

## **Promise: Fiscal Responsibility**

What I actually said is, “Until we get this ship stopped and turned around and headed in the right direction, I will not ask for anymore manpower or funding.”

We now have more deputies on the streets with no additional staffing. We achieved this goal early in 2013 and it immediately began paying large dividends with onsite arrests of persons for burglary and armed robberies. Additionally, we cut our average response time to calls for service to an average of 15 minutes in a county that encompasses over 960 square miles. We removed tasks such as the service of civil papers and mail delivery from the patrol division and put them back on the street where they were needed.

We have reduced the staffing in the Smith County Sheriff’s Office by four positions by consolidating duties. Since taking office we have reduced the number of positions by 4 in the Smith County Sheriff’s Office. In budget years 2010 – 2012 it was 110. For the past two years it is 106.

Over the past three fiscal years, the Smith County Sheriff’s Office has returned a great deal of money back to the general fund. Most of this was due to salary lag.

One of our more important needs was to achieve the proper number of detention officers in order to maintain compliance with the Texas Jail Commission standards. A 1 detention officer to 48 inmate ratio is mandatory and if not maintained will cause the jail to be out of compliance.

Funding increases have been requested for several reasons. One was to replace fleet vehicles which were beyond their manufacture intended limits and were deemed unsafe. Another reason was to attract and retain the best employees. We cannot compete with smaller counties who pay more for detention officers. Also, it is difficult to find experienced detectives and crime scene specialists. DPS has ramped up its efforts to hire more troopers and our agency is competing with them as well as other law enforcement agencies.

***July 1, 2014, Smith asked for an additional \$2 million to his original budget request.***

Fact: The figure was a proposal and a recommendation by the Texas Jail Commission. The \$2 million dollars also included funding for proposed raises for all employees of the Smith County Sheriff’s Office to reduce the turnover rate.

As many as 70 inmates out of county during this time period equals to \$2,240 per day times 365 days equals to \$817,600 being paid to house inmates out of county, not including transport of inmates. The remainder of the approximate \$2 million dollars was for proposed raises to reduce the turnover rate and bring the Smith County Sheriff’s Office in line with other agencies of similar size.

The July 25, 2015 4.7% increase was an incorrect calculation and was later corrected by TMT reporter Faith Harper.

### **Promise: Efficiency and Accountability**

*Sheriff Smith admits, "We've made mistakes in this office, but when you make a mistake you own up to it and don't do it again."*

Fact: What I was referring to is you don't make the same mistake again.

6 jail deaths in 3 years: Three of which were of natural causes with two of the three expiring under medical care in the hospital. The third also expired from natural causes (autopsy performed by Southwestern Institute of Forensic Science in Dallas) from a congenital defect. A jail the size of Smith County does not incarcerate 100% healthy inmates. There are numerous inmates on a daily basis that are of poor physical and mental health. On average of 680 inmates, the Smith County Jail incarcerates about 125 with some degree of mental illness.

Three of the jail deaths were from suicide. During that same time period, three inmates were rescued from committing suicide by cutting the ligatures. They were discovered by Smith County Sheriff's Office Detention personnel and their lives were saved.

We would like to have no jail deaths from suicide and are not pleased with even one suicide, however, for a jail the size of Smith County, we are not above the state average on jail deaths from suicide. The Texas Commission on Jail Standards has recognized this across the State of Texas as well as the nation and that is the reason they recently revised the Mental Health/Medical Screening Form. This form asks more specific questions as related to suicide. This new screening form became mandatory in December of 2015.

### **Negligent jail suicide resulted in an out-of-court settlement in excess of \$1.25 million.**

Fact: The Smith County Sheriff's Office was not a part of any pre-lawsuit negotiations which led to this pre lawsuit settlement. The County Judge and Commissioners make those settlement decisions – not the Sheriff. I was not consulted.

Also, not to minimize the negligence on the employee, the county's portion of the lawsuit is capped at \$50,000 and the remainder of the \$1.25 million dollars is paid from the Texas Association of Counties Risk Pool. Again, no one from the Sheriff's Office was notified of the settlement or settlement negotiations until reading it in the news.

### **4 employees resigned and several others placed on administrative leave, all at expense to the County for falsifying records.**

Fact: At least 14 resigned or were terminated as a result of this investigation. **Falsifying a government document is a criminal offense.** This also puts the Sheriff's Office and Smith County tax payers at great risk from falsifying documents. If a death would have occurred as a result of this, the county would have been civilly liable. Additionally, there is no place in law enforcement for employees who are dishonest and no longer possess character or integrity. ***I will not apologize for terminating employees for lying information they record on official documents.***

**18 suspected felons released due to Sheriff's Office failure to file cases with DA within 90 days.**

Fact: To my knowledge, there were some registered sex offenders who had allegedly committed technical violations of their requirement to register which were not timely filed. These were the same individuals who were no billed by the grand jury for technical violations, not as the result of committing new sex crimes.

We have a system where registered sex offenders are required to come to the Sheriff's Office on a regularly scheduled time frame in which to report changes such as residence or job locations. These same offenders who were no billed by the grand jury continue to be monitored by our registered sex offender compliance detectives.

