

RECORD OF PROCEEDINGS

P.O.S.T. BOARD MEETING
JANUARY 31, 1997
DEPARTMENT OF LAW, 1525 SHERMAN

The Peace Officer Standards and Training Board held their 303rd board meeting at the Department of Law , 1525 Sherman St., 6th floor, in Denver, Colorado with the following persons present:

BOARD MEMBERS:

EXECUTIVE DIRECTOR PAT AHLSTROM
MAYOR MARGARET CARPENTER
SHERIFF JEFFREY CORRIVEAU
SHERIFF DAN CORSENTINO
SHERIFF GEORGE EPP
REV. GILL FORD
CHIEF CHARLES JOHNSTON
SHERIFF ED JORDAN
CHIEF FRANK MARTINEZ
SHERIFF RICHARD MURDIE
CHIEF AL STANLEY
CHIEF CHARLES WIDUP
SHERIFF STEPHEN ZOTOS

BOARD MEMBERS ABSENT:

CHIEF DAVE MICHAUD
ATTORNEY GENERAL GALE NORTON

STAFF MEMBERS:

PAUL FARLEY, ATTORNEY GENERAL'S OFFICE
ADRIENNE HUNTER, P.O.S.T. COMPLIANCE OFFICER
JOHN R. SHELL, P.O.S.T. DIRECTOR

GUESTS:

ACADEMY DIRECTOR JIM ALEXANDER, RED ROCKS COMMUNITY COLLEGE
DIRECTOR PETE BACA, DENVER BUSINESS COLLEGE
ACADEMY DIRECTOR CPT. ED BINGHAM, DENVER POLICE DEPT.
ACADEMY DIRECTOR TIM BLACK, RED ROCKS COMMUNITY COLLEGE
TOM BOCK, LOUISVILLE POLICE DEPT.
ACADEMY DIRECTOR SGT. JOE BREISTER, EL PASO COUNTY SHERIFF'S DEPT.
ACADEMY DIRECTOR LT. ROGER CLOYD, AURORA POLICE DEPT.

EXECUTIVE DIRECTOR JIM DRURY, COUNTY SHERIFFS OF COLORADO
CHIEF BRUCE GOODMAN, LOUISVILLE POLICE DEPT.
SGT. ROBERT GOWEY, MORRISON POLICE DEPT.
DARYL HOFFMAN, ARVADA POLICE DEPT.
BILL KOLESZAR, DENVER BUSINESS COLLEGE
CAREY L. LUTZ, GILPIN COUNTY SHERIFF'S DEPT.
ACADEMY DIRECTOR DAVE MARQUITH, COMMUNITY COLLEGE OF AURORA
DEPUTY DAN MEJIA, EL PASO COUNTY SHERIFF'S DEPT.
LUCILE MUSMANNO, ENFORCE, INC.
RON O'CONNELL, COLORADO SPRINGS POLICE DEPT.
SGT. MIKE STEEVES, LA JUNTA POLICE DEPT.
ACADEMY DIRECTOR MARY SUTTON, PUEBLO COMMUNITY COLLEGE
CHIEF ROBERT WASKO, MORRISON POLICE DEPT.
ACADEMY DIRECTOR DEBBIE WILKE, ARAPAHOE COMMUNITY COLLEGE
ILYA WINSTEIN
EXE. SGT. ROBERT YANI, MORRISON POLICE DEPT.

- I. Resignation of Chief Al Kiburas
Retirement of SAIC Joe Johnson
- II. Approval of November 22, 1996 Minutes

A correction was made to the minutes, indicating that a quorum was present to approve all items. The minutes were approved as corrected.

- III. Variance Requests, Adrienne Hunter.
 - A. Variances to Rule 7 - Basic Training Program.
 1. Diamond, Michael L.

Request:

Petitioner requests P.O.S.T. to accept his prior law enforcement training as current, and to consider his two years of Reserve Unit service at the Aurora Police Department towards P.O.S.T. certification. Petitioner is willing to take skills training to become state certified.

History/Facts:

- 05/07/93 - Completed basic training, Arapahoe Community College
- 04/13/95 - Completed Reserve Officer Mini-Skills Academy, (120 Hours) through Aurora Police Dept.
- 04/13/95 - Appointed Reserve, Aurora Police Dept. Never certified.
- 12/05/96 - P.O.S.T. received variance request.

Staff Recommendation:

Grant request. Staff recommends variance from retaking basic training, if Petitioner completes the following requirements by July 31, 1997:

- a) complete a P.O.S.T. approved skills training program, or skills exams in arrest control, firearms and driving;
- b) obtain a cleared background check including fingerprints; and upon completion of these,
- c) successfully pass the P.O.S.T. certification exam.

Under this variance Petitioner is not permitted to serve as a peace officer or reserve peace officer until successful completion of Board imposed requirements.

Roger Cloyd, Aurora Police Dept., was present and stated that Mr. Diamond had been suspended from his position pending the outcome of his request. Aurora Police Dept. supports staff's recommendation.

Staff's recommendation approved.

2. Winstein, Ilya

Request:

Petitioner requests P.O.S.T. to accept his prior law enforcement training as current for state certification.

History/Facts:

- 10/19/88 - Appointed Reserve, Denver PD
- 09/22/89 - Completed Reserve Academy, Denver PD
- 01/29/90 - Colorado state reserve certified #R0862
- 11/29/91 - Separated Denver PD
- 04/17/92 - Completed basic training Aurora PD
- 04/17/92 - Appointment Aurora PD
- 08/10/92 - Separated Aurora PD
- 11/29/94 - Colorado reserve certificate expired.
Never certified as level one peace officer.
- 12/09/96 - P.O.S.T. received variance request.

Staff recommendation:

Deny request. Staff recommends a variance from retaking basic training, if Petitioner completes the following requirements by July 31, 1997:

- a) complete a P.O.S.T. approved skills training program, or skills exams in arrest control, firearms, and driving;
- b) obtain current first aid and CPR certifications;
- c) obtain a cleared background check including fingerprints; and, upon completion of these,
- d) successfully pass the P.O.S.T. certification exam.

Staff's recommendation approved.

B. Variance to Rule 8 - Course of Study.

1. Lutz, Carey Lynn

Request:

Petitioner requests the P.O.S.T. Board to allow her to sit for the written P.O.S.T. exam based on the credits she has earned towards her degree in Criminal Justice, her completed skills training, and her CPR/First Aid certifications.

History/Facts:

- 08/17/96 - Employed Gilpin CO SD - Detention Div.
- 09/19/96 - Completed skills training portion of CCA/Adams County police academy.
- 12/05/96 - P.O.S.T. received variance request
- 12/15/97 - Will graduate from Metropolitan State College of Denver, bachelor of science, criminal justice.
- Never appointed.
- Never certified.

Staff recommendation:

Deny request.

P.O.S.T. rules at present indicate that a person must have at least an associate's degree in criminal justice to be eligible to take the state certification exam. Ms. Lutz' contention is that she has enough criminal justice credits to qualify her for an associates degree, however, her institution does not issue an associates degree just a bachelors degree. POST rule 8 says you have to have the degree, it does not stipulate the actual hours in criminal justice.

A discussion was had regarding the actual content of the hours Ms. Lutz completed.

A motion was made to grant Ms. Lutz' variance, based upon staff's review of her transcript to show she has completed her core courses in criminal justice. The motion passed with three opposing.

C. Variance to Rule 9 - Reciprocity

1. Tischler, Larry Thomas

Request:

Petitioner requested the P.O.S.T. board to accept his Texas P.O.S.T. certification as in current status, that he may complete skills training to become Colorado certified.

History/Facts:

- 07/02/77 - Appointed Houston City Marshall's office
- 07/01/78 - Completed basic training at Harris County Sheriff's Academy, Houston, Texas
- 01/24/80 - Separated Houston City Marshall's Office
- 05/29/80 - Appointed Pearland Police Department.
- 07/13/81 - Separated Pearland Police Department.
- 08/19/81 - Appointed Grand Prairie Police Department.
- 09/01/81 - Texas state certified.
- 05/31/90 - Separated Grand Prairie Police Department
- 10/28/91 - Appointed Voluntary Reserve Deputy, Lamar County Sheriff's Office, Texas.
- 03/29/93 - Separated Lamar County Sheriff's Dept.
- 10/25/96 - P.O.S.T. received variance request.

Staff recommendation:

Deny request. Staff recommends the following requirements:

- a) complete a P.O.S.T. approved basic training program;
- b) obtain current first aid/CPR certifications;
- c) obtain a cleared background check including fingerprints; and, upon completion of these,
- d) successfully pass the P.O.S.T. certification exam.

Staff's recommendation approved.

2. Harrison, Dennis V.

Request:

Petitioner requests the P.O.S.T. board to grant a six month variance extension.

History/Facts:

- 07/02/73 - Appointed Scottsdale Police Dept., Scottsdale, AZ.
- 12/12/96 - Separated Scottsdale Police Dept., AZ.
- 11/25/96 - P.O.S.T. received initial variance request.
- 01/02/97 - Appointed Chief Fort Collins, Police Services, CO.
- 01/02/97 - P.O.S.T. directed granted initial variance.
- 01/03/97 - P.O.S.T. received request for variance extension.
- 01/21/97 - Proficiency testing-out, completed FA/AC; failed driving

Staff recommendation:

Grant request. Staff recommends a six month variance extension to comply with the following requirements by July 31, 1997:

- a) complete a P.O.S.T. approved skills training program; or skills exam in driving only;
- b) obtain current CPR and first aid certifications;
- c) obtain a cleared background check including prints; and upon completion of the above requirements.
- d) successfully pass the written certification exam.

Staff's recommendation approved.

D. Variance to Rule 18 - Skills Instructors

1. Chief Robert Wasko

Request:

Petitioner requests the P.O.S.T. board to accept officer Robert Gowey's years of law enforcement experience in instructing in-service classes as an equivalent substitution for Rule 18 - Skills Instructors, so he may be the full instructor for the Morrison Police Department Reserve Academy in Arrest Control.

History/Facts:

- 08/01/74 - Appointed Reserve Jefferson County Sheriff's Dept.
- Spring 81 - Completed Jefferson County Reserve Academy
- 08/13/81 - Separated as reserve from Jefferson CO SD
- 09/01/81 - Appointed reserve at Wheat Ridge PD
- 04/03/82 - Completed Wheat Ridge PD reserve academy
- 03/01/85 - Separated as reserve from Wheat Ridge PD
- 04/02/86 - Appointed Reserve Morrison PD
- 09/15/89 - Certified Level I reserve #R0230 by Grandfathering.
- 09/01/91 - Separated as reserve from Morrison PD
- 02/27/92 - Appointed Reserve with Park CO SO

- 01/17/94 - Appointed Deputy Sheriff Clear Creek CO SO.
- 05/23/94 - P.O.S.T. issued cert. #15627 by Conversion from Grandfathered Level I reserve.
- 01/27/95 - Separated Clear Creek CO SO
- 03/09/95 - Appointed Deputy Sheriff Clear Creek CO SO.
- 01/09/96 - Appointed Reserve Morrison PD
- 09/27/96 - Appointed Level I Morrison PD.

Staff recommendation:

Grant request contingent upon Officer Gowey's satisfying the Board as to the adequacy of his qualifications. Under the unusual circumstances of this case, staff recommends variance of accepting Gowey's law enforcement experience in teaching in-service classes in arrest control as being equivalent to the requirements of Rule 18, for this program only.

Mr. Farley stated that since the P.O.S.T. bill went through the legislature last session, the town of Morrison had been attempting to start a reserve academy. Chief Wasko has had a continuing problem in getting an arrest control instructor. Under current P.O.S.T. rules, in order to teach the skill portion of the program, an instructor must completed an approved an arrest control instructor course as well as teach a number of hours as an assistant skills instructor in a POST approved skills program. Mr. Farley and John Shell met last week with Senator Hopper, who strongly encouraged P.O.S.T. to find a solution, even if only a temporary one, otherwise she felt it might be necessary to revisit the question of exemption towns with a population of under 2000 from P.O.S.T. requirements.

Chief Johnston asked if Chief Wasko had asked anyone in Jefferson County law enforcement agencies to assist him with this issue?

Chief Wasko stated that Morrison was trying to keep the cost of the academy down, so he really had not discussed this with any other agencies.

Chief Johnston offered the services of Lakewood instructors to Chief Wasko at no cost.

A motion was made to deny petitioner's request.

Chief Widup stated that he comes from a small agency as well, and his agency offers their instructors to everyone in five counties in the valley, and thought that Chief Johnston has made a very fair offer. He stated that he resented Senator Hopper's threat to revisit an issue which P.O.S.T. had already closed the door on. That issue was litigated, patched out, argued, and so on, but as far as excluding towns with a population under 2000, that, as far as P.O.S.T. was concerned, was lowering the standards of law enforcement in the state. So he supported the motion.

The motion passed unanimously.

IV. Discussion Items

- A. Results of Academy Inspection for Fall 1996, John Shell.
- B. Results of the CLEFIA Firearms Instructor Course, Daryl Hoffman.

Daryl Hoffman stated that the class was put on January 13 and 14. This course was basically designed for officers who don't have access to teaching in basic firearms academy level training. The course was originally offered on four different dates in December and January in outlying areas. The CLEFIA requirement was that they have at least 10 people sign up for each class, due to financial concerns. Because they did not have enough people sign up for each of the classes, it was decided to do one class in the metro area. The classroom portion was taught at the Arvada Police Dept. and the range portion was taught at the CSP academy. The instructors did teach the 16 hour approved course. No police departments took up this offer, but many sheriff's departments did. Verbal feedback was very good -- if there is a request for another course CLEFIA can do one this summer.

- C. Incorporating Community Policing throughout the entire Basic Training Program Curriculum, Chief Tom Koby, Boulder Police Dept.

This discussion was tabled due to Chief Koby's inability to be present at the meeting.

- D. Test results of Basic Academy for Fall 1996, John Shell.
- E. Resolution of Support for the Limited Partnership of P.O.S.T. for Colorado Consortium.

This discussion was tabled until the next meeting.

- F. Discussion of Grant Request for Producing of the "Authority of a Colorado Reserve Officer" Video Tape, John Shell.

- G. Update in Academy Curriculum and Exam. - Mayor Margaret Carpenter

Mayor Carpenter thanked the board for agreeing to set up the test panel and noted that it has been interesting working with professional test writers. She also noted that Terry Lauhon was the only member of the group present, due to various circumstances: Bob White is out for heart surgery, Bob Keatley is busy with Boulder Police Dept., and Linda Olson had taken a back seat in the proceedings, due to plans for her to attend a basic training academy.

The blue-ribbon committee had the following four recommendations to present to the board:

1. The exam should be just 100 questions. P.O.S.T. had contracted for 400 questions from the test writers, and this would give a good lifespan for those 400 questions.
2. The implementation date of the new questions should be March 21, 1997. Part of this recommendation is that P.O.S.T. not use the skills questions in the first two cycles. The reasoning for this is that the people hired to do the academic questions were not the same people who wrote the skills questions. Therefore, when P.O.S.T. analyzes the test questions, having the skills questions intermingled would create problems in figuring out the accuracy of the questions.
3. Only new questions should be used in the new exam. In the original proposal to Landy Jacobs, P.O.S.T. suggested that there might be an opportunity for them to look at the original 150 questions. After careful consideration its the recommendation of the group that those questions be given peaceful burial. These questions have been used for too long; they don't connect with the current curriculum; they don't connect with current source material; and it is the opinion of the group and the consultant that it would be more expensive than it is worth to go back and look at those 150 questions and see if they could be rewritten to catch up with the newer material. Obviously, since the consultants will not be dealing with those questions if P.O.S.T. agrees with this, there will be no charge for that service.
4. The curriculum committee should be directed to meet with the various SME committees, so that they can start to find some continuity between what has already been done with the academic questions, and what should be done with the skills questions.

All four recommendations were unanimously approved by the board.

H. Discussion of Course of Study - Certification.
SME Curriculum Committee, Mayor Margaret Carpenter

Mayor Carpenter stated that the SME Curriculum Committee wished to request that the P.O.S.T. board and the academy directors have an informal meeting to discuss what the directors have seen as the course of study has changed from what it used to be. Community College of Aurora had done an analysis, and discovered that only 25% of the areas covered in an academy curriculum are covered under course of study. Mayor Carpenter had discussed this issue with some outside police chiefs and sheriffs, and found out that there is really no high, hard data, and so many of them cannot really explain why they have problems with it, having more of a gut feeling about the situation. Really, there are just one out of two dozen people who have taken advantage of it, so the committee is very pressed to get hard data from such a small group of people. However, there are still some very serious concerns, which is why the curriculum committee is requesting this meeting. They would also prefer this to be an informal meeting, so that the academy directors feel more free to have input.

The board decided to have this informal meeting with the academy directors not at the next board meeting, which was going to be on April 11, 1997 in La Junta, but at the meeting after that, sometime in July.

I. County Sheriffs of Colorado Annual Training Report. Sheriff Zotos took this opportunity to introduce Jim Drury, who is the new executive director of the CSOC.

A motion was made to accept this information, and recognize that all the sheriffs have met the requirements of the minimum 20 hours. The motion was seconded, and approved unanimously.

The meeting was adjourned.

RECORD OF PROCEEDINGS

P.O.S.T. BOARD MEETING

APRIL 11, 1997

OTERO PTI CONFERENCE ROOM, LA JUNTA, COLORADO

The Peace Officer Standards and Training Board held their 304th board meeting at the Otero PTI Conference Room, 27850 Harris Road, in La Junta, Colorado with the following persons present:

BOARD MEMBERS:

MAYOR MARGARET CARPENTER
SHERIFF DAN CORSENTINO
SHERIFF ED JORDAN
CHIEF FRANK MARTINEZ
SHERIFF RICHARD MURDIE
CHIEF CHARLES WIDUP
SHERIFF STEPHEN ZOTOS

BOARD MEMBERS ABSENT:

EXECUTIVE DIRECTOR PAT AHLSTROM
SHERIFF JEFFREY CORRIVEAU
CHIEF JOSEPH CORTEZ
SHERIFF GEORGE EPP
REV. GILL FORD
CHIEF CHARLES JOHNSTON
MR. FRANK LOTURCO
CHIEF DAVE MICHAUD
ATTORNEY GENERAL GALE NORTON
CHIEF AL STANLEY

STAFF MEMBERS:

PAUL FARLEY, ATTORNEY GENERAL'S OFFICE
JOHN LIZZA, ATTORNEY GENERAL'S OFFICE
LINDA OLSON, P.O.S.T. DEPUTY DIRECTOR
JOHN R. SHELL, P.O.S.T. DIRECTOR

GUESTS:

MARK ACHEN, CITY MANAGER - CITY OF GRAND JUNCTION
ACADEMY DIRECTOR JIM ALEXANDER, RED ROCKS COMMUNITY COLLEGE
ACADEMY DIRECTOR PHILIP BACA, CITY COLLEGE OF COLORADO SPRINGS
JERRY L. BUTLER, BENT COUNTY SHERIFF'S DEPT.
R.K. COPESS, LAMAR POLICE DEPT.

RICK DYER, GRAND JUNCTION POLICE DEPT.
SHERIFF JOHN EBERLY, OTERO COUNTY SHERIFF'S DEPT.
DAVID R. ENCINAS, ROCKY FORD POLICE DEPT.
CHIEF JOHN HALL, LAMAR POLICE DEPT.
KENNITH W. HARRIS, BENT COUNTY SHERIFF'S DEPT.
SERGEANT LES JOHNSON, GRAND JUNCTION POLICE DEPT.
ACADEMY DIRECTOR BILL KOLESZAR, DENVER BUSINESS COLLEGE
DONN KRAEMER, LAKEWOOD POLICE DEPT.
ACADEMY DIRECTOR DAVE MARQUITH, COMMUNITY COLLEGE OF AURORA
RON O'CONNELL, COLORADO SPRINGS POLICE DEPT.
ACADEMY DIRECTOR MARY SUTTON, PUEBLO COMMUNITY COLLEGE
RICHARD WREN, LA JUNTA POLICE DEPT.

In the absence of Attorney General Norton, Sheriff Zotos acted as chair of the meeting in her place. No quorum was present, so all items on the agenda need to be reapproved at the next P.O.S.T. Board meeting on July 18, 1997.

I. Approval of January 31, 1997 Minutes.

Approved.

II. Variance Requests, Linda Olson.

A. Rule 6 - Basic Certification.

If an applicant cannot pass the certification examination after three attempts, he or she ceases to be eligible for certification, unless the applicant re-qualifies under Rule 7.

1. Schatz, Michael Chris

Petitioner requests the POST Board grant him a variance to allow him to sit for the POST certification exam for a fourth time.

At Mr. Schatz' request, this item was tabled until the next board meeting.

B. Rule 7 - Basic Training Program.

An applicant is eligible to sit for the certification examination under this rule if, in addition to the requirements set out in rule 6(b), he or she has successfully completed an approved basic training program, including skills training, within the previous three years.

1. Butero, Maureen Denise

Request:

Petitioner requests the POST Board to grant her a variance by accepting her basic training as current so she may sit for the POST certification exam.

History/Facts:

- 11/23/88 - Completed basic training at Pikes Peak Community College LE Academy.
- 01/01/93 - Hired at DOC as Housing Officer.
- 07/01/95 - Terminated DOC as Housing Officer.
- 07/01/95 - Hired at University of Southern CO PD as Security Guard.
- - Petitioner has never been appointed.
- - Petitioner has never been certified.
- 03/05/97 - POST received variance request.

Staff Recommendation:

Deny Request.

Staff's recommendation approved.

C. Rule 9 - Reciprocity.

To be eligible to sit for the certification examination under this rule, an applicant must, in addition to the requirements set out in rule 6(b): be currently authorized to serve as a peace officer by any other state or federal jurisdiction.

1. Konzak, Gary D.

Petitioner requests the POST Board to grant him a twelve month variance so that he may complete POST certification requirements. Petitioner waives any requirements under the "30 day rule", to have a response from the Board.

History/Facts:

- 1970 - Appointed peace officer, LaGrange PD, LaGrange, ILL.
- July 1987- Appointed Chief LaGrange PD.
- May 1992 - Appointed Chief of Carol Stream PD, Carol Stream, ILL.
- June 2, 1997 - Scheduled to be appointed Chief of Police at Grand Junction PD, Grand Junction, CO.

Staff Recommendation:

Deny Request. Staff recommends Petitioner complete the following requirements to become state certified:

- a) complete a POST approved Skills Training Program; or skills exams in arrest control, driving, and firearms;
- b) obtain current first aid/CPR certifications;
- c) obtain a cleared background check including fingerprints; and, upon completion of these,
- d) successfully pass the POST certification exam.

Petitioner has the opportunity to complete the skills testing examinations and the written certification examination on May 12th and 13th, 1997 prior to his appointment.

Mark Achen, city manager for the City of Grand Junction, was present as a representative for Chief Konzak. Mr. Achen stated that it would be very difficult for Chief Konzak to complete these requirements prior to his appointment as chief of Grand Junction, as he needed to be present in Carol Stream, Illinois at least until May to complete his contract with that city. Twelve months was requested from the board as the ideal amount of time for Chief Konzak to become certified, but they would be agreeable to a six month time limit as well.

A motion was made and passed to grant Chief Konzak a six month variance to complete staff's requirements.

D. Rule 13 - Continuing Certification Requirements.

The Board may renew a basic certificate if the certificate holder has not served as a peace officer for more than three years but less than seven years, if the certificate holder successfully completes the skills examination or skills training and meets all of the requirements of Rule 6.

1. Bevel, John W.

Request:

Petitioner requests the POST Board to renew his POST certificate even though he has been out of law enforcement for more than seven years.

History/Facts:

- 08/15/70 - Appointed level I peace officer, Craig PD.
- 02/19/71 - Completed basic training, CLETA.
- 04/15/73 - Terminated, Craig PD.
- 04/30/73 - Appointed level I peace officer, Golden PD.
- 03/15/74 - Colorado state certified #3081.
- 06/15/76 - Associate Degree in Criminal Justice from Community College of Denver.

- 02/15/77 - Terminated, Golden PD.
- 02/15/77 - Appointed level I peace officer, Thornton PD
- 01/21/85 - Terminated, Thornton PD.
- 01/28/85 - Appointed Chief of Police, Holyoke PD.
- 03/18/86 - Terminated, Holyoke PD.
- 10/15/86 - Appointed level I peace officer, Ogallala PD, in Nebraska.
- 01/30/87 - Terminated, Ogallala PD.
- 01/25/97 - POST received variance request.

Staff Recommendation:

Deny Request.

Staff's recommendation approved.

2. Perry, James A.

Request:

Petitioner requests a variance so he may complete mini-skills course requirements to renew his basic certificate.

History/Facts:

- 11/01/83 - Appointed level I peace officer, Lochbuie PD.
- 03/23/84 - Completed basic training, CLETA.
- 04/06/84 - Colorado state certified #10798.
- 07/25/85 - Terminated, Lochbuie Police Department.
- 08/03/85 - Appointed level I peace officer, Eagle PD.
- 12/09/86 - Terminated, Eagle Police Department.
- 12/09/86 - Appointed level I peace officer Eagle CO SD.
- 03/04/90 - Terminated, Eagle County Sheriff's Dept.
- 02/27/97 - POST received variance request.

Staff Recommendation:

Deny request. Staff recommends Petitioner complete the following requirements before his certification may be renewed:

- a) complete a POST approved skills training program; or skills exams in arrest control, driving and firearms;
- b) obtain current first aid/CPR certifications;
- c) obtain a cleared background check including fingerprints; and, upon completion of these,

d) successfully pass the POST certification exam.

Petitioner is not permitted to serve as a peace officer or a reserve peace officer until successful completion of Board imposed requirements.

Staff's recommendation approved.

III. Board Decision Items.

- A. Discussion and Recommendation from the Firearms SME Committee reference: Basic Handgun Tactical Qualification Course - John Shell.

A motion was made to approve the committee's recommendation. The motion was seconded and approved unanimously.

- B. Correspondence from Sheriff Ray Blaum, Hinsdale County, requesting substitution of the New Sheriff Training Course from the National Sheriffs' Institute in place of the 80 hour New Sheriff's Training Course through the County Sheriffs of Colorado: § 30-10-501.5(2)a, C.R.S., - John Shell.

A motion was made to accept the national training in place of the 80 hour course as taught by the County Sheriffs of Colorado. The motion was seconded and approved unanimously.

- C. Resolution - SB 97-212

IV. Discussion Items.

- A. Report on new basic curriculum at SCLETA - Linda Olson.
B. Report on Annual Officer Appointment Update - John Shell.

A motion was made to send a letter to the personal attention of each sheriff, chief or district attorney on the list, with the responses to come back to the staff by May 12. The motion was seconded and approved unanimously.

- C. Summary of Skills Testing for the Last Two Testing Periods - John Shell.
D. Report on: Video Producing Grant Request (\$10,148) from the Drug Control and System Improvement Program - John Shell.

John Shell stated that while the grant committee had not approved P.O.S.T.'s request for emergency funds for the video, P.O.S.T. is proceeding with a request for

regular grant funds. If the request is approved, the funds should become available sometime in October.

E. Resolution: SB 97-212

A motion was made to approve this resolution. The motion was seconded and carried unanimously.

F. Executive session on Morgan County litigation -
Paul Farley and John Lizza.

A motion was made for the board to move into executive session. The motion was seconded and approved unanimously.

The meeting was then adjourned.

P.O.S.T. BOARD MEETING

RECORD OF PROCEEDINGS

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BOARD MEMBERS:

EXECUTIVE DIRECTOR PAT AHLSTROM
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SHERIFF GEORGE EPP
REV. GILL FORD
CHIEF CHARLES JOHNSTON
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CHIEF FRANK MARTINEZ
CHIEF DAVE MICHAUD
CHIEF CHARLES WIDUP
SHERIFF STEPHEN ZOTOS

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ACADEMY DIRECTOR PHIL BACA, CITY COLLEGE OF COLORADO SPRINGS
ACADEMY DIRECTOR CAPT. ED BINGHAM, DENVER POLICE DEPT.
ACADEMY DIRECTOR SGT. JOE BREISTER, EL PASO COUNTY SHERIFF'S DEPT.
JOHN CHIN, FRONT RANGE COMMUNITY COLLEGE

DON CHRISTENSEN, DOUGLAS COUNTY SHERIFF'S DEPT. (FIREARMS SME)
ACADEMY DIRECTOR LT. ROGER CLOYD, AURORA POLICE DEPT.
SHERIFF JOSEPH GALLEGOS, COSTILLA COUNTY SHERIFF'S DEPT.
MICHELE HANEY, FRONT RANGE COMMUNITY COLLEGE
LONNIE HART, FRONT RANGE COMMUNITY COLLEGE
CAPT. BOB HILBURN, DENVER POLICE DEPT. - RECORDS
LT. RON JONES, EL PASO COUNTY SHERIFF'S DEPT.
ALLEN O. KEVARI, WOODLAND PARK POLICE DEPT.
DAN MARK, AURORA POLICE DEPT. (DRIVING SME)
JANICE L. MAYHAN, MORGAN COUNTY SHERIFF'S DEPT.
RON O'CONNELL, COLORADO SPRINGS POLICE DEPT. TRAINING ACADEMY
ACADEMY DIRECTOR DR. JOHN O'SHEA, SCLETA
ACADEMY DIRECTOR LT. JOHN PATTERSON, LAKEWOOD POLICE DEPT.
NORMA REYNOLDS, COMMUNITY COLLEGE OF AURORA POLICE ACADEMY
LT. GARY ROBINSON, DOUGLAS COUNTY SHERIFF'S DEPT.
MICHELLE RUSSELL, COMMUNITY COLLEGE OF AURORA POLICE ACADEMY
STEVEN P. SAMEK, PUEBLO POLICE DEPT. (FIREARMS SME)
MICHAEL CHRIS SCHATZ
LT. JENNIFER STECK, DENVER POLICE DEPT.
JEANNI TREVINO, C.I.L.E.T., INC.
NEAL E. TYLER, CANON CITY POLICE DEPT. (ARREST CONTROL SME)
ROBERT D. WHITE, PUEBLO POLICE DEPT. (DRIVING SME)
ACADEMY DIRECTOR DEBBIE WILKE, ARAPAHOE COMMUNITY COLLEGE

Sheriff Stephen Zotos acted as chair of the board in the absence of Gale Norton.

I. Board Re-appointments.

Sheriff Zotos welcomed the Chief Joseph Cortez (Brush Police Dept.) and S.A.C. Frank LoTurco (FBI), and thanked Chief Al Kiburmas and Chief Al Stanley with appreciation plaques for their service on the board.

II. Affirm Board Decision from the April 11th P.O.S.T. Board Agenda.

Approved.

III. Approval of April 11, 1997 Minutes.

Approved.

IV. Variance Requests.

A. Rule 6 - Basic Certification., Adrienne Hunter.

If an applicant cannot pass the certification examination after three attempts, he or she ceases to be eligible for certification, unless the applicant re-qualifies under Rule 7.

1. Mayhan, Janice L.

Petitioner requests the POST Board grant her a variance to allow her to sit for the POST certification exam for a fourth time.

- 07/25/96 Completed basic training, El Paso County Sheriff's Office.
- 07/26/96 Failed POST certification exam.
- 08/21/96 Failed POST certification exam.
- 11/20/96 Failed POST certification exam.
- 05/07/97 POST received variance request.

Staff Recommendation

Deny Request.

Staff's recommendation approved.

2. Schatz, Michael Chris

Petitioner requests the POST Board grant him a variance to allow him to sit for the POST certification exam for a fourth time. Petitioner is also requesting to have his exam be administered orally, if the Board will grant his first request. (This request is a carry over from the April 1997 P.O.S.T. Board Meeting - supporting documentation was missing.)

History/Facts:

- 12/19/96 - Failed POST certification exam.
- 12/21/96 - Completed basic training, Colorado Institute for Law Enforcement Training, Inc. (CILET, Inc.)
- 01/15/97 - Failed POST certification exam.
- 02/19/97 - Failed POST certification exam.
- 03/02/97 - POST received variance request.
- 06/01/97 - POST received second variance request.
- 06/30/97 - POST received a request of waiver for the thirty days to bring evidence to the Board.
- 06/30/97 - POST received learning disability test results from Petitioner's high school.

Staff Recommendation:

Deny Requests.

A motion was made to approve staff's recommendation. The motion was seconded.

A second motion was made to move into executive session. The motion was seconded and passed unanimously.

After 15 minutes, the board went back into the regular hearing.

The motion to approve staff's recommendation was approved unanimously.

B. Rule 7 - Basic Training Program, Adrienne Hunter.

An applicant is eligible to sit for the certification examination under this rule if, in addition to the requirements set out in rule 6(b), he or she has successfully completed an approved basic training program, including skills training, within the previous three years.

1. Herrera, Alfred

Petitioner requests the POST Board grant him a variance by accepting his basic training as current so he may do skills and sit for the POST certification exam.

History/Facts:

- 05/90 - Completed basic training, Arapahoe Community College.
- - Never certified.
- - Never appointed.
- 03/10/97 - P.O.S.T. received variance request.

Staff Recommendation:

Deny Request.

Staff's recommendation approved.

C. Rule 10(c) - Reserve Certification, Adrienne Hunter

A reserve certification shall expire automatically if the certificate holder is not serving and has not served as a peace officer or reserve peace officer for at least six months within the previous three years.

1. Kevari, Allen O.

Petitioner requests the POST Board to grant him a variance in order that his Reserve Officer Certificate #R0069 be reinstated as a Class I Reserve Officer.

History/Facts:

- 01/02/85 - Appointed as a Reserve Officer at Woodland Park Police Department.
- 05/01/89 - Grandfathered as a Reserve Peace Officer #R0069.
- 04/30/90 - Retired from Woodland Park Police Department.
- 06/03/97 - POST received variance request.

Staff Recommendation:

Deny Request. Staff recommends Petitioner complete a limited reserve training program.

Staff's recommendation approved.

D. Rule 13 - Continuing Certification Requirements, John Shell.

The Board may renew a basic certificate if the certificate holder has not served as a peace officer for more than three years but less than seven years, if the certificate holder successfully completes the skills examination or skills training and meets all of the requirements of Rule 6.

1. Gallegos, Joseph F.

Petitioner requests a variance extension so he may renew his basic certificate while continuing his appointment as Sheriff of Costilla County.

History/Facts:

- 08/01/81 - Appointed level I peace officer, Costilla CO SD.
- 05/27/82 - Completed basic training, W.S.T.A.
- 06/24/82 - Colorado state certified, #10056.
- 01/13/87 - Terminated Costilla CO SD.
- 01/08/91 - Appointed level I peace officer, Costilla, CO SD.
- 01/29/91 - Terminated Costilla CO SD.
- 01/10/95 - Sworn in as Sheriff - Costilla County.
- 02/24/97 - Variance request received by POST.
- 04/07/97 - Three month variance granted by Director signature until July 7, 1997.
- 07/02/97 - Variance extension request received by POST.

- 07/07/97 - Variance extension granted until July 18, 1997.

Staff Recommendation:

Deny Request.

Staff's recommendation approved with one opposing.

V. Approval Items, John Shell

A. Annual Board Appointment of SME Skill Committee Members

Approved.

B. Changes to Basic Skills Curriculum and Skill Instructor Courses.

Approved.

VI. Discussion Items.

A. Update on Grant Request for Video on Authority of Reserve Peace Officers, Chief Widup.

B. P.O.S.T. 2000 and Beyond: Update on Mission Statement, Value Statements and Goals, John Shell.

C. Correspondence from Erie Police Department, Chief Stephen Hasler, Ref. Certification of Reciprocity Candidates, John Shell.

D. Correspondence from Grand Junction City Manager, Mark K. Achen, and CML Associate Director, Samuel D. Mamet, John Shell.

E. Correspondence from City and County of Denver, Chief David L. Michaud, Paul Farley.

F. Summary of Skills Testout from the last two sessions, John Shell.

G. Certification Test Results, John Shell.

H. Course of Study, Mayor Carpenter.

Mayor Carpenter stated that the SME Curriculum Committee had decided to revisit the Course of Study issue in early 1998. The reason for their decision was that by January of 1998 the committee would have definite numbers of how many individuals passed the exam under the course of study option. The SME Curriculum committee believes that the exam will be extremely difficult for anyone to pass without reading or studying

the identified learning objectives and the source materials. The test itself may take care of anyone who is not completed a basic training course. If that proves to be the case, there will be good documentation to bring before the board with the recommendation to eliminate the course of study option. Right now they do not feel they have the justification to bring this issue before the board.

I. Correspondence of Sheriff Robert Bollish and Response of Steve Zotos, John Shell.

Sheriff Zotos requested that Pat Ahlstrom take over as chair during the discussion of this issue. The issue of solicitation of certified employees was discussed. A letter is to be sent to Sheriff Bollish advising him that the Board has no jurisdiction in this matter.

J. Board Suggestions and Recommendation for replacement of Chief Al Stanley's position on the P.O.S.T. Board, John Shell.

A motion was made to submit the name of Chief Lorne Kramer, city of Colorado Springs, as the replacement for the open chief's position on the board. The motion was seconded and approved unanimously.

K. Presentation by Longmont Chief of Police, Michael Butler Ref: Proposed Training Beyond Basic Level, Combined with Front Range CC

A motion was made for the board endorse the opportunity for a discussion to occur with the curriculum committee about adding this particular item for discussion to see if the board would entertain approval for incorporating into the existing curriculum, or adding it on, but let the committee make the recommendation to the board. The motion was seconded and approved unanimously.

A motion was made to move into executive session. The motion was seconded and approved unanimously.

VII. Executive Session: Litigation involving Morgan County, Paul Farley.

A motion was made and seconded to move out of executive session and back into the regular hearing. The motion was seconded and approved unanimously.

The board meeting was then adjourned.

P.O.S.T. BOARD MEETING

RECORD OF PROCEEDINGS

The Peace Officer Standards and Training Board held their 306th board meeting at the Monte Villa Inn, 925 1st Avenue, Monte Vista, Colorado with the following persons present:

BOARD MEMBERS:

EXECUTIVE DIRECTOR PAT AHLSTROM
MAYOR MARGARET CARPENTER
CHIEF JOSEPH CORTEZ
SHERIFF GEORGE EPP
SHERIFF ED JORDAN
CHIEF LORNE KRAMER
CHIEF FRANK MARTINEZ
CHIEF DAVE MICHAUD
SHERIFF RICHARD MURDIE
GALE NORTON
CHIEF CHARLES WIDUP
SHERIFF STEPHEN ZOTOS

BOARD MEMBERS ABSENT:

SHERIFF JEFFREY CORRIVEAU
SHERIFF DAN CORSENTINO
REV. GILL FORD
CHIEF CHARLES JOHNSTON
S.A.C. FRANK LOTURCO

STAFF MEMBERS:

JOHN LIZZA, ATTORNEY GENERAL'S OFFICE
LINDA OLSON, P.O.S.T. DEPUTY DIRECTOR
JOHN R. SHELL, P.O.S.T. DIRECTOR

GUESTS:

RICHARD ANGLUND
SHANNON ANGLUND, COLORADO DEPT. OF CORRECTIONS
GARY BERLIN, COLORADO DEPT. OF WILDLIFE
ACADEMY DIRECTOR SGT. JOE BREISTER, EL PASO COUNTY SHERIFF'S DEPT.
CHIEF HUGO CHAVEZ, CENTER POLICE DEPT.

VIRGINIA CORDOVA, COSTILLA COUNTY COMMISSIONER
SHERIFF JOSEPH GALLEGOS, COSTILLA COUNTY SHERIFF'S DEPT.
BOB LAUDERDALE, ARAPAHOE COUNTY SHERIFF'S DEPT.
ERIN MCSMITH, PUEBLO CHIEFTAIN
RON O'CONNELL, COLORADO SPRINGS POLICE DEPT. ACADEMY
ACADEMY DIRECTOR DR. JOHN O'SHEA, S.C.L.E.T.A.
BOB PASTORE, 12TH JUDICIAL DISTRICT ATTORNEY
CHIEF RICHARD F. PEÑA, LA JARA POLICE DEPT.
VICKY ROSENBAUM, EL PASO COUNTY SHERIFF'S DEPT.
CHIEF DANNY SANCHEZ, BLANCA MARSHAL'S OFFICE
ACADEMY DIRECTOR LT. ARTHUR N. SAPP, COLORADO SPRINGS POLICE
DEPT.
LT. JOHN WATTS, COLORADO DEPT. OF CORRECTIONS

Attorney General Norton thanked Chief Martinez for inviting the board to his area, and welcomed Chief Lorne Kramer on to the board.

Attorney General Norton requested that the board consider the litigation portion of the agenda first, and move into executive session to discuss the issue of Sheriff Gallegos' certification.

A motion was made for the board to move into executive session. The motion was seconded, and approved unanimously.

After fifteen minutes, a motion was made to move back into a public hearing. The motion was seconded and approved unanimously.

John Lizza stated that at the last meeting, the board had considered a variance request from Sheriff Gallegos for additional time in which to complete certification requirements. The board voted to deny that request, and that decision is reflected in the minutes of the board meeting. Since that meeting, staff has looked more closely at this issue. Sheriff Gallegos' records indicate that he was originally P.O.S.T. certified in 1989. Although Sheriff Gallegos was subject to revocation, the board never acted to revoke it. Since nothing was done, his certification is still intact.

Gale Norton added that this issue has to do with how the P.O.S.T. rules have changed over the years. Currently, when an officer has been out of law enforcement for more than three years, his certification automatically expires. Before 1996, P.O.S.T. had to identify people out longer than three years in order to revoke their certificate, which was not possible unless an individual had reentered the law enforcement work force.

Chief Martinez stated that Sheriff Gallegos had indicated to him that he intended to continue with the additional training. Chief Martinez wished to make the strong recommendation to Sheriff Gallegos that he continue with this process.

Sheriff Gallegos stated that he does intend to go through with the training, and that he has registered with Pikes Peak Community College, and will be taking firearms and arrest control with that academy.

I. Approval of July 18, 1997 Minutes.

Approved.

II. Variance Requests, Linda Olson

A. Rule 7 - Basic Training Program.

An applicant is eligible to sit for the certification examination under this rule if, in addition to the requirements set out in rule 6(b), he or she has successfully completed an approved basic training program including skills training, within the previous three years.

Shannon R. Anglund

Petitioner has requested the P.O.S.T. Board to grant her a variance that she may take basic skills training, and sit for the written exam to obtain basic certification.

History/Facts:

- 12/17/92 - Completed basic training at Pueblo Law Enforcement Academy, Pueblo Community College.
- Never certified.
- Never appointed.
- 07/01/93 - Hired by Department of Corrections, as a Correctional Officer.
- 07/16/97 - P.O.S.T. received variance request.

Staff Recommendation:

Grant Request. Staff recommends a variance from retaking basic training, if Petitioner completes the following requirements by March 17, 1998:

- a) complete a POST approved skills training program or skills exams;
- b) obtain current first aid and CPR certifications;
- c) obtain a cleared background check including fingerprints; and upon completion of the above,
- d) successfully pass the certification exam.

Staff's recommendation approved.

B. Rule 8 - Course of Study.

An applicant is eligible to sit for the certification examination under this rule if in addition to the requirements set out in rule 6(b), he or she has successfully completed an approved course of study, as well as skills training within the previous three years.

John Watts

Petitioner has requested P.O.S.T. Board to grant him a variance by accepting his A.A.S. degree as in current status so that he may complete skills at a P.O.S.T. approved academy to become certified.

History/Facts:

- 05/02/92- Completed an Associate of Applied Science degree in Law Enforcement at Northern Oklahoma College.
- 05/01/95 - Hired at D.O.C. - Case Manager.
- 07/25/97 - POST received variance request.

Staff Recommendation:

Deny Request.

A motion was made to grant the variance, including skills training and passing the P.O.S.T. Certification Examination. The motion was seconded and approved unanimously.

C. Rule 10 (c) - Reserve Certification.

A reserve certification shall expire automatically if the certificate holder is not serving, and has not served as a peace officer or reserve peace officer for at least six months within the previous three years.

Dave D. Wykry.

Petitioner requests the POST Board to grant him a variance in order that his Reserve Officer Certificate #R0248 may be renewed as a basic certificate.

History/Facts:

- 12/16/88 - Completed basic training, Arapahoe Community College.
- 03/01/89 - Appointed as a Reserve at Sheridan Police Department.
- 08/30/89 - Colorado state certified, #R0248, Classification I.
- 11/01/90 - Terminated Sheridan Police Department.
- 06/28/97 - POST received variance request.

Staff Recommendation:

Deny Request. Staff recommends Petitioner complete the requirements of Rule 13(b), and 88 hours Colorado basic law course.

Staff's recommendation approved.

III. Show Cause for Revocation of Certification, John R. Shell

Bela Chopra

History/Facts:

- 12/15/95 - Began basic training, joint academy of Adams CO SD and CCA.
- 12/10/96 - Chopra signed Form 1, Application for Basic Certification.
- 12/19/96 - Basic training completed, but Chopra did not pass driving course.
- 01/15/97 - Scheduled to take Certification Exam, Petitioner canceled.
- 02/19/97 - Gave copies of basic training certificate to P.O.S.T.
- " - Sat for the certification exam.
- " - Colorado state certified #B3283.
- 03/14/97 - Enrolled in Driving Class at CCA.
- 03/25/97 - Failed Driving Class, for the second time.
- 03/26/97 - Correspondence received from Dave Marquith, Community College of Aurora.
- 06/10/97 - Internal Affairs, Adams CO SO contacted P.O.S.T.
- 08/04/97 - Correspondence received from Adams CO SD, Chopra still has not completed basic training driving.

Staff Recommendation:

Issue Order to Show Cause why certificate should not be Revoked. Staff recommends Respondent appear at the November 21, 1997 P.O.S.T. Board meeting.

Staff's recommendation approved.

IV. Mission Statement, John R. Shell.

"POST 2000 and Beyond" - Mission Statement, Values and Goals.

A motion was made to adopt the mission statement. The motion was seconded and approved unanimously.

V. Discussion Items, John R. Shell

A. P.O.S.T. E-mail Address, and Colorado P.O.S.T. Colorado Web Page.

(1) Email: POST@state.co.us
 john.shell@state.co.us
 linda.olson@state.co.us
 john.lizza@state.co.us
 adrienne.hunter@state.co.us
 brenda.dryburgh@state.co.us

(2) Web Page: www.state.co.us\gov_dir\dol\post\psthme.htm

B. Results of Certification Exam "I" for Summer 1997 Cycle.

C. Results of P.O.S.T. Road Trip Information:

August 22, 24 , 26 and September 3, 1997.

D. Director Marquith's attendance at Community College of Aurora Basic Training Program.

The board decided to send an additional letter, stating their consensus with the concerns mentioned by John Shell in his letter to Mr. Marquith.

Attorney General Norton mentioned an item that was not listed on the agenda: an action that the Attorney General's office is involved in, which affects all boards and

commissions across the state. The Attorney General's office has received inquiries off and on from various boards, regarding conflict of interest by members of the boards. For instance, if you have someone who is a doctor on the medical board, and someone who is in partnership with that doctor up for discipline before the board, does that mean that the board member should not be involved in any decision that is made by the board. The Attorney General's office is trying to come up with some legal guideline for the various boards and commissions, and are analyzing whether they should seek legislation to clarify this issue. The Attorney General's office plan is to do an initial review, to decide what options are available. They are not implementing anything just yet, to give time for members of all the various boards to review and give feedback on the various recommendations.

Litigation update - The litigation with Sheriff Jackson of Morgan County is currently being reviewed by the Colorado Supreme Court.

The public meeting adjourned, and the board moved into the workshop on rule changes.

P.O.S.T. BOARD MEETING

RECORD OF PROCEEDINGS

The Peace Officer Standards and Training Board held their 307th board meeting at the Department of Law, 1525 Sherman St., 5th floor, Denver , Colorado with the following persons present:

BOARD MEMBERS:

EXECUTIVE DIRECTOR PAT AHLSTROM
SHERIFF DAN CORSENTINO
CHIEF JOSEPH CORTEZ
SHERIFF GEORGE EPP
REV. GILL FORD
CHIEF CHARLES JOHNSTON
SHERIFF ED JORDAN
CHIEF LORNE KRAMER
FRANK LOTURCO
CHIEF FRANK MARTINEZ
CHIEF DAVE MICHAUD
GALE NORTON
CHIEF CHARLES WIDUP
SHERIFF STEPHEN ZOTOS

BOARD MEMBERS ABSENT:

MAYOR MARGARET CARPENTER
SHERIFF JEFFREY CORRIVEAU
SHERIFF RICHARD MURDIE

STAFF MEMBERS:

PAUL FARLEY, ATTORNEY GENERAL'S OFFICE
JOHN LIZZA, ATTORNEY GENERAL'S OFFICE
LINDA OLSON, P.O.S.T. DEPUTY DIRECTOR
JOHN R. SHELL, P.O.S.T. DIRECTOR

GUESTS:

ACADEMY DIRECTOR JIM ALEXANDER, RED ROCKS COMMUNITY COLLEGE
CAPT. WILLIAM ANGERMANN, GLENDALE POLICE DEPT.
DEPUTY BOB BAKER, JEFFERSON COUNTY SHERIFF'S DEPT.
LT. ROBERT BAKER, JEFFERSON COUNTY SHERIFF'S DEPT.

A.J. BARTOK, COLORADO SPRINGS POLICE DEPT.
H.R. MANAGER GARY BERLIN, DIV. OF WILDLIFE
COMMANDER TOM BOCK, LOUISVILLE POLICE DEPT.
CHIEF TOM BOCK, LOUISVILLE PD
INVESTIGATOR KEN BOHLING, OFFICE OF THE ATTORNEY GENERAL.
SGT. JOE BREISTER, EL PASO COUNTY SHERIFF'S DEPT.
CHIEF GARY CAPONERA, FOWLER POLICE DEPT.
BELA CHOPRA, ADAMS COUNTY SHERIFF'S DEPT.
COMMANDER BILL CHRISTENSEN, LITTLETON PD
INVESTIGATOR DANIEL CHUN, DENVER DISTRICT ATTORNEY'S OFFICE
CHARLIE CLARK, WELD COUNTY SHERIFF'S DEPT.
ACADEMY DIRECTOR LT. ROGER CLOYD, AURORA POLICE DEPT.
SENATOR JIM CONGROVE, SENATE DISTRICT #19
DIRECTOR TOM COOGAN, DIV. OF ADULT PAROLE, DOC
CHIEF PATRICK L. COTE, FT. LUPTON POLICE DEPT.
INVESTIGATOR DAVID DECHANT, OFFICE OF THE ATTORNEY GENERAL
KELLY ELIASSEN, OFFICE OF THE ATTORNEY GENERAL
INVESTIGATOR RANDY GARDONIA, DENVER DISTRICT ATTORNEY'S OFFICE
ACADEMY DIRECTOR JOHN GOODWIN, COLORADO MOUNTAIN COLLEGE
SGT. RON GRANNIS, ADAMS COUNTY SHERIFF'S DEPT.
CHIEF INVESTIGATOR DREW GRANT, ARAPAHOE COUNTY D.A.'S OFFICE
TRAINING COORDINATOR TIM GRIFFIN, DIV. OF ADULT PAROLE, D.O.C.
CHIEF MICHAEL GUTHRIE, EVANS POLICE DEPT.
CHIEF DENNIS HARRISON, FORT COLLINS POLICE DEPT.
CHIEF STEVE HASLER, ERIE POLICE DEPT.
SGT. DARYL HOLLINGSWORTH, NORTHGLENN POLICE DEPT.
JOHN HOUGH
SGT. PAMELA HOUSH, BOULDER COUNTY SHERIFF'S DEPT.
INV. ROBERT KALUTKIEWICZ, OFFICE OF THE ATTORNEY GENERAL
LT. GARY KASSON, AURARIA DEPT. OF PUBLIC SAFETY
BRENNAN KENNEY, COLORADO NORTHWESTERN COMMUNITY COLLEGE
PATSY KERR, GREENWOOD VILLAGE POLICE DEPT.
CHIEF GARY KONZAK, GRAND JUNCTION PD
ACADEMY DIRECTOR DAVID LAROSE, NORTHEASTERN JUNIOR COLLEGE
LT. ROBERT LAUDERDALE, ARAPAHOE COUNTY SHERIFF'S DEPT.
AGENT DAN MARK, AURORA POLICE DEPT.
ACADEMY DIRECTOR DAVE MARQUITH, COMMUNITY COLLEGE OF AURORA
CAPT. GEORGE A. MATHIAS, ADAMS COUNTY SHERIFF'S DEPT.
RICH MAURO, DENVER REGIONAL COUNCIL OF GOVERNMENTS.
DEPUTY DAN MEJIA, EL PASO COUNTY SHERIFF'S DEPT.
RON O'CONNELL, COLORADO SPRINGS POLICE DEPT.
KRIS OEGERLE, COLORADO ASSOCIATION OF CHIEFS OF POLICE
STACEY OEGERLE, COLORADO ASSOCIATION OF CHIEFS OF POLICE
IRENE PEREZ LAW, DENVER REGIONAL COUNCIL OF GOVERNMENTS
INVESTIGATOR MARLIN PETERSON, OFFICE OF THE ATTORNEY GENERAL
CHIEF MIKE RULO, WOODLAND PARK POLICE DEPT.

ACADEMY DIRECTOR ARTHUR N. SAPP, COLORADO SPRINGS POLICE DEPT.
MICHAEL SCHATZ, LARIMER COUNTY COURTHOUSE
R. SCHEER, JEFFERSON COUNTY SHERIFF'S DEPT.
JOHN SCHMIDT, JEFFERSON COUNTY SHERIFF'S DEPT.
UNDERSHERIFF R.O. SILVA, PUEBLO COUNTY SHERIFF'S DEPT.
ACADEMY DIRECTOR MIKE STEEVES, LA JUNTA POLICE DEPT.
ACADEMY DIRECTOR MARY SUTTON, PUEBLO COMMUNITY COLLEGE
EXEC. DIR. JACK VANARSDOL, COLORADO ASSOC. OF CHIEFS OF POLICE
INVESTIGATOR CATHY S. VAUGHN, DENVER DISTRICT ATTORNEY'S OFFICE
CAPTAIN JOHN WALKER, LOVELAND POLICE DEPT.
INVESTIGATOR MIKE WALKER, DENVER DISTRICT ATTORNEY'S OFFICE
ACADEMY DIRECTOR ROBERT YANT, MORRISON P.D.
SGT. JOE YOUNG, AURORA POLICE DEPT.

I. Approval of September 12, 1997 Minutes.

Approved.

Attorney General Norton asked that the board offer a moment of silence for Officer Bruce Van der Jagt.

Chair Norton then requested that the board move into the public rules hearing:

PUBLIC RULES HEARING:

The following changes were made to the proposed rule changes, based upon board and public comment:

A motion was made to include an addition to Rule 17 in the proposed rules. The motion was seconded, and carried unanimously.

Many comments were made by the public and the board regarding the validity of the skills testing process, and the need for a larger pool of certified officers from which to choose when agencies are hiring. After much discussion, a Task Force was appointed by the board to look at Skills Testing and the reciprocity process. Pat Ahlstrom, Chief Joe Cortez, Sheriff George Epp, Chief Charles Johnston, Chief Lorne Kramer, and Chief Charles Widup were appointed to this committee.

Rule 6(a) was changed to read:

...a law enforcement agency check, purchase order, certified check, or money order in the prescribed amount....

Rule 6(c) was changed to read:

If an applicant cannot pass the certification examination after three attempts, he or she ceases to be eligible for certification, unless the applicant requalifies under rule 10. Applicants taking the examination for a second or third time must pay the fee for the additional examination, and such examination shall not be comprised of the same questions that comprised the prior examinations.

Rule 7(a) was changed to read:

...along with a law enforcement agency check, purchase order, certified check, or money order in the prescribed amount for each examination to be taken.

Rule 7(c) was changed to read:

Any applicant failing a skills examination may retake the examination, with the payment of an additional examination fee. Any person failing any skills examination 3 times must successfully complete the skills training for that particular skill before he or she may be certified.

Rule 10(a)

...Any applicant certified pursuant to Rule 13 shall receive provisional certification. If any such applicant does not successfully complete the skills examination or approved skills training within six months of the date of certification, his or her certification shall automatically expire. This rule shall expire without further action of the board on July 1, 1998.

Rule 17(e):

Any person who both possessed basic certifications and served as a county sheriff between July 1, 1986 and June 30, 1994 or was appointed as an investigator for a district attorney or the attorney general prior to June 30, 1994 shall be deemed to have elected to be certified pursuant to 1986 Colo. Sess. L. 774 § 3 and deemed to be designated pursuant 1983 Colo. Sess. L. 929, § 1, respectively. This subsection (e) is repealed, effective July 1, 1998.

Rule 20(c) and 20(e)(IV) were removed in their entirety.

The proposed rule changes, including the modifications, were approved by the board.

II. Variance Requests, Linda Olson

A. Rule 6 - Basic Certification.

If an applicant cannot pass the certification examination after three attempts he or she ceases to be eligible for certification, unless the applicant re-qualifies under Rule 7.

1. Schatz, Michael Chris

Petitioner requests the POST Board grant him a variance to allow him to sit for the POST certification exam for a fourth time.

If the Board will grant Petitioner's first request, he also requests to have this exam administered orally.

History/Facts:

- 12/19/96 - Failed POST certification exam.
- 12/21/96 - Completed basic training Colorado Institute for Law Enforcement Training Inc. (CILET, Inc.).
- 01/15/97 - Failed POST certification exam.
- 02/19/97 - Failed POST certification exam.
- 06/01/97 - POST received first variance request.
- 06/30/97 - POST received a request of waiver for a thirty day notice to bring evidence to the Board regarding Petitioner dyslexia.
- 07/18/97 - Board "Denied" variance request.
- 10/07/97 - POST received second variance request.
- 10/07/97 - Petitioner has obtained a current psychological evaluation, dated September 2, 1997. Leonard Medoff, Ph.D., of Affiliates in Counseling and Forensic Psychology, administered the Wechsler Adult Intelligence Scale-Revised (WAIS-R) and the Woodcock Johnson.

Staff Recommendation:

Deny Request.

Staff's recommendation approved.

B. Rule 7 - Basic Training Program.

An applicant is eligible to sit for the certification examination under this rule if, in addition to the requirements set out in rule 6(b), he or she has successfully completed an approved basic training program including skills training, within the previous three years.

1. *Trujillo, Orlando*

Petitioner has requested P.O.S.T. Board to grant him a variance from basic training, so that he may become P.O.S.T. certified.

History/Facts:

- 10/07/77 - Completed basic training, Pueblo Police Department
* - Never Certified.
- 10/01/76 - Appointed, Level II peace officer, 24-7-101 C.R.S., CMHIP.
- 09/08/97 - P.O.S.T. received variance request.

Staff Recommendation:

Grant Request. Staff recommends a variance from retaking basic training, if Petitioner completes the following requirements by May 31, 1998:

- a) complete a POST approved skills training program or skills exams;
- b) obtain current first aid and CPR certifications;
- c) obtain a cleared background check including fingerprints; and upon completion of the above,
- d) successfully pass the certification exam.

This recommendation is consistent with other recommendations of similar circumstances.

Staff's recommendation approved.

2. *Toth, Robert K.*

Petitioner has requested P.O.S.T. Board to give him a variance from basic training, so he may sit for the next available P.O.S.T. certification exam.

History/Facts:

- 1982 - Hired as a firefighter, Aurora Fire Department.
- 02/93 - Completed basic training - Aurora Police Academy.
* - Never appointed.
* - Never certified.
- 10/09/97 - P.O.S.T. received variance request.

Staff Recommendation:

Deny in Part, Grant in Part. Staff recommends a variance if petitioner completes the following requirements by May 31, 1998:

- a) complete a POST approved skills training program or skills exams;
- b) obtain current first aid and CPR certifications;

- c) obtain a cleared background check including fingerprints; and upon completion of the above,
- d) successfully pass the certification exam.

This recommendation is consistent with other recommendations of similar circumstances.

Staff's recommendation approved.

C. Rule 9 - Reciprocity

1. *Hough, John W.*

Petitioner has requested a variance from Rule 9 - Reciprocity, that he may take the skills examination to obtain Colorado peace officer certification.

History/Facts:

- 07/09/73 - Appointed, peace officer, Los Angeles Police Department.
- 04/16/75 - P.O.S.T. certified in the state of California.
- 06/79 - Terminated, Los Angeles Police Department.
- 01/84 - Appointed peace officer, Newport Beach Police Department, CA.
- 02/86 - Terminated, Newport Beach Police Department, CA.
- 02/86 - Appointed, Inglewood Police Department, CA.
- 04/93 - Terminated, Inglewood Police Department, CA.
- 08/94 - Appointed, Chevy Chase Village Police Department, MD.
- 10/07/94 - P.O.S.T. certified in the state of Maryland.
- 05/96 - Terminated, Chevy Chase Village Police Department, MD.
- 09/16/97 - P.O.S.T. received variance request.

