

POST BOARD MEETING

RECORD OF PROCEEDINGS

June 14, 2013 10:00 am

The Peace Officer Standards and Training Board held its 383rd Board meeting at the Department of Law, Denver, Colorado with the following in attendance:

BOARD MEMBERS

MR. RONALD BECKHAM
SHERIFF RON BRUCE
CHIEF JOHN CAMPER
OFFICER RAFAEL CHANZA
EXECUTIVE DIRECTOR JAMES H. DAVIS
SHERIFF JAMES FAULL
SHERIFF CHRIS JOHNSON
CHIEF DANIEL OATES
SPECIAL AGENT IN CHARGE THOMAS RAVENELLE
ATTORNEY GENERAL JOHN SUTHERS
SHERIFF DAVID WEAVER
CHIEF ROBERT C. WHITE

BOARD MEMBERS ABSENT

CHIEF MARK BECKNER (excused)
TRAINING COORDINATOR SCOTT BLACK (excused)
COMMISSIONER DAVID DONALDSON (excused)
SHERIFF SHAYNE HEAP (excused)
INVESTIGATOR GILBERT PERALES (excused)
SHERIFF KIRK TAYLOR (excused)
CHIEF DAVE WOHLERS (excused)

BOARD COUNSEL

DIANE DASH, Senior Assistant Attorney General

STAFF MEMBERS

MATTHEW DURKIN, Deputy Attorney General
PETE DUNBAR, POST Director
CRISTINE MACK, POST Investigator
BECKY CALOMINO, POST Grant & Training Manager
TOM MULLEN, POST Compliance Officer
STEFANIE MACKEY, POST Grant & Training Coordinator
LORI JENCKS, POST Administrative Assistant

MEMBERS OF THE PUBLIC IN ATTENDANCE

MINER BLACKFORD, Otero Junior College Law Enforcement Training Academy
CAPTAIN ERIK J. BOURGERIE, Summit County Sheriff's Office
CHIEF DAN BRENNAN, Wheat Ridge Police Department
CHRIS BROOKS, Mesa County Sheriff's Office
CYNTHIA COFFMAN, Chief Deputy Attorney General
DAVE EVERETT, Arvada Police Department
BRIAN HILL, Federal Reserve Police Department
DARYL HOFFMAN, Jefferson County Sheriff's Office
BYRON JONES, Arapahoe County Community College Law Enforcement Academy
DIRECTOR DOYLE JONES, Weld County Sheriff's Office
DEPUTY EDWARD KAFEL, El Paso County Sheriff's Office
CATHY LABRECQUE, Pikes Peak Community College
JANET LARSON, County Sheriffs of Colorado (CSOC)
LIEUTENANT RICK MCNAIR, Adams County Sheriff's Office
LYLE MRACE
SERGEANT DARREN O'DRISCOLL, El Paso County Sheriff's Office
LIEUTENANT KARL SMALLEY, Adams County Sheriff's Office
DAVE SNELLING, Arvada Police Department
TIM STANKEY, Colorado Springs Police Department
IAN STEWART, Larimer County Sheriff's Office
EDWARD M. TRUJILLO, El Paso County Sheriff's Office
JOHN TUCKER, Weld County Sheriff's Office
CAROLYN TYLER, Public Information Officer, Attorney General's Office
NEAL TYLER, Fountain Police Department
HUGH M. VELASQUEZ, Colorado Springs Police Department
RICHARD D WEBB III, Jefferson County Sheriff's Office
DR. BOB WELTZER
JANICE WORTHEM, Colorado State Patrol

The following Subject Matter Expert Committees met prior to the regular POST Board meeting on June 14, 2013.

