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**Peace Officer Standards
and Training**

**POST BOARD MEETING
RECORD OF PROCEEDINGS**
Friday, June 3, 2016

The Peace Officer Standards and Training Board held its 395th 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
CHIEF JOHN CAMPER, Grand Junction Police Department
SERGEANT RAFAEL CHANZA, Colorado Springs Police Department
SERGEANT LONNIE CHAVEZ, Grand Junction Police Department
CHIEF JOHN COLLINS, Englewood Police Department
DEPUTY AMANDA CRUZ-GIORDANO, Arapahoe County Sheriff's Office
SHERIFF CHAD DAY, Yuma County Sheriff's Office
COMMISSIONER DAVE DONALDSON, Logan County
EXECUTIVE DIRECTOR STAN HILKEY, Colorado Department of Public Safety
PROFESSOR KARA HOOFNAGLE, Johnson & Wales University
SUSAN "ZEKE" KNOX, United States Attorney's Office
ROBERT LEES, Robert A. Lees and Associates
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
SPECIAL AGENT IN CHARGE THOMAS RAVENELLE, Federal Bureau of Investigation
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

ATTORNEY GENERAL CYNTHIA COFFMAN, Colorado Department of Law
CHIEF JOHN DYER, Rifle Police Department

BOARD COUNSEL

STACY WORTHINGTON

POST STAFF MEMBERS

CORY AMEND, Director
CAROLYN BERRY, Special Project Manager
BECKY CALOMINO, Grant Manager
LORI JENCKS, Administrative Assistant
ARIEL KISKIRAS, Administrative Assistant
CRISTINE MACK, Investigator
STEFANIE MACKKEY, Grant Coordinator
TOM MULLEN, Compliance Investigator

MEMBERS OF THE PUBLIC IN ATTENDANCE

COMMANDER ERIK BOURGERIE, Summit County Sheriff's Office
DIRECTOR MICHAEL CARTER, Community College of Aurora
MICHAEL CUMMINGS
APRIL FOX, Arapahoe Community College
BRIAN K HOLLAND
DIRECTOR CATHY LABRECQUE, Pikes Peak Community College
DIRECTOR MICHAEL MCINTOSH, Adams County Sheriff's Office Academy
COMMANDER KARL SMALLEY, Adams County Sheriff's Office
DEPUTY ATTORNEY GENERAL SCOTT TURNER, Attorney General's Office

Introductions:

1. **Welcome** Chief John Camper
Chief Camper called the meeting to order at 10:04 am.
2. **Pledge of Allegiance** Chief John Camper
3. **Introduction of Board Members, SME Members, Staff and Guests**
4. **Formal Board Recognition of
of Departing Subject Matter
Expert Committee Member** Chief John Camper

Chief Camper recognized departing Law Enforcement Driving SME committee member Michael Cummings.

5. **Roll Call** Director Cory Amend

Declaration of a quorum(13)

6. **Formal Board Recognition of Departing Board Members** Director Cory Amend

Director Amend recognized departing Board members Chief John Camper, Grand Junction Police Department and Commissioner Dave Donaldson, Logan County.

7. **Sheriff John Minor Move to Chief of Silverthorne** Director Cory Amend

Director Amend alerted the Board that John Minor resigned as Sheriff of Summit County SO to take a position as Chief of Police at Silverthorne PD. He has reapplied to stay on the Board as an active chief, leaving an opening for an active sheriff.

8. **Sheriff Board Member Appointment**

A subcommittee of Board members Chief Brennan, Sheriff Spurlock, and Ms. Hoofnagle interviewed five candidates for the Sheriff opening left vacant by Sheriff Minor. The group selected Sheriff Michael McIntosh of Adams County Sheriff's Office as the new Board member, effective June 30, 2016.

9. **Appointment of Board Representative to Law Enforcement Driving Subject Matter Expert Committee** Chief John Camper

Chief Camper called for a Board member volunteer to replace him as Board representative on the Driving SME committee. There were no volunteers, however, Chief Camper pointed out that new Board member Sheriff Mike McIntosh had expressed interest in the Driving SME committee. The matter was tabled until the September Board meeting after Sheriff McIntosh's appointment is confirmed.

10. **Approval of POST Minutes from March 11, 2016**

Motion to approve by Sheriff Bruce. Approved unanimously.

The following Subject Matter Expert Committees met prior to the regular POST Board meeting on June 3, 2016.

Arrest Control Subject Matter Expert Committee
Curriculum Subject Matter Expert Committee
Firearms Subject Matter Expert Committee
Law Enforcement Driving Subject Matter Expert Committee

11. **Subject Matter Expert Committee Reports**

- A. Arrest Control Cmdr. Erik Bourgerie, Chair

The committee has met twice since last POST Board meeting. At the March 20th meeting at the Aurora Training Facility, the committee reviewed the inspection of El Paso County Sheriff's Office program, suggesting minor changes. The process for SME members to sign up for academy inspection was

reviewed. There was discussion of possible test out revisions, and the development of grading criteria for additional items. The committee has developed ten items which should be included when asked to approve courses for POST funding. An inspection is planned for June 15, 2016 for CMC-Glenwood Springs Test-out requirements and course approvals were discussed further at today's meeting, as well as a review of the 5-year review memo sent to the committee from POST. Discussion of instructor requirements was tabled pending further clarification from POST.

