Amendment 64 Oral History Project Interview

Tuesday, December 8, 2015

Justin Smith

Janet Bishop, Interviewer

JANET BISHOP: This is Janet Bishop. And we are continuing our Stories of Amendment 64 oral history project. The date is December 8, 2015. And I'm here today on interview five with Sheriff Justin Smith, who is the sheriff for Larimer County. And I'm sitting here in Fort Collins in Sheriff Smith's office. Thank you again, Justin, for agreeing to be part of this oral history project.

JUSTIN SMITH: You bet.

JANET BISHOP: As I described, oral history sometimes goes backwards, so that we can place our narrators in their place in time and what influenced them to become who they were, and also, it relates to the topic that we're documenting. So with that all said, could you state your full name for me, date of birth if you want to, and where you were born?

JUSTIN SMITH: You bet-- Justin Eugene Smith, I was born in September of 1968 in McPherson, Kansas.

JANET BISHOP: And what are your parents' names, and do you have siblings?

JUSTIN SMITH: Yes, my parents are Larry and Priscilla Smith. And I have an older brother, Jason, an older sister Johnna, and then I was third of three-- the last of the J's.

JANET BISHOP: Last of the J's.

JUSTIN SMITH: They quit after me.

JANET BISHOP: And did your parents name you with J's on purpose, or was it by accident?

JUSTIN SMITH: They did. They did, yes.

JANET BISHOP: There we go. It's a-- well--

JUSTIN SMITH: I think they regretted it at some point, but, you know, we all learned.
JANET BISHOP: Being that my name is Janet, starting a name with J is a fine thing. So what are some of the memories you have of your parents or grandparents and other family members? I take it you grew up in rural Kansas, perhaps.

JUSTIN SMITH: Yeah, it was a town of about 12,000 people. We were an hour north of Wichita, which is the biggest city in the state. A little background-- my dad was an independent pharmacist, had come out of pharmacy school. His first job he bought into a partnership and stayed there for 40-some years before he retired with a business partner. My mom stayed home while we were younger. When I graduated from high school, she opened up a little main street business two doors down from my dad's and just retired from that and handed it over to my sister a few years ago-- so kind of classic, small town America.

They had actually both come from an hour and a half away-- little farms in northern Oklahoma. They were very rural communities, in fact, ones that were at their peak in about the '20s or '30s and then were on decline ever sense then, as far as economy.

So they had met. My mom turned 18 a week later. They got married. And she moved up, and my dad started his job with that pharmacy.

So I grew up in that very classic-- what you expected of a "Main Street America" kind of world.

JANET BISHOP: Right, and high school sweethearts, I imagine.

JUSTIN SMITH: Oh no, my dad was in college, and she was the young girl. He was off in college, but they lived probably five miles away from each other. It was towns of a few hundred people, and so everybody kind of knew everybody. And families were connected in different ways. And so I have a lot of memories.

When we were growing up, my grandparents on both sides were farmers and still had their farms. And on my dad's side, his parents were 10, 15, years older probably. So they were hitting retirement age when I was very young, but a lot of time on the farm on my mom's side. And so a lot of memories of Oklahoma farms and the people of rural areas like that. I grew up from there to what we considered a big city town at 12,000 as a kid.

JANET BISHOP: So yes, as you say, classic, rural--

JUSTIN SMITH: Midwestern

JANET BISHOP: --Midwest America. So you described a bit about the community you grew up in. Who were your role models in this community? Were they within the community, or were you looking in the media outside the community, and who did you admire growing up?

JUSTIN SMITH: You know, as far as individuals, I was lucky to grow up in an intact family. My father was present. A lot of really role model was my dad and his business. I really I came to admire-- he was respected in the community. We weren't a wealthy family by any means. But he was an honest business person. And I saw that and really admired the role that he set.
Outside the family, as a boy growing up in that age, that was kind of the era of-- Johnny Carson was a big figure in the media, John Wayne when I was younger, the western, those type of things. So I certainly had those admirations.

When I was coming of age was when Ronald Reagan came into office. And that was a turning point in our country and kind of a new dawn in the economy. And I remember always looking up to President Reagan. So those were ones that were probably influences, as far as other male figures my life. Not any other big followers of individuals.

JANET BISHOP: So going backwards-- I have to ask this-- if John Wayne was a role model growing up, was that a premonition of your future career as sheriff?

JUSTIN SMITH: Maybe a little bit.

JANET BISHOP: And then-- to place it in time-- what age were you when President Reagan became president?

JUSTIN SMITH: I would have been about 12 years old.

JANET BISHOP: OK, so middle school, then?

JUSTIN SMITH: Yeah, fifth or sixth grade, because I remember things like when Reagan was shot. Those were the kind of memories-- that was probably the first time I understood the role of national and international things. So I remember that event happening when I was young.

JANET BISHOP: Right, and so what was your elementary school and high school education like, and was there a difference between your mom and dad, in terms of either encouraging you to pursue your education career, or was it a united front, more or less, or did they have aspirations that you should go on to college or stay on the farm?

JUSTIN SMITH: Now, see, we were in a town of 12,000. They had moved off the farm with my dad with a college education. My mom didn't-- she had some classes. I always grew up expecting you'd go to college. So as I came up, it was a nice, small town school system where you essentially felt like you knew everybody. High school age-- it was a school that still had vo-ag education. So I look back and fondly remember shop classes intermixed with science classes. And back and forth I participated.

I wasn't big in athletics. My time in high school I focused in the Future Farmers of America.

JANET BISHOP: FFA, yes.

JUSTIN SMITH: In the FFA, absolutely. And actually look back fondly-- leadership and just things I learned there about responsibility, and so that was the piece I pursued in high school. But my brother and sister not so fondly remember when I was probably about in kindergarten when I would show up at school with the little dark blue pants and light blue shirt, and I had my police
uniform. I had this inkling watching the police shows of the day. I had an interest in those kinds of things.

And actually, a piece that probably brought me to it-- when I was about first grade, my dad's pharmacy was burglarized one night. And I remember we went—it was a community about 30 miles away, where they ended up capturing and eventually convicted those that were behind it. It was a series of drugstore burglaries. And I remember being impressed by what happened. The impact that that incident had on my family really changed the way my dad looked at things with his business and was a little more fearful day to day. You didn't feel secure like you typically did in a small community.

So those were influencing factors. And then when I came up, I remember in about junior high school-- high school-- being interested in potentially being an architect, maybe going into medicine. I enjoyed biology and the medical-type sciences and having that interest. But when I got into high school I drifted towards law enforcement. I had no experience to do things like an explorer program back then. But simply when I went to college-- I went to Wichita State just about less than an hour away-- enrolled in an Administration of Justice program there, and that was my first chance as a student officer at the university, and then explorer slash cadet with the Sheriff's office in Sedgwick County to be exposed to law enforcement.

There was no law enforcement background in my family.

JANET BISHOP: You just gravitated towards it.

JUSTIN SMITH: Yeah, it was an interest. And I never knew that it was something I would continue to follow. Once I got into it and got to experience it, I really enjoyed it. It came with ups and downs.

That was in the late '80s. Wichita, Kansas, was a very rough town. That was, then, drive-by shootings and crack cocaine and all of those things. And so the period of time that I was there as a cadet and then eventually a reserve deputy, there were two deputies in that department of that office killed in the line of duty. So that had a significant impact as well. The reality was that this was a very serious profession to end up in.

JANET BISHOP: So going backwards a bit, just to place it in the historic record, and you only need to provide names, what grade school did you go to? What was the name of your grade school?

JUSTIN SMITH: Lincoln Elementary.

JANET BISHOP: Lincoln Elementary, just like our Lincoln Elementary here. And then what high school did you go to?

JUSTIN SMITH: McPherson High School.

JANET BISHOP: McPherson, and these were both in your town.
JUSTIN SMITH: It's the town McPherson, yeah.

JANET BISHOP: McPherson. Well, that would make sense, I guess.

JUSTIN SMITH: It is a one high school town-- one high school county, almost, I think.

JANET BISHOP: And so you went off to Wichita State. And what year was this?

JUSTIN SMITH: That would have been 1987. I graduated in '87 and started that fall.

JANET BISHOP: So '87 you were at Wichita State. And you're going into criminal justice, law enforcement programs. Was it a heady experience to leave your relatively secure small town of McPherson to go to Wichita? And aside from your major, or your form of study, how did you assimilate or cope with what was going on around you, in terms of the big city? And you say Wichita was a little dicey, shall we say, at that time. What was it like?

JUSTIN SMITH: I'd say two things influenced that. One is to go away-- I mean, it was only an hour away, but once I left, I never really went back home. I went to visit. My brother and sister would come back in the summer. And they would come back at Christmas break and stay. I never did. Once I was gone, I was gone. I would come visit for a day or two.

But when I was actually a junior in high school, I came out between my junior and senior high school and worked in Estes Park at the YMCA livery. I was last of three. My parents had gotten to the point of going the last one can just go. So they let me come out. And I had a job waiting. And I did that between junior and senior year.

And then senior year and when I started college, I was used to being some distance away, very much an independence.

JANET BISHOP: How did you end up at Estes Park?

JUSTIN SMITH: Backing that up further, I had a brother that worked there at the YMCA a couple years earlier, or a year earlier I think. And so I'd come out. I had seen the operation, seen what he did. This was working the livery stable-- horses, cowboys. I was just fresh out of the FFA. It was like, this seems like a good time. So I knew that connection and had put in an application. So that was what really drove me to not be fearful to really step away.

It was a big change going to Wichita. I'm thinking it was about 250,000 then. And I came from a community of 12,000. And to give you an idea, like I said, probably the most violent thing that I could think of, or big criminal episode as a kid, was when my dad's store was burglarized. And it actually was several times later.

But I remember the first night. I was not living in the dorms. I wasn't living in the nice part of Wichita. My grandparents-- my mom's mother's mother-- had a home in the older part of Wichita that my grandma had inherited. And so I ended up living there. And my first memory when I went off to college, about the first night I was there, was hearing the police helicopter and seeing
the light fly over through my yard because there'd been a robbery at the convenience store just down the street.

So I went from safe little Kansas farm community where you never thought twice about going out at night to one where you've got a police helicopter flyover looking for robbery suspects running through your yard. So that was a wake up time. But I was never fearful.

JANET BISHOP: Were you exhilarated because of your interest in law enforcement?

JUSTIN SMITH: You know, my parents get the phone call-- you're never going to guess what happened. The police helicopter was here. They're thinking, you lost your ever-loving mind. What's wrong with you, boy? So yeah, for me it was really a step, because my parents-- I mean, this is a very assertive profession. You don't succeed here without being assertive-- my parents are not that way. I mean, they're typical Midwestern, pretty quiet, pretty-- don't want to offend anybody. Especially being a small business person, my dad was always, oh, I've got my opinions. But I don't speak publicly, because that's just not what a business person does. And yet, I got into a profession, now, as a sheriff-- it could be rumored that sheriffs have lots of opinions. I don't know.

JANET BISHOP: Could be. It could be. So were your parents-- just to follow up on that question a second-- fearful? When you said, I want to go into law enforcement, criminal justice, were they fearful?

JUSTIN SMITH: No, they really weren't. They were very supportive when I mentioned that. I don't know that they ever pictured where I would end up. Maybe they pictured more in my hometown comm--

JANET BISHOP: Rural.

JUSTIN SMITH: Yeah, but no, I mean there were times they were a little surprised as I went through the things. And when you're 18 to 22 years old, sometimes you're not smart enough to know when not to tell your mother things you probably shouldn't have shared. And so there were times I'm sure they had some concerns. They never said don't do it.

Each of us they encouraged to do what we were interested in. There was never, you need to follow in our footsteps or don't do this. They just wanted us to each find our way in life, earn a living, do something respectable, and do what we wanted to do. So a lot of support there.