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

Introductions:

1. Welcome

Attorney General John Suthers

General Suthers welcomed all to the Ralph L. Carr Colorado Judicial Center

2. Pledge of Allegiance

3. Moment of silence

General Suthers requested a moment of silence in memory of Department of Corrections Chief Tom Clements

4. Introduction of Board Members, SME Members, Staff and Guests

General Suthers introduced new POST Board members Special Agent in Charge Thomas Ravenelle of the Federal Bureau of Investigation, and Chief Dan Brennan of the Wheat Ridge Police Department. SAC Ravenelle replaces former Board member SAC James Yacone, and Chief Brennan will replace former Board member Chief Heather Coogan effective June 30, 2013.

5. Formal Board Recognition of Departing SME Committee Members *Attorney General John Suthers*

General Suthers presented plaques to the following departing SME members:

Cpl. Dave Everett: Member of the Firearms committee since 02/01. Retiring from Arvada Police Department

Sgt. Marc Weber: Member of the Curriculum committee from 2001-2004 and from 2009-2013. Sgt. Weber was unable to attend.

Ofcr. Jim Gleason: Member of the Driving committee since 03/08. Ofcr. Gleason was unable to attend. Chief Dan Oates accepted the plaque on his behalf.

6. Roll Call *Director Pete Dunbar*

Declaration of a Quorum

7. Approval of POST Board Minutes for March 1, 2013

Approved Unanimously

Presentations:

8. Subject Matter Expert (SME) Committee Reports

a. Curriculum

*Sgt. Darren O'Driscoll, Chairman
Sgt. Graham Dunne, Vice-Chairman
Sheriff Kirk Taylor, Board Member*

The Committee met this morning and will meet again in July. The materials submitted by the Western Colorado Peace Officers Academy (WCPOA) were reviewed and found to be missing one item. All other materials were approved and when the item is submitted, the curriculum will be approved. The committee approved changes to the Traffic Accident Investigation curriculum. The reserve academy curriculum was discussed, and that project is nearing completion. The revision of the refresher academy curriculum is the next project. Amendment 64 and its impact on DUI investigations, and incorporating the ARIDE program as part of training were discussed. The committee welcomes new members Karen Turnbull of Lakewood Police Department and Janice Worthem of Colorado State Patrol.

General Suthers commended and thanked Sgt. O'Driscoll and other members of the El Paso County Sheriff's Office for their work on the Black Forest fire.

b. Arrest Control

*Sgt. Richard "JJ" Webb, Co-Chair
Capt. Eric Bourgerie, Co-Chair
Chief Dan Oates, Board Member*

Capt. Bourgerie presented the report. Edward Lopez of Aurora Police Department and DeWayne Dukes of El Paso County Sheriff's Office were approved as full Skills instructors. The WCPOA arrest control curriculum was reviewed and approved. Drafts of changes for refresher and arrest control instructor programs were approved and edits were suggested. Approvals of RFLX Tactical and Carotid restrain control requests were tabled. The committee would like the instructors of those programs to provide a more complete presentation at a committee meeting. There was discussion of the requirements in the training program and identifying common skill sets in all skill systems to be included in the academy curriculum. The committee requested that the Tactical Night Options class be resubmitted under the POST training grant. It was originally requested that it be included in the required academy curriculum.

c. Firearms

*Deputy Ed Kafel, Chairman
Training Mgr John Hood, Vice-Chair
Sheriff Chris Johnson, Board Member*

Dep. Kafel thanked departing member Dave Everett. He will be missed. WCPOA firearms curriculum was in compliance and approved. Since the last board meeting there were three firearms programs inspections performed. Arapahoe Community College LEA lesson plans were deficient but the academy is now in compliance. Delta-Montrose Technical College LEA lesson plans are not in compliance and the Academy working with POST on that issue. The Jefferson County Sheriff's Office & Lakewood Police Department Combined Regional Academy program is in compliance. The committee members participated in three test-outs.

d. Law Enforcement Driving

*Cmdr. Karl Smalley, Chairman
Mr. Al Padilla, Vice-Chairman
Chief John Camper, Board Member*