The Arrest Control Training Program was presented for approval by the Board.

Motion to approve by Chief Brennan. Approved unanimously.

B. Curriculum Cathy LaBrecque, Vice-Chair

Director LaBrecque gave an overview of changes in the Basic Curriculum and is requesting approval on proposed changes to be effective January, 2017. Academy directors were briefed at the April meeting. Total hours have not changed. Major changes include increased hours for controlled substances to include two hours of marijuana instruction, taught by certified marijuana training instructors. Sexual Assault was added as its own training block and removed from Major Case Considerations. Many sections were detailed further and/or rearranged. Some Reserve Curriculum hours were rearranged and more detail added to mirror the Basic curriculum. The committee discussed changes to the Instruction Methodology program which will be rewritten and presented for approval at a later date.

Sheriff Day requested we specify Sheriff's Departments AND Offices rather than only Sheriff's Departments. POST will make the necessary changes where that appears.

Chief White stated his objection to the addition of a "controlled burn" to the marijuana training, and a discussion took place regarding multiple potential issues with a controlled burn.

Motion to approve curriculum after striking item H6, regarding "controlled burn" by Sheriff Spurlock. Approved unanimously.

C. Firearms Dep. Ed Kafel, Chair

The committee is updating the basic Firearms curriculum with no change in number of hours. The revised curriculum will be ready to present to the Board for approval at the December Board meeting. Three new members were approved: Mark Dix of Colorado Springs, Quinn Cunningham of Arapahoe SO, and Jason Petrucelli of Aurora PD.

D. Law Enforcement Driving Cmdr. Karl Smalley, Chair

Deputy Chris Brooks of Mesa County SO has resigned as he is moving out of state. Inspection of Highlands Ranch Public Safety Training Institute was completed without issues. Three new full instructors were approved (Cory Schafer of El Paso County SO, Christopher Higgins of Otero Junior College and Jerry L. Gray of WCPOA). A new site and safety plan was reviewed for Delta-Montrose Technical College for the new facility in Delta for use as an alternate site. One issue will be addressed. The approval process for grant-funded courses was reviewed and recommendations have been made for items to be included in future requests. The director's memo regarding 5-year review of programs was reviewed. This is general practice now and does not present any issues. The qualifications for instructors for the Law Enforcement Driving Instructor program have been finalized with some modifications. The committee is almost finished with changes to the LE Driving academy program. There is no change in number of hours. Some additional information has been added, and program should be finalized at the next meeting. The upcoming test out is covered.

Sheriff Day inquired whether the public input requirement of the 5-year review of programs could be met by having the public members of the Board participate, or if further public review would be necessary. Board counsel Stacy Worthington stated that the review should be open to public comment, which can be written comments, and that participation of public Board members is not sufficient to comply with the requirement. Dir. Amend stated that we provide our meeting minutes on the POST website, which can be considered community outreach. Committee and Board meetings are also open to the public.

Action Items:

12. **Revocation Appeal** Brian Holland

Dir. Amend stated that Brian Holland requested an appeal to the Board to reinstate his certification. A timeline was provided to the Board, as well as the documentation provided by Mr. Holland. His charges were eventually deferred, then later dismissed upon completion of conditions.

Mr. Holland stated that he has successfully completed the terms of his probation and wished to be reinstated. He was out of state at the time of his show-cause hearing and did not attend. The Board questioned Mr. Holland in regard to his probation terms, as well as some details of the situation which led to his conviction of Harassment/3rd degree assault, including injury to his child. There was Board discussion of the statute and rules covering revocation appeals, and the status of deferred/dismissed judgements. Ms. Worthington stated that the only question to vote on at this point is whether to reinstate.

Reinstatement was unanimously denied.

13. **Peace Officer Certification
Revocation Actions**

Tom Mullen
Compliance Investigator

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. F16-01, **Paul Dewayne Patton**, Certification B09070 (PID 112312). On January 11, 2016, Respondent was convicted of one count of Public Servant/Attempt to Influence, §18-8-306 C.R.S., a class 4 deferred felony, and Official Misconduct I §18-8-404 C.R.S., a class 2 Misdemeanor. The Respondent was employed as a peace officer on the date of the offense (Date of Offense: June 13, 2015, – Separated September 30, 2015). The Respondent has failed to comply with POST Show Cause Order F16-01 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of Paul Dewayne Patton’s Colorado Peace Officer Certification No. B09070 (PID 112312).

Motion to revoke by unknown Board member. Approved unanimously.

