



Cathryn L. Hazouri, Executive Director • Mark Silverstein, Legal Director

March 19, 2007

Sheriff John Cooke
Weld County Sheriff's Office
1950 O Street
Greeley, CO 80631

Re: Weld County "Busted" Website

Dear Sheriff Cooke:

I am writing to bring to your attention several issues regarding the Weld County Arrest Report that is posted online.

The Weld County Arrest Report is located online at http://www.weldsheriff.com/ebail/arrested_report.cfm, and is linked from the Weld County Sheriff's Office homepage. The webpage lists the daily arrest log and also provides access to arrest logs for past dates. While the daily arrest log may appropriately be public information, some of the content and omissions on the webpage raise concerns.

First, the "tag" given for this webpage (a "tag" is the title or name of the webpage) is the "Weld County Busted Report." In most browsers, this "tag" will appear at the top of the webpage when it is opened on the computer, and will appear when the mouse is moved over the link or the tab opening the webpage. In addition, when printing something from a webpage, most browsers will place the "tag" at the top of each printed page (see example attached).

The use of the word "busted" in the page tag could lead a reasonable observer to conclude that the persons listed in the daily arrest log were guilty of committing the crime with which they have been charged, which of course is a determination made only in court. Simply changing the page tag to "Weld County Arrest Report" would prevent any possibility of prejudicing the arrestee's case or misinforming the public.

Secondly, unlike other daily arrest logs posted online, the Weld County Arrest Report contains no disclaimer about the meaning of the arrest report. Law enforcement agencies that elect to post arrest reports online must be careful to inform the public fact that only the district attorney can decide whether or not charges will be brought against an arrestee for any particular crime, and that an arrest is not an indicia of guilt. Such a disclaimer should clearly and conspicuously state:

The arrest information below is for informational purposes only. An arrest does not indicate that the person has been charged with a crime. Arrestees will only be charged with a crime, if any, after evaluation by the district or city attorney's office. All arrestees are innocent until proven guilty in a court of law.

Removing the word "busted" from the webpage tag and placing a disclaimer on the webpage itself would lessen the possibility that any observer would conclude that the Weld County Sheriff's Office was explicitly or implicitly making a statement about the guilt or innocence of an arrestee.

Thank you in advance for you time and consideration of this matter. I look forward to your response.

Very truly yours,

A handwritten signature in black ink, appearing to read "T. Pendergrass", with a long horizontal flourish extending to the right.

Taylor Pendergrass
Staff Attorney

Enc. Print out of Weld County Busted Report, 3/15/07