Since the last board meeting the committee performed inspections on Delta-Montrose LEA, Pikes Peak Regional LEA, and Pueblo Police Department LEA and all were found to be in compliance. WCPOA program was reviewed and approved. The committee approved three full skills instructors: Laura Cochran and Paul Malchow, Colorado Spring Police Department, and Keith Duda, El Paso County Sheriff's Office. The refresher program was reviewed and the committee decided that the driving portion should stay at 16 hours with the same test-out requirements as the Basic program. The current POST site and safety guidelines for driving were approved. An inspection of the Denver Police Department academy will be held on June 27, 2013. The Below 100 initiative (reducing officer traffic fatalities) was discussed, and the committee recommends

pursuing the program. Departing member Jim Gleason will be missed. The committee will meet in Pueblo in September and in Denver in December.

General Suthers thanked all SME committee members for their service to the POST Board.

Action Items:

9. Central Mountain Training Foundation Proposal *Director Pete Dunbar*

Central Mountain Training Foundation (CMTF) made an unsolicited proposal in April. The proposal was made at this time as CMTF was aware that there were remaining funds to be used by the end of the fiscal year on June 30, 2013. The original proposal was for two use-of-force simulators, a driving simulator, and instructor time. The proposal was modified to request one VirTra 300LE firearms simulator. The vendor can make delivery by end of fiscal year and there is funding available. The cost is \$97,000. Neal Tyler presented information on the simulator. The system would be shared with 43 agencies in the region and would be housed at the CSPD training academy. Hugh Velasquez of Colorado Springs PD stated that the CSPD Academy firearms simulator is out of date and does not use the same weapons system that officers are using in the field. CSPD Academy has the capacity to house the new simulator and will coordinate with CMTF to make the simulator and classroom space available 50 days a year to all non-CSPD agencies in the Central Mountain region. CSPD will use the simulator for in-service training, and would insure that smaller agencies in the region have guaranteed time on the simulator. CSPD reviewed several different systems and felt the Ti system was the best option. Ti Training Corp. is a local company in Golden and it was felt that this would allow superior customer service. The Ti simulator is flexible with options for different firearms. Sgt. O'Driscoll asked if there will be a CSPD operator available for simulator use by other agencies. A simulator subject matter expert group is being developed for training with Ti and would run the system. Sheriff Bruce (Hinsdale County) states that the 7th Judicial District uses the Ti system and have found it very user-friendly. There is over \$150,000 available from canceled classes, which would be returned to the state if not used. The proposal for additional funds to purchase the firearms simulator was approved unanimously.

10. POST FY 2014 Grant Award Recommendations *Chief John Camper*

For the 2013-2014 Grant cycle beginning on July 1, 2013, there is approximately \$2.2 million available. POST conducted a grantee workshop in March. POST requested that grant applications be submitted by April 19, 2013. There were 15 applications submitted for a total of \$3 million. On May 22, 2013 the Grant subcommittee (Chief Camper, Chief Beckner, Chief Wohlers, Sheriff Taylor and Exec. Dir. Davis) met to review applications. Perishable skills training and the training needs of rural agencies were established as the two primary fund priorities. 68% of the funding will target rural areas and benefit 5700 officers, and 32% will be used statewide for metro area training to benefit 2700 officers. After review, funding requests were reduced by 27.52%. FY 2014 Grant award recommendations were approved unanimously. General Suthers and Chief Camper commended all for their work.