JANET BISHOP: Sounds good, very good. So how did you end up at Wichita State? And I think you sort of alluded to how you picked your major and area of concentration, but did you want to expand on why you went to Wichita State? Was it that it was the nearest university to your town?

JUSTIN SMITH: A lot of it was, I'd say as much as anything, was convenience. I remember looking to see what universities had a criminal justice program. And Wichita State did, as did-- I'm trying to remember. There's a university in Topeka-- Washburn. Washburn had a program.
I remember doing a campus visit to Wichita. To me that was the big city. It was like, hm, kind of interesting. And then I remember I ended up getting a scholarship. That helped as well. And it was from a family whose son was killed in the 1971 Wichita State plane crash. The crash here off I-70-- their football team. And they had a son.

So there was a scholarship-- part of it was just practical-- a scholarship that was available to go to Wichita State. And I was simply going what's the easiest one to get to? Eh, this looks like a good place. I didn't think about going further or broader out of state. It just didn't occur to me.

And so it was some convenience. Plus I knew that my grandmother's home was there. So that would mean being able to essentially live rent free, kept the cost down. So I just kind of was directed there.

JANET BISHOP: What were your extracurricular activities in college?

[INTERPOSING VOICES]

JANET BISHOP: If you had any, or were you focused on your studies?

JUSTIN SMITH: Yes, so well, maybe on the studies. So I got involved, like I said, with a job at the university as a student officer, really came to enjoy that, and then that Explorer, which is law enforcement-related through the Boy Scouts. So I got involved in those. And then once I stopped university, I got other jobs while I was there.

Honestly, I focused on that. So I was an Explorer. It wasn't unusual to volunteer 20 hours a week. As I turned 21, they brought me into the reserve deputy program. In all honesty, at that point I was probably putting 30 or 40 hours a week in volunteering. And I was young and idealistic, going I'd do this for free. Now I don't do it for free. I got bills to pay.

So that was where most of my focus went. And I always had a job through college, wanted to be busy. And then in the summers, for two more summers, between my sophomore and junior, and junior and senior years, I came back out to Estes Park. And a friend I'd worked with at the YMCA was running the livery stable at the Aspen Lodge. So I did that for two summers. That was kind of my away from stuff.

But other than that, no, nothing else. It was school. And I was at a drive to get through. And I figured out how to work the system from my perspective, because it's an urban university. So the average student age, I want to say, was like 27. They did a lot of night classes.

JANET BISHOP: So nontraditional students.

JUSTIN SMITH: Nontraditional. By the end, here was this the scam that I had-- I took Tuesday and Thursday day classes and then Tuesday, Wednesday, and Thursday night classes. I jammed all my studies into three days. Then I could do reserve deputy and that stuff the other four days, get my stuff in, and I was going to get good grades, reasonable grades. Four years-- I was out of there. And that was my focus, being done.
In fact, my senior year, I remember because I got to know a lot of deputy sheriffs there and police officers, and I remember being young, going, oh, I'm 21. I'm going to go for full-time job. And I believe they threatened me with physical violence if I didn't complete my college. You better get this done now. Don't even think about-- this is the time to finish that. And I'm so grateful that they did, because I got it done and got it out of the way.

JANET BISHOP: And the Explorer, it’s sort of-- you said it's an extension of Boy Scouts.

JUSTIN SMITH: Boy Scout Exploring-- it's fairly limited-- certain career fields.

JANET BISHOP: Survival, or--

JUSTIN SMITH: Well, what it basically does is we've got an Explorer post here. And the full Explorer programs open up for youth from the age of 14 through 20. Typically in law enforcement it'll take them 16 through 20, just up to 21. And they get an opportunity. It depends what kind of uniform-- they're wearing a very similar uniform to the agency. They have training. And it gives them a chance to experience in assisting in law enforcement, what that's like, and decide if that's something they really want to do. So in that, we got to do things like traffic control, rode along with deputies, learned to assist at securing scenes, and just doing that kind of stuff.

JANET BISHOP: And was it a selection process? Did you have to interview?

JUSTIN SMITH: Yeah, they had an interview process. I wouldn't look back and say it was-- compared to what we do here, the whole profession was much more lax at that period of time.

JANET BISHOP: And this would be 1987.

JUSTIN SMITH: '87, yeah, started out in the fall of '87.

JANET BISHOP: OK, so you've had your sojourns during the summer to Estes Park-- bucolic compared to Wichita, probably.

JUSTIN SMITH: Yes, it was.

JANET BISHOP: And you're about to graduate from Wichita State. What next?

JUSTIN SMITH: So here was my thing. Senior year in college, I knew I wanted to be in Colorado. And I laugh when I talk to young people, and go, there was no internet. There was no research. If you wanted something, you sent a letter off to get it. I remember in the first semester of my last year, my senior year in college, first I got my atlas out, and I looked at every city or county, probably over 100,000 or some number that I--

JANET BISHOP: In Colorado.
JUSTIN SMITH: In Colorado, highlighted those. I went back to the library. There was essentially an encyclopedia of law enforcement agencies that would list-- because it was a criminal justice program, they had those things at the library-- what was the agency, who the sheriff or chief, the mailing address. And I got on my electric typewriter, and I sent letters to each of them-- I'm going to graduate, I'm looking for a job-- and shipped off I don't how many of them. I really wanted to be in Larimer County, but I sent them broadly.

And then as things worked on, Larimer County was the only one that was connecting up with me. And so in the spring of my senior year I started getting invitations to come out and test. Richard Shockley had just been elected Sheriff. So he there was a turnover in the office. And so there were six or seven of us hired at the same time. So I came through.

And the bizarre part was I went through all these testing steps. And when I got done with them I had a job offer that started on May 20, 1991. I finished my last final on about the 16th of May. So I finished my last final, proudly packed everything I owned into my vehicle, and dropped everything extra off at my parents, cleaned up the house--

JANET BISHOP: On the way.

JUSTIN SMITH: Exactly-- drove off. Everything I owned fit in my-- that point in your life when you were proud of that. And so I came out. And I remember sending them my forwarding address.

And it was actually a little humorous, because my older brother had taken a longer journey through college. So we graduated at the same time. He was at K-State. My parents had a dilemma. Your graduations are both on the same day. Don't worry. Your father will go to this one. And I'll go to yours.

And I said, well, one of you's going to be lonely, because I'm not going to be there. I told them where to mail it. The degree, for me, was just something I was getting done to get where I wanted to be, so I came out here, had a job waiting a couple of days later. And that was the where things picked up for me.

JANET BISHOP: So not-- some of the angst that some graduates go through as to what they're going to be and where--

JUSTIN SMITH: Yeah, I was really driven. This is definitely what I wanted to do. And things just lined up for me to have that waiting, and came out here immediately went into training, and hit the street.

JANET BISHOP: And if you were wearing your little blue shirt and blue pants in kindergarten, it sounds like the trajectory was pretty straightforward throughout. There was no diversion or--

[INTERPOSING VOICES]
JUSTIN SMITH: Well, the closest-- like I said, there was a point when I thought architecture was something I might want to go into or medicine. It was interesting but never quite pulled me there. And probably there's a reality in junior high and high school. It's not real popular to say, I want to be a police officer. Your friends go, get the hell away from me. So it wasn't something I probably spoke about much in my junior and senior high era. But I kind of leaned there. You're sort of quiet about it.

But then once you graduate-- and a lot of my friends went off to places like K-State or KU. They were the party colleges and fun. And I said, if I go to those places, I'll get in trouble. I'm going to go to the metro university and be done with it. And so in the end it pulled me through over the years.

And I loved watching-- we laughed earlier-- Barney Miller.

JANET BISHOP: Starsky and Hutch.

JUSTIN SMITH: Starsky and Hutch, Andy Griffith Show, Hill Street Blues. I watched those. And would go, oh, I could do that. That seems interesting. So there probably always was that. Now that I've gotten into law enforcement, I never watch police shows. I don't watch things about work.

JANET BISHOP: Well, it's like a busman's holiday, right? You're basically bringing work home.

JUSTIN SMITH: Exactly.

JANET BISHOP: Although you do have the wonderful Starsky and Hutch memorabilia.

JUSTIN SMITH: I do have quite a-- yes, exactly, things from my youth.

JANET BISHOP: So you entered, and is there a sheriff's newbie academy or something when you enter the force here in Larimer County?

JUSTIN SMITH: So there's a State Police Academy, or state police training standards. However, when I came in-- this is the difference in times. They called it a grandfather-- you could work for up to a year before you had to be trained. They were trying to get that training in, but it took a generation for them to accept it. So I was the very last class. There was a state-run academy at the time down in Golden. It was co-located with the State Patrol's academy. It was called CLETA-- Colorado Law Enforcement Training Academy.

And so when I came here, they put me through about four or five weeks of just agency-specific training. And then we did a field training program, which typically takes 14 weeks. So I did those, which didn't meet the state's requirements, because I had a year to do that. So I got done in early October, I think, of '91. They assigned me to Estes Park. They knew I had some connection. They weren't sure what it was. So they sent me up.
I worked out of the office up there through February or March and then went to the Academy. I tell people, my gosh, they put me out without having that. And I kind of had to figure it out on my own.

Now that stuff's all done up front. And at that point in time, it was probably a 10 or 12 week Academy. Now they typically run 20 weeks.

I just look at where the standards and training and knowledge and expectations have done this since I got into the career field. So yeah, I went through those pieces. And then it wasn't until late spring of '92 that I was completely done, state-certified, and back here again.

JANET BISHOP: It's lucky you were sent to Estes Park, One presumes there was less crime and excitement, we'll say.

JUSTIN SMITH: On the flip side, there was no direct supervision, because at that time we worked off a different radio frequency with the town. So down here if you worked under-- typically it's busier down here. But you had a Sergeant on duty that oversaw the shift. When I was up there-- I'll be blunt-- I had very little supervision.

I had a sergeant that I could pick up on the phone and call. But otherwise, it was kind of up to me to make my decisions. And I was 22 years old. I look back and there's decisions we all would make differently. But I learned a lot. And the thing I learned most importantly up there-- because my policing style was learned in Wichita as a reserve deputy, and it was a rough city. Things were done different-- big city, like. I came out here. Going to Estes Park, I quickly learned you would be known by your first name pretty quickly up there. And you would succeed or fail based on the reputation you built.

That was in what I consider the good old days when Ed's Cantina was the old spot downtown. And that's where you meet for breakfast. And I worked day shift. Everybody knew me by my first name. And if you didn't treat people appropriately, if you came in heavy-handed, they would hand it to you on a platter pretty soon. And so that reset me to-- and I think was a guiding thing to bringing me to eventually being sheriff-- was understanding who we worked for, what our real respons-- you're not just a lawman. You're a peace officer. You're a guardian. You take care of the community.

And up there you couldn't just-- and still to this day, are mountain deputies-- they're not just a deputy sheriff. They're a deputy sheriff. They're a little bit of road and bridge. They're a little bit of a fireman, a little bit of an EMT. They're a little bit of a social worker.

Anything that happens, you're kind of it. So you learn to be more of a servant. So that was a great thing at that point in time for me.

JANET BISHOP: So you're a trusted individual integrated into the community.
JUSTIN SMITH: Yeah, they have a lot expectation. When people called, you couldn't really say, well, that's not really our job. You're the one that answered the phone, so you had to figure out who to work with and help folks. So that was a great lesson for a 22-year-old.

JANET BISHOP: Definitely, and a lot of responsibility for a 22-year-old.

JUSTIN SMITH: Yes, it was. Yes, it was.

JANET BISHOP: So after your trial by being thrown into the deep end, shall we say, tell me about-- because I know you did some post-college work or graduate school work at CU Boulder, I believe--

JUSTIN SMITH: At CU Denver.

