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**STATE OF COLORADO
DEPARTMENT OF LAW**

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**Peace Officer Standards and
Training**

POST BOARD MEETING
RECORD OF PROCEEDINGS
Friday, September 20, 2019
10:00 am- 12:00 pm

The Peace Officer Standards and Training Board held its 408th Board meeting at the
Ralph L. Carr Colorado Judicial Center, 1300 Broadway Rm.1ABC, Denver,
Colorado 80203

BOARD MEMBERS PRESENT

SENIOR INVESTIGATOR TONYA BARNES, Eighteenth Judicial District
DEPUTY DISTRICT ATTORNEY ASHLEY BECK, Denver DA's Office
SERGEANT LONNIE CHAVEZ, Grand Junction Police Department
CHIEF CORY CHRISTENSEN, Steamboat Springs Police Department
CHIEF JOHN COLLINS, Englewood Police Department
CHIEF DEBRA FUNSTON, Palisade Police Department
CHIEF DARIC HARVEY, Canon City Police Department
SHERIFF ANTHONY MAZZOLA, Rio Blanco County Sheriff's Office
SHERIFF SHAWN MOBLEY, Otero County Sheriff's Office
CHIEF MICHAEL PHIBBS, Auraria Department of Public Safety
DEAN PHILIPS, Federal Bureau of Investigations
JANE QUIMBY, Citizen
MAYOR RON RAKOWSKY, City of Greenwood Village
SHERIFF JUSTIN SMITH, Larimer County Sheriff's Office *(by phone)*
SHERIFF ANTHONY SPURLOCK, Douglas County Sheriff's Office
BRADLEY TAYLOR, Goetz Insurers
ATTORNEY GENERAL PHIL WEISER, Colorado Department of Law

BOARD MEMBERS ABSENT

DEPUTY AMANDA CRUZ-GIORDANO, Arapahoe County Sheriff's Office
EXECUTIVE DIRECTOR STAN HILKEY, Colorado Department of Public Safety
KARA HOOFNAGLE, Public Member
SHERIFF ROBERT JACKSON, Alamosa County Sheriff's Office
SUSAN "ZEKE" KNOX, United States Attorney's Office

CHIEF JOHN MINOR, Silverthorne Police Department
SHERIFF STEVE NOWLIN, Montezuma County Sheriff's Office

BOARD COUNSEL

STACY WORTHINGTON

POST STAFF MEMBERS PRESENT

BOB BAKER, In-Service Training Manager
ERIK BOURGERIE, Director
SUSAN CARTER, Grant Coordinator
DAN GRIFFIN, Training Coordinator
KIM HERNANDEZ, Grant Manager
ALEX MARTINEZ, Administrative Coordinator
TIFFINY BLACK-MAJEKODUNMI, Compliance Specialist
CATHY RODRIGUEZ, Compliance Manager
DAN OSTRANDER, Training Coordinator
DAVID SCHUETZ, Training Coordinator
JARED TORSNEY, Marijuana Training Specialist

MEMBERS OF THE PUBLIC IN ATTENDANCE

TROY BADBERG, Larimer County Sheriff's Office
IKE BEERS, Lakewood Police Department
BRANDI CAMP, Fremont County Sheriff's Office
DAVID W. CLARKE, Weld County Sheriff's Office
JOHN COLLINS, Englewood Police Department
JANET DRAKE, Colorado Attorney General's Office
VINCE FRAKER, Otero Junior College Police Academy
SUZETTE FREIDENBURGER, Grand Junction Police Department
JON GASKINS, Georgetown Police Department
PAUL GREGORY, Adams County Sheriff's Office
JOHN HOOD, Colorado Parks and Wildlife
DAN HOTSENPILLER, SME-Curriculum
DARIN ICARDI, Colorado Dept., of Revenue- Motor Vehicle Investigations
RODNEY JOHNSON, Colorado Dept., of Revenue- Motor Vehicle Investigations
TIM JUNGCLAUS, Adams County Sheriff's Office
DIRECTOR CATHY LABRECQUE, Pikes Peak Community College LEA
JANET LARSON, County Sheriffs of Colorado
PETER MUGGLI, Colorado Dept., of Revenue- Motor Vehicle Investigations
KAREN PENDERGRAFT, County Sheriffs of Colorado
COMMANDER KARL SMALLEY, Adams County Sheriff's Office
BRADLEY SWIM, Federal Bureau of Investigations
JANICE WORTHEM, Colorado State Patrol

