to keep them quiet about extensive list of abuses by Maketa and Presley.

Sexual Discrimination

Maketa has created a sexually discriminatory working environment for his male employees. Female employees have received promotions, pay raises, work assignments, work conditions, training opportunities, and leave not afforded to male employees. He provides his female employees unprecedented access to him, in many cases allowing them to completely ignore or bypass the established chain of command. This has resulted in a culture within the office in which the chain of command concept does not apply to certain employees, primarily women. In fact, Maketa has completely altered the organizational chart of the Sheriff's Office to allow numerous females to directly report to him, completely eliminating any chain of command oversight. He currently has four females that report directly to him as their primary supervisor. No male employees are a direct report to Maketa, not even his own legal advisor. Additionally, only female employees have ever had the ability to send text messages directly to the Maketa, through a process known as pinning. The process was available with Blackberry smart phones and allowed the text messages to bypass the server without being digitally stored. This, in theory, meant they were unable to be released as part of the Colorado Open Records Act, and they could not be intercepted by El Paso County Information Technologies. This practice continued for several years between Maketa and his favored female employees. Many of his text messages with female employees evolved into very personal, inappropriate exchanges. Some of these texts were intercepted by County IT and copies were provided to the appropriate staff members at the Sheriff's Office. These text messages provide clear proof of inappropriate sexual relationships between Maketa and female subordinates.

These relationships have been investigated by members of the media in the past, particularly in 2010, when Maketa was elected to serve his current term as Sheriff. The allegations primarily centered on his involvement with three female employees; Paula Presley, Dorene Cardarelle, and Tiffany Huntz. The content of the media coverage was extremely limited due to the unwillingness of those with knowledge of Maketa's indiscretions to talk to the press. No one was willing to lose their job to expose the lies, unethical behavior, unfair employment practices, and problematic leadership skills. Maketa won the election by a huge margin, and he continued his unacceptable behavior throughout his third term. Each of the employees named above continue to benefit from their associations with Maketa. They each enjoy direct access to Maketa, access that does not exist for any male employee in the Sheriff's Office. Specific examples are addressed individually below and will demonstrate serious lapses in Maketa's judgment that result in significant liability for El Paso County.

Rumors of a sexual relationship between Maketa and Paula Presley have existed within the Sheriff's Office for many years. Despite her support for Maketa's opponent during his first election in 2002, Presley quickly aligned herself with Maketa after he was sworn in as Sheriff in 2003. Since that time, she has been afforded unchallenged access to him, often subverting and undermining her directs superiors. He promoted her through the ranks, offering her key assignments and promotions to Commander, Bureau Chief, and Undersheriff during his time in

Office. She has traveled extensively with Maketa throughout the years, presumably paid for with taxpayer dollars. She has been very vocal about the close personal relationship they have had during their travels and while working closely within the Office. Presley bragged that she has written papers and completed homework assignments for Maketa when he was attempting to complete his undergraduate degree. She also frequently talked about their plans to open a consulting business together after they both retired from the Sheriff's Office.

Their apparent relationship, however, has not been without conflict. They have had very frequent, intense arguments, often resulting in screaming and cursing that could be heard by other employees in the area or on adjacent floors. In one case, the screaming match resulted in a violent rage that resulted in a broken door and large hole in the wall within the admin area of CJC. After the incident, she indicated to a subordinate that the violent exchange could be considered domestic violence, insinuating a sexual relationship had occurred between the two. She has also stated to numerous subordinates that she would "tell Vicki everything" if Maketa didn't treat her better and do what she wanted him to do. She has submitted her resignation numerous times, each time changing her mind at the last possible moment and begging Maketa to continue her employment. He always gave in and has even promoted her to her current position as Undersheriff despite her inability to perform the tasks required of a Bureau Chief and Undersheriff.

Presley's desk has long been known as the place files go to disappear. As recently as April 2014, the Sheriff was forced to intervene in her inability to process required information in a timely manner. Two pending Internal Affairs Investigations dating back to April 2012 were discovered on her desk. They were finally processed and closed by Bureau Chief Harmon in less than a week. These types of behaviors would have never been tolerated from any male employee at the office. Procedures are clear regarding the timeframes allowed to review Internal Affairs files. Any other employee within the Office would have quickly been the subject of an Internal Affairs investigation for a Performance of Duty policy violation, and most likely terminated or demoted.