JANET BISHOP: CU Denver-- CU Boulder Denver-- how did you get from being 22 to going back to CU Denver?

JUSTIN SMITH: Um, I laugh because I remember saying I'd never go back to college. I was done. I had my bachelor's. In all honesty, as I worked through the organization and did a little bit of career piece, I started as a deputy up there. Within about a year and a half I transferred down because this was where the busy stuff was at.

JANET BISHOP: You transferred down here to Fort Collins.

JUSTIN SMITH: Down here to the Fort Collins office, which is where most of our operations are.

JANET BISHOP: And this is '92, '93?

JUSTIN SMITH: Early '93-- I was still living on Storm Mountain. And I commuted down to work on the night shift here-- the midnight shift. And so I did that and then ended up moving down. I met the woman who was to be my wife. She was a dispatcher at the time with the office. Cops meet dispatchers-- surprise, surprise. We ended up dating, getting married. She had a son who turned three from a previous marriage. And so we got married, then had our other son in 1996.

And so I went from patrol deputy and then decided if I'm going to stay in this, where am I going to go? What do I want to do over my career? I became an investigator, and I got a chance to work general investigations, and was only doing that for a few months when they had a sergeant's test. And I went, OK, I'll give that a try. I like change. And I ended up making top of the list and getting promoted.

So I was in investigations for all of like four months, which I look back, and I regret that I didn't have more time in there. But from there I went to patrol sergeant, did some different assignments, and so as I worked up, I realized I needed more.
A new sheriff came in that I didn't know. I got a phone call that says, would you be interested in being the professional standard sergeant? And when a new sheriff comes in and makes that phone call, there's only two answers. One is absolutely I'd love to, or gee, I guess I'll find a job somewhere else, because you don't say no to the new sheriff.

So when I did that, I had the chance to do professional standards press information.

JANET BISHOP: And what is--

[INTERPOSING VOICES]

JUSTIN SMITH: I'm sorry-- internal affairs investigation, so any complaints against officers, the integrity, yeah. And so I did that. I did public information.

And I got a big exposure. The Jaryd Atadero search in '99-- I think it was-- a little boy up the Poudre Canyon-- the three-year-old-- it turns out he was taken by a mountain lion.

JANET BISHOP: Yes, and I came to Fort Collins in 2005.

JUSTIN SMITH: So I got press exposure. We had national press. The satellite truck swooped in. So I got that exposure. And then under a new sheriff I got the chance to promote to captain and was taking some different assignments. And in that, I had looked at-- the Estes Park police chief job opened up. I always liked Estes. So I put an application in, not because I was unhappy here, but I though, boy, that would be an interesting-- and I figured out from that that I didn't make the cut because I didn't have a graduate degree.

And that's what I realized, OK, that bachelor's degree in today's environment, is not going to carry you through executive in this area. And about that same time I had learned of a new starting program through the Graduate School of Public Affairs at UC Denver that was an executive-level master's in criminal justice that kind of merged Masters of Public Affairs and Masters of Criminal Justice. It was still an MCJ degree with a lot of public affairs. So I enrolled.

So I said, OK, if I'm serious-- and my wife and I talked-- if you're serious about it, enroll in it. We had small kids, but I enrolled in that program. And it was a two-year master's degree. So that was when I said if I'm truly going to move up and do what opportunities might be there, it's going to require-- and actually I enjoyed the education. It wasn't simply a checkbox.

In fact, I look back and laugh. We probably all remember when we hit high school to college. You did whatever your professor said, and you just got it done.

When I went for my master's and you'd been in the career field for 10 or 15 years, everybody raised their hands and asked questions, because by god, we're paying for it. We're going to get our money's worth. We're those horrible adult students that questioned. But it was great. So that's what got me back into my education part, got my master's done.

JANET BISHOP: Was it an adult education night school program, or were you full-time?
JUSTIN SMITH: No, we did a Friday, Saturday combination of classes. And it was compacted. So you did one weekend in September, one weekend in October, and then just a Saturday in November and you were done. That got your 40 contact hours.

It was an interesting program, because probably the majority of the instructors were actually adjuncts who were practitioners in the field with an advanced degree, mixed with professors not only from CU, from around the country, professors from CSU-- at least one that came down. So it was a mix.

But it really focused on the outcome. Here's the topic. We're going to talk about it. You're going to prove your proficiency. And then we're going to move on.

JANET BISHOP: Did it, um-- I imagine one of the great things of graduate school is, as you say, you're an adult. You're older. And you're at liberty to have a creative inquiry, ask questions. How did you learn from your fellow classmates? Did that change any view you had of law enforcement or criminal justice, or reinforce it?

JUSTIN SMITH: It was an executive program. So everybody in there was typically upper echelon with agencies. And it was a cohort. There was no pick and choose classes. Here's the curriculum, and you're going to start with this. And you basically rotated professors, which became a different environment, because the professor came in and went, oh, I'm dealing with this group. And we were pretty set in our ways.

But yeah, I mean it took-- we got back into the concepts, deeper into things like criminology, statistics, leadership, organizational change. It just gave you a chance to reflect. And every professor in there would say you're going to learn more from the class than you're going to learn from me. And it was.

So it was a group dynamic. And it was the type of program-- I loved it because it wasn't set with here's what we're going to do. We studied it, but in the end, the class directed where it-- we were the first cohort too, so we had a lot of flex in there.

JANET BISHOP: Because this was a relatively new--

JUSTIN SMITH: It is in the new version of the traditional MCJ down there. So they kind of let us-- OK, where does this need to go, because again, in a lot of ways they merged, because it was a masters of criminal justice with a certificate in executive leadership. But if you look at the curriculum, a lot of it was pulled from an MPA program. They said, look, this is not set for somebody who's going to be a criminologist and a study year in the field. You're practitioners, and what pieces do you need, and the things of organizational change. And it was really set.

I guess a lot of it was do you want to be a police chief? And they didn't typically talk about sheriffs because they kind of looked at that as political. It was through public affairs, so they had the public affairs focus. But it was those executive pieces. What tools do you need? Because I'd been in the field for about 10 years, and we all get used to having our nose to the grindstone, and...
you're watching your day to day things, this reset looking out. It reset me to look out further, think a little bit broader.

And two years after, I had a chance to go to the FBI National Academy in Quantico, which is through the University of Virginia-- UVA.

JANET BISHOP: And what year was this?

JUSTIN SMITH: This was 2005.

JANET BISHOP: OK, so you started with your cohort program at CU Denver in 2003?

JUSTIN SMITH: 2001. In fact, interesting framing, it was the Friday after 9/11. We came together in the shadow of 9/11, so very, very serious as we got into a two-year program, so we were done the end of the summer of 2003. We actually went through graduation exercises in December of 2003. And then a couple years off, and then I got the chance to go to Quantico. And that was an 11-week program.

JANET BISHOP: Are you still in touch with your cohort?

JUSTIN SMITH: I am. I am. Both on the CU group and the folks at-- yeah, I've got friends from around the globe. In fact, one of the individuals in my class in Quantico is now the president-- there's an alumni association at the FBI National Academy. He is the international president. He's a friend from Story County Iowa.

And so I see that perspective. Here's somebody who was a classmate of mine who's international influence now. And it shows you if you're given talents and tools and abilities, use them to your best, And I admire the daylights out of what he's doing.

JANET BISHOP: So tell me a little bit about your experience at Quantico.

JUSTIN SMITH: You know, that was another one. While the college experience taught me to reset, look broader, think through, and get more critical thinking skills, Quantico really broadened my look. I'd gone to other programs-- police professional stuff. And you met people and you knew them for a week or two, and you shook hands and traded email addresses, went back home, and got to work. It didn't broaden my perspective like Quantico did, because the class size has changed in recent years.

It was 250 students. They do it four times a year. About 50 of those students were actually international students. The FBI reaches out to friendly foreign governments and brings law enforcement executives. So I got there. And one the one hand, that international influence, and they talked, and it was fun, because they set it up that there were certain areas of study. But you've got to pick what courses you're in, kind of like going back to regular college, and picked out which courses. And then you got there, they switched your courses, because they didn't-- so you did those things. So you got a chance-- it was the only time in my professional career to really just step back from the day to day.
I mean, when I was in graduate school, I was writing papers, but I was working full-time. There, you're pretty much divorced from your duties, unless you're dumb enough to take a phone and take phone calls throughout. Usually your agency says, look, we'll have somebody fill in. You're just out of the loop, which was great, because it was a total reset.

A couple areas that were great influence on me-- one was a personal level. My wife and I have always had a tremendous relationship. But it's so easy to sort of take things for granted. Our boys were 7 and 11, I think-- something like that-- when I went there. No, they'd have been 10 and 14, I take it back-- still young. So she had to take care of all the family things. And it was interesting, because I realized I had to make an effort. We never had a problem communicating, even though we work different hours. And it was before the cell phones worked real well, and email was still fairly new, and so I realized I really had to work on our relationship. And it gave me some perspective and an appreciation for what a great marriage we had, because there I had to make a point to keep up with her. I didn't see her all the time. So it made me really appreciate her and family and where I was from.

But on the professional level, one of the things-- I look back and say, if you're progressing up a career ladder, you start focusing on your goals. And in some form it's me-- me this, I'm going to do that. I'm going to do that. Especially as you get higher on the ladder, you have fewer peers. So you're kind of isolated. You got there. There was 250 of us. And I looked, and for all that we thought, wow, this is tough on us. This was 2005. We were, as a nation, deep in the Iraqi war. We're on Marine Corps Base Quantico. And you're meeting these Marines and thinking the sacrifice that service members-- you know, for us, deprivation was you're in a dormitory for--

JANET BISHOP: Have to eat some bad food.

JUSTIN SMITH: Exactly, dormitory food, wah, wah, wah, cry, cry, cry. And here's all these young and middle-aged Marines losing their lives. I mean, you see the cemetery there. There's a National Cemetery adjacent. You can go see the graves that were buried the week before that died in Iraq a week before that. And so you really got an idea of that.

But then the other students-- we saw the international students. Some came with nothing. They came with the clothes on their back. In fact, this was within a month of Katrina. And we had students in our class that came up from New Orleans. And all they had left to their names was what they could throw in their car. And they still came to that class. And I still get goosebumps.

But it taught me to take care of each other, because what we did with 250 students-- they actually broke us into sections of 50. And in that section of 50, you met on a regular basis. And we did something as simple as when you met, it was expected if you could, you threw $20 in a hat. And that went into a pool, because our commitment was there were some people that didn't have means. And there were things cost with being there. There were chances to go see things that cost money. And we said nobody was going to miss that because they didn't have the means.

And in that, it had a real impact on me. I went, you know, within our profession, taking care of each other instead of the focusing on the career goals-- stop to look at your peers, look at the people around you, and appreciate what you've got. And the power-- so if you took 250 students,
$20 apiece, you've got a $5,000 pool. And the power of that money-- so we gave to charitable things for the Marines. We were there just before Christmas. We were in the fall. Concerns of Police Survivors is an organization to help survivors of fallen officers.

We've got to do things like that. And that really drove home our responsibility. We are to whom much is given, much is expected.

So that was a professional refocusing. I came back energized. I learned a lot of great things from tremendous instructors. But I also inwardly learned things about myself, re-lit some fires of what it was to be really responsible. And again, I think those things influenced my run for sheriff eventually.

JANET BISHOP: And remind me, how long in duration was your experience at Quantico?

JUSTIN SMITH: It was 11 weeks.

JANET BISHOP: 11 weeks, yes, but a very intense and life-changing 11 weeks. And your colleagues in your cohort-- your international students-- what countries where they from, or was it across the globe?