11. POST Grant Guidelines Approval

Grant Manager Becky Calomino

Historically there has been inconsistency with interpretation of grant administration and grantees are in need of more guidance. The intent of the proposed guidelines is to create a policy document developed with the grantees to help grant recipients in administration of grant funds. The guidelines were introduced at the March 1st board meeting and the March 6th Grant workshop after which we received feedback. The grant subcommittee reviewed and approved the final draft of the guidelines on April 1, 2013 via conference call. Personnel/administrative costs were approved with a cap of 5% for training regions and 15% for non-profit organizations/training providers. When Grant Manager Calomino first reviewed the related Act, there was no mention of non-profits' eligibility to receive funding, though 50% of our funds were awarded to non-profit entities. It was determined that the statutory language should be changed to reflect that and the change was approved in January, 2013 so that non-profits could continue to receive funding. At that time it was thought that Colorado District Attorneys' Council (CDAC) was a non-profit and would be covered by the statutory language change. CDAC Executive Director Tom Raynes advised POST that CDAC is not a non-profit entity therefore they would be excluded from grant funding even with the language change. The Grant subcommittee decided that they do not want to change the language to include for-profit entities. This may be the last year CDAC is allowed grant funding, unless it is decided that the statute is changed to include them as an eligible recipient of grant funds or they change the status of their organization. Grant Manager Calomino is requesting approval for the Grant guidelines with an effective date of July 1, 2013.

Approved unanimously

12. Grant Program Proposals Outside Application Period

Director Pete Dunbar

POST requested direction from the Board in regard to handling Grant proposals made outside the Grant application period. In the past two years POST has received proposals outside of the normal Grant period. Last September a request was received from CACP for the LPO program, and today (6/14) for the Firearms simulator from CMTF. With the new reporting system in place POST will have accurate fund balance records on a quarterly basis throughout the grant cycle. By the March Board meeting, there would be a fairly good idea of what funds may be available for unsolicited proposals and the Board could authorize funding at that time. The goal is not to return any money to the state, and to have a zero balance at the end of the fiscal year. This will show that there is a need for more funding and that all funding is being utilized. Several options have been presented to the Board for handling of these issues, and POST requests the Board present any further options at this time. Option one would solicit proposals and the Grant subcommittee would be given the authority by the Board to authorize funding. Option two would be to have the subcommittee review the proposals then present them to the Board for approval at the March Board meeting. Proposals would be solicited in February for both options and if approved the funds would have to be spent by June 30th of the respective grant cycle. Waiting until the June meeting would cut the time very close for spending. General Suthers would like to have the Board look at the proposals in March, but option one would allow flexibility by

the Grant subcommittee to approve funding quickly. After discussion, option one was the preference and was approved unanimously.

13. Appeal to Board of Decertification
Lyle J. Mrace PID #134683

Director Pete Dunbar

Lyle Mrace was present and spoke to the Board requesting an appeal of the decision to revoke his certification. He appeared at a show cause hearing before Director Dunbar on April 11, 2013, who denied his appeal. Mr. Mrace requested an appeal to the POST Board. Director Dunbar has included a summary of his appeal. Mr. Mrace was convicted of False Reporting to Authorities after being instructed by former POST employee M. Carleen Johnson to lie regarding his POST exam. Mr. Mrace presented his request for reinstatement, expressing his love of law enforcement and his regret for making a mistake. General Suthers asked questions clarifying the situation, and asked other Board members if they had further questions. General Suthers asked Board Counsel Diane Dash if the Board has the authority to allow a variance and reinstatement, and she replied in the affirmative. Chief Oates remarked that untruthfulness of this type speaks to the reliability and credibility of an officer, especially in a witness situation, which has consequences for any agency hiring Mr. Mrace. General Suthers stated that following the direction of an authority figure when asked to lie indicates that Mr. Mrace should not be a peace officer. To allow the reinstatement would compromise the purpose of the statute.

Appeal denied unanimously

14. Appeal to Board of Decertification
Jason D. LaPorte PID #135390

Director Pete Dunbar

Mr. LaPorte was not present. He was convicted of False Reporting to Authorities after being instructed by former POST employee M. Carleen Johnson to lie regarding his POST exam during the same investigation which involved Mr. Mrace, above. Director Dunbar denied his appeal at his show-cause hearing on April 11, 2013, and Mr. LaPorte requested an appeal to the POST Board.

Appeal denied unanimously

15. Peace Officer Certification Revocation Actions

Director Pete Dunbar

General Suthers requested information regarding the number of revocations. Director Dunbar had conversations with Board Counsel Diane Dash regarding the process for revocations. It was determined that some changes should be made to follow due process and allow POST to send order to show cause to individuals and to allow the opportunity them to state their case before Director Dunbar. That change occurred just prior to the March meeting, and POST is catching up on revocations following establishment of the new process.