Regarding Maketa's relationships with Dorene Cardarelle and Tiffany Huntz, the Colorado Springs Independent featured an article in 2010, *Star Treatment*, that identified questions related to Maketa's hiring, retention, and promotion of these two employees. According to the article, Dorene Cardarelle was hired by the Sheriff's Office as a Budget Analyst in 2007, with a salary of \$51,396, and was quickly promoted to Comptroller and given pay raises that were inconsistent with her education and experience. She initially lacked the minimum educational requirements or experience for the position, as stated in the job description. She was selected, by Maketa, over other candidates that were more qualified. She was not the candidate recommended by the hiring panel, but Maketa conducted his own interviews with the candidates and personally selected Cardarelle for the position. It should be noted that it is highly irregular for the sheriff to conduct job interviews, particularly for a mid level position such as Budget Analyst.

Ms. Cardarelle has received preferential treatment from Sheriff Maketa since he hired her in 2007. Text messages intercepted by County IT confirmed the existence of an inappropriate relationship. She, like Presley, has traveled extensively with Maketa to various locations across the country, presumably to attend budget related workshops or seminars, and El Paso county tax dollars paid for the trips, to include lodging and per diem expenses. Maketa also accompanied

Mrs. Cardarelle on numerous day trips outside of work. The two would occasionally exercise together on the Manitou incline, and made at least one ski trip to the Colorado mountains. During one such trip, Mrs. Cardarelle suffered an injury that required a trip to the emergency room. Since Maketa was not supposed to be with her, he called a very senior member of the Sheriff's Office to drive to the mountains to wait with her. While these examples may seem like reasonable interaction, further investigation will reveal that Maketa never traveled with the two previous comptrollers, both of whom were male employees. Additionally, the previous two comptrollers were required to follow a strict chain of command in order to present information to Maketa. Both reported to a chain of command that included the Administrative Division Commander, the Support Services Bureau Chief, and the Undersheriff. Cardarelle also reported to a very similar chain of command after her promotion to comptroller, until her direct supervisor attempted to counsel her regarding behavior and performance issues. Following the counseling incidents, the Sheriff changed the organizational structure of the Sheriff's Office, and she now reports directly to him, eliminating additional oversight of her spending and compliance with El Paso County budgetary practices. Furthermore, there is no direct supervisor, other than Sheriff Maketa, to perform administrative functions such as evaluations, vacation and holiday time tracking, and sick time usage. She is the only employee on record to have had a baby and only use a total of three days of sick time, including labor, delivery, and postpartum leave. Her current salary exceeds \$100,000 per year.

Since the article mentioned above first appeared in the Independent in 2010, Tiffany Huntz has been promoted to a supervisory position in the Communications Section (Dispatch). Maketa routinely spends long periods of time in her office, ignoring all of the other employees assigned to her working location. Although many leaders of an organization the size of the Sheriff's Office would prefer to avoid creating perceptions of impropriety with a subordinate female employee who has boasted about her open marriage, Maketa doesn't seem concerned. Tiffany and her husband, John, have become close friends with Maketa and his wife Vicki. They have traveled together on numerous occasions, and Maketa recently promoted John to the rank of Sergeant and gave him a coveted assignment as the Training Sergeant. The Training Sergeant assignment has historically been reserved for supervisors that have several years of supervisory experience.

Budget Practices Inconsistent with County Policies

As mentioned above, Sheriff Maketa has effectively removed all of the chain of command review and oversight of the Sheriff's Office budget, which currently exceeds 60 million dollars per year, including 1A revenue. Although all expenditures were once subjected to numerous levels of review, the current organizational structure has eliminated the checks and balances that would normally be required to ensure the huge sum of taxpayer dollars are spent wisely and in accordance with required El Paso County policies. El Paso County taxpayers deserve a consistent and transparent budgetary process, one that limits the possibility of abuse or corruption. In the past, each section or division supervisor would have had access to clearly identified budget authorizations for their respective areas of assignment. They were expected to manage their own budgets and evaluate the availability of funds in their respective "accounts" prior to submitting purchase requests through the appropriate approval channels. They received monthly reports to assist in the management funds assigned to their section or division. The

process worked very well, and every leader in the organization had "buy in" to the process and worked hard to maximize the purchasing power of the tax dollars assigned to their budget line.

Shortly after Dorene Cardarelle was promoted to the position of Comptroller, the process began to change. Supervisors now have very limited, if any, knowledge about the availability of funds in each budget line. The process has become increasingly centralized. The only two people within the Sheriff's Office with access to and oversight of the budget are Maketa and Cardarelle. Not even Undersheriff Presley is afforded any review authority of the budget process, as Dorene reports directly to Sheriff Maketa. Considering the suspected past inappropriate sexual relationship between Maketa and Cardarelle, this poses a significant opportunity for abuse and should be thoroughly investigated by the BoCC

Retaliation for Political Views and Violations of Civil Rights

Since the "missing IA file" incident, Maketa has routinely used the CVSA or the polygraph as a method of intentionally inflicting emotional distress upon his employees. He uses his own policies to justify the application of these truth verification devices, threatening termination for anyone who is unwilling to submit to the examination. Upon completion of the examinations, Maketa has called in his subordinates to berate them and threaten termination as a result of "deceptive" answers on the test. He indicates that he has never relied solely on the results of a polygraph to terminate an employee, but he has used the results to continually harass and emotionally torture them to the point where they have elected to retire or resign. This form of constructive discharge has occurred numerous times since December 2013.