JUSTIN SMITH: It was across the globe. And you name it, from every continent. I remember there was one gentleman from Madagascar. And he had a big long name, and it had L-U-C in it. So we just call him Luke. He went by Luke. And we laughed, because there was also physical training. We did running all the time. And they kind of got you to shave off a little bit of what you'd earned over the years.

We'd do those runs. And Luke would just look at us. Why the hell are you running? At home, you had to walk and run places. Why would you do this intentionally?

And so I remember great memories like that. Certainly, other folks from the Middle East, from Europe-- you name it-- from any kind of country. And actually, one of the great events they have in about week two or three-- I don't know-- at some point, they call it International Night. And each of the international students stood under a flag from their country. And they had a table set up that had things that represented their culture. And you spent the evening learning about each one of those cultures.

JANET BISHOP: That's good.

JUSTIN SMITH: Of course, I called it booze, cheese, and wine, because that was the majority of what it was.

JANET BISHOP: Well, that's a way of learning culture too.

JUSTIN SMITH: It was a learning culture. It also loosened up a lot of students.

JANET BISHOP: Right, I mean, we have our craft breweries, so there you go.
JUSTIN SMITH: Exactly, exactly, so it was a great chance to appreciate, because it's so easy if you've grown up in the United States, and not seen other cultures, you assume the way we do things, how we look at human rights and civil rights is the way it's done. It's not. It's very different around the globe. So it gave an appreciation.

Also, when I came back, it's amazing. Most people who have gone that I talk to will say in the weeks and months afterwards they come home, and they pick up a newspaper; they turn on the TV; they go on the internet, and they see a story, and it's no longer a story of some strange place around the globe. They'll see something from around the globe and go, [KNOCKING] I know somebody from there. I know an officer from there. In the US, same kind of thing.

And it also gives you an amazing Rolodex, because you can contact anybody that's gone. Hey, I need something from North Carolina. I got a list of people from North Carolina I can call that will do anything for me. And if they call me, I'll do anything for them. So it was an interesting change.

JANET BISHOP: And reciprocity-- established reciprocity. So you mentioned this a second ago. So tell me about your decision to run as Larimer County's sheriff. And what was the gap in years, months, between coming back from Quantico and your decision to run?

JUSTIN SMITH: Well, I got back at the end of 2005, so early 2006. So I was promoted originally under Richard Shockley who was defeated is his attempt for a third run. And then my real big change came.

Actually, I skipped the rank of Lieutenant under Jim Alderden. There was only a few lieutenants here. He'd done some promotions. He wasn't necessarily happy with what he had for a pool at that point. So he allowed me, because he had come to know me, to test for captain when he went through it. I joke I skipped that rank. And then I became captain.

He re-titled it to major for some different reasons. But so that was my thing to see bigger. And as I look back, I think I love being a street cop. I love the interaction with people. I like working for the community.

But there was a frustration I would have. You'd see something happen at your squad unit level. Boy, if I was Jim, we'd fix that. We wouldn't make that mistake. And then you get that chance, and you go, OK, young man, here's your chance to fix it.

So as I looked through, I really had a desire to influence more within the agency. And when I was given those opportunities, I succeeded. And it was some bizarre things, because I went from a sergeant in internal affairs, which I had one employee-- I'm made captain over support services, which I knew nothing about. Captain of Administration, it was called. It was all the things like any business. It was the business end. It was the human resources. It was training. It was supply, vehicles.

And all of the sudden, I walked in, and I had no experience, and I walked into a staff meeting. And I'm getting questions thrown at me. What about this? Holy smokes, I got to learn this stuff. I
thrive in that. Give me something different. A challenge is something I know nothing about. And I'm going to figure it out.

So as I did that, with the way Colorado is set, we have the term limits. Originally, when Jim Alderden came into office, there were two-term term limits. And then about two years into his second term it went before the voters, and they moved all the county offices up to three terms, with the exception of the coroner, which is the term limits were gone. So there was a known end.

And so as we work through, there was a staff that worked for Sheriff Alderden. And we kind of had those discussions. Who wants to run for sheriff?

JANET BISHOP: So just to place in time, you became captain-- you skipped over lieutenant.

JUSTIN SMITH: Yes, I did.

JANET BISHOP: And you became captain roughly 2005?

JUSTIN SMITH: No, I became captain in March or June of 2000.

JANET BISHOP: Oh, 2000, so you were captain throughout the time when you went to Quantico.

JUSTIN SMITH: Yes.

JANET BISHOP: OK, all right, so you're captain. And you don't get elected as captain, do you?

JUSTIN SMITH: No, it's an appointed position in the way we run.

JANET BISHOP: But there are term limits to this appointed position.

JUSTIN SMITH: Essentially you work at the pleasure of the sheriff. So the other positions within the agency test. There's technically a-- he did some testing for captain. But as an elected official, as a sheriff, essentially it's accepted that you pick your management team.

Basically once that sheriff's gone, you're exactly at will. If a new sheriff comes in, any reason, no reason, they're probably going to pick a new staff. So you know from that point on you're out there. If you stay as lieutenant or lower in this organization, a new sheriff comes in, you put your job-- captain and up, hm. So I mean I knew that was the reality. And to be honest, as I did my degree programs, and I reached, I enjoyed the leadership part.

I didn't remember this, but when I announced I was going to run for sheriff, a state trooper I had met in Estes Park in 1991 went, well, I knew you were going to do that. I said, what do you mean? He goes, you don't remember running your mouth off when you were a new deputy. At some point we were shooting the breeze, and apparently I piped up and said, someday [KNOCKING] I'm going to be sheriff. I have no recollection, but I'm not going to call him a liar.
And so I had probably at some point-- I want to do the most that I could do. So as I moved up, and those things, and those opportunities presented themselves, I just stepped into that role. So yeah, when Sheriff Alderden was term-limited, we talked amongst the staff that worked for him. Who had a commanding drive to want to run. There were others that said, well, gee, being sheriff would be fun. It would be interesting. I don't want to run for office. So they kind of pointed at me and went, go for it.

JANET BISHOP: So OK, so we're fast forwarding to roughly 2005. When did you run for sheriff?

JUSTIN SMITH: 2010.

JANET BISHOP: 2010, thank you for reminding me.

JUSTIN SMITH: No, that's OK. No, I get it. I've got to stop and think, and I was there.

JANET BISHOP: So you're captain from roughly 2000 to 2010, 2010. And then your sheriff his term limit sets in. He doesn't get reelected.

JUSTIN SMITH: Yes, so he can't run after the third term, right.

JANET BISHOP: And so explain this to me. So you decide to run. And you ran on a-- do sheriffs run as Democrats or Republicans?

JUSTIN SMITH: Yeah, county offices are partisan election.

JANET BISHOP: So what was your decision to run as a Republican sheriff?

JUSTIN SMITH: Well, I'll back up in time and talk about people you looked up to. I admired Ronald Reagan. I remember when I turned 18 years old most kids had things they wanted to do at 18. The first thing I did, I got my butt down to the courthouse, and I registered to vote, and I always identified as a Republican. And so that was who I've been.

And I had some involvement in Republican politics over the years. And as I got close to running within a few years, I got more active within the county party. So it's just that was kind of who you are.

The interesting piece was I was contemplating the announcement. I had people I knew in the media that went, oh, don't worry. You're the only one with-- there's nobody's going to run against you. And I went, hm, I'm not going to be so presumptive. Well, in the end, there were five candidates. All five were Republicans. Two switched their affiliation to Democrat. One switched his affiliation to independent and the other stayed. So I had a Republican primary, and then I had a general election and had two other candidates even in the general.

And the reality was I was the one with the inside experience, following a sheriff who had been successful in office. So I came in. And it was a great learning lesson with all the cannons fired at
me. 2010, by anybody's account, was a very contentious election cycle. So I learned a lot. I wouldn't say I was politically astute. I went into this thinking this will be a year-long job interview. I just need to-- like I have for every promotion.

And politics is not a job interview, you know. It's a marketing frenzy. And you have to go out, and you have to have the ideas and the experience. But you also got to market yourself. I watch an election cycle now. My wife's in marketing service. So I go, you've got a product, who are you? Define who you.

JANET BISHOP: Your brand.

JUSTIN SMITH: Exactly, take your brand and be able to express that to people. So that was a huge change for me, because I wasn't used to that. I was used to just being quiet and doing your thing.

JANET BISHOP: I don't sense, though, any disillusionment that, oh, politics is not what I thought it was. You didn't lose your idealism or anything.

JUSTIN SMITH: No I refused to sell that. I mean, there were parts of it that were very eye-opening. There's people that really want to influence you and tell you what to do. For me, I worked as my way into the part, as I worked up and through, the values I learned from my family was don't betray your values, don't become something. And I learned from other people along the way on the role of sheriff. But it came down to be who you are. And my take is be elected for who you are not for who you're trying to pretend to be.

And I didn't expect some of the political parts that come with it. There's tremendous expectations. And some of it's ceremonial role as sheriff. And some of this is a little newer in recent years, with some of the political climate. But I didn't expect how often people would say-- I mean, I joke to people, like, once I got elected, all of a sudden you went from this person nobody really cared about. You're the sheriff. And sheriff this and sheriff that and people called. And they want the sheriff to come.

And I realized how important that role is to people. I told them I'm the same fool I always was. And now everybody holds you at such-- And so I realized they have a great responsibility and expectations. And you owe it to them to follow through with that. Most of my duties focus outward.

And as I went from a deputy on through the organization, I realized that you went from very inward focused in your job, and as a supervisor, you work with other shifts. As a lieutenant or captain you worked with other agencies. As sheriff, I work with all kinds of people. I can spend as much time meeting with community members, civic clubs, other organizations around the state and the nation as I do directly here. So my responsibility is to be, in my opinion, to be the people's representative in this office, not this office's representative to the people.

So with that in mind-- I hadn't fully expected that. I've grown very comfortable with it. I've grown comfortable-- and this kind of comes to where we're going to end up in this-- is the ability
to speak your mind. Speak your piece. Police chiefs work under city government with the city
council, all who have their priorities, a mayor and a city manager who have certain things. And
the police chief handles the law enforcement, but unless it's very consistent with the vast
majority of the council, they're not to speak up on political issues. That's a death knell to a chief.
That's the best way to become former Chief.

State appointment's similar. Either anything you say reflects what the governor believes, or you
don't say it. And so as a sheriff, you don't have that. People go, OK, Sheriff, don't sit on your
hand. What do you believe?

And so let's face it. We hit gun control issues and marijuana legalization-- both very highly
charged political pieces. And it was, do you just sit quietly and pretend you don't have an
opinion, or do you express your opinion and take the daggers and the swords? And I've chosen
mostly to take the daggers and swords with the belief that where I'm supposed to be-- and I want
to be done with this career, whether it's the end of this term, or I'm blessed with a third term, and
look in the mirror and say, I did the best I could. And I was honest about who I was. And we're
going to have disagreements.

So that's kind of the approach I've taken and what I've learned from political office. There's
things I like about it. There's things I despise about politics.

JANET BISHOP: And just for the record, you're an elected position. And who do you report to?

JUSTIN SMITH: 330,000 citizens of Larimer County.

JANET BISHOP: OK, so--

JUSTIN SMITH: County government is different than-- people think of city government, and
they'll see, well, there's county commissioners. You report to them. I've become a student of
history. I wasn't a big history person as I was younger. But I do things like sit on my iPad and
read the original Constitution of Colorado, original statutes from 1879, I think, of how things
were laid out. County government has a lot of power.

Colorado, in my experience, is probably the most driven local control state anywhere in the
union. People want stuff at the local level. They're OK with local government. They tolerate state
government. And they almost don't tolerate federal government.

And that's what part of 64 was in my mind.

JANET BISHOP: Which we'll get into.

