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Capitola Police Chief, Two Aides, Suspended

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Capitola Police Chief Martin Bergthold and his two top aides were suspended Tuesday pending the completion of a federal investigation into their purchase and sale of weapons.

The Capitola City Council suspended the three following a closed-door meeting Tuesday, and then appealed to Sheriff Al Noren to provide the beleaguered police department with an interim chief.

In addition to Bergthold, Police Commanders George Turegano and Dennis Syfers were placed on administrative leave with pay (see Page 12) by the council. Bergthold has been Capitola's police chief for 23 years.

The investigation was launched recently by the federal bureau of Alcohol, Tobacco and Firearms. Details have not been made public, although sources close to the investigation revealed recently that an excessive number of guns were purchased for the department. Turegano and Syfers have been mentioned

as the objects of the investigation, along with the police chief. Marv Gangloff, chief deputy in the county sheriff's department, has been appointed as interim police chief.

The council voted unanimously to suspend the three after receiving information about the investigation from an ATF official. Councilmen John Dixon and Michael Routh conferred with the official Tuesday afternoon during a meeting also attended by District Attorney Phil Harry, Bergthold and Capitola City Manager Max Kludt.

It is not known whether any criminal charges will be filed against any of the three policemen, although one source close to the investigation said that prosecutable offenses have been uncovered.

The suspensions of the policemen are temporary, pending the conclusion of the investigation. Routh indicated that a final judgment regarding the three men's future with the department would be reserved until the council receives a written report from ATF — a matter of two weeks.

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Martin Bergthold

Capitola's Police Chief Suspended

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There has been no suggestion that guns from the police department have ended up in the hands of criminals. Rather, the

investigation has dealt with police purchase of weapons — which is tax free — and their subsequent sales. One source indicated that as many as 50 guns may be involved, but other

sources put the number at less than five.

The council's closed-door meeting began about 6 p.m.

Bergthold and Kludt, the city manager, were not invited to attend the session. City Attorney Richard Manning was the only non-councilman present. While the councilmen discussed the situation in an upstairs conference room at Capitola City Hall, Kludt and Bergthold alternately sat and paced in the chief's office not far away. Every few minutes they cast their eyes toward the closed-door meeting, which continued for about two hours.

At the conclusion of the conference, the council returned to the council chambers. Bergthold looked on somberly as the council adopted motions by Councilman Ron Graves to suspend the three highest ranking members of the department. The council then instructed Kludt to telephone Noren to arrange for a replacement for Bergthold.

As soon as Mayor Tom Mason adjourned the meeting, Kludt went directly to his office to call Noren.

"I'm in a state of shock," Kludt declared after his call to Noren.

Noren met with Kludt Tuesday night, and later notified Gangloff of his new duties as Capitola's interim chief.

The councilmen refused to talk about their private session. One of the councilmen, Dixon, said Tuesday, "We just are not at liberty to divulge any of the information that has been given to us."

Harry said today that he has requested copies of all reports done by the ATF involving the Capitola police. He said that his office will launch into an investigation of its own. "If I find a prosecutable offense, I'll prosecute," he said.

Bergthold made no comments after his suspension. Following the council's action, he walked quickly from the council chambers, and said that he would not say anything until after he conferred with his attorney, Jim Jackson. Jackson represented Bergthold four years ago when the council asked for the chief's resignation. Bergthold refused to do so, and the council reconsidered its action following protests from Jackson, members of the police community and then-District Attorney Peter Chang.

'No Criminal Violations,' Says Bergthold Lawyer

The attorney representing suspended Capitola Police Chief Martin Bergthold said his client has been "exiled with pay."

Jim Jackson, the attorney who represented Bergthold during another police department uproar in 1973 which almost cost Bergthold his job, said today that the federal investigation of the department has uncovered only "nothing violations."

"Nobody can come up with a criminal violation in this thing," Jackson said. "What's happening is that the ATF (federal bureau of Alcohol, Tobacco and Firearms) would have handled it administratively, but it is now out of control. There has been no state violation, so they have dumped it on (District Attorney) Phil Harry, and are hoping that it goes away."

"Everybody is chasing everybody's tail over nothing," Jackson concluded.

Richard Manning, Capitola city attorney, explained that the administrative leave given to Bergthold and his two top aides, Dennis Syfers and George Turegano, does not constitute disciplinary action.

He said that they are on administrative leave, which means that they collect a full salary until the council takes final action. Before the council could fire or discipline the men, full-scale hearings would have to be conducted, he said.

Jackson said that Bergthold will bide his time following his suspension "until cooler heads prevail."

4,202 Sign Petition

FROM PAGE 1

Also wanted from the council is a long range plan of action to restore and perpetuate the friendly climate and function of the mall in serving the area as both a tourist attraction and a major shopping street.

Mall law enforcement problems are not unique in the city. For example, the police logged 23,332 calls for service, or problems, citywide in 1976.

But of these, the two police coverage subzones that include the mall accounted for 4,261, or over 18 percent of all the complaints.

In the first half of 1977, the police records show, there were 2,516 incidents in the same two police subzones that include the mall.

In late August the Citizens Worried About Downtown organized and launched the petition drive to get more action from the council to combat the problems.

At that time it was stressed the committee would oppose vigorously any attempt to transform a mall cleanup into a "witch hunt" or a confrontation between different lifestyles.

Roger Christie, a committee member, stressed that the group is concerned only to effect a cleanup of offenders against prevailing laws, rules and regulations.