Staff Recommendation.

Grant Request. Staff recommends a variance from Rule 9 - Reciprocity, that Petitioner may complete the following requirements to become state certified:

- a) complete a POST approved skills training program or skills exams;
- b) obtain current first aid and CPR certifications;
- c) obtain a cleared background check including fingerprints; and upon completion of the above,
- d) successfully pass the certification exam.

Petitioner is not permitted to serve as a peace officer or a reserve peace officer until successful completion of Board imposed requirements.

Staff's recommendation was approved with the modification that Mr. Hough could serve as a peace officer or reserve peace officer while completing the Board imposed requirements.

D. Rule 13 - Continuing Certification Requirements.

The board may renew a basic certificate if the certificate holder has not served as a peace officer or reserve peace officer for more than three years, but less than seven years, if the certificate holder successfully completes the skills examination or skills training, and meets all of the requirements of Rule 6.

1. Silva, Robert O.

Petitioner requests the POST Board to grant him a variance by waiving P.O.S.T. Rule 13(b) as stated above and renewing his certification.

History/Facts:

- 05/04/58 - Appointed, peace officer at Pueblo Police Department.
- 03/29/74 - Grandfathered, certificate #2931.
- 01/03/92 - Terminated, Pueblo Police Department.
- 09/04/97 - POST received variance request.

Staff Recommendation:

Deny Request. Staff recommends adherence to Rule 13(b) which includes completing the following requirements:

- a) complete a POST approved skills training program or skills exams;
- b) obtain current first aid and CPR certifications;
- c) obtain a cleared background check including fingerprints; and upon completion of the above,
- d) successfully pass the certification exam.

A motion was made to grant a variance for the petitioner to continue this certification as long as he remains the undersheriff of Pueblo County. The motion was seconded, and approved with one person opposing.

III. Revocation of Certification, John R. Shell

A. Chopra, Bela

History/Facts:

- 12/15/95 - Began basic training, joint academy of Adams CO SD and CCA.
- 12/10/96 - Chopra signed Form 1, Application for Basic Certification.
- 12/19/97 - Basic training over, but Chopra did not pass driving course.
- 01/15/97 - Scheduled to take Certification Exam, Petitioner canceled.
- 02/19/97 - She gave copies of basic training certificate to P.O.S.T.
- “ - Sat for the certification exam.
- “ - Colorado state certified #B3283.

- 03/14/97 - Enrolled in Driving Class at CCA.
- 03/25/97 - Failed Driving Class, for the second time.
- 03/26/97 - Correspondence received from Dave Marquith, Community College of Aurora.
- 08/04/97 - Correspondence received from Adams CO SD, Chopra still has not completed basic training driving.
- 09/23/97 - Correspondence from Adams CO SD recommending suspension of certificate #B3283 rather than revocation until Respondent completes the driving course.

Staff Recommendation:

Revoke Certificate.

Captain George Mathias was present from the Adams County Sheriff's Dept. : he had no idea how the certificate made it to the P.O.S.T. staff office. He caused an inquiry to be conducted. Information given was that Ms. Chopra obtained a Xerox copy of the certificate, and took it out to the P.O.S.T. board. Through the inquiry, Ms. Chopra adamantly denies that she ever had a copy of this certificate to take to the Board. How the staff obtained this, she has no idea. She received a telephone call sometime in December, stating that there was a P.O.S.T. certification test being held in January. She was given another opportunity to take this in February. She took the test in February, stating that she did not have the skills portion of the driving, to complete the certificate requirements. She was encouraged to come out and take this test by someone. He had Ms. Chopra interviewed on two separate occasions, to determine the consistency of her statement, and believes her statements to be truthful. He is requesting that Ms. Chopra's certification be suspended, rather than revoked.

John Shell stated that a copy of her basic training certificate had been given to P.O.S.T., although it could not be determined by what means. At no time did anyone at P.O.S.T. ever indicate that Ms. Chopra could become certified without completing a course in driving.

Dave Marquith stated that he had done a joint police academy with the Adams County Sheriff's Dept and Community College of Aurora. The original certificate was made in his office, signed by him in the presence of the president of the college. It lacked only the signature of Sheriff Shearer. He hand carried the certificates -- without the Sheriff's signature -- to the county, at which time Sheriff Shearer signed the certificates, then they were to be presented to the students the night of graduation. He did not see those certificates after that point, except for the night of graduation, when Ms. Chopra's certificate was given back to him with Sheriff Shearer's signature on it. But he never made a copy of the certificate.

A motion was made to suspend Ms. Chopra's certification, within the next thirty days, so that she could complete the driving portion of basic training. The motion was seconded.

Dave Marquith stated that Community College of Aurora was not prepared at this time to offer the driving course to Ms. Chopra.

The motion was amended to grant Ms. Chopra six months to complete her driver's training, with automatic revocation if she had not completed her driver's training by that time. The motion was seconded, and passed with one person opposed.

IV. Sheriff Certifications, Paul Farley

A question came up concerning the CBI investigators. While no session law had been found to help them maintain their certification, this would not affect their job, as their authority comes from statute, not from certification.

V. Decision Items, John R. Shell

- A. Board Approval of Substitution of Experience and Training for Rule 18 (a)(II) or (b)(II) for LaPlata County Peace Officers to Instruct Skills In Approved Programs.

Approved.

VI. Discussion Items

- A. Summary of Skills Testout on November 11, 1997, Linda Olson.
- B. Environmental Crimes and state and federal statutes that apply, Robert Kalutkiewicz and Pete Michaelson.

This issue was tabled until January.

- C. Academy Director, David Marquith's Letter, John R. Shell.

This issue was tabled until January.

- D. 1998 Proposed Board Meeting Schedule, John R. Shell.

P.O.S.T. BOARD MEETING

RECORD OF PROCEEDINGS

The Peace Officer Standards and Training Board held their 308th board meeting at the Weld County New Detention Center, Greeley , Colorado with the following persons present:

BOARD MEMBERS:

EXECUTIVE DIRECTOR PAT AHLSTROM
CHIEF JOSEPH CORTEZ
SHERIFF ED JORDAN
CHIEF LORNE KRAMER
CHIEF FRANK MARTINEZ
CHIEF DAVE MICHAUD
SHERIFF STEPHEN ZOTOS

BOARD MEMBERS ABSENT:

MAYOR MARGARET CARPENTER
SHERIFF JEFFREY CORRIVEAU
SHERIFF DAN CORSENTINO
SHERIFF GEORGE EPP
REV. GILL FORD
CHIEF CHARLES JOHNSTON
S.A.C. FRANK LOTURCO
CHIEF DAVE MICHAUD
SHERIFF RICHARD MURDIE
ATTORNEY GENERAL GALE NORTON
CHIEF CHARLES WIDUP

STAFF MEMBERS:

PAUL FARLEY, ATTORNEY GENERAL'S OFFICE
ADRIENNE HUNTER, P.O.S.T. COMPLIANCE OFFICER
JOHN R. SHELL, P.O.S.T. DIRECTOR

GUESTS:

ACADEMY DIRECTOR JIM ALEXANDER, RED ROCKS COMMUNITY COLLEGE
ACADEMY DIRECTOR CAPT. ED BINGHAM, DENVER POLICE DEPT.
CHIEF PAT COTE, FORT LUPTON POLICE DEPT.
ACADEMY DIRECTOR SGT. TOM DELUCA, EL PASO CO SHERIFF'S DEPT.
DAVID DILLINGHAM
JACKIE DILLINGHAM
CHIEF MICHAEL GUTHRIE, EVANS POLICE DEPT.
CHIEF STEVE HASLER, ERIE POLICE DEPT.
LT. RON JONES, EL PASO COUNTY SHERIFF'S DEPT.
DAVID MALCOLM, WELD COUNTY SHERIFF'S DEPT.
ACADEMY DIRECTOR DAVE MARQUITH, COMMUNITY COLLEGE OF AURORA
DENNIS MONROE, WASHINGTON COUNTY SHERIFF'S DEPT.
ACADEMY DIRECTOR ART SAPP, COLORADO SPRINGS POLICE DEPT.

A quorum was not present at the meeting, so all actions will have to be approved at the March 27, 1998 P.O.S.T. board meeting.

I. Approval of November 21, 1997 Minutes.

Approved.

II. Variance Requests, Adrienne M. Hunter.

A. Rule 12 - Course of Study.

An applicant is eligible to sit for the certification examination under this rule if in addition to the requirements set out in rule 10, he or she has successfully completed an approved course of study, as well as skills training within the previous three years.

1. *Dillingham, David D.*

Petitioner request the P.O.S.T. board to grant him a variance to Rule 12 - Course of Study, that P.O.S.T. would accept his degree, and consider it as current so that he may use it toward becoming P.O.S.T. certified.

History and Facts:

- 05/16/93 - Bachelor of Science degree in Criminal Justice Drury College.
- - Never appointed.
- - Never certified.
- 12/16/97 - P.O.S.T. received variance request.

Staff Recommendation:

Deny Request Staff recommends that Petitioner complete the following requirements to obtain P.O.S.T. certification:

- a) complete a P.O.S.T. approved basic training academy;
- b) obtain current first aid and CPR certifications;
- c) obtain a cleared background check including prints; and upon completion of the above
- d) successfully pass the certification exam.

A motion was made for Mr. Dillingham to take just the skills training, obtain current first aid and CPR certifications, obtain a cleared background check, and pass the certification examination. The motion was not seconded, and died on the table.

A motion was made to approve staff's recommendation. The motion was seconded and approved with one against.

2. Marquith, David N.

Petitioner request the P.O.S.T. Board to grant him a variance to Rule 12 - Course of Study, that P.O.S.T. would accept his master's degree as sufficient to be used towards P.O.S.T. certification.

History and Facts:

- 05/22/78 - Masters Degree, Criminal Justice Nova University, Ft. Lauderdale, Fla.
- - Never appointed.
- - Never certified.
- 01/05/98 - P.O.S.T. received variance request, and thirty day waiver to notify according to Rule 3 - Hearings.

Staff Recommendation:

Deny Request.

Dave Marquith was present at the meeting and stated that if had been his desire for the past couple of year to become certified. He has had many discussions with John Shell regarding the issue of attending his own academy. Since there are some

obvious ethical issues involved, he felt that it would be best to ask for a variance from the course of study option for certification.

He has been enrolled at the Community College of Aurora basic training academy since November, and has already completed one full semester, including skills training. He and John Shell have not been able to come up with a means as to how he could be tested. He currently writes the curriculum and the test questions for his own academy and has been involved with the P.O.S.T. curriculum since 1991; he even helped create the new curriculum as part of the P.O.S.T. SME Curriculum committee.

He had spent 23 years as a criminal investigator with the Department of Defense - Army CID section. His first 7 ½ years were as a military intelligence officer, the second 15 ½ years as a criminal investigator. He was the operations officer in charge of the Fort Carson district office, and attended the FBI National Academy in 1985. He spent many of those years using his degree by teaching as an adjunct in various universities.

He was hired by the Pueblo Community College academy in 1991 as a full time faculty member and was subsequently made the law enforcement academy director. Throughout the academies, he has written papers, attended workshops and other training aspects of the profession. Up until August of last year has maintained a state vocational teaching certificate in the area of criminal justice. That certification requires that you pass a written test - that you demonstrate proficiency in the profession. The only reason he did not renew it in August is because Community College of Aurora now has their own certification program.

Dave Marquith feels that he has kept current in the profession, even though his degree is over twenty years old. He has made significant efforts to keep himself current in the field of law enforcement, not only in the state of Colorado, but also on a national basis. He believes the intent of the three year rule is with regards to people who have obtained a degree and then done nothing with that degree. Since he can demonstrate proficiency prior to 1991, he feels that he is current with contemporary law enforcement. On that basis he is submitting his variance request. If the board felt that he should go through the whole academy, he would be willing to do that instead.

John Shell stated that staff's main concern was with Dave Marquith attending the academic portions of his own academy. Staff has no concerns with Mr. Marquith attending the skills portions of the academy, since those courses are written by the skills instructors and they do their own proficiency testing. Staff's main concern has always been the academics - certain class areas for which Mr. Marquith teaches and writes the questions. Academy directors have no control over the administration of the P.O.S.T. exam, other than seeing the required course material.

Dave Marquith stated that if it was the validity of the test that was in question, he would submit to a form of the test of P.O.S.T.'s choosing, so as not to compromise his status as an academy director. It could be an oral exam administered by someone of P.O.S.T.'s choosing, or a written test which would be separate and different from one already established in the testing process; anything along those lines.

Pat Ahlstrom stated that he felt that it was not the freshness of the degree per se that was important, but the knowledge and the skills that the candidate has in order to be a peace officer. This issue was a little different from the prior case, where the candidate has no training in the field.

A motion was made to approve Dave Marquith's request for a variance, with the addition that Mr. Marquith had to have current first aid and CPR, complete a background check, and pass the P.O.S.T. certification exam. The motion was seconded and approved unanimously.

B. Rule 17 - Continuing Certification Requirements.

The board may renew a basic certificate if the certificate holder has not served as a peace officer or reserve peace officer for more than three years, but less than seven years, if the certificate holder successfully completes the skills examination or skills training, and meets all of the requirements of Rule 6.

1. *Mack, Cristine S.*

Petitioner request the P.O.S.T. board to grant her a variance to Rule 17 - Continuing Certification Requirements, that she may renew her certificate.

History and Facts:

- 03/20/84 - Appointed Deputy, El Paso County SD.
- 08/17/84 - Completed basic training CLETA.
- 08/31/84 - Colorado certified #10982.
- 12/31/84 - Terminated, El Paso County SD.
- 01/14/85 - Appointed, Boulder PD.
- 04/05/85 - Completed basic training, Boulder PD.
- 09/22/88 - Terminated, Boulder PD.
- 11/24/97 - P.O.S.T. received variance request.

Staff Recommendation:

Deny Request. Staff recommends a variance from basic training if Petitioner completes the following requirements by September 22, 1998:

- a) complete a P.O.S.T. approved skills training academy for 142 hours courses include; arrest control, driving, and firearms;
- b) obtain current first aid and CPR certifications;
- c) obtain a cleared background check including fingerprints; and upon completion of these,
- d) successfully pass the certification exam.

Petitioner would not be permitted to serve as a peace officer, or a reserve peace officer until successful completion of Board imposed requirements.

Staff's recommendation approved.

2. *Rice, Lyndon A.*

Petitioner requests the P.O.S.T. Board to grant him a variance to Rule 17 which then would enable him to renew his certification.

History/Facts:

- 1969 - Appointed, Deputy Sheriff, Pueblo County SO.
- 05/12/72 - Completed basic training, CLETA.
- 05/01/73 - Terminated, Pueblo County SO.
- 05/16/75 - Appointed, Victor PD.
- 12/31/75 - Terminated, Victor PD.
- 01/01/76 - Appointed, Teller County SO.
- 01/18/78 - Colorado certified #7319.
- 10/01/90 - Terminated, Teller County SO.
- 10/20/97 - POST received variance request.

Staff Recommendation:

Deny Request. Staff recommends a variance from basic training if Petitioner completes the following requirements by July 31, 1998:

- a) obtain current first aid and CPR certifications;
- b) obtain a cleared background check including fingerprints;
- c) successfully pass the certification exam; and upon completion of these,
- d) complete a P.O.S.T. approved skills academy or skills exams:

Staff's recommendation approved.

III. Decision Items, John R. Shell.

A. Petition for a Declaratory Order from Archuleta County requesting Board ruling reference to permitting reserve deputies to function as full-time officers for Pagosa Lakes.

Tabled until a response has been received from Archuleta County.

B. Resolution. Board will no longer consider certification requests for individuals graduating longer than 3 years from an approved program.

Approved.

IV. Discussion Items.

A. Summary of Fall 1997 Academy Inspections, John R. Shell.

B. County Sheriff's of Colorado Summary of 1997 In-Service Sheriff's Training, John R. Shell.

C. Legislative Update SB98-020, Paul Farley.

Paul Farley stated that the bill would be introduced by Senator Congrove, and requested feedback from the board on the proposed changes. Some of the issues are as follows:

§ 24-31-301 (5) would expand the definition of peace officer to include level Ia and level II peace officers, eliminating a few problems that have been cause by their exclusion in this definition.

The board had no problems with this change.

§ 24-31-302 (3) (a) would change the composition of the board, decreasing the size from seventeen to fourteen, eliminating three sheriffs positions, three chiefs positions, and the FBI director position; and increasing the number of members of the general public to five.

The board was generally against this change. They felt first that reducing the size of the board would be difficult, and that second; as a professional board dealing with issues involving professional ethics, the board should be comprised of law enforcement professionals. They also feel that the FBI position should remain on the board, so as to have a different law enforcement perspective.

§ 24-31-303 (2) (a) (II) would increase the fees of the P.O.S.T. exams to two hundred dollars.

The board opposed this change.

§ 24-31-303 (4) would slightly narrow the board's variance authority to avoid possible constitutional problems.

The board supported this change.

§ 24-31-305 (1.7) (a) and (b) would be changed to specify the automatic renewal of basic or reserve certification, as long as a person was working as a peace officer or reserve peace officer. This change would be made so that provisional certification would not be included in this section.

§ 24-31-305 (2) would give the P.O.S.T. board authority to revoke provisional certifications.

§ 24-31-308 would be added to include requirements for obtaining a provisional certification, similar to the temporary process the board put in rule.

There was some concern expressed by the board regarding section (b) allowing for renewal of the provisional certificate. For the most part they felt that six months should be sufficient for a person to obtain a basic certificate.

They also felt that the part which stated that no portion of the renewal fee may be paid by or reimbursed by a political subdivision of the state was unnecessary, and so they opposed this provision.

The board then asked Mr. Farley to communicate their views on this bill to the General Assembly.

Paul Farley then brought up House Bill 1224, which required the P.O.S.T. board to establish standards for training in bail recovery.

The board opposed this bill. They felt that not only could this type of training not be accomplished in a sixteen hour course, but that the courts were still present as remedies for the public.

D. Fall 1997 "J" Test Academy Results, John R. Shell.

E. Demonstration of the new FATS System, and Driving Simulator at Highlands Ranch Law Enforcement Training Facility, Douglas County until 5:00 p.m. on January 23, 1998.

V. Workshop—A Strategic Plan.

Tabled until the next board meeting.

Executive Task Force on Reciprocity:

Pat Ahlstrom stated that the committee set up at the last P.O.S.T. board meeting had a meeting in Lakewood a few weeks ago. They came out of the meeting with the idea expressed somewhat in the provisional certificate concept. They also discussed some of the other long term P.O.S.T. issues.

Pat Ahlstrom, Chief Cortez, Chief Kramer and Chief Widup attended the skills test out on January 19 at the Colorado State Patrol Academy. They thought that for the most part the testing seemed fair, and accomplished its purpose; which was to weed out those subjects whose training was insufficient with current basic training standards. There may be a problem with inconsistency in the testing, and more standardization of the test may be required. This is a particular problem with the driving section, which uses cones and lights.

Chief Patrick Cote stated that he was a participant of the test out in both November and January. He thought that the Arrest Control and Firearms testings were good. He felt that there were problems with the driving section, where a person actually has to switch the lights themselves, instead of the lights switching automatically. He also thought that a person should not have to retake the whole exam, just the portions of the exam that they did not pass the first time.

John Shell stated that the driving SME committee is currently looking into this, and may make some changes in the testing process.

Meeting adjourned.

P.O.S.T. BOARD MEETING

RECORD OF PROCEEDINGS

The Peace Officer Standards and Training Board held their 309th board meeting at the Department of Law, 1525 Sherman St., 6th floor, in Denver, Colorado with the following persons present:

BOARD MEMBERS:

EXECUTIVE DIRECTOR PAT AHLSTROM
MAYOR MARGARET CARPENTER
CHIEF JOSEPH CORTEZ
REV. GILL FORD
CHIEF CHARLES JOHNSTON
SHERIFF ED JORDAN
S.A.C. FRANK LOTURCO
CHIEF FRANK MARTINEZ
CHIEF DAVE MICHAUD
SHERIFF RICHARD MURDIE
ATTORNEY GENERAL GALE NORTON
CHIEF CHARLES WIDUP
SHERIFF STEPHEN ZOTOS

BOARD MEMBERS ABSENT:

SHERIFF JEFFREY CORRIVEAU
SHERIFF DAN CORSENTINO
SHERIFF GEORGE EPP
CHIEF LORNE KRAMER
SHERIFF RICHARD MURDIE

STAFF MEMBERS:

BRENDA DRYBURGH, P.O.S.T. ADMINISTRATIVE ASSISTANT
ADRIENNE HUNTER, P.O.S.T. COMPLIANCE OFFICER
JOHN LIZZA, OFFICE OF THE ATTORNEY GENERAL
LINDA OLSON, P.O.S.T. DEPUTY DIRECTOR
JOHN R. SHELL, P.O.S.T. DIRECTOR

GUESTS:

JIM ALEXANDER, RED ROCKS COMMUNITY COLLEGE
ERIC BAGDIKIAN, BOULDER COUNTY SHERIFF'S DEPT. (R.P.O.A.)
GARY BERLIN, DIVISION OF WILDLIFE
ED BINGHAM, DENVER POLICE DEPT.
ROGER CLOYD, DENVER POLICE DEPT.
DALE EMERSON, GRAND JUNCTION
DAVID GILMOUR, LARIMER COUNTY SHERIFF'S DEPT.
FRED JOHNSTON, ROUTT COUNTY SHERIFF'S DEPT.
DAVE MARQUITH, COMMUNITY COLLEGE OF AURORA
BRETT MASON, ROUTT COUNTY SHERIFF'S DEPT.
RONALD O'CONNELL, COLORADO SPRINGS POLICE DEPT.
PAULA PRESLEY, EL PASO COUNTY SHERIFF'S DEPT.
ARTHUR SAPP, COLORADO SPRINGS POLICE DEPT.
PAUL SCHROEDER, UNIVERSITY OF COLORADO POLICE DEPT.
BOB WHITE, BRIGHTON POLICE DEPT.
DEBBIE WILKE, ARAPAHOE COMMUNITY COLLEGE

Mayor Carpenter moved that the board move into executive session. The motion was seconded and passed unanimously. P.O.S.T. has the authority to do this under § 24-6-402 (4)(b and c).

I. Affirm Board Decisions from the January 23, 1998 P.O.S.T. Board Meeting Agenda Items.

A motion was made to remove the issue of Dave Marquith variance request and consider it separately from the other items on this agenda. The motion was seconded and approved unanimously.

A motion was made to approve all of the other items on the agenda. This motion was seconded and approved unanimously.

John Lizza stated that the board had gone into executive session to discuss some of the legal ramifications of having people who are associated with law enforcement academies taking the P.O.S.T. certification examination.

A motion was made to approve the resolution created by the P.O.S.T. staff. The motion was seconded.

Dave Marquith, Community College of Aurora director, stated that he would be willing to take whatever exam the P.O.S.T. board elects to give to him.

Gale Norton stated that the board felt that this might not be the **only time this issue comes up**. The board thought that they really needed to decide how that issue should be addressed.

Some of the board members felt that the resolution would cause more problems than it was trying to solve, and that there was no real way to guard the exam to the extent that staff and the committee wanted it guarded.

Other board members felt that while the action of people in law enforcement academies taking the exam might not be unethical, it could still appear unethical to others.

The motion failed with 7 opposed, and 5 in favor.

A motion was made to ratify the board's decision from the January board meeting. The meeting was seconded, and approved with 7 in favor, and 5 opposed.

II. Approval of January 23, 1998 Minutes.

Approved.

III. Variance Requests, Linda Olson.

A. Rule 11 - Basic Training Program.

An applicant is eligible to sit for the certification examination under this rule if, in addition to the requirements set out in rule 10, he or she has successfully completed an approved basic training program, including skills training within the previous three years.

1. Biby, Robert

Petitioner has requested the P.O.S.T. board grant him a variance to Rule 11 - Basic Training, by considering his basic training as in current status that he may use it toward becoming P.O.S.T. certified.

History and Facts:

- 05/09/92 - Completed basic training, Pueblo Law Enforcement Academy
- 09/02/92 - Petitioner sustained injuries due to a motor vehicle accident.
- 02/96 - Petitioner released to go back to work.
- - Never appointed.

- - Never certified.
- 02/10/98 - P.O.S.T. received variance request.

Staff Recommendation:

Deny Request. Staff recommends that Petitioner complete the following requirements to become P.O.S.T. certified:

- a) complete a P.O.S.T. approved skills training academy of 142 hours in arrest control, driving and firearms;
- b) obtain current first aid and CPR certifications;
- c) obtain a cleared background check including prints; and upon completion of the above,
- d) successfully pass the certification exam.

Staff's recommendation approved.

2. Emerson, Dale A.

Petitioner has requested the P.O.S.T. board grant him a variance to Rule 11 - Basic Training, by considering his basic training as in current status that he may use it toward becoming P.O.S.T. certified.

History and Facts:

- 12/06/91 - Basic Training completed, Delta Montrose Vo-tech.
- 03/03/92 - Appointed Holyoke Police Department
- 08/92 - Terminated Holyoke Police Department, received 03/03/98
- - Never certified.
- 01/09/98 - P.O.S.T. received variance request.

Staff Recommendation:

Deny Request.

Mr. Emerson was present at the meeting and stated that he was not certified during his employment with Holyoke Police Dept. because the administration has never sent in his paperwork. He had not been in law enforcement since he left Holyoke PD.

Staff's recommendation approved.

3. Johnston, Fred W.

Petitioner has requested the P.O.S.T. board grant him a variance to Rule 11 - Basic Training, by considering his law enforcement training as in current status, so that he may sit for the written P.O.S.T. certification exam.

History and Facts:

- 08/17/92 - Appointed Routt CO SO as a Reserve Deputy.
- 08/05/93 - Completed law enforcement training at
- Colorado Mountain College.- Steamboat Springs.
- 11/30/93 - P.O.S.T. received Petitioner's Application for Basic and
- Reserve Peace Officer Certifications.
- 12/13/93 - Petitioner failed written P.O.S.T. Certification exam.
- 12/31/95 - Terminated Routt CO SO, P.O.S.T. received Termination form on
- 02/03/98.
- - Never certified.
- 01/06/98 - P.O.S.T. received variance request.

Staff Recommendation:

Deny Request. Staff recommends that Petitioner requalify under Rule 11 - Basic Training Program.

4. Mason, Brett N.

Petitioner has requested the P.O.S.T. board grant him a variance to Rule 11 - Basic Training, by considering his law enforcement training as in current status, so that he may sit for the written P.O.S.T. certification exam.

History and Facts:

- 08/17/92 - Appointed Routt County Sheriff's Department.
- 08/20/93 - Completed basic law enforcement training at
- Colorado Mountain College - Glenwood Springs.
- 12/31/95 - Terminated Routt County Sheriff's Department.
- 01/13/98 - P.O.S.T. received variance request.

Staff Recommendation:

Deny Request. Staff recommends that Petitioner requalify under Rule 11 - Basic Training Program.

Fred Johnston was present at the meeting and stated that he had been active with the Routt County Sheriff's Dept. since 1992. He was still active with the Routt County Sheriff's dept. In 1994 he personally left Routt County, and returned in April of 1996. He has been actively serving in the reserves since 1996.

John Shell stated that P.O.S.T.'s information is based on the paperwork sent to them by the sheriff.

Gale requested that since this decision would probably affect Mr. Mason as well as Mr. Johnston, that Mr. Mason also come forward to answer any questions.

Mr. Mason stated that he had taken the P.O.S.T. exam once previously, although there was no documentation in the P.O.S.T. files.

A motion was made to table the two issues until the next board meeting, when additional information could be presented, and also to direct staff to contact the sheriff of the county to help straighten this issue out. The motion passed unanimously.

B. Rule 12 - Course of Study

An applicant is eligible to sit for the certification examination under this rule if in addition to the requirements set out in rule 10 (b) he or she has successfully completed an approved course of study, as well as skills training within the previous three years.

1. Starman, Joe L.

Petitioner has requested the P.O.S.T. Board grant him a variance to Rule 12 - Course of Study, by allowing him to sit for the P.O.S.T. examination, even though his degree has been received beyond the three year limit.

History and Facts:

- 12/17/94 - Received Bachelor of Arts degree in Psychology and Sociology from Adams State College.
- 07/16/97 - P.O.S.T. Staff erroneously advised Petitioner that
- Course of Study option was available until
- December 17, 1997.
- 12/21/97 - CILET, Inc. issued Petitioner's skills training certificates.
- 01/08/98 - P.O.S.T. received Application for Basic Certification.
- 01/08/98 - P.O.S.T. notified Petitioner that his degree was more than three years old.

- 01/12/98 - CILET, Inc. correspondence received, Petitioner completed skills training on November 23, 1997.
- 01/23/98 - P.O.S.T. received variance request.

Staff Recommendation:

Deny Request.

A motion was made to approve staff's recommendation, with the amendment that P.O.S.T. work with the CILET academy to see that Mr. Starman would not have to retake his skills in order to graduate from the academy.

C. Rule 17 - Continuing Certification Requirements

A basic certificate shall be renewed if the certificate holder has not served as a peace officer or reserve officer for more than three years, but less than seven years, if the certificate holder successfully completed the skills examination or skills training and meets all of the requirements of Rule 10.

1. Gilmour, David R.

Petitioner request the P.O.S.T. Board to grant him a six month variance to complete continuing certification requirements at a P.O.S.T. approved program for driving training and written certification exam.

History and Facts:

- 01/02/78 - Completed basic training, Larimer, CO SD.
- 06/19/78 - Appointment Larimer CO SO.
- 03/09/79 - Completed basic law training, Greeley PD.
- 04/06/79 - Colorado certified, certificate #8077.
- 11/16/82 - Terminated Larimer CO SO.
- 01/09/84 - Appointed Routt CO SO.
- 09/30/90 - Terminated Routt CO SO.
- 10/01/90 - Appointed Montrose CO SO.
- 02/22/91 - Terminated Montrose CO SO.
- 01/19/98 - Passed skills exams: arrest control and firearms.
- 01/23/98 - P.O.S.T. received variance request.
- 02/22/98 - Out seven years.

Staff Recommendation:

Grant Request.

Staff's recommendation approved.

IV. Show Cause Order, John Shell

A. James D. Little (Certificate #B3655, Level I Peace Officer)

Pursuant to § 24-34-305, C.R.S. Basic peace officer certification requirements shall include successful completion of a high school education or its equivalent.

History/Facts:

- 04/15/97 - Completed basic training, Colorado Mountain College.
- 05/05/97 - Petitioner applied for basic certification.
- 05/21/97 - Colorado certified, certificate #B3655.
- 07/03/97 - Appointed Reserve, Oak Creek Police Department
- 12/23/97 - Staff reviewed Respondent's file, and discovered that on his application, he had not indicated whether he has a high school diploma, or an equivalency certificate (GED).
- 12/23/97 - Staff sent a written request for a copy of Respondent's GED.
- 01/06/98 - Respondent advised P.O.S.T. that he can not find his GED certificate. He is unsure where he got it in Pueblo, and when he obtained it. Respondent did not know how long it would take to get a copy of his GED.

A phone request made to CMC Police Academy indicated that Respondent had a GED certificate issued 05/78, because he had checked a corresponding space on his application. However, there was not a copy of the certificate on file.

Respondent is currently appointed as a reserve peace officer at Oak Creek PD.

Recommendation:

Issue Order to Show Cause why Petitioner's certification should not be revoked.

Staff's recommendation approved.

V. Decision Items, John R. Shell.

A. Declaratory Order Regarding Park Rangers, Open Space, and Environmental Enforcement, City of Boulder - Paul Farley.

This issue was tabled until the next board meeting.

B. Board Approval of Resolution, Updating Skills Testout Procedures - John Shell.

Approved.

VI. Discussion Items.

A. Course of Study Recommendations - Mayor Carpenter.

Rev. Ford wished to know what kind of changes would be required for a two year or four year degree to have the same emphasis that a regular police academy has in their training?

Debbie Wilke stated that staff would have to look at all two and four year programs, and hold them in compliance, like academy programs - only then would P.O.S.T. be able to be sure that they are the same. If staff doesn't look at each one of those programs, there is no way to guarantee they are all teaching the same thing. This would make the job near impossible for staff to accomplish.

Mayor Carpenter stated that the recommendation of the curriculum committee is to abolish the course of study option, which would require both a rule and a statutory change.

John Shell stated that one of the purposes of the course of study option is so that agencies might have the ability to hire individuals who have training in criminal justice, but might not want them to do the usual duties associated with law enforcement: e.g. building searches. By taking the certification examination, that indicates whether that person is qualified to be certified or not. The burden is put on the test, not on the basic training. Course of study is not intended as a replacement for basic training,

A recommendation was made to table this issue until the July 24th board meeting. The motion was seconded, and passed unanimously.

B. Summary of Skills Testout: March 9 and 10, 1998 - John R. Shell.

C. Fall 1997 "J" Test Academy Results - John R. Shell.

D. Legislative Update - John Lizza

E. Replacement/Appointment of Future Board Members - John Shell.

F. Statistics on P.O.S.T. Website - Brenda Dryburgh.

John Shell stated that P.O.S.T. had finally been granted spending authority by the legislature in order to use the grant for the "Authority of the Reserve Peace Officer" video. This effort is proceeding forward. Members of the board will probably be asked to appear in the video in some context.

John Lizza stated that an attorney (not with the AG's office) who handles the defense of a constitutional rights violation case in the federal court had contacted him. They lost the case, and part of their requirements are to provide money for law enforcement training. The attorney contacted Mr. Lizza as counsel for the P.O.S.T. board, to ask and see if the board had any ideas in terms of how this sum of money could best be spent for law enforcement training.

Chuck Widup stated that the Bureau of Justice notified P.O.S.T. that they had money to fly staff members to Reno, Nevada for a train the trainers class on domestic terrorism. He attended this training, along with Linda Olson, Gary Clyman, and Don Eastep. Chief Widup was quite impressed with the training they were doing, and stated that this is not being taught currently anywhere in the state. He intended to propose to the curriculum committee that this course be added to the curriculum.

VII. Workshop -- A Strategic Plan, Lunch provided.

It was decided to hold a separate meeting for the strategic plan workshop.

Meeting adjourned.

P.O.S.T. BOARD WORKSHOP

RECORD OF PROCEEDINGS

Workshop held at 9:00 a.m. on April 17, 1998, at the Department of Law, 1525 Sherman St., Room 610, to discuss the P.O.S.T. Board Strategic Plan.

BOARD MEMBERS PRESENT:

EXECUTIVE DIRECTOR PAT AHLSTROM
MAYOR MARGARET CARPENTER
SHERIFF DAN CORSENTINO
CHIEF JOSEPH CORTEZ
SHERIFF GEORGE EPP
CHIEF CHARLES JOHNSTON
CHIEF FRANK MARTINEZ
CHIEF DAVE MICHAUD
ATTORNEY GENERAL GALE NORTON
CHIEF CHARLES WIDUP
SHERIFF STEPHEN ZOTOS

BOARD MEMBERS ABSENT:

SHERIFF JEFFREY CORRIVEAU
REV. GILL FORD
SHERIFF ED JORDAN
CHIEF LORNE KRAMER
S.A.C. FRANK LOTURCO
SHERIFF RICHARD MURDIE

STAFF MEMBERS:

JOHN LIZZA, ATTORNEY GENERAL'S OFFICE
LINDA OLSON, P.O.S.T. DEPUTY DIRECTOR
JOHN R. SHELL, P.O.S.T. DIRECTOR

GUESTS:

ACADEMY DIRECTOR JIM ALEXANDER, RED ROCKS COMMUNITY COLLEGE
GARY BERLIN, DIVISION OF WILDLIFE
ACADEMY DIRECTOR CAPTAIN ED BINGHAM, DENVER POLICE DEPT.
ACADEMY DIRECTOR TIM BLACK, RED ROCKS COMMUNITY COLLEGE
DIV. COMMANDER HEATHER COOGAN, DENVER POLICE DEPT.
ACADEMY DIRECTOR SGT. TOM DELUCA, EL PASO COUNTY SHERIFF'S DEPT.
GEORGE FORTUNATO, COLORADO NORTHWESTERN COMMUNITY COLLEGE
ACADEMY DIRECTOR JOHN GOODWIN, COLORADO MOUNTAIN COLLEGE
SAM MAMET, COLORADO MUNICIPAL LEAGUE
ACADEMY DIRECTOR DAVE MARQUITH, COMMUNITY COLLEGE OF AURORA
RICH MAURO, DENVER REGIONAL COUNCIL OF GOVERNMENTS

Sam Mamet, Colorado Municipal League, advised the workshop that SB98-020 had been amended on 2nd Reading yesterday and had final reading this morning and passed. The bill has been amended to show the composition of the board with only 3 chiefs and 3 sheriffs, as it was originally written. The Attorney General and Board members will contact Rep. Tucker to try to return the composition to the present format.

There was also discussion concerning HB98-1224 dealing with Bail Recovery Persons. The bill now contains language [§ 12-7-102.5(b)] that P.O.S.T. shall set standards and training for 16 hours in Bail Recovery Practices. In addition the Revised Fiscal Note now has \$1,000.00 in Cash Fund Expenditures instead of the \$10,000 as originally proposed.

After discussion by the Board and members of the audience, some decisions were made as to the 7 "Objectives for Future Growth and Progress" listed in the Strategic Plan. It was decided to prioritize the first four items in the objectives, which include: establishing in-service requirements for peace officers; establishing mandatory first level supervisor training; establishing a certification process for detention officers; and establishing a certification process for communication officers.

It was also decided that the last three items in the objectives should be tabled at this time. Those objectives include: establishing minimum physical standards for certification; and requiring possession of an associate's or bachelor's degree for admission into a basic training academy.

In order to be able to pursue any of the 4 priority items, the top concern at this time should be to identify a revenue source that would be approved by the Legislature. A Board Sub-Committee was formed, from the board members present, to start coordinating plans to identify funding and establish a base among interested groups (CML, CACP, CSOC, Colorado Counties, Inc. Higher Education and Academies.) The members of the sub-committee are: Chief Charles Johnston

(Chair); Chief Joe Cortez, Sheriff George Epp, and Mayor Margaret Carpenter. Once a meeting time and date is identified, the entire board will be notified.

Sam Mamet, CML, stressed that once a plan is developed as to funding and direction, it would be important for the committee to travel the state to discuss the plan with city councils, county commissioners and other interested parties.

The workshop was then adjourned.

P.O.S.T. BOARD MEETING

RECORD OF PROCEEDINGS

The Peace Officer Standards and Training Board held their 310th board meeting at the Robert A. Christensen Justice Center, Douglas County Sheriff's Dept., 4000 Justice Way, in Castle Rock, Colorado with the following persons present:

BOARD MEMBERS:

EXECUTIVE DIRECTOR PAT AHLSTROM
MAYOR MARGARET CARPENTER
CHIEF JOSEPH CORTEZ
SHERIFF GEORGE EPP
SHERIFF ED JORDAN
CHIEF LORNE KRAMER
S.A.C. FRANK LOTURCO
ATTORNEY GENERAL GALE NORTON
CHIEF CHARLES WIDUP
SHERIFF STEPHEN ZOTOS

BOARD MEMBERS ABSENT:

SHERIFF DAN CORSENTINO
SHERIFF GEORGE EPP
REV. GILL FORD
CHIEF CHARLES JOHNSTON
CHIEF LORNE KRAMER
CHIEF FRANK MARTINEZ
CHIEF DAVE MICHAUD
SHERIFF RICHARD MURDIE

STAFF MEMBERS:

ADRIENNE HUNTER, P.O.S.T. COMPLIANCE OFFICER
JOHN LIZZA, OFFICE OF THE ATTORNEY GENERAL
LINDA OLSON, P.O.S.T. DEPUTY DIRECTOR

GUESTS:

PHIL BACA, COLORADO SHERIFF'S TRAINING INSTITUTE
PAUL BAILES, SUMMIT COUNTY SHERIFF'S DEPT.
GARY BERLIN, COLORADO DIVISION OF WILDLIFE
TIM BLACK, RED ROCKS COMMUNITY COLLEGE
ROGER CLOYD, AURORA POLICE DEPT.
TOM DELUCA, EL PASO COUNTY SHERIFF'S DEPT.
DAN HAYES, BOULDER POLICE DEPT.
FRED JOHNSTON, ROUTT COUNTY SHERIFF'S DEPT.
MICHAEL KNIGHT, COLORADO D.A. INVESTIGATOR'S ASSOCIATION
DIANNE LAUDER, ARVADA POLICE DEPT.
DAVE MARQUITH, COMMUNITY COLLEGE OF AURORA
TERRY MARSH, AURORA POLICE DEPT.
BRETT MASON, ROUTT COUNTY SHERIFF'S DEPT.
RICH MAURO, D.R.C.O.G.
BOB MOORE, ENGLEWOOD S.S.
RON O'CONNELL, COLORADO SPRINGS POLICE DEPT.
JOHN O'SHEA
STEVE PRENTUP, BOULDER COUNTY SHERIFF'S DEPT.
RUBY RICHARDSON, COLORADO STATE PARKS
BOB SCHNEIDER, COMMONWEALTH INTERNATIONAL
MIKE STEEVES, LA JUNTA POLICE DEPT.
JOHN WARNER, ROUTT COUNTY SHERIFF'S DEPT.
STEVEN WHITTMORE, COLORADO NORTHWESTERN COMMUNITY COLLEGE
MICHAEL WILLIAMS, CITY COLLEGE

Attorney General Norton began the meeting with a moment of silence for the passing of John Shell. The P.O.S.T. Board then presented plaques of appreciation to John Shell's family members; in appreciation for his years of service with P.O.S.T.

Chair Norton then noted that Sheriff Riecke Claussen of Mesa County had been announced as a new P.O.S.T. Board member. Sheriff Claussen will be replacing Sheriff Jeff Corriveau, who had elected not to request another term as a board member.

I. Approval of March 27, 1998 Minutes.

Approved.

II. Board Reappointments and Appointments, Paul Farley.

III. Variance Requests, Linda Olson, Acting Director

A. Rule 10 - Basic Certification.

An applicant is eligible to sit for the certification examination under this rule if, in addition to the requirements set out in Rule 10, he or she has successfully completed an approved basic training program, including skills training within the previous three years.

1. Johnston, Fred W.

Petitioner has requested the P.O.S.T. board grant him a variance to Rule 10 - Basic Certification, by considering his law enforcement training as in current status, so that he may sit for the written P.O.S.T. certification exam.

History and Facts:

- 08/17/92 - Appointed Routt CO SO as a Reserve Deputy.
- 08/05/93 - Completed law enforcement training at Colorado Mountain College.
- 11/30/93 - P.O.S.T. received Petitioner's Application for Basic Peace Officer Certification.
- 12/13/93 - Petitioner failed written P.O.S.T. Certification exam, and has not taken the exam again.
- 12/31/95 - Terminated Routt CO SO.
- Never certified.

- 01/06/98 - P.O.S.T. received variance request.
- 02/03/98 - P.O.S.T. received Termination form 6 from Routt CO.
- 03/27/98 - P.O.S.T. Board tabled this request until further clarification is received from the Sheriff of Routt County SO.

Staff Recommendation:

Deny Request.

2. Mason, Brett N.

Petitioner has requested the P.O.S.T. board grant him a variance to Rule 10 - Basic Certification, by considering his law enforcement training as in current status, so that he may sit for the written P.O.S.T. certification exam.

History and Facts:

- 08/17/92 - Appointed Routt CO SO as a Reserve Deputy.
- 08/20/93 - Completed basic law enforcement training at Colorado Mountain College.
- 12/31/95 - Terminated Routt CO SO.
- 06/17/96 - P.O.S.T. received Termination form 6.
- Never Certified.

- 01/13/98 - P.O.S.T. received variance request.

- 03/27/98 - P.O.S.T. Board tabled this request until further clarification is received from the Sheriff of Routt CO SO.

Staff Recommendation:

Deny Request.

Both of these variance requests were considered together.

Sheriff Warner was present at the P.O.S.T. Board meeting and stated that the Fred Johnston and Brett Mason have been acting as *civilian* volunteers, and not as reserve peace officers.

Paul Farley stated that the original request from these individuals was essentially to just take the exam and become certified. They had both completed basic academies and served as reserve officers until December of 1995 albeit without benefit of certification. Under the circumstances Staff's recommendation is that these two individuals complete current renewal requirements, with the exception that they complete full skills training, instead of having the testout option.

A motion was made to accept staff's recommendation. This motion was seconded and approved unanimously.

B. Rule 13(B) - Reciprocity.

If the applicant passes the certification examination after no more than three attempts, the Board shall issue a provisional certificate which shall authorize the applicant to serve as Colorado Peace Officer for a period not to exceed six months.

1. Bailes, Paul G.

Petitioner has requested the P.O.S.T. board grant him a variance extension of three months that he may complete the skills requirements to obtain Peace Officer Certification.

History and Facts:

- 09/18/69 - Appointed, Los Angeles County Sheriff's Dept., CA
- 12/09/70 - Completed basic training and was California P.O.S.T. certified.
- 03/15/95 - Terminated, Los Angeles County Sheriff's Dept. CA.
- 12/28/97 - Appointed, Summit County Sheriff's Department, CO
- 01/26/98 - Applied for Basic Certification, Colorado.
- 02/18/98 - Passed P.O.S.T. Certification Exam, Colorado.
- 02/20/98 - Provisional Certification Issued.
- 06/30/98 - Applied for July 28, 1998 Skills Testout (Firearms).
- 07/02/98 - Cancellation of July 28, 1998 Skills Testout.
- 07/09/98 - P.O.S.T. received Petitioner's variance extension request, and waiver of the required times lines, so that this extension request may be reviewed by the Board at the July 24, 1998 meeting.

- 07/15/98 - P.O.S.T. received Notice of Peace Officer Appointment 6.
- 08/20/98 - Expiration of Provisional Certificate.

Staff Recommendation:

Deny Request. Staff recommends Petitioner cease serving as a Colorado peace officer until he fully complies with statutory requirements:

- 1) complete a P.O.S.T. skills training program or skills exams;
- 2) obtain a current CPR and first aid certifications;
- 3) obtain a current background check including fingerprints; and
- 4) successfully pass the P.O.S.T. written certification exam.

Mr. Bailes was present at the meeting and stated that there had been some initial confusion as to where he could complete his skills training. The sheriff's department completed much of his skills through the department, before he found out that this was not approved by P.O.S.T. and was therefore not applicable to the requirements. Since that time he has been attempting to complete skills training at approved academies. He has recently completed arrest control and driving at an approved academy. He is currently a firearms instructor at Colorado Mountain College and asked that this information be taken into consideration for his variance request.

A motion was made to grant a three month extension to this variance. The motion was seconded and granted unanimously.

C. Rule 17 - Continuing Certification Requirements

A basic certificate shall be renewed if the certificate holder has not served as a peace officer or reserve officer for more than three years, but less than seven years, if the certificate holder successfully completes the skills exams or skills training, and meets all of the requirements of Rule 10.

1. Richardson, Ruby A.

Petitioner requests the P.O.S.T. Board to grant her a variance by extending her P.O.S.T. certificate status due to medical complications, beyond the three year rule to keep her certification current while she recovers from an on the job injury.

History and Facts:

- 03/24/95 - Completed basic training, SCLETA, Trinidad State College.
- 03/24/95 - Colorado certified, certificate #B00781.
- 07/14/97 - Petitioner sustained serious injuries while on duty at the Garfield CO SO (non-certified position).
- 01/01/98 - Doctor released Petitioner to work on light duty.
- 03/02/98 - P.O.S.T. received variance request.
 - * - Never appointed as a peace officer.

Staff Recommendation:

Deny Request. Staff recommends that Petitioner complete the following requirements after the doctor gives her a full release from her injuries:

- 1) complete a P.O.S.T. approved skills training or skills exams in arrest control, firearms and driving;
- 2) obtain current first aid and CPR certifications;
- 3) obtain a current background check including fingerprints; and upon completion of the above,
- 4) successfully pass the written certification exam.

Staff's recommendation approved.

IV. Revocation of Certification, Linda Olson

A. James D. Little

Pursuant to § 24-31-305 C.R.S. Basic peace officer certification requirements shall include successful completion of a high school education or its equivalent.

History/Facts:

- 04/15/97 - Completed basic training Colorado Mountain College.
- 05/05/97 - Petitioner applied for basic certification.
- 05/21/97 - Colorado certified, certificate # B3655.
- 07/03/97 - Appointed Reserve Oak Creek Police Department.
- 12/22/97 - Upon review of Respondent's file, there was no indication as to whether respondent has either a high school diploma, or an equivalency certificate (GED).
- 12/23/97 - Written request sent to Respondent requesting a copy of his High School Diploma, or Equivalency Certificate (GED).
- 12/23/97 - P.O.S.T. phoned Chief Mayes at Oak Creek PD, however, was unable to confirm whether Respondent has an High School Diploma, or GED.
- 01/06/98 - Respondent advised P.O.S.T. that he can not find his GED certificate. He was unsure where and when he obtained his GED in Pueblo, CO. Respondent did not know how long it would take to get a copy of his GED.
- 01/09/98 - P.O.S.T. phoned Olive Morton, CMC, and was able to get a confirmation that Respondent checked "Yes" that he has a GED on his initial application to the school, and that he received it in May 1978, however, there was no copy on file.
- 03/27/98 - Motion passed by the P.O.S.T. Board to issue Show Cause Order.
- 05/22/98 - P.O.S.T. sent Order to Show Cause.
- 06/24/98 - There has been no response to Order of Show Cause.

Staff Recommendation:

Revoke Certificate.

Staff's recommendation approved.

V. Decision Items, Paul Farley

A. Declaratory Order Regarding Park Rangers, Open Space, and Environmental Enforcement, City of Boulder.

1. City of Boulder

Petitioner requests the Board's determination of the following question: Whether employment as Park Ranger police officers, Open space police officers and Environmental Enforcement police officers of the City of Boulder under an appointment by the City Manager as police officers pursuant to the City Manager's authority under the Charter of the City of Boulder constitutes service as a level I "peace officer."

Paul Farley stated that staff's recommendation is based upon how municipal law confers the authority. Under that basis, these other three classes of peace officer would fall under the definition of level I.

Gale Norton stated that P.O.S.T. would be granting training authority, but no other authority. This is important because it determines how P.O.S.T. will respond to cities and what they determine to be level I peace officers.

A motion was made to approve the declaratory order. This motion was seconded and approved unanimously.

B. Declaratory Order Regarding Effect of Senate Bill 98-20 upon Level IA and Level II Peace Officers.

1. the Colorado District Attorneys Council and the Colorado District Attorney Investigators Association

Petitioners request the Board for clarification on the effect of the enactment of Senate Bill 98-20 upon the certification status of a person who previously received basic certification, and who has since that time served a "level I," "level Ia," or "level II" peace officer for at least six months in any three-year period, as provided in § 24-31-305(1.7), C.R.S.

This order simply encapsulates and puts the board on record on how they are going to interpret this new statute. Specifically, it commits the board to recognize service as level Ia and level II peace officers during the 4 year gap from 1994-1998 when the statute was enacted. P.O.S.T. is giving credit for that time period so certifications of those individuals do not lapse. The order specifically addresses the District Attorney Investigators, but it does include all level Ia and level II peace officer positions.

A motion was made to adopt the declaratory order. This motion was seconded and approved unanimously.

VI. Discussion Items.

A. Legislative Update, Senate Bill 20 - Paul Farley.

Paul Farley stated that SB 98-020 was approved by the legislature, but the issue of comparable skills in the bill would have to be addressed in more detail.

B. Rule Changes - Paul Farley.

Rule changes will be discussed in full at the October 2, 1998 meeting in Brush.

C. Litigation Update - Paul Farley.

Oral arguments were held in the first week of May at the Colorado Supreme Court in the Jackson v. State of Colorado. The court seemed most concerned about the legislature trying to require a sheriff to become certified, not for its own sake, but in using the salary suspension vehicle. Their main question seemed to be that if Morgan County really wants Sheriff Jackson to be certified, why don't they just do it instead of using this roundabout method of suspending his salary. If the sheriffs really do want to require county sheriffs to be certified, that may be a bill that is going to have to be run next session

D. Summary of Skills Testout: March 9, 1998 and May 18, 1998, - Linda Olson, Acting Director.

E. Certification Exam Results Winter/Spring 1998 - Linda Olson, Acting Director.

It was noted that a recent exam that had been given to a couple of academies seemed to be difficult. The board asked the SME Blue Ribbon committee to look at this exam and then report back to the board at the next meeting.

F. Bounty Hunters - Paul Farley.

HB-1224 passed this past session. It requires the P.O.S.T. Board to approve a 16 hour curriculum for bail bonding. P.O.S.T. will not be regulating these academies or certifying anyone. P.O.S.T. will simply approve the curriculum.

Meeting adjourned.

P.O.S.T. BOARD MEETING

RECORD OF PROCEEDINGS

The Peace Officer Standards and Training Board held their 311th board meeting at the Brush School District Administration Building, 527 Industrial Park Road, Brush, Colorado, with the following persons present:

BOARD MEMBERS:

EXECUTIVE DIRECTOR PAT AHLSTROM
CHIEF JOSEPH CORTEZ
SHERIFF GEORGE EPP
SHERIFF ED JORDAN
CHIEF LORNE KRAMER
CHIEF FRANK MARTINEZ
CHIEF TOM SANCHEZ
SHERIFF STEPHEN ZOTOS

BOARD MEMBERS ABSENT:

ATTORNEY GENERAL GALE NORTON
MAYOR MARGARET CARPENTER
SHERIFF RIECKE CLAUSSEN
SHERIFF DAN CORSENTINO
REV. GILL FORD
CHIEF CHARLES JOHNSTON
S.A.C. FRANK LOTURCO
SHERIFF RICHARD MURDIE
CHIEF CHARLES WIDUP

BOARD COUNSEL

JOHN A. LIZZA

STAFF MEMBERS:

PAUL FARLEY, DEPUTY ATTORNEY GENERAL
MIKE WILLIAMS, P.O.S.T. DIRECTOR
LINDA OLSON, P.O.S.T. DEPUTY DIRECTOR

GUESTS:

ACADEMY DIRECTOR JIM ALEXANDER, RED ROCKS COMMUNITY COLLEGE
CHIEF STEVE ANNIBALI, BRECKENRIDGE POLICE DEPT.
INVESTIGATOR LARRY BAILEY, COLORADO ATTORNEY GENERAL'S OFFICE
DAVE BALDWIN, JEFFERSON COUNTY SHERIFF'S DEPT.
CAPTAIN ED BINGHAM, DENVER POLICE DEPT.
JIM BURACK, WASHINGTON, D.C.
MARK COPPES, BRECKENRIDGE POLICE DEPT.
CHIEF PATRICK COTE, FORT LUPTON POLICE DEPT.
SERGEANT TOM DELUCA, EL PASO COUNTY SHERIFF'S DEPT.
LIEUTENANT JOSEPH FERRO, ARAPAHOE COUNTY SHERIFF'S DEPT.
CHIEF LARRY GRAHAM, STERLING POLICE DEPT.
LIEUTENANT MIKE GRAYS, COLORADO SPRINGS POLICE DEPT.
SERGEANT DARYL HOFFMAN, ARVADA POLICE DEPT.
DARYL HOLLINGSWORTH, NORTHGLENN POLICE DEPT.
JOHN HOUGH, BRECKENRIDGE POLICE DEPT.
ANDREW JAMES, COLORADO SPRINGS POLICE DEPT.
AGENT DONN KRAEMER, LAKEWOOD POLICE DEPT.
ACADEMY DIRECTOR DAVID LAROSE, NORTHEASTERN REGIONAL POLICE ACADEMY
RAY LEAYCRAFT, ESTES PARK POLICE DEPT.
DAVID LEMKE, MORGAN COUNTY SHERIFF'S DEPT.
ACADEMY DIRECTOR DAVE MARQUITH, COMMUNITY COLLEGE OF AURORA
RONALD W. O'CONNELL, COLORADO SPRINGS POLICE DEPT.
AL PADILLA, LAKEWOOD POLICE DEPT.
CHIEF RANDY REPOLA, ESTES PARK POLICE DEPT.
DEPUTY JOHN SOBIERALSKI, PITKIN COUNTY SHERIFF'S DEPT.
ACADEMY DIRECTOR MARY SUTTON, PUEBLO COMMUNITY COLLEGE
NEAL TYLER, CANON CITY POLICE DEPT.
JERRY E. WHITE, FORT MORGAN POLICE DEPT.
CHET ZAJAC, ASPEN POLICE DEPT.

Sheriff Zotos served as chair of the board in Attorney General Norton's absence a quorum of the Board was not reached. Since there was no quorum, the matters decided by the Board all will have to be ratified at the December 4, 1998, P.O.S.T. board meeting.

The board welcomed Michael S. Williams the new P.O.S.T. Director, and Tom Sanchez, who is the new Chief of Police for Denver, and who is also a new board member.

AGENDA

I. Approval of July 24, 1998 Minutes.

Approved.

II. Variance Requests, Linda Olson, Deputy Director

A. Rule 13 - Reciprocity.

To be eligible to sit for the certification examination under this rule, an applicant must, in addition to the requirements set out in rule 10(b): (c)

successfully complete the basic law enforcement training required in such jurisdiction, provided that if more than three years have elapsed since such applicant has completed that training such applicant must have served as a peace officer for a minimum of six months in the three years prior to the date of application.

1. Bailey, Douglas H.

Petitioner has requested the P.O.S.T. board grant him a variance that he may become P.O.S.T. certified in the state of Colorado under Rule 13 - Reciprocity.

History and Facts:

- 04/79 - Appointed as a peace officer, Herndon, VA
- 11/09/79 - Completed basic training at Northern Virginia Criminal Justice Academy and commissioned by Commonwealth of Virginia.
- 08/10/80 - Appointed as a peace officer, Arlington VA County PD.
- 04/13/89 - Separated from Arlington VA County PD.
- 12/23/91 - Hired by the CO Dept. of Revenue, CO Lottery Division.
- 08/12/98 - P.O.S.T. received variance request.

Staff Recommendation:

Deny Request. Staff recommends Petitioner complete the following requirements to become certified in the state of Colorado:

- 1) complete a P.O.S.T. approved basic training academy;
- 2) obtain current first aid and CPR certifications;
- 3) obtain a current background check including fingerprints; and
- 4) successfully pass the written certification exam.

Staff's recommendation was approved, with one opposed.

B. Rule 17 - Continuing Certification Requirements

A basic certificate shall be renewed if the certificate holder has not served as a peace officer or reserve officer for more than three years, but less than seven years, if the certificate holder

successfully completes the skills exams or skills training, and meets all of the requirements of Rule 10.

1. Burack, James

Petitioner has requested the P.O.S.T. Board grant him a variance so that he may renew his P.O.S.T. certification.

History/Facts:

- 11/21/86 - Completed basic training, Jefferson CO SD, CO.
- 01/27/86 - Appointed as a peace officer, Westminster PD.
- 04/08/87 - Colorado certified #12083.
- 08/31/88 - Separated from Westminster PD.
- 04/26/90 - Appointed as a peace officer, Westminster PD.
- 06/08/91 - Separated from Westminster PD.
- 07/27/98 - P.O.S.T. received Petitioner's variance request.

Staff Recommendation:

Deny Request. Applicant does not come under statutory regulations for continued certification, because he has not served a peace officer for more than seven years.

Applicant was contacted for demonstration of practical difficulty or unnecessary hardship. Information provided was insufficient to support variance request.

Mr. Burack was present at the meeting, and detailed some of his training and involvement with community policing and international policing efforts. He has been actively involved in policing for the past three years as part of the Police Executive Research Forum (PERF). He has only missed completing the regular renewal requirements by about one month.

Pat Ahlstrom moved that Mr. Burack complete skills training or skills test-out, obtain current first aid and CPR certifications; obtain a current background check including fingerprints; and successfully pass the written certification exam. The motion was seconded and passed unanimously.

2. Lemke, David L.

Petitioner requests the P.O.S.T. Board to grant him a variance pursuant to Rule 13 - Reciprocity by allowing him to obtain Provisional Certification while he completes Continuing Certification Requirements for certificate renewal. Petitioner wants to serve as a peace officer during his renewal process.

History and Facts:

- 12/90 - Completed basic training, Arapahoe Community College.
- 03/16/91 - Appointed as a peace officer at Craig Police Department
- 05/15/91 - Colorado certified #13736
- 01/11/94 - Separated from Craig Police Department.
- 05/18/98 - Participated in Skills Testout for renewal and failed all three skill areas.
- 05/23/98 - P.O.S.T. received Petitioner's Letter of Protest under Rule 7(d) - Skills Examinations in regards to the May 18, 1998 Skills Testout results.
- 06/08/98 - P.O.S.T. responded to Petitioner's Letter of Protest.
- 06/23/98 - P.O.S.T. received petitioner's current variance request, for Provisional certification under Rule 5.