JUSTIN SMITH: Yeah, which we'll get into. but on that-- so county government-- there's a lot of
power in the different offices. And I just look back to the founders and the history. It was broken
up that all these different areas-- the different offices of the clerk, the treasurer, the sheriff, the
coroner, the district attorney, the surveyor-- on a small level-- and the commissioners each have
some pretty significant power. But it was broken up.
The power of the purse strings and the ability to do the legislative due ordinances is under the commissioners. So as a sheriff, the statute was set. You're very independent. The moneys you're allocated the commissioners decide upon. The spending and the fiscal rules and reporting for accuracy and integrity of public funds reports back to them who I hire, what my rules are, what I do as a sheriff. They have very little authority, unlike a police chief, where the city manager directs that. So it's similar with that the clerk and the assessor. We're very independent.

So with that, it's interesting, because I've got one of my captains they came to me from Loveland Police Department. It took him a few years, because every time we'd work on a decision, he'd say, well, don't we need to check with the city attorney, the county attorney, the commissioners. I go, no. That's our decision. Oh.

So there's a lot of freeing things about it. But there's no-- you don't get to point a finger any direction. If you're going to be a good sheriff and a successful sheriff, when things go south, you're looking in a mirror, not a window. So with that you get a lot of opportunities.

JANET BISHOP: Lots of responsibility.

JUSTIN SMITH: A lot of responsibility comes back to you. So that's the unique thing with the office.

JANET BISHOP: Thank you for explaining.

[INTERPOSING VOICES]

JANET BISHOP: No, no, no. That's good. This is your oral history. And future researchers and students will learn from this.

JUSTIN SMITH: It'll be interesting.

JANET BISHOP: And we have about-- we're scheduled until 12:00. So are you--

JUSTIN SMITH: I'm good.

JANET BISHOP: Because we're about ready, I think, to launch into--

JUSTIN SMITH: Make that turn.

JANET BISHOP: --64. But before we launch in, I have a couple questions here. You're not done with being sheriff yet.

JUSTIN SMITH: No.

JANET BISHOP: But given that, what have you been most proud of during your tenure as sheriff? What has been most rewarding to you? And also thinking of the natural disasters we've
endured over the past couple years, what are some of the challenges that you faced, aside from 64?

JUSTIN SMITH: The thing I'm easily most proud of is the attitude of service from the deputies and other civilians in this office. I continually get letters, cards, email, phone calls from people who will send them to me saying, I had this incident when a deputy was called out, or even things that happened in the jail, and not only was your staff competent, but they really were compassionate. And the point comes back to that service piece, that people really have the feeling we're serving them. And we're not the occupying army telling them how life's going to be.

And so I see that. That's a hard thing to do. It's one to teach professional competence. But establishing a culture and directing that is very difficult.

I try to set the direction and the expectations my staff implements. And they've done an outstanding job, from the command staff all the way through. And really, to me, the fires and then the floods highlighted that, because those easily could have been secondary disasters-- how we responded, how we treated people during that. And we just took that approach, that these individuals-- the survivors-- I mean, this is the biggest thing in their world. And how we treat them will make a huge difference.

And when I saw those things happen where we focused on-- while this might be a huge national-scale disaster, these were individual disasters for each person. And we really, as it were, preached flexibility with our staff. And I'll give you an example. If you're at a checkpoint on-- you name the county road-- Rist Canyon Road-- and there's individual comes up, and they--

JANET BISHOP: And this is during the--

JUSTIN SMITH: --during the Hyde Park fire, for an example. And you know what? I know I'm out. I've been out for three days. My house is just a little ways in there, and I need to get my medications. I gave my staff the direction use reasonable flexibility. If you can get somebody to maintain the checkpoint, find out what they need. Go get those things. There were times we went back and helped them get medications. Obviously, getting pets and animals was a top priority.

But then after several days, it was can I get my laptop? If I just had that, I got a friend to stay with, I could work. But without that stuff, I'm just sitting here. And my staff got that, and they did those things within reason. I gave them the general orders, but understand you've got flexibility.

And to be honest, we got through that the fires. And we all think we're smarter than we are. I thought, wow, we've been tested. We've proven what we could do. We've learned lessons.

But when the floods happened, we said, holy smokes. If it had not been for the fires, because the firewall was big, it came on over days and then weeks-- the floods were within 24 hours. They hit their peak. And so we were able to mobilize during the floods because that was a much bigger scale disaster in the big picture.
JANET BISHOP: These are the 2013.

JUSTIN SMITH: The 2013 floods. So we said, you know what, the good Lord taught us a lesson in 2012. And we learned those things. Our staff learned. And so when the 2013 floods came in, we were better prepared to respond to something that at the time felt biblical in proportion.

And so, as I see those things, they've left a lot of scars on individuals who will always have their lives changed by what happened to them. And I've told people-- I told the county government and state folks-- I've got the easy part, as it were, because in a crisis, you can make decisions and do things and the whole community's in on it, whatever it takes. That's easy for a week or two. And everybody's inconvenienced and out.

Weeks and months later, when this thing of rebuilding roads and infrastructure and the natural bureaucracy after disaster comes back, and they can't just put heavy equipment in the river and move rocks, they have to get an environmental study-- that's when people get frustrated. So the big challenge that I've seen was the long-term recovery, which the county is managing more through their emergency management. I've seen to it we take care of those things long-term. That's the big challenge.

Luckily, when that happened-- another bizarre twist of fate-- in 2009 I participated in Emmitsburg, Maryland, at a FEMA disaster training exercise, where 100 of us from around the county-- CSU was included, Doug Max was there, and some others-- on a big disaster training scenario, and the disaster was what if we have a really big flood, and it's in the Big Thompson, and it's in the Poudre? And so it drove home all things that needed to be done.

I look back and laugh in hindsight, because I was the individual that raised my hand halfway through it and said, this is bullshit. This would never happen like this. You couldn't have one that big.

So when the flood happened--

JANET BISHOP: Where you reminded by anyone?

JUSTIN SMITH: Somebody's knocking on my head, going, remember? So it helped to prepare. And so that was interesting. In fact-- you talk about the oral history-- I read I think it was an oral history piece done in August of 1976 after the July '76 flood. And I remember, two weeks before the September of 2013 floods, reading that oral history and pulling lessons out. When these floods happened, I went, these are the same issues they dealt with in 1976. It was a different flood.

But when they captured that oral history, I went, wow, what a value to have that years later, decades later. There you go.

And so when you told me what you’re doing--

JANET BISHOP: And when I told you what we were doing, you--
JUSTIN SMITH: Yeah, oh, yeah. I didn't tell you that, but yeah, I understand.

JANET BISHOP: Such is the power of oral history. So I think we're going to move into issues surrounding the legalization of marijuana now. And you're in law enforcement. So this first question I have is probably moot, because you've probably always been aware of the issues surrounding marijuana. But when were you first keenly aware of the issues surrounding the legalization of marijuana? Was it when Colorado was working on legalization of medical marijuana? What were your thoughts there?

JUSTIN SMITH: I would say Amendment 20. That was back in '99, 2000, I believe, was when that went through. And that came up. We became aware that this push was a long drive. And so we became aware, saw that come through with it a little bit of a wedge, and had talked to some people. What we believed was a long term intent was this was to normalize marijuana in people's minds. Then it made it easier to take the steps to full decriminalization.

2004, when they ran Amendment-- I forget what the number was-- and attempted, and it went down--

JANET BISHOP: 44, was it?

JUSTIN SMITH: I think you're right. 40-something. And it went down 60/40. We didn't believe it was going away.

So when it came back in 2012, we weren't surprised. But this happened locally after the 2009 Cole memo that came out that basically opened up from just it's going to be a few plants in a cancer patient's home to, no, we're going to have a storefront. And Fort Collins had wrestled with the commercial.

And what was interesting was when this came up in 2011, the citizens had spoken and said, no. In Fort Collins, which is not known as a conservative mecca, they said no, we want to close down the stores in a vote. So it was interesting to see it come back. But when it came as 64, we had two issues coming locally at one time. And we had seen that Amendment 20 and then after the 2009 Cole memo, the opposition was able to build a huge war chest and was able to spend millions of dollars, where local government was prohibited from spending money on it. And there weren't groups that had millions to put into it. And a lot of folks didn't take it as a serious challenge anyway.

JANET BISHOP: So in your experience in law enforcement, and you weren't a street policeman for very long, what were the responses of your colleagues to the issue of marijuana? What was your take on marijuana, as opposed to, say, other drugs?

JUSTIN SMITH: You know, there were some different opinions throughout the profession on marijuana versus others. But for the most part, most officers that I've known haven't been approving. They've seen the consequences. They believe is every one of the drugs is the great demon to society, you know. But typically it's been that each one of those causes more problems.
And our thing is it's not necessarily the drug arrests. It's the family problems you run into with dependency and neglect issues; the other crimes that are committed by people either under the influence of alcohol or drugs or who are trying to get money to support a habit. We just looked at how is marijuana-- legalizing the commercial part-- going to improve our state? There was definitely that question. My experience is marijuana hadn't been taken seriously in the state for some time because it was a traffic citation.

And that was frustrating during that election process, because people were told your jails are filled to the brim with people on marijuana charges. And the cops are going to have so much better time when they don't have to deal with that. And it was an absolute lie, because people with one and then two ounces of marijuana-- which is typically about an ounce per quart-size bag-- got a traffic ticket for 100 bucks. They paid a lot more for the weed than they paid the ticket, necessarily, they got with it.

JANET BISHOP: And what era was this when it was sort of downgraded to--

JUSTIN SMITH: --decriminalized. It was a petty offense before I got here. I know talking to prosecutors, it was probably back into the '80s that that happened in Colorado. And so we said, there's not people locked up for being users. And I've always been open to, for users of any illegal drug, let's look at what the level of offense and what the sentencing is for it. But on any drug, I look to decriminal-- and then encourage it by the state regulating it-- how is that going to make us a better state?

The hook that I saw was, you're going to get tax dollars. And as somebody who understands marketing because of my wife, it was a tremendous marketing. They did a helluva job, because you know they did all their test audiences to figure out that if you talk about money for the kids, you figure out-- that's a hook-- what's the magic number. It wasn't five million, wasn't 10. It wasn't 20. It was $40 million. That was field-tested to sell people. Here's the benefit money for the schools versus-- nobody could really speak to the consequences, because nobody had seen decriminalizing pushed legalization in the US before, so they couldn't say.

Anything you said that was the negative was the boogieman. Oh, this is boogieman stuff, you know?

JANET BISHOP: So going from going from what would be probably a-- there's no typical anyone, but-- typical law enforcement, criminal justice view of marijuana to taking the leap that you did to your lawsuit court case, could you tell me how you decided to be actively involved in opposition to marijuana legislation or legalization? And also tell me about how you formed your own cohort of sheriffs in other Colorado counties for your lawsuit. And that may be a long-- that's a two--

JUSTIN SMITH: I'll go into what I can with that. On the personal level, again, it came back to, I guess, lessons that I learned. When you're first elected, there's a lot of pressures on you. Do this, or do that. And then there's a lot of trying to make everybody happy.
Well, I found that you're not going to make everybody happy. Be who you are. Be honest with folks. And if they elect you for that, great. If they don't elect you because of who you are, live with that.

The disasters helped to cement that to me. Just do what you know you need to do. So on the marijuana part, I didn't agree with the policy of decriminalization on a personal level. I've seen too many negative impacts. I had too many beliefs this wasn't going to make it safe and easy and clean. I don't think it has.

My bigger issue-- there's a lot of policies and laws that are passed that I don't like. But you deal with them. My concern was really-- and the opposition laughs at us as if we're incompetent at thinking it-- it was a rule of law and a constitutional issue. It wasn't I don't like this as a policy. This is the first time in history that I'm aware of-- in modern history in the United States-- that we said we're going to pass a constitutional amendment in a state that doesn't-- I look at there's no requirement that Colorado criminalize marijuana or anything under criminal code just because it's a federal violation-- no obligation.

