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**Peace Officer Standards
and Training**

**POST BOARD MEETING
RECORD OF PROCEEDINGS**
Friday, September 16, 2016

The Peace Officer Standards and Training Board held its 396th Board meeting at the Ralph L. Carr Colorado Judicial Center, 1300 Broadway, Denver, Colorado, with the following in attendance:

BOARD MEMBERS PRESENT

CHIEF DAN BRENNAN, Wheat Ridge Police Department
SHERIFF RON BRUCE, Hinsdale County Sheriff's Office
SERGEANT LONNIE CHAVEZ, Grand Junction Police Department
ATTORNEY GENERAL CYNTHIA COFFMAN, Colorado Department of Law
CHIEF JOHN COLLINS, Englewood Police Department
DEPUTY AMANDA CRUZ-GIORDANO, Arapahoe County Sheriff's Office
SHERIFF CHAD DAY, Yuma County Sheriff's Office
EXECUTIVE DIRECTOR STAN HILKEY, Colorado Department of Public Safety
PROFESSOR KARA HOOFNAGLE, Johnson & Wales University
SUSAN "ZEKE" KNOX, United States Attorney's Office
SHERIFF MICHAEL MCINTOSH, Adams County Sheriff's Office
SHERIFF FRED MCKEE, Delta County Sheriff's Office
CHIEF JOHN MINOR, Silverthorne Police Department
CHIEF MICHAEL PHIBBS, Auraria Department of Public Safety
DIRECTOR JANE QUIMBY, Colorado Mesa University DPS
SHERIFF ANTHONY SPURLOCK, Douglas County Sheriff's Office
BRADLEY TAYLOR, Goetz Insurors
SHERIFF FRED WEGENER, Park County Sheriff's Office
CHIEF ROBERT WHITE, Denver Police Department

BOARD MEMBERS ABSENT

SERGEANT RAFAEL CHANZA, Colorado Springs Police Department
ROBERT LEES, Robert A. Lees and Associates
SPECIAL AGENT IN CHARGE CALVIN SHIVERS, Federal Bureau of
Investigation

BOARD COUNSEL

STACY WORTHINGTON

POST STAFF MEMBERS

CORY AMEND, Director
BOB BAKER, In-Service Training Manager
BECKY CALOMINO, Grant Manager
LORI JENCKS, Administrative Assistant
ARIEL KISKIRAS, Administrative Assistant
CRISTINE MACK, Investigator
STEFANIE MACKKEY, Grant Coordinator

MEMBERS OF THE PUBLIC IN ATTENDANCE

DIRECTOR MINER BLACKFORD, Otero Junior College Academy
COMMANDER ERIK BOURGERIE, Summit County Sheriff's Office
ELECTRA BUSTLE, Department of Homeland Security & Emergency Management
SERGEANT GRAHAM DUNNE, Aurora Police Department
APRIL FOX, Arapahoe Community College
DOYLE JONES, Weld County Sheriff's Office
SENIOR DEPUTY TIM JUNGCLAUS, Adams County Sheriff's Office
DEPUTY ED KAFEL, El Paso County Sheriff's Office
INVESTIGATOR KEN KING, Colorado Department of Law
DIRECTOR KEVIN KLEIN, Department of Homeland Security & Emergency Management
DEPUTY CHRISTOPHER KLUG, El Paso County Sheriff's Office
COMMANDER RICK KYLE, Denver Police Department
DIRECTOR CATHY LABRECQUE, Pikes Peak Community College
COMMANDER KARL SMALLEY, Adams County Sheriff's Office
DEPUTY ATTORNEY GENERAL SCOTT TURNER, Attorney General's Office
DIRECTOR NORMAN "BUCKEY" WALTERS, Arapahoe Community College
JANICE WORTHEM, Colorado State Patrol Academy

Introductions:

1. **Welcome** Attorney General Cynthia Coffman

AG Coffman called the meeting to order at 10:02.

2. **Pledge of Allegiance**
3. **Introduction of Board Members, SME Members, Staff and Guests**

4. **Formal Board** Attorney General Cynthia Coffman
Recognition of Departing Board Members

AG Coffman recognized Chief John Dyer, Rifle Police Department, and Special Agent in Charge Thomas Ravenelle, FBI.

5. **Formal Board** Attorney General Cynthia Coffman

Recognition of New Board Member

AG Coffman welcomed Sheriff Michael McIntosh, Adams County Sheriff's Office, to the Board.

6. **Roll Call** Director Cory Amend

Declaration of a quorum (13)

7. **Approval of POST Minutes from June 3, 2016** Attorney General Cynthia Coffman

Motion to approve by Exec. Dir. Hilkey. Approved unanimously.

8. **Selection of Board Vice-Chair** Attorney General Cynthia Coffman

Motion nominating Chief Brennan as Board vice-chair by Chief Phibbs. Approved unanimously.

9. **Appointment of Board Representative to Law Enforcement Driving Subject Matter Expert Committee** Attorney General Cynthia Coffman

Motion nominating Chief Minor as Board representative to the LE Driving SME Committee by Chief Brennan. Approved unanimously.