Staff Recommendation:

Deny Request. Applicant does not qualify under Rule 13 - Reciprocity. According to statute, Petitioner is not certified in another state or jurisdiction, however, he is a renewal applicant. A request for Provisional Certification is inconsistent with Petitioner's status. Renewal Certification Requirements are:

- 1) complete a P.O.S.T. approved skills training or skills exams in arrest control, firearms and driving;
- 2) obtain current first aid and CPR certifications;
- 3) obtain a current background check including fingerprints; and
- 4) successfully pass the written certification exam.

If he goes on the road as a road deputy, his pay would increase by \$400.00, and that is a hardship.

Staff's recommendation approved.

3. Teller, Michael J.

Petitioner is requesting the P.O.S.T. Board grant him a variance, so that his P.O.S.T. certificate would be current by extending his eligibility three years from his termination date at Department of Corrections.

History/Facts:

- 12/20/94 - Completed P.O.S.T. approved skills training at Arapahoe Community College.
- 01/01/95 - Colorado certified #B00565.
- 08/06/95 - Hired as Community Program Intern - DOC.
- 01/05/96 - Separated from Community Program Intern - DOC.
- 07/30/98 - P.O.S.T. received variance request.

Staff Recommendation

Deny Request. Staff recommends that Petitioner complete the following requirements by January 1, 2002:

- 1) complete a P.O.S.T. approved skills training or skills exams in arrest control, firearms and driving;
- 2) obtain current first aid and CPR certifications;
- 3) obtain a current background check including fingerprints; and upon completion of the above,
- 4) successfully pass the written certification exam.

Linda Olson stated that a DOC intern is not a level Ia or level II peace officer. Applicant was in a training class for 1 month of his 5 months service at DOC, he was not actually on the job.

Staff's recommendation approved.

III. Proposed Bail Recovery Curriculum. - Dr. John O'Shea

The training for the bail recovery program was assigned to P.O.S.T. through HB98-1224. POST was only required to develop a 16 hour curriculum for bail recovery agents, and then submit the curriculum to the Insurance Commissioner. The 16 hours is primarily to alert bail recovery agencies what kind of obligation the law puts them under during bail recovery. P.O.S.T. does not have to administrate it, does not have to certify anyone, P.O.S.T. has only to submit the training curriculum to the Division of Insurance.

The board voted unanimously to approve the 16 hour curriculum.

IV. Resolution regarding Comparability of Skills Standards.

Resolution approved.

V. Discussion Items

A. Summary of Skills Testout:

September 10th and 11th, Linda Olson, Deputy Director.

John Lizza briefly discussed the status of Jackson v. State of Colorado.

VI. Rules Hearing

Proposed Rule 4 - It was suggested that eight SME members was too small a number, and should be doubled or tripled. The board will look at the rule again at the December 4, 1998, board meeting.

Proposed Rule 7 - the word "strongly" was removed from the phrasing of the rule.

A motion was made to approve the rules with the exceptions of proposed rules 4, 9, 11, 19, 20, and 21. **The motion was seconded and passed unanimously.**

The board then proceeded to discuss comparability. P.O.S.T. Director Mike Williams stated that one of the goals of the P.O.S.T. staff is to have standards which are meaningful, but which are also reasonable. He then presented the three different comparability plans to the board.

In-service training was brought up, but it was felt that this issue should be tabled for later, while the comparability issue was discussed in more detail.

Donn Kraemer, Lakewood PD, suggested that the current testout could be modified to a diagnostic version. Each of the three disciplines could take their skills testing and modify them just slightly to follow the same procedure, but in addition to pass/fail, have comments where the areas of concern are, particularly if they are areas of severe concern.

Chief Annibali, Breckenridge Police Dept., stated that P.O.S.T. had to come up with a reasonable standard for comparability. He thought the diagnostic testing version would be a good compromise.

John Lizza stated that since there was no quorum at this meeting, the board could suggest a direction in which the staff could go, and then have the staff focus on drafting an actual rule to have at the next P.O.S.T. board meeting.

Board members expressed support for the diagnostic approach.

Meeting adjourned.

P.O.S.T. BOARD MEETING

RECORD OF PROCEEDINGS

The Peace Officer Standards and Training Board held their 312th board meeting at the Department of Law, 1525 Sherman Street, Room 610 in Denver, Colorado, with the following persons present:

BOARD MEMBERS:

EXECUTIVE DIRECTOR PAT AHLSTROM
SHERIFF RIECKE CLAUSSEN
CHIEF JOSEPH CORTEZ
SHERIFF GEORGE EPP
SHERIFF ED JORDAN
CHIEF LORNE KRAMER
CHIEF FRANK MARTINEZ
CHIEF TOM SANCHEZ
SHERIFF STEPHEN ZOTOS

BOARD MEMBERS ABSENT:

ATTORNEY GENERAL GALE NORTON
MAYOR MARGARET CARPENTER
SHERIFF DAN CORSENTINO
REV. GILL FORD
CHIEF CHARLES JOHNSTON
S.A.C. FRANK LOTURCO
SHERIFF RICHARD MURDIE
CHIEF CHARLES WIDUP

BOARD COUNSEL

JOHN A. LIZZA

STAFF MEMBERS:

PAUL FARLEY, DEPUTY ATTORNEY GENERAL
MIKE WILLIAMS, P.O.S.T. DIRECTOR
LINDA OLSON, P.O.S.T. DEPUTY DIRECTOR

GUESTS:

ACADEMY DIRECTOR PHIL BACA, COLORADO SHERIFF'S TRAINING INSTITUTE
ROSS BAGULLY
JEFFREY BARELA, COLORADO MENTAL HEALTH INSTITUTE - PUEBLO
ACADEMY DIRECTOR CAPT. EDWARD BINGHAM, DENVER POLICE DEPT.
UNDERSHERIFF DON CHRISTENSEN, DOUGLAS COUNTY SHERIFF'S DEPT.
TOM DELUCA, EL PASO COUNTY SHERIFF'S DEPT.
FRANK GRIFFIN, GREAT WEST DETECTIVE AGENCY
MIKE GRYS, COLORADO SPRINGS POLICE DEPT.
EARLENE HOBBS, COLORADO MENTAL HEALTH INSTITUTE - PUEBLO
DALE KING, COLORADO STATE PATROL
JOANNE KING, COLORADO MENTAL HEALTH INSTITUTE - PUEBLO
TERRY MARSH, AURORA POLICE DEPT.
KRISTI MCDONALD-QUINTANA, FIREARMS SME COMMITTEE
JOSEPH MIRANDA, BAIL ENFORCEMENT
RON O'CONNELL, COLORADO SPRINGS POLICE DEPT.
LAWRENCE ORTIZ, COLORADO MENTAL HEALTH INSTITUTE - PUEBLO
AL PADILLA, LAKEWOOD POLICE DEPT.
ROBERT TOTH, AURORA FIRE DEPARTMENT
WALT VANATTA, CRAIG POLICE DEPT.
STEVEN WHITTMORE, COLORADO NORTHWESTERN COMMUNITY COLLEGE
CHET ZAJAC, ASPEN POLICE DEPT.
PAUL ZANI, EL PASO COUNTY SHERIFF'S DEPT.

Sheriff Zotos served as chair of the board in Attorney General Norton's absence.

I. Discussion Items.

A. HB-1205, License Suspension for Failure to Pay Child Support, Michael S. Williams, Director

II. Ratify Board Decisions from the October 2, 1998 P.O.S.T. Board Meeting

Approved.

III. Approval of October 2, 1998 Minutes.

Approved.

IV. Variance Requests, Linda Olson, Deputy Director

A. Rule 11 - Basic Training Program

An applicant is eligible to sit for the certification examination under this rule if in addition to the requirements set out in rule 10 (b), he or she has successfully completed an approved basic training program, including skills training within the previous three years.

The board decided to hear the petitions of all four of the Colorado Mental Health Institute petitioners at the same time.

1. Barela, Jeffrey D.

Petitioner has requested to be certified based upon his training in 1990, and his continued service as a peace officer at Colorado Mental Health Institute, Pueblo Department of Public Safety.

History/Facts:

- 12/01/83 - Hired as a peace officer, State of CO, CO Mental Health Institute at Pueblo Department of Public Safety.
- 04/13/90 - Completed basic training, Pueblo Police Department
- - Never Certified.
- 08/14/98 - P.O.S.T. received variance request.

Staff Recommendation:

Deny Request. Staff recommends Petitioner complete a P.O.S.T. approved basic training program to become certified.

2. Hobbs, Earlene L.

Petitioner has requested to be certified based upon her reserve training in 1992, skills training, and continued service as a peace officer at Colorado Mental Health Institute at Pueblo Department of Public Safety.

History/Facts:

- 09/13/74 - Hired as a peace officer, State of Colorado, CO Mental Health Institute at Pueblo Department of Public Safety
- 10/20/91 - Completed 20 hours of LE Driving.
- 02/18/92 - Completed 29 hours of Arrest Control.
- 03/14/92 - Completed 38 hours of Firearms.
- 03/15/92 - Completed Reserve Officer Academy, Pueblo CO SO
- - Never certified.
- 08/20/98 - P.O.S.T. received variance request.

Staff Recommendation:

Deny Request. Staff recommends Petitioner complete a P.O.S.T. approved basic training program to become certified.

3. King, JoAnne

Petitioner has requested to be certified based upon her reserve training in 1992, skills training, and continued service as a peace officer at Colorado Mental Health Institute at Pueblo Department of Public Safety.

History/Facts:

- 10/74 - Appointed reserve peace officer, Pueblo Police Department.
- 11/25/74 - Hired as a peace officer, State of Colorado, CO Mental Health Institute at Pueblo Department of Public Safety.
- 06/76 - Separated from Pueblo Police Department.
- 10/20/91 - Completed 28 hours of LE Driving.
- 02/18/92 - Completed 29 hours of Arrest Control.
- 03/14/92 - Completed 38 hours of Firearms.
- 03/15/92 - Completed Reserve Officer Academy, Pueblo CO SO.
- - Never certified.
- 08/18/98 - P.O.S.T. received variance request.

Staff Recommendation:

Deny Request. Staff recommends Petitioner complete a P.O.S.T. approved basic training program to become certified.

4. Ortiz, Lawrence

Petitioner has requested to be certified based upon his training in 1984, and continued service as a peace officer at Colorado Mental Health Institute at Pueblo Department of Public Safety.

History/Facts:

- 01/15/79 - Hired as a peace officer CO Mental Health Institute of Pueblo, Department of Public Safety.
- 12/21/84 - Completed basic training at Pueblo Police Department.
- - Never certified.
- 08/20/98 - P.O.S.T. received variance request.

Staff Recommendation:

Deny Request. Staff recommends Petitioner complete a P.O.S.T. approved basic training program to become certified.

A motion was made to grant all four individuals certification without completing any additional requirements. The motion was seconded, and approved with 7 in favor, and 2 against.

5. Toth, Robert K.

Petitioner has requested a variance from basic training that he may complete a skills academy, and take the written certification exam to become P.O.S.T. certified.

History/Facts:

- 1982 - Hired as a firefighter, Aurora Fire Department.
- 02/93 - Completed basic training, Aurora Police Department
- - Never appointed a peace officer, or reserve peace officer.
- - Never certified.
- 10/09/97 - P.O.S.T. staff received Petitioner's first variance request to Rule 7 - Basic Training Program that he could complete renewal certification requirements to become P.O.S.T. certified.
- 11/21/97 - P.O.S.T. Board reviewed Petitioner's variance requested, and issued a variance from basic training, if Petitioner completed skills training or skill exams, and the certification exam by May 31, 1998.
- 05/31/98 - Board Order expired, requirements of the Board were unmet.
- 09/29/98 - P.O.S.T. staff received Petitioner's second variance request

Staff Recommendation:

Deny Request. Staff Recommends Petitioner complete a P.O.S.T. approved basic training program to become certified.

A motion was made to let petitioner receive certification without completing any additional requirements. The motion was seconded and approved with 7 in favor, and 2 against.

B. Rule 17 - Continuing Certification Requirements

A basic certification shall be renewed if the holder has not served as a peace officer or reserve peace officer for more than three years but less than seven years, passes the certification exam pursuant to Rule 12, and successfully completes the skill examination or skills training in each skills area.

1. Bagully, Ross. S.

Petitioner has requested P.O.S.T. to permit him to renew his certification by doing continuing certification requirements, even though he has not served as a peace officer or reserve peace officer for more than seven years.

History/Facts:

- 02/19/79 - Appointed as a reserve peace officer, Aurora Police Department.
- 06/13/79 - Completed, basic reserve police training, Aurora PD.
- 08/02/89 - Colorado certified, certificate # R0159, Classification I.
- 11/90 - Separated from Aurora Police Department.
- 10/29/98 - P.O.S.T. received variance request.

Staff Recommendation:

Deny Request. Staff recommends petitioner complete a Basic Training Program or Reserve Training Program for certification.

Staff's recommendation was approved.

2. Jaster, Daniel J.

Petitioner has requested that P.O.S.T. review his qualifications, and grant him a variance to continue his certification without doing renewal requirements.

History/Facts:

- 12/01/81 - Appointed reserve peace officer, Brighton PD.
- 01/03/83 - Appointed peace officer, Brighton PD
- 06/24/83 - Completed basic training, CLETA.
- 07/20/83 - Colorado certified, certificate #10523.
- 12/29/83 - Separated from Brighton PD as a reserve peace officer.
- 03/31/84 - Separated from Brighton PD as a peace officer.
- 10/30/89 - Appointed reserve peace officer, Denver PD.
- - Grandfathered reserve certificate #R0398, Classification I.
- 05/10/91 - Separated from Denver PD (medical problems)
- 10/12/98 - P.O.S.T. received variance request.
- 10/20/98 - P.O.S.T. request more information from Petitioner (Discussion)

Staff Recommendation:

Deny Request: Staff recommendation is that Petitioner complete a basic training program.

Staff's recommendation approved.

3. Stark, Dennis W.

Petitioner has requested the board grant him a variance to renew his certificate without doing any renewal requirements.

History/Facts:

- 09/12/78 - Appointed as a peace officer at Lamar Police Department.
- 04/79 - Separated from Lamar Police Department.
- 04/16/79 - Appointed a peace officer at Wheat Ridge Police Department
- 11/30/79 - Completed basic training, CLETA.
- 01/02/80 - Colorado certified, certificate #8594.
- 04/80 - Separated from Wheat Ridge Police Department
- 08/25/80 - Appointed as a peace officer Westminster Police Department.
- 10/10/91 - Separated from Westminster Police Department
- 10/10/94 - Petitioner certification expired.
- 01/06/95 - P.O.S.T. received first variance request to reactivate his certificate based on his experience and education.
- 03/01/95 - Board Order - six months to complete renewal requirements.
- 03/31/95 - Time to appeal Board's Order expired.
- 08/28/95- P.O.S.T. received second variance request for an indeterminate time period to comply with renewal requirements.
- 09/01/95 - Initial Board Order expired, requirements unmet.
- 09/12/95 - P.O.S.T. issued Notice of Revocation of Certification.
- 12/15/95 - Board Order - six month variance extension to comply with renewal requirements, including the option of skills testout.
- 01/15/96 - Time to appeal Board's Order expired
- 06/15/96 - Second Board Order expired - requirements unmet.
- 04/17/97 - Appointed as a Reserve Deputy to Adams County Sheriff's Department.
- 04/24/97 - P.O.S.T. issued a Cease and Desist Order.
- 04/28/97 - Separated from Adams County Sheriff's Department
- 06/26/97 - P.O.S.T. Director J. Shell informed Petitioner of SB96-234. (Skills Testout)
- 08/10/98 - P.O.S.T. received third variance request as stated above.
- 10/10/98 - Seven years has expired since Petitioner was appointed a peace officer.
- 09/09/98 - P.O.S.T. informed Petitioner of the P.O.S.T. Board meeting change from September 25, 1998 to October 2, 1998 and requested a 30 day time waver.
- 09/11/98 - Petitioner requested his petition be held over to the Dec. 4th meeting.

Staff Recommendation:

Deny Request. Staff recommends the board to order Petitioner complete an appropriate P.O.S.T. training program prior to receiving certification.

*Staff Notation: Petitioner has not completed the requirement of either of the Board Orders.

Staff's recommendation approved.

Halfway through the rules hearing, the quorum was lost, so the rules decided by the Board will have to be ratified at the January 29, 1999 board meeting.

V. Rules Hearing:

(Changes to the proposed amendments to the P.O.S.T. rules are in *italics*.)

Rule 4 - Subject Matter Experts

The word "shall" was removed from sections (b) and (b) (III).

Rule 9 - Provisional Certification

Section (c) (I) was changed to read: "successfully completes approved training in each skills area; *or...*"

Chief Les Langford expressed the opinion that provisional applicants ought to be able to document their skills proficiency in front of an approved skills instructor, regardless of whether they are on one of the Subject Matter Expert Committees. Some people felt that the SME committees had become too powerful. Their original purpose was only to approve training programs.

Chet Zajac, Arrest Control SME Committee, stated that he was in favor of letting the academies take over part of the testing process. There are currently anywhere from 30 to 50 different arrest control procedures, and in test-out the evaluators have the testers perform a random sampling of only 8 of those procedures. If the testing is done at the academy level, the testers would have to perform all of the procedures, rather than just a random sampling, and applicants who had been unable to pass the Arrest Control test-out procedure would certainly be unable to pass the full academy procedure. Get the committees out of it, and let the academies test it, and make it comparable skills. Everyone should be aware, however, that comparable skills means *comparable to what a basic academy student has to pass*. Officer Zajac contended that he is seeing people in test-out right now who are a disgrace to law enforcement, who are trying to pass through by washing down the testing process, and he believes they would not be able to even come close to passing the academy level.

Section (c) (II) (a) was changed to read: "passes all portions of the examinations *as documented by an approved skills instructor; or...*"

Section (c) (II) (b) was changed to read: " passes some portions of the examinations and *successfully* completes prescribed in-service training with respect to those portions not passed;"

Section (c) (III) was changed to read: “documents that he or she has met comparable *training* standards in each skills area in such other state or federal jurisdiction.

Section (d) was changed to read: “persons desiring additional time to complete the skills requirements beyond the initial six months provided by the provisional certificate must petition the Board and demonstrate good cause why such additional time *should be granted*.”

Rule 21 - Skills Instructors

Section (a) (II) was removed.

A motion was made to adopt the rule changes, and submit them to the Attorney General for emergency rules. The motion was seconded and approved unanimously.

VI. SME Committee Membership

Director Mike Williams then submitted a proposed list of committee members for all of the subject matter expert committees. He requested the board grant their approval for the next year.

A motion was made to approve the suggested SME committee members. The motion was seconded, and approved unanimously.

Meeting Adjourned.

P.O.S.T. BOARD MEETING

RECORD OF PROCEEDINGS

The Peace Officer Standards and Training Board held their 313th board meeting at the Department of Law, 1525 Sherman Street, Room 610 in Denver, Colorado, with the following persons present:

BOARD MEMBERS:

MAYOR MARGARET CARPENTER
SHERIFF DAN CORSENTINO
CHIEF JOSEPH CORTEZ
SHERIFF GEORGE EPP
REV. GILL FORD
SHERIFF ED JORDAN
FRANK LOTURCO
CHIEF FRANK MARTINEZ
SHERIFF RICHARD MURDIE
ATTORNEY GENERAL KEN SALAZAR
CHIEF TOM SANCHEZ
CHIEF CHARLES WIDUP
EXECUTIVE DIRECTOR ARISTEDES ZAVARAS
SHERIFF STEPHEN ZOTOS

BOARD MEMBERS ABSENT:

SHERIFF RIECKE CLAUSSEN
CHIEF LORNE KRAMER

BOARD COUNSEL

JOHN A. LIZZA

STAFF MEMBERS:

MIKE WILLIAMS, P.O.S.T. DIRECTOR
ADRIENNE HUNTER, P.O.S.T. COMPLIANCE OFFICER
BRENDA DRYBURGH, P.O.S.T. ADMINISTRATIVE ASSISTANT

MEMBERS OF THE PUBLIC IN ATTENDANCE:

ACADEMY DIRECTOR JIM ALEXANDER, RED ROCKS COMMUNITY COLLEGE
BILL ANGERMANN, GLENDALE POLICE DEPT.
CHIEF STEVEN ANNIBALI, BRECKENRIDGE POLICE DEPT.
ACADEMY DIRECTOR PHIL BACA, COLORADO SHERIFF'S TRAINING INSTITUTE
GARY BERLIN, COLORADO DIVISION OF WILDLIFE
UNDERSHERIFF DON CHRISTENSEN, DOUGLAS COUNTY SHERIFF'S DEPT.
PAUL DUGDALE, ARAPAHOE COUNTY SHERIFF'S DEPT.
JOE FERRO, ARAPAHOE COUNTY SHERIFF'S DEPT.
BILL GARDNER, MESA COUNTY SHERIFF'S DEPT.
LT. MICHAEL GRYS, COLORADO SPRINGS POLICE DEPT.
BRIAN HEBBARD, COMMERCE CITY POLICE DEPT.
JOHN KOSHAK, COLORADO DIVISION OF WILDLIFE
CHIEF LES LANGFORD, CHERRY HILLS VILLAGE POLICE DEPT./CACP
ACADEMY DIRECTOR DAVID LAROSE, NORTHEASTERN JUNIOR COLLEGE
CHIEF GARY L. MAAS, LITTLETON POLICE DEPT.
RUSSELL MARQUISS, THORNTON
DAN MONTGOMERY, WESTMINSTER POLICE DEPT.
RON O'CONNELL, COLORADO SPRINGS POLICE DEPT.
AL PADILLA, LAKEWOOD POLICE DEPT.
ANTHONY PINELLE, COLORADO MENTAL HEALTH INSTITUTE - PUEBLO
MIKE STEEVES, LA JUNTA POLICE DEPT.
EXEC. DIR. JACK VAN ARSDOL, COLORADO ASSOCIATION OF CHIEFS OF POLICE
JIM WADE, CRIPPLE CREEK POLICE DEPT.
ROBERT WASKO, MORRISON POLICE DEPT.
ACADEMY DIRECTOR STEVEN WHITTMORE, COLO. NW COMM. COLLEGE

Attorney General Ken Salazar began the meeting by introducing himself, and then having the P.O.S.T. Board and staff introduce themselves to the audience.

I. Approval of December 4, 1998 Minutes

A motion was made to approve the minutes. The motion was seconded and approved, with Mayor Carpenter abstaining.

II. Variance Requests, Adrienne M. Hunter, Compliance Officer

A. Rehearing of Five Variances from the December 4, 1998 Meeting.

At the December 4, 1998 P.O.S.T. Board Meeting, the board voted to grant five variance requests. By a seven to two vote, the Board voted to grant such variances, but did not address

complete certification criteria. Vice Chairman Sheriff Zotos, who voted with the majority, requested a stay of that action pending Board's clarification of certification requirements.

Sheriff Zotos' concern was focused on the lack of Board guidance as to background checks, required by statute. Sheriff Zotos' limited request was that this item be placed on the agenda, for motion to revisit the Board's order, clarifying the background issue. Mr. Toth is similarly situated.

For the Boards convenience, the five petitions are set forth below with staff's original recommendations:

1. Barela, Jeffrey D.

Petitioner has requested to be certified based upon his training received in 1990, and his continued service as a peace officer at Colorado Mental Health Institute, Pueblo Department of Public Safety.

History/Facts:

- 12/01/83 - Hired as a peace officer, State of Colorado, CO Mental Health Institute at Pueblo Department of Public Safety.
- 04/13/90 - Completed basic training, Pueblo Police Department
- - Never Certified.
- 08/14/98 - P.O.S.T. received variance request.

Staff Recommendation:

Deny Request. Staff recommends Petitioner complete a P.O.S.T. approved basic training program to become certified.

2. Hobbs, Earlene L.

Petitioner has requested to be certified based upon her reserve training received in 1992, skills training, and continued service as a peace officer at Colorado Mental Health Institute at Pueblo Department of Public Safety.

History/Facts:

- 09/13/74 - Hired as a peace officer, State of Colorado, CO Mental Health Institute at Pueblo Department of Public Safety
- 10/20/91 - Completed 20 hours of LE Driving.
- 02/18/92 - Completed 29 hours of Arrest Control.
- 03/14/92 - Completed 38 hours of Firearms.
- 03/15/92 - Completed Reserve Officer Academy, Pueblo CO SO
- - Never certified.
- 08/20/98 - P.O.S.T. received variance request.

Staff Recommendation:

Deny Request. Staff recommends Petitioner complete a P.O.S.T. approved basic training program to become certified.

3. King, JoAnne

Petitioner has requested to be certified based upon her reserve training received in 1992, skills training, and continued service as a peace officer at Colorado Mental Health Institute at Pueblo Department of Public Safety.

History/Facts:

- 10/74 - Appointed reserve peace officer, Pueblo Police Department.
- 11/25/74 - Hired as a peace officer, State of Colorado, CO Mental Health Institute at Pueblo Department of Public Safety.
- 06/76 - Separated from Pueblo Police Department.
- 10/20/91 - Completed 28 hours of LE Driving.
- 02/18/92 - Completed 29 hours of Arrest Control.
- 03/14/92 - Completed 38 hours of Firearms.
- 03/15/92 - Completed Reserve Officer Academy, Pueblo CO SO.
- - Never certified.
- 08/18/98 - P.O.S.T. received variance request.

Staff Recommendation:

Deny Request. Staff recommends Petitioner complete a P.O.S.T. approved basic training program to become certified.

4. Ortiz, Lawrence

Petitioner has requested to be certified based upon his training in 1984, and continued service as a peace officer at Colorado Mental Health Institute at Pueblo Department of Public Safety.

History/Facts:

- 01/15/79 - Hired as a peace officer, State of Colorado, CO Mental Health Institute of Pueblo Department of Public Safety.
- 12/21/84 - Completed basic training at Pueblo Police Department.
- - Never certified.
- 08/20/98 - P.O.S.T. received variance request.

Staff Recommendation:

Deny Request. Staff recommends Petitioner complete a P.O.S.T. approved basic

training program to become certified.

5. Toth, Robert K.

Petitioner has requested a variance from basic training that he may complete a skills academy, and take the written certification exam to become P.O.S.T. certified.

History/Facts:

- 1982 - Hired as a firefighter, Aurora Fire Department.
- 02/93 - Completed basic training, Aurora Police Department
- - Never appointed a peace officer, or reserve peace officer.
- - Never certified.
- 10/09/97 - P.O.S.T. staff received Petitioner's first variance request from Rule 7 Basic Training Program so that he could sit for the next available certification examination to become P.O.S.T. certified.
- 11/21/97 - P.O.S.T. Board reviewed Petitioner's variance requested, and issued a variance from basic training, if Petitioner completed skills training or skill exams, and the certification exam by May 31, 1998.
- 05/31/98 - Board Order expired, requirements of the Board were unmet.
- 09/29/98 - P.O.S.T. staff received Petitioner's second variance request

Staff Recommendation:

Deny Request. Staff Recommends Petitioner complete a P.O.S.T. approved basic training program to become certified.

A motion was made to amend the Board's previous order to include the requirement of a background fingerprint check. The motion was seconded, and approved by a vote of 10-1, with Sheriff Corsentino, Sheriff Murdie and Chief Widup abstaining.

B. Rule 8 - Basic Certification.

To be eligible to sit for the certification examination, an applicant for basic certification must have successfully completed an approved basic training academy or an approved course of study including skills training within the previous three years.

1. Culverhouse, Ian

Petitioner received an associate degree in the Administration of Justice more than three years ago. He is requesting the Board grant him an extension of time so that he may complete the required mini-skills training, and sit for the P.O.S.T. certification exam.

History/Facts:

- 01/20/93 - Petitioner entered the Active Duty in Military
- 12/15/95 - Associate of Science degree in Administration of Justice at the Honolulu Community College (accredited by Western Association of School and Colleges Accrediting Commission for Senior Colleges and Universities.)
- 05/96 - Petitioner returned to Colorado.
- 06/16/96 - Tour of military duty ended.
- 09/96 - Petitioner attended Colorado State University for one semester.
- - Petitioner never certified.
- - Petitioner never appointed.
- 12/15/98 - Petitioner sent variance request to P.O.S.T.

Staff Recommendation:

Petitioner has offered no justification regarding why he has taken no steps toward certification in the 2 ½ years since he left military service 6/96. Therefore, staff recommends denial of the petition. However, if the Board believes that Petitioner has demonstrated good cause, staff recommends that the Board grant Petitioner until June 30, 1999 to complete the following:

- a) a P.O.S.T. approved skills training program;
- b) obtain a current first aid and CPR certifications;
- c) submit a P.O.S.T. form 1, Application for Basic Certification;
- d) obtain a cleared background check including fingerprints; and
- e) successfully pass the P.O.S.T. written Certification Examination.

A motion was made to approve staff's recommendation. The motion was seconded and approved unanimously.

2. Koshak, John

Petitioner's variance is a request for consistent application of Board policy as it concerns the State Parks Peace Officers and himself. The two requests before the Board, one contingent upon the other, are as follows:

- a) that the Board would grant him P.O.S.T. Certification without him having to do any additional training or testing requirements;
 - b) should the Board not be willing to do this, then;
- petitioner said he is willing to do whatever is reasonably required so that he can get P.O.S.T. certified.

History/Facts:

- 05/01/92 - Hired as a Colorado State Parks Ranger, at Lake Pueblo State Park.
- 09/01/92 - Transferred to work at San Luis Lakes State Park.
- 11/06/92 - Completed basic training at Trinidad State Junior College.
- - Never certified.

- 10/01/97 - Promoted to Senior Ranger at Rifle Fall State Park.
- 11/01/97 - Transferred to State Land Board as District Manager, Alamosa, CO.
- 07/06/98 - Hired at Division of Wildlife as Watchable Wildlife Coordinator.
- 12/15/98 - P.O.S.T. received Petitioner's variance request.

Staff Recommendation:

Deny Request.

Sheriff Zotos wished to know if the Board had jurisdiction to grant this variance.

Paul Farley, Attorney General's Office stated that the Board's authority to grant variances is limited strictly to § 24-31-305. Mr. Koshak's request falls under the auspices of § 24-31-306. The Board could not grant a variance to Mr. Koshak based upon his request. However, the Board could, if they wished, grant a variance to Mr. Koshak under section 305.

John Lizza, Board Counsel, said that what Mr. Farley was telling them was that while they could not grant Mr. Koshak's specific variance, the Board does have other options available to them. Traditionally, when granting a variance to section 205, the Board has required individuals to complete a background fingerprint check, complete skills training or skills examinations, and successfully pass the written certification examination.

Unlike the other Parks & Recreation and Wildlife applicants, Mr. Koshak had not been continuously employed in his agency right after obtaining his basic training. There was a break of more than three years from his training with SCLETA, and his appointment with the Division of Wildlife.

A motion was made to waive all requirements under section 305 so that Mr. Koshak may become certified. The motion was seconded.

Mayor Carpenter stated that in light of the previous five requests, the motion should be amended to at least included a background check.

Attorney General Salazar decided to hold a roll-call vote. The motion failed by a vote of 9-3, with Executive Director Zavaras abstaining.

Board Members Voting Yes

Sheriff George Epp
Sheriff Ed Jordan
Sheriff Steve Zotos

Board Members Voting Nay

Mayor Margaret Carpenter
Sheriff Dan Corsentino
Chief Joe Cortez
Rev. Gill Ford
Frank Loturco
Chief Frank Martinez
Sheriff Richard Murdie
Attorney General Ken Salazar
Chief Chuck Widup

Chief Cortez stated that, "According to the rules, variances are based on practical difficulty or unnecessary hardship, and it seems that Mr. Koshak, who is not required by statute to be certified for his position, doesn't really qualify under that rule."

Mr. Koshak stated that while his current position does not require him to be certified, the Division of Wildlife can use all of the certified officers possible.

Sheriff Murdie said that considering the controversy over the variance request, he would like to make a motion to table the issue until the next meeting, when more would be known about the policy direction P.O.S.T. would be taking regarding variances. Mr. Zavaras seconded the motion, and the motion passed with 11 in favor, one opposed, and one abstention.

C. Extension of Provisional Certifications

1. Tucker, Dale E.

Petitioner has requested that the Board extend its Order of October 2, 1998 (granting an extension of his certification through December 31, 1998) through April 20, 1999. Petitioner has requested a three month extension on his Provisional Certification that he may attend classes in January 1999 to complete skills requirements.

History/Facts:

- 02/26/98 - P.O.S.T. received an Application for Basic Certification form 1.
- 03/18/98 - Petitioner failed P.O.S.T. Certification Exam.
- 04/15/98 - Petitioner passed P.O.S.T. Certification Exam.
- 04/20/98 - Petitioner received Provisional Certificate
- 04/20/98 - Appointed deputy sheriff at Hinsdale County Sheriff's Dept.

- 09/18/98 - P.O.S.T. received Petitioner's first request for a six month extension, so that he may find classes available to attend and to enable him to serve as a level one peace officer.
- 10/02/98 - P.O.S.T. granted Petitioner a Provisional Extension through December 31, 1998.
- 11/01/98 - Petitioner's time to appeal Board decision expired and the Board's Order became final.
- 12/10/98 - Petitioner completed Law Enforcement Driving at Colorado Northwestern Community College.
- 12/19/98 - Petitioner sent second request for an extension to P.O.S.T., and petitioner requested to be registered for January 25, 1999 skills exams.
- 01/25/99 - Petitioner attended the skill testout and successfully complete the remain two skill areas of arrest control and firearms.

Staff Recommendation:

Grant Request. Staff recommends an extension of Petitioner's Provisional Certification through January 25, 1999, so that he may received basic certification.

Petitioner's certification expired on December 31, 1998. Since then, he has been ineligible to discharge his duties as a peace officer in the state of Colorado.

Names of Provisional Certificate Expired

Mark Coppes	07/20/98
John Hough	07/20/98
Eric Kumjian	11/28/98
Russell Marquiss	11/28/98
Dale Tucker	10/17/98

The above named individuals received Provisional Certifications. Each certificate has expired on the dates indicated. On October 2, 1998 the Board granted an extension of the expired Provisional certificates until December 31, 1998. All but one of the above named individuals were in the process of completing reciprocity requirements through in-service, prior to the extended expiration date. Staff is asking the Board to amend its October 2nd extension to February 5, 1999 for approval, so that staff can issue basic certificates to the four who have completed the process.

A motion was made to amend previous board orders regarding the expiration of provisional certifications so that the provisional certificates for the names indicated would be used through February 5, 1999. The motion was seconded, and approved unanimously.

D. Rule 16 - Certification Renewals.

A basic certification shall be renewed if the holder has not served as a peace officer or reserve peace officer for more than three years but less than seven years, passes the certification exam pursuant to Rule 12, and successfully completes the skill examination or skills training in each skills area.

1. Baker, Dewitte J.

Petitioner has requested that P.O.S.T. grant him a variance to continue his certification without satisfying any renewal requirements.

History/Facts:

- 11/29/82 - Hired as So. Ute Indian Tribe Conservation Department, as a Gaming Warden or District Manager.
- 11/18/83 - Completed basic training, US Indian Police Training Center.
- 1987 - Appointed a peace officer at So. Ute Tribal Police Department.
- 1988 - Separated from So. Ute. Tribal Police Department.
- 04/10/88 - Completed basic training Colorado Mountain College, in Glenwood Springs.
- 07/02/91 - Colorado certified, certificate #13775.
- 07/22/91 - Separated from Southern Ute Indian Conservation Department.
- 07/24/94 - Associate of Applied Science Degree, Criminal Justice at Pueblo Community College.
- 12/20/96 - Bachelor of Arts degree student constructed major in Criminal Justice, Ft. Lewis College in Durango, CO.
- 11/24/97 - Hired as Programs Coordinator, So. Ute Indian Tribe PD, Detention Division. (Inmate Programs)
- 10/27/98 - P.O.S.T. received variance request.

Staff Recommendation:

Deny Request. Staff recommends renewal of Petitioner's certification if he completes the following requirements by Wednesday, June 30, 1999.

- a) a P.O.S.T. approved skills training or skills exams in arrest control, driving, and firearms;
- b) submit a P.O.S.T. form #4 Application for Renewal of Basic Certification;
- c) obtain current first aid and CPR certifications;
- d) obtain a current background check including fingerprints; and,
- e) successfully pass the written certification.

A motion was made to approve staff's recommendation. The motion was seconded and approved unanimously.

III. Discussion Items, Michael S. Williams, Director

Attorney General Ken Salazar took this opportunity to announce the formation of the P.O.S.T. Review Committee. The committee will be reviewing and assessing existing P.O.S.T. Board standards and policies including a review of the following issues: reciprocity; executive certification; variances; quality control at community college programs; continuing education; and resource issues for the P.O.S.T. Board. Don Quick, Deputy Attorney General for the Criminal Justice section, will be coordinating this committee.

Don Quick stated that the following people were currently on the committee: Sheriff William Dennison, Hinsdale County; Sheriff Tom Delassandri, Garfield County; Chief Les Langford, president of the Colorado Association of Chiefs of Police; Lt. Paul Siska, past president of the Fraternal Order of Police; Former Denver Chief of Police Dave Michaud; and John Goodwin, academy director for Colorado Mountain College - Spring Valley campus.

Several suggestions were made for additions to the committee; board members, SME committee members, and agency academy directors. Don Quick stated that anyone interested in being on the committee could contact him after the meeting.

P.O.S.T. BOARD MEETING

RECORD OF PROCEEDINGS

The Peace Officer Standards and Training Board held their 314th board meeting at the Department of Law, 1525 Sherman Street, Room 610 in Denver, Colorado, with the following persons present:

BOARD MEMBERS:

MAYOR MARGARET CARPENTER
SHERIFF RIECKE CLAUSSEN
CHIEF JOSEPH CORTEZ
SHERIFF ED JORDAN
FRANK LOTURCO
CHIEF FRANK MARTINEZ
SHERIFF RICHARD MURDIE
CHIEF TOM SANCHEZ
EXECUTIVE DIRECTOR ARISTEDES ZAVARAS
SHERIFF STEPHEN ZOTOS

BOARD MEMBERS ABSENT:

SHERIFF DAN CORSENTINO
SHERIFF GEORGE EPP
REV. GILL FORD
CHIEF LORNE KRAMER
ATTORNEY GENERAL KEN SALAZAR
CHIEF CHARLES WIDUP

BOARD COUNSEL

JOHN A. LIZZA

STAFF MEMBERS:

DON QUICK, DEPUTY ATTORNEY GENERAL, CRIMINAL JUSTICE SECTION
MIKE WILLIAMS, P.O.S.T. DIRECTOR
ADRIENNE HUNTER, P.O.S.T. COMPLIANCE OFFICER
BRENDA DRYBURGH, P.O.S.T. ADMINISTRATIVE ASSISTANT

MEMBERS OF THE PUBLIC IN ATTENDANCE:

ACADEMY DIRECTOR JIM ALEXANDER, RED ROCKS COMMUNITY COLLEGE
ACADEMY DIRECTOR PHIL BACA, COLORADO SHERIFF'S TRAINING INSTITUTE
LT. GARY BARBOUR, LAKEWOOD POLICE DEPT.
GARY BERLIN, COLORADO DIVISION OF WILDLIFE
ACADEMY DIRECTOR CAPTAIN ED BINGHAM, DENVER POLICE DEPT.
CAROLE ANN BRADY
CHARLIE CASADOS, DEPARTMENT OF CORRECTIONS
NORMA CRUZ, TELLER COUNTY SHERIFF'S DEPT.
DEAN CURD, COUNTY SHERIFFS OF COLORADO, INC.
ACADEMY DIRECTOR SGT. TOM DELUCA, EL PASO COUNTY SHERIFF'S DEPT.
BILL GARRETT, COLORADO DIVISION OF GAMING
ACADEMY DIRECTOR LT. MICHAEL GRYS, COLORADO SPRINGS POLICE DEPT.
HUCK HENDERSON, COLORADO DIVISION OF GAMING
JOHN KOSHAK, COLORADO DIVISION OF WILDLIFE
LARRY LAFLAM, ARAPAHOE COUNTY SHERIFF'S DEPT. TRAINING
CHIEF LES LANGFORD, CHERRY HILLS POLICE DEPT./CACP
ACADEMY DIRECTOR DAVID LAROSE, NORTHEASTERN JUNIOR COLLEGE
KIRK LONG, ARAPAHOE COMMUNITY COLLEGE
ERIC MARQUARDT
ACADEMY DIRECTOR DAVE MARQUITH, COMMUNITY COLLEGE OF AURORA
RONALD O'CONNELL, COLORADO SPRINGS POLICE DEPT.
EULOGIO ROCA
JOE SCHALLMOSER, JEFFERSON COUNTY PUBLIC SCHOOL SECURITY
ACADEMY DIRECTOR MARY SUTTON, PUEBLO COMMUNITY COLLEGE
ACADEMY DIRECTOR STEVEN L WHITTMORE, COLORADO NORTHWESTERN
COMMUNITY COLLEGE
ACADEMY DIRECTOR DEBBIE WILKE, ARAPAHOE COMMUNITY COLLEGE
ACADEMY DIRECTOR LT. ROBERT YANT, MORRISON POLICE DEPT.
PAUL ZANI, EL PASO COUNTY SHERIFF'S DEPT.

I. Approval of February 5, 1999 Minutes

Approved.

Before the variance requests were to begin, P.O.S.T. Director Michael Williams announced that Sheriff John Stone and Undersheriff John Dunaway had requested to be taken off the current agenda, and wished to be heard at the next Board meeting.

II. Variance Requests, Adrienne M. Hunter, Compliance Officer

A. Rule 8 - Basic Certification.

To be eligible to sit for the certification examination, an applicant for basic certification must have successfully completed an approved basic training academy or an approved course of study including skills training within the previous three years.

1. Casados, Charles J.

Petitioner asks that the Board grant him a variance from Rule 8 - Basic Certification so that he can be certified by virtue of his original basic training, and his four plus years of service as a level II peace officer, rather than repeating basic training.

History/Facts:

- 03/93 - Completed basic training, Pueblo Community College.
- - Petitioner was never certified.
- 09/94 - Hired as Corrections Officer, (level II peace officer), Limon Corrections Facility.
- 07/01/95 - Hired as Corrections Officer,(level II peace officer), San Carlos Correctional Facility
- 06/01/98 - Separated from San Carlos Correctional Facility.
- 07/01/98 - Hired as a Correctional Security Services Officer II, Youth Offender System.
- 01/13/99 - P.O.S.T. received Petitioners variance request.

Staff Response:

Staff does not support Petitioner's petition for variance as requested. However, consistent with the Board's recent actions concerning similarly situated state hospital employees, staff must recommend granting Petitioner a variance, and require him to complete the following requirements by September 30, 1999:

- a) P.O.S.T. form #1- Application for Basic Certification.
- b) Obtain a cleared background check including fingerprints, processed through CBI and FBI.

Mr. Casados was present at the meeting and stated that in order to gain certification, he would be willing to get some type of remedial training.

Director Williams stated that staff would support that position. Their recommendation is based upon a previous similar request, but they would support getting additional training for the individual.

A motion was made to accept staff's response, with the amendment to have staff work with the applicant to gain some kind of remedial training in Colorado law, as outlined by staff. The motion was seconded, and passed with 8 in favor, and 2 opposed.

2. Garrett, Billy R.

Petitioner asks the P.O.S.T. Board grant him a variance to Rule 8 - Basic Certification, so that he may become P.O.S.T. certified based on his training and experience, rather than completing an entire basic training.

History/Facts:

- 10/06/69 - Appointed as a peace officer at Los Angeles PD, California.
- 02/20/70 - Completed basic training, Los Angeles PD, California.
- 01/18/71 - P.O.S.T. certified in California.
- 09/26/72 - Completed basic recruit training, New Mexico, and New Mexico certified as a peace officer.
- 10/01/72 - Appointed as a peace officer New Mexico State Police.
- 12/19/75- Separated from New Mexico State Police.
- - Appointed as a peace officer at Eastern New Mexico University Police Department. (No response from agency)
- 1978 - Separated from Eastern New Mexico University PD.
- 1980 - New Mexico P.O.S.T. certificate expired.
- 08/01/94 - Hired as a level II peace officer at the State of CO Division of Gaming as an investigator at Cripple Creek.
- 02/05/98 - Attempted, unsuccessfully, to Certify by Waiver in the State of New Mexico, DPS Training and Recruiting Division.
- 01/11/99 - P.O.S.T. received Petitioner's variance request.

Staff Response:

Staff does not support Petitioner's variance request. Staff recommends Petitioner be required to meet all of the standard requirements of Rule 8 - Basic Certification:

- a) complete a P.O.S.T. approved basic training program.
- b) obtain current first aid and CPR certifications.
- c) obtain a cleared background check including fingerprints processed through CBI and FBI.
- d) successfully pass the written certification exam.

A motion was made to accept staff's recommendation. The motion was seconded, and approved unanimously.

A concern arose that Mr. Garret had indicated that he worked for the Teller County Sheriff's Dept. for five years without carrying a commission. The Board directed to staff to send a letter to Teller County, outlining reserve and volunteer authority qualifications.

Don Quick, Deputy Attorney General, stated that he would direct staff to put a copy of this letter in the packet for the next Board meeting.

3. Koshak, John (This request was tabled from the last Board Meeting.)

Petitioner's variance is a request for consistent application of Board policy as it concerns the State Parks Peace Officers and himself. The two requests before the Board, one contingent upon the other, are as follows:

- a) that the Board would grant him P.O.S.T. Certification without him having to do any additional training or testing requirements;
- b) should the Board not be willing to do this, then; petitioner said he is willing to do whatever is reasonably required so that he can get P.O.S.T. certified.

History/Facts:

- 05/01/92 - Hired as a Colorado State Parks Ranger, at Lake Pueblo State Park.
- 09/01/92 - Transferred to work at San Luis Lakes State Park.
- 11/06/92 - Completed basic training at Trinidad State Junior College.
- - Never certified.
- 10/01/97 - Promoted to Senior Ranger at Rifle Fall State Park.
- 11/01/97 - Transferred to State Land Board as District Manager, Alamosa, CO.
- 07/06/98 - Hired at Division of Wildlife as Watchable Wildlife Coordinator.
- 12/15/98 - P.O.S.T. received Petitioner's variance request.

Staff Response:

Staff does not support Petitioner's request for variance.

Mr. Koshak's variance request was tabled, pending discussion of the recommendations from the P.O.S.T. Review Committee. As the committee recommendations would not be discussed until the May 21, 1999, board meeting, a motion was made to table the issue once again. Mr. Koshak was present, and having no objection to the issue being tabled, the motion was seconded and passed unanimously.

Rule 9 - Provisional Certification

The Board shall issue a provisional certification to any applicant who is authorized to serve as a peace officer by any other state or federal jurisdiction, excluding the armed forces, and who has within three years prior to the date of application been appointed as a peace officer in such jurisdiction.

1. Jones, James W.

Petitioner has requested the P.O.S.T. Board to grant him a variance from Rule 9 - Provisional Certification, and allow him to become certified by completing training that would include: Colorado Revised Statutes, Traffic Laws, and Local Ordinances.

History/Facts:

- 06/77 - Appointed as a peace officer at Macon PD in Missouri.
- 01/78 - Separated from Macon PD.
- 01/0178 - Appointed as a peace officer at Rolla PD in Missouri.
- 08/11/78 - Completed basic training 240 hours at the Missouri State Highway Patrol Academy.
- 09/30/78 - Separated from Rolla PD.
- 06/02/81 - Appointed as a peace officer at Boone CO SO, Missouri.
- 01/14/82 - Certified in the state of Missouri
- 02/83 - Separated from Boone CO SO.
- 03/07/83 - Appointed as a peace officer at Farmington PD, NM.
- 06/24/83 - Completed basic law enforcement training at Farmington LE training in NM (624 hours)
- 10/18/83 - Certified in the state of New Mexico, certificate #83-0209-P.
- 10/26/85 - Separated from Farmington PD.
- 07/16/86 - Appointed as a deputy sheriff at San Juan CO SO, NM.
- 01/09/89 - Separated as a deputy sheriff from San Juan CO SO NM.
- 01/91 - Appointed as a peace officer at Americus PD, Kansas
- 07/26/91 - Completed 40 hours of Reciprocity School #2 Hutchinson KS and was certified.
- 03/02/93 - Separated from Americus Police Department, Kansas.
- 01/25/99 - P.O.S.T. received Petitioner's variance request.

Staff Response:

Staff does not support Petitioner's variance as requested. Staff recommends that Petitioner complete the following requirements by September 30, 1999:

- a) complete a P.O.S.T. approved skills training or skills exams in arrest control, driving and firearms,
- b) submit P.O.S.T. form #1 Application for Basic Certification,
- c) obtain current first aid and CPR certifications,
- d) obtain current background check including prints, and,
- e) successfully pass the P.O.S.T. certification examination.

Staff's recommendation approved.

2. Marquardt, Eric Carl

Petitioner asks the P.O.S.T. Board to grant him a variance to Rule 9-Provisional Certification so that he may become certified in Colorado by completing provisional skills requirements.

History/Facts:

- 06/11/94 - Bachelor of Science degree in Criminal Justice from,Troy State University in Florida.
- 07/29/96 - Cross-over training Corrections to Law Enforcement (240 Hours) at Florida Dept. of LE Div. of Crim. Just.
- - Never certified.
- - Never appointed as a peace officer.
- 01/18/99 - Presently enrolled at Pikes Peak Community College for skills training.
- 02/16/99 - P.O.S.T. received Petitioner's variance request.

Staff Response:

The Board does not have the authority to grant the requested variance. The Board's variance authority is found in § 24-31-305(4), C.R.S., and provides that the "Board may grant variances from the requirements of this section," that is, section 305. The requirements for provisional certifications are found in section 308. Therefore, the Board has no authority to grant a variance to any of the requirements regarding provisional certification.

However, the Board may grant a variance to the basic training requirement of § 24-31-305(1)(a)(II), C.R.S., if the Board deems the training received in Florida to be at least equivalent to Colorado standards. The Florida basic training he received was only 240 hours (compared to Colorado's minimum of 435), and Mr. Marquardt has never been certified or appointed as peace officer by any other state or federal jurisdiction.

Staff does not support Petitioner's variance as requested. However, because Petitioner has completed substantial law enforcement training in the past three years, and a bachelor's degree in criminal justice in the past five years, staff does recommend granting a variance, as follows:

- a) complete P.O.S.T. approved skills training in each area,
- b) submit a P.O.S.T. form #1- Application for Basic Certification,
- c) obtain current first aid and CPR certifications,
- d) obtain a cleared background check including fingerprints, processed through CBI and FBI, and upon completion of the above,
- e) successfully pass the written certification exam.

Staff's recommendation approved.

C. Rule 16 - Certification Renewal

A basic certification shall be renewed if the holder has not served as a peace officer or reserve peace officer for more than three years but less than seven years, passes the certification exam pursuant to Rule 12, and successfully completes the skills examinations or skills training in each skill area.

1. Brady, Carole Ann R.

Petitioner has requested the P.O.S.T. Board to grant her a variance to Rule 16 - Certificate Renewal so that she may complete skills training and the certification (if necessary) to renew her P.O.S.T. certificate, rather than completing a full basic training.

History/Facts:

- 11/05/84 - Appointed as a peace officer, Crested Butte Police Dept.
- 06/07/85 - Completed basic training at Colorado Mountain College.
- 09/26/85 - P.O.S.T. certified, certificate # 11447.
- 01/16/92 - Separated from Crested Butte Police Department.
- 02/04/99 - P.O.S.T. received Petitioner's variance request.

Staff Response:

Staff does support Petitioner's variance as requested. Staff recommends that Petitioner complete the following requirements by September 30, 1999:

- a) complete P.O.S.T. approved skills training in arrest control, driving and firearms,
- b) submit an application # 4 Application for Renewal of Basic Cert.,
- c) obtain a current first aid and CPR certification,
- d) obtain a cleared background check including fingerprints, and upon completion of the above,
- e) successfully pass the written certification exam.

Staff's recommendation approved.

2. Schallmoser, Joseph

Petitioner has requested that the Board grant him a variance to Rule 16 -Certification Renewal so that he may renew his P.O.S.T. certificate without completing a full basic training or reserve training. Petitioner is willing to meet any other requirements.

History/Facts:

- 07/01/70 - Appointed as a peace officer at Lakewood DPS.
- 03/15/74 - Petitioner certified, certificate # 0486 (grandfathered).
- 08/28/80 - Separated from Lakewood DPS.

- 07/25/95 - Security guard for Jefferson County Public Schools.
- 02/12/97 - Letter from Director John Shell informing Petitioner, that “no expired certification shall be renewed if the certificate holder
- has not served as a peace officer or reserve peace officer within the previous ten years.”
- 01/21/99 - Requested a variance from the current requirements for re-certification as a peace officer in Colorado.
- 01/28/99 - Director Williams responded that the Board does not have the authority to grant the variance requested since Petitioner had been absent from law enforcement for more than ten years.
- 02/11/99 - P.O.S.T. received Petitioner’s present variance request.

Staff Response:

Staff does not support Petitioner’s variance. Staff recommends Petitioner complete a full basic training program to become P.O.S.T. certified.

Mr. Schallmoser was present and stated that in his capacity as a security commander, his duties were very similar to that of basic peace officers. He also has a great deal of experience as an instructor for several years at the Lakewood Police Dept.

Chief Sanchez asked John Lizza about the legality of renewing Mr. Schallmoser’s certificate.

John Lizza stated that while the Board may grant a variance consistent with the purposes and policies of part 3. However, there is a very specific mandate from the legislature saying “except you shall not renew someone who has been out of law enforcement more than ten years.” His advice is that the Board does not have the authority to renew the certificate of someone who has been out of law enforcement for ten years.

Staff’s recommendation approved unanimously.

III. Discussion Items - Michael S. Williams, Director

A. Authority of Colorado Reserve Officer Training Video.

Mr. Williams presented the video to the Board. After viewing the video, members of the Board suggested a change to the presentation of one of the scenarios in the video. They requested this scenario be altered slightly.

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS

The Peace Officer Standards and Training Board held their 314th board meeting at the Douglas County Sheriff's Dept., 4000 Justice Way, ELC conference room in Castle Rock, Colorado, with the following persons present:

BOARD MEMBERS:

SHERIFF RIECKE CLAUSSEN
CHIEF JOSEPH CORTEZ
SHERIFF GEORGE EPP
REV. GILL FORD
CHIEF DENNIS HARRISON
SHERIFF ED JORDAN
CHIEF LORNE KRAMER
CHIEF FRANK MARTINEZ
SHERIFF RICHARD MURDIE
ATTORNEY GENERAL KEN SALAZAR
EXECUTIVE DIRECTOR ARISTEDES ZAVARAS
SHERIFF STEPHEN ZOTOS

BOARD MEMBERS ABSENT:

MAYOR MARGARET CARPENTER
SHERIFF DAN CORSENTINO
S.A.I.C. MARK MERSHON
CHIEF TOM SANCHEZ

BOARD COUNSEL

JOHN A. LIZZA

STAFF MEMBERS:

DON QUICK, DEPUTY ATTORNEY GENERAL
MIKE WILLIAMS, P.O.S.T. DIRECTOR
ADRIENNE HUNTER, P.O.S.T. COMPLIANCE OFFICER
BRENDA DRYBURGH, P.O.S.T. ADMINISTRATIVE ASSISTANT

MEMBERS OF THE PUBLIC IN ATTENDANCE:

WILLIAM BELL, CID, DEPT. OF CORRECTIONS
GARY BERLIN, COLORADO DIVISION OF WILDLIFE
ACADEMY DIRECTOR TIM BLACK, RED ROCKS COMMUNITY COLLEGE
RUSSELL BRAKEL, COLORADO INSTITUTE OF LAW ENF. TRAINING
CARLOS CRUZ
ERNESTO CRUZ
KATHY CRUZ
LUIS CRUZ
NORMA A. CRUZ, TELLER COUNTY SHERIFF'S DEPT.
ACADEMY DIRECTOR SERGEANT TOM DELUCA, EL PASO COUNTY SO
LIEUTENANT JOE FERRO, ARAPAHOE COUNTY SHERIFF'S DEPT.
ACADEMY DIRECTOR LIEUTENANT MICHAEL GRYS, CSPD
CHIEF LES LANGFORD, COLORADO ASSOCIATION OF CHIEFS OF POLICE
SAM MAMET, COLORADO MUNICIPAL LEAGUE
RON O'CONNELL, COLORADO SPRINGS POLICE DEPT.
AL PADILLA, LAKEWOOD POLICE DEPARTMENT
EULOGIO ROCA
HILARIO UBIAS, BOULDER COUNTY S.O.
MARK WATTERS, WESTMINSTER POLICE DEPARTMENT
STEVEN WHITTMORE, COLORADO NORTHWESTERN COMMUNITY COLLEGE
PAUL ZANI, EL PASO COUNTY SO

Attorney General Ken Salazar began the meeting by welcoming the newest board member, Chief Dennis Harrison of the Fort Collins Police Department.

I. Approval of March 26, 1999 P.O.S.T. Board Minutes.

A correction was made to the minutes, to reflect Chief Lorne Kramer's presence at the meeting. The minutes were approved as corrected.

II. Rule 6 - Declaratory Order, Michael Williams, Director.

A. Rule 6 - Declaratory Orders.

Any person may petition the board for a declaratory order regarding the application to the petitioner of any statutory provision or of any rule or order of the Board. All such petitions shall be considered in accordance with Rule 5.

Deveaux, Michael S.

Petitioner, the Assistant Shift Commander, Security Forces Operations, Buckley Air National Guard Base, requests a declaration by the Board that his service as an Air National Guard Patrol Officer is service as a "level II" peace officer, satisfying P.O.S.T.'s continuing service requirement for maintaining basic certification.

History/Facts:

- 07/01/97 - Received P.O.S.T. basic certification.
- 11/17/97 - Appointed police officer, Thornton Police Department.
- 05/06/98 - Separated from Thornton Police Department.
- Currently appointed Air National Guard Patrol Officer, Department of Military Affairs, State of Colorado.

Staff Response:

Staff supports the request.

Staff's recommendation approved unanimously.

III. Variance Requests - Adrienne M. Hunter, Compliance Officer

A. Rule 8 - Basic Certification.

To be eligible to sit for the certification examination, an applicant for basic certification must have successfully completed an approved basic training academy or an approved course of study including skills training within the previous three years.

1. Bell, William

Petitioner asks the Board to grant him a variance so that he can become certified based upon his training and experience, rather than completing an entire basic training program.

History/Facts:

- 1967 - Appointed as a peace officer at Dearborn Police Department, Dearborn, Michigan.
- 04/09/68 - Completed basic training, Dearborn Police Department Training School.
- 1981 - Separated from Dearborn Police Department.
- 07/05/83 - Hired as a Criminal Investigator II, Colorado Department of Corrections.
- 07/18/83 - Completed basic training for Correctional Staff, Department of Corrections.
- 12/23/88 - Associate in Applied Science degree in Criminal Justice at Colorado Mountain College - Glenwood Springs.
- 1991 - Grandfathered in as a Criminal Investigator Level IA, DOC.
- 03/08/99 - P.O.S.T. received Petitioner's variance request.

Staff Response:

Staff does not support Petitioner's variance request. Staff recommends Petitioner be required to meet all of the standard requirements of Rule 8 - Basic Certification:

- a) complete a P.O.S.T. approved basic training program;
- b) obtain current first aid and CPR certifications;
- c) obtain a cleared background check including fingerprints processed through CBI and FBI; and,
- d) successfully pass the written certification exam.

Staff's recommendation approved, with one opposed.

2. Brakel, Russell D.

Petitioner asks that the Board to grant him a variance by extending the 3 year rule for an approved course of study so that he can complete the skills requirements, take the written certification exam, and not have to complete the academic portion of basic training.

History/Facts:

- 05/11/96 - Bachelor of Science degree, in Sociology with an emphasis on Criminal Justice, and a minor in Psychology - University of Northern Colorado, confirmed by staff.
- 01/18/99 - Entered Colorado Institute of Law Enforcement Training (CILET) to take skills training.
- 04/28/99 - P.O.S.T. received Petitioner's variance request.
- 04/29/99 - Petitioner expected to have the skills requirement and the written certification exam completed.
- 05/18/99 - Colorado Institute of Law Enforcement Training scheduled the P.O.S.T. certification exam.

Staff Response:

Staff does not support Petitioner's variance request. Staff recommends Petitioner be permitted to take the written certification exam only once. If Petitioner does not successfully pass the certification exam, staff recommends that Petitioner complete the academic portion of basic training before retaking the written certification exam.

Mr. Brakel was present at the meeting. He had already taken the exam once, and failed. Mr. Brakel thought he could pass the exam with one more try.