However, Colorado's Amendment 64 went so much further, because it made it a constitutional right under the state to possess, to cultivate with state approval, to distribute with state approval. And in doing that, it forced the state to become a culprit in violating a federal law, because the Federal Controlled Substance Act has never been repealed-- no attempt, seriously. It's never been challenged as unconstitutional. It's an interstate commerce issue.

And so we had a situation where we saw city, county, and state employees ordered to do things that are unquestionably felony violations of federal law. And the only thing that's the pass on it was an attorney general at the time who said, well, under these conditions we're going to make it a very low priority and probably not prosecute you.

So on one hand, we have state government--

JANET BISHOP: You mean the federal attorney.

JUSTIN SMITH: The federal government, yeah. You know, on one level, it's the first time that I've seen a president in the federal government go, we're just going to ignore. And it's not a matter of saying that people can't be prosecuted under the state. But the state employees, in order to be compliant with state constitution, have to violate federal law. Well, then it comes back to the principal of the supremacy clause of the United States Constitution. It says the laws of the United States are supreme over the individual states. And so I think it's a very clear case that what we're doing is federally unconstitutional.

And there's other complexities as a peace officer. I don't have a list anywhere that I ask, is there a list of federal laws that you're OK with me violating? Because I hire staff, going, you know what? I'm not a federal law enforcement officer, but if you're violating federal laws, you're not eligible to work here. But we now have carved out an exception. It's like, except for the marijuana laws, because one administration said this is going to be a great social experiment.
So this put an asterisks in the Constitution that said, but for this. And I would fire a peace officer for being in violation of a felony law. Except here, there's places that are encouraging it.

So when this stuff came down, I wrestled with this, because--

JANET BISHOP: To place it in history. 2012, when Amendment 64 passed.

JUSTIN SMITH: Right, when it passed, and we looked at what it meant, and without violating any confidence, there were plenty of individuals I talked with at state federal levels that said that the Colorado Attorney General and the governor of Colorado immediately reached out to the President of the United States and the United States Attorney General and said, we're anticipating you're going to come back with federal preemption and through the Department of Justice say, you can't do that. It's violation of US Constitution, because it's a violation of federal law.

And then it stagnated. And people were perplexed around the US. They were scratching their head, going, what's going to happen here? And then we finally saw that pass. Just let it go.

And I had plenty of people tell me, look, this isn't your fight. This will cost you politically. You're going to offend certain people that are supporters, because within the Republican Party, which is my base as a Republican, at this point in time, from 2010 on, has been a very strong libertarian movement.

Libertarians very traditionally say drug laws are none of the government's business. Let it go. And so I was told this can come at a price for you. And I talked to a lot of my fellow sheriffs. I know a very few of them that approved of 64-- one or two maybe. Everybody else didn't like it.

When I talked to them, a lot of them were in fear. They said, if I go out on this, the lobby for Amendment 64-- they're vitriolic in how they've attacked people. And you watch when a news station runs a story has any sort of a negative slant-- it's changed a little in a few months--towards marijuana legalization, social media. [GRUMBLING] Again, the marketing-- they've got bloggers paid to set up BS profiles and go after you. Any time I mention marijuana, they've got it cued, because I can do it buried into a Facebook post, and all of a sudden they're on me with the nastiest kind of things.

And I honestly looked at that and went, gee, what's the cost to me personally for doing it? But I simply looked at the rule of law issue. I said if nobody challenges it, where is our republic? Over time this is a slippery slope. At what point do we say we're not going to follow this law.

And I've had some great discussions with the US Attorney for state of Colorado, John Walsh. And I work with John on a lot issues. But I've called them on this one to say, John, where's this end? Where does this end, because if Colorado passed a gun law that says we don't recognize the federal government's gun laws, and we've de facto legalized something that's illegal, you wouldn't say this is a great social experiment. You would say, not going to happen. John, that's what you're doing here. Are we making things better by doing this? Are we serving our constitutional duties, no matter what the time is, no matter what.
The government was meant to be deliberative. They're meant to do the right thing. Here, this was a very politicized decision. And most people in political tactics will tell you this was timed with the 2012 presidential reelection campaign, where strategists said this will bring out the vote that we need. And I think a lot arguments in Colorado, it did. It help deliver Colorado electoral to the incumbent President.

So we look at those political pieces. And I tell people, if it were another issue, whether it's drugs or not, we have to respect our constitution. If you want to go to the federal level and amend the controlled substance act, you can do that. I would disagree with the policy, but I would respect it. But now we're essentially in open revolt of the federal government. And at other times in history when that's happened, presidents have come in and said, no, we can't. It doesn't matter what the issue is. The constitutional premise of federal supremacy is more important. And we're going to stick with that.

So that's where my decision to make the suit-- as far as the other sheriffs, some of that comes down to a little bit of strategy within our legal case. But a lot of it had to do some discussions that we had amongst different sheriffs who felt very strongly and also were in a position. First of all, we've been involved in another lawsuit that involved 55 sheriffs. And I think to say--

JANET BISHOP: Another lawsuit related to--

JUSTIN SMITH: The Second Amendment suit from a couple years earlier. And I guess to say that herding sheriffs is like herding cats doesn't even touch it. So part of when I talk to others about if we put a suit together, do you want to have the goal of 55 or 62 sheriffs? This wasn't one about the numbers. This was simply about the constitutional principle. One sheriff, one individual is enough to bring it.

However, you recognize these suits can take a long time to resolve. It's wise to have enough individuals. We've had at least one sheriff out of state who's since left office. So he's no longer a plaintiff. So let's give it enough in-state-- the ones that also would be very angry if we filed the suit, and they went, why didn't I have a chance? I wanted to be in on that. So there were a few that were just absolutely going to be at the table. But to bring a big number, to me the return on investment of stacking the numbers wasn't big.

But these were the ones. And they represented different area. Most of them are rural areas where, to be honest, politically, their counties didn't pass this. They didn't approve Amendment 64. Larimer County-- it did pass.

JANET BISHOP: Which leads to a question I have, but just to place this for the record, the sheriffs are from Elbert, Hinsdale, Kiowa, Delta counties? Am I getting that correct?

JUSTIN SMITH: Yeah, and Yuma.

JANET BISHOP: And Yuma. So these are mostly eastern plains or--?

JUSTIN SMITH: Mostly, with the exception of Delta county. It's over on the western slope.
JANET BISHOP: And so that leads to-- I have a sideways way of asking this in my question cluster, but given that you mentioned it, so my understanding is the other sheriffs who brought this lawsuit in March of this year, 2015--

JUSTIN SMITH: Yes, the years mix together.

JANET BISHOP: 2015-- we're up to this year-- 2015. Those sheriffs are from counties where the majority vote was against Amendment 64. So with that said, and being sheriff of Larimer County, where the amendment, I think, passed 54%, 56% something like that.

JUSTIN SMITH: Sounds about right.

JANET BISHOP: What has been the reception of your lawsuit within Larimer County and your constituency?

JUSTIN SMITH: A very good question. I was fully and expecting a huge pushback. I've seen a vocal minority. And again I filter out people on social media and blogging, because we all know that can be a huge game-- very angry folks there. When I've been to public forums, to be honest, I really haven't had-- hold on a sec.

JANET BISHOP: Go ahead. Justin is looking at a text.

JUSTIN SMITH: Can I get a second to look at my phone? It hasn't been a big issue to very many people. Probably the biggest one was it was the Coloradoan one originally. They came out with this passed in your county. How could you go against the will of your voters?

Well, first of all we're a representative democracy. This isn't a direct democracy where everything's by a vote. And we're constitutional republic where what we do has to be in line with the Constitution. I'm sticking up for the constitutional part.

And I explained to them. I've got a big long explanation of how the constitutional issues come in. And the paper, who said, we don't agree necessarily with you politically on it, but we respect it. To me, the only way to resolve it was to take it to the courts. In fact, I've told the proponents of 64 in public debates, I could be your best friend. If I take this, and it goes through the courts, and it, say, ends up in the United States Supreme Court and they go, this is absolutely constitutionally valid. That's the biggest score you guys could ever have. That right there's the Super Bowl. If I go, and I win, then I was correct that this was not constitutional.

So I've looked at it and said, you know, when I explain that to folks, even those who are for legalization go, OK. I've rarely had anybody angry over that. And so, again, I said I'll separate-- do I think encouraging more marijuana use is a good policy decision for our state? I don't. I see the consequences.

We continue to deal with continued illegal drug cases moving stuff everywhere and illegal sales under what they've established as the rules. But I said I'll set that aside. This is a constitutional challenge. And so I haven't had a big backlash.
There was a large percentage of people I've talked to who said, look. I don't approve of marijuana use. I just don't want the federal government telling me what to do. And this was a little bit of people giving the bird to the federal government. There was a percentage in there.

When people start to see some of the consequences, we get complaints on a regular basis. The city of Fort Collins is getting them daily to the point they can't even follow up on people calling in. Yeah, I can smell somebody's growing big marijuana in my neighborhood. I don't want that.

So we're seeing a change. A lot of it was I don't want the federal government here. But I didn't want a lot of drug use in my neighborhood. I don't want my kids exposed. I didn't want marijuana in the elementary schools. I didn't want the food based marijuana. I didn't understand the consequences.

I mean, the most recent is the consequences when people drive by Jefferson Park in the summer. They go, wow, where did all these folks come from? Well, they doubled transient population in the county jail in the last four years. And when we talk to that population, we say what are you doing here? I came here because I like to smoke weed.

The offenses they're committing are not typically marijuana-based offenses. There are some where they're violating even the laws as they exist. It's the gamut-- everything from attempted murder through anything down to very lesser crimes. And then they don't show up for court.

Of course, that's the consequence. These folks are saying this is what they want to come do. They don't want to work. They just want to sit in Jefferson Park and smoke dope.

So people start seeing that. And we're seeing, in my opinion, a shift away. Well, maybe this wasn't a good policy decision.

And I look at Ohio. I know the pro-legalization crowd was ready to carry the banners out and say, by golly, we just took a Midwestern state-- fairly conservative. And yet, when they lost that significantly, they had every excuse in the world. Well, it was actually the structure of this that had something to do with it. But that was a huge battle loss for the legalization crowd. And part of it was this lawsuit.

I'm not a surrender person. I will die for my principle, as it were. And I believe the constitutional principle. I ran into far too many people that went, no, we lost this one. Let's just walk away from it. We haven't gone through the courts.

And the public opinion is not solid. They were sold on a way to pull taxation. The only time the state of Colorado has any inkling of concern-- not any-- the vast majority of time is when they're not getting their tax dollars. They want their tax money. And that's government at its worst.

JANET BISHOP: So two questions-- I'll ask this one first. Without being a mind reader, what would have been your expectation, had the federal government said, no under federal law, recreational marijuana is illegal. We're shutting down shop here in Colorado. What would that have looked like? Was it to give you authority to enforce, or--?
JUSTIN SMITH: No, I have and expect to have no authority to enforce federal law. My vision of that would have been an injunction from the US Attorney through the federal courts to say you can't implement a regulatory structure and scheme for it. What we would have is a situation. People would have to decide, look, you're not getting tax dollars off of this. People can possess it and the state not do anything about it. People could actually commercially grow it, and the state not necessarily do anything. But the state couldn't be a part of that.

And with that, the federal government would come in go to the growers and say, nope, nope, nope, nope. You're shut down. And they have in limited ways.

And part what was bizarre-- the Ogden Memo I believe is the one that came out that listed under these eight conditions, if your meet these, we're not going to really do anything. Well, they're immeasurable. They're not measurable things. They're kind of lofty. Well, if you keep it away from kids. If you don't let it go out of state; if you don't let marijuana-related traffic issues like driving. But there was nothing measurable.