POST Rule 9 – Revocation of Peace Officer Certifications – Misdemeanor 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 at any time*, or has been convicted on or after July 1, 2001, of any misdemeanor described in subsection (1.5) of § 24-31-305 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 or judge.

- 1) No. 12-05, **Michael Nuanes**, Certification No. B7307 (PID 126245). On May 8, 2012 Respondent pled guilty to 1 count of Assault 3 – Know/Reckless Cause Injury, § 18-3-204(1)(a), C.R.S., a class 1 misdemeanor. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: January 14, 2012 – Separated: May 12, 2012)*. The Respondent has failed to comply with POST Show Cause Order 12-05 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Michael Nuanes’ Colorado Peace Officer Certificate No. B7307 (PID 126245).

Approved unanimously

- 2) No 12-06, **Maria Ruybal**, Certification No. B13426 (PID 129758). On June 21, 2012 Respondent pled guilty to 1 count of Assault 3 – Know/Reckless Cause Injury, § 18-3-204(1)(a), C.R.S., a class 1 misdemeanor. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: September 25, 2011 – Separated: July 3, 2012)*. The Respondent has failed to comply with POST Show Cause Order 12-06 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Maria Ruybal’s Colorado Peace Officer Certificate No. B13426 (PID 129758).

Approved unanimously

- 3) No 12-07, **Joseph John Sajczuk**, Certificate B12754, (PID 128465). On July 09, 2012 Respondent pled guilty to 1 count of Assault 3 – Know/Reckless Cause Injury, § 18-3-204(1)(a), C.R.S., a class 1 misdemeanor, and 1 count of 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: November 27, 2011 – Separated: December 20, 2011)*. The Respondent has failed to comply with POST Show Cause Order 12-07 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Joseph Sajczuk’s Colorado Peace Officer Certificate No. B12754 (PID 128465).

Approved unanimously

- 4) No. 12-08, **Edwin Irizarry-Urrutia**, Certificate No. B8417 (PID 113641). On February 22, 2012 Respondent pled guilty to 1 count of Sexual Contact-no Consent, § 18-3-404(1)(a), C.R.S., a class 1 misdemeanor. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: September 15, 2011 – Separated: September 28, 2011)*. The Respondent has failed to comply with POST

Show Cause Order 12-08 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Edwin Irizarry-Urrutia's Colorado Peace Officer Certificate No. B8417 (PID 113641).

Approved unanimously

- 5) No. 12-10, **Davon Lance Smith**. Conditional Certification (PID 135205). On August 20, 2012 Respondent pled guilty to 1 count of Harassment-strike/shove/kick, § 18-9-111(1)(a), C.R.S., a class 3 misdemeanor. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: July 4, 2012 – Separated: August 20, 2012).* The Respondent has failed to comply with POST Show Cause Order 12-10 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Davon Smith's Colorado Peace Officer Conditional Certification (PID 135205).

Approved unanimously

- 6) No. 12-11, **Daniel G. Sullivan**. Certification No. B14382 (PID 133412). On August 17, 2012, Respondent was found guilty of 1 count of Official Misconduct 1, § 18-8-404, C.R.S., a class 2 misdemeanor, and one count of Official Oppression, § 18-8-403, a class 2 misdemeanor. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: December 3, 2011 – Separated: December 22, 2011).* The Respondent has failed to comply with POST Show Cause Order 12-11 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Daniel G. Sullivan's Colorado Peace Officer Certification No. B14382 (PID 133412).

Approved unanimously

- 7) No 12-12, **Sean P. Pierson**, Certification No. B12112 (PID 123728). On June 20, 2012, Respondent was found guilty of 1 count of Harassment-strike/shove/kick, § 18-9-111(1)(a), C.R.S., a class 3 misdemeanor. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: May 19, 2010 – Separated: September 17, 2011).* The Respondent has failed to comply with POST Show Cause Order 12-12 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Sean P. Pierson's Colorado Peace Officer Certification No. B12112 (PID 123728).