Mr. Williams stated that staff was not opposed to Mr. Brakel being allowed to have another try at the certification exam.

A motion was made to allow Mr. Brakel to take the next certification exam. The motion was seconded, and approved unanimously.

3. Duvall, Ian

Petitioner wants to use his bachelor of science degree in Sociology with a minor in Psychology to substitute for the academic portion of basic certification, even though his degree is seven years old.

History/Facts:

- * 12/01/92 - Hired at DOC as a Correctional Officer II - Level II peace officer.
- * 12/18/92 - Graduated from University Southern Colorado, Bachelor of Science degree in Sociology with a minor in Psychology.
- * 12/21/92 - Petitioner completed basic training for Correctional Staff at DOC.
- * 03/02/99 - P.O.S.T. received petitioner's variance request.
- * 04/20/99 - Staff confirmed Petitioner's degree to be in Sociology with a minor in Psychology, rather than criminology as he stated in his petition.
- * 04/21/99 - Response to Petition for Variance.

Staff Response:

Staff does not support Petitioner's request for variance. Staff recommends Petitioner complete the following requirements to obtain P.O.S.T. certification:

- a) complete a P.O.S.T. approved basic training program,
- b) obtain current first aid and CPR certifications,
- c) obtain a cleared background check including fingerprints, and,
- d) successfully pass the written certification exam.

Staff's recommendation approved unanimously.

B. Rule 9 - Provisional Certification

Pursuant to Board Rule 9, the Board shall issue a provisional certification to any applicant who is authorized to serve as a peace officer by any other state or federal jurisdiction, excluding the armed forces, and who has within three years prior to the date of application been appointed as a peace officer in such jurisdiction, and meets all other applicable requirements.

Section 24-31-308 C.R.S. (1998) provides that a provisional certificate shall be valid for six months. Upon showing of good cause, the P.O.S.T. Board may renew a provisional certificate once for a period not to exceed an additional six months.

1. Cameron, Arthur

Petitioner is asking for an extension, to renew to his Provisional Certificate due to an on duty altercation that resulted in an injury to his right shoulder.

History/Facts:

- 09/18/94 - Appointed as a peace officer at Kansas City Missouri Police Department, Kansas, MO.
- 04/11/95 - Petitioner was certified as a peace officer in Missouri.
- 09/04/98 - Separated from Kansas City Missouri Police Department.
- 11/18/98 - Colorado certified - Provisional Certificate.
- 11/21/98 - Appointed as a peace officer at Breckenridge Police Department.
- 03/23/99 - On duty altercation and shoulder injury.
- 04/06/99 - P.O.S.T. received Petitioner's renewal request.
- 04/21/99 - P.O.S.T. sent a Response Letter to Petitioner
- 05/18/99 - Provisional Certificate expired.

Staff Response:

Staff supports Petitioner's extension request.

Staff's recommendation approved unanimously.

2. Kumjian, Eric Z.

Petitioner is asking for an extension to renew his Provisional Certificate because he is in the application process with Ft. Collins Police Department.

History/Facts:

- 11/82 - Appointed as a peace officer Metro - Dade Police Department, Florida.
- 05/13/83 - Completed basic training at Miami-Dade Community College, Florida, and was state certified - Certificate #33125.
- 04/16/88 - Separated from Metro - Dade Police Department.
- 04/25/88 - Appointed as a peace officer at El Paso CO Sheriff's Department, CO.
- 05/25/89 - Colorado certified, certificate #666.
- 03/27/90 - Separated from El Paso County Sheriff's Department.
- 03/27/90 - Appointed as a peace officer at Miami-Dade Police Department, Florida.
- 05/18/98 - Skills Testout - Passed Arrest Control.
- 05/28/98 - Colorado certified - Provisional Certificate.
- 10/02/98 - Staff asked the Board to amend its order for Provisional certificate applicants whose certificate would expire on December 31, 1998.
- 12/08/98 - Skills Exam scheduled - Petitioner did not register.
- 12/31/98 - Provisional certificate extension expired.

- 02/05/99 - Staff asked the Board to amend its order for provisional certificate applicants whose certificate would expire on December 31, 1998 to extend to February 5, 1999 - The Board granted the extension.
- 02/18/99 - Petitioner requested an extension to June 30, 1999 because he was going to take a course offered in January 1999, P.O.S.T. received requests on February 26, 1999.
- 04/21/99 - P.O.S.T. sent Response Letter.

Staff Response:

Staff does not support Petitioner's extension request. The P.O.S.T. Board does not have the authority to grant a variance beyond May 28, 1999.

Staff's recommendation approved, with Chief Harrison abstaining.

3. Rosener, Michelle

Petitioner is asking for an extension, to renew her Provisional Certificate. She did not complete the skills requirement within six months.

History/Facts:

- 04/03/97 - Completed basic training Norfolk Police Department in Virginia.
- 04/03/97 - Appointed as a peace officer at Norfolk, Virginia Police Department.
- 05/14/97 - Virginia state certified.
- 09/18/98 - Colorado certified - Provisional Certificate.
- 10/18/98 - Appointed as a peace officer at Westminster Police Department.
- 03/18/99 - Provisional certificate expired.
- 03/31/99 - P.O.S.T. notified Petitioner and Westminster Police Department that Petitioner's Provisional certificate expired.
- 04/01/99 - Petitioner and her sergeant brought in documents to support comparable standards met through training received in Norfolk, VA.
- - P.O.S.T. received Petition for Provisional renewal.
- 04/21/99 - P.O.S.T. sent Response Letter.

Staff Response:

Staff does not support Petitioner's request for an extension.

Michelle Rosener was not present at the meeting. Chief Les Langford stated that Ms. Rosener had sent him a fax earlier in the month relating some issues regarding communication problems Ms. Rosener had with P.O.S.T. Mr. Williams stated that some of the issues related in the fax were not relevant to her petition before the Board, and that Chief Langford should see him privately after the meeting.

Inv. Mark Watters was present at the meeting. He did not know why Ms. Rosener was not present at the meeting. Currently Ms. Rosener is on medical leave at this time, which is all the information he had from personnel about the situation.

Staff's recommendation approved.

4. Ubias, Hilario

Petitioner is asking the Board to renew his Provisional certificate so that he may complete his last skill requirement of firearms at the May 14, 1999 skills testout.

History/Facts:

- 08/12/94 - Completed basic training Travis County Sheriff's Academy, and was Texas state certified.
- 08/15/94 - Appointed as a peace officer at Travis County Sheriff's Department.
- 10/12/95 - Separated from Travis County Sheriff's Department.
- 01/08/96 - Skills Testout - Petitioner passed "Driving".
- 03/19/96 - Hired as a Detention Officer for Boulder County Sheriff's Department.
- 09/18/98 - Colorado certified - Provisional Certificate.
- 03/18/99 - Skills Testout - Petitioner passed "Arrest Control".
- - Provisional certificate expired.
- 03/30/99 - Petitioner registered for May 14, 1999 Skills testout for firearms.
- 04/01/99 - Petitioner sent P.O.S.T. an extension request for his Provisional certificate.
- 04/21/99 - P.O.S.T. sent Response Letter.
- 05/14/99 - Skills Testout - Petitioner registered.

Staff Response:

Staff supports Petitioner's request for an extension.

Staff's recommendation approved, with Sheriff Epp abstaining.

C. Rule 12 - Certification Examination

If an applicant cannot pass the certification examination after three attempts, he or she must retake and successfully complete basic training in accordance with Rule 8 (a).

1. Cruz, Norma

Petitioner asks the Board to permit her to take the P.O.S.T. certification exam for a fourth time without going through another basic training course.

History/Facts:

- 04/29/98 - Completed basic training at Pikes Peak Community College.
- 04/29/98 - Petitioner failed P.O.S.T. certification exam at 60%.
- 06/23/98 - Petitioner failed P.O.S.T. certification exam at 49%.
- 12/11/98 - Petitioner failed P.O.S.T. certification exam at 60%.
- 04/09/99 - Petitioner issued variance request.
- 04/21/99 - P.O.S.T. issued Letter of Response.

Staff Response:

Staff does not support Petitioner's request for a variance to Rule 12 - Certification Examination. Staff recommends Petitioner complete a P.O.S.T. approved basic training program before she is permitted to take the certification exam again.

Ms. Cruz was present at the board meeting and stated that she had graduated at the top half of her academy. She had taken her exams during a time period when P.O.S.T. was not giving out information regarding test scores. She thought that while the academy was good, they could have been better if they had more supervision from P.O.S.T. In her conversations with academy director Ken Jones, she has gained the impression that PPCC feels like it does not get any support from P.O.S.T.

While some of the board members felt that Ms. Cruz should be allowed to retake the exam others felt that by doing this, P.O.S.T. would open the door to all of the other students who had not received their test scores.

A motion was made to give Ms. Cruz one more chance to take the P.O.S.T. exam. The motion failed, with 4 ayes, and 6 against.

Chairman Ken Salazar requested that P.O.S.T. work with Ms. Cruz to possibly find some alternate solution. The chair also stated that he thought this might be one of the ongoing problems others have noticed about the quality of the training students are getting at the P.O.S.T. academies.

D. Rule 16 - Certification Renewal

A basic certification shall be renewed if the holder has not served as a peace officer or reserve peace officer for more than three years but less than seven years, passes the certification exam pursuant to Rule 12, and successfully completes the skills examination or skills training each skills area.

1. Black, Richard E.

Petitioner has requested the P.O.S.T. Board grant him a variance to Rule 16 - Certification Renewal that he may renew his P.O.S.T. certificate without having to complete a full basic training program.

History/Facts:

- 03/01/71 - Appointed as a peace officer at Springfield Police Department.
- 07/23/73 - Separated from Springfield Police Department.
- 07/23/73 - Appointed as a peace officer at Baca County Sheriff's Department.
- 05/07/74 - Colorado certified, certificate #2780.
- 12/26/78 - Separated from Baca County Sheriff's Department.
- 12/26/79 - Appointed as a peace officer at Lamar Police Department.
- 01/28/91 - Separated from Lamar Police Department.
- 02/12/99 - P.O.S.T. received Petitioner's variance request.

Staff Response:

Staff does not support Petitioner's variance as requested. Although Petitioner has completed some peace officer courses, he has never completed a full basic or reserve police training program. Petitioner has not served as a peace officer or reserve peace officer for eight years. Staff recommends that Petitioner complete the following standard requirements under Rule 8 - Basic Certification.

- 1) complete a P.O.S.T. approved basic training program;
- 2) submit form #4 - Application for Renewal of Basic Certification;
- 3) submit a current first aid and CPR certifications;
- 4) obtain a cleared background check including fingerprints; and,
- 5) successfully pass the written certification exam.

Staff's recommendation approved unanimously.

IV. Discussion Items

A. P.O.S.T. Review Committee Recommendations - Deputy Attorney General Don Quick

Recommendations of the review committee were approved unanimously by the Board.

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS

The Peace Officer Standards and Training Board held their 314th board meeting at the Douglas County Sheriff's Dept., 4000 Justice Way, ELC conference room in Castle Rock, Colorado, with the following persons present:

BOARD MEMBERS:

SHERIFF RIECKE CLAUSSEN
CHIEF JOSEPH CORTEZ
SHERIFF GEORGE EPP
REV. GILL FORD
CHIEF DENNIS HARRISON
SHERIFF ED JORDAN
CHIEF LORNE KRAMER
CHIEF FRANK MARTINEZ
SHERIFF RICHARD MURDIE
ATTORNEY GENERAL KEN SALAZAR
EXECUTIVE DIRECTOR ARISTEDES ZAVARAS
SHERIFF STEPHEN ZOTOS

BOARD MEMBERS ABSENT:

MAYOR MARGARET CARPENTER
SHERIFF DAN CORSENTINO
S.A.I.C. MARK MERSHON
CHIEF TOM SANCHEZ

BOARD COUNSEL

JOHN A. LIZZA

STAFF MEMBERS:

DON QUICK, DEPUTY ATTORNEY GENERAL
MIKE WILLIAMS, P.O.S.T. DIRECTOR
ADRIENNE HUNTER, P.O.S.T. COMPLIANCE OFFICER
BRENDA DRYBURGH, P.O.S.T. ADMINISTRATIVE ASSISTANT

MEMBERS OF THE PUBLIC IN ATTENDANCE:

WILLIAM BELL, CID, DEPT. OF CORRECTIONS
GARY BERLIN, COLORADO DIVISION OF WILDLIFE
ACADEMY DIRECTOR TIM BLACK, RED ROCKS COMMUNITY COLLEGE
RUSSELL BRAKEL, COLORADO INSTITUTE OF LAW ENF. TRAINING
CARLOS CRUZ
ERNESTO CRUZ
KATHY CRUZ
LUIS CRUZ
NORMA A. CRUZ, TELLER COUNTY SHERIFF'S DEPT.
ACADEMY DIRECTOR SERGEANT TOM DELUCA, EL PASO COUNTY SO
LIEUTENANT JOE FERRO, ARAPAHOE COUNTY SHERIFF'S DEPT.
ACADEMY DIRECTOR LIEUTENANT MICHAEL GRYS, CSPD
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HILARIO UBIAS, BOULDER COUNTY S.O.
MARK WATTERS, WESTMINSTER POLICE DEPARTMENT
STEVEN WHITTMORE, COLORADO NORTHWESTERN COMMUNITY COLLEGE
PAUL ZANI, EL PASO COUNTY SO

Attorney General Ken Salazar began the meeting by welcoming the newest board member, Chief Dennis Harrison of the Fort Collins Police Department.

I. Approval of March 26, 1999 P.O.S.T. Board Minutes.

A correction was made to the minutes, to reflect Chief Lorne Kramer's presence at the meeting. The minutes were approved as corrected.

II. Rule 6 - Declaratory Order, Michael Williams, Director.

A. Rule 6 - Declaratory Orders.

Any person may petition the board for a declaratory order regarding the application to the petitioner of any statutory provision or of any rule or order of the Board. All such petitions shall be considered in accordance with Rule 5.

Deveaux, Michael S.

Petitioner, the Assistant Shift Commander, Security Forces Operations, Buckley Air National Guard Base, requests a declaration by the Board that his service as an Air National Guard Patrol Officer is service as a "level II" peace officer, satisfying P.O.S.T.'s continuing service requirement for maintaining basic certification.

History/Facts:

- 07/01/97 - Received P.O.S.T. basic certification.
- 11/17/97 - Appointed police officer, Thornton Police Department.
- 05/06/98 - Separated from Thornton Police Department.
- Currently appointed Air National Guard Patrol Officer, Department of Military Affairs, State of Colorado.

Staff Response:

Staff supports the request.

Staff's recommendation approved unanimously.

III. Variance Requests - Adrienne M. Hunter, Compliance Officer

A. Rule 8 - Basic Certification.

To be eligible to sit for the certification examination, an applicant for basic certification must have successfully completed an approved basic training academy or an approved course of study including skills training within the previous three years.

1. Bell, William

Petitioner asks the Board to grant him a variance so that he can become certified based upon his training and experience, rather than completing an entire basic training program.

History/Facts:

- 1967 - Appointed as a peace officer at Dearborn Police Department, Dearborn, Michigan.
- 04/09/68 - Completed basic training, Dearborn Police Department Training School.
- 1981 - Separated from Dearborn Police Department.
- 07/05/83 - Hired as a Criminal Investigator II, Colorado Department of Corrections.
- 07/18/83 - Completed basic training for Correctional Staff, Department of Corrections.
- 12/23/88 - Associate in Applied Science degree in Criminal Justice at Colorado Mountain College - Glenwood Springs.
- 1991 - Grandfathered in as a Criminal Investigator Level IA, DOC.
- 03/08/99 - P.O.S.T. received Petitioner's variance request.

Staff Response:

Staff does not support Petitioner's variance request. Staff recommends Petitioner be required to meet all of the standard requirements of Rule 8 - Basic Certification:

- a) complete a P.O.S.T. approved basic training program;
- b) obtain current first aid and CPR certifications;
- c) obtain a cleared background check including fingerprints processed through CBI and FBI; and,
- d) successfully pass the written certification exam.

Staff's recommendation approved, with one opposed.

2. Brakel, Russell D.

Petitioner asks that the Board to grant him a variance by extending the 3 year rule for an approved course of study so that he can complete the skills requirements, take the written certification exam, and not have to complete the academic portion of basic training.

History/Facts:

- 05/11/96 - Bachelor of Science degree, in Sociology with an emphasis on Criminal Justice, and a minor in Psychology - University of Northern Colorado, confirmed by staff.
- 01/18/99 - Entered Colorado Institute of Law Enforcement Training (CILET) to take skills training.
- 04/28/99 - P.O.S.T. received Petitioner's variance request.
- 04/29/99 - Petitioner expected to have the skills requirement and the written certification exam completed.
- 05/18/99 - Colorado Institute of Law Enforcement Training scheduled the P.O.S.T. certification exam.

Staff Response:

Staff does not support Petitioner's variance request. Staff recommends Petitioner be permitted to take the written certification exam only once. If Petitioner does not successfully pass the certification exam, staff recommends that Petitioner complete the academic portion of basic training before retaking the written certification exam.

Mr. Brakel was present at the meeting. He had already taken the exam once, and failed. Mr. Brakel thought he could pass the exam with one more try.

Mr. Williams stated that staff was not opposed to Mr. Brakel being allowed to have another try at the certification exam.

A motion was made to allow Mr. Brakel to take the next certification exam. The motion was seconded, and approved unanimously.

3. Duvall, Ian

Petitioner wants to use his bachelor of science degree in Sociology with a minor in Psychology to substitute for the academic portion of basic certification, even though his degree is seven years old.

History/Facts:

- * 12/01/92 - Hired at DOC as a Correctional Officer II - Level II peace officer.
- * 12/18/92 - Graduated from University Southern Colorado, Bachelor of Science degree in Sociology with a minor in Psychology.
- * 12/21/92 - Petitioner completed basic training for Correctional Staff at DOC.
- * 03/02/99 - P.O.S.T. received petitioner's variance request.
- * 04/20/99 - Staff confirmed Petitioner's degree to be in Sociology with a minor in Psychology, rather than criminology as he stated in his petition.
- * 04/21/99 - Response to Petition for Variance.

Staff Response:

Staff does not support Petitioner's request for variance. Staff recommends Petitioner complete the following requirements to obtain P.O.S.T. certification:

- a) complete a P.O.S.T. approved basic training program,
- b) obtain current first aid and CPR certifications,
- c) obtain a cleared background check including fingerprints, and,
- d) successfully pass the written certification exam.

Staff's recommendation approved unanimously.

B. Rule 9 - Provisional Certification

Pursuant to Board Rule 9, the Board shall issue a provisional certification to any applicant who is authorized to serve as a peace officer by any other state or federal jurisdiction, excluding the armed forces, and who has within three years prior to the date of application been appointed as a peace officer in such jurisdiction, and meets all other applicable requirements.

Section 24-31-308 C.R.S. (1998) provides that a provisional certificate shall be valid for six months. Upon showing of good cause, the P.O.S.T. Board may renew a provisional certificate once for a period not to exceed an additional six months.

1. Cameron, Arthur

Petitioner is asking for an extension, to renew to his Provisional Certificate due to an on duty altercation that resulted in an injury to his right shoulder.

History/Facts:

- 09/18/94 - Appointed as a peace officer at Kansas City Missouri Police Department, Kansas, MO.
- 04/11/95 - Petitioner was certified as a peace officer in Missouri.
- 09/04/98 - Separated from Kansas City Missouri Police Department.
- 11/18/98 - Colorado certified - Provisional Certificate.
- 11/21/98 - Appointed as a peace officer at Breckenridge Police Department.
- 03/23/99 - On duty altercation and shoulder injury.
- 04/06/99 - P.O.S.T. received Petitioner's renewal request.
- 04/21/99 - P.O.S.T. sent a Response Letter to Petitioner
- 05/18/99 - Provisional Certificate expired.

Staff Response:

Staff supports Petitioner's extension request.

Staff's recommendation approved unanimously.

2. Kumjian, Eric Z.

Petitioner is asking for an extension to renew his Provisional Certificate because he is in the application process with Ft. Collins Police Department.

History/Facts:

- 11/82 - Appointed as a peace officer Metro - Dade Police Department, Florida.
- 05/13/83 - Completed basic training at Miami-Dade Community College, Florida, and was state certified - Certificate #33125.
- 04/16/88 - Separated from Metro - Dade Police Department.
- 04/25/88 - Appointed as a peace officer at El Paso CO Sheriff's Department, CO.
- 05/25/89 - Colorado certified, certificate #666.
- 03/27/90 - Separated from El Paso County Sheriff's Department.
- 03/27/90 - Appointed as a peace officer at Miami-Dade Police Department, Florida.
- 05/18/98 - Skills Testout - Passed Arrest Control.
- 05/28/98 - Colorado certified - Provisional Certificate.
- 10/02/98 - Staff asked the Board to amend its order for Provisional certificate applicants whose certificate would expire on December 31, 1998.
- 12/08/98 - Skills Exam scheduled - Petitioner did not register.
- 12/31/98 - Provisional certificate extension expired.

- 02/05/99 - Staff asked the Board to amend its order for provisional certificate applicants whose certificate would expire on December 31, 1998 to extend to February 5, 1999 - The Board granted the extension.
- 02/18/99 - Petitioner requested an extension to June 30, 1999 because he was going to take a course offered in January 1999, P.O.S.T. received requests on February 26, 1999.
- 04/21/99 - P.O.S.T. sent Response Letter.

Staff Response:

Staff does not support Petitioner's extension request. The P.O.S.T. Board does not have the authority to grant a variance beyond May 28, 1999.

Staff's recommendation approved, with Chief Harrison abstaining.

3. Rosener, Michelle

Petitioner is asking for an extension, to renew her Provisional Certificate. She did not complete the skills requirement within six months.

History/Facts:

- 04/03/97 - Completed basic training Norfolk Police Department in Virginia.
- 04/03/97 - Appointed as a peace officer at Norfolk, Virginia Police Department.
- 05/14/97 - Virginia state certified.
- 09/18/98 - Colorado certified - Provisional Certificate.
- 10/18/98 - Appointed as a peace officer at Westminster Police Department.
- 03/18/99 - Provisional certificate expired.
- 03/31/99 - P.O.S.T. notified Petitioner and Westminster Police Department that Petitioner's Provisional certificate expired.
- 04/01/99 - Petitioner and her sergeant brought in documents to support comparable standards met through training received in Norfolk, VA.
- - P.O.S.T. received Petition for Provisional renewal.
- 04/21/99 - P.O.S.T. sent Response Letter.

Staff Response:

Staff does not support Petitioner's request for an extension.

Michelle Rosener was not present at the meeting. Chief Les Langford stated that Ms. Rosener had sent him a fax earlier in the month relating some issues regarding communication problems Ms. Rosener had with P.O.S.T. Mr. Williams stated that some of the issues related in the fax were not relevant to her petition before the Board, and that Chief Langford should see him privately after the meeting.

Inv. Mark Watters was present at the meeting. He did not know why Ms. Rosener was not present at the meeting. Currently Ms. Rosener is on medical leave at this time, which is all the information he had from personnel about the situation.

Staff's recommendation approved.

4. Ubias, Hilario

Petitioner is asking the Board to renew his Provisional certificate so that he may complete his last skill requirement of firearms at the May 14, 1999 skills testout.

History/Facts:

- 08/12/94 - Completed basic training Travis County Sheriff's Academy, and was Texas state certified.
- 08/15/94 - Appointed as a peace officer at Travis County Sheriff's Department.
- 10/12/95 - Separated from Travis County Sheriff's Department.
- 01/08/96 - Skills Testout - Petitioner passed "Driving".
- 03/19/96 - Hired as a Detention Officer for Boulder County Sheriff's Department.
- 09/18/98 - Colorado certified - Provisional Certificate.
- 03/18/99 - Skills Testout - Petitioner passed "Arrest Control".
- - Provisional certificate expired.
- 03/30/99 - Petitioner registered for May 14, 1999 Skills testout for firearms.
- 04/01/99 - Petitioner sent P.O.S.T. an extension request for his Provisional certificate.
- 04/21/99 - P.O.S.T. sent Response Letter.
- 05/14/99 - Skills Testout - Petitioner registered.

Staff Response:

Staff supports Petitioner's request for an extension.

Staff's recommendation approved, with Sheriff Epp abstaining.

C. Rule 12 - Certification Examination

If an applicant cannot pass the certification examination after three attempts, he or she must retake and successfully complete basic training in accordance with Rule 8 (a).

1. Cruz, Norma

Petitioner asks the Board to permit her to take the P.O.S.T. certification exam for a fourth time without going through another basic training course.

History/Facts:

- 04/29/98 - Completed basic training at Pikes Peak Community College.
- 04/29/98 - Petitioner failed P.O.S.T. certification exam at 60%.
- 06/23/98 - Petitioner failed P.O.S.T. certification exam at 49%.
- 12/11/98 - Petitioner failed P.O.S.T. certification exam at 60%.
- 04/09/99 - Petitioner issued variance request.
- 04/21/99 - P.O.S.T. issued Letter of Response.

Staff Response:

Staff does not support Petitioner's request for a variance to Rule 12 - Certification Examination. Staff recommends Petitioner complete a P.O.S.T. approved basic training program before she is permitted to take the certification exam again.

Ms. Cruz was present at the board meeting and stated that she had graduated at the top half of her academy. She had taken her exams during a time period when P.O.S.T. was not giving out information regarding test scores. She thought that while the academy was good, they could have been better if they had more supervision from P.O.S.T. In her conversations with academy director Ken Jones, she has gained the impression that PPCC feels like it does not get any support from P.O.S.T.

While some of the board members felt that Ms. Cruz should be allowed to retake the exam others felt that by doing this, P.O.S.T. would open the door to all of the other students who had not received their test scores.

A motion was made to give Ms. Cruz one more chance to take the P.O.S.T. exam. The motion failed, with 4 ayes, and 6 against.

Chairman Ken Salazar requested that P.O.S.T. work with Ms. Cruz to possibly find some alternate solution. The chair also stated that he thought this might be one of the ongoing problems others have noticed about the quality of the training students are getting at the P.O.S.T. academies.

D. Rule 16 - Certification Renewal

A basic certification shall be renewed if the holder has not served as a peace officer or reserve peace officer for more than three years but less than seven years, passes the certification exam pursuant to Rule 12, and successfully completes the skills examination or skills training each skills area.

1. Black, Richard E.

Petitioner has requested the P.O.S.T. Board grant him a variance to Rule 16 - Certification Renewal that he may renew his P.O.S.T. certificate without having to complete a full basic training program.

History/Facts:

- 03/01/71 - Appointed as a peace officer at Springfield Police Department.
- 07/23/73 - Separated from Springfield Police Department.
- 07/23/73 - Appointed as a peace officer at Baca County Sheriff's Department.
- 05/07/74 - Colorado certified, certificate #2780.
- 12/26/78 - Separated from Baca County Sheriff's Department.
- 12/26/79 - Appointed as a peace officer at Lamar Police Department.
- 01/28/91 - Separated from Lamar Police Department.
- 02/12/99 - P.O.S.T. received Petitioner's variance request.

Staff Response:

Staff does not support Petitioner's variance as requested. Although Petitioner has completed some peace officer courses, he has never completed a full basic or reserve police training program. Petitioner has not served as a peace officer or reserve peace officer for eight years. Staff recommends that Petitioner complete the following standard requirements under Rule 8 - Basic Certification.

- 1) complete a P.O.S.T. approved basic training program;
- 2) submit form #4 - Application for Renewal of Basic Certification;
- 3) submit a current first aid and CPR certifications;
- 4) obtain a cleared background check including fingerprints; and,
- 5) successfully pass the written certification exam.

Staff's recommendation approved unanimously.

IV. Discussion Items

A. P.O.S.T. Review Committee Recommendations - Deputy Attorney General Don Quick

Recommendations of the review committee were approved unanimously by the Board.

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS

The Peace Officer Standards and Training Board held their 315th board meeting at the Mesa County Sheriff's Dept. 215 Rice Street, in Grand Junction, Colorado, with the following persons present:

BOARD MEMBERS:

MAYOR MARGARET CARPENTER
SHERIFF RIECKE CLAUSSEN
CHIEF JOSEPH CORTEZ
SHERIFF GEORGE EPP
CHIEF DENNIS HARRISON
SHERIFF JOSEPH MORALES
SHERIFF RICHARD MURDIE
ATTORNEY GENERAL KEN SALAZAR
CHIEF TOM SANCHEZ
EXECUTIVE DIRECTOR ARISTEDES ZAVARAS
SHERIFF STEPHEN ZOTOS

BOARD MEMBERS ABSENT:

CHIEF AL BELL
SHERIFF DAN CORSENTINO
REV. GILL FORD
CHIEF LORNE KRAMER
CHIEF FRANK MARTINEZ
S.A.I.C. MARK MERSHON

BOARD COUNSEL

JOHN A. LIZZA

STAFF MEMBERS:

DON QUICK, DEPUTY ATTORNEY GENERAL
MIKE WILLIAMS, FIRST ASSISTANT ATTORNEY GENERAL
JOHN KAMMERZELL, P.O.S.T. INTERIM DIRECTOR
ADRIENNE HUNTER, P.O.S.T. COMPLIANCE OFFICER

MEMBERS OF THE PUBLIC IN ATTENDANCE:

DAVE BARBEE, DELTA-MONTROSE VO-TEC ACADEMY
ACADEMY DIRECTOR TIM BLACK, RED ROCKS COMMUNITY COLLEGE
PAUL DUGDALE. ARAPAHOE COUNTY SHERIFF'S DEPT.
KERRY FOURNET, BOULDER COUNTY SHERIFF'S DEPT.
CHRIS FRANZ, MESA COUNTY SHERIFF'S DEPT.
MICHAEL KING, COLORADO STATE PATROL
ACADEMY DIRECTOR DAVE MARQUITH, COMMUNITY COLLEGE OF AURORA
DOUG NICHOLS, PETITIONER
DR. JOHN O'SHEA, LAW ENFORCEMENT TRAINING CONSULTANT FOR P.O.S.T.
LINDA OLSON, EX P.O.S.T. DEPUTY DIRECTOR
AMIR STEPHEN, ARAPAHOE COUNTY SHERIFF'S DEPT.
STEVEN WHITTMORE, COLORADO NORTHWESTERN COMMUNITY COLLEGE

I. Introductory Remarks - Ken Salazar, Attorney General.

The meeting began with Attorney General Salazar greeting the members of the P.O.S.T. Board, and outlining how the meeting would proceed. The Board also greeted their newest board member: Sheriff Joseph Morales of Summit County Sheriff's Dept.

The Board also voted to approve a formal resolution of appreciation for departing P.O.S.T. Board members, Chief Charles Widup of La Junta Police Dept. and Sheriff Ed Jordan, of Weld County.

II. Introductory Remarks - Michael S. Williams, First Assistant Attorney General.

First Assistant Attorney General Michael Williams took the opportunity to thank ex- P.O.S.T. staff member Linda Olson for her hard work and dedicated service for the past few years. He then introduced John Kammerzell to the Board as the P.O.S.T. Interim Director.

III. Approval of May 21, 1999 P.O.S.T. Board Minutes.

Approved.

IV. Variance Requests - Adrienne M. Hunter, Compliance Officer

A. Rule 8 - Basic Certification.

To be eligible to sit for the certification examination, an applicant for basic certification must have successfully completed an approved basic training academy or an approved course of study including skills training within the previous three years.

1. Garland, Richard W.

Petitioner asks the Board to grant him a variance by considering his degree as current so he could be P.O.S.T. certified through the course of study option.

History/Facts:

- 12/14/92 - Completed an Associates in Applied Science degree in Criminal Justice at San Antonio College in Texas.
- 06/04/93 - Completed basic training at San Antonio College Law Enforcement Training Academy.
- 11/18/95 - Completed Bachelor of Science in Occupational Education at Wayland Baptist University - Major: Human Services - Specialization: Criminal Justice.
- 05/17/99 - P.O.S.T. received variance request.

Staff Response:

Staff does not support Petitioner's variance request. Staff recommends Petitioner be required to complete the following requirements:

- a) complete a P.O.S.T. approved basic training program;
- b) obtain current first aid and CPR certifications;
- c) obtain a cleared background check including fingerprints processed through CBI and FBI; and,
- d) successfully pass the written certification exam.

Staff's recommendation approved, with Sheriff Morales abstaining.

2. Martinez, Jr., Candido

At the request of the petitioner and Senator Stan Matsunaka, this request has been held over until the next Board meeting.

3. Nichols, Douglas A.

Petitioner asks the P.O.S.T. Board to permit him to use the Provisional Certification process to obtain P.O.S.T. Certification, even though he retired as a peace officer in February, 1995, in the state of Oklahoma.

History/Facts:

- 01/03/67 - Completed basic training at Highway Patrol academy, and was certified as a peace officer in Oklahoma.
- 02/17/95 - Petitioner resigned as a peace officer in Oklahoma.
- 03/10/99 - P.O.S.T received Petitioner's request.
- 05/18/99 - Petitioner contacted P.O.S.T. with his mailing address and phone number.

- 06/23/99 - P.O.S.T. sent a courtesy letter, and also left a phone message requesting a resume, and personal information.

Staff Response:

Staff does not support Petitioner's variance request. Staff recommends Petitioner be required to complete all of the standard requirements of Rule 8 - Basic Certification.

- a) complete a P.O.S.T. approved basic training program;
- b) obtain current first aid and CPR certifications;
- c) obtain a cleared background check including fingerprints processed through CBI and FBI; and,
- d) successfully pass the written certification exam.

Staff's recommendation approved.

V. Discussion Items

A. Rulemaking - Michael S. Williams, First Assistant Attorney General, and John L. Kammerzell, Interim Director.

The following additions were made to the proposed rule changes:

Rule 2(c)

“Should any member, other than those sitting ex officio, have three unexcused absences within a twelve month period, the director shall submit a resolution to the board calling on the member to resign.”

Rule 7(c)

“The director, in his discretion, may determine the merits of the request based upon the applicant's written submissions, or may request additional information, or may hold a meeting.”

Rule (19)(b)(VII)

“would not otherwise be prohibited from public service.”

The proposed rule changes, with amendments, were approved by the Board, with Mayor Carpenter abstaining.

B. Board Review of the finalist for the John R. Shell Law Enforcement Training Grant - John L. Kammerzell, Interim Director.

John Kammerzell stated that staff had chosen four P.O.S.T. Board members to preview the five applicants for this grant. Two were chiefs of police from small, rural cities, and two were sheriffs from small, rural counties. The Board members had two preferences for applicants: Henry Schimpf, who was sponsored by the Conejos County Sheriff's Dept. and Richard Romero, who was sponsored by the La Junta Police Department. Staff had interviewed both Mr. Schimpf and Mr. Romero. Both are valid, qualified candidates; dedicated to becoming peace officers. Both agree to commit to their sponsoring departments for a period of not less than three years.

Staff's recommendation was to split the \$3,000.00 grant between the two preferred grantees. That way each grantee would receive \$1500.00.

The board voted unanimously to approve staff's recommendation.

Future board agenda items were discussed, including: CLEE/In-service training; long term goals - strategic planning; P.O.S.T. funding; reserve officers and volunteers; community college relationships with P.O.S.T.; and keeping the testing and training components updated.

Attorney General Salazar then adjourned the meeting.

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS

The Peace Officer Standards and Training Board held their 316th board meeting at the Department of Law, 1525 Sherman St., Room 610 in Denver, Colorado, with the following persons present:

BOARD MEMBERS:

CHIEF AL BELL
MAYOR MARGARET CARPENTER
CHIEF JOSEPH CORTEZ (ENTERED MEETING 1/2 WAY THROUGH)
SHERIFF GEORGE EPP
REV. GILL FORD
CHIEF DENNIS HARRISON
CHIEF LORNE KRAMER
CHIEF FRANK MARTINEZ
S.A.C. MARK MERSHON
SHERIFF JOSEPH MORALES
SHERIFF RICHARD MURDIE
ATTORNEY GENERAL KEN SALAZAR
CHIEF TOM SANCHEZ

BOARD MEMBERS ABSENT:

SHERIFF RIECKE CLAUSSEN
SHERIFF DAN CORSENTINO
EXECUTIVE DIRECTOR ARISTEDES ZAVARAS
SHERIFF STEPHEN ZOTOS

BOARD COUNSEL

JOHN A. LIZZA

STAFF MEMBERS:

DON QUICK, DEPUTY ATTORNEY GENERAL
MIKE WILLIAMS, FIRST ASSISTANT ATTORNEY GENERAL
JOHN KAMMERZELL, P.O.S.T. INTERIM DIRECTOR
ADRIENNE HUNTER, P.O.S.T. COMPLIANCE OFFICER
BRENDA DRYBURGH, ADMINISTRATIVE ASSISTANT

MEMBERS OF THE PUBLIC IN ATTENDANCE:

ACADEMY DIRECTOR JIM ALEXANDER, RED ROCKS COMMUNITY COLLEGE
ACADEMY DIRECTOR PHIL BACA, COLORADO SHERIFF'S TRAINING INSTITUTE
GARY BERLIN, DIVISION OF WILDLIFE
ACADEMY DIRECTOR CAPTAIN ED BINGHAM, DENVER POLICE DEPT.
CAROLE ANN BRADY, DOUGLAS COUNTY SHERIFF'S DEPT.
LIEUTENANT MARK DEWHURST, LAKEWOOD POLICE DEPT.
PAUL DUGDALE, ARAPAHOE COUNTY SHERIFF'S DEPT.
ACADEMY DIRECTOR LT. DAN GARD, JEFFERSON COUNTY SHERIFF'S DEPT.
ACADEMY DIRECTOR LT. MIKE GRYS, COLORADO SPRINGS POLICE DEPT.
KEVIN HAMMONS, AURORA FIRE DEPARTMENT
JOHN HITCHENS, LAKEWOOD POLICE DEPT.
ACADEMY DIRECTOR DAVID LAROSE, NORTHEASTERN JUNIOR COLLEGE
ACADEMY DIRECTOR LT. BOB LIDDELL, LAKEWOOD POLICE DEPT.
ACADEMY DIRECTOR DAVE MARQUITH, COMMUNITY COLLEGE OF AURORA
GARY ROBINSON, DOUGLAS COUNTY SHERIFF'S DEPT.
CINDY VAN SLYKE, DENVER COUNTY PROBATION
RICHARD WEBB, JEFFERSON COUNTY SHERIFF'S DEPT.
ACADEMY DIRECTOR STEVE WHITTMORE, COLO. NORTHWESTERN COMM. COLL.
ACADEMY DIRECTOR DEBBIE WILKE, ARAPAHOE COMMUNITY COLLEGE
DAVE WOOLEY, MESA COUNTY SHERIFF'S DEPT.
LIEUTENANT PAUL ZANI, EL PASO COUNTY SHERIFF'S DEPT.

I. Introductory Remarks - Ken Salazar, Attorney General.

The Attorney General began the meeting with an official welcome to P.O.S.T. Interim Director John Kammerzell. He also announced that Michael Williams would be leaving P.O.S.T. to serve as a Special Assistant Attorney General/In-house counsel for Colorado State University.

II. Approval of July 30, 1999, P.O.S.T. Board Minutes.

Approved.

III. Rule 6 Declaratory Order - John Lizza, First Assistant Attorney General

A. Rule 6 -- Declaratory Order.

Any person may petition the board for a declaratory order regarding the application to the petitioner of any statutory provision or of any rule or order of the Board. All such petitions shall be considered in accordance with Rule 5.

1. Wykry, David D.

Petitioner, an employee at Buckley Air National Guard Base, requests a declaration by the Board recognizing his service as an Air National Guard Patrol Officer as a "level II" peace officer, satisfying P.O.S.T.'s continuing service requirement for maintaining basic certification.

History/Facts:

- ❖ 12/16/88 - Completed basic training at Arapahoe Community College.
- ❖ 03/01/89 - Appointed as a Reserve peace officer at Sheridan Police Department.
- ❖ 08/30/89 - P.O.S.T. Certified, certificate # R-0248, Classification I.
- ❖ 11/01/90 - Separated from Sheridan Police Department.
- ❖ 06/28/97 - Petitioner sent his first variance request to P.O.S.T. asking to have his Reserve certificate renewed as a basic certificate.
- ❖ 09/12/97 - The Board gave Petitioner variance from retaking basic training if he complete all of the following requirements:
 - 88 hours of CO Basic Law course at a POST approved training center;
 - P.O.S.T. approved skills training program;
 - obtain current first aid and CPR certifications;
 - obtain cleared background check including fingerprints; and,
 - successfully pass the certification exam.
- ❖ 05/19/99 - Completed basic training at Community College of Aurora.
- ❖ 05/19/99 - P.O.S.T. certified, Certificate #B5584.
- ❖ 07/11/99 - P.O.S.T received Petitioner's second variance request.

Staff Recommendation:

Staff supports this request.

Staff's recommendation approved.

IV. Variance Requests - Adrienne M. Hunter, Compliance Officer

A. Rule 8 - Basic Certification.

To be eligible to sit for the certification examination, an applicant for basic certification must have successfully completed an approved basic training academy or an approved course of study including skills training within the previous three years.

1. Baca, Philip J.

Petitioner asks the Board to grant him a variance so that may renew his P.O.S.T. certificate by meeting all of the requirements of Rule 16 - Certificate Renewal.

History/Facts:

- ❖ 09/74 - Appointed as a Denver Deputy Sheriff, Denver County Jail.
- ❖ 06/75 - Separated from Denver County Jail.
- ❖ 06/16/75 - Appointed as a peace officer at the Denver Police Department.
- ❖ 10/24/75 - Completed basic training at Denver Police Academy.
- ❖ 11/12/75 - P.O.S.T. certified, Certificate #6095.
- ❖ 06/04/88 - Graduated with a Law Degree from University of Denver College of Law.
- ❖ 06/16/90 - Separated from the Denver Police Department
- ❖ 06/90 - Associate Attorney, Montgomery, Little & McGrew, P.C.
- ❖ 05/93 - Separated from Montgomery, Little & McGrew, P.C.
- ❖ - Attorney Sole Practitioner Attorney
- ❖ 12/94 - Separated as Sole Practitioner, Philip J. Baca, P.C.
- ❖ - Chief Marshal for City of Aurora, CO.
- ❖ 06/95 - Separated as Chief Marshal.
- ❖ 06/95 - Partner/Shareholder, Anest, Rolfe, Baca, & Bruce, P.C.
- ❖ 01/97 - Separated from Anest, Rolfe, Baca, & Bruce, P.C.
- ❖ - Chairman of Criminal Justice Department and Academy Director of City College of Colorado Springs Law Enforcement Training Academy.
- ❖ 10/97 - Separated from City College of Colorado Springs LE Training Academy.
- ❖ - Academy Director for Colorado Sheriff's Training Institute of Law Enforcement Training
- ❖ 08/17/99 - Petitioner sent P.O.S.T. his variance request.

Staff Recommendation:

Staff does not support petitioner's variance request. Staff recommends petitioner be required to complete the following requirements by March 24, 2000:

- a) attend a P.O.S.T. approved skills training program;
- b) submit current first aid and CPR certifications;
- c) obtain a cleared background check including fingerprints;
and upon completion of the above,
- d) successfully pass the written certification exam.

Staff's recommendation approved with one board member abstaining.

2. Hammons, Kevin

Petitioner asks the Board to grant him a variance so that he would not have to do any certification requirements.

History/Facts:

- ❖ 06/15/87 - Appointed as a fireman at the City of Aurora's Fire Department.
- ❖ 01/18/92 - Promoted to Fire Investigator, Aurora Fire Department.
- ❖ 02/19/93 - Completed basic law enforcement training - Aurora Police Academy.
- ❖ 03/27/96 - Staff received Petitioner's first variance request asking that the Board would honor his basic law enforcement training and grant him to take the written certification exam without retaking basic training.
- ❖ 05/31/96 - P.O.S.T. Board granted Petitioner an Order so that he would not have to retake basic training, if he completed the following requirements by November 30, 1996:
 - complete a P.O.S.T. approved skills training program; or skills exams;
 - obtain current first aid and CPR certifications;
 - obtain a cleared background check including prints; and,
 - successfully pass the P.O.S.T. certification exam.
- ❖ 11/30/96 - Board Order expired, and Petitioner failed to complete the process.
- ❖ 12/10/96 - John R. Shell, P.O.S.T. Director sent a letter to Petitioner informing him that the variance expired, and that he was no longer eligible to serve as a peace officer, or reserve peace officer.
- ❖ 06/08/99 - Petitioner issued a second variance request.

Staff Recommendation:

Staff does not support Petitioner variance as requested. Staff recommends Petitioner be required to complete:

- a) complete a P.O.S.T. approved skills training program; or skills exams;
- b) obtain current first aid and CPR certifications;
- c) submit a P.O.S.T. form #1 Application of Basic Certification;
- d) obtain a cleared background check including fingerprints; and,
- e) successfully pass the P.O.S.T. certification exam.

Staff's recommendation approved with one opposed.

3. Howell, Byron L.

Petitioner asks the Board to grant him a variance so that his P.O.S.T. certificate can be renewed without him completing any requirements.

- ❖ 07/01/82 - Appointed as a peace officer at Greeley Police Department.
- ❖ 09/17/82 - Completed basic training at Northern Colorado LE Training Academy.
- ❖ 04/25/83 - P.O.S.T. certified, Certificate #10400.
- ❖ 07/10/91 - Separated from Greeley Police Department.
- ❖ 1994 - Jurist Doctorate degree at the University of Wyoming, Laramie, Wyoming
- ❖ 09/94 - Deputy District Attorney- 13th Judicial District - Colorado.
- ❖ 11/96 - Separated from 13th Judicial District.
- ❖ 04/97 - Graduate Law Clerk for Child Support Bureau at San Diego District Attorney and San Diego Superior Court.
- ❖ 05/99 - Separated from San Diego District Attorney and San Diego Superior Court.
- ❖ 06/01/99 - Assistant County Attorney, for Morgan County Government.
- ❖ 08/19/99 - Petitioner sent P.O.S.T. his variance request.

Staff Recommendation:

Staff does not support Petitioner's variance as requested. Staff recommends Petitioner be required to complete all of the requirements of Rule 8 - Basic Certification.

Staff's recommendation approved unanimously.

4. Martinez, Jr., Candido

Petitioner asks the Board to grant him a variance by allowing him to take the P.O.S.T. exam even though his training was completed more than three years ago.

History/Facts:

- ❖ 08/08/92 - Completed basic law enforcement training at Colorado State University.
- ❖ 08/30/95 - First variance request to P.O.S.T. staff asking to take the P.O.S.T. test without having to repeat another police academy.
- ❖ 11/15/95 - Response to Petition for Variance sent to Petitioner.
- ❖ 12/15/95 - P.O.S.T. Board Ordered Petitioner to complete skills training requirements at a P.O.S.T. approved academy, or to take skills testout, or any combination of both processes by June 15, 1996.
- ❖ 06/15/96 - Petitioner did not complete the Board Order.
- ❖ 05/04/99 - Petitioner sent P.O.S.T. staff a second variance request.

Staff Response:

Staff does not support Petitioner's variance request. Staff recommends Petitioner be required to complete all of the standard requirements of Rule 8 - Basic Certification.

- a) complete a P.O.S.T. approved basic training program;
- b) obtain current first aid and CPR certifications;
- c) obtain a cleared background check including fingerprints processed through CBI and FBI; and,
- d) successfully pass the written certification exam.

Staff's recommendation approved unanimously.

5. Van Slyke, Cynthia

Petitioner asks the Board to grant her a variance by considering her experience in Corrections, and her degree as current and so that she can be P.O.S.T. certified through the course of study option.

History/Facts:

- ❖ 12/18/92 - Associate in Applied Science degree. Administration of Justice at Allan Hancock College in Texas, a P.O.S.T. approved course of instruction.
- ❖ 12/15/95 - Bachelor of Science degree. Justice Studies at Arizona State University, a P.O.S.T. approved course of instruction.
- ❖ 04/96 - Juvenile Detention Officer - Criminal Justice System in Travis County Juvenile Court, Austin, Texas.
- ❖ 05/97 - Separated from Travis County Juvenile Court, Austin, Texas.
- ❖ 08/18/97 - Hired as a Parole Officer in the Department of Corrections - Austin, Texas.
- ❖ 10/30/98 - Separated from Department of Corrections in Austin, Texas.
- ❖ 03/08/99 - Hired as an Associate Probation Officer in Special Crimes Section for the Denver County Court Probation.
- ❖ 08/15/99 - Petitioner sent a variance request to P.O.S.T.

Staff Response:

Staff does not support Petitioner's variance request. Staff recommends Petitioner be required to complete all requirements of Rule 8 - Basic Certification.

A motion was made to grant Ms. Van Slyke a 9 month extension to complete the skills requirements, background investigation, CPR and first aid, and pass the written examination. The motion was seconded, with the amendment that an additional 6 months be granted in order to complete the requirements. This motion was granted by a vote of 8 in favor and 3 against, via a roll-call vote.

ROLL-CALL VOTE:

AYE

NAY

Chief Al Bell
Mayor Margaret Carpenter
Sheriff George Epp
Rev. Gill Ford
S.A.C. Mark Mershon
Sheriff Joseph Morales
Sheriff Richard Murdie
Attorney General Ken Salazar
Chief Tom Sanchez

Chief Dennis Harrison
Chief Lorne Kramer
Chief Frank Martinez

B. Certification Renewal Extension

A basic certification shall be renewed if the holder has not served as a peace officer or reserve peace officer for more than three years but less than seven years, passes the certification exam pursuant to Rule 12, and successfully completes the skills examinations or skills training in each skill area.

1. Brady, Carole Ann R.

Petitioner asks the Board to grant her an extension of 45 days, so that she may complete her skills training and the certification exam by October 22, 1999.

History/Facts:

- ❖ 11/05/84 - Appointed as a peace officer, Crested Butte Police Dept.
- ❖ 06/07/85 - Completed basic training at Colorado Mountain College.
- ❖ 09/26/85 - P.O.S.T. certified, certificate # 11447.
- ❖ 01/16/92 - Separated from Crested Butte Police Department.
- ❖ 02/04/99 - P.O.S.T. received Petitioner's variance request.
- ❖ 03/26/99 - The Board granted petitioner a variance to renew her P.O.S.T certificate by completing the skills requirement and the certification exam by September 30, 1999.
- ❖ 07/20/99 - Began skills training a Colorado Sheriff's Training Institute.
- ❖ 08/11/99 - Petitioner sent P.O.S.T. a request for an extension.
- ❖ 08/12/99 - Hired as a Dispatcher at Douglas County Sheriff's Department.

Staff Response:

Staff supports Petitioner's variance extension as requested. Staff recommends Petitioner be granted an extension of 45 days so that she may complete her skills requirements and take the written certification by October 30, 1999.

Staff's recommendation approved unanimously.

V. Discussion/Action Items

A. New Rule Recommendation.

John Kammerzell read from a memo sent to Attorney General Ken Salazar and Deputy Attorney General Don Quick, suggesting the creation of an actual "mini-skills" program, which would include one week of academic training, and one week of skills training. **A motion was made for staff to move forward with this idea. The motion was seconded and approved unanimously.**

B. Selection by vote: SME Chair Subcommittees -
Board members to co-chair SME groups and attend meetings.

The following board members volunteered to serve as co-chairs for the respective SME committees:

Sheriff Joseph Morales	Firearms SME Committee
Rev. Gill Ford	Arrest Control SME Committee
Chief Dennis Harrison	Driving SME Committee
Sheriff George Epp	Curriculum SME Committee

Since some of the Board members would have to travel a fair distance to serve on the committees, a request was made by the Board to move the regular Board meetings to start at 10:00 a.m., and have the SME meeting meet during the two hours prior to that time, at around 8 a.m.

C. Changing Status of Academy Programs.

D. Community College and Law Enforcement Training Programs.

John Kammerzell noted the number of academies currently approved and active in the State of Colorado. He also took the opportunity to let the Board know that the Colorado Institute of Law Enforcement Training had voluntarily surrendered their license, both with P.O.S.T. and with the State Department of Education.

David LaRose, Academy Director of Northeastern Junior College, expressed his support of the academy evaluation process.

Jim Alexander, academy director of Red Rocks Community College, thanked Mr. Kammerzell for setting up this time and the academy roundtable for academies to discuss these issues.

E. Forum for Issues of Public Safety -- Chiefs and Sheriffs.

Undersheriff Dave Wooley requested input from the Board regarding 18-1-901 - levels of peace officer. Nowhere in the listing is detention officer listed. Mesa County has a situation where detention officers are not peace officers, but they should be. How might Mesa County get them into some level of peace officer position? At some level, detention officers need to be peace officers. Second issue is that difficulty of recruiting; getting out of state peace officers certified in Colorado, which he thought the mini-skills solution mentioned above might resolve. The third issue revolved around distance learning.

Don Quick took the opportunity to let the Board know that distance learning is something that staff is currently investigating, but more time and information will be needed before anything is finalized.

F. Update Briefing on Review Committee Projects.

G. Meeting Dates for Year 2000.

Meeting adjourned.

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS

The Peace Officer Standards and Training Board held their 317th board meeting at the Fort Collins Marriott, 350 Horsetooth, Salon D, in Fort Collins, Colorado, with the following persons present:

BOARD MEMBERS:

CHIEF AL BELL
SHERIFF RIECKE CLAUSSEN
SHERIFF DAN CORSENTINO
CHIEF JOSEPH CORTEZ
SHERIFF GEORGE EPP
CHIEF DENNIS HARRISON
CHIEF LORNE KRAMER
CHIEF FRANK MARTINEZ
S.A.C. MARK MERSHON
SHERIFF JOSEPH MORALES
ATTORNEY GENERAL KEN SALAZAR
CHIEF TOM SANCHEZ
SHERIFF STEPHEN ZOTOS
EXECUTIVE DIRECTOR ARISTEDES ZAVARAS

BOARD MEMBERS ABSENT:

REV. GILL FORD
SHERIFF RICHARD MURDIE

BOARD COUNSEL

JOHN A. LIZZA

STAFF MEMBERS:

DON QUICK, DEPUTY ATTORNEY GENERAL
ADRIENNE HUNTER, P.O.S.T. COMPLIANCE OFFICER
BRENDA DRYBURGH, ADMINISTRATIVE ASSISTANT

MEMBERS OF THE PUBLIC IN ATTENDANCE:

DEPUTY BOB BAKER, JEFFERSON COUNTY SHERIFF'S DEPT.
ACADEMY DIRECTOR MINER BLACKFORD, OTERO JUNIOR COLLEGE
ACADEMY DIRECTOR SGT. TOM DELUCA, EL PASO COUNTY SHERIFF'S DEPT.
DAN DIRSCHERL, PIKES PEAK COMMUNITY COLLEGE
ACADEMY DIRECTOR LT. DAN GARD, JEFFERSON COUNTY SHERIFF'S DEPT.
ACADEMY DIRECTOR CAPTAIN GARY GRAHAM, DENVER POLICE DEPT.
ACADEMY DIRECTOR LT. MICHAEL GRYS, COLORADO SPRINGS POLICE DEPT.
ACADEMY DIRECTOR TIM JOHNSON, LARIMER COUNTY SHERIFF'S DEPT.
JOHN KAMMERZELL, P.O.S.T. INTERIM DIRECTOR
MITCH LINCOLN, EL PASO COUNTY SHERIFF'S DEPT.
ACADEMY DIRECTOR DAVE MARQUITH, COMMUNITY COLLEGE OF AURORA
ACADEMY DIRECTOR LT. TERRY MARSH, AURORA POLICE DEPARTMENT
ACADEMY DIRECTOR STEVEN WHITTMORE, COLORADO NW COMM. COLLEGE

- 1 - Welcome - Ken Salazar, Attorney General
- 2 - Roll Call - Adrienne M. Hunter, Compliance Officer
Declaration of A Quorum (9) - Ken Salazar
- 3 - Approval of Minutes of September 22, 1999

Approved.

- 4 - Committee Recognition - Ken Salazar
 - a. Curriculum Committee
Chairman - Sheriff George Epp
Vice-Chairman - Attorney Michael S. Williams
 - b. Firearms Committee
Chairman - Undersheriff Don Christensen
Co-Chairman - Sheriff Joe Morales
 - c. Arrest Control Committee
Chairman - Sgt. Neal Tyler,
Co-Chairman - Rev. Gill Ford
 - d. Driving Committee
Chairman - Sgt. Al Padilla
Co-Chairman - Chief Dennis Harrison

S.A.C. Mark Mershon requested to be added to the curriculum committee. He and Sheriff Epp will serve as co-chairs for this committee. A motion was made to formally add Mr. Mershon to this committee. The motion was seconded and approved unanimously.

e. Motion to accept new committees - Ken Salazar

Approved, as amended.

5 - Driver Training - Dan Mark, Aurora Police Dept.

This issue was tabled until the next Board meeting.

6 - P.O.S.T. Omnibus Bill - Don Quick (Memo 10/04/99)

a. Test fee increase (Memo 10/12/99)

§ 29-1-206 and § 29-5-104. Chief Al Bell stated that it was very important that chiefs be included in this change, as well as Sheriffs. The wording of these statutes was taken from the previous statute, which only offered the temporary assignment ability to county sheriffs. Ari Zavaras asked if there are any bordering municipalities, or are there just bordering counties? Sheriff Epp stated that as far as he knew there were no bordering municipalities. Chief Morales stated that the reason this issue has come up relates to the Iron Horse Rally in the La Plata County area. Chief Bell stated that during this time period, the Sheriff has no extra people, which means that the city would have no backup if they needed it. Allowing chiefs this authority would give them the ability to obtain backup help from neighboring cities across the state line.

A motion was made to include chiefs and municipal police departments into § 29-1-206. This motion was seconded and approved unanimously, via a roll-call vote.

§ 24-31-305. Chief Kramer said that Colorado Springs currently uses a test, which is periodically modified by a contractor. To have to move to a single test used by P.O.S.T. would be prohibitive for his agency. John Kammerzell stated that he had come up with an alternative suggestion, which is that all agency and academies which use their own test could keep using that test, but that anyone who didn't already have an exam in place, could purchase an aptitude test from P.O.S.T. This would create some flexibility for academies, and they could use the test approved by the Board. The test would be similar to those used by Utah and Wyoming.

The general consensus of the Board was that the standardized aptitude test portion of the bill should not be pursued at all.

The Board also felt that removing the six months requirements from (b) would be detrimental to law enforcement, and lead to possible abuse of the system.

There was some question as to changing the final expiration date from ten year down to seven years. Sheriff Epp stated that the Board sees a lot of individuals, who, while not actual active police officers, are still active in some form of the law enforcement community. To remove that 3 year time period would be arbitrary. Chief Bell stated that even 5 years is a large chunk of time to be outside of law enforcement.

A motion was made to approve this change in the bill. The motion was seconded. Due to the complexity of the issue, Chairman Salazar decided to have a roll-call vote. The motion was approved, with a vote of 12 in favor and 2 against:

Sheriff Riecke Claussen	Aye	Sheriff George Epp	Nay
S.A.C. Mark Mershon	Aye	Sheriff Stephen Zotos	Nay
Chief Tom Sanchez	Aye		
Chief Lorne Kramer	Aye		
Exec. Dir. Ari Zavaras	Aye		
Chief Joseph Cortez	Aye		
Chief Al Bell	Aye		
Chief Frank Martinez	Aye		
Sheriff Dan Corsentino	Aye		
Chief Dennis Harrison	Aye		
Sheriff Joseph Morales	Aye		
Attorney General Ken Salazar	Aye		

§ 24-31-308

Don Quick stated that currently, the law requires that a federal or out of state peace officer to be currently authorized to serve in order to transfer to Colorado. This is a problem for federal peace officers, such as the FBI, who are no longer authorized to serve once they leave their agency. This change would allow federal peace officers the same time frame for obtaining certification that out of state peace officers currently receive. It would also require that a person must work for at least one year in that other jurisdiction. It would also allow the Board to set up the rules and regulations of provisional applicants, rather than the statute determining what must be done.

A motion was made to approve this change to the current statutes. The motion was made and seconded unanimously.

7 - Mini Skills Discussion/Reciprocity - Don Quick, Deputy Attorney General (Letter 10/29/99)

John Kammerzell stated that the creation of this academy is dependent on the passage of the omnibus bill. It would allow out of state and renewal applicants to get some training in the academic areas, prior to taking the P.O.S.T. certification exam. Depending on what the Board wants, the Rules could be written to allow applicants either the written exam and test-out process or the mini-skills academy.

Sheriff Zotos stated that the academic portion of the mini-skills academy should be referred to the curriculum committee, so that they would have oversight of that portion.

Director Zavaras wished to know where this training would be held? Who would be holding it?

Sheriff Epp stated that it would depend on the demand. P.O.S.T. would only need to create the curriculum, and then the academies could have the training when necessary.