I said, what's the point? What I've told the people in the industry, I said, you're kind of set up, because those goals are set in the state. If the state can control these, you're in business. If at some point, the attorney general and the president goes, I can't tell you what the number was, but you guys exceeded it. They're not going to come out and put state officials in prison. They're going to come down and make federal charges against you in the business, and you're going to go to prison and lose your property. So it's a dangerous area, because those were immeasurables.

So honestly, what I pictured was an injunction that would have put Colorado at the crux of saying, OK, what part of this is unconstitutional? Is it the part that says the state can be involved in the distribution, which, essentially, we are. And we're profiting from it. Or can the state not? And then, yeah, because of this amendment, maybe it's no longer a criminal offense to do under state code. But the DEA is going to come in and say, nope, nope. And then may just simply say, close up shop. Or they may take you to federal court and imprison you.

That was what I had envisioned it would look like under what we'd always done before.

JANET BISHOP: Thanks, that explains it. And then my other question, though, is Colorado was first, but not an island. So we have Washington state and Alaska, I believe, and--

JUSTIN SMITH: Oregon.

JANET BISHOP: Oregon, thank you. Without revealing any confidences, or you don't have to answer this question, have you been in contact with law enforcement, criminal justice, or sheriffs in these other states about similar concerns?

JUSTIN SMITH: I have. I'm a member of the Western States Sheriffs' Association and National Sheriffs'. So I meet sheriffs at levels. And I've gotten a lot of phone calls, obviously being very vocal and being the lead plaintiff on this. They've read, and I've had them call. I've met them at conferences in different places and heard their concerns. And they're not significantly different
now. Honestly, in the actual implementation, Washington and Colorado are really night and day. Washington is very tightly regulated in how only the state can grow. And individuals couldn't grow in their home. You can't have had edibles. In Colorado, it's kind of the wild west, because you can have oils, and you can have edibles, and anybody can grow, and there's a question of can you be a cooperative and grow 100 plants with 94 of them being for your best friends that belong to them in your house that you tend. We've got a lot of that in that distribution network, so it's a lot different.

An interesting piece I ran into-- as you said, Washington and Colorado were first. Last year it was on the Oregon ballot. The Oregon sheriffs, as an association, were in opposition. They didn't think it was good. And they spoke up. And the lobby for marijuana legalization drafted the sheriff of King County, Washington, to cut commercials that ran in the state of Oregon saying, it's a great thing. You guys need to do this. Oh man, it was a beehive. They were upset.

They told the King County sheriff, why are you coming in here? Let us speak for our citizens. So there's been some push.

Still if you go around, I would say overwhelming majority-- vast majority-- of sheriffs continue to oppose, both for policy reasons, as well as for constitutional.

JANET BISHOP: So just to back up, the sheriff of King County-- and I lived in Seattle 18 years.

JUSTIN SMITH: I love Seattle.

JANET BISHOP: It's a great city. But the sheriff of King County was coming out pro-legalization for Oregon.

JUSTIN SMITH: Yeah, on paid TV commercials as the King County, Washington sheriff telling the citizens of Oregon they should do it. And again, as we're seeing that, what's happening in most states-- I looked at the medical component as doing two things. One was in getting it normalized in people's minds. Oh, it's not that big a deal. And the second was money. They bankrolled tons of money. They're buying politicians. They're buying ads. You go back and look, they're spending outstanding amounts of money, where the groups against, typically, it's small organizations that don't have a lot of money. 10, 20 to 1 on spending to educate the public on those initiatives.

JANET BISHOP: And to clarify, your lawsuit does it include medical marijuana or just recreational marijuana?

JUSTIN SMITH: This is just the recreational, because actually to the average citizen 20 and 64 look similar-- medical, recreational. Amendment 20 did not decriminalize for that purpose. It only created an affirmative defense. A person could still be charged with any criminal offense related to marijuana. But if they complied with the state regulations, they had an affirmative defense. When it went to trial, they could say but-- [PHONE RINGING] I mean, the state's got-- turn that down. My apologies.
JUSTIN SMITH: They could come back and say, I had state permission. Now it's a constitutional right. And one of the things I was perplexed by was the campaign in Colorado was treat marijuana like alcohol. I pulled the Colorado constitution apart. I read it many times. Nowhere in there do you have, I have, anybody have a constitutional right to possess alcohol. It's been decriminalized and regulated in the state. It's not a right.

And that's where I said this is bizarre. Nowhere else in the world have we seen a constitutional right to have a substance to be under the influence. And even when we had prohibition in the US, there was a constitutional prohibition from having it. But when that was repealed, the United States Constitution does not say we have a right to alcohol. It just isn't illegal. It's just a regulated product.

JANET BISHOP: So there's a distinction.

JUSTIN SMITH: Yeah, there's areas that were very disingenuous. But do you have a campaign to go tell people it's not a right? You don't market that way.

JANET BISHOP: Let me ask this question. How has your involvement in the opposition of the legalization of marijuana impacted you, and what do you hope that others learn from you and your efforts?

JUSTIN SMITH: On a personal level, it's just caused me to have a better understanding of what the numbers and the issues are-- the impacts of marijuana. Because it was a prohibited substance, we weren't in the position of having to gather information to talk about the negative impacts. It was a statute in the books. Now with this legalization effort, we've been forced around the state to say, OK, how do you track the impacts of marijuana?

Some of it's on the criminal justice system. A lot of it's indirect, because of other crimes that are committed by people, like the transient crowd. If I go and look, most of them aren't on marijuana charges. But they tell us, we came here to smoke weed, and we're committing lots of offenses while we're here.

A lot of the other things we deal with-- the DUID cases on the highways-- those are reasonably easy. Although, we've had to get much better, because there's just a lot more drivers under the influence out there.

JANET BISHOP: A DUID for--

JUSTIN SMITH: DUID drugs and then marijuana. And even as an example, so Colorado has a statute regular DUID-- that's alcohol. They have another one, DUID, which is any drug beyond alcohol. But even when we do that, there was no mechanism-- still isn't-- in state statute to say there's an offense of DUID, marijuana.
Law enforcement agencies had to figure out how to track that. And we didn't have a base to start with, unless you go back individually and had somebody pull all of our DUID reports and read them. Tell me what the substance was, because it's not coded in the report they can pull.

Usage in the schools-- it's hard, because Poudre School District for the longest time was not doing the studies about drug usage in the schools. So it didn't have a base. We're finding those out. We didn't track admissions to the hospitals for overdoses on mar-- so we've learned to track those things better.

JANET BISHOP: So Poudre School District is now tracking who's--

JUSTIN SMITH: I can't say for sure. But even on expulsions one of the concerns is this is going to cause more marijuana issues. And we believe that to be the case based on our experiences. The problem we had was on expulsions. It was never relevant to anyone before. When they were listed, somebody was expelled or suspended for drug use, for fighting, for whatever. It didn't say which drug it was they were found in possession or to be distributing at the schools.

So we didn't have a base to start with. And we said, OK, wow, just looking at those numbers of suspensions or expulsions in the schools have gone up significantly. Well, the marijuana lobby comes back and goes, how do we know it's marijuana. That's probably other drugs. You have no solid numbers because the schools didn't list what the drug was before.

Now we're seeing the trend go up. They go, prove that it's marijuana. You know, we know what the numbers are now. We don't know what they were before.

So we're learning to be better at tracking that. And there was actually something put in state legislation a year or two ago that was intended to fix some of this to require some tracking by law enforcement agencies of marijuana-related issues. The problem I've got-- our job is we track things based on criminal offenses.

If the marijuana itself is not a criminal offense, but it was a contributing factor, we don't have a mechanism statewide to capture that. You might within your own record system say, hey, was marijuana present? Did it influence people? So we don't have a good way of tracking, but we're getting better.

And we're sharing that with other states. Make sure you've got that kind of data. Make sure you understand that the most effective way to challenge is to use numbers that we've got and the trends that have happened. Because when it was pushed in Colorado, there was nobody-- like I said, we were the boogieman.

Other states go, well, here's what's happened in Colorado with marijuana since. So that gives us an idea. And so we're giving them that tool. We're also telling them don't rely on this being a criminal justice issue. It's a community issue. Have the parents and the educators and the health care providers and the substance abuse folks speak as well, because that's a powerful voice, because a very effective part of the campaign was, hey, look, this is just the cops trying to ruin you and I having a good time.
Of course they're going to be against it. They just want to lock people up in jail. And they don't want us to have a good time. So they used that against us pretty effectively to neutralize things we had to say. Let's see the parents and those folks talk about the true impacts.

JANET BISHOP: So as you quipped, there is no typical day for you. So we'll leap over that perhaps. But I do have just a few other questions. Do you have 15 minutes or--

JUSTIN SMITH: I do. That'll be fine. You bet.

JANET BISHOP: OK. So during this, a quick question, and then I'll get into sort of the overarching impact of Amendment 64 on the state and society. What has refreshed you during your time as sheriff and especially during this period where you've started your lawsuit? What relaxes you? What things aside from legislation have--

JUSTIN SMITH: We got a 19-foot travel trailer. Our youngest is 19 now, sort of out of the nest, sort of back, but our kids are grown. When he graduated from high school-- we'd always had a little camper we took the kids in, a little pop up. We decided it was time to step up. We bought this 19-foot travel trailer. Nothing huge-- enough for two people and two dogs. And we put bikes and kayaks on.

And we sit down at the beginning of early spring and lay out the calendar. These are camping weekends. So when people say are you busy this weekend? Yes, I do have-- I have a commitment. We got a set time to get away. That's what's refreshing for us. Simply the Colorado things that a lot of us love to do-- the reason that we moved here-- that's a big piece for us is, do that in the summer, enjoy. Even in the shoulder seasons when you're out in the camper, and it's snowing around you, it's still-- everything else is away.

Take a book. I love to read. Unfortunately, I mostly read professional stuff. I won't read entertaining-- business stuff.

But the other thing is we enjoy doing just some other travel. And my wife and I have gotten a bit of a trend, but once a year we like to go to Washington, DC-- the history around there to visit, the presidential homes. And I've done the typical tours of the White House and the Capitol. But revisiting things like the Holocaust Museum, going to just different areas and studying things in Alexandria-- we were there last year and took our boys and went to the Alexandria National Cemetery and saw a new one to me.

I looked out the back window of our hotel at the cemetery. What's that? We're a little bizarre. Let's go check out the cemetery.

It looks like a national cemetery. And it was the Alexandria National Cemetery that was built in the Civil War because of the war dead. And we found a monument there to the soldiers who died in the pursuit of John Wilkes Booth-- there were four of them, I believe, all buried.

And those kind of things, understanding history, gaining an appreciation-- I'm getting close to 50, I start to see life different. I start seeing that big picture. I just find it interesting, the history
of our nation, things that went on, the things that shouldn't have happened that did that caused us to be here. The odds were against us.

The Civil War-- in so many ways the North coulda, woulda, shoulda lost because of the way things went. And yet our republic continued. I enjoy that type of stuff.

I enjoy reading the books and watching about different leaders, and that's part of it. I look at someone like Abraham Lincoln. He didn't take the easy path.

And at the same time, a lot of people who we look back in history and say, well, he did some tremendous things. At the time, they were not necessarily loved. In the American Revolution there wasn't necessarily a majority of people that said, let's throw the King out. There was a loud, large minority that said it's time to push back. With Lincoln there was a lot of push back. Just let this go. Let's reconcile.

And so I get inspiration. Outdoors is just refreshing. I get inspiration from looking at people smarter and better than anyone that I know in current times and just saying, what things did they do that were the right thing?

We look at Abraham Lincoln and think what a wonderful life he lived. It was a miserable life. As I can tell, he lived his time in overseeing the Civil War, and then when it was over, he was killed.