1. **Welcome** Attorney General Phil Weiser

2. **Pledge of Allegiance** Attorney General Phil Weiser

3. **Recognition of Incoming
POST Board Member** Director Erik Bourgerie

Chief Daric Harvey – Canon City Police Department

4. **Recognition of Departing
SME Committee Members** Director Erik Bourgerie

William Baker, Philip Rathbun, Miner Blackford

5. **Introduction of Board Members, SME Members, Staff and
Guests**

6. **Roll Call** Director Erik Bourgerie

Declaration of a quorum (17)

7. **Approval of POST Board
Minutes from March 1, 2019** Attorney General Phil Weiser

*Motion to approve minutes as presented by Lonnie Chavez, Second by Sheriff
Mobley*

Approved Unanimously.

8. **Subject Matter Expert Committee Reports**

A. Arrest Control Agent Ike Beers
Chair

The committee now has a total of 18 members. ACT SME performed 2 academy inspections in September, Jefferson County- Lakewood and Colorado Springs, both passed with good reviews. The ACT Committee recommends that people need to review the POST website to prepare for Test-Outs, as there is influx of people from out-of-state there are lot of different ways to put handcuffs on and various self-defense tactics. The ACT curriculum is a lot more comprehensive

and it may take some time for agencies and individuals to get up to speed to meet requirements. ACT approved 3 full skills instructors, 2 for Colorado Springs PD and one for Denver PD, and also approved the Otero Junior College site, which was re-submitted. The committee follow up with Colorado Mountain College's safety plan, there were some questions that came up at a meeting that cannot be overlooked. There was an SBI injury, a broken wrist at Pueblo Community College, the committee is discussing how and why this happened, so they can find ways to prevent this type of injury from happening again. Discussed POST Rule 4 and are in favor of the changes being made. ACT is also fortunate this year to be meeting the quorum and attendance requirements.

B. Curriculum

Director Cathy LaBrecque
Chair

Curriculum Committee addressed a request to waive the instructor methodology requirement proposed by Max Becker. The committee approved 2 new member, Sgt. Robert Chase and Dr. Paul Taylor. Approved of the 75% requirement to attend meetings, and ask that the director appoint a committee chair, and asks that the committee is looked to for advice and approval. Reviewed the Judicial Process Lesson Plan for Trinidad State Junior College, who has a new director, and tabled that in lieu of seeing some more information. Approved Weld County LE Academy new classroom site, Otero Junior College's classroom sites and met their new director, Vincent Fraker. Tabled the discussion of approval for Colorado Mountain College Summit Academy at a new site in Breckenridge, and will do an extensive review in the coming months. Curriculum proposes a change to subsection F of Rule 21, Curriculum suggests the use of outside facilities for academic programs in cases of emergency.

POST Director Bourgerie provided input on the proposed Rule change: The 90 day limit makes site approvals unmanageable, if a site closure is expected to last less than 90 days, then it is not required to be reported to POST. Director Bourgerie recommends a change from 90 days to 21 days, and immediate notice to POST staff of any facility problems.

Motion to approve Rule change: 1st - Mazzola 2nd - Mobley

C. Driving

Commander Karl Smalley
Chair

Driving committee meeting was held with 12 members in attendance. Finished up site approval for Otero Junior College and made changes to their safety plan. A new site request was made by Colorado Mountain College to use the Arapahoe County track, which Driving Committee approved. Driving added a new committee member, Sgt John Gaskins from Georgetown Police, and have 2 new full skills instructors, and redesigned the Driving test-out form. At the last meeting, there were changes to the lane change test and are still trying to agree on adjustments so they can get a better evaluation on test-outs with the electronic stability control. Reviewed the new policy for SME committee members, and are in agreement with that. Driving Committee appreciates the board giving some lenience on test outs who have oversized vehicles.