All of the employees who have elected to resign or retire have been subjected to the same types of threats and abuse as indicated above. All of the employees that have been "forced out" of the Sheriff's Office have held political affiliations and supported a political candidate not supported by Maketa, who requires his staff level officers to seek approval prior to personally endorsing any political candidate for any office. This requirement is a potential violation of the 1st Amendment Rights of these employees. Maketa and Undersheriff Presley have never submitted to a CVSA or a polygraph to clear themselves as potential suspects, indicating that they had no reason to take the file. Instead, they have controlled the entire investigation and appointed Inspector San Agustin in the Investigations Division as the lead investigator. Incidentally, Inspector San Agustin was a supporter of John Anderson, a candidate for sheriff endorsed by Maketa during the recent Republican Assembly. As part of the investigation employees were questioned by criminal investigators not IA investigators, they were not afforded any opportunity to have an attorney present during questioning, and they certainly did not feel free to leave or end the interview without facing termination. The lines between internal investigations and criminal investigations should be very distinct, although many employees were confused about the type of investigation to which they were subjected. Many were never given Miranda advisements or Garrity rights. Suspects in a criminal investigation cannot be compelled to take a polygraph, but many employees of the Office were required to submit to polygraphs or CVSAs under the threat of termination. These practices clearly violated the 4th Amendment Rights of the affected employees. It should be noted that none of the polygraphs or CVSA examinations have resulted in any leads related to the missing file, and numerous questions remain unanswered and avoided by both Maketa and Presley. San Agustin remains in the lead with the ongoing investigation, although he failed a polygraph inspection administered by CSPD as part of a transfer to a new

assignment in Metro Narcotics. No IA investigation was ever initiated as a result of his departure from the truth during the polygraph, although he did admit to lying. He has since been promoted by Maketa to the rank of Commander.

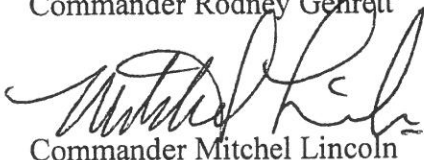
Regarding persistent questions related to the missing file, Maketa indicated that he personally saw the file shortly before it was discovered missing in April of 2013. He was the last person to see the file and the only person able to describe its contents. He indicated in an interview with the Gazette that he had "them" bring him the file, presumably meaning a staff member from Internal Affairs. Who brought him the file? Certainly that person could verify the file's existence and provide support for Maketa's story. More important to the case, who did he give it back to? Did he give it back? After the missing file was discovered, Maketa said the file folder was dusted for fingerprints. Who collected, or attempted to collect, the prints? What is the person's name? Was the file sent out to be processed by a crime lab? If so, what was the case number provided with the request? Was there a case number associated with the investigation? When was the case number generated, and how long after the missing file was reported was the criminal case initiated? Where is the logbook that would have been used to document all new IA investigations? The logbook would indicate the existence of a file, including the name of the person under investigation and the associated IA case number. Was the logbook stolen along with the file? Who leaked the story about the missing file to the media, and what was the intended result from the leak? Was it conveniently leaked for political reasons in an attempt to discredit a candidate? Who would benefit from such a controversy, perhaps a person considering a campaign for the same elected position? These are all questions that need to be addressed, but, of course, the two people with the motive, opportunity, and access to take the file are not under investigation. They are heading the investigation.

In conclusion, the information contained in this document is simply an overview of abuses that potentially place El Paso County at considerable financial risk. A thorough investigation is requested to fully discover and mitigate ongoing exposure to liability within the El Paso County Sheriff's Office. Current and previous members of Command Staff have knowledge of each allegation included in this letter. Many will be willing to cooperate with any forthcoming investigation and can provide details of additional abuses.

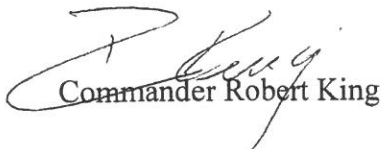
Respectfully,



Commander Rodney Gehrett



Commander Mitchel Lincoln



Commander Robert King