2. No. F16-02, **Leroy Julian Lucero**, Certification B4651 (PID 113794). On September 11, 2015, Respondent was convicted of one count of Theft-\$5000-\$20,000-att §18-4-401(1),(2)(g) C.R.S., a class 6 felony. The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: November 28, 2014, – Separated October 3, 2011). The Respondent has failed to comply with POST Show Cause Order F16-02 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of Leroy Julian Lucero’s, Colorado Peace Officer Certification No. B4651 (PID 113794).

Motion to revoke by Chief Brennan. Approved unanimously.

3. No F16-03 **Joseph Ora Booth-Saunders**, Certification B17117 (PID 137913). On February 29, 2016, Respondent was convicted of one count of Theft \$2000-5000, §18-4-401 (1),(2)(f) C.R.S., a class 5 felony. The Respondent was employed as a peace officer on the date of the offense (Date of Offense: October 1, 2013, – Separated January 16, 2014). The Respondent has failed to comply with POST Show Cause Order F16-03 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of Joseph Ora Booth-Saunders’ Colorado Peace Officer Certification No . B17117, (PID 137913).

Motion to revoke by Sheriff McKee. Approved unanimously.

12. **Grant Awards**

Director Cory Amend
Becky Calomino
Grant Manager

Dir. Amend reported that during the month of March POST received over \$5 million in requests for funding. Last year 60% of grant funds went to regional grant program and 40% to in-service training funds. This year that was altered to 80% for the regional grant program and 20% to in-service training funds. \$4.111 million was allocated for both programs, with \$3.028 million going to the regional grant program and \$757,000 to in-service training. The grant subcommittee met in April to determine how to distribute funds. The subcommittee introduced and is recommending a new formula allocation of 20%/80% split, with priority given to small agencies with 25 or fewer personnel.

There was considerable discussion regarding the distribution of funds using the introduced formula allocation, and whether it was workable. Members of the subcommittee state that the formula should be readjusted every year in light of unintended consequences and considerations that were not addressed fully this year. Virtually every region received almost all they requested. The subcommittee will be discussing the formula further at their meeting in September and, with POST staff assistance, will develop the formula and notify the regions of the proposed changes.

There was discussion regarding the approval at the last Board meeting of an award of \$225,000 to El Paso County on behalf of the CMTF for a turning target system. Ms. Calomino stated that the Board at that time recommended that if FY 17 funds existed, that El Paso County be awarded an additional \$225,000. The grant subcommittee opted not to make that award due to lack of funds.

Motion to approve by Sheriff McKee. Approved unanimously.

Grant Guideline Approval

Becky Calomino
Grant Manager

Motion to approve by Chief Phibbs. Approved unanimously.

Informational Items:

13. **POST Audit Update**

Dir. Cory Amend

Director Amend gave an overview of the decision-making process and composition of the audit of Colorado POST performed by the International Association of Directors of Law Enforcement Standards and Training (IADLEST). This is the first audit of this type that IADLEST has performed. The audit found six areas of high liability, and provided recommendations for addressing their findings. Dir. Amend suggests using the audit report to help revise the POST strategic plan, which was to carry POST through December 2016. The Board recommends using the audit as a starting point for developing a new strategic plan. Next step is to meet with the AG and staff and create a response with a plan and priorities.

14. **Strategic Plan** Dir. Cory Amend

The development of the new strategic plan will take place at the work session the day prior to the September Board Meeting. Dir. Amend will build the work session schedule around the strategic plan.

15. **POST Funding** Jon Reitan
DOL Budget Analyst

Mr. Reitan gave an overview of POST funding sources, statutory authority and the POST cash fund. The cash fund has a balance of \$1.5 million for which POST does not have spending authority. In order to gain access, we must request access by legislative action by November. If granted, POST would gain access by July 1, 2017. The Board discussed what it may be used for, and pros and cons of attempting to gain access to those funds. Ideally, we could gain access and utilize funds for further law enforcement training. The Board supports Dir. Amend's further investigating access to the cash fund.

16. **POST Board Policy Updates** Stacy Worthington
POST Board Counsel

Ms. Worthington reports that POST needs to put Board policies and operating instructions in place as well as a code of ethics. Ms. Worthington has created a proposed code of ethics for review which will be emailed to Board members from Dir. Amend. The code of ethics and feedback will be discussed and finalized at the work session, for adoption at the September Board meeting.

17. **Legislative Update** Dir. Cory Amend

HB16-1254 states POST must create training re: individuals with developmental disabilities to be completed by June 30, 2016. This online, 2-hour training is almost complete.

HB16-1262 – LE background check. POST Board has discretion to allow or deny certification to applicants with deferred/dismissed sentences in their background.
SB16-111 - Task force was created to determine the status for Colorado Mounted Rangers. Originally presented as a bill, but was changed to a task force.

18. **Comments from others on POST Issues**

Tom Mullen, POST Compliance Investigator, is retiring. He has been with POST since April, 2012. The POST Board thanks Tom for his service for the past four plus years.

19. **Adjournment** Chief John Camper

Chief Camper adjourned the meeting at 12:07 pm.