D. Firearms
Chair

Comm. Paul Gregory-

Firearms approved 2 programs, La Junta Reserve and Arapahoe Community College. Approved site plans for: Southwestern LEA in Montezuma County, Otero Junior College, Klieber Associates at Summit County, Longmont/ Boulder Range, Weld County and CMC at Breckenridge. Recommended a new SME member, Sgt. Jeff Davis with Grand Junction PD. Welcomed back Cory Christiansen from Steamboat Springs has re-joined Firearms SME Committee as a POST Board representative. Firearms finalized a firearms inspection form. Performed 3 test-outs and 4 inspections this last quarter: Pueblo CC, Arapahoe CC, Denver PD and Adams County SO. Reviewed the new POST Meeting Policy and the only recommendation is to allow members to participate via email.

9. **Request for Variance Appeal**
Michael Amory

Director Erik Bourgerie

Mr. Amory requested a variance for POST certification, which was denied by the Director. Mr. Amory had requested Provisional Certification, even though he did not meet the requirement of 1 year working in law enforcement the previous 3 years. Mr. Amory requests the Board to hear his appeal for a Rule 11 variance to allow him to attend a Refresher Academy. The Board asked several clarifying questions.

Referred to Full Committee Hearing, Approved by vote of 13 to 4

10. **Request for Variance Appeal** Director Erik Bourgerie
Brandi Camp
(See supplemental handout)

Ms. Camp requested an extension on her POST certification. Expiration was due to lack of employment of at least 6 months within three years of certification. Variance was previously denied due to late submission.

Referred to Full Committee Hearing, Approved by vote

11. **Request for Variance Appeal** Director Erik Bourgerie
Sara Cummings
(See supplemental handout)

Ms. Cummings failed to appear. Ms. Cummings attended an academy in North Carolina, graduating in 2009. Ms. Cummings was not employed with law enforcement for approximately 5 years, and is requesting a variance to the requirement of law enforcement employment for 1 year within the last three years, in order to gain POST certification.

Request for Full Hearing was unanimously denied.

12. **Peace Officer Certification** Director Erik Bourgerie
Revocation Actions
(See supplemental handout – Blue Tab)

POST Rule 9 - Revocation of Peace Officer Certifications:

§ 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. 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. M19-06, Gary Allen Valko, Certification B11181 (PID 121141). On April 11, 2019, Respondent was convicted of one count of Official Oppression, §18-8-403, a class 2 Misdemeanor, in Case No. 17M2360 in the County Court of Douglas County. The respondent was employed as a peace officer on the

date of the offense (Date of Offense: September 10, 2017) with the Department of Corrections, Inspector General's Office, Separated December 5, 2017. The respondent **has** complied with POST Show Cause Order No. M19-06 by appearing at the scheduled Show Cause Hearing on June 18, 2019. Director Bourgerie recommends revocation of Gary Allen Valko's Colorado Peace Officer Certification B11181 (PID 121141).

Motion to Revoke: 1st – Chavez, 2nd- Funston. Revocation of POST Certification was approved by unanimous vote.

The certificate holders in the following matters did not appear at the show cause hearing or indicate any intent to oppose the revocation. Unless any member objects and asks to consider one or all of these matters separately, they will all be presented to this Board as a group.

Felony Convictions:

1. No. F19-03, Melissa Nicole Montoya, Certification (PID 7351-3522). On February 25, 2019, Respondent was granted a deferred judgement for one count of Attempted Aggravated Cruelty to Animals, §18-9-202(1.5)(b), a class 6 Felony, in Case No. 2017CR3262 in the District Court of Arapahoe County. The respondent was not employed as a peace officer on the date of the offense (Date of Offense: September 29, 2017). The respondent has failed to comply with POST Show Cause Order No. F19-03 by failing to appear at the scheduled Show Cause Hearing on June 3, 2019. Director Bourgerie recommends revocation of Melissa Nicole Montoya's Colorado Peace Officer Certification (PID 7351-3522).
2. No. F19-04, Fernando Mendoza, Certification B2384 (PID 120977). On April 26, 2019, Respondent was convicted of one count of Attempted Aggravated Incest – Defendant's Child, §18-6-302(1)(a), a class 4 Felony, in Case No. 17CR102 in the District Court of Lake County. The respondent was employed as a peace officer on the date of the offense (Date of Offense: December 23, 2016) with Lake County Sheriff's Office, Separated November 20, 2017. The respondent has failed to comply with POST Show Cause Order No. F19-04 by failing to appear at the scheduled Show Cause Hearing on June 3, 2019. Director Bourgerie recommends revocation of Fernando Mendoza's Colorado Peace Officer Certification B2384 (PID 120977).
3. No. F19-05, Randall Lavon Johns, Certification B5359 (PID 113662). On February 26, 2019, Respondent was convicted of one count of Attempted Identity Theft – Uses Info to Obtain, §18-5-902(1)(a), a class 5 Felony, in Case No. 18CR1148 in the District Court of Lake County. The respondent was not employed as a peace officer on the date of the offense (Date of

Offense: June 7, 2018). The respondent has failed to comply with POST Show Cause Order No. F19-05 by failing to appear at the scheduled Show Cause Hearing on June 3, 2019. Director Bourgerie recommends revocation of Randall Lavon Johns' Colorado Peace Officer Certification B5359 (PID 113662).

4. No. F19-06, Michael Edwin John Christian, Certification B14560 (PID 133546). On April 5, 2019, Respondent was granted a deferred judgement for one count of Theft – \$100,000 - \$1,000,000, §18-4-401(1),(2)(i), a class 3 Felony, in Case No. 18CR1501 in the District Court of El Paso County. The respondent was employed as a peace officer on the date of the offense (Date of Offense: March 1, 2010) with El Paso County Sheriff's Office, Separated July 16, 2018. The respondent has failed to comply with POST Show Cause Order No. F19-06 by failing to appear at the scheduled Show Cause Hearing on June 3, 2019. Director Bourgerie recommends revocation of Michael Edwin John Christian's Colorado Peace Officer Certification B14560 (PID 133546).
5. No. F19-07, Robert Aaron May, Certification B14569 (PID 133561). On April 5, 2019, Respondent was granted a deferred judgement for one count of First Degree Trespass of Dwelling, §18-4-502, a class 5 Felony, in Case No. 18CR6664 in the District Court of El Paso County. The respondent was not employed as a peace officer on the date of the offense (Date of Offense: October 30, 2018). The respondent has failed to comply with POST Show Cause Order No. F19-07 by failing to appear at the scheduled Show Cause Hearing on June 3, 2019. Director Bourgerie recommends revocation of Robert Aaron May's Colorado Peace Officer Certification B14569 (PID 133561).
6. No. F19-08, James W. Gomez, Certification B13873 (PID 130349). On April 29, 2019, Respondent was granted a deferred judgement for one count of §21.11(a)(2), Indecency with Child - Exposes, a class 3 Felony, in Case No. D-1-DC-17-302034 in the 450th District Court of Travis County, Texas. The respondent was not employed as a peace officer on the date of the offense (Date of Offense: October 8, 2017). The respondent has failed to comply with POST Show Cause Order No. F19-08 by failing to appear at the scheduled Show Cause Hearing on June 17, 2019. Director Bourgerie recommends revocation of James W. Gomez' Colorado Peace Officer Certification B13873 (PID 130349).
7. No. F19-09, Donald Glenn Beasley, Certification B11705 (PID 122298). On June 10, 2019, Respondent was convicted of one count of §18:2252(a)(2) and (b)(1), Receipt of Visual Depictions of Minors Engaged in Sexually Explicit Conduct, a Felony, and one count of §18:2252(a)(4)(b) and (b)(2), Possession of Visual Depictions of Minors Engaged in Sexually Explicit Conduct, a

Felony, in Case No. 4:18-CR-10028-KMM in the United States District Court for the Southern District of Florida (Miami – Dade County). The respondent was not employed as a peace officer on the date of the offense (Date of Offense: September 20, 2018). The respondent has failed to comply with POST Show Cause Order No. F19-09 by failing to appear at the scheduled Show Cause Hearing on July 22, 2019. Director Bourgerie recommends revocation of Donald Glenn Beasley's Colorado Peace Officer Certification B11705 (PID 122298).

