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POST Board Meeting

Colorado Department of Law

Friday, June 14, 2013

SME Committee Meetings: 8:00 am – 10:00 am

**Peace Officer Standards and Training (POST) Board Meeting:
 10:00 a.m.**

Introductions:

- | | | |
|----|--|--|
| 1. | Welcome | Attorney General John Suthers |
| 2. | Pledge of Allegiance | Attorney General John Suthers |
| 3. | Introduction of new POST Board Members | Attorney General John Suthers |
| 4. | Introduction of Board Members, SME Members, Staff and Guests | |
| 5. | Formal Board Recognition of Departing Subject Matter Expert Committee Members | Attorney General John Suthers |
| 6. | Roll Call | Director Pete Dunbar
Declaration of a Quorum (11) |
| 7. | Approval of POST Minutes from March 1, 2013 (See supplemental handout) | |

Presentations:

8. Subject Matter Expert (SME) Committee Reports:

A. Curriculum

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

B. Arrest Control

Sgt. Richard Webb, Co-Chairperson
Capt. Eric Bourgerie, Co-Chairperson
Chief Dan Oates, Board Member

C. Firearms

Dep. Ed Kafel, Chairperson
Trg. Mgr. John Hood, Vice-Chairperson
Sheriff Chris Johnson, Board Member

D. Law Enforcement Driving

Cmdr. Karl Smalley, Chairperson
Al Padilla, Vice-Chairperson
Chief John Camper, Board Member

Action Items:

9. POST Grant Guidelines Approval
(See supplemental handout)

Grant Manager Becky Calomino

10. POST FY 2014 Grant Award Recommendations
(See supplemental handout)
a. Subcommittee Report
b. Public Comments

Grant Subcommittee Member

11. Grant Program Proposals Outside Application Period
(See supplemental handout)

Director Pete Dunbar

12. Central Mountain Training Foundation Proposal
(See supplemental handout)

Director Pete Dunbar

13. Appeal to Board of Decertification
Lyle J. Mrace PID #134683
(See supplemental handout)

Director Pete Dunbar

- A. Order to Show Cause letter
- B. POST Director Comments
- C. Response from Mr. Mrace
- D. Board Vote pursuant to Rule 9

14. Appeal to Board of Decertification
Jason D. LaPorte PID #135390
(See supplemental handout)

Director Pete Dunbar

- A. Order to Show Cause letter
- B. POST Director Comments
- C. Response from Mr. LaPorte
- D. Board Vote pursuant to Rule 9

15. **Peace Officer Certification Revocation Actions**
(See supplemental handout)

Attorney General John Suthers
Director Pete Dunbar
Board Counsel Diane Dash

A. **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, 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. Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes are recognized in § 24-31-305(1.5) (b) thru (h), C.R.S.

- 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).
- 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).
- 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).
- 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).
- 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).

- 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).
- 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).
- 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).
- 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).
- 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).
- 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.

B. 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 2 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 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).
- 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).
- 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).
- 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).

- 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).

- 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).

- 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).

16. **Formal Rule Making Hearing**
(See supplemental handout)

Attorney General John Suthers
Board Counsel Diane Dash
Director Pete Dunbar

Public Announcement of Formal Rule Making Hearing

- 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
 - c. Rule 20 – Vehicle Identification Number Inspector Programs

- B. Public Comment on Rule Making

- C. Board Vote

Informational Items:

17. **POST Online Test Update** Director Pete Dunbar

18. **POST Training Survey Report** Director Pete Dunbar
(See supplemental handout)

19. **Director’s Assessment of POST Programs and Activities** Director Pete Dunbar
(See supplemental handout)

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

21. **Adjournment**

Next POST Board Meeting

Hosted by
Pueblo County Sheriff's Office
Pueblo CO
Location to be announced

September 27, 2013

SME Meetings – 8:00 am
POST Board Meeting – 10:00 am

Work Session – 2:00-5:30
Thursday, September 26, 2013