We typically also conduct a county wide registered sex offender compliance check at least two times annually. In this situation, law enforcement randomly without notice appears at the registered sex offenders employment or residence to conduct a compliance check. At this time, instructions were given to the responsible personnel to correct the issue in a manner to prevent it from happening in the future.

*(See attached press release)*

**2 more suspected felons released due to Sheriff's Office failure to file cases with DA within 90 days.**

Fact: Due to this being a second occurrence within a nine month period, I became personally involved in a solution. I am attaching the findings and solutions to this document.

*(See attached documentation of convictions of both defendants)*

**12 out of 13 sex offenders "no billed" by grand jury for lack of evidence from Smith County Sheriff's Office.**

Fact: I am unsure about how anyone could know the reason for the no bill as being for lack of evidence as all grand jury proceedings are secret and not divulged by the grand jury. However, they were no billed and to set the record straight – They technically were sex offenders

(Registered Sex Offenders), but the new cases were not cases of new felony sex offenses, but were technical violations of the requirement to register as sex offenders.

### **Promise: Trust and Transparency**

*“I believe the purpose of a rug is to enhance the looks of a room, not to be used to sweep things under and hide them from the public.” said Sheriff Larry Smith as he announced his run for re-election.*

### **Bogus degree scandal**

- **Sheriff Smith signed off on Josh Caulkins’ bogus degree even after being informed several times the diploma was phony.**

Fact: The signing of this particular form was typically done by Chief Carlson or Chief Little and not the Sheriff. Sgt. Monroe stopped me in the hallway one day and asked if I would sign some forms she had to get to the Texas Commission on Law Enforcement. Sgt. Monroe presented two sheets of paper and I signed both without questioning anything about the forms. Sgt. Monroe and I had a conversation prior to this in which she stated she believed Josh Caulkins degree was fictitious and not from an accredited college. I asked her how it got past the Auditor’s Office as they are the approving officials as to degrees since they approve and pay payroll as well as authorize any increases in pay when a step increase is requested due to a degree completion.

Ultimately, I approached District Attorney Matt Bingham and informed him of the situation. Subsequently, I contacted Texas Ranger Brent Davis and requested he conduct an independent criminal investigation to which he did. This investigation took quite some time to complete. After it was completed, District Attorney Matt Bingham and the Caulkins’ attorneys reached an agreement in which both employees resigned and Josh Caulkins surrendered his Peace Officers License permanently.

- **After Sgt. Susan Monroe, the “whistleblower”, exposed illegal signing by Sheriff Smith, she was stripped of her title and reassigned to the jail.**

Sergeant Monroe was never stripped of her title and there was never a decrease in pay, she was simply reassigned to the Smith County Jail in the training program due to it being vacated by another sergeant after he was arrested for Assault Family Violence. Sgt. Monroe’s reassignment had absolutely nothing to do with the Caulkins incident and quite frankly I do not under most circumstances become involved in the reassignment of personnel. Any documents requiring signing would be presented by Sgt. Monroe to either Chief Fred Little or Chief Robert Carlson, dependent on if it were personnel under their area of responsibility. These issues are not elevated to the Sheriff level unless there is an issue. This was eventually done in this situation and at that time I sought assistance from Texas Ranger Brent Davis as well as guidance from District Attorney Matt Bingham.

- **Sgt. Monroe filed suit accusing Sheriff Smith of retaliation under Texas Whistleblower Act. Suit was settled out of court for an undisclosed amount to Sgt. Monroe.**

It is a fact that Sgt. Monroe filed a lawsuit and it was settled in mediation. The original suit was for over \$200,000 and it was settled by the Texas Association of County Attorney along with counsel for Smith County which had been hired by TAC. The lawsuit was settled for \$20,000 which is well below what TAC attorneys believed would be spent to defend the lawsuit. **I had no decision making authority whatsoever as to whether this law suit was settled or not.** I, however, assure you I did nothing illegal or unethical to warrant a lawsuit. Unfortunately, lawsuits are commonly settled out of court in situations such as this as a business decision and whether it was a legitimate lawsuit doesn't enter into the equation. It is unfortunate but happens on a frequent basis in the business and law enforcement community.

- **Josh Caulkins and wife Krista Caulkins, the Sheriff's Administrative Assistant, were placed on administrative leave with pay pending investigation.**

It is common practice at the advice of counsel in almost every situation in which an employee is placed on leave to be placed on paid administrative leave. This is a common practice in an attempt to reduce lawsuits and is common and accepted practice in both law enforcement and business. This provides time for an internal and sometimes criminal investigation to run its course to provide information to substantiate termination or the fact that no policy violation occurred. I, as Sheriff, have the final authority in an employee grievance situation and therefore I am not involved in the process of placing employees on paid or unpaid leave as I have to remain neutral in the case of an employee appeal.

- **January 2015 Josh Caulkins surrendered his Peace Officer License for life and both he and wife Krista resigned.**

This is an absolutely accurate statement, both employees resigned their employment as they should have in light of the criminal and internal investigation results. Additionally, all collected pay by Josh Caulkins which he received was paid back by him to the county.

Had I or any member of my command staff been involved in illegal conduct, the independent Texas Ranger investigation would have brought that information to the District Attorney and these individuals, including me, would have been charged.