10. **Subject Matter Expert Committee Reports**

- A. **Arrest Control** Cmdr. Erik Bourgerie, Chair

The committee approved new member Sgt. Patrick David, Colorado Springs PD. The Jeffco/Lakewood Academy revised ACT program was reviewed and approved. A course in proper holds and restraints was approved. The committee reviewed and retained the site safety plan guidelines. The committee is reviewing and revising the POST test out requirements, the ACT Instructor Program requirements, as well as requirements for instructors for that program, and will present changes for approval at the December Board meeting. There are upcoming inspections for CCA and Pueblo PD.

- B. **Curriculum** Sgt. Graham Dunne, Chair

Norman "Buckey" Walters, Arapahoe Community College, was nominated as a new member. The committee has established a subcommittee to develop marijuana questions to be included on the POST exam. Instruction Methodology is being formatted, and should be completed within a week. The Reserve Academy program curriculum will be reviewed and revised as needed within the next several months.

C. Firearms Dep. Ed Kafel, Chair

Inspections of the Southwest Regional and Pikes Peak CC programs were completed and approved. Firearms test-out procedures and some associated issues were discussed. Possible adjustments to the firearms training program were considered. The committee was not recommending any changes to the 64-hour program, as previously discussed with Board members. However, changing the hours to include more time for decisional and tactical shooting may be considered. Dep. Kafel will discuss it further with the academy directors at their upcoming meeting and make a final recommendation to the Board in December. Sheriff Day asked whether the committee would consider decreasing manipulation hours with more decisional shooting instead of increasing the overall hours. Dep. Kafel stated that at present the pass rate is 96%, but it is basically a mechanical drill. Considering the issues with shootings prevalent across the country it makes sense to research the possibility. Pass rate would not be expected to change substantially. Mark Abbots, CSPD, has applied for membership to the committee. He has tentative approval pending his interview at the next meeting.

D. Law Enforcement Driving Cmdr. Karl Smalley, Chair

An inspection was completed for the Pueblo CC academy. A site safety plan for CMC-Glenwood was approved. Two new full instructors for CMC were approved. A new driving instructor program submitted by Aurora PD was approved. A winter driving/accident avoidance course was submitted and approved. Site safety guidelines were reviewed and it was determined that there would be no changes. The Basic Law Enforcement Driving academy program has been revised, and a section regarding high center of gravity vehicles was considered. It will not be included in the Basic program, but will be left to each agency to determine the need. A vehicle stability control section has been added to the Basic program, with no increase in hours. The program should be ready for approval at the December Board meeting. The Driving Instructor program instructor requirements are being reviewed and revised, with the goal of consistency between all skills instructor programs. High center of gravity vehicles will be added to the instructor program. No upcoming inspections. There has been an issue regarding fire extinguisher inspections, and tags not being up to date. As long as the gauge reads full and it is functional, tags or updated inspection information is not necessary. Sheriff McKee asked about the effectiveness of the simulators. Cmdr. Smalley stated that it is a very good decision making tool, and good for observing eye movement. It does not take the place of behind-the-wheel driving.

11. **Peace Officer Certification Revocation Actions** Director Cory Amend

A. **POST Rule 9 - Revocation of Peace Officer Certifications – Felony Convictions:**

§ 24-31-305, C.R.S.(2)(a) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section or § 24-31-308 shall be suspended or

revoked by the POST Board if the certificate holder has been convicted of a felony, or has been convicted on or after July 1, 2001, of any misdemeanor described in subsection (1.5) of § 24-31-30 C.R.S., or has otherwise failed to meet the certification requirements established by the Board. For purposes of this rule, the term 'conviction' includes any deferred judgments or deferred sentences imposed by a court.

1. No. F16-04, **Kevin James Lord**, Certification B00937 (PID 121698). On May 20, 2016, Respondent was convicted of one count of Tampering with Physical Evidence § 18-8-610(1)(a) CRS, a class 6 felony, and False Reporting – False Information, § 18-8-111(1)(c) CRS, a class 3 Misdemeanor. The Respondent was employed as a peace officer on the date of the offense (Date of Offense: November 08, 2015, – Separated November 18, 2015). The Respondent has failed to comply with POST Show Cause Order F16-04 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of Kevin James Lord's Colorado Peace Officer Certification B00937 (PID 121698).

Motion to revoke by Sheriff McKee. Approved with one abstention by Sheriff McIntosh.

2. No. F15-16, **Jefferson Howard Baker**, Certification B14279 (PID 117074). On September 8, 2015, Respondent was convicted of one count of Felony Menacing-real/simulated Weapon, §18-3-206 (1)(a)/(b) CRS, a class 5 felony. The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: September 8th, 2015, – Separated August 20th, 2015). The Respondent has failed to comply with POST Show Cause Order F15-16 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of Jefferson Howard Baker's Colorado Peace Officer Certification B14279 (PID 117074).

Motion to revoke by Sheriff Day. Approved unanimously.