Approved unanimously

- 8) No. 13-01, **Thomas J. Weaver**, Certification No. 13884 (PID 126275). On November 27, 2012 Respondent pled Nolo Contendere of 1 count of Harassment-strike/shove/kick; § 18-9-111(1)(a), C.R.S., a class 3 misdemeanor. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: June 24, 2012 – Separated: August 28, 2008).* The Respondent has failed to comply with POST Show Cause Order 13-01 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Thomas J. Weaver's Colorado Peace Officer Certification No. 13884 (PID 126275).

Approved unanimously

- 9) No. 13-02, **Jerald B. Day**, Certification No. B3194 (PID 122576). On January 18, 2013 Respondent was found guilty of 1 count of Resisting Arrest, § 18-8-103, C.R.S., a class 2 misdemeanor, and one count of Harassment-Telephone-Threat/Obscene, § 18-9-111, C.R.S., a class 3 misdemeanor. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: February 28, 2009 – Separated: June 17, 2009).* The Respondent has failed to comply with POST Show Cause Order 13-02 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Jerald B. Day's Colorado Peace Officer Certification No. B3194 (PID 122576).

Approved unanimously

- 10) No. 13-03, **Lyle Mrace**, Certification No. Number B15374 (PID 134683). On May 3, 2011 Respondent was found guilty of 1 count of False Reporting to Authorities, § 18-8-111, C.R.S., a class 3 misdemeanor, *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: June 28, 2011 – Separated: November 28, 2011).* The Respondent appeared at and gave testimony at the Show Cause Order 13-03. Director Dunbar recommends revocation of Lyle Mrace's Colorado Peace Officer Certification No. B15374 (PID 134683).

Approved unanimously

- 11) No. 13-04, **Jason D. LaPorte**, Conditional Certification No. PID 135390. On May 3, 2011 Respondent was found guilty of 1 count of False Reporting to Authorities, § 18-8-111, C.R.S., a class 3 misdemeanor, *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: June 28, 2011 – Separated: November 29, 2011).* The Respondent appeared at and gave testimony at the Show Cause Order 13-04. Director Dunbar recommends revocation of Jason LaPorte's Colorado Peace Officer Certification PID 135390.

Approved unanimously

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 at any time*, or has been convicted on or after July 1, 2001, of any misdemeanor described in subsection (1.5) of § 24-31-305 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 or judge.

- 1) No. 12-13, **Robert G. Busse**, Certification No. B16158, (PID 136866). On December 1, 1988 Respondent pled guilty to two counts of second degree burglary, CRS 18-4-203, Conspiracy to commit theft, and one count of criminal trespass, a class 5 felony. All felonies were dismissed after two years of probation, except the felony criminal trespass,

CRS 18-2-201. The Respondent was unaware there was still a felony conviction and attended and completed the CMC Glenwood Springs academy on August 10, 2012. In 1988 when the Respondent was fingerprinted the prints were illegible. When notified, the arresting department failed to reprint Mr. Busse. POST received a “No Prior Arrest Record” and issued certification. This error was discovered when the Respondent applied at the agency that had arrested and convicted him. The Respondent has failed to comply with POST Show Cause Order 12-13 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Robert G. Busse’s Colorado Peace Officer Certificate No. B16158, (PID 136866).