8 - Standardize Aptitude Test - Don Quick

a. Rule Definition/Board Intent

1. Recognize Existing Exams
2. P.O.S.T. as Test Available.

Skipped, as this matter had already been previously discussed.

9 - Electronic Filing - Don Quick (Chief Charles Widup's letter)

Don Quick stated that while Chief Widup's idea is a good one, P.O.S.T. does not currently have the budget or the manpower to pursue it, so the issue was tabled.

10 - Revocation Process - Sheriff Steve Zotos, Douglas CO SO

Sheriff Zotos stated that several years ago, the P.O.S.T. Board statute declared that a persons' certification could be revoked for felony convictions or crimes of moral turpitude. Several years ago, the statute was changed to provide revocation ability for felony convictions. Sheriff Zotos thought that the statute should also address: other crimes; the ability of the officer to perform his job; and he thinks there be something that allows chief executive officers to request to revoke a certificate, prior to an actual conviction. While Douglas County has this person who was charged with a felony, then plea-bargained the charge down, and the only conviction was for official misconduct and indecent exposure. P.O.S.T. should have the ability to revoke a peace officer's certification when the officer is charged of the crime. P.O.S.T. should not have to wait until a conviction is received.

Ken Salazar wanted to know if the P.O.S.T. Board had any revocation options with regard to the specific individual mentioned.

John Lizza stated that a review of current statute and P.O.S.T. rules only allows for revocation when an individual has received a felony conviction. So in answer to the question: does the board currently have authority to revoke or suspend the certification of this individual? Under our rules and under the current statute, the answer is no.

Sheriff Epp stated that the original idea for the change was that the law enforcement agency which employs this person would also have the opportunity to terminate their

employment. Other agencies have the obligation to do a background check, and most likely wouldn't hire the persons.

Chief Cortez stated that not all agencies do background checks. They only check to see if a person is certified, and current before hiring them.

Sheriff Zotos stated that it seemed blatantly wrong for P.O.S.T. to say a person is okay to serve as a peace officer, while at the same time that person has to register as a sex offender in the state.

Attorney General Salazar stated that while he understood the point of view, it would appear from a legal standpoint that P.O.S.T. could not revoke this certificate. He requested the John Lizza look into the issue further and report back to the Board at the next Board meeting. He noted that the Rules do state that a certificate can be revoked if an individual has "otherwise failed to meet the Board's requirements." This might allow the Board another option in possibly revoking the certificate.

SAC Mershon requested clarification on the current laws and rules: could this individual, initially coming into the certification process, become certified?

John Lizza stated that the current laws and P.O.S.T. Rules would not prevent this person from obtaining certification. P.O.S.T. Rule only discusses felony convictions.

Attorney General Salazar requested that any further discussion on this specific case be tabled until the next Board meeting, and the Board move into the broader issue of P.O.S.T. standards.

Deputy Attorney General Don Quick suggested that Board members provide various examples of what should be considered for revocation, and the Board can consider which ones should be entered or not.

Sheriff Zotos stated that instead of Board members coming up with a "laundry list" of crimes, P.O.S.T. should have the latitude to judge them on a case by case basis.

Academy Director Dave Marquith, Community College of Aurora, stated that this would also have a broad range of implications for academy directors. It would allow them to prevent individuals who should not be in law enforcement from attending the academy, from completing the selection process.

11 - Center for Prevention of Youth Violence - Ken Salazar /Don Quick

Ken Salazar stated that he wished for Board members to use these meetings to discuss issues on their plates. He began with an issue he is currently very interested in: The Center for Prevention of Youth Violence's initiative Safe Communities-Safe Schools.

Deputy Attorney General Quick noted that most Board members were familiar with Dr. Del Elliot, who is the director of CU/Center for the Study and Prevention of Violence. He is a national expert on youth violence. In the aftermath of Columbine, the Colorado Trust has formed a partnership with Dr. Elliot. Schools are more interested in school safety now than ever before - Dr. Elliot helps the schools determine what things have worked in other areas. They will also work with 20 pilot schools. The Attorney General is also partnering with him on this special project.

Attorney General Salazar stated that Dr. Elliot has the resources to focus here in Colorado for several years. He suggested to Board members that if they had schools that might be interested in this pilot project, the Center will be selecting 20 schools around the state for the project.

He then requested input from the other Board members on their various areas of expertise:

SAC Mershon noted that for the first time the Federal Bureau of Investigation is instituting mandatory continuing education for their officers.

Executive Director Aristedes Zavaras noted that the Colorado Department of Public Safety had been involved with ensuring that the NCIC system is Y2K compliant. They have tested the system, and everything appears to be okay with the changeover. He also noted that Ray Slaughter has taken over the Division of Criminal Justice and Al Stanley is overseeing the CBI offices.

Sheriff Joseph Morales stated that the County Sheriffs of Colorado (CSOC) had a fundraiser for their new building at El Paso County Sheriff's Office. CSOC is preparing for their annual meeting in January, which will be hosted this year by Arapahoe County. He also noted that Governor Owens will probably be signing the Voice Project in the near future. County Sheriffs of Colorado has met with Colorado Association of Chiefs of Police and come to agreements on a number of issues.

It was noted that Jack Van Arsdol has left his position as executive director of the CACP.

Attorney General Salazar took the opportunity to announce publicly and on record that John Kammerzell had done a tremendous job during the short time he was with P.O.S.T. and will be missed. The position of P.O.S.T. director has not been given to anyone at this time.

Deputy Quick stated that the announcement for the position of P.O.S.T. director would be posted on Monday. P.O.S.T. would be sure to fax the information to all of the Board members and academy directors on that day..

The meeting was then adjourned.

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS

The Peace Officer Standards and Training Board held their 318th board meeting at the Department of Law, 1525 Sherman St., Room 610, in Denver, Colorado, with the following persons present:

BOARD MEMBERS:

SHERIFF DAN CORSENTINO
SHERIFF GEORGE EPP
REV. GILL FORD
CHIEF DENNIS HARRISON
CHIEF LORNE KRAMER
CHIEF FRANK MARTINEZ
S.A.C. MARK MERSHON
SHERIFF JOSEPH MORALES
SHERIFF RICHARD MURDIE
ATTORNEY GENERAL KEN SALAZAR
CHIEF TOM SANCHEZ
SHERIFF STEPHEN ZOTOS
EXECUTIVE DIRECTOR ARISTEDES ZAVARAS

BOARD MEMBERS ABSENT:

CHIEF AL BELL
SHERIFF RIECKE CLAUSSEN
CHIEF JOSEPH CORTEZ

BOARD COUNSEL

JOHN A. LIZZA

STAFF MEMBERS:

DON QUICK, DEPUTY ATTORNEY GENERAL
ADRIENNE HUNTER, P.O.S.T. COMPLIANCE OFFICER

MEMBERS OF THE PUBLIC IN ATTENDANCE:

CAPTAIN BILL ANGERMANN, GLENDALE POLICE DEPT.
CAPTAIN PHIL BACA, JEFFERSON COUNTY SHERIFF'S DEPT.
DAVE BALDWIN, JEFFERSON COUNTY SHERIFF'S DEPT.
ACADEMY DIRECTOR TIM BLACK, RED ROCKS COMMUNITY COLLEGE
ACADEMY DIRECTOR MINER BLACKFORD, OTERO JUNIOR COLLEGE
UNDERSHERIFF DON CHRISTENSEN, DOUGLAS COUNTY SHERIFF'S DEPT.
PAUL CREADON, LITTLETON POLICE DEPT.
MARK DEWHURST, LAKEWOOD POLICE DEPT.
PAUL DUGDALE, ARAPAHOE COUNTY SHERIFF'S DEPT.
CAPTAIN GARY GRAHAM, DENVER POLICE DEPT.
DARYL HOFFMAN, ARVADA POLICE DEPT.
DARYL HOLLINGSWORTH, NORTHGLENN POLICE DEPT.
JOHN KAMMERZELL
LIEUTENANT GREG KIRKLAND, LA JUNTA POLICE DEPT.
BILL KIRKLAND, GOLDEN POLICE DEPT.
DONN KRAEMER, LAKEWOOD POLICE DEPT.
TERRY LAUHON, LONGMONT POLICE DEPT.
ACADEMY DIRECTOR DAVID LAROSE, NORTHEASTERN JUNIOR COLLEGE
LIEUTENANT L.J. MAKI, ARAPAHOE COUNTY SHERIFF'S DEPT.
SERGEANT DAN MARK, AURORA POLICE DEPT.
ACADEMY DIRECTOR DAVE MARQUITH, COMMUNITY COLLEGE OF AURORA
SERGEANT JOHN MINOR, SILVERTHORNE POLICE DEPT.
LUCILE MUSSMANO, ENFORCE, INC.
AL PADILLA, LAKEWOOD POLICE DEPT.
JOHN PETTINGER, DENVER POLICE DEPT. TRAINING ACADEMY
LIEUTENANT GARY ROBINSON, DOUGLAS COUNTY SHERIFF'S DEPT.
SERGEANT STEVEN SAMEK, PUEBLO POLICE DEPT.
ABEL SANTISTEVAN, PUEBLO POLICE DEPT.
SUZI WALKER, DENVER REGIONAL COUNCIL OF GOVERNMENTS - C.O.P.S.
CAPTAIN BOB WHITE, BRIGHTON POLICE DEPT.
CORPORAL ROBERT WHITE, PUEBLO POLICE DEPT.
ACADEMY DIRECTOR DEBBIE WILKE, ARAPAHOE COMMUNITY COLLEGE
LIEUTENANT RICHARD WREN, LA JUNTA POLICE DEPT.

The following Subject Matter Expert Committees met prior to the P.O.S.T. Board meeting:

Arrest Control Committee	Room 410
Curriculum Committee	Room 610
Driving Committee	Room 650
Firearms Committee	Room B75

Introduction

1 - Welcome - Ken Salazar, Attorney General.

2 - Roll Call - Adrienne M. Hunter, Compliance Officer
Declaration of A Quorum

3 - Approval of November 19, 1999 P.O.S.T. Board Minutes.

Approved.

Discussions:

4 - Revocation Process - Sheriff Steve Zotos, Douglas CO SO
Held over from last meeting/ John Lizza - Broad Review

John Lizza stated that this issue was a holdover from the last meeting. Sheriff Zotos brought up an issue about people who got arrested for certain offenses (sexual assault), but were not convicted of felonies. Sheriff Zotos asked if there was some way P.O.S.T. could take action on their certificate. Prior to instituting the felony rule, the P.O.S.T. Board had struggled with the definition of moral turpitude. The present statute and rules are clear: it must be a felony conviction to revoke.

Sheriff Zotos stated that P.O.S.T. had put themselves in a difficult position by removing the moral turpitude clause. P.O.S.T. needs the latitude as a board for cases that may not fit a certain definition. Examples of how Arizona P.O.S.T. decides similar issues was included in the Board packets.

Ken Salazar asked if this change could be made to the current legislation P.O.S.T. has? Or are the titles too narrowly drawn to accommodate the change?

Don Quick stated that P.O.S.T. would have to contact the bill sponsor. Nothing in the current legislation specifically addresses that issue.

Ken Salazar stated that it might be better to look at a statutory change for the next legislative session. This would allow the board time to review what other states are doing.

Rev. Ford asked John Lizza if there was no recourse for the board under current laws; for instance, couldn't the current sexual harassment laws be used as a precedent?

John Lizza stated that it would not be possible under the current statute. Although there are some very serious misdemeanor offenses, they don't meet the requirement of a felony. Clearly, if it is a felony, it is covered. Previously, P.O.S.T. attempted a definition of moral turpitude in the rules, but it was a very imprecise standard. An alternative is for the board to review misdemeanor crimes in Title 18 and pick out the ones that cause concern. So the first problem is definition: how do we define which crimes should revoke an officer's certificate? The second is how will P.O.S.T. go about the process?

Rev. Ford asked if under existing rules a person who has been a problem at one department, and gets convicted of a misdemeanor, could then continue at another agency?

John Lizza responded that conceivably, they could - provided the offense was not a felony. Many times, when an officer has been charged with an offense, they want to know if they can still serve as a peace officer. If P.O.S.T. had a specific list of which offenses would be revocable, that would give officers clarity.

Sheriff Epp stated that he had sat through the discussions on moral turpitude, and did find those to be very difficult and frustrating for the board to cut a clear path. What was appealing to him is the idea of defining some misdemeanors for automatic revocation. But P.O.S.T. should work to avoid turning the process into another court.

Chief Martinez stated that he agreed that something needed to be done, but he is not sure that a "laundry list" of crimes is the answer. Arizona P.O.S.T. can revoke not only for convictions, but also for charges and policy issues as well. He would like to know where they get their written authority to do such things; how did they develop the process? Before P.O.S.T. couldn't even agree on the what constituted moral turpitude. He would like to see the process more open so that P.O.S.T. could really make decisions.

Chief Harrison stated that he had lived under the Arizona system for a period of time. He agreed with Chief Martinez that it would be very difficult to come up with a "laundry list". Arizona P.O.S.T. can also revoke based on performance and other issues.

A motion was made for Sheriff Zotos to chair a subcommittee to discuss and develop a revocation plan. The committee could work on a plan, and then get back to the Board sometime in October or November. The move was seconded and approved unanimously.

Sheriff Epp stated that County Sheriffs of Colorado had an ethics and standards committee which would be available as a resource to the committee.

Members of the Revocation Subcommittee are:

Sheriff Steve Zotos (chair)
Sheriff George Epp
Rev. Gill Ford
Chief Dennis Harrison
Chief Lorne Kramer
Sheriff Joseph Morales
Chief Tom Sanchez

5 - Center for Prevention of Youth Violence - Ken Salazar /Don Quick

Introducing: Delbert S. Elliot, Ph.D.
Director of Program on Problem Behavior, and
The Center for the Study and Prevention of Violence
Institute of Behavior Science University of Colorado

Attorney General Salazar stated that he had requested to move Dr. Elliot up on the agenda, in case the issue of unlimited reciprocity took a long time to discuss.

Last year, even before the Columbine incident, Attorney General Salazar had been having discussions with law enforcement and others about how to address the issue of youth violence. Subsequent to Columbine the Attorney General, Ari Zavaras, Don Quick, and Governor Owens worked together to create the Summit on Youth Violence. The result of that was a report which had about 27 recommendations on it. Some of those recommendations are being hotly debated by the legislature. In addition, to that, we recommended developing a clearing house which would help Colorado decide which kinds of programs are working, and which are not. We recognize that there are hundreds of programs out there, and some of them are more effective than others. It seemed to us that a partnership with the Center for the Prevention of Youth Violence made sense. The Colorado Trust has provided a million dollar grant to CU and to the Center to help them address two issues: (1) To help Colorado's 1500 schools take advantage of the resources at CU about developing school safety plans which work, and (2) to identify 20 communities in which the Center could make a more intensive effort to help make those 20 schools model state schools. The Attorney General thought it would be good for him and the members of this Board to meet.

Dr. Elliot stressed that youth violence is a community problem - not just a school problem. Dr. Elliot's Center will be available to provide information on the best violence prevention problem from around the country. Over the next year Dr. Elliot and the Attorney General plan to have meetings in each of the 63 counties to discuss the initiative and to gather input from community leaders.

6 - Reciprocity - County Sheriffs of Colorado.

The Sheriffs brought forth the recommendation of lifting the 10 year cap on reciprocity. They would like to see the use of a refresher academy and test-out. The skills and law testing

would be kept at current levels. This proposal was approved on an 11 to 1 vote. Don Quick was instructed to make a corresponding amendment to the pending P.O.S.T. legislation.

Presentations/Committee Reports:

6 - Driver Training - Dan Mark, Aurora Police Department.
P.O.S.T. SME Driving Committee Recommendations

Dan Mark presented the Driving SME committee's recommendations.

A motion was made to approve the committee's recommendation. The motion was seconded, and approved unanimously.

7 - Arrest Control - Tech. John Pettinger, Denver PD

Arrest Control had business to report.

8 - Curriculum committee - Sheriff George Epp

Sheriff Epp stated that the curriculum committee had assigned two subcommittees. One will work on reviewing the P.O.S.T. exam, and the other will review the issue to continue the ongoing task of reviewing curriculum. The curriculum committee also anticipated getting to work on the refresher course, although no subcommittee has yet been assigned.

9 - Firearms committee - Undersheriff Don Christensen, Douglas County SO

Undersheriff Don Christensen stated that the firearms committee did make a few suggestions to Sheriff Morales regarding changing the relationship of the committee to P.O.S.T.

Sheriff Morales stated that he was very impressed with his first meeting with the group, as they obviously take firearms very seriously. One of their basic fundamental concerns is having the resources to manage and facilitate compliance inspections over academies. With John's death the issue got shelved, but firearms would like to see P.O.S.T. get back on top of that issue.

Attorney General Salazar suggested that this be put on the next agenda, to make sure there would be more time for the committee to report on the issue.

Information:

10 - Written Certification Exam Results - Summer and Fall, 1999.

11 - P.O.S.T. Board Meeting Dates changes:

Attorney Ken Salazar wants to attend as many P.O.S.T. Board Meetings

as possible, however, there are two conflicting dates between CDAC, and P.O.S.T. Board meetings: May 19, 2000, and November 17, 2000.

The date of the May meeting was changed to May 26, 2000

The date of the November meeting was changed to Thursday, November 9, 2000

12 - Colorado Institute of Law Enforcement Training - officially closed November 17, 1999.

Attorney General Salazar Joe Morales has now stepped down as President of County Sheriffs of Colorado, and Sheriff Epp is now president of that group.

Deputy Quick and Ari Zavaras gave an update on the gun legislation.

Meeting adjourned.

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS

The Peace Officer Standards and Training Board held their 319th board meeting at the Department of Law, 1525 Sherman St., Room 610, in Denver, Colorado, with the following persons present:

BOARD MEMBERS:

CHIEF AL BELL
SHERIFF RIECKE CLAUSSEN
CHIEF JOSEPH CORTEZ
SHERIFF GEORGE EPP
CHIEF DENNIS HARRISON
CHIEF LORNE KRAMER
CHIEF FRANK MARTINEZ
S.A.C. MARK MERSHON
SHERIFF RICHARD MURDIE
ATTORNEY GENERAL KEN SALAZAR
CHIEF GERALD WHITMAN
SHERIFF STEPHEN ZOTOS

BOARD MEMBERS ABSENT:

SHERIFF DAN CORSENTINO (excused absence)
REV. GILL FORD (excused absence)
SHERIFF JOSEPH MORALES (excused absence)
EXECUTIVE DIRECTOR ARISTEDES ZAVARAS (excused absence)

BOARD COUNSEL

JOHN A. LIZZA

STAFF MEMBERS:

DON QUICK, DEPUTY ATTORNEY GENERAL
JEFFREY BEAVERS, P.O.S.T. DIRECTOR
ADRIENNE HUNTER, P.O.S.T. COMPLIANCE OFFICER

MEMBERS OF THE PUBLIC IN ATTENDANCE:

DEPUTY BOB BAKER, JEFFERSON COUNTY SHERIFF'S OFFICE
ACADEMY DIRECTOR TIM BLACK, RED ROCKS COMMUNITY COLLEGE
MARK DEWHURST, LAKEWOOD POLICE DEPT.
PAUL DUGDALE, ARAPAHOE COUNTY SHERIFF'S OFFICE
LIEUTENANT DAN GARD, JEFFERSON COUNTY SHERIFF'S OFFICE
ACADEMY DIRECTOR TIM JOHNSON, LARIMER COUNTY SHERIFF'S OFFICE
GARY KASSON, AURARIA HIGHER EDUCATION POLICE DEPT.
DONN KRAEMER, LAKEWOOD POLICE DEPT.
ACADEMY DIRECTOR L.J. MAKI, COLORADO SHERIFF'S TRAINING INSTITUTE
ACADEMY DIRECTOR DAVE MARQUITH, COMMUNITY COLLEGE OF AURORA
JOHN MINER, SILVERTHORNE POLICE DEPT.
ACADEMY DIRECTOR C.E. MYERS, AIMS COMMUNITY COLLEGE
LIEUTENANT GARY ROBINSON, DOUGLAS COUNTY SHERIFF'S DEPT.
RICHARD SMITH, COLORADO STATE PATROL
BOB WHITE, BRIGHTON POLICE DEPT.
ACADEMY DIRECTOR STEVEN WHITTMORE, COLORADO NORTHWESTERN
COMMUNITY COLLEGE

The following Subject Matter Expert Committees met prior to the P.O.S.T. Board meeting:

Arrest Control Committee	Room 650
Curriculum Committee	Room B-75
Driving Committee	Room 410
Firearms Committee	Room 310

- 1 - Welcome - Attorney General, Ken Salazar.
- 2 - Roll Call - P.O.S.T. Compliance Officer, Adrienne M. Hunter

A Quorum was declared.

- 3 - **Welcome:** Denver Police Chief, Gerald Whitman
P.O.S.T. Director, Jeffrey Beavers.
- 4 - Approval of P.O.S.T. Board Minutes for March 31, 2000.

Approved.

- 5 - House Bill 00-077 Passed - Deputy Attorney General, Don Quick.

6 - Correspondence from the City and County of Denver Department of Public Safety, Ex- Chief of Police, Tom Sanchez.

A motion was made to make a resolution of appreciation for Chief Sanchez' time on the P.O.S.T. board. The motion was seconded and approved unanimously.

7 - Correspondence from recipient of 1999 John R. Shell Scholarship, Richard A. Romero.

8 - P.O.S.T. Board Meeting date changes.

It was decided to hold the September 29, 2000 meeting in Colorado Springs.

9 - Concerns of Racial Profiling - Deputy Attorney General, Don Quick.

Deputy A. G. Don Quick stated that P.O.S.T. was attempting to use the remaining money that was paid into the account of some Eagle County litigation (Whitfield v. Eagle County) involving racial profiling issues. There is approximately 580,000 dollars in a settlement trust. The reason there is so much money is that the courts could not find specific plaintiffs to whom to give the money. Federal Judge Maitch wanted these leftover funds to be used for the training of law enforcement officers. P.O.S.T. has tried to come up with a one-day training for peace officers, and is in contact with various different groups about the issue - ADL, NAACP, Hispanic Bar Association, the Asian American community, etc. P.O.S.T. would like to set up a one-day seminar concerning ethnic and racial stops, and is trying to get endorsements from various groups for this seminar. The timing on this is that Judge Kane (who replaced Judge Maitch on the case) says that he wants a final plan by April 30, 2000. This proposal has already been endorsed by the CDAC, and Don will be talking with the Chiefs and Sheriff's associations later, to try and get their endorsements as well.

John Lizza stated that the immediate goal of this office was to get approval from the P.O.S.T. Board, to meet Judge Kane's deadline.

A motion was made that P.O.S.T. be the group to facilitate and develop the curriculum for this program. The motion was seconded and approved unanimously.

10 - Show Causes, (13) - First Assistant Attorney General, John Lizza.

It was noted that two of the people listed had only misdemeanor convictions, but since these were domestic violence convictions - which by federal law would no longer allow the officer to use a firearm - they had been placed on the agenda as well. John Lizza stated that he was still doing some research on the ramifications of revoking these two particular individuals, but he did not want to bring this back to the board piecemeal. So he is simply asking for authority from the board to send out show cause orders on all of these individuals. If the Board does not actually have authority to perform the revocations of these individuals, he will inform them of this at the hearing.

Attorney General Salazar noted that some of the charges were very old. He wanted to know why there was such a long delay in getting the matter before the Board?

John Lizza stated that there were a number of different factors: some of the charges are appealed, and P.O.S.T. has to wait for the final appeal to be processed. The other is that charges do not always immediately come to P.O.S.T.'s attention. Staff frequently finds about these in an indirect way, and that can take several years to discover.

A motion was made to issue show cause orders for all 13 individuals. The motion was seconded and approved unanimously.

11 - Revocation Committee - Chairman, Sheriff Steve Zotos, Douglas CO SO.

Sheriff Zotos stated that the committee met on March 9. Their first task was to look at the revocation process; this will involve legislative changes taking place in 2001. There was pretty much a unanimous consensus on most issues, except for the issue of suspensions. The first thing the group decided is that somewhere - either in P.O.S.T. rule or in legislation - it needs to be stated that certification is not necessarily a right but a privilege. It was the unanimous decision of the committee that the Board continue to revoke all peace officers who are convicted of a felony, whether state or federal, or even from other countries. They also decided on certain misdemeanors: domestic violence, sexual misconduct, illicit drugs or controlled substance, perjury, tampering of evidence or witnesses, any cases involving child abuse, prostitution, aiding and abetting an escape, and false reporting. The third issue was that P.O.S.T. should have the ability to revoke or deny certification for other misdemeanors or ordinances: when it is recommended by the head of a particular agency who feels that the violation includes an area of integrity and critically non-criminal violations of policy, which breach the trust of the public. The one issue that the committee had a problem on was suspensions. The committee started following the scenario of the IA process in suspending officers, and found that it tended to get convoluted and complicated. Some for the committee members think that suspension should be left up to the local entities, and that the Board should concentrate mainly on revocations. In most cases the committee is following the same system currently in place for Arizona. There may be some opposition to these by the Police Protective Association, Fraternal Order of Police, and other organizations that take a different stance to administrative procedures than the committee would like to take. Sheriff Zotos believes that the entire Board will have to be committed to the position in order for this change to take place. The committee is also interested in visiting the areas of community college issues, and standards for getting into the community colleges. The next meeting of the committee is April 13 at Douglas County Sheriff's Dept., 2 p.m.

12 - SME Committee Reports.

Arrest Control issues were tabled, as Neal Tyler was unable to make it to the meeting due to the weather.

Driving - One brief update for driving - Steve Whittmore was brought in as a member of the driving committee; the committee recognizes the partnership with the community colleges and that they have to train the same as agencies. Secondly, in late September there is supposed to be a regional meeting from the ALERT group, which is a national group of driving instructors, everyone on the P.O.S.T. SME Driving Committee are also members of this group. ALERT has some regional training which will be brought to Denver - ALERT will probably be approaching the Board to see if P.O.S.T. will endorse it, because it involves national certification for driving instructors.

Sheriff Epp reported that the curriculum committee had had a lively discussion regarding the certification test, one of the issues revolved around the source materials for some test questions, source materials with which other agencies may have philosophical differences. Another issue was the test questions. Students could fail such important areas as administration of justice or basic law, but could still pass the test. The committee would like to change it so that a person would have to pass certain areas of the test, in order to pass the whole exam.

Don Quick stated that he was working with a group concerned with SB 208, which is the no-knock bill currently in the senate. One of the things that came up is - is there a way that P.O.S.T. could address the issue, similar to the way we are discussing the issue of Whitfield currently.

The P.O.S.T. Board stated that they would prefer to look at the bill, and know what is going to be before they come up with a decision on the issue.

Meeting Adjourned.

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS

The Peace Officer Standards and Training Board held their 320th board meeting at the Department of Law, 1525 Sherman St., Room 610, in Denver, Colorado, with the following persons present:

BOARD MEMBERS:

CHIEF AL BELL
CHIEF JOSEPH CORTEZ
SHERIFF GEORGE EPP
REV. GILL FORD
CHIEF DENNIS HARRISON
CHIEF LORNE KRAMER
CHIEF FRANK MARTINEZ
S.A.C. MARK MERSHON
SHERIFF RICHARD MURDIE
ATTORNEY GENERAL KEN SALAZAR
SHERIFF STEPHEN ZOTOS

BOARD MEMBERS ABSENT:

SHERIFF RIECKE CLAUSSEN (excused absence)
SHERIFF DAN CORSENTINO (excused absence)
SHERIFF JOSEPH MORALES (excused absence)
CHIEF GERALD WHITMAN (had to leave due to office crisis)
EXECUTIVE DIRECTOR ARISTEDES ZAVARAS (excused absence)

BOARD COUNSEL

JOHN A. LIZZA

STAFF MEMBERS:

DON QUICK, DEPUTY ATTORNEY GENERAL
JEFFREY BEAVERS, P.O.S.T. DIRECTOR
ADRIENNE HUNTER, P.O.S.T. COMPLIANCE OFFICER
CRISTINE MACK, P.O.S.T. INVESTIGATOR

MEMBERS OF THE PUBLIC IN ATTENDANCE:

BOB BAKER, JEFFERSON COUNTY SHERIFF'S OFFICE
ACADEMY DIRECTOR MINER BLACKFORD, OTERO JUNIOR COLLEGE
DAN DIRSCHERL, PIKES PEAK COMMUNITY COLLEGE
DAVID DONALDSON, COLORADO STATE PATROL ACADEMY
MICHAEL ESTERS, LARIMER COUNTY SHERIFF'S OFFICE
DEL GADPAILLE, PIKES PEAK COMMUNITY COLLEGE
ACADEMY DIRECTOR CAPT. GARY GRAHAM, DENVER POLICE DEPARTMENT
ACADEMY DIRECTOR LT. MICHAEL GRYS, COLORADO SPRINGS POLICE DEPT.
MELISSA JAMIESON, DIVISION OF CRIMINAL JUSTICE
ACADEMY DIRECTOR KEN JONES, PIKES PEAK COMMUNITY COLLEGE
DONN KRAEMER, LAKEWOOD POLICE DEPT.
ACADEMY DIRECTOR L.J. MAKI, COLORADO SHERIFFS' TRAINING INSTITUTE
JOHN MINOR, SILVERTHORNE POLICE DEPT.
CHIEF JOHN PATTERSON, SILVERTHORNE POLICE DEPT.
LT. JOHN PETTINGER, DENVER POLICE DEPT. ACADEMY
MICHELLE RUSSELL, COMMUNITY COLLEGE OF AURORA
RICHARD SMITH, COLORADO STATE PATROL ACADEMY
JUSTIN SMITH, LARIMER COUNTY SHERIFF'S OFFICE
JOHN SOBIERALSKI, PITKIN COUNTY SHERIFF'S OFFICE
NEAL TYLER, COMMERCE CITY POLICE DEPT.
ACADEMY DIRECTOR DEBBIE WILKE, ARAPAHOE COMMUNITY COLLEGE
RICHARD WREN, LA JUNTA POLICE DEPT.

The following Subject Matter Expert Committees met prior to the P.O.S.T. Board meeting:

Arrest Control Committee	Room 450
Driving Committee	Room 410
Firearms Committee	Room 310

1. Welcome - Attorney General, Ken Salazar.
2. Roll Call - P.O.S.T. Compliance Officer, Adrienne M. Hunter,

A quorum was declared.

3. Resolution of Appreciation to Captain Tom Sanchez,
4. Approval of P.O.S.T. Board Minutes for March 31, 2000.

Approved.

Presentation:

5 - Introduction to Police Corps, by Project Director Melissa Jamieson of Colorado Police Corps.

Ms. Jamieson gave a presentation about the purposes and benefits of the Police Corps program.

6. Electronic Forms, Administrative Assistant, Brenda Dryburgh.
A. Testing Cycle Results.

Ms. Dryburgh stated that electronic Public Display Format (PDF) versions of the P.O.S.T. forms would be online in approximately two weeks. Viewing and downloading would require the Adobe Acrobat reader, which is available online for no cost. While the forms can be filled out online, P.O.S.T. does not yet have the capability to receive electronic transmissions, so the forms would still need to be printed and mailed in to the office.

7 - Academy Inspections and Data, P.O.S.T. Investigator, Cristine Mack.

Investigator Mack stated that she would be inspecting several academies in the next couple of months. She prefers to inspect during the last quarter of the academy, and will be looking at skills as well as academics. Members of the SME committees will also be attending the inspections in order to view the skills courses.

Discussions:

8 - Refresher Academy - Director Jeff Beavers.

Director Beavers mentioned that all the SME committees had now had a chance to review the proposed course, but had some suggestions. Also, for logistics sake, it would be coordinated through P.O.S.T., rather than through several different agencies or academies. No recommendation is ready at this time for the Board.

Deputy Attorney General Don Quick stated that not only should the Board get the directors' recommendations, but also a written recommendation or presentations from each of the chairs of the different subcommittees. He thought that the refresher academy was a big decision that would chart the course of P.O.S.T.'s future, and the Board would need to be as informed as possible about any issues.

Attorney General Salazar asked Director Beavers to come up with a draft recommendation for the next Board meeting, so that the Board could give P.O.S.T. some direction on where the refresher academy should be headed.

9 - Whitfield Case Outline - Director Jeff Beavers.

The plaintiffs of the hearing had requested a Motion for Continuance, and the hearing had originally been set for July 27. As most of the attorneys, staff, and P.O.S.T. Board members would be heading to Durango for the P.O.S.T. Board meeting on that date, John Lizza stated that he would see what he could do to have that date reset to a better time for P.O.S.T.

Information:

10 - Consensus of Appeal to the Board for Variance.

11 - Continuing Law Enforcement Survey - Director Jeff Beavers.

Deputy Quick stated that one of the mentioned problems from the smaller agencies was that they just couldn't have any of their agency manpower leaving for any length of time. Mr. Quick wanted to know if any sheriffs or chiefs had reciprocal agreements where they would cover each other for a set number of days? That might be a model. If so, please send the information to Director Beavers.

Attorney General Salazar asked that Director Beavers attempt have his recommendations about this issue ready for the September board meeting.

12 - Revocation Committee - Chairman, Sheriff Steve Zotos, Douglas CO SO.

Sheriff Zotos stated that the second meeting had pretty much been a repeat of the first meeting. He presented a copy of the minutes of the last meeting to the Board. He also recommended that the Board get input from the general public at the meeting in Durango and/or the meeting after that.

Mr. Salazar suggested that the Board also have a substantive conversation around this and the proposal be submitted around July 1.

13 - SME Committee Reports.

Arrest Control - no business to report.

Curriculum Committee - decided to meet on July 7 at 9 a.m. to review what other states use for source materials, specifically in the area of patrol procedures.

Driving - Driving committee stated that their next meeting would be in September, as most of the members would be unable to attend the Durango meeting.

Firearms - next meeting would be on July 6, 2000

Open Forum:

15 - Audience.

Academy Director Miner Blackford requested if the Board could give him any assistance to help his students do better on the P.O.S.T. exam.

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS

The Peace Officer Standards and Training Board held their 321st board meeting at the Best Western Rio Grande Inn, 400 E. 2nd St, in Durango, Colorado, with the following persons present:

BOARD MEMBERS:

CHIEF AL BELL
SHERIFF RIECKE CLAUSSEN
CHIEF LORNE KRAMER
SHERIFF JOSEPH MORALES
ATTORNEY GENERAL KEN SALAZAR
SHERIFF STEPHEN ZOTOS

BOARD MEMBERS ABSENT:

SHERIFF DAN CORSENTINO (excused absence)
CHIEF JOSEPH CORTEZ (excused absence)
SHERIFF GEORGE EPP (excused absence)
REV. GILL FORD (excused absence)
CHIEF DENNIS HARRISON (excused absence)
S.A.C. MARK MERSHON (excused absence)
CHIEF GERALD WHITMAN (excused absence)
EXECUTIVE DIRECTOR ARISTEDES ZAVARAS (excused absence)

BOARD COUNSEL

JOHN A. LIZZA

STAFF MEMBERS:

DON QUICK, DEPUTY ATTORNEY GENERAL
JEFFREY BEAVERS, P.O.S.T. DIRECTOR
ADRIENNE HUNTER, P.O.S.T. COMPLIANCE OFFICER
CRISTINE MACK, P.O.S.T. INVESTIGATOR
BRENDA DRYBURGH, ADMINISTRATIVE ASSISTANT

MEMBERS OF THE PUBLIC IN ATTENDANCE:

KURT ADELBUSH, COLORADO SPRINGS POLICE DEPT.
ANTHONY ARCHULETA, DURANGO POLICE DEPT.
LUKE ARMSTRONG, COLORADO STATE PATROL ACADEMY
ACADEMY DIRECTOR PHIL BACA, JEFFERSON COUNTY SHERIFF'S OFFICE
ACADEMY DIRECTOR TANYA BARBEE, DELTA MONTROSE VO-TECH
ELIZABETH BARTLEY, DURANGO POLICE DEPT.
HUGO CHAVEZ, CENTER POLICE DEPT.
SHERIFF JOEY CHAVEZ, MONTEZUMA COUNTY SHERIFF'S OFFICE
UNDERSHERIFF DON CHRISTENSEN, DOUGLAS COUNTY SHERIFF'S OFFICE
PAUL DUGDALE, ARAPAHOE COUNTY SHERIFF'S OFFICE
ACADEMY DIRECTOR GEORGE FORTUNATO, COLORADO NW COMM. COLLEGE
JOHN HOOD, COLORADO DIVISION OF WILDLIFE
ACADEMY DIRECTOR TIM JOHNSON, LARIMER COUNTY SHERIFF'S OFFICE
SERGEANT ED KEELER, COLORADO STATE PATROL ACADEMY
ACADEMY DIRECTOR JOHN MAKI, COLORADO SHERIFFS' TRAINING INSTITUTE
CORPORAL DICK MULLEN, LA PLATA COUNTY SHERIFF'S OFFICE
SHERIFF RICK MURDIE, GUNNISON COUNTY SHERIFF'S OFFICE
LIEUTENANT JOHN PETTINGER, DENVER POLICE DEPT.
JUDGE (RET.) CHARLES RICCIO, COLORADO STATE PATROL ACADEMY
MAREK RYBKOWSKI, DENVER POLICE DEPT.
JIM SHETHER, CORTEZ POLICE DEPT.
CAPTAIN DALE SMITH, DURANGO POLICE DEPT.
TECHNICIAN RICHARD SMITH, COLORADO STATE PATROL
SHERIFF WARREN WATERMAN, MONTROSE COUNTY SHERIFF'S OFFICE

The following Subject Matter Expert Committees met prior to the P.O.S.T. Board meeting:

Firearms Committee

1 - Welcome - Attorney General, Ken Salazar.

Attorney General Salazar welcomed everyone to Durango, and thanked Durango Police Department for arranging the meeting.

2 - Roll Call - P.O.S.T. Compliance Officer, Adrienne M. Hunter,
Declaration of A Quorum (9).

As there was no quorum at this meeting, all decisions made will have to be ratified at the next P.O.S.T. Board meeting, on September 29, 2000.

3 - Resolution of Appreciation to Sheriff Richard Murdie,
Gunnison County Sheriff's Department.

Attorney General Salazar thanked Sheriff Murdie for his years of service on the Board.

The Board approved this resolution unanimously.

4 - Approval of P.O.S.T. Board Minutes for May 26, 2000.

Approved.

Presentation:

5 - Refresher Training, Jeff Beavers, POST Director.

Director Jeff Beavers gave a presentation to the P.O.S.T. Board on staff's plans for the refresher academy. The academy is currently planned for 96 hours, approximately 2 weeks in length, and would cover not only the three skills areas of driving, arrest control, and firearms, but also would cover current Colorado law.

It was the consensus of the Board members present that the direction in which staff was heading was the correct one, and that staff should continue with the project, and bring back a recommendation at the September board meeting.

Hearings:

6 - Revocation of Peace Officer Certifications(9), John Lizza

<u>Name</u>	<u>Certificate Number</u>
a - Stephen G. Arnold	B3096
b - Michael Carroll	B3281
c - Scott A. Grattan	B01827
d - Anthony G. Helfer	10210
e - Cody M. Langdon	B4064
f - James M. Lesslie	B13571
g - Matthew E. Shyrock	6179
h - Jay E. Swick	B5466
i- Gerald L. Utesch	0700

Staff reported that the only responses to the Show Cause orders sent were from Michael Carroll, who indicated he would not fight the revocation, and James M. Lesslie.

A motion was made to table the revocation hearing of Mr. Lesslie until the September board meeting. This motion was seconded and approved unanimously.

A motion was made to revoke all other individuals listed. This motion was seconded and approved unanimously.

Information:

7 - Overview of Academy Inspections - Cristine Mack.

Investigator Mack gave a brief overview of academies she had completed inspecting up to the present. She noted that she had several more academies to inspect, and would give a more detailed report after these inspections had been completed.

Deputy Attorney General Don Quick requested that if there was anything the Board though should specifically be looked at during these inspections, they should inform P.O.S.T. so that this information could be included in future inspections.

8 - National Peace Officer Certification Database.

Director Beavers stated that frequently officers who get in trouble of some kind within their own state find it easier just to jump to another state and obtain certification there. The International Association of Directors of Law Enforcement Standards and Training (IADLEST) are seeking grant funds to create this database in order to help prevent such thing from happening in the future. IADLEST had reason to believe the initial grant request was not approved, and were seeking letters of support from congressional leaders from all of the states. Senator Mark Udall and Senator Nighthorse-Campbell had already written letters of support on behalf of Colorado.

9 - Application for John Shell Grant.

P.O.S.T. had only received one grant application, from a Mr. Jose Cerda. The application was presented to the Board.

A motion was made to grant Mr. Cerda \$1500 for his training. This motion was seconded and approved unanimously. *(NOTE: The Police Department sponsoring Mr. Cerda has since indicated they are no longer interested in hiring this individual.)*

10 - SME Committee Reports.

a - Firearms Instructor Certification - Undersheriff Don Christensen

11 - Audience.

Meeting adjourned.

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
September 29, 2000

The Peace Officer Standards and Training Board held their 322nd board meeting at the Colorado Springs Police Department, 705 South Nevada Avenue, Colorado Springs, Colorado, with the following persons present:

BOARD MEMBERS

CHIEF AL BELL
SHERIFF RIECKE CLAUSSEN
CHIEF RUSSEL COOK
CHIEF JOSEPH CORTEZ
SHERIFF GEORGE EPP
REV. GILL FORD
CHIEF DENNIS HARRISON
CHIEF LORNE RAMER
EXECUTIVE DIRECTOR SUZANNE MENCER
S.A.C. MARK MERSHON
SHERIFF JOSEPH MORALES
ATTORNEY GENERAL KEN SALAZAR
CHIEF GERALD WHITMAN
SHERIFF STEPHEN ZOTOS

BOARD MEMBERS ABSENT

SHERIFF DAN CORSENTINO (unexcused)

BOARD COUNSEL

JOHN A. LIZZA

STAFF MEMBERS

DON QUICK, DEPUTY ATTORNEY GENERAL
JEFFREY BEAVERS, P.O.S.T. DIRECTOR
CRISTINE MACK, P.O.S.T. INVERTIGATOR
RUTH VANDERBROEK, ADMINISTRATIVE ASSISTANT

MEMBERS OF THE PUBLIC IN ATTENDANCE

KURT ADELBUSH, COLORADO SPRINGS POLICE DEPARTMENT
JIM ALEXANDER, RED ROCKS COMMUNITY COLLEGE
DON ALLISON, EL PASO COUNTY SHERIFF'S OFFICE

LUKE S. ARMSTRONG, COLORADO STATE PATROL
TIM BLACK, RED ROCKS COMMUNITY COLLEGE
MINER BLACKFORD, OJC LAW ACADEMY
SHAWN BLAIR, PUEBLO COMMUNITY COLLEGE
RANDAL W. BOEPPLE, SCLETA
RON BUTLER, COLORADO SPRINGS POLICE DEPARTMENT/PPA
RANDY CANNEY, ON BEHALF OF JIM LESSLIE
TOM CARLINE, SOUTH CLETA
UNDERSHERIFF DON CHRISTENSEN, DOUGLAS COUNTY SHERIFF'S OFFICE
MARC COLIN, BRUNO, BRUNO, & COLIN
TONY CORSI, GREENWOOD VILLAGE POLICE DEPARTMENT
BILL DEHART, COLORADO SPRINGS POLICE DEPARTMENT/CPPA
TOM DELUCA, EL PASO COUNTY SHERIFF'S OFFICE
DAN DIRSCHERL, PIKES PEAK COMMUNITY COLLEGE
PAUL DUGDALE, ARAPAHOE COUNTY SHERIFF'S OFFICE
JOHN A. DUNAWAY, JEFFERSON COUNTY SHERIFF'S OFFICE
SGT MICHAEL ESTERS, LARIMER COUNTY SHERIFF'S OFFICE
RICH EUCHLER, ARAPAHOE COUNTY SHERIFF'S OFFICE
ANDREA FABIIVICH, ENGLEWOOD POLICE DEPARTMENT
ACADEMY DIRECTOR GEORGE FORTUNATO, COLORADO NW COMM. COLLEGE
STEVE GAENZLE, EL PASO COUNTY SHERIFF'S OFFICE
MICHAEL GRYS, COLORADO SPRINGS POLICE DEPARTMENT
JAY HOUSTON, CPPA
TIM JOHNSON, LARIMER COUNTY SHERIFF'S OFFICE
DON KESSLER, EL PASO COUNTY SHERIFF'S OFFICE
JOHN KIEKBUSCH, JEFFERSON COUNTY SHERIFF'S OFFICE
DONN KRAEMER, LAKEWOOD POLICE DEPARTMENT
DAVID LAROSE, NRPA
MITCH LINCOLN, EL PASO COUNTY SHERIFF'S OFFICE
ACADEMY DIRECTOR JOHN MAKI, COLORADO SHERIFF'S TRAINING INSTITUTE
DAN MARK, AURORA POLICE DEPARTMENT
DAVE MARQUITH, COMMUNITY COLLEGE OF AURORA
FRANK MARTINEZ, MONTE VISTA POLICE DEPARTMENT
KIRK MILLER, DENVER POLICE DEPARTMENT
SUZI MOCK, ARAPAHOE COUNTY SHERIFF'S OFFICE
KEVIN MORIARTY, AURORA POLICE DEPARTMENT
KEN NAVE, LODGE #1 F.O.P.
CLIF NORTHAM, EL PASO COUNTY SHERIFF'S OFFICE
AL PADILLA, LAKEWOOD POLICE DEPARTMENT
ROBERT PETTIES, FRATERNAL ORDER OF POLICE LODGE #46
KRISTEN RICH, MONUMENT POLICE DEPARTMENT
T.J. RIX, GRAND JUNCTION PEACE OFFICER'S ASSOCIATION/CPPA
MAREK RYSKOWSKI, DENVER POLICE DEPARTMENT
STEVEN P. SAMEK, PUEBLO POLICE DEPARTMENT
PAUL SCHROEDER, UNIVERSITY OF COLORADO POLICE DEPARTMENT - BOULDER
AL SHARON, MONUMENT POLICE DEPARTMENT

September 29, 2000

SERGEANT JOE SISKAN, LOCHBIE POLICE DEPARTMENT
ROB STEWART, MONUMENT POLICE DEPARTMENT
MARY SUTTON, PUEBLO COMMUNITY COLLEGE
GUY THOMS, PUEBLO POLICE DEPARTMENT
NEAL TYLER, CANON CITY POLICE DEPARTMENT
SAM WATSON, ENGLEWOOD POLICE DEPARTMENT
CHIEF BOB YANT, LOCHBUIE POLICE DEPARTMENT

The following Subject Matter Expert Committees met prior to the P.O.S.T. Board meeting:

Firearms Committee
Arrest Control Committee
Driving Committee
Curriculum Committee

1 – Welcome – Attorney General, Ken Salazar

Russel Cook, Chief of the Golden Police Department, Suzanne Mencer, Executive Director of the Department of Public Safety, and Ruth VanDerBroek, Administrative Assistant for P.O.S.T. were welcomed to the Board. The reappointment of Sheriff George Epp, Boulder County Sheriff's Office, Chief Loren Kramer, Colorado Springs Police Department, and Rev. Gill Ford, Civilian Representative were also noted.

2 – Roll Call – Administrative Assistant, Ruth VanDerBroek

A quorum is present at the meeting.

3 – Welcome to the Colorado Springs Police Department by Chief Lorne Kramer, host of the Board meeting.

4 – Resolution of Appreciation to Chief Frank Martinez, Monte Vista Police Department

Attorney General Salazar thanked Chief Martinez for his years of service to the Board.
The resolution was approved.

5 – Approval of P.O.S.T. Board Minutes for July 28, 2000.

Approved.

6 – P.O.S.T. Executive Director Appointment – Don Quick, Deputy Attorney General.

The departure of Jeffrey Beavers from the Director position of P.O.S.T. was announced. John Kammerzell has been appointed to fill that position beginning October 10, 2000.

September 29, 2000

7 – Revocation sub-committee, Sheriff Steven Zotos, Chairman.

The P.O.S.T. Board has always struggled with the ability of P.O.S.T. to do revocations. In the past an officer could have his certification revoked only for a felony or moral turpitude. No one really understood what moral turpitude was so in 1992 it was dropped allowing a certification revocation only on a felony. Since that time, the Board has struggled with misdemeanors (multiple DUI's, sexual misconduct, etc.). In 1999 a sub-committee was put together to look at the issue of misdemeanors. The sub-committee is made up of Sheriff George Epp, Rev. Gill Ford, Chief Dennis Harrison, Chief Lorne Kramer, Sheriff Joe Morales and Sheriff Steve Zotos. They were directed to come to a relative consensus and report back to the law enforcement community.

Many states were reviewed and it appears that Colorado is one of the weakest for the Board's ability to revoke a certification. Recommended misdemeanors include sexual misconduct, illicit drugs/controlled substances, perjury, tampering, child abuse, prostitution, aiding an escape, false reporting, and domestic violence. What was not listed are several violations of misdemeanors or a felony charge reduced to a misdemeanor. It has also been recommended that if a Chief or Sheriff feels that a policy violation or a misdemeanor was of a serious nature, it could be presented to the P.O.S.T. Board for possible revocation. The Board would appoint three members to sit as a review panel and present their findings to the Board.

The Board will need to make a recommendation to a sponsor for legislative change. The change will happen only with a final action by the State Legislature.

Today the Board will discuss this matter in a public forum. The sub-committee will then revisit this matter and make its recommendation to the Board at the next meeting.

Concerns raised and comments made in the public forum:

Public comments made by:

Steve Gamble – Fraternal Order of Police, Lodge #9
John Dunaway – Undersheriff of Jefferson County
John Maki – Director of Colorado Sheriff's Training Institute
Mark Colin – attorney with Bruno, Bruno & Colin
Kirk Miller – Denver Protective Police Association
T.J. Rix – Grand Junction Police Officers Association

- ◆ No process for Chief or Sheriff to be subject to the same standards.
- ◆ Sheriff can be revoked for official misconduct because they are elected but unsure of how a Chief could be revoked.
- ◆ Not sure how staffing would be affected to look at a case by case situation.
- ◆ If the Chief or Sheriff refuses to initiate the revocation process, no other law enforcement agency can do anything.

- ◆ Unless the Chief or Sheriff sanctions it, the ability to get to an internal investigation or to get someone to speak on behalf of the department about the facts wouldn't happen.
- ◆ Language for misdemeanor charge is fairly general – the term sexual misconduct is too broad.
- ◆ Some Police Officers would escape accountability by resigning rather than be terminated which would allow them to go to another agency. We want to have the most highly professional Police Officers we can have in the state. The Board shouldn't micro manage the departments but we have an obligation to maintain some level of professional standards throughout the state. We are trying to hold Police Officers accountable.
- ◆ Why limit the petition of revocation only to the Chief or Sheriff?
- ◆ Additional and arbitrary burden on the Police Officer solely on internal investigation.
- ◆ There are occasions when personnel make mistakes or there are mitigating situations. Our stance is not to shield officers but to evaluate on a case by case basis.
- ◆ What if an 18-year-old has a misdemeanor conviction?
- ◆ Lack of definitions of key terms: domestic violence, harassment, coercion, weapon, etc.
- ◆ “He said, she said” situations.
- ◆ Difficulty in balancing due process prerequisites that exist around the state in various law agencies. Colorado does not have mandatory due process.
- ◆ What is a serious policy violation? In needs to be uniform throughout the state.
- ◆ It should be a local control issue. If a Police Officer makes a mistake, why should the Board deny another law agency from hiring him?

Public comments will be taken until October 15, 2000. After that the sub-committee will meet to develop a final recommendation to present to the Board at the next meeting. The next meeting is scheduled for November 9, 2000, however, Attorney General Ken Salazar will be unavailable on that day. The Board will be canvassed for an alternate date. At that meeting we will plan on about a one-hour discussion of the recommendation and will attempt to make a decision.

8 – Revocation of (9) Peace Officer Certifications – John Lizza, Assistant Attorney General

<u>Name</u>	<u>Certificate Number</u>
a – Stephen G. Arnold	B3096
b – Michael Carroll	B3281
c – Scott A. Grattan	B01827
d – Anthony G. Helfer	10210
e – Cody M. Langdon	B4064
f – James M. Lesslie	B13571 (discussion)
g – Matthew E. Shyrock	6179
h – Jay E. Swick	B5466
i – Gerald L. Utesch	0700

It was moved and seconded and **approved unanimously to ratify 8a – 8e and 8g – 8i.**

It was proposed that Mr. Lesslie (8f) will not serve as an officer until his hearing takes place. The Board will postpone the revocation process until the same time. **The Board unanimously approved this proposal.** The minutes from the meeting will suffice for his not working.

9 – Whitfield Case – Don Quick, Deputy Attorney General

An oral agreement has been reached on the Whitfield v. Eagle County funds. David Miller of the ACLU is writing up the agreement and hopes to have it completed by next week. We are trying to move the October 19, 2000 court date up so we can distribute the funds within a month. There is a total of \$585,000 which will be distributed as follows:

- \$50,000 to NAACP for community forums – P.O.S.T. will work with NAACP to have law enforcement officers at the forums for active discussion between the communities and law enforcement.
- \$235,000 to Denver University Law School for Civil Rights Training. They plan to set up a Civil Rights Department.
- \$300,000 to P.O.S.T. for tolerance diversity addressing community concerns on racial profiling. It will be done in five eighteen-month cycles. It will be completed in seven years.

10 – Overview of Academy Inspections – Cristine Mack, Compliance Investigator.

Investigator Mack noted that she had completed inspections at Colorado Sheriff's Training Institute, El Paso County Sheriff's Office Academy, Denver Police Department Academy, and the Colorado State Patrol Academy over the last couple of months. She has four more scheduled for the month of October and is planning to do about that many in November. She plans to have 18 of the 24 academies inspected by the first of the year.

11 – Application for John Shell Grant – Jeffrey Beavers, P.O.S.T. Director

A \$1500 grant was offered to a gentleman from Leadville to go to the Colorado Mountain Academy, however, it was withdrawn when he did not meet the eligibility hiring requirements. It was recommended that the grant not be given out this fiscal year because of the state of the P.O.S.T. budget. **It was moved, seconded and approved unanimously to accept the recommendation.**

12 – SME Committee Reports:

a – Arrest control – Rev. Gill Ford

A request has been made to the Board for the formation of an advisory board to the S.M.E. committee. It would not be a committee of voting members but rather instructors with expertise in the particular P.O.S.T. approved skills. They would not have to be active in law enforcement but would be able to bring a lot of knowledge to the committee.

It is requested that the staff send out letters to the academies and departments for new members on the S.M.E. committees. Please note that it is a prerequisite to attend the meetings.

We need to look at the wording on P.O.S.T. Rule 21. There have been some concerns raised on what constitutes a skills instructor.

Jeffrey Beavers and John Kammerzell will work with the committee on a recommendation to present to the Board.

b – Curriculum Committee – Sheriff George Epp, Boulder County Sheriff's Office

The P.O.S.T. test and required materials have been looked at. A recommendation has been made to revise the test by eliminating irrelevant questions and expanding the pool of questions. The committee will meet with Jeffrey Beavers and John Kammerzell and bring suggestions back to the Board.

c – Firearms

No report

d – Law Enforcement Driving – Sgt. Al Padilla, Lakewood Police Department

There is a recommendation to implement the 40 hour requirement on the driving skill next July. That will give academies a chance to schedule the time required.

13 – Proposed P.O.S.T. Board Meeting dates and locations for year 2001.

Any concerns about the dates and locations will be addressed at the first meeting of 2001.

14 – Other business

At the November Board meeting, by rule there is to be the appointment of the S.M.E. committee members. The advertising for those members has not yet begun. The Board will be asked at the November meeting to table those appointments until the January meeting.

15 – Refresher Training – Jeffrey Beavers, P.O.S.T. Director

Director Beavers gave a presentation to the P.O.S.T. Board on the plans for a refresher academy. The recommendation includes 88 hours in a refresher academy that is state specific which would include:

48 hours academic instruction state specific – administration of justice, basic law, use of force, and patrol procedures.

32 hours professional skills proficiency training and testing – law enforcement driving and firearms; arrest control will be taken out and replaced with an agency specific arrest control tactic.

8 hours use of force component – Colorado Revised Statute, continuum of force, statutory requirements, and civil and criminal liability. A current

certificate in a P.O.S.T. recognized arrest control discipline will need to be turned in.

Revisions will need to be made to the Colorado Revised Statutes:

Duties and powers of the P.O.S.T. Board; establish fees for actual direct and indirect cost for publications, etc.

Reciprocity – provisional certification; state specific training requirement and provisional status for renewal applicants – provisional certificates would be issued at the time of an appointment and they can attend the academy during the six-month provisional period.

Revisions will need to be made to P.O.S.T. Board Rules 9 and 16 and Rule 13 will need to be repealed.

Refresher Academies will be held in the fall on the Western Slope and in the spring on the Front Range and Eastern Plains. If this program is to work, the times will need to be consistent. If an Academy is approved to do a Non-P.O.S.T. sponsored training, they will not be allowed to cancel the classes regardless of class size.

It was moved, seconded and approved unanimously to accept the recommendation. This will need to be approved by the legislature. If approved, we hope to have it in place by April of 2001. A January testing will still need to be offered.

Meeting adjourned.

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
November 8, 2000

The Peace Officer Standards and Training Board held their 323rd Board meeting at the Department of Law, 1525 Sherman St., Room 610, in Denver, Colorado, with the following persons present:

BOARD MEMBERS

CHIEF RUSSEL COOK
SHERIFF DAN CORSENTINO
CHIEF JOSEPH CORTEZ
SHERIFF GEORGE EPP
REV. GILL FORD
CHIEF DENNIS HARRISON
EXECUTIVE DIRECTOR SUZANNE MENCER
S.A.C. MARK MERSHON
SHERIFF JOSEPH MORALES
ATTORNEY GENERAL KEN SALAZAR
SHERIFF PHIL STUBBLEFIELD
CHIEF GERALD WHITMAN
SHERIFF STEPHEN ZOTOS

BOARD MEMBERS ABSENT

CHIEF AL BELL (excused)
SHERIFF RIECKE CLAUSSEN (excused)
CHIEF LORNE KRAMER (excused)

BOARD COUNSEL

JOHN A. LIZZA

STAFF MEMBERS

DON QUICK, DEPUTY ATTORNEY GENERAL
JOHN KAMMERZELL, P.O.S.T. DIRECTOR
CRISTINE MACK, P.O.S.T. INVESTIGATOR
ADRIENNE HUNTER, COMPLIANCE OFFICER
RUTH VANDERBROEK, ADMINISTRATIVE ASSISTANT

MEMBERS OF THE PUBLIC IN ATTENDANCE

JIM ALEXANDER, RED ROCKS COMMUNITY COLLEGE
PHILIP J. BACA, JEFFERSON COUNTY SHERIFF'S OFFICE
GARY R BARBOUR, LAKEWOOD POLICE DEPARTMENT
MINER BLACKFORD, OTERO JR. COLLEGE LAW ACADEMY
RANDAL W. BOEPPLE, TRINIDAD STATE JR. COLLEGE/CLETA DIV.
TOM CARLINE, TRINIDAD STATE JR. COLLEGE
MARC COLIN, BRUNO, BRUNO & COLIN
PAUL DAY, KCNC TV 4
TOM DELUCA, EL PASO COUNTY SHERIFF'S OFFICE
MICHAEL ESTERS, LARIMER COUNTY SHERIFF'S OFFICE
RICH EUCHLER, ARAPAHOE COUNTY SHERIFF'S OFFICE
GEORGE FORTUNATO, COLORADO NORTHWESTERN COMMUNITY COLLEGE
CHRIS FRANZ, MESA COUNTY SHERIFF'S OFFICE
MICHAEL GRYS, COLORADO SPRINGS POLICE DEPARTMENT
DANIEL GUNTER, DEPARTMENT OF REVENUE/LIQUOR ENFORCEMENT
TIM JOHNSON, LARIMER COUNTY SHERIFF'S OFFICE
SEAN KELLY, DENVER POST
DALE R. KING, COLORADO STATE PATROL ACADEMY
CATHY LABRECQUE, EL PASO COUNTY SHERIFF'S OFFICE
DAVID N. MARQUITH, COMMUNITY COLLEGE OF AURORA
ROB MCGREGOR, AURORA POLICE DEPARTMENT
KIRK MILLER, DENVER POLICE DEPARTMENT
JUSTIN SMITH, LARIMER COUNTY SHERIFF'S OFFICE
JOE THOMAS-HAZELL, CITIZEN
SAM WASHBURN, EL PASO COUNTY SHERIFF'S OFFICE

The following Subject Matter Expert Committees met prior to the P.O.S.T. Board meeting:

Firearms Committee
Arrest Control Committee
Driving Committee
Curriculum Committee

1 – Welcome – Attorney General, Ken Salazar

Phil Stubblefield, Sheriff of Rio Blanca County, was welcomed to the Board and John Kammerzell was reintroduced as the director of P.O.S.T.