I look back-- and this is just a little philosophical-- but studying George Washington. He left office. Number one, there was a lot of concern at that time that we were going to start a whole new lineage of leaders. And if George Washington, I believe, had had a blood relative-- if he'd had a son or daughter-- we'd have had that chance he'd have started this almost royal family.

There was the concern about Washington being a king. And he didn't. And within two years of leaving office, he was dead. I think there was a reason for that.

The nation needed him, because everybody'd talk about looking to the past president. How'd you like to be following George Washington? Isn't that amazing that those things happened that allowed us to move forward, and the lessons we learned?

So I get refreshed. I get whoa, there's new things. And not because I want to read something and learn it. I want to read different things and start weaving that together and come up with my own thoughts on it.

JANET BISHOP: Well, I'm a great fan of history, being an archivist and cultural historian, or public historian. Correct me if I'm wrong, are you an adjunct professor?

JUSTIN SMITH: I was from 2004 through 2010.

JANET BISHOP: And what did you teach?

JUSTIN SMITH: It was a criminal justice course. It was a corrections course.
JANET BISHOP: At Colorado State.

JUSTIN SMITH: Yeah, CSU. Yeah, actually that's what paid, afterwards, for the degree that I bought. And I miss doing it. I loved it. I did it up through the campaign. I was campaigning one year and doing adjunct professor and working full-time. Loved it and still one of the best things about-- I loved working with the students.

But afterwards, for several years, I would have new employees here. And they would come up, and I'd be swearing them in, and they'd go, do you remember me? No. I was a student in one of your classes. That's awesome.

JANET BISHOP: That's gratifying.

JUSTIN SMITH: And that was something I really enjoyed.

JANET BISHOP: So I just have basically three last questions, although they might lead themselves to longer explanations. We've talked about this a bit, but what's the significance of Colorado being the first state in the country to legalize recreational use of marijuana? And I'd like to ask you, do you think there's a uniqueness to Colorado? We talked a little bit, or you talked a little bit, about the libertarian strain in our state. Do you think circumstances presented themselves in our state that wouldn't be presented in other states for legalization to happen, and what is its significance?

JUSTIN SMITH: Yeah, there are several pieces that were unique. One of them is the libertarian streak. But the other just goes back to even just the local control. Whether you're Democrat, or Republican, other, there's just a lot a feel for we want to do it at the local level.

There's a lot of things that we do, and the disasters pointed that out. They came from other parts of the country and went, what do you mean the sheriff's in charge of a fire? They don't want the state involved, because they go Cal. Fire-- the State of California is in charge of fire spray. Not here, mm-mm.

State government shows up, people say get out. You can help us, but you're not in charge. So that had a lot-- the marijuana issue was really sold as aren't you tired of big brother out of Washington telling us what to do. And here's all the things they shove down our throat. Here's our chance to stick 'em in the eye.

That was part of the feel with it. We're going to push back. Whether you approve of marijuana or not, do you approve of our president telling us what to do and congress? And that's a very American sort of thing.

The other certainly had to do with the libertarian movement that was there that said, I'm very conservative on these things. But I just don't want anybody telling me what to do. And then the other part that's unique in Colorado is our constitutional amendment process.
Most people that have much knowledge say we have one of the easiest constitutions to amend, to the point we've had some people of great credibility talk over the last decade-- it may be time to amend our constitution to change how it can be amended. To get away from the marijuana issue, the Gallagher amendment--

JANET BISHOP: Which was?

JUSTIN SMITH: The Gallagher Amendment's the one-- I think it was probably in the '80s-- that established on property taxes collected, a certain percentage had to fall on commercial property versus residential. Well, over the years what that's done is mean we have one of the highest commercial property assessment levels and one of the lowest residential. It's created some problems.

We have conflicts with the TABOR amendment. And then, forgive me, the one that had to do with school funding and how much had to go. And we're getting these things come in. There's that question about-- my opinion-- constitution is the foundation that a state or a nation's built on. The laws are the walls, because those can be redone. I mean, much like Monticello, it was rebuilt many times on that same foundation, Colorado's constitution has become too easy to cut out and move. And the consequences are things that are conflicting.

We were very unique, and we were picked out. We were told by people who study this stuff that Colorado was on the radar of the legalization crowd. It was no coincidence that it came here. Certainly they'd learned their lessons in 2004, or 2006, whenever they ran it and went down 60/40. They retooled it and brought it back. But we were a place to make that happen.

So I think all of those are factors that came into it. And it's a challenge anytime something's in the Constitution to then pull it back out. We're seeing that now with some of these other amendments that are conflicting. People don't love them, but it's hard to get out.

JANET BISHOP: So what do you think is the most significant impact of this legislation, either culturally, socially, or economically? I mean, you've alluded to your sense of the rise in, say, use by underage--

JUSTIN SMITH: Yeah, I think the biggest consequence is that personal responsibility to do right and healthy things. I find it very peculiar. In a lot of ways, this state's listed as one of the healthiest, when it comes to outdoor activities and diets and things.

And yet the negative impacts of marijuana on an individual's health, combined with societal issues, as we're seeing it, go from, yeah, it was a thing that sort of was in junior high schools a little bit. But you saw in high schools and then typically, let's face it, young adults experiment more with risky behavior. That's the nature of young adults.

Now we're seeing it so normalized that it's put into food products that small children bring to school and give to their friends, that parents will give it to small children, or they find it in the house and end up overdosing. Those kind of consequences-- some of those are hard to roll back.
The long-term impacts they're starting to see with young people on exposure to marijuana, and it's not just the marijuana itself-- it's the fact that because of this state condoning it, they've become able to take a THC level from here to here. Colorado's number one. We run it up there to where the people who also passed 64, went look, in the '70s I smoked a little weed. And it didn't kill me. Let's just forget it.

Well, you smoked-- now called-- ditch weed, just a very low THC concentration. Now it's very high. Those impacts are different. We're actually seeing the impacts of what they're identifying as marijuana-related psychosis at times.

Sometimes it's because of high THC for a long time. The young man that jumped out of the window here in Fort Collins, what I understand from the officers involved is his wasn't necessarily high exposure. He just had a real negative reaction to high THC and went into a psychosis. We're seeing those.

Interestingly enough, in the Denver Post this morning I read an article that they're saying the guy who shot up Colorado Springs--

JANET BISHOP: The Planned Parenthood.

JUSTIN SMITH: The neighbors are saying he was a marijuana entrepreneur that came here for pot. So who's going to ask the question when they look at his use and was there high THC. Was that a contributing factor to his decision to murder four people?

JANET BISHOP: And so for the historic record, this is the recent tragic event-- the shooting at Planned Parenthood several weeks ago, I believe.

JUSTIN SMITH: About two weeks ago.

JANET BISHOP: Two weeks ago. Unfortunately, there's been several tragedies this year.

JUSTIN SMITH: Yeah, and we're seeing those. And that's an open question. But we have seen another family where the husband shot the wife when she was on the 911 line talking to Denver PD. And they're saying psychosis there. We've had a couple other cases.

Are the numbers huge? No, but the impacts certainly are. So I think those kind of things, because this overlaps with other societal issues of unrest. I think we're seeing an upward tick in a crime trend. As a sheriff, I've watched since 1991 the national level that crimes have cut almost in half. We've seen that stall. And now there's a definite feel. It'll take a couple years to get much. There's a feeling a lot of areas it's on the uptick.

Do I think things like this may be impacted? I suspect there's a good possibility or probability they do. But in the future, somebody will be able look at those numbers and have at least a better idea of what that impact was.
JANET BISHOP: So my last question is what do you see going forward 5 years, 10 years down the road, in terms of marijuana legislation, either at our local slash state level, the federal level? There are states, as we've talked about, that have passed legalization. Where do you see it going?

JUSTIN SMITH: Well, until last November the feeling a lot of people-- it's on the march. And it's going to hit state by state and just give up and accept it. Ohio, I think, put a big question mark in that strategy. I believe some of that's related to the impacts they're seeing in Colorado and other states. And OK, what happened after you decriminalized?

And so they've got the ability to look at that. I don't have the crystal ball to say exactly where we're going. Is it going to march forward? Is it going to roll back? I think the questions are coming.

And I tell people in the industry. I go to the meetings and the state legislative issues and remind them, but for a different attorney general under a different president, which will happen a little over a year from now, who's to say-- because this was never repealed. This is kind of a wink and a nod he can come at any moment and just shut down the industry. And that's a possibility.

So certainly it could go that direction. People are going to really look at those impacts and decide is this something they want? Part of this was based on, again, this is a well-marketed campaign on Colorado. It was going to be very limited. And they included things like an employer still had a right to terminate an employee for illegal drug use, that was put into the amendment.

Since, that same lobby has screamed how unfair that was, using an Amendment 20 case, but the same concept. They challenged the case with one of the satellite providers. I'm blanking out on the names of the parties. But they challenged that an employer could fire an employee for marijuana use.

The Colorado Supreme Court came back-- and certainly not a conservative court, typically, on issues—came back unanimous with one abstention, because of a personal conflict, saying, no, an employer can, because it is still an illegal act. They very clearly said that.

But the folks who ran this ran it as being in a pretty small box. Every year, they're pushing to widen that box. There's a current push now-- we were told it couldn't be smoked in public. You wouldn't have smoking clubs. It would just be in the privacy in somebody's home. Leave us alone.

I'm sitting in hearings where there's a legislator pushing, no, let's have marijuana smoking clubs. And now they’re finding the challenges that if you take away the drug aspect, the intoxicating aspect, to have a marijuana club is a violation of the Colorado Clean Air Act. You would have to amend the Clean Air Act to say, that thing with cigarette smoke? Yeah, we're going to ignore that as long as you're smoking pot. And we have other issues, complexities that we're finding, because they envisioned-- the legislator who was pushing this-- that police officers could come in and monitor the behavior in a marijuana smoking club.
And I said, I'm going to rain on your parade and tell you in a lot of areas, mine included, my deputies can't go in there and inhale the smoke of marijuana. They're inhaling THC. They'll fail a drug test. And I will fire them, I could, if they do.

I said, these are conflicts. And it's not a simple as a great little tagline "treat marijuana like alcohol." There's some inherent differences.

So we're seeing those things that were kind of brushed over in the big heyday of decriminalization. We're seeing the conflicts and the things that weren't necessarily anticipated. We're seeing society start to question how-- maybe you don't want people in prison for it, or it jail for it. But do they want more of it, and do they want neighborhoods?

We've certainly seen a change in our real estate market, where realtors will tell you there's a lot of people coming with cash, buying homes in neighborhoods, and they're turned into total grow operations in the middle of a neighborhood-- things that are fully illegal. But the way it's set, it's almost impossible for people to enforce, until society says, wait a minute. Time out. We don't want this. And they change.

So that certainly could be one of the outcomes, because I haven't seen a big switch in the public opinion polls since, against it, in the numbers. But I haven't seen those numbers grow either-- people to say, this has worked out well. I was wrong to oppose legalization. Both sides are still kind of standing their ground right now.

JANET BISHOP: Well, any last thing that you'd like to say? Thank you so much for spending time with your oral history. Very much appreciated. Any last things?

JUSTIN SMITH: Nothing else that I thought we should have covered, no.

JANET BISHOP: So again, this is Janet Bishop, and we're wrapping up our very fascinating oral history with Sheriff Justin Smith. The date, again, is December 8, 2015. We're in Sheriff Smith's office at the Larimer County Sheriff's complex, I guess.

JUSTIN SMITH: There you go. We'll go with that.

JANET BISHOP: There we go. Thank you again.

JUSTIN SMITH: Thank you, Janet.

JANET BISHOP: And again, this is part of our "Stories of Amendment 64 Oral History Project."