12. **Sunrise Review Subcommittee Report**

Director Cory Amend
Kevin Klein
Director, Colorado Division of
Homeland Security and Emergency
Management

On June 29, 2016 Director Amend received a request for Sunrise review from Colorado Department of Public Safety to obtain peace officer status for the position of director of the Office of Preparedness and Security operating the Colorado Information Analysis Center (CIAC). The subcommittee (Chief Brennan, Sergeant Chavez, Sheriff McKee, Chief Phibbs, Sheriff Spurlock and Director Amend) met on August 31, 2016. Director Kevin Klein presented to the subcommittee. All documents and forms were prepared prior to the meeting, with the exception of proposed bill language. The subcommittee discussed concerns, in particular, the bill language. After concluding the discussion, Director Klein provided the proposed bill language. The subcommittee recommends approval of the request for the director of CIAC to

obtain peace officer status as long as the bill language reads “shall be certified.” Director Klein spoke briefly to the Board regarding the history and needs of the division, and requested that the Board allow the bill language “may be certified” in order to provide a larger pool of qualified candidates. After questions and discussion of the reasoning, Sheriff Day submitted a motion to accept the recommendation of the subcommittee to approve peace officer status for the CIAC director to include the bill language “may be certified.” Following the Board meeting, Director Amend will prepare a written report for the Board and the Department of Public Safety.

Motion passed. Exec. Dir. Hilkey abstained. One nay vote by Sgt. Chavez.

13. Strategic Plan Recap

Director Cory Amend

The Board discussed approximately 30 law enforcement-related topics at the work session on September 15, 2016. The current strategic plan which was approved in September of 2013 is due to expire at the end of 2016. The Board recommended retaining the following existing items from the current plan:

- Increase funding for in-service training
- Increase POST’s ability to assist small agencies with priority training

In addition:

- Find ways to increase the applicant pool for agencies, including ways to achieve POST certification
- Consider realigning training regions
- Identify relevant training topics
- Increase POST’s influence with legislature
- Anticipate POST staffing/technology needs
- Research, review and implement the IADLEST audit recommendations

POST staff will present further information and research at the December Board meeting.

14. Reserve Fund Access

Chief Michael Phibbs

The POST reserve fund contains money for which POST does not have spending authority. POST Budget Analyst Jon Reitan met with the POST Board at the work session and outlined the issues, options and process for gaining spending authority. Giving POST access to those funds would require a change to the statute that funds the POST Board. It could be done every year in the long bill, or we could request statutory change for continuously appropriated funds, subject to funds being available. POST would need to locate a legislative sponsor as soon as possible in order to meet the legislative deadline. Brad Taylor submitted a motion to seek a legislative sponsor to change § 24-31-303 to “All money in the P.O.S.T. board cash fund shall be CONTINUOUSLY APPROPRIATED and shall be used for the purposes set forth in this subsection (2) and in section 24-31-310.”

Motion passed unanimously.

AG Coffman stated that we would ask the Joint Budget Committee to carry the bill, and that we should wait until after the election to determine the composition of the committee. AG legislative staff will follow up.

15. **Code of Ethics**

Stacy Worthington

Romaine Pacheco of the Governor's Office of Boards and Commissions, with Ms. Worthington, met with the POST Board at the work session to identify the standards for the volunteer POST Board members and to discuss the adoption of a code of ethics. There were questions and some discussion of what would qualify as a conflict of interest and how to handle such conflicts. Exec. Dir. Hilkey raised concerns about the standards for determining when a conflict exists, and Worthington said she would revise the policy to address his concerns.

16. **Grant Subcommittee Recap**

Director Cory Amend

The Board has been working toward creating a formula for grant fund disbursement. Last year the formula was 80% going to rural agencies and 20% to urban. The Grant subcommittee met September 14, 2016 to choose a formula allocation for funding POST region grants to be implemented at the beginning of the next grant cycle. 90% of available funds will go to POST training regions, and 10% to providers such as CSOC and COVA. Each region will get a base allocation of roughly \$136,000 (based on last year's numbers), with additional funds allocated based on the number of small, medium and large agencies within each region. Small agencies are those with 35 or fewer officers (85%), medium agencies-36-99 officers (6%), and large-100+ officers (9%). Allocations per officer are \$4,632/officer for small agencies, \$4,542/officer for medium and large agencies.

The subcommittee approved POST to make administrative changes to annual awards at their discretion based on performance, capacity, and compliance of the region. The subcommittee requests that Director Amend pursue statewide Police One membership to provide online training for all law enforcement statewide. The subcommittee recommends that POST standardize each training region in an effort to provide consistency across the state with access to training and to maximize training dollars. One idea is to create a "field rep" position, possibly a contract position. The subcommittee recommended that POST research and determine whether the existing 10 training regions are adequate or whether they need to expand. The POST Board should announce training priorities for the state annually in January prior to the grant cycle.

The subcommittee recommends we use a base allocation and the 90%/10% split and the formula depending on the small, medium and large agency allocations.

Motion to accept the subcommittee's allocation formula by Sheriff Bruce. Passed unanimously.

17. **Comments from Others on POST Issues**

Sheriff Spurlock gave an update on Detective Dan Brite, who is responsive but still in critical condition after a shooting on September 2nd.

18. **Adjournment**

Attorney General Cynthia Coffman

AG Coffman adjourned the meeting at 11:54 am.