8. No. F19-10, Michael Kichin Choi, Certification B9443 (PID 113264). On June 3, 2019, Respondent was convicted of one count of §18-3-203(1)(i), Second Degree Assault – Strangulation/DV, a class 4 Felony, in Case No. 18CR644 in the District Court of Douglas County. The respondent was not employed as a peace officer on the date of the offense (Date of Offense: June 24, 2018). The respondent has failed to comply with POST Show Cause Order No. F19-10 by failing to appear at the scheduled Show Cause Hearing on July 22, 2019. Director Bourgerie recommends revocation of Michael Kichin Choi's Colorado Peace Officer Certification B9443 (PID 113264).

Misdemeanor Convictions:

1. No. M19-04, Roger Leonard Stockman, Certification B15359 (PID 134987). On February 1, 2019, Respondent was convicted of one count of Third Degree Assault – Negligent – Deadly Weapon, §18-3-204(1)(a), a class 1 Misdemeanor, in Case No. 18CR161 in the District Court of Adams County. The respondent was employed as a peace officer on the date of the offense (Date of Offense: November 11, 2017) with the Westminster Police Department, Separated December 20, 2017. The respondent has failed to comply with POST Show Cause Order No. M19-04 by failing to appear at the scheduled Show Cause Hearing on June 3, 2019. Director Bourgerie recommends revocation of Roger Leonard Stockman's Colorado Peace Officer Certification B15359 (PID 134987).
2. No. M19-05, Tomas Luther Alexander Crowley, Certification B12878 (PID 128618). On January 30, 2019, Respondent was convicted of one count of Harassment – Telephone – Threat/Obscene, §18-9-111(1)(e), a class 3 Misdemeanor, in Case No. 18CR626 in the District Court of Boulder County. The respondent was not employed as a peace officer on the date of the offense (Date of Offense: March 17, 2018). The respondent has failed to comply with POST Show Cause Order No. M19-05 by failing to appear at the scheduled Show Cause Hearing on June 3, 2019. Director Bourgerie recommends revocation of Tomas Luther Alexander Crowley's Colorado Peace Officer Certification B12878 (PID 128618).

3. No. M19-08, LeAnn Marie Moreno, Certification B11279 (PID 100726). On June 19, 2019, Respondent pled guilty and was sentenced for one count of Unlawful Use of Controlled Substance, §18-18-404, a Misdemeanor, in Case No. 19CR283 in the District Court of Fremont County. The respondent was not employed as a peace officer on the date of the offense (Date of Offense: May 18, 2019). The respondent has failed to comply with POST Show Cause Order No. M19-08 by failing to appear at the scheduled Show Cause Hearing on August 12, 2019. Director Bourgerie recommends revocation of LeAnn Marie Moreno's Colorado Peace Officer Certification B11279 (PID 100726).

Motion to Revoke: 1st – Rakowsky, 2nd- Harvey.

Revocation of POST Certification was approved by unanimous vote.

13. **Work Session Recap**

Director Erik Bourgerie

The Attorney General discussed strategic priorities and planning, an overall philosophical view of where the Board should be going a unit, and will continue to work on that at the March work session. The Board also went through their mandatory 18-11- 98 House Bill training, and had a review of POST Board Rule and presented Academy Metrics to the board, which is available on the POST website. The Board also approved the posting of academies' 3 year rankings. An update was given on the Otero Junior College shutdown and re-application as a new academy. Went over a proposal for an entirely new academy curriculum, which was approved by the Board in philosophy and also approved in seeking funds from legislature for a job task analysis to start that process. The Board also approved moving forward with the theory of a new certification per diem. Discussed alternative on Rule 28 non-compliance that discussion led to a new legislative proposal. The Board approved a mandated age requirement of 21 years old for POST Certification, and agreed to move forward with the 35 proposed additions to misdemeanor revocations statute, with 2 additional charges added to that list. A legislative change was approved by the Board to allow discretions for a scholarship fund for small/rural academies and the Board agreed to remove the 1 year requirement for reciprocity, and addendum to the School Resource Officer requirement. Requirement for Colorado residency for peace officers was approved, and also POST's ability to have an impact on an individual's certificate for non-compliance. The Board also discussed a proposal for a Tactical Emergency Medical Support (TEMS) Reserve Academy. There was support for POST to gain legislative authority to use "Use of Lethal Force" examples for training programs and education. POST Board will explore reciprocity agreements for Federal law enforcement and Military Police for POST Certification.