Approved unanimously

- 1) No. 13-01, **Hector Abraham Paez**, Certification No. B13617 (PID 129989). On December 18, 2012 Respondent was found guilty and was convicted of one count of Kidnapping 2 – victim sex offense/robbery, § 18-8-302(1)(3), C.R.S., a class 2 felony; and one count Sex Assault –victim in custody, § 18-3-402(1)(f), C.R.S., a class 4 felony. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: May 16, 2010 –Not Separated).* The Respondent’s Show Cause Order 13-01 was incorrectly dated. *Mr. Paez was recently provided with a new Show Cause Order date. Revocation is postponed until September POST Board meeting.*
- 2) No. 13-02, **Ira T. Ferguson**, Certificate Number B16083 (PID 136843). On November 28, 2012 Respondent pled guilty to and was convicted of one count of Weapon-possession On School Grounds, § 18-12-105.5, 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: October 22, 2012 –Never appointed.)* The Respondent has failed to comply with POST Show Cause Order 13-02 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Ira T. Ferguson’s Colorado Peace Officer Certificate Number B16083 (PID 136843).

Approved unanimously

- 3) No. 13-03, **Rick J. Ferguson**, Certificate Number 9567 (PID 127028). On August 08, 2012 Respondent pled guilty to and was convicted of one count of Obscenity – Promotion to Minor, § 18-7-102 (2.5), C.R.S., a class 6 felony. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: October 30, 2010 –Separated: December 16, 2011).* The Respondent has failed to comply with POST Show Cause Order 13-03 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Rick J. Ferguson’s, Colorado Peace Officer Certificate Number 9567 (PID 127028).

Approved unanimously

- 4) No. 13-04, **Joshua M. Lewis**, Certificate Number B11309 (PID 100744). On February 3, 2012 Respondent was found guilty and was convicted of one count of Felony Menacing-Real/Simulated Weapon, § 18-3-206(1)(a/b), C.R.S., a class 5 felony. *The Respondent was not employed as a peace officer on the date of the offense (Date of December 23, 2011 – Never appointed).* The Respondent has failed to comply with POST Show Cause

Order 13-04 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Joshua M. Lewis' Peace Officer Certificate B11309 (PID 100744).

Approved unanimously

- 5) No. 13-05, **Christian A. Blackburn**, Certificate Number B7440 (PID 102485). On November 28, 2012 Respondent pled guilty to and was convicted of one count of Assault 2- drugging victim, § 18-3-203 (1)(e), C.R.S., a class 4 felony, and one count of Sex Assault/child, §18-3-405(1), a class 5 felony. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: June 1, 1997–Never appointed).* The Respondent has failed to comply with POST Show Cause Order 13-05 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Christian A. Blackburn's Colorado Peace Officer's Certificate Number B7440 (PID 102485).

Approved unanimously

- 6) No. 13-06, **Joshua D. Carrier**, Certificate Number B11877 (PID 122865). On October 26, 2012 Respondent was found guilty and was convicted of eighteen counts of enticement of a child, § 18-3-305(1) C.R.S., a class 4 felony, and 47 other felonies. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: October 1, 2010 –Separated June 30, 2011).* The Respondent has failed to comply with POST Show Cause Order 13-06 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Joshua D. Carrier's Colorado Peace Officer's Certificate Number B11877 (PID 122865).

Approved unanimously

- 7) No 13-07, **Benjamin C. Nicholson**, Certificate Number B6669 (PID 122356). On January 7, 2013 Respondent pled guilty to and was convicted of one count of At-risk Assault 3 – knowing/reckless injury, §18-6.5-103(3)(c);18-3-204(1)(a) 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: April 22, 2012 – Separated April 22, 2011).* The Respondent has failed to comply with POST Show Cause Order 13-07 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Benjamin C. Nicholson's Colorado Peace Officer's Certificate Number B6669 (PID 122356).

Approved unanimously

16. Formal Rule Making Hearing

Attorney General John Suthers
Board Counsel Diane Dash
Director Pete Dunbar

Public Announcement of Formal Rule Making Hearing

Opened at 11:30 a.m.

- A. Summary of Proposed POST Rule Change Director Pete Dunbar
Colorado Department of Regulatory Affairs Review/Response
a. Rule 1 – Definitions

- b. Rule 15 – Certification Examination-Basic, Provisional, Renewal
Rule 1 and Rule 15 changes clarify the passing score for the POST certification exam and the process for determining the passing score. Once set, it will be reviewed every 5 years.
- c. Rule 20 – Vehicle Identification Number Inspector Programs
This change corrects the Form number used for the VIN Inspector certification.

