

## **Police chief, residents weigh in on Soda Springs Park activities**

**By Anthony Welch**

Manitou Springs City Council chambers was jam-packed to standing room only capacity Tuesday night, as a crowd gathered for two reasons.

A portion of the audience was there to hear a report from Manitou Police Chief Mary Jo Smith on enforcement in the downtown area and Soda Springs Park, while a large portion of the crowd was there to applaud a resolution directed at the gay, lesbian, bisexual and transgender community that celebrates diversity, equality and respect for all people.

Smith said Council directed her to work on enforcement in the downtown business district in 2010. That led to hiring seasonal officer C.J. Garbo to walk and police the area. Since then, Smith said she's heard a number of complaints and concerns from people regarding activity in the area, specifically Soda Springs Park.

Smith said since he came onboard, Garbo has made a point to introduce himself to people in the park and educate them on what they can and cannot do. Smith said some have heeded the warnings, but others continue to do the same thing each day. Verbal warnings had been issued for such things as obstructing sidewalks, panhandling, having open alcohol containers in public, skateboarding and bicycling on sidewalks.

Garbo documented dates and times warnings were given, Smith said. The next step was issuing citations for the previously-mentioned violations. MSPD has issued 35 citations in the area.

While some of the people in the park allege police harassment, Smith said those allegations come from a small group that the department has no issue with. However, some business owners and residents have expressed otherwise.

"We have comments from business owners and tourists that they almost feel afraid. We want them to feel secure," Smith said.

She presented Council photos of some of the reported violations such as people blocking the bridge to Soda Springs Park, as well as damage done to the stage in the pavilion and damaged signs and restrooms near the park. People are carving on the stage and putting their cigarettes out on it, Smith said.

"All of those things cost the city money and cost residents, taxpayers and business owners," she said.

Smith also had a cardboard sign with her, which had been confiscated from a man in the park. It read, "Bet you can't hit me with a quarter." Councilman Michael Gerbig questioned whether taking such signs was a violation of First Amendment rights. Smith said the sign was taken because it was a panhandling violation.

Smith mentioned she has also spoken with Laurie Wood, the director of Partners for Healthy Choices, who found through a survey of kids that Soda Springs Park was the place to go to obtain drugs. That was a major concern to Smith. She said she's started talking to other agencies, including the Boulder police chief, to see what that department has done regarding enforcement at the Pearl Street Mall. Smith added she has no issues with street musicians or performers as long as they're behaving themselves and not asking for money. If people want to donate money, that's fine, she said. Smith wants residents to do their part to help the police

"If they see something that looks suspicious, they think someone is selling drugs or the sidewalk is obstructed, they should call the department," she said.

Mayor Marc Snyder said when Council came up with ordinances allowing street performing, it knew such ordinances were open to abuse. He added that it sounds like some of the activities at Soda Springs Park seem to be intimidating and problematic.

"We want to have vibrant streetscape with street performers and a place welcome to all. We want our parks and our streets to be enjoyable to everybody," he said. "Does that include someone rolling out a sleeping back and hanging out on the stage until closing time? I don't know about that."

Benjamin Hatfield, who had previously expressed concerns about musicians and people in the park being harassed by police at Council's meeting on July 19, was in attendance along with a number of supporters.

One of Hatfield's complaints was that police officers were forcing him and his friends to stop playing music earlier than what the city ordinance allowed. He was concerned that citations were issued during hours where it was okay to play music.

The noise ordinance allows for performing Sunday through Thursday and midnight Friday and Saturday, Smith said. There is a separate ordinance, however, regarding music in parks. If music can be heard outside of a park, it's against the law at anytime, Smith said, unless arrangements have been made for a specific event or concert.

"I have no problem with authority," Hatfield said. "It's the individual choices of the person behind the badge. I've watched officers break the law to enforce the law."

Councilwoman Aimee Cox questioned if there was a formal process where residents could file complaints against police officers. Smith said residents can come to the police department and fill out a complaint form, and the department's lieutenant investigates all allegations.

"People can come in freely. We don't coerce people," Smith said. "We don't just side with officers. If they're doing something improper, they will be disciplined for it."

Resident Stephen Goodall said he didn't know of anyone who had trouble crossing the bridge into Soda Springs Park. He felt that obstruction didn't really go on in the area, and people were just afraid of one thing.

"People are more intimidated by the youth than it is an obstruction issue," he said. "The real problem is that flower bed. The one that's dead where there's nothing growing in it."

Goodall said he had a lot of gratitude for the police department. He added that he overheard a 14-year-old girl mention that Officer Garbo was her buddy. He thought that was a positive thing.

"If we address the children as we should be, that type of harmony will carry over into the rest of society," he said.

Resident Fairlight Detorrez said she had wonderful experiences with the police. She added that she appreciates the city's artistic and creative youth who hang out in Soda Springs Park. Detorrez said she had witnessed something that made her question the police.

"I was walking into Soda Springs with my kids when we saw an officer just brutalizing this man, who kept asking what he'd done," she said. "(The officer) threw him down and stepped on him. I don't think we should have to go to the park and bear witness to that."

Snyder agreed that isn't something someone should have to witness and encouraged residents to work with police on both sides of the issue.

Residents should report illegal activity, and file a complaint if they see questionable actions by police officers.

Councilman Matt Carpenter said he made a trip to the park and among the things he witnessed, he saw people writing on the stage of the pavilion with a marker and also saw a man pass a pipe to a kid.

"Not every story is a story of, 'They were picking on me,'" he said.