14. **Sunrise Review Subcommittee Report** Sheriff Tony Spurlock
(See supplemental handout)

Fire Code Compliance Officers

Requested ability to conceal/carry handguns and have a revised academy developed. The Subcommittee did not support a further Sunrise Review, due to the ability of having other officers join them in their work from their jurisdiction or other investigating arm.

Motion to not recommend: 1st – Committee, 2nd- Smith. Vote: Unanimous

Department of Revenue Motor Vehicle Investigations Unit

Authority to perform investigations through VIN and other identifiers. Subcommittee wishes to grant review.

Daren Icardi – o/b/o 6 criminal investigators, asking for Board support

*Motion to recommend to the legislature to grant status (**Shall** be POST Certified): Motion 1st - Committee, 2nd- Christiansen. Vote: Unanimous*

Department of Revenue Criminal Tax Enforcement Section

Rodney Johnson, Director, Special Agent Peter Muggli
Seeking POST Authority as criminal investigators of all tax crimes in Colorado.

*Motion to recommend to the legislature to grant status (**Shall** be POST Certified) Motion: 1st - Committee, 2nd – Collins. Vote: Unanimous*

15. **Grant Guidelines Revision** Grant Manager Kim Hernandez
(See supplemental handout – Pink Tab)

Revision: Section 13.1 - Grantee notifies POST 60 days prior to class start date. Enrollment will only be available to officers in that training region until 30 days before the class start date. At that time, other officers can register for the class. Enrollment will close 15 days until class start date. Grantee agrees to limit enrollment to 4 seats or 20% class size, whichever is greater, for each agency within the region until 15 days prior to the start of training.

Motion: 1st - Chavez, 2nd – Collins. Vote: Unanimous

16. **Proposed SME Policy** Compliance Manager
(See supplemental handout – Lime Tab) Cathy Rodriguez

There are Parts of Rule 4 that are vague and haven't been fully implemented. The committees are great about meeting regularly and participation, but there are challenges: Attendance at committees/ unable to meet quorum, the work isn't being spread out as the same groups of people are always conducting business, test outs and skills inspections. The rule says that they have to attend a "Majority" of meetings. The proposed SME Policy provides clarification of what the Board's expectations are.

Proposed changes: AG has review of appointees to the SME Committees. Email/telephone meetings considered acceptable. Changes to the size of the committees and number of members that constitute a quorum. Letters of continued support for serving as a SME Committee member, as there are no term limits. Minimum of 1 test-out and 1 inspection per year for each SME committee member. SMEs create a "Best Practices Policy" for all academies to follow.

AG Phillip Weiser – We can add that meeting decisions can be voted on via email.

Straw Poll: Unanimous agreement to the plan as proposed

17. **2020 Proposed POST Board Meeting Dates** Director Erik Bourgerie

March 27, 2020 (Work Session March 26, 2020)
June 5, 2020
September 18, 2020 (Work Session September 17, 2020)
December 18, 2020

Motion: 1st - Spurlock, 2nd – Taylor. Vote - Unanimous

18. **VIN Inspector Revocations** Director Erik Bourgerie

Postponed for further review

19. **Decertification for Untruthfulness Process** Director Erik Bourgerie

Subcommittee Members: Harvey, Mobley, Barnes, Rakowsky, Funston

20. **Adjournment 12:00pm** Attorney General Phil Weiser

Motion: Harvey, Spurlock 2nd

Next POST Board Meeting

December 6, 2019

Ralph L. Carr Colorado Judicial Center
1300 Broadway
Denver CO

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