2 – Roll Call – Compliance Officer, Adrienne Hunter

A quorum is present at the meeting.

September 29, 2000

3 – Resolution of Appreciation to Ari Zavaras, past Executive Director, Colorado Department of Public Safety.

Attorney General Salazar thanked Mr. Zavaras for his years of service to the Board. Appreciation was also expressed to Brenda Dryburgh for her years as Administrative Assistant to the P.O.S.T. Board.

The resolutions were approved.

4 – Approval of P.O.S.T. Board Minutes for September 29, 2000.

Approved.

5 – SME Committee Reports

a – Arrest Control
No report

b – Curriculum Committee – Sheriff George Epp, Boulder County Sheriff's Office

The following recommendations were finalized by the P.O.S.T. Curriculum Committee at the committee meeting preceding the P.O.S.T. Board meeting in Colorado Springs on September 29, 2000.

1. Abandon the existing requirement that specific source materials be designated by P.O.S.T. for each area of the curriculum, except for Colorado Revised Statutes. Continue to specify required areas of instruction and minimum number of hours. In lieu of required texts, P.O.S.T. may recommend one or more texts for a required area of instruction.
2. Revise the P.O.S.T. test. Continue to weed out questions that are based on source materials that are not universally accepted in law enforcement. Increase the question pool with assistance of the academies. Direct questions at important concepts that test understanding of core areas, rather than questions which address areas of individual opinion, unimportant detail, or areas where officers would normally refer to resource material before making a decision.
3. Divide the test into sections testing the core competencies, and require that candidates for certification pass each section.
4. Require academies to test students on all areas of the curriculum during the course of the academy, and submit exam records to P.O.S.T. for review.
5. Require academies to conduct practical exercises in appropriate areas of the curriculum, including accident investigation and building searches.

After some discussion, it was moved by Sheriff Epp and seconded by Sheriff Corsentino that the recommendations of the curriculum committee be accepted. It **passed** unanimously.

c – Firearms

No report

d – Law Enforcement Driving

No report

6 – Presentation – Revocation Sub-Committee – Sheriff Steven Zotos, Chairman

When a peace officer is convicted of a felony, their certification is automatically revoked. The sub-committee delineated specific misdemeanors which should also result in a revocation of a license. They are:

- I. Offenses relating to morals, C.R.S. 18-7-201, 202, 203, 204, 302, 502 and 601 or
- II. Illicit drugs/controlled substances, C.R.S. 18-18-404, 405, 406, and 411, or
- III. Offenses – governmental operations, any misdemeanor conviction under C.R.S. Title 18, Article 8, or
- IV. Offenses against public peace, order, and decency, C.R.S. 18-9-111 (stalking and ethnic intimidation), and 121, or
- V. Unlawful sexual behavior, C.R.S. 18-3-402, 404, 405.5, and 412.5, or
- VI. Assault, C.R.S. 18-3-204.

More research needs to be done on the idea of having a Chief of Police or Sheriff recommend the revocation of the certificate. The sub-committee has not yet arrived at how to define a standard. Language on repeat offenses is also not included in this recommendation.

The sub-committee recommends that these items not be retroactive but once passed by the legislature any peace officer presently serving or coming in new will know exactly what is required.

Public comments made by:

Marc Colin representing CPPA and FOP

Joe Thomas-Hazell

Sheriff Zotos moved to accept the recommendation of the revocation committee and to move ahead with finding a sponsor for legislation and that the Attorney General direct the

committee to continue to research areas to include violations of public trust and to find an acceptable standard that we can use for further legislation. It was seconded by Chief Harrison and **passed** unanimously.

It would be useful to contact each of the chiefs that have voiced their concerns about the legislation to let them know what the Board has done today. They may have been operating with a different set of facts than what the Board is operating with at this time.

When a peace officer is convicted of a felony there is nothing in place that requires the agency to notify P.O.S.T. of that conviction. John will work on the mechanism for the flow of information so that the notification will take place.

At the next Board meeting we would like to discuss the P.O.S.T. Board budget and the appointments to the Subject Matter Expert committees.

Meeting adjourned.

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
January 26, 2001

The Peace Officer Standards and Training Board held their 324th Board meeting at the Department of Law, 1525 Sherman St., Room 610, in Denver, Colorado, with the following persons present:

BOARD MEMBERS

SHERIFF RIECKE CLAUSSEN
COUNSEL WOMAN BARBARA J. CLELAND
CHIEF RUSSEL COOK
SHERIFF DAN CORSENTINO
SHERIFF GEORGE EPP
REV. GILL FORD
CHIEF DENNIS HARRISON
CHIEF LORNE KRAMER
EXECUTIVE DIRECTOR SUZANNE MENCER
S.A.C. MARK MERSHON
SHERIFF JOSEPH MORALES
ATTORNEY GENERAL KEN SALAZAR
CHIEF GERALD WHITMAN
SHERIFF STEPHEN ZOTOS

BOARD MEMBERS ABSENT

CHIEF AL BELL (excused)
CHIEF JOSEPH CORTEZ (excused)
SHERIFF PHIL STUBBLEFIELD (excused)

BOARD COUNSEL

JOHN A. LIZZA

STAFF MEMBERS

DON QUICK, DEPUTY ATTORNEY GENERAL
JOHN KAMMERZELL, P.O.S.T. DIRECTOR
CRISTINE MACK, P.O.S.T. INVESTIGATOR
ADRIENNE HUNTER, COMPLIANCE OFFICER
RUTH VANDERBROEK, ADMINISTRATIVE ASSISTANT

MEMBERS OF THE PUBLIC IN ATTENDANCE

JIM ALEXANDER, RED ROCKS COMMUNITY COLLEGE
PHILIP J. BACA, JEFFERSON COUNTY SHERIFF'S OFFICE
AARON J. BARROW, MONTROSE POLICE DEPARTMENT
MARK BELUSCAK, SILVERTHORNE POLICE DEPARTMENT
C.W. BLACK, LITTLETON POLICE DEPARTMENT
KIM BLACK, RED ROCKS COMMUNITY COLLEGE
MINER BLACKFORD, OTERO JR. COLLEGE LAW ACADEMY
RANDAL W. BOEPPLE, TRINIDAD STATE JR. COLLEGE/CLETA DIV.
DON CHRISTENSEN, DOUGLAS COUNTY SHERIFF'S OFFICE
PAUL DUGDALE, ARAPAHOE COUNTY SHERIFF'S OFFICE
MICHAEL ESTERS, LARIMER COUNTY SHERIFF'S OFFICE
RICH EUCHLED, ARAPAHOE COUNTY SHERIFF'S OFFICE
JOE FERRARO, DENVER POLICE DEPARTMENT
GEORGE FORTUNATO, COLORADO NORTHWESTERN COMMUNITY COLLEGE
JERRY GARNER, LAKEWOOD POLICE DEPARTMENT
GARY GRAHAM, DENVER POLICE DEPARTMENT
MICHAEL GRYS, COLORADO SPRINGS POLICE DEPARTMENT
LORI HARRELL, EL PASO COUNTY SHERIFF'S OFFICE
DARYL HOLLINGSWORTH, NORTHGLENN POLICE DEPARTMENT
MARK B LANGFORD, LAS ANIMAS COUNTY SHERIFF'S OFFICE
DAVID N. MARQUITH, COMMUNITY COLLEGE OF AURORA
KRISTI MCDONALD-QUINTANA, COLORADO STATE PARKS
SCOTT MEIKLEJOHN, DENVER POLICE PROTECTIVE ASSOCIATION
JOHN C MINOR, SILVERTHORNE POLICE DEPARTMENT
LUCILE MUSMANNO, ENFORCE, INC.
RON SLOAN, ARVADA POLICE DEPARTMENT
MAREK RYBKOWSKI, DENVER POLICE DEPARTMENT
STEVEN P SAMEK, PUEBLO POLICE DEPARTMENT
MERV TERRILL, PUEBLO POLICE
NEAL TYLER, CANON CITY POLICE DEPARTMENT
N. L. VALDEZ, BENT COUNTY SHERIFF'S OFFICE
SUZI WALKER, DRCOG
SAM WASHBURN, EL PASO COUNTY SHERIFF'S OFFICE
BOB WHITE, BRIGHTON POLICE DEPARTMENT
DEBBIE WILKE, ARAPAHOE CC LAW ENFORCEMENT ACADEMY

The following Subject Matter Expert Committees met prior to the P.O.S.T. Board meeting:

Firearms Committee
Arrest Control Committee
Driving Committee
Curriculum Committee

January 26, 2001

1 – Roll Call – Compliance Officer, Adrienne Hunter

A quorum is present at the meeting.

2 – Welcome – Attorney General, Ken Salazar

Barbara Cleland, Councilwoman for the City of Aurora, was welcomed to the P.O.S.T. Board. She will serve out the term of appointment for Margaret Carpenter which will expire on June 30, 2001.

There was a moment of silence and reflection on the loss of Colorado State Trooper Jason Manspeaker. Department of Safety Director Suzanne Mencer gave information concerning the funeral arrangements for Trooper Manspeaker.

S.A.C. Mark Mershon, Chief Lorne Kramer and Sheriff John Anderson were commended in their handling of the apprehension of the Texas fugitives. The spirit of cooperation between the agencies was very evident. SAC Mershon was directed to look at the things that went right with this apprehension and have it published.

3 – Approval of P.O.S.T. Board Minutes for November 8, 2000.

Approved.

4 – Resolution of Appreciation to Officer Neal Tyler of the Canon City Police Department for his years of service as Chairman of the P.O.S.T. Arrest Control Subject Matter Expert Committee.

The resolution was approved.

5 – SME Committee Reports

a – Curriculum Committee – Sheriff George Epp, Boulder County Sheriff's Office

Some of the questions on the P.O.S.T. test are either outdated or are from sources which are subject to disagreements. The committee is recommending that between now and July the Academy final exams, subject to the review of the exams by the P.O.S.T. staff and curriculum committee, suffice for the P.O.S.T. certification exam. It was moved and seconded to accept this recommendation.

Assistant Attorney General John Lizza noted that there could be some legal problems with using the Academy final exams. Another problem could come with having to review the exam for each Academy. What do we do with the people that are not going through an academy but need to take the test? A recommendation would be to do a mini revision of the exam by eliminating the questions that are problematic and adding others from the pool of 4000 questions. The motion for the committee recommendation was withdrawn. The

January 26, 2001

recommendation to do a mini revision was accepted with a directive given to the P.O.S.T. staff to begin working on the revisions and to have an approved revised test to the curriculum committee by the July meeting.

The subcommittee has been charged to take a look at the total curriculum and to come back to the full committee with recommendations refocusing on areas that they feel are important to the core competencies.

b – Arrest Control – Sgt. Michael Esters, Larimer County Sheriff’s Office

The arrest control committee is looking at the academy curriculum – arrest control. They also looked at the test outs to see if they can accurately assess police officer skills with the present procedures. Some of the members are also looking at the manual to see if changes need to be made.

c – Firearms – Undersheriff Don Christensen, Douglas County Sheriff’s Office

All members received a draft of the revision of the firearms instructors’ course with a date of May 1 to be completed for adoption as a rule change. At the next meeting they will address the masters program.

d – Law Enforcement Driving – Sgt. Padilla, Lakewood Police Department

No report

6 – P.O.S.T. Board Budget – John Kammerzell – P.O.S.T. Director

At the end of this month the P.O.S.T. Board budget will have a shortfall of about \$10,000 which includes the Fund Balance which has been built up over the last four years. More money will be brought in with the testing in April and May but it will not cover the shortfall. We have had to cut back on academy inspections. It also affects the ability of the staff to attend meetings in the rural areas at least through the end of this fiscal year. Deputy Attorney General Don Quick pointed out that Colorado is ranked 46th out of 48 states in the financing of P.O.S.T. The P.O.S.T. bill is requesting a \$25.00 increase on the tests but that will just be a stop gap measure.

Attorney General Ken Salazar, Sheriff Stephen Zotos, Chief Dennis Harrison, Deputy Attorney General Don Quick and Director John Kammerzell will move forward as a team to look at some of the options for both short term and long term solutions to this budget problem.

Meeting Dates – The meeting on May 25, 2001 will be held at 1525 Sherman Street, Denver, CO instead of Aspen. Also, the September meeting will be held on the 28th, not the 29th as listed.

7 – Staff Recommendation: Certification Examination, Rule Changes, Manuals

A recommendation was made to have the certification examination, rule changes and changes to the manual implemented by the first of July which would be prior to the academic year and to go along with the Legislative Session as well as the beginning of the Department of Law fiscal year.

8 – P.O.S.T. Board Bill – Deputy Attorney General Don Quick, Assistant Attorney General John Lizza and Director John Kammerzell

Meetings with the Colorado Association of Chiefs of Police and the Metro Chiefs Association were held. Recommendations that came from these meetings for consideration are:

- Only first and second-degree misdemeanors be considered.
- Make it clear that this action is not retroactive. This would not be true for denials. This action will apply to anyone that has not yet received his or her certification.
- The ten-year wait is too long. If a person receives a misdemeanor and then goes to college or the service, he or she could be a changed person within that amount of time. The chiefs feel the wait should be reduced to five years.
- There is no mechanism for unusual cases to allow the individual or the agency to come to the Board and request a variance.

Chief Ron Sloan of the Arvada Police Department stated that the Chiefs embrace the concept of raising standards for police officers around the state but they do recommend the above changes.

After discussion on the subject, Sheriff Zotos moved to accept the changes recommended by the Chiefs. Rev. Ford seconded it. It **passed** with twelve yes's and two abstentions.

The P.O.S.T. bill will be heard on January 31, 2001 at 1:30 PM. This information will be faxed to the Board.

9 – Whitfield Case Update – Racial Profiling

Deputy Attorney General Don Quick announced that the court is still waiting for all of the parties to get their information in.

Meeting adjourned.

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
April 6, 2001

The Peace Officer Standards and Training Board held its 325th Board meeting at the Department of Law, 1525 Sherman St., Room 610, in Denver, Colorado, with the following persons present:

BOARD MEMBERS

CHIEF AL BELL
SHERIFF RIECKE CLAUSSEN
CHIEF RUSSEL COOK
SHERIFF DAN CORSENTINO
CHIEF JOSEPH CORTEZ
SHERIFF GEORGE EPP
REV. GILL FORD
CHIEF DENNIS HARRISON
EXECUTIVE DIRECTOR SUZANNE MENCER
S.A.C. MARK MERSHON
SHERIFF JOSEPH MORALES
ATTORNEY GENERAL KEN SALAZAR
SHERIFF PHIL STUBBLEFIELD
SHERIFF STEPHEN ZOTOS

BOARD MEMBERS ABSENT

COUNCIL WOMAN BARBARA J. CLELAND (excused)
CHIEF LORNE KRAMER (excused)
CHIEF GERALD WHITMAN (excused)

BOARD COUNSEL

JOHN A. LIZZA

STAFF MEMBERS

DON QUICK, DEPUTY ATTORNEY GENERAL
JOHN KAMMERZELL, P.O.S.T. DIRECTOR
CRISTINE MACK, P.O.S.T. INVESTIGATOR
ADRIENNE HUNTER, COMPLIANCE OFFICER
RUTH VANDERBROEK, ADMINISTRATIVE ASSISTANT

MEMBERS OF THE PUBLIC IN ATTENDANCE

JIM ALEXANDER, RED ROCKS COMMUNITY COLLEGE
GILBERT E. ATENCIO, RIO GRANDE COUNTY SHERIFF'S OFFICE
PHILIP J. BACA, JEFFERSON COUNTY SHERIFF'S OFFICE
TIM BLACK, RED ROCKS COMMUNITY COLLEGE
MINER BLACKFORD, OTERO JR. COLLEGE LAW ACADEMY
WILLIS E. BODEN, KIT CARSON COUNTY SHERIFF'S OFFICE
RANDAL W. BOEPPLE, TRINIDAD STATE JR. COLLEGE/CLETA DIV.
BURDELL BURCH, LAKEWOOD POLICE DEPARTMENT
TOM CARLINE, SCLETA – TRINIDAD
CORY CHRISTENSEN, FORT COLLINS POLICE DEPARTMENT
DON CHRISTENSEN, DOUGLAS COUNTY SHERIFF'S OFFICE
DAN DIRSCHERL, PIKES PEAK REGIONAL LAW ENFORCEMENT ACADEMY
PAUL DUGDALE, ARAPAHOE COUNTY SHERIFF'S OFFICE
MICHAEL ESTERS, LARIMER COUNTY SHERIFF'S OFFICE
RICH EUCHLED, ARAPAHOE COUNTY SHERIFF'S OFFICE
GEORGE FORTUNATO, COLORADO NORTHWESTERN COMMUNITY COLLEGE
GARY GRAHAM, DENVER POLICE DEPARTMENT
EVANGELINE GRAZIANO, COLORADO STATE PATROL ACADEMY
MICHAEL GRYS, COLORADO SPRINGS POLICE DEPARTMENT
LORI HARRELL, EL PASO COUNTY SHERIFF'S OFFICE
DARYL HOLLINGSWORTH, NORTHGLENN POLICE DEPARTMENT
TIM JOHNSON, LARIMER SHERIFF'S OFFICE
GREG KIRKLAND, LA JUNTA POLICE DEPARTMENT
KIRK LONG, ARAPAHOE COMMUNITY COLLEGE
L.J. MAKI, COLORADO SHERIFF'S TRAINING INSTITUTE
DAVID N. MARQUITH, COMMUNITY COLLEGE OF AURORA
JOHN C MINOR, SILVERTHORNE POLICE DEPARTMENT
LUCILE MUSMANNO, ENFORCE, INC.
CHARLES MYERS II, AIMS COMMUNITY COLLEGE
LARRY PACHECO, PUEBLO POLICE DEPARTMENT
TANYA SETTLES, UNIVERSITY OF COLORADO AT DENVER, GSPA, MSCD
JOHN SOBIERALSKI, PITKIN COUNTY SHERIFF'S OFFICE
MERV TERRILL, PUEBLO POLICE
JOSEPH A. THOMAS-HAZELL, CITIZEN
N. L. VALDEZ, BENT COUNTY SHERIFF'S OFFICE
SUZI WALKER, DRCOG
JERRY WILLIAMS, UNIVERSITY OF COLORADO AT DENVER, GSPA
RICHARD WILLIAMS, LARIMER COUNTY SHERIFF'S OFFICE
ROBERT YANT, LOCHBUIE POLICE DEPARTMENT

April 6, 2001

The following Subject Matter Expert Committees met prior to the P.O.S.T. Board meeting:

Arrest Control Committee
Curriculum Committee
Firearms Committee
Law Enforcement Driving Committee

1 – Welcome – Attorney General, Ken Salazar

2 – Roll Call – Compliance Officer, Adrienne Hunter

A quorum is present at the meeting.

3 – Approval of P.O.S.T. Board Minutes for January 26, 2001.

Approved.

4 – SME Committee Reports

a – Curriculum Committee – Sheriff George Epp, Boulder County Sheriff's Office, SAC Mark Mershon, Co-Chairs

A report from the sub-committee was made on the review of the basic curriculum. The recommendation was approved by the curriculum committee and was recommended for approval by the P.O.S.T. Board. Captain Phil Baca of the Jefferson County Sheriff's Office presented the recommendation to the Board.

On March 30, 2001 the curriculum review sub-committee met at the Jefferson County Sheriff's Office with the following members in attendance: Captain Phil Baca, Sergeant Mark Beluscak – Silverthorne Police Department, Director Jim Alexander – Red Rocks Community College, Director John Maki – Colorado Sheriffs' Training Institute, and Tanya Settles – University of Colorado at Denver Metropolitan State College.

The sub-committee was asked to review and address the following:

1. The requests from the Denver District Attorneys Office and the Colorado Coalition Against Domestic Violence for additions to the P.O.S.T. approved curriculum,
2. Review the current curriculum and make suggestions for some changes, and
3. Review the current curriculum for Instructor Development and make suggestions for those changes.

April 6, 2001

(To view the complete list of recommendations, visit our web site at: www.ago.state.co.us/post/posthome.html. The recommendations can be found under Curriculum Recommendations.)

Another proposed change discussed outside of the written recommendation is to add a two-hour block in Racial Profiling and incorporate that in the Ethics block, changing the Ethics block from a six to an eight-hour course. Racial Profiling, or Bias Based Policing, would also be discussed in Search and Seizure, Ethnic Intimidation, Cultural Diversity and additional areas.

It was moved and seconded to adopt the recommendations.

It was moved, seconded and **approved** to amend the term Racial Profiling to Bias Based Policing.

Recommendations approved.

Colorado Police Corps presented their curriculum for review by the POST Board for certification and asks for a motion supporting their certification pending a review of their final lesson plans by the POST staff. It was moved, seconded and unanimously **approved**.

There have been discussions on the POST certification test. Mr. Kammerzell, members of the Attorney General's staff and members of the curriculum committee have done a review of the test. A number of the questions have been excised from the test and a number have been improved. With the revisions, the test has been updated and is in legal compliance.

Over the past year, the Academies have provided P.O.S.T. with a number of questions that we intend to include in each test. We will include at least 25 questions in each test to validate particular questions in those three areas that the Board has identified to establish a new test. We anticipate this to take a minimum of 18 months. Those 25 questions will not count toward the 70% requirement for certification in the state of Colorado. They will just be used to establish the next pool of questions.

b – Arrest Control – Sgt. Michael Esters, Larimer County Sheriff's Office

The arrest control committee reviewed the arrest control curriculum for the Academies and came up with several suggestions to revise it.

(To view the complete list of recommendations, visit our web site at: www.ago.state.co.us/post/posthome.html. The recommendations can be found under Arrest Control Recommendations.)

It was moved and seconded to accept the recommendations of the Arrest Control Committee.

Concerns were raised as the additional costs to the Academies. It is felt that we are training for basic law enforcement, not inservice training or continuing education, and therefore the academies should be teaching only the basics.

The Arrest Control committee feels they are looking at a minimum amount of skills an officer needs to have in order to be on the street. They can't always wait for an inservice training to learn how to save their lives.

It was recommended that the Board not make a final acceptance of the recommendations at the meeting at which the recommendations are presented but rather to wait until the next meeting.

The **motion** to accept the recommendation was **withdrawn**.

The **recommendations** of each committee will be **posted on the web** which will allow for input on the recommendations.

c – Firearms – Undersheriff Don Christensen, Douglas County Sheriff's Office

The committee is in the process of making some changes to the rules and the definitions. On April 25, 2001 the committee will be meeting to finalize the wording so it can be given to Mr. Kammerzell.

The committee is looking at the possibility of developing a database of certified instructors.

d – Law Enforcement Driving – Sgt. Padilla, Lakewood Police Department

Chief Harrison reported that there are about 30 different concerns out of the current POST manual that require change. The committee will be meeting again on May 3, 2001 in Lakewood to go over them individually.

5 – Idea to Be Heard – Dr. Jerry Williams

In September, the University of Colorado, Graduate School of Public Affairs, will be kicking off a graduate program, Masters in Executive Leadership, which is designed specifically for law enforcement. It will be held on Fridays and Saturdays and will take about two years to complete. The first cohort is already 1/3 full. The faculty will be drawn from practitioners around the country. They will have academic credentials so it will be relevant in every respect to the difficult issues that officers face.

Dr. Williams would like to participate collaboratively with the POST Board, Chiefs of Police, and County Sheriffs to develop legislation which would add a surcharge to municipal offenses to help resolve the void that exists in the education of peace officers.

6 – Board Issues – Director John Kammerzell

a – POST Bill Update and Proposed Changes to Standards for Law Enforcement Officers

The Bill moved through the Senate without any opposition. It has now been assigned to local government. It will possibly be heard next Wednesday but more likely the following Monday.

b – POST Budget Update – Budget Short Fall and Plan

POST needs the funds to replace the scanner which is used to score the certification exams. The excess funds we have will be used to pay for that.

The spending authority for next year goes hand in hand with our bill.

Over the next few months we will be working on developing a decision item for a September presentation to the Board which will allow us to add staff in the 2003 budget. The committee is made up of Attorney General Salazar, Chief Deputy Attorney General Christine Arguello, Deputy Attorney General Don Quick, Sheriff Zotos, Chief Harrison, Hugh Wilson (budget staff member for the Department of Law), and Director John Kammerzell. We would also approach Colorado Counties, Inc. and the Colorado Municipal League for representatives as well as the Chiefs Association and the Sheriffs Association for additional members on this task force.

c – Certification Exam Revision – Update to Certification Exam

This item was discussed earlier. We anticipate the implementation of the program within the next two weeks.

d – POST Board Meeting Dates (*Revision*)

The date and location changes were noted.

7 – Whitfield Implementation Plan – Cultural Diversity Training – Deputy Attorney General Don Quick

The \$300,000 has been in the bank for the last three or four weeks gaining interest. Colorado's outline has been taken to the national committee and is being looked at as a potential template for a national training program. The plan is to have the first training take place the second week of September. Input for a contract coordinator for this project is being sought.

April 6, 2001

The community will be invited to be observers of the actual training by our continuing to participate in the NAACP forums and having their leaders come to the training. We also are encouraging community leaders to bring the program to the citizen academies. This will help the community understand why police do what they do.

8 – Open Discussion

There was no discussion.

Meeting adjourned.

Next Board Meeting

Friday, May 25, 2001 – 10:00 a.m.
Peace Officer Standards and Training
1525 Sherman Street, 6th Floor
Denver CO 80203

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
May 25, 2001

The Peace Officer Standards and Training Board held its 326th Board meeting at the Department of Law, 1525 Sherman St., Room 610, in Denver, Colorado, with the following persons present:

BOARD MEMBERS

CHIEF AL BELL
SHERIFF RIECKE CLAUSSEN
COUNCIL WOMAN BARBARA J. CLELAND
CHIEF RUSSEL COOK
CHIEF JOSEPH CORTEZ
SHERIFF GEORGE EPP
REV. GILL FORD
CHIEF DENNIS HARRISON
CHIEF LORNE KRAMER
S.A.C. MARK MERSHON
SHERIFF JOSEPH MORALES
ATTORNEY GENERAL KEN SALAZAR
SHERIFF PHIL STUBBLEFIELD
CHIEF GERALD WHITMAN
SHERIFF STEPHEN ZOTOS

BOARD MEMBERS ABSENT

SHERIFF DAN CORSENTINO (excused)
EXECUTIVE DIRECTOR SUZANNE MENCER (excused)

BOARD COUNSEL

JOHN A. LIZZA

STAFF MEMBERS

DON QUICK, DEPUTY ATTORNEY GENERAL
JOHN KAMMERZELL, P.O.S.T. DIRECTOR
CRISTINE MACK, P.O.S.T. INVESTIGATOR
ADRIENNE HUNTER, COMPLIANCE OFFICER
RUTH VANDERBROEK, ADMINISTRATIVE ASSISTANT

MEMBERS OF THE PUBLIC IN ATTENDANCE

JIM ALEXANDER, RED ROCKS COMMUNITY COLLEGE
GARY BERLIN, COLORADO DIVISION OF WILDLIFE
RANDAL W. BOEPPLE, TRINIDAD STATE JR. COLLEGE/CLETA DIV.
TOM CARLINE, SCLETA – TRINIDAD
DON CHRISTENSEN, DOUGLAS COUNTY SHERIFF'S OFFICE
GEORGE FORTUNATO, COLORADO NORTHWESTERN COMMUNITY COLLEGE
GARY GRAHAM, DENVER POLICE DEPARTMENT
MICHAEL GRYS, COLORADO SPRINGS POLICE DEPARTMENT
TIM JOHNSON, LARIMER SHERIFF'S OFFICE
L.J. MAKI, COLORADO SHERIFF'S TRAINING INSTITUTE
LUCILE MUSMANNO, ENFORCE, INC.
AL PADILLA, LAKEWOOD POLICE DEPARTMENT
ABEL SANTISTEVAN, PUEBLO POLICE DEPARTMENT
TANYA SETTLES, UNIVERSITY OF COLORADO AT DENVER, GSPA, MSCD
KARL SMALLEY, ADAMS COUNTY SHERIFF'S OFFICE
JUSTIN SMITH, LARIMER COUNTY SHERIFF'S OFFICE
JOHN SOBIERALSKI, PITKIN COUNTY SHERIFF'S OFFICE
MERV TERRILL, PUEBLO POLICE DEPARTMENT
JOSEPH A. THOMAS-HAZELL, CITIZEN
NEAL TYLER, CANON CITY POLICE DEPARTMENT
RICHARD WEBB, JEFFERSON COUNTY SHERIFF'S OFFICE
DEBBIE WILKE, ARAPAHOE CC LAW ENFORCEMENT ACADEMY
JERRY WILLIAMS, UNIVERSITY OF COLORADO AT DENVER, GSPA
RICHARD WILLIAMS, LARIMER COUNTY SHERIFF'S OFFICE

The following Subject Matter Expert Committees met prior to the P.O.S.T. Board meeting:

Arrest Control Committee
Curriculum Committee
Firearms Committee
Law Enforcement Driving Committee

- 1 – Welcome – Attorney General, Ken Salazar
- 2 – Roll Call – Compliance Officer, Adrienne Hunter

A **quorum is present** at the meeting.

- 3 – Approval of P.O.S.T. Board Minutes for April 6, 2001.

Approved.

May 25, 2001

4 – SME Committee Reports

a – Curriculum Committee – Sheriff George Epp, Boulder County Sheriff’s Office, SAC Mark Mershon, Co-Chairs

Captain Gary Graham from the Denver Police Department reported on the recommendations from the sub-committee for the approval of basic academies and the instructor course.

The sub-committee recommends adding the following to the P.O.S.T. rules for approval of the basic academies:

- a. All basic training academies are required to have formal written lesson plans for each block of instruction.
- b. All lesson plans must include at a minimum:
 - learning goals and objectives
 - the methodology of instruction
 - amount of time required
 - a list of any source or reference materials

On page 133 of the P.O.S.T. Manual, the sub-committee recommends that in paragraph II of the Instructor Course, describing qualifications for instructors, add the word “Lead” at the beginning of the sentence. Also, add a paragraph III to this section which will read:

Each student will be required to prepare and demonstrate a block of instruction. Each presentation will be critiqued and assessed by fellow student-instructors and the faculty teaching the course.

The sub-committee recommends updating the verbiage in the Instructor Methodology Program from “principles of learning” to “principles of adult learning techniques”.

b – Arrest Control – Sgt. Michael Esters, Larimer County Sheriff’s Office

No report.

c – Firearms – Undersheriff Don Christensen, Douglas County Sheriff’s Office

The committee has gone through the definitions for clarity of instructor requirements. They have presented three of five recommended changes to Mr. Kammerzell. They also recommend modifying the basic academy course of fire. Rules 21 and 22 have been completed.

d – Law Enforcement Driving – Sgt. Padilla, Lakewood Police Department

Recommendations for the driving program will be finalized for the July 30th meeting. Areas being covered are equipment, final evaluation, classroom lecture, and traffic material.

5 – Legislative Report

a – SB01-16 Concerning Peace Officer Certification – We want to acknowledge and thank our sponsors, Senator Peggy Reeves and Representative Mark Larson. A change was made in the Senate Judiciary which struck the five year maximum rule. The substance is that it adds 41 particular misdemeanors to the list of violations that upon conviction an individual can be either denied or revoked. It also establishes a hearing process that will be developed in P.O.S.T. Rule. Upon conviction the individual or that individual's agency may appeal to the director. The director will have a specified number of days to respond to that appeal. The individual or the individual's agency will then have the opportunity to appeal the director's decision to a sub-committee of Board members. The bill is on the Governor's desk awaiting his signature. It is anticipated that the bill will be ready to present at the July meeting.

1 – St. Louis University Law Journal – Handout

b – HB01-1114 Certification of P.O.S.T. Cultural Diversity/Bias Training – We need a contract employee with experience in law enforcement management as well as profiling issues. The first programs will be in the metro area this fall. The first outreach program will be in Northeastern Colorado. The curriculum has already been written so the individual will only need to do the implementation of the program.

What are the responsibilities of the P.O.S.T. Board in regard to this bill? A report will be offered at the July meeting.

1 – Any agency wanting to use their own curriculum rather than the P.O.S.T. curriculum, must have their program certified by P.O.S.T. before August 1, 2001.

c – Other Attorney General Overviews

1 – HB01-1269 – Gang Recruitment – Beginning in February of 2002, this bill will make it illegal for an adult to recruit kids under the age of 18 into a gang.

2 – HB01-210 – Failure to Register

3 – HB01-1155 – Registry Access – Allows jurisdictions around Fort Collins to access the registry at Fort Collins and those with a common boundary with Fort Collins, instead of having to go to numerous agencies.

4 – HB01-1229 – Quarterly Registration (numerous sex offenses) – A tickler for notification of people failing to register will be sent by the CBI to the police departments. Failing to register will now be a felony rather than a misdemeanor. The Department of Corrections will also notify the agency when a prisoner is being released.

Appellate is planning to use the P.O.S.T. website to train judges and DA's as to what is happening in the federal and state appellate courts. The top ten decisions which apply to officers will be posted.

5.5 – Columbine Commission Report – The report was given to the governor last week Thursday. It gives a number of recommendations for law enforcement agencies, schools, and a number of emergency services. A number of the recommendations have implications for our law enforcement training. The most difficult recommendation is that law enforcement emphasize the priority of preventing assaults. It is recommended that the Board review the report and come back in September for discussion of what things need to be added to the curriculum to be in accordance with the recommendations of the report.

6 – Board Issues – Director John Kammerzell

a – P.O.S.T. Manual Update (First Draft of Particular Rules) – 13 Rules need major revision, 2 Rules need routine revision, 1 Rule needs a minor revision, 9 Rules need no revision and SB00-077 may require an additional Rule. A timeline has been established that will allow the Board to receive recommendations from the SME committees as well as the Rule changes from the staff. The staff would like to have a rough draft of the Manual at the July meeting so that the Board will have two months to review it. At the September meeting, the Board would begin a Rulemaking Session. It is hoped that by the November meeting the Rule changes will be acted on so they can be implemented in July of 2002.

1 – Rule Revisions

A – Rule 1 – Definitions, Delete Course of Study Option

B – Rule 4 – SME Recommendations, Committee Members – It is recommended that we add the ability of the chairs to appoint acting law enforcement officers, law enforcement professionals, or retired peace officers by December 1st of each year. Appointments may be made, upon the applicant's merits, during the calendar year at the discretion of the director and committee co-chairs.

It is also recommended that we have a process by which the recommendations of the SME committees can be brought to the Board and other interested parties. It is also recommended that there be a period of time that all parties will be able to review and make comments on the recommendations.

The rewording of Rule 4 will be presented to the Board at the July 30, 2001 meeting.

C – Rule 9 – Provisional Certification Process – It is recommended that peace officers leaving active employment in another state be able to

receive a provisional certification. They would be allowed a six month period before attaining their basic certification which would require them to take the certification exam as well as accomplish the skills. Those coming from other states would be recognized from the states that meet the standards of the Board.

Change the wording to give the director the capability to give an extension of time rather than having to take it to the Board (last paragraph). It was **moved and seconded to accept Rule 9** with the changes. It was **approved** unanimously.

b – Search for Diversity Project Coordinator

1 – Job Description

7 – Monthly and Quarterly Goals for P.O.S.T. Staff – Referred to handout

Open Forum

Comments from Joseph A. Thomas-Hazell

The agenda for the July meeting will include:

- A report on the requirements of racial profiling and the impact on the Board
- Adoption of Rule 9 and possibly Rule 4
- First Rough Draft of the P.O.S.T. Manual
- Final budget position
- Inspection report from Cristine Mack

Meeting adjourned.

Next Board Meeting

Monday, July 30, 2001 – 10:00 a.m.
Hosted by Pueblo County Sheriff's Office
Pueblo Community College – Pueblo
900 West Orman Avenue
Pueblo, CO 81004

May 25, 2001

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
July 30, 2001

The Peace Officer Standards and Training Board held its 327th Board meeting at the Pueblo Community College, 900 Orman Street, in Pueblo, Colorado, with the following persons present:

BOARD MEMBERS

CHIEF AL BELL
SHERIFF RIECKE CLAUSSEN
COUNCIL WOMAN BARBARA J. CLELAND
SHERIFF DAN CORSENTINO
CHIEF JOSEPH CORTEZ
CHIEF DENNIS HARRISON
CHIEF LORNE KRAMER
EXECUTIVE DIRECTOR SUZANNE MENCER
S.A.C. MARK MERSHON
SHERIFF JOSEPH MORALES
ATTORNEY GENERAL KEN SALAZAR
SHERIFF PHIL STUBBLEFIELD
CHIEF GERALD WHITMAN
SHERIFF STEPHEN ZOTOS

BOARD MEMBERS ABSENT

CHIEF RUSSEL COOK (excused)
SHERIFF GEORGE EPP (excused)
REV. GILL FORD (excused)

BOARD COUNSEL

JOHN A. LIZZA

STAFF MEMBERS

DON QUICK, DEPUTY ATTORNEY GENERAL
JOHN KAMMERZELL, P.O.S.T. DIRECTOR
RUTH VANDERBROEK, ADMINISTRATIVE ASSISTANT

MEMBERS OF THE PUBLIC IN ATTENDANCE

KENNY BELL
MARK BELUSCAK, SILVERTHORNE POLICE DEPARTMENT
TIM BLACK, BROOMFIELD POLICE DEPARTMENT
TOM CARLINE, SCLETA – TRINIDAD STATE JR. COLLEGE
TAMMY CORSENTINO, PUEBLO COUNTY SHERIFF'S OFFICE
DAN DIRSCHERL, PIKES PEAK C.C. ACADEMY
PAUL DUGDALE, ARAPAHOE COUNTY SHERIFF'S OFFICE
MICHAEL ESTERS, LARIMER COUNTY SHERIFF'S OFFICE
EVA GRAZIANO, COLORADO STATE PATROL
MICHAEL GRYS, COLORADO SPRINGS POLICE DEPARTMENT
LORI HARRELL, EL PASO COUNTY SHERIFF'S OFFICE
GREG KIRKLAND, LAJUNTA POLICE DEPARTMENT
RITA LAETRES, COLORADO DIVISION OF WILDLIFE
JANET LARSON, BROOMFIELD POLICE DEPARTMENT
JOHN MAKI, COLORADO SHERIFF'S TRAINING INSTITUTE
RICHARD ORESKEY, PUEBLO COUNTY SHERIFF'S OFFICE
DAVID SANTOS, COLORADO STATE PATROL
PAUL SCHROEDER, UNIVERSITY OF COLORADO POLICE DEPARTMENT
PAM SILLARS, COLORADO DEPARTMENT OF PUBLIC SAFETY
JOHN SOBIERALSKI, PITKIN COUNTY SHERIFF'S OFFICE
MARY SUTTON, PUEBLO C.C. ACADEMY
PATRICK VAN RYAN, PUEBLO POLICE DEPARTMENT
MARC D. WEBER, LARIMER COUNTY SHERIFF'S OFFICE
RICHARD WILLIAMS, LARIMER COUNTY SHERIFF'S OFFICE
RICHARD WREN, LAJUNTA POLICE DEPARTMENT

The following Subject Matter Expert Committees met prior to the P.O.S.T. Board meeting:

Arrest Control Committee
Curriculum Committee
Firearms Committee
Law Enforcement Driving Committee

1. Welcome – Attorney General, Ken Salazar

Sheriff Corsentino welcomed everyone to the city of Pueblo.

2. Roll Call – Compliance Officer, Director John Kammerzell

A **quorum is present** at the meeting.

3. Approval of P.O.S.T. Board Minutes for May 23, 2001.

Approved.

July 30, 2001

4. Attorney General's P.O.S.T. Budget Task Force.

The first work session of the Attorney General's Budget Task Force on the P.O.S.T. issue will take place on August 22, 2001 at 10:00 a.m. The members of this committee are Chief Bell and Chief Harrison representing the Colorado Association of Chiefs of Police, Sheriff Zotos and Sheriff Blair representing the Sheriff's Association, Sam Mamet representing the Colorado Municipal League, Alan Stahley County Commissioner from Ouray County, Attorney General Ken Salazar, Chief Deputy Attorney General Cristine Arguello, the Budget Director of the Department of Law, Deputy Attorney General Don Quick, and John Kammerzell, Director of P.O.S.T. They will be meeting to discuss the pressing needs of law enforcement, the training needs of law enforcement, and a funding mechanism for those needs. They will also be looking at how to fund P.O.S.T. in general and the long-term needs of the P.O.S.T. Board.

The initial discussion will be developing a training strategy to determine what the group visualizes as the training needs throughout the state. Developing a strategy for approaching the legislature for additional funds will also be discussed. A consistent funding stream which we can depend on from year to year needs to be identified. The things which POST does that are most important need to be identified and a budget put to that so the amount of revenue needed to be raised will be known. The task force will come back to the Board with developed strategies for adoption by the Board.

5. SME Committee Appointments, Reports, and Board Action.

- a. Curriculum Committee – Sheriff George Epp, Boulder County Sheriff's Office, SAC Mark Mershon, Co-Chairs

A discussion took place on reviewing the language of the exam questions.

- b. Arrest Control – Sgt. Michael Esters, Larimer County Sheriff's Office

Nothing new to report.

- c. Firearms – Undersheriff Don Christensen, Douglas County Sheriff's Office

The committee discussed the rule changes. They would like to propose that they spearhead a training video made by P.O.S.T. regarding the basic certification firearm courses and qualifications which would be sent to all academies. It would help the academies see what is accepted by POST and what the program actually looks like. This would help to eliminate some of the problems with the consistency of interpretation to the requirements.

- d. Law Enforcement Driving – Sgt. Padilla, Lakewood Police Department

Authorized the approval of instructors & programs in Grand Junction.

July 30, 2001

6. Board Resolution

- A. Resolution to raise the skills examination and test fee to \$125.00.

The resolution was moved, seconded and **approved** unanimously.

7. Rule Consideration – Emergency Rule Making

- A. Rule 9 – Provisional Certification

This emergency rule allows individuals currently serving in another POST recognized state to complete the skills and written exam in a six-month period of time. It also allows much more latitude as it relates to the skills test-outs. It was moved and seconded to adopt this emergency rule. This emergency rule making authority is good for only 90 days. It will be brought back to the next meeting for a final vote. The motion was **approved**.

8. Curriculum Approval

- A. Racial Profiling Curriculum required by HB01-1114.

1. Legislation requires P.O.S.T. Board action on or before August 1, 2001.
2. Train the trainer programs offered by P.O.S.T. and ADL.

A curriculum which was developed by staff is being presented to the Board for their consideration. At the present time the recommendation is set at four hours. The learning objectives throughout this program include the patterns of bias based policing, practices and protocols. It meets the statutory requirements of HB01-1114 and could be implemented on the local level. There are some concerns on the number of hours. The hour requirement will be left to the discretion of the Board. This recommendation is a resumption of the patterns, practices and protocols. The daylong program puts those patterns, practices and protocols in different situations and expands them.

It was moved and seconded to accept the curriculum as presented less the number of hours. The motion was **approved** unanimously.

9. Board Issues – Director John Kammerzell

- A. Cultural Diversity

P.O.S.T. was awarded \$300,000 to develop an eight-hour program on cultural diversity which will start in September of this year. Deb Wilke from Arapahoe Community College was selected to be the coordinator of this program. She will be working closely with ADL. It is anticipated that the first three programs will take place in the metro area and will be conducted by Deputy Attorney General

Don Quick. Ten programs will take place over an 18-month period of time after which the process will be repeated.

B. P.O.S.T. Manual

The P.O.S.T. staff is planning to present the manual to the Board at the September 28th meeting. A public hearing on the rule changes will take place at the November meeting. The plan is to have the manual adopted in January for implementation by July to give the academies the opportunity to review the changes.

C. Academy Inspection Report

Due to staff reduction in the office, the inspection report is behind schedule. It is anticipated the report will be brought to the Board at the September meeting.

Open Forum

10. Issues of importance to board members.

Interpretation of the cultural diversity bill is varied throughout the state. Is it possible to get a written legal opinion as to the intent of the bill? If the Board asks for an informal opinion John Lizza and Don Quick will provide it.

John Kammerzell and Don Quick have been meeting with the Colorado University. They want to know what are important continuing education needs for the colleges in the field of law enforcement. Recommendations from the Board and the floor are ethics training, skills training, bias training, classes which are attractive to the legislature, law updates, constitutional decisions, management or leadership training, alternatives to Calibre Press for officer safety training, ethical environment, officer survival for the lone officer, and emergency medical services.

Attorney General Ken Salazar would like to hear from the law enforcement community on how to deal with the issue of the sex offender bill. Some of the feedback is that there is confusion by the agencies as to what information can be released and to whom. Information is being released on individuals that have moved. If there is no money to hire a full time employee, there may be no means for the agency to become compliant. Why not allow everyone to have access to the information on the sex offenders? The agency must attempt to make sure that the information released is accurate. Possibly include a warning that the information provided is the last best information that was known. Is the quarterly reporting the best way of keeping track? Would it be better to have two days during which they have to register? The sex offenders should contact the agency of the area they are leaving to let them know they are moving out of the agency area as well as notifying the agency into whose area they are moving.

11. Comments from others

No comments.

At the September 28th meeting, Sheriff Epp will report on the Columbine Petition Task Force. There will be a report on the Manual Revisions as well as the Academy Inspection Report. There will be a regular rulemaking on Rule 9 and an Informal Opinion on the interpretation of the cultural diversity law, how best to handle case law updates, and statewide training on the sex offender registry law.

Next Board Meeting

Friday, September 28, 2001, 10:00 a.m.
Hosted by Summit County Sheriff's Office

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
September 28, 2001

The Peace Officer Standards and Training Board held its 328th Board meeting at the “Old” Summit County Court House at 208 East Lincoln Ave. in Breckenridge, Colorado, with the following persons present:

BOARD MEMBERS

CHIEF AL BELL
SHERIFF RIECKE CLAUSSEN
COUNCIL WOMAN BARBARA J. CLELAND
CHIEF RUSSEL COOK
SHERIFF DAN CORSENTINO
SHERIFF GEORGE EPP
CHIEF DENNIS HARRISON
CHIEF LORNE KRAMER
EXECUTIVE DIRECTOR SUZANNE MENCER
S.A.C. MARK MERSHON
SHERIFF JOSEPH MORALES
ATTORNEY GENERAL KEN SALAZAR
SHERIFF PHIL STUBBLEFIELD
CHIEF GERALD WHITMAN

BOARD MEMBERS ABSENT

CHIEF JOSEPH CORTEZ (excused)
REV. GILL FORD (excused)
SHERIFF STEPHEN ZOTOS (excused)

BOARD COUNSEL

JOHN A. LIZZA

STAFF MEMBERS

DON QUICK, DEPUTY ATTORNEY GENERAL
JOHN KAMMERZELL, P.O.S.T. DIRECTOR
CRISTINE MACK, P.O.S.T. INVESTIGATOR
RUTH VANDERBROEK, COMPLIANCE OFFICER

MEMBERS OF THE PUBLIC IN ATTENDANCE

MARK BELUSCAK, SILVERTHORNE POLICE DEPARTMENT
GARY BERLIN, COLORADO DIVISION OF WILDLIFE
DON BLACK, AURORA POLICE DEPARTMENT
RANDAL W. BOEPPLE, SCLETA, TRINIDAD STATE JR. COLLEGE
TOM CARLINE, SCLETA, TRINIDAD STATE JR. COLLEGE
CORY CHRISTENSEN, FORT COLLINS POLICE DEPARTMENT
JAMES K DONAHUE, SILVERTHORNE POLICE DEPARTMENT
MICHAEL ESTERS, LARIMER COUNTY SHERIFF'S OFFICE
RICK HOLMAN, BRECKENRIDGE POLICE DEPARTMENT
JOHN MAKI, COLORADO SHERIFF'S TRAINING INSTITUTE
ROBERT MASON, BRUSH POLICE DEPARTMENT
GREG MCCAIN, PUEBLO COUNTY SHERIFF'S OFFICE
JOHN C. MINER, SILVERTHORNE POLICE DEPARTMENT
CHAS. E. MYERS II, AIMS COMMUNITY COLLEGE
JOHN PATTERSON, SILVERTHORNE POLICE DEPARTMENT
PAUL SCHROEDER, UNIVERSITY OF COLORADO POLICE DEPARTMENT
NEAL TYLER, CANON CITY POLICE DEPARTMENT
RICHARD WEBB, JEFFERSON COUNTY SHERIFF'S OFFICE
DEB WILKE, ARAPAHOE COMMUNITY COLLEGE
REID WILLIAMS, SUMMIT DAILY NEWS

The following Subject Matter Expert Committees met prior to the P.O.S.T. Board meeting:

Arrest Control Committee
Curriculum Committee
Firearms Committee
Law Enforcement Driving Committee

1. Welcome – Attorney General, Ken Salazar

Sheriff Morales welcomed everyone to Summit County.

The Pledge of Allegiance was cited before the beginning of the meeting.

2. Roll Call – Director John Kammerzell

A quorum is present at the meeting.

3. Approval of P.O.S.T. Board Minutes for July 30, 2001.

Approved.

September 28, 2001

4. Attorney General's P.O.S.T. Budget Task Force.

A. Report from the work sessions – General Salazar, Director Kammerzell

The task force has now had two meetings. The task force was directed by the Board to find alternative funding proposals. At this time the P.O.S.T. unit has an overall budget of \$263,000. Of that, \$143,000 is derived from the skills and certification examination fees and \$120,000 is from the state general fund.

The Department of Law, P.O.S.T. unit, will ask for a decision item next year through the budget process that will add two full time employees to our unit. One individual will be responsible for curriculum development and working with the curriculum committee. The second individual will be responsible for those unmet responsibilities, such as Instructor and Supervisory certifications, that the P.O.S.T. Board has not done in the past due to budgetary and staff shortages.

The Anti Biased Training Program is only budgeted for seven and one-half years. If P.O.S.T. continues to provide that training past that time, we will need to find the funds for it to continue. Domestic Terrorism Training is an issue that is in the forefront of everyone's mind at this time. Legal and Law Enforcement Updates and Rural Law Enforcement Training needs as identified are also needs that need to be funded. The total training needs will be \$200,000. The total funding needed for P.O.S.T. is \$568,000.

There are possible funding sources for these funds. First, the P.O.S.T. fee could be increased. That could be difficult as an increase was just granted through Senate Bill 01-16. Second, the general funds could be increased. At this time the state has about a \$300,000 deficit which will make it difficult to get additional funds through that source. Third, add a surcharge on all criminal convictions. The strategy of this task force is to continue the P.O.S.T. fees and to come before the Board and make a decision on whether or not to implement a surcharge on criminal convictions to pay for the balance of the budget thereby eliminating the need for General Fund support.

A comprehensive study was done of the P.O.S.T. Boards in the United States. This study showed that Colorado is 47th out of 49 states that have a P.O.S.T. Board. The western states have a commonality in funding through a surcharge on the criminal convictions – traffic citations, convictions in county courts, and docket fees in district courts. Kansas raises the entire P.O.S.T. budget off docket fees (about \$2,000,000). Wyoming has cash funding as well as a \$1,000,000 budget from the general fund. The states around us have budgets of about \$1,500,000 to about \$35,000,000 in California. California has about 65,000 peace officers that are certified. Colorado has about 24,000 overall.

There are officers in this state that receive very little training, if any, beyond their basic training. The task force had a consensus that continuing education is needed

but that some agencies don't have the resources to offer that training. Relying on the general fund makes it very difficult for P.O.S.T. to provide the additional training.

The Colorado Municipal League staff is not in favor of adding surcharges to criminal convictions. The main reason for this could be that the courts are not run on a common computer system which would result in more work for the localities.

The task force also brought up school resource officers. They have a key role in the communities when it comes to information sharing. They are looking at the state standards and state training for these officers.

The County Sheriff's were asked within the last year to prepare an assessment of the risks in their counties and submit it to the Office of Emergency Management. The counties are being asked to reassess their risks in light of the recent tragedy. They are to be sure the needs they put on the worksheet are indeed the needs of today.

Director Kammerzell will send the Board copies of the letters Attorney General Salazar received from Attorney General Ashcroft and US Attorney John Suthers concerning the creation of a task force on domestic terrorism.

Director Kammerzell will touch base with each P.O.S.T. Board member to receive feedback on the suggestions of the task force.

5. SME Committee Reports.

a. Curriculum Committee – Sheriff George Epp, Boulder County Sheriff's Office, SAC Mark Mershon, Co-Chairs

The curriculum committee has some concerns about the recommendations presented by the arrest control committee. The Board would like to have the concerns sent to Director Kammerzell who will notify the Board of those concerns. This will allow the Board to have the opportunity to review those concerns before the November meeting.

Concerns were also raised about the resolution on the exam approved at the meeting in Colorado Springs. It does not appear that any work has been done to assure this resolution has been put into affect. The curriculum committee is willing to meet with P.O.S.T. staff to go over the exam to make sure there are adequate questions based on the materials that the Board has approved rather than on outdated materials. Another suggestion is that the final exam given by an academy becomes the P.O.S.T. exam. There are problems with this suggestion as the statute states that P.O.S.T. will administer the exam.

This situation is important to the P.O.S.T. Board and staff but we have not had the ability to completely address the issue due to a lack of staff.

b. Arrest Control – Sgt. Michael Esters, Larimer County Sheriff’s Office

The committee discussed developing training materials used for the test-outs and to streamline the process allowing the evaluators to test in multiple disciplines.

c. Firearms – Undersheriff Don Christensen, Douglas County Sheriff’s Office

Cory Christensen from the Fort Collins Police Department reported that some changes need to be made in the training program in the manual. Those changes were given to Director Kammerzell.

d. Law Enforcement Driving – Sgt. Padilla, Lakewood Police Department

Chief Harrison reported that the committee authorized a driving location and another driving instructor.

6. Academy Inspection Report – P.O.S.T. Investigator Cristine Mack.

A comprehensive inspection summary was given to each Board member. It includes the 24 academies that were inspected from July 1, 2000 through April 30, 2001. The Board is encouraged to look over the material during the next two months and ask any questions they may have at the Board meeting in November. One concern Investigator Mack voiced is that the P.O.S.T. Rules are not clear as to what level the academies are to be functioning.

7. 1st Draft of P.O.S.T. Manual Revision – Director Kammerzell

Over the next couple of weeks, revisions will be made to the manual and will be sent out to the Board members. Any recommendation that has come forward at this time will either be in bold or shown with a strike through. Rule 7.5 is a new rule which was drafted based on Senate Bill 01-16. It is not highlighted because it was difficult to read in bold. We will continue to post the rule change recommendations on the web site. At the November meeting there will be a public meeting which will include discussion on the rules as well as final adoption of the rules and rule changes. This is a first draft of these rules and changes can be made as we receive comments from the Board members and others.

Director Kammerzell will develop an executive summary of the changes made in the manual for the P.O.S.T. Board members.

8. Sex Offender Registry Issues: 1) State Sex Offender Registry; and, 2) from the July 30, 2001 P.O.S.T.

- 1) Colorado DPS Director Suzanne Mencer – Colorado Sex Offender Registry and Governor’s Task Force actions;

The Sex Offender Task Force was created by an executive order of the Governor. Members of the task force are Attorney General Salazar, Chief Ron Sloan of the Arvada Police Department representing the Chiefs Association, Sheriff Steve Zotos of the Douglas County Sheriff’s Office representing the Sheriff’s Association, Bob Cantwell of CBI, Senator Norma Anderson, Representative Jennifer Vega, Joe McFarland, the Chair of the Sex Offender Management Board, Pete Weir of the DA’s Council, Mike Rulo from the Department of Corrections, Marva Hammonds from Human Services, Bret Weygandt, the Chief Legal Counsel to the Governor, Jerry Marony, State Board Administrator from Judicial. The task force has been divided into three sub-groups. One group will work on the prosecutive aspects of sex offenders, a second on the investigative aspects and a third on the legislative aspects. The legislative group is the largest and has the most work to do right now.

Three main ideas were identified – central registry, verification process, and the resources to address these verification processes. The task force is also looking at trying to standardize fees for getting a central registry and jurisdictional matters on who will prosecute. They are trying to address the issue of unfunded mandates and trying to look at how to get resources for all the agencies to do what they need to do to verify the sex offenders.

- 2a) Deputy AG Don Quick – Coordination of Legislative Issues with CDAC and other law enforcement associations;

- 2b) Director Kammerzell – Sex Offender Registry Training Coordination.

9. POST Cultural Diversity, Anti-Bias and 4th Amendment Training Project (8-Hour Program):

Initial Program Locations: CSP Academy, La Junta, Mesa/Grand Junction, Northglenn, Brush:

Project Coordinator Deborah Wilke is developing training teams.

10. POST Board Approved Anti Bias Training Program (HB01-1114 Training):

POST Staff is working with ADL to offer Train the Trainer Programs in November. This particular program will take place in Colorado Springs and Greeley, two days in each location. This allows P.O.S.T. to train a number of individuals around the state to help implement the Anti-Bias program.

Open Forum

11. Issues of importance to Board members.

Informal AG Opinion of “Detained Persons” for peace office business card distribution –

Individuals that are simply passengers in the car are not considered to be detained persons. They can walk away and therefore do not need to be given a business card. If, however, they are asked out of the car, asked questions or patted down, they are being detained and therefore need to be given a business card. If you simply ask for the driver’s license and you identify each passenger in the car, is that being detained under the 4th amendment? The answer is dependent on the Supreme Court decision in the Jackson case.

12. Comments from others

No comments.

Future Board Meetings:

Next Board Meeting

Friday, November 30, 2001, 10:00 a.m.
1525 Sherman Street
Denver, CO

Following Meeting

Friday, January 25, 2002, 10:00 a.m.
1525 Sherman Street
Denver, CO

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
November 30, 2001

The Peace Officer Standards and Training Board held its 329th Board meeting at Department of Law, 1525 Sherman Street, Denver, Colorado, with the following persons present:

BOARD MEMBERS

SHERIFF RIECKE CLAUSSEN
COUNCIL WOMAN BARBARA J. CLELAND
CHIEF RUSSEL COOK
SHERIFF DAN CORSENTINO
SHERIFF GEORGE EPP
CHIEF JOHN HALL
CHIEF DENNIS HARRISON
CHIEF LORNE KRAMER
EXECUTIVE DIRECTOR SUZANNE MENCER
S.A.C. MARK MERSHON
SHERIFF JOSEPH MORALES
ATTORNEY GENERAL KEN SALAZAR
SHERIFF PHIL STUBBLEFIELD
CHIEF GERALD WHITMAN

BOARD MEMBERS ABSENT

CHIEF AL BELL (excused)
REV. GILL FORD (excused)
SHERIFF STEPHEN ZOTOS (excused)

BOARD COUNSEL

JOHN A. LIZZA

STAFF MEMBERS

DON QUICK, DEPUTY ATTORNEY GENERAL
JOHN KAMMERZELL, P.O.S.T. DIRECTOR
CRISTINE MACK, P.O.S.T. INVESTIGATOR
RUTH VANDERBROEK, COMPLIANCE OFFICER
LISA BONI, ADMINISTRATIVE ASSISTANT

MEMBERS OF THE PUBLIC IN ATTENDANCE

ALEXANDER, JIM, Red Rocks Community College
BACA, PHILLIP J., Jefferson County Sheriff's Office
BERLIN, GARY, Colorado Division Of Wildlife
BLACK, TIM, Broomfield Police Department
BLACKFORD, MINER, Otero Junior College
BOEPPLE, RANDAL W., SCLETA, Trinidad State Jr. College
BROUGHAM, DAVID, Hall & Evans Law Firm
CARLINE, TOM, SCLETA, Trinidad State Jr. College
CARTER, MIKE, Community College of Aurora
CHRISTENSEN, DON, Douglas County Sheriff's Office
FERRARO, JOE, Denver Police Department
FORTUNATO, GEORGE, Colorado Northwestern Community College
GOASEY, JOHN, Colorado Springs Police Department
GOODMAN, BRUCE, Louisville Police Department
HARRELL, LORI, El Paso County Sheriff's Office
HOLDERMAN, GALE, Pueblo County Sheriff's Office
JENSEN, ANNMARIE, Colorado Association of Chiefs of Police
MAMET, SAM, Colorado Municipal League
MYERS, CHAS., E. II, Aims Community College
OHMS, AL, Larimer County Sheriff's Office
RANKIN, EZEKIEL, Arapahoe County Sheriff's Office
SMITH, JUSTIN, Larimer County Sheriff's Office
SUTTON, MARY, Pueblo Community College
TYLER, NEAL, Canon City Police Department
WEBB, RICHARD, Jefferson County Sheriff's Office
WEBER, MARC D., Larimer County Sheriff's Office
WILLIAMS, JERRY, University of Colorado at Denver

The following Subject Matter Expert Committees met prior to the P.O.S.T. Board meeting:

Arrest Control Committee
Curriculum Committee
Firearms Committee
Law Enforcement Driving Committee

1. Welcome – Attorney General, Ken Salazar

A. Introduction of new Board member, Chief John N. Hall, Lamar Police Department

November 30, 2001

- B. Recognition of past Board Member, Chief Joseph Cortez, Brush and Aspen Police Departments.