B. Public Comment on Rule Making

No comments from Board or public.

C. Board Vote

Unanimously adopted.

Session closed at 11:35 a.m.

Informational Items:

17. POST Online Test Update

Director Pete Dunbar

Compliance Officer Tom Mullen performed field tests of 33-34 items from the new I/O Solutions certification exam while administering the current POST certification exam at several academies in the spring. The average pass rate for the field test questions was 50%. I/O Solutions should be able to provide an analysis by the 2nd week of July. The analysis will be sent to Thomas Haladyna for his review. A meeting with SME committee members will take place in early August to review the items with an I/O Solutions staff psychometrician. If the analysis is satisfactory, the test could go online in October. The test will be more difficult and POST will work with the academies on how to teach the material. If after analysis the cut score is too low, there will be further discussion. The present test has a bank of questions in each category and the questions are randomized to provide 100 total questions.

18. POST Training Survey Report

Director Pete Dunbar

This is the third survey sent by Director Dunbar. It was sent to all agency heads in February. The survey reported that the three most important training needs are patrol procedures, perishable skills and criminal investigation. Director Dunbar will request surveys periodically to check on the efficiency of the training program.

19. Director's Assessment of POST Programs and Activities

Director Pete Dunbar

Director Dunbar met with members of POST Staff, Board members, and other members of the law enforcement community to assess POST status, challenges and opportunities. He used the SWOT (Strengths, Weaknesses, Opportunities, and Threats) method as an assessment tool. The POST staff is dedicated and hard-working and working to address any deficiencies within the unit. POST is reactive and lacks adequate infrastructure. Currently the databases POST uses are cumbersome and don't communicate with each other, and require duplication of data entry. POST is working to update some of the

processes and establish best practices so that we can better serve law enforcement in Colorado. Currently there is no standard for field training officer, supervisor or executive training, specialty training for detectives or communication services, and others that may be looked into in the future. At present the academic and skills programs are most important. There being no requirement for in-service training statewide was mentioned in many of the survey responses, and steps will be taken in that area. The peace officer training program is mentioned and the new grant guidelines are a good step. Director Dunbar commended and thanked POST staff and the training regions and providers for their efforts. Short term goals: Minimum training requirement, marketing the grant program so all agencies are aware of the availability of grant funding, interactive database to improve efficiency, and reclassifying and filling the vacant position in POST. Long term goals: At the September work session, Director Dunbar would like to develop a strategic plan to identify what goals POST should work toward over the next three years and the direction POST should move toward.

General Suthers commended Director Dunbar for the excellent work and vision he has provided.

20. Comments from others on POST Issues

General Suthers mentioned that Channel 7 has requested access to all records on peace officers under the Freedom of Information Act. We have refused to provide information and will continue to refuse. Any person can contact POST to determine whether a person is a certified officer or not.

The next POST Board meeting is scheduled for September 27, 2013 with the Pueblo County Sheriff's Office as the host, but Sheriff Kirk Taylor has informed POST that he would be unable to attend or host because he has been subpoenaed. He requested that the date of the meeting be changed to the week before on September 20, 2013. After a brief discussion it was decided that the September work session and Board meeting would be moved to the week before to accommodate Sheriff Taylor's request.

21. Adjournment

General Suthers called for a motion to adjourn.

Approved unanimously

Meeting end: 11:55 am (1 Hour 55 Minutes)

Next POST Board Meeting:

**Friday, September 20, 2013
Hosted by Pueblo County Sheriff's Office
Hampton Inn and Suites-North
4790 Eagleridge Circle
Pueblo, CO**

**Friday, December 6, 2013
POST Board Meeting – Colorado Dept. of Law
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 1st Floor, Denver CO 80203**