P.O.S.T. Board Resolution – Concerning Recognition of the Accomplishments of Chief of Police Joseph Cortez.

Adopted unanimously.

- C. Introduction of new P.O.S.T. Board staff member Lisa Boni.

- 2. Roll Call – P.O.S.T. Director John Kammerzell

A **quorum is present** at the meeting.

- 3. Approval of P.O.S.T. Board Minutes for September 28, 2001.

Approved.

- 4. Recognition of Mr. David R. Brougham, Hall and Evans, for his assistance with the P.O.S.T. Cultural Diversity, Bias, and 4th Amendment Project. Presentation of plaque: “With sincere appreciation for Mr. David R. Brougham for your professional commitment to and personal support of Colorado law enforcement and tireless efforts to obtain training funds which will benefit both the law enforcement community and the citizens of Colorado.”

- A. P.O.S.T. Cultural Diversity, Bias and 4th Amendment Project Up-date – P.O.S.T. Director John Kammerzell

Coordinator Debbie Wilke has been developing a team which has reviewed the curriculum. They were able to offer the program for the first time to the recruit class at the Colorado State Patrol Academy mainly to see how it would be received. Deputy Attorney General Don Quick provided some of the instruction that day.

The next step of the team will be to identify and select particular locations to provide training around the state. There will be additional training for the newer instructors and newer prosecutors and others that have shown a desire to participate with this program.

- B. Possible partnership with the Colorado Regional Community Policing Institute.

Through a possible partnership with the Colorado Regional Community Policing Institute, there is the possibility of extending the program at selected locations from 1 day to 2 or 3 days to allow training for additional groups of Peace Officers. This would allow rural areas to send more officers to training

5. SME Committee Reports

A. Curriculum Committee – Sheriff George Epp, Boulder County Sheriff’s Office, Co-Chair

The Curriculum Sub-Committee has held three (3) meetings since the last P.O.S.T. Board meeting to work on the certification exam. They now have 102 or so additional questions which they hope to have included by January 2002. Looking at the questions that have been submitted is an ongoing process.

In format, the questions are all multiple choice with one correct answer. The committee has eliminated questions based on source materials that are out of date, or are based on the opinion of an individual or group that is not universally accepted. Rather, the new questions are based on statute, case law, and what peace officers are expected to do or prohibited from doing. The questions will relate to areas that peace officers are expected to know on the street, not what they would have to go back to the office and look up.

The curriculum committee is reviewing all proposed rule changes. There was a discussion between all the SME committees this morning to resolve issues concerning rule changes that will be coming before the Board.

B. Arrest Control – Rich Webb, Jefferson County Sheriff’s Office

We have been working on recommendations for the Board in changing the arrest control program. Some of it involves additional hours. We will have another meeting on January 18 to finalize the recommendations before presenting them to the Board. Also we are providing assistance to Cristine and her academy inspections and for the test-outs to make the different skills areas more standard and clear for the officers.

C. Firearms --Under Sheriff Don Christenson, Douglas County Sheriff’s Office

During the past year, the committee has been rewriting the firearms rules and regulations. They have been submitted to and have been reviewed by the academy directors. Favorable feedback has been received.

D. Law Enforcement Driving – Chief Harrison, City of Fort Collins

The committee conducted normal business of some new instructors and the Pueblo County plan for how to train. Sergeant Padilla will present the driving change recommendations at the full SME meeting on January 18.

6. Academy inspection Follow-up Opportunity, P.O.S.T. Investigator Cristine Mack

Many differences exist between the academies. The most obvious was the number of hours each academy requires for its curriculum. Some academies only teach the minimum of 293 hours but some teach up to 507 hours. There are also differences in the skills training program. In driving, some academies taught the minimum 32 hours but some taught as many as 52 hours. For arrest control some academies taught the minimum of 58 hours while others taught 136 hours. For firearms some academies taught 52 hours while others taught 142 hrs.

Another issue that surfaced repeatedly was that the P.O.S.T. manual does not sufficiently address matters pertaining to the academies. Some matters are not addressed at all and others are not clearly stated. For example, there is no P.O.S.T. requirement for student files, for instructor files, or that lesson plans exist and are current. The documentation for instructor approval or academy approval is not clearly stated. The manual needs updating and we are working on it.

It is disheartening that some academies operate under the premise that unless and until P.O.S.T. requires it, they won't do it. However, it is encouraging to see the extent to which some academies can establish their own standards and meet or even exceed all P.O.S.T. requirements and that represent the ultimate excellence in law enforcement training.

Thinking about this excellence puts the summary of this in perspective. IADLEST ranked Colorado 37th out of 50 states for the number of hours it requires in its basic academy. Our 435 hour curriculum, academics and skills combined, is 89 hours less than the national average. Because of this the recommendations in tab 7 are wholly supported.

The most important of the recommendations are these:

- We must continue to work on updating the P.O.S.T. manual and then keep it updated.
- We must continue to re-evaluate the P.O.S.T. curriculum and P.O.S.T. exam
- We must redefine acceptable minimum standards for law enforcement training in Colorado.

Twenty-four (24) academies have been inspected. There is now a twenty-fifth (25th) academy. Academies 26, 27 and 28 are applying for approval. We also have nine reserve academies with a tenth applying for approval. The inspection process will continue.

At this time there is not a national accrediting body for law enforcement academies. IADLEST does make recommendations – some of which are contained in the summary.

Attorney General Salazar stated that at some point we need to look at whether or not the minimum requirements are the ones we ought to have. We also need to make sure that we are not requiring more hours of the academies if there isn't real training taking place.

7. P.O.S.T. Budget Task Force Report and Recommendations – P.O.S.T. Director John Kammerzell.

The Budget Task Force has some recommendations to bring to the Board. P.O.S.T. submitted a decision item request for two FTE. One FTE would work with the curriculum committee, with the academy directors and the P.O.S.T. staff to help to keep the test and the manual current. The other individual would work on the certification of the instructors in the academies. We also anticipate approaching the Board for consideration of a stratified certification process which would allow the individual peace officers in the state who complete supervisory training or who attain accomplishments in their lives to be recognized for that training and those accomplishments. We anticipate that we should know by March if the decision item will be approved.

A recommendation from the Task Force is to have a continuing law enforcement educational requirement for peace officers. Some agencies have minimal training budgets. It is also a problem for some of the larger agencies. If this training is required, then the funding for this training should be made available as well. Existing training programs should also be recognized. The committee discussed a surcharge on state convictions. If a \$5.00 surcharge is collected on 50% of the state convictions, the amount collected would be about \$435,780.00.

Another possibility would be a very small state sales tax.

It is recommended that we move forward with some sort of legislation that would allow P.O.S.T. to create some sort of revenue stream.

Chief Hall also suggested the possibility of attaching a fee to the cost of the licensing of vehicles. In 1996 there were 3,841,000 vehicles registered in the state of Colorado. At 25¢ per vehicle and with a 15% administration cost the fee would bring in about \$816,212.00.

The surcharge will go for the training of law enforcement agencies that do not have resources for annual law enforcement training and to bring professionalism to the entire organization. Some of the annual need recommendations are:

Case law statutory updates	\$45,000.00
Rural law enforcement training	\$35,000.00
Rural law enforcement back fill	\$200,000.00
Domestic terrorism training	\$55,000.00
SRO certification	\$40,000.00
Domestic Violence	\$55,000.00

These numbers are not in stone but are guidelines for how the funds will be used. It was recommended that the need for an extra FTE be a part of this bill as well.

Some things to consider:

What are the basic functions that the P.O.S.T. Board needs to take on which we are not able to take on now due to the lack of funds?

What is it that this Board would like to do that it is not currently doing but would be able to if we had the resources? Executive certification program? Scholarship program?

With Tabor, if we do an increase of the registration fees, does it need to be brought to the voters or can the legislature do it on its own?

8. P.O.S.T. Manual Revision Update – Director John Kammerzell

The rule changes will be presented to the Board at the January meeting for their consideration.

The meetings for the year 2002 will be discussed at the January 18, 2002 meeting.

Future Board Meetings:

Next Board Meeting

Friday, January 18, 2002, 10:00 a.m.
1525 Sherman Street
Denver, CO

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
January 18, 2002

The Peace Officer Standards and Training Board held its 330th Board meeting at the Department of Law, 1525 Sherman Street, Denver, Colorado, with the following persons present:

BOARD MEMBERS

CHIEF AL BELL
SHERIFF RIECKE CLAUSSEN
COUNCIL WOMAN BARBARA J. CLELAND
CHIEF RUSSEL COOK
SHERIFF DAN CORSENTINO
SHERIFF GEORGE EPP
REV. GILL FORD
CHIEF JOHN HALL
CHIEF DENNIS HARRISON
EXECUTIVE DIRECTOR SUZANNE MENCER
S.A.C. MARK MERSHON
SHERIFF JOSEPH MORALES
ATTORNEY GENERAL KEN SALAZAR
SHERIFF PHIL STUBBLEFIELD
CHIEF GERALD WHITMAN
SHERIFF STEPHEN ZOTOS

BOARD MEMBERS ABSENT

CHIEF LORNE KRAMER (excused)

BOARD COUNSEL

JOHN A. LIZZA

STAFF MEMBERS

DON QUICK, DEPUTY ATTORNEY GENERAL
JOHN KAMMERZELL, P.O.S.T. DIRECTOR
CRISTINE MACK, P.O.S.T. INVESTIGATOR
RUTH VANDERBROEK, COMPLIANCE OFFICER
LISA BONI, ADMINISTRATIVE ASSISTANT

MEMBERS OF THE PUBLIC IN ATTENDANCE

BLACK, TIM, Broomfield Police Department
BOEPPLE, RANDAL W., SCLETA, Trinidad State Jr. College
CARLINE, TOM, SCLETA, Trinidad State Jr. College
CHRISTENSEN, DON, Douglas County Sheriff's Office
FERRARO, JOE, Denver Police Department
GODSEY, JOHN, Colorado Springs Police Department
HARRELL, LORI, El Paso County Sheriff's Office
RANKIN, EZEKIEL, Arapahoe County Sheriff's Office
HOOPEES, JACK, DRCOG
HOLLINGSWORTH, DARYL, Northglenn Police Department
MAURO, RICH, DRCOG
SOBIERALSKI, JOHN, Pitkin County Sheriff's Office
SCHROEDER, PAUL, University of Colorado Police Department
KING, DALE R., Colorado State Patrol Academy
THOMAS-HAZELL, JOSEPH, Citizen
RANKIN, EZEKIEL, Arapahoe County Sheriff's Office
WILKE, DEB, Arapahoe Community College
SETTLES, DR. TANYA, Metropolitan State College of Denver
KIRKLAND, GREG, La Junta Police Department
WREN, RICHARD, La Junta Police Department

The following Subject Matter Expert Committees met prior to the P.O.S.T. Board meeting:

Arrest Control Committee
Curriculum Committee
Firearms Committee
Law Enforcement Driving Committee

Introduction:

1. Welcome – Attorney General, Ken Salazar
2. Roll Call – P.O.S.T. Director John Kammerzell

A quorum is present at the meeting.

3. Approval of P.O.S.T. Board Minutes for November 30, 2001.

Approved.

January 18, 2002

Presentation:

4. Denver Regional Council of Governments (DRCOG) – Mr. Jack Hoops and Mr. Rich Mauro

Mr. Jack Hoops reported that a task force was begun in December of 2000 due to the decline in the number of qualified individuals seeking careers in law enforcement over the past 10 years. DRCOG began the task force with the intent of it being an idea generator but with the introduction of the report, “Regional Decline of Peace Officer Candidates: Reversing the Trend,” the hope is that the law enforcement community leadership in the metro area and perhaps statewide will form an action group and implement some or all of their recommendations.

1. Shared training resources – The idea of sharing training resources among jurisdictions.
2. Statewide eligibility standards – setting minimum standards statewide.
3. Information sharing among all jurisdictions.
4. Use of professional recruiters for all jurisdictions.
5. Education outreach to acquaint students in high school or earlier with the profession and attract candidates.
6. Insuring a competitive compensation package to improve market competitiveness.
7. Nationwide recruitment which will allow jurisdictions to look at a larger pool of potential candidates.

Discussion by the Board pointed out the effects of economic factors on recruitment, the need to improve the public’s perception to one of being a peace officer as a positive career, and the fact that these are not just Denver metro concerns but statewide issues. The **recommendation** of the Board was that Director Kammerzell continue to participate and remain active with the task force, bringing information back to the Board and other regions of Colorado. Also noted was the desire of the Board to work with the system we have to fix the problems.

5. Possible 2002 P.O.S.T. Legislation – P.O.S.T. Director John Kammerzell

At the Nov 30, 2001 P.O.S.T. Board Meeting, Chief John Hall brought forward a recommendation to consider adding a 25¢ fee to motor vehicle registrations. Senator Reeves reviewed the option and felt comfortable with the recommendation. She has reviewed and drafted the bill.

The latest draft of this bill creates a special purpose fund to be collected by the clerks of the counties and then forwarded to the state treasurer. The funds will be used to fund the grant authority, which the P.O.S.T. Board has, but for which they have never had the funds.

There are 4.3 million vehicles registered in Colorado which at 25¢ per vehicle, would relate to just over one million dollars. This would allow the P.O.S.T. Board to fund training programs throughout the state, based upon this Board's recommendations and the recognition of training needs by the associations and agencies around the state. It would allow the smaller and rural agencies to obtain funding from P.O.S.T. to send officers to training at the larger agencies and foster the larger agencies programs by allowing them to submit training requests and open up additional spots to the smaller agencies. This could enable them to put on types of training that wouldn't otherwise be possible. The intent is that training will be available to all the agencies and academies with the focus on jurisdictions that don't have the resources. It is not meant to provide an amount per officer statewide for training.

This will be a two step process. First, the Board will fund the training grants for the first year. Second, the Board will set the standards and generate the training programs. The P.O.S.T. Board will receive the grants, make certain they are in order, then look at the grants and distribute them.

The bill is not under Tabor as a tax but as a fee if the moneys collected are directly related to the source of the income. If 100% of the funds collected went to highway and traffic enforcement training, then the funds would be Tabor exempt because they are directly related. The Board will need to determine how much will be directly related.

Through the efforts of Chief Harrison and Sheriff Claussen, we have strong sponsors and bi-partisan support for the bill from Democratic State Senator Reeves of the Fort Collins area and Republican State Representative Barry from the Grand Junction area, both members of the Joint Budget Committee. The bill also has the strong support of the State Sheriff's and Chief's Associations.

A formal position was **moved and seconded**.

Passed with one opposed – Sue Mencer and one abstaining – Mark Mershon.

6. Rule Making – P.O.S.T. Board Counsel John Lizza

A. Board Review and Action on Rules 1 – 11

Rule 1 – Definitions

The curriculum committee recommended elimination of subsection "j", course of study, as the individuals that have an associates degree in Criminal Justice have not received the practical education that they would receive in the academies, whether it be

officer safety issues, building searches, or criminal investigations, and therefore are not prepared to enter the workforce.

The definition of “Patrol Vehicle used and recognized by Colorado Law Enforcement Agencies” was clarified to mean a vehicle used by an agency but not included in the Michigan study could be recognized.

Rule 2 – Meetings

Rule 3 – Director’s Authority

Rule 4 – Subject Matter Experts

Rule 5 – Hearings

Rule 6 – Declaratory Orders

Rule 7 – Variances

Rule 8 – Appeal Process for Certification Denial (Misdemeanor)

Rule 9 – Revocation Sanctioning Hearing as a result of Misdemeanor Conviction

Rules 8 and 9 are a result of Senate Bill 16 passed during the last legislative session which allows the P.O.S.T. Board to suspend, revoke or deny certification if the individual has been convicted of various misdemeanors.

Rule 8 is the appeal process followed by an individual that has been convicted of a listed misdemeanor but has not yet been certified while Rule 9 is the appeal process followed by an officer who is convicted of a listed misdemeanor. These rules were separated because the statute now state that the Board can *suspend* or revoke which makes it necessary to develop a process for decision making.

The appeal process would begin with a decision being made by the P.O.S.T. Director which should decrease the amount of time the Board will need to spend on the appeals.

It was asked if “sufficient cause shown” in Rule 8(a) is the same as litigation. Mr. Lizza responded that 1) the Board has the authority to grant the applicant an exemption from the denial of certification and 2) the individual may ask the Board to reinstate a revoked certification.

It was also asked that if someone other than the individual, i.e. an agency or CEO, disagrees with the decision, would there be an appeal process. Director Kammerzell noted that the Board would ask for all mitigating information that could be provided.

Rule 10 – Basic Certification

Rule 11 – Provisional Certification

There were no comments from the public.

Sheriff Zotos made the **motion to amend and adopt** the rules including the deletion of the last sentence of Rule 8(a).

Approved – Unanimous

7. SME Committee Reports

A. Curriculum Committee – Sheriff Epp/SAC Mershon, Co-Chairs

The Curriculum Committee is continuing the process of developing and approving new test questions.

A meeting of all the SME committees has been scheduled for March 6, 2002 to talk about additional rule changes.

The task for the curriculum committee for the next year is to review the curriculum and task analysis of peace officers in the state. They are seeking documents of programs in other states. A year from now, they plan to have a proposal for review of the curriculum source materials and the total task analysis for peace officers.

B. Arrest Control – Sgt. Michael Esters, Chairman

P.O.S.T. Director John Kammerzell reported that there is nothing to bring forward at this time.

C. Firearms – Undersheriff Don Christensen, Chairman

Minor revisions to the firearms curriculum are finished.

D. Law Enforcement Driving – Sgt. Al Padilla, Chairman

Chief Dennis Harrison reported that they covered 2 items, approving one new program and one new instructor.

8. Racial Profiling Up-date – P.O.S.T. Director John Kammerzell

A. P.O.S.T./C.R.C.P.I. Training Project

It has been agreed to put on numerous training programs during the next year. The delivery process will begin in the next few months. The

training can be offered on consecutive days to allow agencies the opportunity for more of their officers to attend.

B. ADL “Train the Trainers” – for agencies wishing to conduct in-service presentations.

1. February 20 – 21 in Denver (Full)
2. March 25 – 26 in Colorado Springs

This training is being offered at no cost. About 20 in-service training programs have been scheduled throughout the state. P.O.S.T. is thankful to the sheriff’s and chiefs who have been involved in this process.

9. P.O.S.T. Board Meeting 2002 Dates

April 5 – Denver; May 17th – Denver; August 2 – Denver; September 27 – Pueblo; November 22 – Fort Collins

Open Forum:

10. Issues of importance to Board Members

Director John Kammerzell extended his thanks to Board members Sheriff Zotos Sheriff Claussen, Chief Harrison and Chief Bell for their work on the Task Force and the legislation.

Attorney General Salazar extended his thanks to Sheriff Zotos for P.O.S.T.’s new sound/recording system.

11. Comments from others

Citizen Joe Thomas-Hazell suggested leaving the forces problem political movement within the departments and that people that are on the force need protection from other members. He would make a proposal to legislature to self correct themselves. He proposes that the legislature set a body of citizens to independently evaluate complaints.

Future Board Meetings:

Next Board Meeting

Friday, April 5, 2002, 10:00 a.m.
1525 Sherman Street
Denver, CO

January 18, 2002

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
April 5, 2002

The Peace Officer Standards and Training Board held its 331st Board meeting at the Department of Law, 1525 Sherman Street, Denver, Colorado, with the following persons present:

BOARD MEMBERS

CHIEF AL BELL
SHERIFF RIECKE CLAUSSEN
COUNCIL WOMAN BARBARA J. CLELAND
SHERIFF GEORGE EPP
REV. GILL FORD
CHIEF JOHN HALL
CHIEF DENNIS HARRISON
EXECUTIVE DIRECTOR SUZANNE MENCER
ATTORNEY GENERAL KEN SALAZAR
SHERIFF PHIL STUBBLEFIELD
CHIEF GERALD WHITMAN
SHERIFF STEPHEN ZOTOS

BOARD MEMBERS ABSENT

CHIEF RUSSEL COOK (excused)
SHERIFF DAN CORSENTINO (excused)
CHIEF LORNE KRAMER (excused)
Chief Kramer will be tendering his resignation to the Board as he has been appointed City Manager for Colorado Springs. There will be a vacancy for a chief of Police from a larger agency. Chief Kramer will be at the May 17th meeting.
S.A.C. MARK MERSHON (excused)
SHERIFF JOSEPH MORALES (excused)

BOARD COUNSEL

JOHN A. LIZZA, Assistant Attorney General

STAFF MEMBERS

DON QUICK, Deputy Attorney General
JOHN KAMMERZELL, P.O.S.T. Director
CRISTINE MACK, P.O.S.T. Investigator
RUTH VANDERBROEK, Compliance Officer
LISA BONI, Administrative Assistant

MEMBERS OF THE PUBLIC IN ATTENDANCE

ALEXANDER, JIM, Red Rocks Community College
BLACK, TIM, Broomfield Police Department
BOEPPLE, RANDAL W., SCLETA, Trinidad State Jr. College
CARLINE, TOM, SCLETA, Trinidad State Jr. College
CARTER, MIKE, Community College of Aurora
CHRISTENSEN, CORY, Fort Collins Police Department
CHRISTENSEN, DON, Douglas County Sheriff's Office
DUGDALE, PAUL, Arapahoe County Sheriff's Office
FERRARO, JOE, Denver Police Department
GODSEY, JOHN, Colorado Springs Police Department
JONES, DOYLE, Weld County Sheriff's Office
LAVACH, JERRY, Broomfield Police Department
LEBRECQUE, CATHY, El Paso County Sheriff's Office
LEMLEY, MONTY R., Weld County Sheriff's Office
OWNBEY, BOB, Colorado Springs Police Department
ROBLES, LISA, El Paso County Sheriff's Office
SCHROEDER, PAUL, University of Colorado Police Department
THOMAS-HAZELL, JOSEPH, Citizen
WEBER, MARC D., Larimer County Sheriff's Office

The following Subject Matter Expert Committees met prior to the P.O.S.T. Board meeting:

Arrest Control Committee
Curriculum Committee
Firearms Committee
Law Enforcement Driving Committee

Introduction:

1. Welcome – Attorney General, Ken Salazar
2. Roll Call – P.O.S.T. Director John Kammerzell

A quorum is present at the meeting.

3. Approval of P.O.S.T. Board Minutes for January 18, 2002.

Approved.

April 5, 2002

Presentation:

4. P.O.S.T. Budget Up-date – P.O.S.T. Director John Kammerzell

We are staying just about even with the budget. We are well within our budget for this year.

A. Department of Law Decision Item – Disapproved by the JBC.

With the state struggling with a significant budget shortfall, the request to the Joint Budget Committee for 2 FTE was turned down.

The Decision Item would have provided an FTE, GP5 to work hand in hand with the academy directors and the curriculum committee to keep the curriculum current, to review those source materials that are important to the process and to work with the curriculum committee to establish test questions. It would also have provided a Program Assistant I that would have worked with law enforcement across the state to re-implement a stratified certification process which would allow us to recognize individuals with advanced law enforcement training.

It was pointed out that these two individuals would have supported P.O.S.T.'s current authority.

B. SB02-172, Concerning Training Programs for Colorado Peace Officers.

- The bill enacts a 25-cent per motor vehicle registration fee on the state's 4.3 million vehicles. This would allow the P.O.S.T. Board to grant-fund continuing training for peace officers around the state.
- Bill status

The bill came out for second reading on Wednesday, April 3 and passed 18 – 15.

On Thursday, April 4, the bill passed out of the senate with a vote of 24 – 11. We picked up 6 votes overnight, Senator Arnold, Senator Hillman, Senator Taylor and some who had been absent the previous day. We anticipate that the bill will be assigned to a House committee the week of April 15, 2002. The assignment and committee that selects it will be pivotal. The bill has support from both sides of the aisle in the House. The key will be to get it through committee, through appropriations and then to the floor.

If the bill falls within Tabor, then it will help. There is a strong possibility it will fall outside of Tabor. Council members from smaller jurisdictions are strongly supportive.

We have asked for letters of support from County Sheriff's of Colorado and the Colorado County's Incorporated Chief's Association which will be delivered to the speaker of the House to ask for committee assignment. Any influence this Board has to the governor's office or speakers office will be very helpful.

5. Manual Review and Rule Making.

A. Manual Review

- Manual Cover, Mission, Board and Staff Vision, and Motto.

It was requested that comments and suggestions for the manual cover be given to Director John Kammerzell prior to the May 17th Meeting.

B. Board Action on Rules.

Approved Rules 1 – 11, Minor revisions (Bold Type)

Rule 12 – Reserve Certification

Rule 13 – Renewal of Basic Certification

Rule 14 – Background Investigations

Rule 15 – Certification Examination – Basic, Provisional, Renewal

Rule 16 – Skills Examinations for Provisional and Renewal Applicants

Rule 17 – Certification Records

Rule 18 – Certification Suspension and Revocation – Basic, Provisional and Renewal

Rule 19 – Vehicle Identification Number Inspectors

Rule 20 – Vehicle Identification Number Inspector Programs

Rule 17 – Amended to read:

- (a) Every basic or reserve certificate holder shall submit a completed Form 5 – Change of Name, Address or Telephone, to the Board within thirty (30) days of any change of his or her name, home address, mailing address, or home telephone number.
- (b) ***Any P.O.S.T. certified peace officer convicted in any jurisdiction of a felony or any misdemeanor contained in § 24-31-305 C.R.S. (2001) shall notify the P.O.S.T. Board in writing of such conviction within 5 business days.***
- (c) When any person is appointed or separated as a peace officer, level I, level Ia, level II, or level IIIa as defined in § 18-1-901, C.R.S. (2001) by any law enforcement agency, such agency shall submit a completed Form 6 – Notice of Peace Officer

Appointment/Separation to the Board within thirty (30) days of such appointment or separation.

- (de) During the month of January of each year, every law enforcement agency shall provide the Board with a list of those peace officers, level I, level Ia, level II, or level IIIa as defined in § 18-1-901 C.R.S. (2001) currently appointed by such agency.

Rule 10 (a) (III) begin the sentence with the word ***Truthfully***.

Moved by Sheriff Claussen, seconded by Sheriff Zotos and Reverend Ford to approve the rules with the above noted changes.

Approved unanimously.

6. SME Committee Reports

A. Curriculum Committee – Sheriff Epp/SAC Mershon, Co-Chairs

The Curriculum Committee is continuing the process of reviewing submitted test questions. They now have approximately 450 new questions approved. The curriculum committee also met with the SME committees and there is general agreement on the proposed changes to the curriculum.

B. Arrest Control – Sgt. Michael Esters, Chairman

Tom Carline reported that the time for ground fighting should change in the curriculum Arrest Control guidelines to 6 hours. The committee is currently working on a rough draft for the ground-fighting curriculum. A recommendation for review will be presented at the next SME committee meeting.

C. Firearms – Undersheriff Don Christensen, Chairman

The firearms committee has submitted all of their recommendations to the directors. Over 6 agencies have tested the recommendations and all the feedback has been positive.

D. Law Enforcement Driving – Sgt. Al Padilla, Chairman

Chief Dennis Harrison reported that there are new Driving Instructor programs in Weld County and Montrose Police Department.

7. Racial Profiling Up-date – P.O.S.T. Director John Kammerzell

A. P.O.S.T. Anti-Bias Policing for Law Enforcement Officers Training Project.

1. Regional Training Schedule for 2002.
- B. "Train the Trainers" – for agencies wishing to conduct in-service presentations.
 1. Grand Junction, Summer/Fall 2002.

Open Forum:

8. Issues of importance to Board Members

Executive Director Suzanne Mencer – Office of Homeland Security Office – This office is drafting a bill that would make drivers licenses for foreign nationals expire on the same date as their visa.

9. Comments from others

Future Board Meetings:

Next Board Meeting

Friday, May 17, 2002, **9:30** a.m.
1525 Sherman Street
Denver, CO

Future Board Meetings

Friday, August 2, 2002, 10:00 a.m.
1525 Sherman Street
Denver, CO

Friday, September 27, 2002, 10:00 a.m.
Pueblo, CO

Friday November 22, 2002, 10:00 a.m.
Fort Collins, CO

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
May 17, 2002

The Peace Officer Standards and Training Board held its 332nd Board meeting at the Department of Law, 1525 Sherman Street, Denver, Colorado, with the following persons present:

BOARD MEMBERS

CHIEF AL BELL
SHERIFF RIECKE CLAUSSEN
CHIEF RUSSEL COOK
SHERIFF DAN CORSENTINO
SHERIFF GEORGE EPP
CHIEF JOHN HALL
CHIEF LORNE KRAMER
EXECUTIVE DIRECTOR SUZANNE MENCER
ATTORNEY GENERAL KEN SALAZAR
SHERIFF PHIL STUBBLEFIELD
CHIEF GERALD WHITMAN
SHERIFF STEPHEN ZOTOS

BOARD MEMBERS ABSENT

COUNCIL WOMAN BARBARA J. CLELAND (excused)
REV. GILL FORD (excused)
CHIEF DENNIS HARRISON (excused)
S.A.C. MARK MERSHON (excused)
SHERIFF JOSEPH MORALES (excused)

BOARD COUNSEL

JOHN A. LIZZA, Assistant Attorney General

STAFF MEMBERS

DON QUICK, Deputy Attorney General
JOHN KAMMERZELL, P.O.S.T. Director
CRISTINE MACK, P.O.S.T. Investigator
LISA BONI, Administrative Assistant

MEMBERS OF THE PUBLIC IN ATTENDANCE

BERLIN, GARY, Colorado Division of Wildlife
BLACK, C.W., Littleton Police Department
BOEPPLE, RANDAL W., SCLETA, Trinidad State Jr. College
CARLINE, TOM, SCLETA, Trinidad State Jr. College
CHRISTENSEN, CORY, Fort Collins Police Department
CHRISTENSEN, DON, Douglas County Sheriff's Office
GARNER, JERRY, Lakewood Police Department
QUINTANA, KRISTI, Colorado State Parks
SANCHEZ, TOM, Denver Police Department
SETTLES, TANYA, Ph.D., University of Colorado
STEVENS, ED, Aurora Police Department
STORM, RICK, Colorado State Parks
WEBB, RICHARD, Jefferson County Sheriff's Office
YOUNGS, AL, Lakewood Police Department

The following Subject Matter Expert Committees met prior to the P.O.S.T. Board meeting:

Arrest Control Committee
Curriculum Committee
Firearms Committee
Law Enforcement Driving Committee

Introduction:

1. Welcome – Attorney General, Ken Salazar.
2. Roll Call – P.O.S.T. Director John Kammerzell.

A quorum is present at the meeting.

3. Approval of P.O.S.T. Board Minutes for April 5, 2002.

Approved.

4. P.O.S.T. Board Member Lorne Kramer - Announcement and recognition of his contributions to the P.O.S.T. Board.

Chief Kramer is moving on to a position as City Manager for Colorado Springs. A presentation was made to show appreciation for his leadership and work on the Board.

Presentation:

5. Board Rule Making Hearing and P.O.S.T. Manual/Forms Revision will be held over to the August 2, 2002 Board Meeting.

Because the loss of the budget item and SB02-172 impacts the remaining revisions to the P.O.S.T. manual and forms, Director Kammerzell requested that the P.O.S.T. Board hold efforts over until the August 2 Board meeting so that we can seek some direction from the Board on how to proceed.

6. P.O.S.T. Budget and Legislative Strategies Discussion.

- A. P.O.S.T. SB02-172 Discussion. Bill would have enacted a 25-cent per motor vehicle registration fee on the state's 4.3 million vehicles.
 1. Passed Senate Government, Veterans and Military Relations Committee by a 6 to 1 vote.
 2. Passed in the Senate with a 24 to 11 vote.
 3. Assigned to the House State Veterans and Military Affairs Committee where it was killed and PI'd on a 5 to 4 vote.
 4. Would have added \$795K and 2 FTE to P.O.S.T. for a statewide continuing law enforcement educational program.
- B. DOL Decision Item not approved by JBC.
 1. Would have added 2 FTE to P.O.S.T.
- C. Board issues, concerns, recommendations.
- D. P.O.S.T. staffing concerns.
- E. Future planning and initiatives.

There was an admirable effort among all of law enforcement to get the additional FTE to enable P.O.S.T. to carry out their basic requirements as well as to get money to funnel to the smaller agencies to do the kind of training that is required both for the protection of the officers as well as for the public. The efforts were not successful although there was a very good bi-partisan effort in both the Senate and the House trying to get that legislation through.

Loss of the budget item and loss of the Bill means that P.O.S.T. staffing will not increase for at least 18 months, probably closer to 2 years.

Because we were able to add \$25.00 to the test fee last year, we are okay for the upcoming fiscal year. The P.O.S.T. Board needs to prioritize some of the things John and the P.O.S.T. staff do because of the limited staff. Hopefully this can be done at the August meeting.

The bill was well received in the Senate under the strong sponsorship of Senator Reeves. This bill would not have done as well in the Senate without the additional support of Gail Berry and the Board Members.

The difficulty of getting the bill through the House was expected. About halfway through the deliberations, the Legislative Committee realized that the \$.25 was a fee and not a tax and therefore exempt from Tabor. In order to

pass this bill in the future, it will be helpful to have this information at the beginning of the deliberations rather than in the middle.

7. HB02-1313, Concerning the Peace Officer Standards and Training Board and the Levels of Peace Officer Certification.
 - A. Re-designates Level II Peace Officers to Level I.
 1. Department of Wildlife Officers*
 2. State Parks and Recreation Officers*
 3. Pueblo State Hospital Police Officers*

*Must complete 40-hours of CLEE each year
 - B. Requires the POST Board re-evaluate § 18-1-901 C.R.S. and the current levels of peace officers within the current budget and make recommendations to the General Assembly on or before February 1, 2003.
 1. Preliminary Staff reviews indicates over 50 job descriptions/titles within the statute. More may exist.

The amendment added to HB02-1313 by Senator Taylor requires that POST re evaluate § 18 1 901. This came about because of an effort to take Pueblo State Hospital officers from Level II to Level I. It also added DOW officers who in 1986 were moved from Level I to Level II and parks officers. Issues and concerns arose as to how we recognize different officers.

In a quick review of § 18-1-901, Director Kammerzell noted at least 50 job descriptions within the various levels. The P.O.S.T. Board has been given about 9 months to conduct the reevaluation. His recommendation is to form a task force to meet over the course of the summer to review those job descriptions. There are individual stakeholders and representatives from around the state that would be willing to serve on such a committee. The suggestion was made to have a 6 hour meeting to work on the financial issues as well as the stratification of peace officers instead of a 2 hour meeting on August 2, 2002. More information detailing the differences between different levels as well as a draft of different options of where to go will be provided.

8. Board Consideration of a Colorado P.O.S.T. Job Task Analysis (JTA) Project.
 - A. Review of other states JTA's by the Curriculum SME Committee.
 - B. JTA conducted by Consultant/Systems Design Group.
 1. New Mexico Job Task Analysis Report at IADLEST Conference on May 29, 2002.

The curriculum committee had a productive discussion this morning regarding the job task analysis of other states. They requested other states share their current JTA with us and many states were willing. New Mexico will be sharing their JTA at IADLEST and John will speak with them there.

The last time Colorado did a job task analysis was 1993. At that time, officers throughout the state were surveyed to identify what tasks they performed and

the frequency with which they performed them. The data from that survey was used to revise the basic curriculum and for the development of the P.O.S.T. exam. While the curriculum committee has spent a lot of time in the past year revising the exam, the curriculum has not been revised since 1993.

Director Kammerzell will get copies of the 1993 Job Task Analysis to each Curriculum Committee member. They will meet July 1, 2002 at Arapahoe Community College. Jim Alexander, Academy Director at Red Rocks Community College, has volunteered to chair the JTA subcommittee. The subcommittee will divide out the areas of curriculum for revision, bring those back to the Curriculum Committee who will then bring it forward to the board. The Curriculum Committee believes that there is no need to hire a consultant to complete the JTA as they have the knowledge and know what the issues are, how to address them and know what needs to be done.

In about a year, the Curriculum Committee will have recommendations for the P.O.S.T. Board on a new curriculum.

9. SME Committee Reports.

A. Curriculum Committee - Sheriff Epp/SAC Mershon, Co-Chairs.

See Job Task Analysis above.

B. Arrest Control - Sgt. Michael Esters, Chairman.

The Arrest Control Committee looked at several academy programs and sites and approved them. Upcoming test out dates are on June 4 at Denver PD Academy and July 19 at Otero Community College in La Junta. The Arrest Control Committee is in the process of integrating local instructors into the test out process. They compliment Ruth and the SME Chairs efforts to regionalize the test out process. This will be the first time the test out is offered outside the Denver area. This couldn't be accomplished without the assistance of the SME committees.

C. Firearms - Undersheriff Don Christensen, Chairman.

Undersheriff Christensen requested that Board Members set aside September 20 from 10:00 a.m.– 2:00 p.m. as they will be receiving an invitation to an event at the Douglas County facility.

D. Law Enforcement Driving - Sgt. Al Padilla, Chairman.

No Report.

10. Initial Discussion of P.O.S.T. Board Changes in Membership.

A. Chief Kramer's replacement and 4 Sheriffs leave office in January 2003.

April 5, 2002

Chief Kramer's vacancy on the Board will be filled by Chief Ron Sloan of Arvada PD. It would be helpful to have the assistance of the existing and the departing Board members to assist with training the replacements.

B. Board Member Recommendations.

1. Invitation to prospective members to attend any of the remaining meetings in 2002.
2. New Member Orientation in 2003.
 - a. Chief Hall, SAC Mershon and other new appointments
 - b. Member presentations and involvement.

On January 11, 2003, the P.O.S.T. Board will be losing the tremendous resource of the 4 Sheriffs that will be leaving office at that time. It is anticipated that there will be a very real need for the four hour orientation.

Open Forum:

11. Issues of importance to Board members.
12. Comments from others.

Gary Berlin, Division of Wildlife – Expressed their appreciation for being recognized as Level I Peace Officers.

Next Board Meeting
August 2, 2002, **9:00 a.m.**
Douglas County Sheriff's Office
4000 Justice Way
Castle Rock, Colorado 80104
303.660.7500

Future Board Meetings

Friday, September 27, 2002, 10:00 a.m.
Pueblo, CO

Friday November 22, 2002, 10:00 a.m.
Fort Collins, CO

April 5, 2002

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
August 2, 2002

The Peace Officer Standards and Training Board held its 333rd Board meeting at the Robert A. Christensen Justice Center in Castle Rock, Colorado, with the following persons present:

BOARD MEMBERS

CHIEF AL BELL
SHERIFF RIECKE CLAUSSEN
COUNCIL WOMAN BARBARA J. CLELAND
SHERIFF DAN CORSENTINO
SHERIFF GEORGE EPP
REV. GILL FORD
CHIEF JOHN HALL
CHIEF DENNIS HARRISON
EXECUTIVE DIRECTOR SUZANNE MENCER
SHERIFF JOSEPH MORALES
ATTORNEY GENERAL KEN SALAZAR
CHIEF RONALD SLOAN
SHERIFF PHIL STUBBLEFIELD
SHERIFF STEPHEN ZOTOS

BOARD MEMBERS ABSENT

CHIEF RUSSEL COOK (excused)
CHIEF GERALD WHITMAN (excused)

BOARD COUNSEL

JOHN A. LIZZA, Assistant Attorney General

STAFF MEMBERS

DON QUICK, Deputy Attorney General
JOHN KAMMERZELL, P.O.S.T. Director
CRISTINE MACK, P.O.S.T. Investigator
RUTH VANDERBROEK, P.O.S.T. Compliance Officer
LISA BONI, P.O.S.T. Administrative Assistant

MEMBERS OF THE PUBLIC IN ATTENDANCE

ALEXANDER, JIM, Red Rocks Community College
BLACK, C.W., Littleton Police Department
BLACK, DON, Aurora Police Department
BLACK, TIM, Broomfield Police Department
BLACKFORD, MINER, Otero Junior College
BOEPPLE, RANDAL W., SCLETA, Trinidad State Junior College
CHRISTENSEN, CORY, Fort Collins Police Department
CLAYTON, BILL, Denver Police Protective Association
FORTUNATO, GEORGE, Colorado Northwestern Community College
HARRELL, LORI, El Paso County Sheriff's Office
KAFEL, ED, El Paso County Sheriff's Office
KNIGHT, JD, Arapahoe County Sheriff's Office
KOSKI, ROBERT, Fountain Police Department
LOMBARD, TONY, Denver Police Protective Association
MARK, DAN, Aurora Police Department
PALMER, TIMOTHY B., Larimer County Sheriff's Office
QUINTANA, KRISTI, Colorado State Parks
SANCHEZ, TOM, Denver Police Academy
SANTOS, DAVID, Colorado State Patrol
SHELTON, DOUG, Colorado State Patrol
SMITH, TROY, CRCPI/Police Corps
TYLER, NEAL, Canon City Police Department
WEBB, RICHARD, Jefferson County Sheriff's Office
WEBER, MARC D., Larimer County Sheriff's Office
WHITNEY, JEANETTE, El Paso County Sheriff's Office
ZANI, MARGE, El Paso County Sheriff's Office

The following Subject Matter Expert Committees met prior to the P.O.S.T. Board meeting:

Arrest Control Committee
Curriculum Committee
Firearms Committee
Law Enforcement Driving Committee

Introduction:

1. Welcome - Attorney General, Ken Salazar.

Welcome by Sheriff Steve Zotos to the Douglas County Robert A. Christensen Justice Center.

- A. Welcome – New Member Arvada Chief Ron Sloan.

August 2, 2002

2. Roll Call - P.O.S.T. Director John Kammerzell.

Declaration of a Quorum (14).

Director Kammerzell noted that new SAC Phillip Reid will replace SAC Mark Mershon.

3. Approval of P.O.S.T. Board Minutes for May 17, 2002.

Approved

Presentation:

4. SME Committee Reports.

A. Curriculum Committee - Sheriff Epp, Chairman

The Curriculum Committee met in July. The job task analysis is moving forward.

B. Arrest Control - Sgt. Michael Esters, Chairman, Rev. Gil Ford, Co-Chairman

The arrest control committee has been growing. Officers from around the state have been getting involved and are seeing the importance of the addition of four (4) hours to the training and are looking at some of the other areas of need for training. One of the issues involves report writing, particularly when use of force is involved. Since the first report which is written is the one that is focused on most in court, the committee would like training that would help officers to articulate the chain of events on a proactive side so they can better explain what occurred.

C. Firearms - Undersheriff Don Christensen, Chairman, Sheriff Joe Morales, Co-Chairman

The Firearms Committee is working on a recommendation sheet for the Academies to address range, safety, and comfort condition suggestions. They noted that Committee Chairman Don Christensen will be retiring and they are accepting nominations for an individual from the Denver Metro Area with the available time commitment to perform the tasks of Chairperson. They also noted that committee member Rick Smith from the Colorado State Patrol will be retiring.

D. Law Enforcement Driving - Sgt. Al Padilla, Chairman,
Chief Dennis Harrison, Co-Chairman

A request for a new course at a community college in Grand Junction was reviewed. The request was tabled.

August 2, 2002

The Driving Committee is extending an invitation to the Chief of Pueblo to attend the Driving Committee meeting in September to discuss some of the differences in driver training techniques from one of the private people who put out a rather different approach to driver training.

5. P.O.S.T. Electronic Filing Software.

- A. Electronic data entry for all newly certified peace officers.
- B. Electronic conversion of all actively employed peace officers.

P.O.S.T. presently maintains approximately 24,000 certification files for those individuals who have been certified, some of which go back to as early as 1972. They contain basic information on certification with some files containing as many as 80 pages of information. All the files are hard copies or paper files. This software will allow P.O.S.T. to develop an electronic database to capture the information that is submitted by the academies and agencies in an electronic format.

In the past year, the P.O.S.T. staff has talked with other P.O.S.T. groups around the nation about the software that they are using. There are currently 17 states using this software. It has a number of functions that we will be able to utilize. We will be able to scan information that we receive from the academies and agencies as it relates to the officer's process of certification and skills training. A demonstration of the capabilities of the Crown Point Software was made.

The purchase has been made and training for the skills manager will take place over the next few weeks. This program will allow us to incorporate our certification exam into the software and will allow us to add or delete questions as the Curriculum Committee deems necessary.

The Colorado State Patrol, the Department of Law, Colorado Parks and Recreation, and the Pueblo State Hospital Law Enforcement Agency are required by statute to qualify and report training to P.O.S.T. Sheriff's must attend 20 hours of training and the other agencies must report at least 40 hours of law enforcement training. We will be able to capture all of these hours through the use of this software.

The cost for the individual agencies to purchase the software that includes the scanning capability is approximately \$12,400. Each program is about \$4,000 individually.

The cost to convert the existing records (24,000 files) would be \$180,000 to \$400,000. P.O.S.T. staff will begin by capturing newly certified officers from the implementation date and then adding the active officer's

files and eventually add the inactive files. It may be some time before we can add the inactive files.

It is a possibility that the database could be accessible online. There were several concerns as to whether or not the electronic database will be protected. How much of the personal files will be accessible? It is felt that the accessibility of the database would be similar to that of the CBI files.

6. P.O.S.T. Refresher Academy Update.

- A. Colorado Northwestern Community College – 3 programs in the past 18 months.
- B. Arapahoe Community College – July 2002
- C. Colorado Sheriffs' Training Institute

There have been 3 successful refresher academies in Rangely with another one scheduled for January. Those individuals who are coming from out-of-state or who are renewing their certification first take advantage of one week of academic training on Colorado statutes. The second week gives them a chance to remediate on the skills. Of the 32 individuals that have attended the refresher academies, all but one passed the written exam on their first attempt and that individual passed on the second. On the skills, one was not successful in the driving but passed on his second attempt. Three chiefs of police have taken advantage of the refresher academies.

7. Board Rule Making Hearing.

- A. Rule 20 – Vehicle Identification Number Inspection Programs
- B. Rule 21 – Basic and Reserve Training Academies
- C. Rule 22 – Skills Training
- D. Rule 23 – Skills Instructors
- E. Rule 24 – Skills Instruction Training
- F. Rule 25 – Instructor Training Courses
- G. Rule 26 – Academy Inspections

Director Kammerzell had anticipated that we would enter into rulemaking today with an implementation date of January 2003. Instead, a presentation for review only of the proposed rules will be made. Counsel John Lizza said this was a good way to proceed. The notice of public rulemaking and taking of public comment cannot occur until the next meeting. We will discuss the proposed rules today and place them on the agenda for action on September 27 when we will have an opportunity for public comment.

8. HB02-1313, Concerning the Peace Officer Standards and Training Board and the Levels of Peace Officer Certification.

- A. Requires the P.O.S.T. Board re-evaluation of § 18-1-901 C.R.S. and the current levels of peace officers, within the current budget, and make recommendations to the General Assembly on or before February 1, 2003.
 - 1. Preliminary Staff reviews indicates over 50 job descriptions/titles within the statute. More may exist.
 - 2. Department of Wildlife Matrix.

Sheriff Zotos expressed the need to have a very balanced Task Force to work on this issue. Chief Sloan, Sheriff Corsentino, Chief Hall, Councilwoman Cleland and Sheriff Morales will represent the P.O.S.T. Board on the Committee with Chief Sloan as the Chairman. Kristi Quintana of the Colorado State Parks volunteered to participate. It was noted that the task force would like to have members from CBI, the Division of Wildlife, and the Colorado State Hospital involved as well. Tony Lombard, who had been active in the previous task force, was also asked to participate.

9. National Volunteers in Public Service (VIPS)

A. Colorado P.O.S.T. VIPS Program

P.O.S.T. is the third agency in Colorado to sign up for this program. The Colorado Springs Police Department and the Aurora Police Department have also signed up. The hope is that volunteers with an interest in law enforcement would be able to assist with various tasks in the agencies.

10. Issues of importance to Board members.

11. Comments from others.

12. Board Work Session

- A. 2003 Legislative Strategy – P.O.S.T. Bill
 - 1. Pursue 25 Cent Fee on Motor Vehicle Registrations?
 - 2. Sponsors – Senate and House.
 - 3. Promotional Strategy – Law Enforcement Associations, Bill Partners.

The intent is to move forward and present the bill to the Legislature in 2003. A decision about sponsorship will need to wait until after the November 5, 2002 elections. It is important to develop a scenario that shows that all groups and communities will benefit from this bill. It is also important to show the reality of law enforcement training versus what the public thinks is happening. The focus of the money needs to be on

peace officer training as well as adding staff to P.O.S.T. for them to be able to accomplish the work.

B. DOL/ P.O.S.T. Decision Item for the FY2004 Budget.

1. FY2003 Decision Item included two Full Time Employees (FTE), operational funding, startup costs.
 - a. \$108,000 (\$110,000 for FY2004).
 1. General Professional V, responsible for curriculum and certification examination maintenance.
 2. Program Assistant I, responsible for instructor certification, program application review, and management of a stratified peace officer certification program.

It will not be possible to accomplish this goal as the current state budgets are requiring a reduction in staff. There is a need to re-empanel the Budget Task Force. Sheriff Claussen expressed his interest in being included on the Task Force.

C. P.O.S.T. Staffing Discussion – Stop-Gap-Measures.

1. 28 Basic Training Academies, 11 Reserve Officer Training Academies, 3 Refresher Academies, numerous Skills Training Programs.
 - a. Limit Instructor Applications to “Lead” Instructor Only.
 - b. Limit Staff travel to proctor the certification examination to those testing sites that have a minimum of applicants/graduates.
 - c. Conduct “Test-Outs” quarterly, rather than every other month.
 - d. Moratorium on all future academy applications.
 - e. Acknowledge that program approval, information requests and certificate issuance will be delayed.

After some discussion, it was determined to accept a, b and e. However, the test-outs would remain on an every other month schedule and the academies could continue to submit applications.

Next Board Meeting
September 27, 2002
Pueblo Community College
Student Center Grand Ballroom
900 W. Orman Ave.
Pueblo, CO
Host: Pueblo County Sheriff Dan Corsentino

Friday November 22, 2002, 10:00 a.m.
Fort Collins, CO

August 2, 2002

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
September 27, 2002

The Peace Officer Standards and Training Board held its 334th Board meeting at the Pueblo Community College in Pueblo, Colorado, with the following persons present:

BOARD MEMBERS

CHIEF AL BELL
SHERIFF RIECKE CLAUSSEN
SHERIFF DAN CORSENTINO
SHERIFF GEORGE EPP
CHIEF JOHN HALL
CHIEF DENNIS HARRISON
EXECUTIVE DIRECTOR SUZANNE MENCER
SHERIFF JOSEPH MORALES
ATTORNEY GENERAL KEN SALAZAR
CHIEF RONALD SLOAN
SHERIFF PHIL STUBBLEFIELD
SHERIFF STEPHEN ZOTOS

BOARD MEMBERS ABSENT

COUNCIL WOMAN BARBARA J. CLELAND (excused)
CHIEF RUSSEL COOK (excused)
REV. GILL FORD (excused)
S.A.C. PHILLIP B. J. REID (excused)
CHIEF GERALD WHITMAN (excused)

BOARD COUNSEL

JOHN A. LIZZA, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
CRISTINE MACK, P.O.S.T. Investigator
RUTH VANDERBROEK, P.O.S.T. Compliance Officer

MEMBERS OF THE PUBLIC IN ATTENDANCE

ADELBUSH, KURT D., Colorado Springs Police Department
ALEXANDER, JIM, Red Rocks Community College
BELL, PHIL, Pueblo County Sheriff's Office
BERLIN, GARY, Colorado Division of Wildlife
BLAIR, SHAWN, Pueblo Community College
BOEPPLE, RANDAL W., SCLETA, Trinidad State Junior College
BOURGERIE, ERIK J., Summit County Sheriff's Office
CHRISTENSEN, CORY, Fort Collins Police Department
CHRISTENSEN, DON, Douglas County Sheriff's Office
CLAYTON, BILL, Denver Police Protective Association
DELUCA, CHIP, Pueblo County Sheriff's Office
DEVORSS, MARK, Colorado Springs Police Department
ESTERS, MICHAEL, Larimer County Sheriff's Office
FRENCH, MICHAEL, Lake Pueblo State Park
GILBERT, ALAN, Colorado Attorney General's Office
GONZALES, MANUEL, Pueblo County Sheriff's Office
HOLDERMAN, GALE, Pueblo County Sheriff's Office
HUGHBANKS, SHANE, CDOC Arkansas Valley Correctional Facility
JOHNSON, DARYL F., Colorado Springs Police Department
LOMBARD, TONY, Denver Police Protective Association
MAKI, JOHN, Highlands Ranch Public Safety Training Institute
MASON, JAMES, CMHIP Department of Public Safety
MERSON, JOHN, Lake Pueblo State Park
MOSCA, TRACY, Pueblo County Sheriff's Office
PINELLE, TONY, CMHIP Department of Public Safety
RABIDEAU, CHARLES, Colorado Springs Police Department
SMITH, LEE, CMHIP Department of Public Safety
SMITH, TROY, CRCPI/Police Corps
SNELLING, DAVE, Arvada Police Department
STORM, RICK, Colorado State Parks
SUTTON, MARY, Pueblo Community College
WHITNEY, JEANETTE, El Paso County Sheriff's Office

The following Subject Matter Expert Committees met prior to the P.O.S.T. Board meeting:

Arrest Control Committee
Curriculum Committee
Firearms Committee
Law Enforcement Driving Committee

August 2, 2002

Introduction:

1. Welcome - Attorney General, Ken Salazar.
 - A. Announcements by Host Sheriff Dan Corsentino
2. Roll Call - P.O.S.T. Director John Kammerzell.
Declaration of a **Quorum** .
3. Approval of P.O.S.T. Board Minutes for August 2, 2002.

Approved

Presentation:

4. SME Committee Reports.
 - A. Curriculum Committee - Sheriff Epp, Chairman

The Curriculum Committee has been working on a review of the P.O.S.T. curriculum for the past several months. A number of Job Task Analysis' have been done in the western states recently. John Kammerzell will obtain copies of those and get them to Mary Sutton who will distribute them to the committee members. The Curriculum Committee will meet November 1, 2002 to identify the commonalties.

Troy Smith from the Police Corps will help facilitate some focus groups to look at items missing from the curriculum that law enforcement officers from across Colorado are identifying. They will also look at unnecessary items in the current curriculum. After reviewing all the information, the Curriculum Committee will prepare recommendations for the curriculum revision. They hope to bring these recommendations to the P.O.S.T. Board in early spring of 2003.

- B. Arrest Control - Sgt. Michael Esters, Chairman, Rev. Gil Ford, Co-Chairman

The Arrest Control Committee worked on academy approval and a lesson plan for Montezuma County Sheriff's Office Reserve. They also approved two (2) instructors, one (1) site, and one (1) program recommendation. The Committee meets again on November 2, 2002 to evaluate their recommendations to the P.O.S.T. Board for the Arrest Control Curriculum.

- C. Firearms - Undersheriff Don Christensen, Chairman, Sheriff Joe Morales, Co-Chairman

The Firearms Committee reported that there were no changes with their committee. They are eagerly awaiting the approval of the rule changes.

D. Law Enforcement Driving - Sgt. Al Padilla, Chairman, Chief Dennis Harrison, Co-Chairman

The Law Enforcement Driving Committee reviewed the rule changes and are awaiting the approval of those changes.

5. Peace Officer Revocation Hearings.

A. Peace Officers convicted of crimes recognized in § 24-31-305(2)(a).

1. No. 02-01, Mark Alan Gillis, #10794, convicted of 1 count of Sexual Assault on a child by a person in a position of trust, a class 4 felony.
2. No. 02-02, Dennis G. Cribari, #4796, plead guilty to 1 count of Aggravated Incest, a class 3 felony.
3. No. 02-03, Steve Michael Allen, #B00958, found guilty of 1 count of Tampering with a witness, a class 4 felony; 1 count of Sexual Assault, a class 1 misdemeanor; and, 1 count of First Degree Official Misconduct, a class 2 misdemeanor.
4. No. 02-04, Calvin Ware, #B5021, was convicted of 2 counts of Menacing with a deadly weapon, a class 5 felony.
5. No. 02-05, Jerry Levon Wakefield, # 2670, convicted of 1 count of Embezzlement of Public Property, a class 5 felony.
6. No. 02-06, Raymie C. Chacon, #14147, convicted of 1 count of Sexual Assault on a child, a class 3 felony.
7. No. 02-07, James M. Lesslie, #13571, convicted of 1 count of Eavesdropping, a class 6 felony.
8. No. 02-09, Christopher Michael Biondini, #B-8166, plead guilty to 1 count of Felony Menacing – Real/Simulated Weapon, a class 5 felony.

The motion to revoke the 8 listed individuals was **passed unanimously**.

6. Board “Emergency” Rule Making Hearing – John A. Lizza, Assistant AG

- A. Rule 20 – Vehicle Identification Number Inspection Programs
- B. Rule 21 – Basic and Reserve Training Academies
 1. Board Options to (b)(II).
- C. Rule 22 – Skills Training
- D. Rule 23 – Skills Instructors
- E. Rule 24 – Skills Instruction Training
- F. Rule 25 – Instructor Training Courses
- G. Rule 26 – Academy Inspections

Ninety percent (90%) of what goes on in Rule Making is invisible to the P.O.S.T. Board. There are a lot of technical drafting and publication requirements. The P.O.S.T. staff puts the rules together. John Lizza guides it through the process and makes sure the legal items, the legal notifications and the publication requirements are done in a timely manner. Then the rules are brought to the P.O.S.T. Board for discussion and a final decision about them.

The Secretary of State's Office is making some changes to the system and in implementing it, they are using an out of state publisher, which requires different timing. Because of this, the requirements of publication were not met. Mr. Lizza apologized that he did not pick up on the Secretary of State's revised dates when documents need to be filed. Mr. Lizza made an extraordinary effort to see if there could be an exception so that we could do our rule making in November. He was told that many boards have been having difficulties meeting the new requirements and that no exceptions will be made.

Rather than holding an emergency rulemaking at this meeting, it was decided that the best option was to move the November meeting to December 13, 2002 so that we can meet the new requirements for publication and the rules can take affect in January of 2003. The December 13, 2002 P.O.S.T. Board Meeting will be held in Fort Collins, CO.

There is a difficult issue regarding Rule 9 that the P.O.S.T. Board has been struggling with for some time. Rule 9 is being refined and will be included in the rule making discussion on December 13, 2002. A handout showing potential options for Rule 9 was given to the Board Members.

There is a practice in criminal court wherein judges sometimes put forth a deferred judgement or deferred sentence. The Judge takes a plea from the criminal defendant, usually guilty. The Judge applies conditions and a time frame. If those conditions are satisfied, the defendant comes back before the judge and the plea is changed to "not guilty." The judge asks the prosecution what they would like to do and the prosecution generally will dismiss the charges. The legal effect is that there is no conviction and the charge is vacated as though it never occurred.

The P.O.S.T. Board statute says it shall revoke or suspend a peace officer certification upon certain misdemeanor convictions. It needs to be determined whether a deferred judgement or deferred sentence is a conviction in terms of our statute. The judge, in deciding upon a deferred judgment, gives certain benefits to the criminal defendant - keeping the defendant employed, keeping them in the family and in the community. It requires that the individual meet certain conditions but at the same time it tries to maintain certain continuity for the individual. By immediately revoking their certification, the individual will immediately lose his/her position in law enforcement. Should the Board throw out the effect of that carefully crafted deferred judgement or sentence? Will the Board interfere with what the deferred judgement was supposed to do from the judge's perspective? The thought is that before we summarily revoke or suspend an individual's certification that some of the factors to the likelihood of the individual completing the conditions, the nature of the offense, and the mitigating factors that might be present, be taken into consideration.

A clarification between deferred judgement or deferred sentence and deferred prosecution was asked for. In a *deferred prosecution*, an abeyance of the prosecution is held and a plea is never entered. Certain conditions are put on the criminal defendant and then it is determined if the individual completed the requirements which were set up. A deferred prosecution cannot be considered a conviction.

A *deferred judgement* or *deferred sentence* are synonymous terms and appear to be the same thing in the law. In a deferred judgement or deferred sentence there is the entry of a guilty plea and the question is whether or not that is a conviction. Research seems to indicate that upon entering that plea, there is a conviction.

Two options were given to the Board.

- * Option 1 gives the P.O.S.T. Director specific guidance as to what he should consider in making his decision. The defendant would appeal to the Director and then, if the individual doesn't like the decision of the Director, the individual could appeal to the Board. The idea is to try to create neutral criteria which would protect the public and suspend the individual for the period of the deferred judgement.
- * Option 2 sets forth various options and abilities available to the director. It is left to the Director's discretion and the individual making the application to keep his/her certification in order. Option 2 is more consistent with the procedure as it is now for the conviction of a misdemeanor.

The direction of the Board is that:

- 1 – They would like to keep the initial decision in the hands of the director of P.O.S.T.
- 2 – There should be an opportunity to provide input by the agency employing the officer involved.
- 3 – Option 2 is preferred over Option 1 by the Board. It would be beneficial to reflect in the rule that the Board may, at it's discretion, form a subcommittee to hear an appeal of the initial decision that is made by the Director of P.O.S.T.

This item will be added to the December 13, 2002 Board meeting agenda.

7. P.O.S.T. Budget Task Force Committee Up-date – Chief Dennis Harrison/Sheriff Steve Zotos.

A. Law Enforcement Resolution and Endorsement Forms.

The Budget Task Force Committee has met a couple of times since the last legislative session. The committee felt they had developed a lot of support from some of the legislators so the consensus of the committee was to continue on with the path that they have been following even though the bill wasn't successful in

the last legislative session. After looking at other possible options, the committee came back to the fee placed on motor vehicle registrations as being the best solution. The committee drafted a support resolution which was taken to the Sheriff's Association meeting in Winter Park where there was a unanimous motion to support the resolution.

The membership of the Metro Chiefs association will discuss whether or not to support the resolution. The FOP has given their support as they recognize the need for training and other issues throughout the state. CML was approached for their support but they gave a lukewarm reception. There is still misunderstanding about what the bill really is or is not. The question seems to be whether or not the resolution can be written so that it is not instantly perceived by the Legislature and the Governor as a new tax.

Several Board members expressed that the first priority of this legislation should be the basic administration of Peace Officer Standards and Training. It is important to keep an eye on the ability to manage and administer the P.O.S.T. functions. Sheriff Epp noted that the curriculum committee has struggled with things that should be done by the staff, such as job task analysis and development of tests. Are any of these funds going to be available to take care of the daily work and the supervision and management of the process? The ability of P.O.S.T. to do these things needs to be enhanced rather than just focusing on the training needs. The bill is perceived as having a lot of benefit for smaller agencies but even the larger agencies would benefit from a healthier P.O.S.T.

The resolution was included in the Board packet along with 2 different endorsement sheets. Board members are encouraged to circulate the endorsement sheets among their counterparts and peers to demonstrate their support around the state and then send them back to P.O.S.T. so they can be compiled and presented to show strong support to the sponsors.

We are at a point where we need to be specific about what we need. Attorney General Ken Salazar will try to participate in a meeting with the Budget Task Force before the next P.O.S.T. Board meeting.

8. P.O.S.T. Re-evaluation Task Force Up-date – Chief Ronald Sloan.
 - A. Requires the P.O.S.T. Board re-evaluation of § 18-1-901 C.R.S.
 - B. Make recommendations to the General Assembly on or before February 1, 2003.

The task force has met once. They do not want to reinvent the wheel so they requested and received information from around the country (Texas, California, New York and Arizona) on statutory designation status. The task force's general direction is to do some re-definition of public safety officers (broad definition of a number of different jobs around the state) and a narrower definition of peace officers that would be similar to what several other states have done

The task force has identified a legislator who will carry the bill once it is drafted. The next meeting will occur on October 11, 2002 which is when they will begin to put the language on paper.

9. Issues of importance to Board members.

There has been an open records request for an electronic file containing current peace officer certification and employment information from the Denver Post. Under the open records act, the purpose for which they want this information does not need to be stated. Most of our records are in a paper system and not electronic format and there are concerns about how current these records are. Mr. Lizza will respond to the Post concerning their request.

Thanks were expressed to Sheriff Corsentino for hosting the P.O.S.T. Board meeting and his staff for having done a great job.

Attorney General Ken Salazar introduced Alan Gilbert, Solicitor General.

On a personal note, Attorney General Ken Salazar has one more meeting for this term as Attorney General. For the last 4 years he has attended all of the meetings. He looks forward to each of them because the people who work in law enforcement are very special. He feels that the work done by this P.O.S.T. Board over the past 4 years has been very good work. He thanked everyone for a very successful 4 years for the Peace Officer Standards and Training Board with special thanks to the staff who, with very limited staff, has been able to accomplish a lot.

10. Comments from others.

None

Next Board Meeting
December 13, 2002 (note new date)
Host: Chief Dennis Harrison
Fort Collins Police Services

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
December 13, 2002

The Peace Officer Standards and Training Board held its 335th Board meeting at the Fort Collins Marriott, Fort Collins, Colorado, with the following persons present:

BOARD MEMBERS

CHIEF AL BELL
COUNCIL WOMAN BARBARA J. CLELAND
SHERIFF GEORGE EPP
REV. GILL FORD
CHIEF JOHN HALL
CHIEF DENNIS HARRISON
EXECUTIVE DIRECTOR SUZANNE MENCER
SHERIFF JOSEPH MORALES
ATTORNEY GENERAL KEN SALAZAR
CHIEF RONALD SLOAN
SHERIFF PHIL STUBBLEFIELD
CHIEF GERALD WHITMAN
SHERIFF STEPHEN ZOTOS

BOARD MEMBERS ABSENT

SHERIFF RIECKE CLAUSSEN (excused)
SHERIFF DAN CORSENTINO (excused)
S.A.C. PHILLIP B. J. REID

BOARD COUNSEL

JOHN A. LIZZA, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
CRISTINE MACK, P.O.S.T. Investigator
RUTH VANDERBROEK, P.O.S.T. Compliance Officer
LISA BONI, P.O.S.T. Administrative Assistant

MEMBERS OF THE PUBLIC IN ATTENDANCE

ADELBUSH, KURT D., Colorado Springs Police Department
ALEXANDER, JIM, Red Rocks Community College
ARNDT, LARRY H., Larimer County Sheriff's Office
BAILEY, LARRY, Colorado Attorney General's Office
BELUSCAK, MARK, Silverthorne Police Department
BERLIN, GARY, Colorado Division of Wildlife
BLACKFORD, MINER, Otero Junior College Law Academy
BRUNO, DAVID J., Bruno, Bruno & Colin
CARLINE, TOM, Trinidad State Junior College Academy
CARTER, MICHAEL, CC of Aurora Academy
CHAGOLLA, STEVE, Denver Police Department
CHRISTENSEN, CORY, Fort Collins Police Department
CHRISTENSEN, DON, Douglas County Sheriff's Office
CLAYTON, BILL, Denver Police Protective Association
DATTILO, ANTHONY A., Adult Parole/Community Corrections
DONAHUE, JAMES K., Silverthorne Police Department
ESTERS, MICHAEL, Larimer County Sheriff's Office
FERRARO, JOE, Denver Police Department
HARRELL, LORI, El Paso County Sheriff's Office
HOOD, JOHN, Colorado Division of Wildlife
JEWELL, DOUG, Bruno, Bruno & Colin
LOMBARD, TONY, Denver Police Protective Association
LOPEZ, LETTY, Denver Police Department
MAKI, JOHN, Highlands Ranch Public Safety Training Institute
MARSDEN, DEBRA, Larimer County Sheriff's Office
MINOR, JOHN G., Silverthorne Police Department
QUINTANA, KRISTI M., Colorado State Parks
RYBKOWSKI, MAREK, Denver Police Department
SMITH, TROY, CRCPI/Police Corps
SNELLING, DAVE, Arvada Police Department
STENSGAARD, RICHARD, Denver Police Department
STORM, RICK, Colorado State Parks
WEBB, RICHARD, Jefferson County Sheriff's Office
WEBER, MARC D., Larimer County Sheriff's Office
WILLIAMS, RICH, Larimer County Sheriff's Office
YOUNG, MAX, Douglas County Sheriff's Office
ZANI, MARGE, El Paso County Sheriff's Office

December 13, 2002

The following Subject Matter Expert Committees met prior to the P.O.S.T. Board meeting:

Arrest Control Committee
Curriculum Committee
Firearms Committee
Law Enforcement Driving Committee

Introduction:

1. Welcome - Attorney General, Ken Salazar.
 - A. Announcements by Host Chief Dennis Harrison
 - B. Special Recognition – Retirements of Board Members – SME Chairman.

Special plaques were given to Board Members Sheriff Steve Zotos, Sheriff George Epp and Sheriff Phil Stubblefield in recognition of their many years of dedication and and commitment to the P.O.S.T. Board. A plaque will also be presented to Sheriff Riecke Claussen who was not able to be at the Board Meeting.

Under Sheriff Don Christensen was also given a plaque in recognition for all his work as Chairman of the Firearms SME Committee and his many years of dedication and commitment to the P.O.S.T. Board.

Larry Bailey of the Attorney General’s Office and member of the Firearms SME Committee presented a plaque to Under Sheriff Don Christensen in appreciation for his work with the Firearms SME committee.

2. Roll Call - P.O.S.T. Director John Kammerzell.

Declaration of a **Quorum** (9).

Letter of Resignation from Chief Russell Cook
3. Approval of P.O.S.T. Board Minutes for September 27, 2002.

APPROVED

Presentation:

4. SME Committee Reports.
 - A. Curriculum Committee - Sheriff Epp, Chairman
Met on November 1 and this morning.
 - B. Arrest Control - Sgt. Michael Esters, Chairman, Rev. Gil Ford, Co-Chairman

December 13, 2002

Completed a document to act as a further guide for testing.

- C. Firearms - Undersheriff Don Christensen, Chairman, Sheriff Joe Morales, Co-Chairman
 - D. Law Enforcement Driving - Sgt. Al Padilla, Chairman, Chief Dennis Harrison, Co-Chairman
5. Directors Report – Misdemeanor Convictions - Peace Officer Revocation Hearings.
- A. Peace Officers convicted of crimes recognized in § 24-31-305(1.5)(b) thru (g).
 - 1. No. M02-01, John M. Merz, #13244, on January 25, 2002 Respondent plead guilty to 1 count of Theft, § 18-4-401 C.R.S., a class 2 misdemeanor, and guilty to 1 count of Unlawful Use of a Schedule III Controlled Substance, § 18-18-404(1)(b), a class 1 misdemeanor.
 - 2. No. M02-02, Benjamin X. Biffinger, #B-2479, on December 24, 2001 Respondent was arrested and plead guilty to 1 count of Disorderly Conduct, § 18-9-106(1)(d), a class 3 misdemeanor, and guilty to 1 count of Obstructing a Peace Officer, § 18-8-104, a class 2 misdemeanor.
 - 3. No. M02-03, Jason D. Googins, #B-5174, on October 29, 2001, Respondent was arrested and plead guilty to 1 count of Harassment, § 18-9-111 (An Act of Domestic Violence) C.R.S. a class 3 misdemeanor.
 - 4. No. M02-04, Anthony G. Ortiz, #1687, on December 14, 2001, Respondent was arrested and plead guilty of 1 count of Third Degree Assault, 18-3-204 C.R.S., a class 1 misdemeanor, and was found guilty of 1 count of Domestic Violence, 18-6-801 C.R.S. a separate and included offense.
 - 5. No. M02-05, Ronald W. Hughes, #1348, on June 14, 2001, Respondent was convicted of 1 count of Assault in the Third Degree, § 18-3-204, C.R.S., a class 1 misdemeanor.

All action is deferred until the next P.O.S.T. Board meeting.

- 6. Board Rule Making and 2003 P.O.S.T. Manual Approval.
 - A. Rule Making and 2003 P.O.S.T. Manual Approval
 - 1. October 31, 2002 Board Memorandum

December 13, 2002

a. History of the Project

Over the last 20 months, the P.O.S.T. staff has been working on the P.O.S.T. manual revision, a project that has not been done in a number of years. The assistance of the SME committees has been greatly appreciated.

b. P.O.S.T. Related Colorado Revised Statutes

A number of statutes that affect peace officers throughout the state, particularly in the areas of temporary assignments and mutual aid agreements were added to the manual

c. Rule Changes

At the Board meeting on Jan 26, 2002, the Board reviewed and adopted Rules 1 through 11. Since that time questions have risen regarding Rule 9, particularly the revocation hearing process. Two options were presented to the Board concerning this process. The board voiced its preference for Option 2.

There is also a concern as to whether or not a deferred judgment or deferred sentence would be considered a conviction.

A concern was expressed as to how P.O.S.T. learns of a conviction. P.O.S.T. staff is working with CBI for notifications either through the use of the P.O.S.T. fingerprint cards or through a system in which anyone who has applied for or is currently working for a law enforcement agency is flagged for an automatic notification to P.O.S.T. of a charge. P.O.S.T. staff then follows the court case to learn of a dismissal or a conviction. If the individual is convicted, P.O.S.T. staff requests the final court documents.

Public comments were made by Doug Jewell and David Bruno of Bruno, Bruno and Colin. They agree that there is confusion as to whether or not a deferred judgment or sentence should be looked at as a conviction. They felt that the certification for these individuals should be put into abeyance rather than revoked.

In further Board discussion, it was pointed out that Option 2 gives the officer and the administrators the opportunity to appeal a decision made by the P.O.S.T. Director.

Issues were also brought to the Board by the academy directors and the curriculum committee regarding Rule 21, particularly concerning whether or not candidates can inform the academies of pending investigations as they may not know that they are under investigation.

It was moved and seconded to approve Rules 1 through 26, including Rule 9, option 2 and Rule 21, option 1.

d. 2003 Manual Approval

7. P.O.S.T. Legislative Report

A. P.O.S.T. Peace Officer Training Bill Up-date – Director Kammerzell.

Sponsors are very supportive of the training bill. It has been presented to and has the support of the Sheriff's Association, the Chief's Association and the D.A.'s Association.

A motion was made and seconded to approve the training bill.

Approved

B. Peace Officer Levels Re-evaluation Bill Up-date – Chief Ronald Sloan.

The committee is making good progress. The assistance of many individuals in law enforcement throughout the state has been helpful in drafting the changes. At this point, the legislative bill drafter has it and it should be in final form within the next few weeks. The committee feels that it will be acceptable to most if not all the different agencies within the state.

The sponsors for the bill are Representative Mark Larson from Cortez and Senator Ken Arnold from Adams, Boulder, Broomfield.

8. Issues of importance to Board members.

9. Comments from others.

Next Board Meeting
Staff Recommendation - January 24, 2003
Colorado Department of Law
1525 Sherman Street, Denver, CO

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
February 7, 2003

The Peace Officer Standards and Training Board held its 336th Board meeting at the Department of Law, Denver, Colorado, with the following persons present:

BOARD MEMBERS

SHERIFF DAN CORSENTINO
SHERIFF GEORGE EPP
CHIEF JOHN HALL
CHIEF DENNIS HARRISON
SHERIFF JOSEPH MORALES
ATTORNEY GENERAL KEN SALAZAR
CHIEF RONALD SLOAN
CHIEF GERALD WHITMAN

BOARD MEMBERS ABSENT

CHIEF AL BELL (excused)
COUNCILWOMAN BARBARA J. CLELAND (excused)
REV. GILL FORD
EXECUTIVE DIRECTOR SUZANNE MENCER (excused)
S.A.C. PHILLIP B. J. REID (excused)

BOARD COUNSEL

JOHN A. LIZZA, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
CRISTINE MACK, P.O.S.T. Investigator
RUTH VANDERBROEK, P.O.S.T. Compliance Officer
LISA BONI, P.O.S.T. Administrative Assistant

MEMBERS OF THE PUBLIC IN ATTENDANCE

ALEXANDER, JIM, Red Rocks Community College
BACA, PHILIP J., Jefferson County Sheriff's Office
BERLIN, GARY, Colorado Division of Wildlife
BLACK, TIM, Broomfield Police Department
BOEPPLE, RANDAL W., Trinidad State Junior College Academy
BOURGERIE, ERIK J., Summit County Sheriff's Office
CARLINE, TOM, Trinidad State Junior College Academy
CARTER, MICHAEL, Community College of Aurora Academy
CHRISTENSEN, CORY, Fort Collins Police Department
CLAPPS, BEV, Colorado State University
CLAYTON, BILL, Denver Police Protective Association
ESTERS, MICHAEL, Larimer County Sheriff's Office
FOECHTERLE, GARY, Olathe Police Department
FOECHTERLE, JOHN, Olathe Police Department
GOFFI, ROBERT, FBI
LOMBARD, TONY, Denver Police Protective Association
MANUEL, LAYRA, Enforce, Inc.
MCDONALD-QUINTANA, KRISTI, Colorado State Parks
MINTER, ROY, Aurora Police Department
PALMER, TIMOTHY B., Larimer County Sheriff's Office
RONK, TODD, El Paso County Sheriff's Office
SCHOLL, JEANNE, City of Boulder
SHAFFER, STACI, Larimer County Sheriff's Office
SMITH, TROY, CRCPI/Police Corps
THOMAS-HAZELL, JOE, Citizen
WEBER, MARC D., Larimer County Sheriff's Office
WHITNEY, JEANETTE, El Paso County Sheriff's Office
WILKE, DEBORAH, Arapahoe Community College
WINCELOWICZ, VINCENT C., Education America

The following Subject Matter Expert Committees met prior to the P.O.S.T. Board meeting:

Arrest Control Committee
Curriculum Committee
Firearms Committee
Law Enforcement Driving Committee

February 7, 2003

Introduction:

1. Welcome - Attorney General, Ken Salazar.
2. Roll Call - P.O.S.T. Director John Kammerzell.

Declaration of a Quorum (7).

Appointments have not yet been made for the P.O.S.T. Board vacancies as the Governor's office is still receiving applications. Director Kammerzell anticipates that the selections will be made prior to the March 28, 2003 P.O.S.T. Board meeting.

3. Approval of P.O.S.T. Board Minutes for December 13, 2002.

Amended to add record of motion and vote of approval of the P.O.S.T. Rules 1-26, Rule 9, option 2 and Rule 21 option 1.

Approved

4. Selection of the P.O.S.T. Vice Chairperson.

Motion was made and seconded to elect Chief Dennis Harrison to position of Vice Chairman of the P.O.S.T. Board.

Unanimous Approval

Presentations:

5. SME Committee Reports and Board Recognition of the 2003 SME Committee Members.

- A. Curriculum Committee - Director Epp, Interim Chairman

Cpt. Phil Baca reported that the Curriculum Committee continues to work on changes to the curriculum and classroom delivery techniques.

- B. Arrest Control - Sgt. Michael Esters, Chairman,
Rev. Gil Ford, Co-Chairman

Sgt. Esters reported that the Arrest Control Committee approved a variance for a lead instructor, approved one academy site and made plans to meet again and spend more time on the arrest control curriculum.

- C. Firearms – Parks Manager Kristi Quintana, Chairman,
Sergeant Cory Christensen Vice-Chairman,
Sheriff Joe Morales, Co-Chairman

Park Manager Quintana reported that the Firearms Committee approved several academies and a waiver for an instructor to go to the master firearms school.

- D. Law Enforcement Driving - Sgt. Al Padilla, Chairman,
Chief Dennis Harrison, Co-Chairman

Chief Harrison reported that the Law Enforcement Driving Committee approved 2 new academy sites.

- E. Approval of P.O.S.T. SME Committee members and Board
Representatives.

Once the Governor appoints the new Board members, it is recommended that Director Kammerzell send an e-mail to all the Board members regarding the positions available on the various SME committees for Board representatives and chairs. Chief Sloan expressed his interest in a position as the Board Representative for the Curriculum Committee.

It was moved and seconded to approve the SME Committee members.

Approved

- 6. 2003 POST Manual – Distribution to Board Members.

- A. P.O.S.T. Staff Recognition.

Attorney General Salazar congratulated the P.O.S.T. staff for their work on the P.O.S.T. manual and called it a significant milestone of achievement for the P.O.S.T. staff. The contribution of the SME Committees and Board members who contributed to the revision of the manual were also recognized.

The manual will now go to the Information Technology department within the Department of Law to convert it to HTML and PDF formats. When that is completed, it will be put on the web and burned onto CD's for all the SME committee members. Printed Manuals are now available for purchase at a cost of \$20.00.

- 7. P.O.S.T. Legislative Report

- A. P.O.S.T. Peace Officer Training Bill Up-date – Director Kammerzell.

The bill was presented to the Senate Judiciary Committee where it passed 6-1. Many Chiefs, Sheriff's and other interested partners in the law enforcement community provided testimony. Next, the bill will be

presented to the Senate Transportation Committee and then to the Senate Appropriations Committee before it goes to the House.

B. Recodification of Statutes Related to Peace Officers Bill Up-date – Chief Ronald Sloan.

The recodification bill clarifies and simplifies what peace officers are able to do. It removes the stratification levels and divides peace officers into three categories.

1. Those peace officers who are required to be P.O.S.T. certified.
2. Those peace officers who may be P.O.S.T. certified
3. Those positions which are considered peace officers, but whose scope is limited by statute and rule and are not P.O.S.T. certified.

The bill will be heard in House Local Government Committee on Monday February 10, 2003.

The committee did a thorough search for all places in the Colorado Revised Statutes where peace officers are listed and have done the required conforming amendments.

8. Issues of importance to Board members.

None.

9. Revocation Actions from the December 13, 2002 Board Meeting – carried over.

The decision was made to hold over the revocation actions to the March 28, 2003 Board Meeting when there will be a larger number of Board members present. At that time, there will be several felony conviction revocations presented as well.

10. Recommended POST Board Meeting Dates

Friday, March 28, 2003 – Department of Law

Friday, May 30, 2003 – Summit County

Friday, July 25, 2003 – Department of Law

Friday, September 26, 2003 – Pueblo County

Friday, November 21, 2003 – Fort Collins

11. Comments from others.

Attorney General Salazar closed the meeting with comments regarding the Training Bill and how immensely important it is for law enforcement. He hopes everyone will work together to see that it passes this year.

Next Board Meeting
March 28, 2003
Colorado Department of Law
1525 Sherman Street, Denver, CO

Future Board Meetings
Friday, May 30, 2003 - Summit County, Breckenridge, CO
Friday, July 25, 2003 - Department of Law
Friday, September 26, 2003 - Pueblo County
Friday, November 21, 2003 - Fort Collins

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
March 28, 2003

The Peace Officer Standards and Training Board held its 337th Board meeting at the Department of Law, Denver, Colorado, with the following persons present:

BOARD MEMBERS

SHERIFF MICHEAL ACREE
SHERIFF JAMES ALDERDEN
SHERIFF DAN CORSENTINO
REV. GILL FORD
CHIEF JOHN HALL
CHIEF DENNIS HARRISON
EXECUTIVE DIRECTOR SUZANNE MENCER
S.A.C. PHILLIP B. J. REID
ATTORNEY GENERAL KEN SALAZAR
CHIEF RONALD SLOAN
SHERIFF LOUIS VALLARIO
CHIEF LUIS VELEZ

BOARD MEMBERS ABSENT

CHIEF AL BELL (excused)
COUNCILWOMAN BARBARA J. CLELAND (excused)
SHERIFF RUSS COOK (excused)
SHERIFF JOE MORALES (excused)
CHIEF GERALD WHITMAN(excused)

BOARD COUNSEL

JOHN A. LIZZA, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
CRISTINE MACK, P.O.S.T. Investigator
RUTH VANDERBROEK, P.O.S.T. Compliance Officer
LISA BONI, P.O.S.T. Administrative Assistant

MEMBERS OF THE PUBLIC IN ATTENDANCE

ALEXANDER, JIM, Red Rocks Community College
BACA, PHILIP J., Jefferson County Sheriff's Office
BOENDER, LUCY, Visitor – Sheldon, Iowa
BLACK, TIM, Broomfield Police Department
CHRISTENSEN, CORY, Fort Collins Police Department
CLAYTON, BILL, Denver Police Protective Association
CORRIGAN, JENNIFER, CO Coalition Against Domestic Violence
DUMMOND, HEATHER, Education America
GARNER, JERRY, Lakewood Police Department
GOODBEE, F.M., Attorney General's Office
LEVA, NICK, Chaffee County Sheriff's Office
LOMBARD, TONY, Denver Police Protective Association
MAKI, JOHN, Highland Ranch Public Safety Training Institute
MCDONALD-QUINTANA, KRISTI, Colorado State Parks
MINTER, ROY, Aurora Police Department
ORTIZ, YVETTE, Pueblo County Sheriff's Office
SHAFFER, STACI, Larimer County Sheriff's Office
SHULTZ, DAVE, Denver Police Department
SMITH, TROY, CRCPI/Police Corps
THOMAS-HAZELL, JOE, Citizen
WEBB, RICH, Jefferson County Sheriff's Office
WEBER, MARC D., Larimer County Sheriff's Office
WICKSTROM, LORI, Arapahoe County Sheriff's Office
WILKE, DEBORAH, Arapahoe Community College
WINCELOWICZ, VINCENT C., Education America
WOODCOCK, JOEL, Education America

The following Subject Matter Expert Committees met prior to the P.O.S.T. Board meeting:

Arrest Control Committee
Curriculum Committee
Firearms Committee
Law Enforcement Driving Committee

Introduction:

1. Welcome - Attorney General, Ken Salazar.

March 28, 2003

2. Introduction of New Board Members - Attorney General, Ken Salazar.

Colorado Springs Chief of Police Luis Velez
Douglas County Sheriff Michael Acree
Larimer County Sheriff James Alderden
Jefferson County Sheriff Russell Cook
Garfield County Sheriff Lou Vallario

3. Roll Call - P.O.S.T. Director John Kammerzell.

Declaration of a Quorum (9).

4. Approval of P.O.S.T. Board Minutes for February 7, 2003.

Approved

Presentations:

5. SME Committee Reports and Ratification of Curriculum Committee Chair and Board Representative.

- A. Curriculum Committee - Captain Phil Baca, Chairman
Chief Ron Sloan, Board Representative

Captain Baca reported that the curriculum committee is working on developing a philosophy for law enforcement education. There is a survey going out to all law enforcement agencies throughout the state concerning training for the entire P.O.S.T. program. The surveys will be completed by April 5 and analyzed shortly thereafter. They anticipate having a complete report prior to the next Board meeting.

Vincent Wincelowicz of Education America reported that he is using the Crawford Slip method, a qualitative process of research, to do mass interviews of police officers that are FTO's, PTO's or recruits. They want to find out if there is a gap between training tests in the academy and performance in the field. They are asking officers who recently completed those tests and are closest to the problems or the issues to respond. This process will provide an opportunity to look at the data, see where the real needs are and follow up with answers that may or may not change the curriculum.

The Board **approved** Chief Sloan as Board Representative and Captain Baca as Chairman of the Curriculum committee.

- B. Arrest Control - Sgt. Michael Esters, Chairman
Rev. Gil Ford, Board Representative

Sergeant Webb reported that the Arrest Control committee approved an instructor, a lesson plan and assigned committee members for the test-outs.

- C. Firearms – Parks Manager Kristi Quintana, Chairman
Sergeant Cory Christensen Vice-Chairman
Sheriff Joe Morales, Board Representative

Sgt. Quintana reported that the Firearms committee reviewed applications for two firearms instructors. One was approved, the other denied.

- D. Law Enforcement Driving - Sgt. Al Padilla, Chairman,
Chief Dennis Harrison, Board Representative

Chief Harrison reported that the Law Enforcement Driving committee reviewed one new instructor and one new facility. There was no Board action.

Sheriff Micheal Acree was **approved** as the new Board Representative for the Law Enforcement Driving Committee.

6. Revocation Actions

Director Kammerzell explained the process of revocations and how it is different for felony and listed misdemeanor convictions.

A. Rule 9 - Revocation of Peace Officer Certifications:

Revocation of peace officer certificates based upon convictions of crimes recognized in § 24-31-305(1.5)(b) thru (g) and based upon Director Kammerzell's December 13, 2002 recommendation.

1. No. M02-01, John M. Merz, #13244. On January 25, 2002, Respondent plead guilty to 1 count of Theft, § 18-4-401 C.R.S., a class 2 misdemeanor, and guilty to 1 count of Unlawful Use of a Schedule III Controlled Substance, § 18-18-404(1)(b), a class 1 misdemeanor.
2. No. M02-02, Benjamin X. Biffinger, #B-2479. On December 24, 2001, Respondent was arrested and plead guilty to 1 count of Disorderly Conduct, § 18-9-106(1)(d), a class 3 misdemeanor, and guilty to 1 count of Obstructing a Peace Officer, § 18-8-104, a class 2 misdemeanor.
3. No. M02-03, Jason D. Googins, #B-5174. On October 29, 2001, Respondent was arrested and plead guilty to 1 count of Harassment, § 18-9-111 (An Act of Domestic Violence) C.R.S. a class 3 misdemeanor.

4. No. M02-04, Anthony G. Ortiz, #1687. On December 14, 2001, Respondent was arrested and plead guilty to 1 count of Third Degree Assault, § 18-3-204 C.R.S., a class 1 misdemeanor, and was found guilty of 1 count of Domestic Violence, § 18-6-801 C.R.S. a separate and included offense.
5. No. M02-05, Ronald W. Hughes, #1348. On June 14, 2001, Respondent was convicted of 1 count of Assault in the Third Degree, § 18-3-204, C.R.S., a class 1 misdemeanor.

Revocation of the above 5 individuals was **approved unanimously**.

B. Rule 9 - Board Revocation of Peace Officer Certification upon Felony Conviction: Revocation of peace officer certificates based upon felony conviction of crimes recognized in § 24-31-305.

1. No. 03-01, John Wesley Radcliff, #13890. On November 2, 2001, Respondent was convicted and judgement entered to 1 count of Conspiracy to Distribute and Possession with Intent to Distribute Methamphetamine, 21 U.S.C. § § 846 and 841(a)(1) and (b)(1)(C), and 18 U.S.C. § 2, and to 1 count of Use and Carry of a Firearm During a Drug Trafficking Crime, 18 U.S.C. § 924(c).
2. No. 03-02, Heidi Lubinski (Terry), #B-2395. On December 9, 2002, Respondent was convicted of 1 count of Theft, \$500 - \$15,000, § 18-4-401(1), (2)(c), a class 4 felony.
3. No. 03-03, Gail Leigh Henn (Thompson), #B-3039. On November 8, 2002, Respondent plead guilty to 1 count of Child Abuse, § 18-6-401(7)(A)(IV) C.R.S., a class 4 felony.
4. No. 03-04, Richard D. Henn, #15906. On November 27, 2002, Respondent plead guilty to 1 count of Child Abuse - Negligently Causing Serious Bodily Injury, § 18-6-401(1)(a), (7)(A)(IV) C.R.S., a class 4 felony.
5. No 03-05, Tracy Monteiro, #B-8142. On September 16, 2002, Respondent plead guilty to 1 count of Murder in the Second Degree, § 18-3-103 C.R.S., a class 3 felony.
6. No. 03-06, Telisha Smith, #B-5388. On September 5, 2002, Respondent plead guilty to 1 count of Forgery - Check/Commercial Instrument, § 18-5-102(1)(c) C.R.S., a class 5 felony; and, guilty to 1 count of Theft - \$100 - \$500, § 18-4-401(1)(2)(b) C.R.S., a class 2 misdemeanor.

March 28, 2003

7. No. 03-07, Wesley E. Hamrick, #B-5594. On August 8, 2002, Respondent was convicted on 1 count of Felony Menacing - Real or Simulated Weapon, § 18-3-206(1)(a)(b) C.R.S., a class 5 felony.
8. No. 03-08, Christopher M. Caldwell, #B-6794. On July 5, 2002, Respondent plead guilty to 1 count of Harassment - Stalking, § 18-9-111(4)(b)(I) C.R.S., a class 5 felony.
9. No. 03-09, Charles E. Bachand, #B00851. On November 3, 2000, Respondent plead guilty to 1 count of Felony Menacing - Real or Simulated Weapon, § 18-3-206(1)(a)(b) C.R.S., a class 5 felony.

Revocation of the above 9 individual's certification was **approved unanimously**.

C. Notice to the Board of Director's Show Cause Hearing Actions.

Hearing Notices mailed to peace officers upon convictions of misdemeanor crimes recognized in § 24-31-305(1.5)(b) thru (g).

1. No. M03-01, Amy J. Mortensen, #B-5734. On February 18, 2003, Respondent plead guilty to 1 count of Harassment, § 18-9-111 C.R.S., a class 3 misdemeanor. Show Cause Hearing scheduled April 2, 2003.
2. No. M03-02, Steven L. McGarvey, #B-2957. On January 8, 2003, Respondent plead guilty to 1 count of Resisting Arrest, § 18-8-103 C.R.S., a class 2 misdemeanor. Show Cause Hearing scheduled April 30, 2003.
3. No. M03-03, Douglas W. Lemons, #11078. On March 6, 2003, Respondent plead guilty to 1 count of Assault in the Third Degree, § 18-3-204 C.R.S., a class 1 misdemeanor; and, plead guilty to 1 count of Domestic Violence, § 18-6-801 C.R.S., a class 1 misdemeanor. Show Cause Hearing scheduled May 14, 2003.

Action will be taken on these certifications at the next P.O.S.T. Board meeting in May.

7. P.O.S.T. Legislative Report

A. P.O.S.T. Peace Officer Training Bill Up-date – Director Kammerzell.

Director Kammerzell reported that SB03-103 is out of the Senate Judiciary committee and could be heard in the Senate as early as April 3, 2003. He believes the bill has a good chance of passing the Senate. How it does in the House depends upon the committee assignments.

- B. Recodification of Statutes Related to Peace Officers Bill Up-date – Chief Ronald Sloan.

Chief Sloan reported that HB 1266 passed both the House and the Senate and is on the Governor’s desk awaiting his signature. The bill clarifies and simplifies understanding of what Peace Officers are enabled to do through statute, a conforming amendment is in place which will change all statutes where “peace officer” occurs.

- C. Director Kammerzell noted that other legislation was brought forward by Senator Dyer which would have significantly expanded the existing P.O.S.T. Board in some areas and reduced it in others. Now, the bill keeps the Board as is but expands it by adding three (3) rank and file officers with a maximum rank of Sgt. The bill has completed the second reading and is on to the third. Representative Larson is taking it to the house. The three added positions would be Governor appointments for which any officer can apply.

8. Issues of importance to Board members.

S.A.C. Reid stated that cooperation and information sharing between Federal, State and Local agencies has never been better.

9. 2003 POST Board Meeting Dates and Host Agencies.
Friday, May 30, 2003 - Summit County
Thursday, July 24, 2003 - Department of Law
Friday, September 26, 2003 - Pueblo County
Friday, November 21, 2003 - Fort Collins

10. Comments from others.

Next Board Meeting

Friday, May 30, 2003

Summit County Sheriff Joe Morales, Host
Summit County Senior/Community Center
County Road 1004
Frisco, CO

Future Board Meetings

Thursday, July 24, 2003 - Department of Law
Friday, September 26, 2003 - Pueblo County
Friday, November 21, 2003 - Fort Collins

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
May 30, 2003

The Peace Officer Standards and Training Board held its 338th Board meeting at the Frisco Senior/Community Center, Frisco, Colorado, with the following persons present:

BOARD MEMBERS

SHERIFF MICHEAL ACREE
SHERIFF JAMES ALDERDEN
CHIEF AL BELL
COUNCILWOMAN BARBARA J. CLELAND
SHERIFF RUSS COOK
SHERIFF DAN CORSENTINO
CHIEF JOHN HALL
EXECUTIVE DIRECTOR SUZANNE MENCER
SHERIFF JOE MORALES
S.A.C. PHILLIP B. J. REID
ATTORNEY GENERAL KEN SALAZAR
CHIEF RONALD SLOAN
SHERIFF LOUIS VALLARIO
CHIEF LUIS VELEZ
CHIEF GERALD WHITMAN

BOARD MEMBERS ABSENT

CHIEF DENNIS HARRISON (excused)
REV. GILL FORD (excused)

BOARD COUNSEL

JOHN A. LIZZA, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
CRISTINE MACK, P.O.S.T. Investigator

MEMBERS OF THE PUBLIC IN ATTENDANCE

ALEXANDER, JIM, Red Rocks Community College
BACA, PHILIP J., Jefferson County Sheriff's Office
BELUSCAK, MARK, Silverthorne Police Department
BERLIN, GARY, Colorado Division of Wildlife
BOEPPLE, RANDAL, Trinidad State Junior College
BOURGERIE, ERIK J, Summit County Sheriff's Office
BRANDT, JOHN, El Paso County Sheriff's Office
CARLINE, TOM, Trinidad State Junior College
CHRISTENSEN, CORY, Fort Collins Police Department
COMPTON, COREY T., Colorado Springs Police Department
DATTILO, TONY, Colorado Parole/Community Corrections
DEVORSS, MARK, Fountain Police Department
DONAHUE, JAMES K., Silverthorne Police Department
DUMMOND, HEATHER, Remington College
ESTERS, MICHAEL, Larimer County Sheriff's Office
FOECHTERLE, JOHN, Olathe Police Department
HUNTINGTON, CHARLES J., El Paso County Sheriff's Office
QUESADA, SUSAN, Breckinridge Police Department
RABIDEAU, CHARLES, Colorado Springs Police Department
SCHWAB, SHANNON, Colorado Division of Wildlife
SHAFFER, STACI, Larimer County Sheriff's Office
SHULTS, JOEL F., Visiting Trinidad SJC from Hannibal-LaGrange College, MO
SMITH, TROY, CRCPI/Police Corps
TYLER, NEAL, Canon City Police Department
WEBER, MARC D., Larimer County Sheriff's Office
WINCELOWICZ, VINCENT C., Remington College

The following Subject Matter Expert Committees met prior to the P.O.S.T. Board meeting:

Arrest Control Committee
Curriculum Committee
Firearms Committee
Law Enforcement Driving Committee

Introduction:

1. Welcome - Attorney General, Ken Salazar.
2. Welcome and announcements from Sheriff Joe Morales.
3. Roll Call - P.O.S.T. Director John Kammerzell.

Declaration of a Quorum (9).

May 30, 2003

4. Approval of P.O.S.T. Board Minutes for March 28, 2003.

Approved

Presentations:

Attorney General Salazar made a presentation to John Kammerzell in appreciation for his work and effort in the passage of Senate Bill 103.

5. SME Committee Reports

- A. Curriculum Committee: Captain Phil Baca, Chairman
Chief Ron Sloan, Board Representative

Captain Baca reported that the curriculum committee continues to work on evaluating the Basic Academic Training Program. They hope to be able to make a proposal of recommendations to the P.O.S.T. Board in the fall.

The Curriculum Committee reviewed lesson plans and documents from Otero JC. They also discussed recommendations for the proper sequencing of courses in the academies.

Vinnie Wincelowiz presented the report, "Moving from Training to Performance: A survey of Field Training Officers and Recruits Concerning Academy Training – Job Task Performance and the Effects of a Standardized Curriculum."

- B. Arrest Control: Sgt. Michael Esters, Chairman
Rev. Gil Ford, Board Representative

Sgt. Esters reported that the Arrest Control Committee discussed working more closely with the other committees and reviewed the POST Manual.

- C. Firearms: Parks Manager Kristi Quintana, Chairman
Sergeant Cory Christensen Vic-Chairman
Sheriff Joe Morales, Board Representative

Sgt. Christensen reported that the committee conducted normal business. They are looking into a possible rule change pertaining to the targets used for the P.O.S.T. firearms qualifications.

- D. Law Enforcement Driving: Sgt. Al Padilla, Chairman,
Sheriff Mike Acree, Board Representative

Sheriff Acree reported that the Law Enforcement Driving Committee approved two instructors for Jefferson County Police Academy and approved driving sites for Aurora PD Academy, CMC Glenwood Springs Academy and Douglas County. They also approved a driving instructor program for Westminster Police Department.

6. Peace Officer Certification Suspension and Revocation Actions.

A. Rule 9 - Suspension/Revocation of Peace Officer Certifications:
Revocation of peace officer certificates based upon convictions of crimes recognized in § 24-31-305(1.5)(b) thru (g).

1. No. M03-01, Amy J. Mortensen, #B-5734. On February 18, 2003, Respondent plead guilty to 1 count of Harassment, § 18-9-111 C.R.S., a class 3 misdemeanor. Ms. Mortensen appeared before the Director for her Show Cause Hearing scheduled on April 2, 2003. After consideration of the merits, the Director has determined that Amy J. Mortensen's peace officer certification be suspended for a period of nine months, ending January 2, 2004 (Notification Attached).

No action was required on suspension of Amy J. Mortensen's certification.

2. No. M03-02, Steven L. McGarvey, #B-2957. On January 8, 2003, Respondent plead guilty to 1 count of Resisting Arrest, § 18-8-103 C.R.S., a class 2 misdemeanor. Subject failed to appear at the Show Cause Hearing scheduled April 30, 2003. Director Kammerzell recommends revocation of Steven L. McGarvey's peace officer certificate.

Motion to revoke certification of Steven L. McGarvey **passed unanimously.**

3. No. M03-03, Douglas W. Lemons, #11078. On March 6, 2003, Respondent plead guilty to 1 count of Assault in the Third Degree, § 18-3-204 C.R.S., a class 1 misdemeanor; and, plead guilty to 1 count of Domestic Violence, § 18-6-801 C.R.S., a class 1 misdemeanor. Subject failed to appear at the Show Cause Hearing scheduled May 14, 2003. Director Kammerzell recommends revocation of Douglas W. Lemons' peace officer certificate.

Motion to revoke certification of Douglas W. Lemons **passed unanimously.**

There was discussion on the authority of the Director to suspend certification and the Board's authority to suspend certification. It was recommended that Board Counsel John Lizza make a presentation at the next Board Meeting on this topic.

7. 2003 Legislative Session - Ending Report.

A. SB03-103, The POST Peace Officer Training Bill is still unsigned
Project Implementation Plan - Attached.

If the bill becomes law major actions will need to be taken by the Board, Staff and DOL.

- Grant Application, Award, and Reporting Rules
- Training Program Selection
- FTE Position Description Questionnaires (PDQ) and Job Descriptions - Attached
- Workstation and Support Equipment Purchase
- FTE Vacancy Announcement and Selection
- Staff Training

Director Kammerzell made a presentation regarding SB03-103. He spoke about the implementation plan and discussed the prerequisites that must be accomplished before the \$.25 can be collected.

Director Kammerzell announced that P.O.S.T. has an intern who is working on the training grant.

Attorney General Salazar noted that he would like the P.O.S.T. Board to spend 1 to 1½ hours at the July 24, 2003 Board meeting discussing the grant process, training program criteria and implementation as well as a regionalized training plan.

B. SB03-242, Concerning POST Board Membership (Adds 3 line-level Peace Officers to the Board) has been signed by the governor.

This bill will require modification of POST Rule 2 - Meetings.

- (d) Must be re-written to deal with an evenly numbered Board and address tie votes - deciding vote cast by the chairman.

SB03-242 will increase the size of the P.O.S.T. Board from 17 to 20. The bill adds three line level officers to the Board. Application for these positions is to be made through the Governor's office. The Board recommends that P.O.S.T. make a recommendation to the Governor that rural Colorado be represented among those positions.

C. HB03-1266, The Recodification of Statutes Related to Peace Officers Bill has been signed by the governor.

POST Board must designate by Rule or Board Declaration which active job titles and service will maintain a peace certificate.

The bill clarifies and simplifies definitions of Peace Officers. First are those Peace Officers required to have P.O.S.T. certification. Second are

those who may be certified and recognized as certified by P.O.S.T. Third are those who are considered to be peace officers but are not certified. The P.O.S.T. Board needs to decide which positions will maintain certification.

- D. HB03-1352, Concerning Criminal History Background Checks for Basic Training Academy Peace Officer Applicants passed in the 11th hour of the session and has not been signed by the governor.
POST Rule 8 and 14 must be re-written.

The bill requires that a criminal history be completed prior to beginning the academy.

Director Kammerzell anticipates that there may be a need to extend the November Board meeting to December in order to meet rule-making requirements. He also noted that conforming amendments are in place.

8. Issues of importance to Board members.

Director Kammerzell noted that the 2003 P.O.S.T. Manual is now available for sale in a mini-disc version as well as the printed version for \$20.00.

9. Comments from others.

There were no public comments.

10. 2003 POST Board Meeting Dates and Host Agencies.

June 4, 2003 New Board Member Orientation
Thursday, July 24, 2003 - Department of Law
Friday, September 26, 2003 - Pueblo County
Friday, November 21, 2003 - Fort Collins

Next Board Meeting
Thursday, July 24, 2003
Colorado Capitol
Old Supreme Court
Second Floor
Denver, Colorado

Future Board Meetings

Friday, September 26, 2003 - Pueblo County
Friday, November 21, 2003 - Fort Collins

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
July 24, 2003

The Peace Officer Standards and Training Board held its 339th Board meeting at the State Capital, Denver, Colorado, with the following persons present:

BOARD MEMBERS

SHERIFF JAMES ALDERDEN
CHIEF AL BELL
SHERIFF JAMES BIECKER
COUNCILWOMAN BARBARA J. CLELAND
CHIEF JOHN HALL
CHIEF DENNIS HARRISON
SENIOR AGENT DONN KRAEMER
EXECUTIVE DIRECTOR SUZANNE MENCER
SERGEANT JOHN MINOR
SHERIFF JOE MORALES
S.A.C. PHILLIP B. J. REID
ATTORNEY GENERAL KEN SALAZAR
CHIEF RONALD SLOAN
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO
CHIEF GERALD WHITMAN

BOARD MEMBERS ABSENT

SHERIFF MICHEAL ACREE (excused)
SHERIFF DAN CORSENTINO (excused)
REV. GILL FORD (excused)
CHIEF LUIS VELEZ (excused)

BOARD COUNSEL

JOHN A. LIZZA, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
CRISTINE MACK, P.O.S.T. Investigator
RUTH VANDERBROEK, P.O.S.T. Compliance Officer
LISA BONI, P.O.S.T. Administrative Assistant
STEPHEN ZOTOS, P.O.S.T. Interim Training Manager
DON QUICK, Chief Deputy Attorney General

MEMBERS OF THE PUBLIC IN ATTENDANCE

ALEXANDER, JIM, Red Rocks Community College
BACA, PHILIP J., Jefferson County Sheriff's Office
BLACK, DON, Aurora Police Department
BOURGERIE, ERIK J., Summit County Sheriff's Office
DEVORSS, MARK, Fountain Police Department
ENGLE, JEFF, Pikes Peak Community College
EPP, GEORGE, County Sheriff's of Colorado
FALVO, JON, Larimer County Sheriff's Office
GODSEY, JOHN, Colorado Springs Police Department
GOODBEE, MICHAEL, Deputy Attorney General, Department of Law
KOSKI, ROB, Fountain Police Department
LEONARD, RON, Jefferson County Sheriff's Office
MAMET, SAM, Colorado Municipal League
MANWARING, TERRY, Jefferson County Sheriff's Office
MINTER, ROY, Aurora Police Department
QUINTANA, KRISTI, State Parks
ROBLES, LISA, El Paso County Sheriff's Office
SHAFFER, STACI, Larimer County Sheriff's Office
SMITH, TROY, CRCPI/Police Corps
THOMAS-HAZELL, JOE, Citizen
WEBB, RICHARD, Jefferson County Sheriff's Office
WEBER, MARC D., Larimer County Sheriff's Office
WINCELOWICZ, VINCENT C., Community College of Denver
YORK, NATASHA, Larimer County Sheriff's Office
ZANI, MARGE, El Paso County Sheriff's Office

The following Subject Matter Expert Committees met prior to the P.O.S.T. Board meeting:

Arrest Control Committee
Curriculum Committee
Firearms Committee
Law Enforcement Driving Committee

Introduction:

1. Welcome – Attorney General, Ken Salazar.
 - A. Welcome – Newly Appointed Board Members.
 1. Sheriff James L. Biecker, Fremont County.
 2. Senior Agent Donn B. Kraemer, Lakewood Police Dept.
 3. Sergeant John G. Minor, Silverthorne Police Department.
 4. Officer Neal E. Tyler, Canon City Police Department.

- B. Congratulations – Reappointed Board Members.
 - 1. Chief Ronald C. Sloan, Arvada Police Department.
 - 2. Reverend Gil Ford, Lay Member, Denver, Colorado
 - C. Welcome – Interim P.O.S.T. Training Manager Steve Zotos
2. Roll Call – P.O.S.T. Director John Kammerzell.

Declaration of a Quorum (11).

3. Approval of P.O.S.T. Board Minutes for May 30, 2003.

Approved

4. SME Committee Reports

- A. Curriculum Committee – Captain Phil Baca, Chairman
Chief Ron Sloan, Board Representative

Captain Baca reported that the Curriculum committee is continuing to evaluate the curriculum. A rough draft of recommendations will be ready for the Board by October 1, 2003. It is anticipated that the committee will recommend an increase in the total hours of the curriculum as well as an increase in the number of questions on the P.O.S.T. certification exam. The committee would like to see the questions raised from 100 questions to 150 or 200 questions. The committee will also have recommendations for the academies as to the sequencing of courses.

- B. Arrest Control – Sgt. Michael Esters, Chairman
Rev. Gil Ford, Board Representative

There was no report from the Arrest Control Committee.

- C. Firearms – Parks Manager Kristi Quintana, Chairman
Sergeant Cory Christensen Vic-Chairman
Sheriff Joe Morales, Board Representative

Kristi Quintana reported that the Firearms committee reviewed a draft video of the new firearms course. It will be available to all the academies and to anyone coming in from out of state that wants to review the course. It will be ready for the Board to review in January.

- D. Law Enforcement Driving – Sgt. Al Padilla, Chairman
Sheriff Mike Acree, Board Representative

Sgt. John Minor reported that the Law Enforcement Driving Committee reviewed curriculum for El Paso, Delta-Montrose Area Vo-Tech and Highlands Ranch Public Safety Training Institute. They also approved two new full

instructors, Lisa Robles of El Paso County Sheriff's Office and Bob Abbot of Arapahoe County Sheriff's Office. They also scheduled two academy inspections for August and September in La Junta and Steamboat Springs.

5. "Colorado P.O.S.T. Peace Officers Training Implementation Project"
Steve Zotos, P.O.S.T. Interim Training Manager
John Kammerzell, P.O.S.T. Director

History

Initial Effort (2001) – As a result of numerous discussions by POST members Attorney General Ken Salazar appointed a sub-committee, chaired by Chief D. Harrison and Sheriff S. Zotos. The sub-committee's accomplishments included:

1. Identification of basic law enforcement training needs throughout state, and problems with ability to provide adequate training.
2. Developed partnerships within law enforcement community. Included small, rural agencies in discussions, municipal and county policy representation, the courts, and a variety of other groups and influences.

2002 Legislative Session - Senator P. Reeves / Rep. Berry served as sponsors.

1. Bill passed Senate but lost by one vote in House committee.
 - A. Excellent testimony but financial condition of state and other political concerns had affect on outcome.
 - B. Made many in-roads with legislators. Sentiment was there for a more successful 2003 bid.

2003 Legislative Session – Same sponsors with additional co-sponsors (Senator Ron Teck and Rep. Mark Larson) – same bill

1. Bill passes both Houses - Success! Governor Signs Bill

Major Points to Legislation

1. Should provide a relatively consistent revenue stream of approximately \$1 million annually; funds remain in fund and can only be used for training and necessary expenses. Allows for flexibility in covering a variety of the costs of training.
2. Will provide funding for training, which would otherwise not be available to many agencies.

3. Provides incentives for all agencies regardless of size, resources, or location to attend or develop needed training programs.
4. SB-03-103 in its “declaration” refers to the relationship between the training and crime, risk to officers and the public as it occurs on roads and public highways.

POST Board Discussion

Budget	Training priorities
Funding time lines	Regional/cooperative efforts
Grant process	Maximizing training dollars
Creating a training resource	Other issues
Grant Training	POST Sub-committee

Making this project an initial success is important to addressing this state’s law enforcement training needs.

Regional presentations – 11 regions – September 2003.

Interim Training Manager Steve Zotos reviewed the history of the passage of SB03-103 for the P.O.S.T. Board and initiated discussion on how the P.O.S.T. Board should proceed. He gave a handout to Board members, which included the schedule for the regional meetings being held in September, a map showing the regions and a rough draft of a training survey that will be passed out to everyone attending the meetings.

Regional forums will be held to pinpoint training needs and priorities within each region. Press releases will be made and invitations will be sent to law enforcement agencies, county commissioners and city councils. Zotos requested Board members to attend their regional forums and that they encourage good attendance by area law enforcement at the meetings.

It is anticipated that there will be two grant approval processes a year. During those times multiple grants will be approved.

Discussion by the Board brought forward the following points:

- It is important to take the time to do it right, because the first grants will set the framework for all to follow.
- It is important to keep the process simple.

- It is important to allocate the money fairly and in a manner that will provide training to those regions that are most deficient.
- It is important to allocate the money in ways to get the greatest use out of it.

The suggestion was made that it is important not only to determine training needs, but also to assess what training is already being provided and who is providing it. Also that it is important to not compete with organizations already providing training and not to duplicate training.

The subject of setting standards for continuing education in law enforcement came up. It was pointed out that thirty-one (31) states have continuing education requirements within those states. The number of annual required hours varies greatly. It was suggested that the Board should pursue this in the future, possibly within 2 to 3 years.

6. Issues of importance to Board members.
7. Comments from others.
8. 2003 POST Board Meeting Dates and Host Agencies.
 Friday, September 26, 2003 - Pueblo County
 *Friday, November 21, 2003 - Fort Collins

 *May be rescheduled to December 12, 2003 to facilitate state rule making publication requirements.
9. Adjourn to the P.O.S.T. Peace Officer Training Project Kick-off Celebration.

Next Board Meeting
Friday, September 26, 2003
Hosted by Sheriff Dan Corsentino
Pueblo, Colorado

Friday, November 21 or Friday, December 12, 2003
 Fort Collins

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
September 26, 2003

The Peace Officer Standards and Training Board held its 340th Board meeting at the Pueblo County Conference Room, Pueblo, Colorado, with the following persons present:

BOARD MEMBERS

SHERIFF MICHEAL ACREE
SHERIFF JAMES ALDERDEN
SHERIFF JAMES BIECKER
COUNCILWOMAN BARBARA J. CLELAND
CHIEF DENNIS HARRISON
SERGEANT JOHN MINOR
SHERIFF JOE MORALES
S.A.C. PHILLIP B. J. REID
ATTORNEY GENERAL KEN SALAZAR
CHIEF RONALD SLOAN
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO
CHIEF LUIS VELEZ

BOARD MEMBERS ABSENT

CHIEF AL BELL (excused)
SHERIFF DAN CORSENTINO (excused)
REV. GILL FORD (excused)
CHIEF JOHN HALL (excused)
SENIOR AGENT DONN KRAEMER (excused)
EXECUTIVE DIRECTOR SUZANNE MENCER (excused)
CHIEF GERALD WHITMAN (excused)

BOARD COUNSEL

JOHN A. LIZZA, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
CRISTINE MACK, P.O.S.T. Investigator
RUTH VANDERBROEK, P.O.S.T. Compliance Officer
LISA BONI, P.O.S.T. Administrative Assistant
STEPHEN ZOTOS, P.O.S.T. Interim Training Manager

MEMBERS OF THE PUBLIC IN ATTENDANCE

BLATNER, DAVID, Colorado State Patrol
BOEPPLE, RANDAL W., Trinidad SCLETA
BRANDT, JOHN, El Paso County Sheriff
CHAGOLLA, STEVEN, Denver Police Department
COOPER, J C, Fremont County Sheriff's Office
DATILLO, TONY, Colorado Adult Parole and Community Corrections
DELUCA, CHIP, Pueblo County Sheriff's Office
DEVORSS, MARK, Fountain Police Department
ESTERS, MICHAEL, Larimer County Sheriff's Office
FERRARO, JOE, Denver Police Department
GONZALES, ERIC, Pueblo Police Department
KING, DALE, Colorado State Patrol
LEONARD, RON, Jefferson County Sheriff's Office
MASON, JAMES, CMHIP – Department of Public Safety
MEARS, MARK, Pueblo County Sheriff's Office
MOSCO, TRACY, Pueblo County Sheriff's Office
PEARSON, DAVID, Fort Collins Police Department
PINELLE, TONY, CMHIP – Department of Public Safety
QUINTANA, KRISTI, State Parks
RABIDEAU, CHARLES, Colorado Springs Police Department
REED, RUSSELL, Fort Collins Police Department
ROBINSON, YVETTE, Pueblo County Sheriff's Office
SANDSTOM, GUS, DA 10th Judicial District
SMITH, TROY, CRCPI/Police Corps
SNELLING, DAVE, Arvada Police Department
STENSGAARD, RICHARD, Denver Police Department
WEBB, RICHARD, Jefferson County Sheriff's Office
WEBER, MARC D., Larimer County Sheriff's Office
WILLIAMS, JERRY, GSPA University of Colorado at Denver
WOOD, MARGI, Pueblo Chieftain

The following Subject Matter Expert Committees met prior to the P.O.S.T. Board meeting:

Arrest Control Committee
Curriculum Committee
Firearms Committee
Law Enforcement Driving Committee

September 26, 2003

Introduction:

1. Welcome – Attorney General, Ken Salazar.
2. Roll Call – P.O.S.T. Director John Kammerzell.

Declaration of a Quorum (11).

3. Welcome – by Gus Sandstrom, DA for the 16th Judicial District

DA Gus Sandstrom welcomed the P.O.S.T. Board to Pueblo and spoke about the importance of P.O.S.T.'s Peace Officer training and the development of the curriculum necessary to put officers on the street trained to protect citizens, themselves and their fellow officers. He noted that continuing education is important to regenerate enthusiasm and the importance of providing follow-up training in report writing, ability to testify, thinking through and being prepared to ask the next question. The DA noted the changes in what a jury needs and the burden that places on officers in the field.

Welcome – by Chip DeLucca on behalf of Sheriff Dan Corsentino

4. Approval of P.O.S.T. Board Minutes for July 24, 2003.

Approved

Presentations:

5. SME Committee Reports
 - A. Curriculum Committee – Captain Phil Baca, Chairman
Chief Ron Sloan, Board Representative

Troy Smith of CRCPI reported that the Curriculum committee reviewed Rule 21 and made 2 recommendations for changes. They also reviewed the draft of Rule 14 and expressed their support for it. The Community Policing Section of the Basic Curriculum was reviewed. They are working with S.A.C. Phil Reid to make modifications to the terrorism portion of the curriculum.

- B. Arrest Control – Sgt. Michael Esters, Chairman
Rev. Gil Ford, Board Representative

Sgt. Esters reported that the Arrest Control Committee reviewed an application from Pikes Peak Community College. They have made recommendations to them and ask that they resubmit the application at the next meeting. In addition, the Arrest Control Committee reviewed drafts of Rules 21 and 23 and made recommendations. Sgt. JJ Webb put together a form to be used at test-outs which will provide more information regarding evaluation of the test-outs and more documentation so that at a later date, there will be more information about how an individual performed in the test-out.

- C. Firearms – Parks Manager Kristi Quintana, Chairman
Sergeant Cory Christensen Vice-Chairman
Sheriff Joe Morales, Board Representative

Kristi Quintana reported that the Firearms committee approved three (3) full instructors. They reviewed the draft of Rule 21 and made recommendations and updated the Basic Firearms Academy Program Curriculum. They also reviewed requirements for SME Firearms Committee members.

- D. Law Enforcement Driving – Sgt. Al Padilla, Chairman
Sheriff Mike Acree, Board Representative

Sheriff Acree reported that the Law Enforcement Driving Committee approved a full instructor and reviewed the course inspection for Otero Junior College. There is a course inspection for Jefferson County in October and a test-out in November. They reviewed changes to Rule 24 regarding skills safety and support those recommendations. They tabled several items so they can have the participation of the full committee. In addition, they reviewed Rules 21, 23 and 14 and made recommendations.

6. Peace Officer Certification Revocation Actions

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications:

A Colorado peace officer certification issued pursuant to § 24-31-305 C.R.S. (2001) shall be suspended or revoked by the P.O.S.T. 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. (2002), 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.

Jason Pacheco requested an extension to consult with counsel. Director Kammerzell has allowed a thirty-day extension to respond to that show cause order.

It was moved and seconded to revoke the certification of the below listed individuals number 1 through 7 and to postpone revocation of Jason Pacheco. ***Motion passed unanimously.***

Director Kammerzell noted that the Agency is notified that the individual has been revoked and then they are entered into a national de-certification database.

1. No. 03-10, Donald Vecchi, #8137. On July 30, 2001, Respondent pled guilty to 1 count of Felony Menacing – Real/Simulated Weapon, § 18-3-206(1)(A)(B) C.R.S., a class 5 felony.
2. No. 03-11, Carolyn E. Weatherford, #B-01798. On December 1, 2000, Respondent was convicted of 1 count of Criminal Attempt to Commit Theft, § 18-2-101(1) and § 18-4-401(1)(a)(2)(d), C.R.S. a class 4 felony, and was convicted of 1 count of First-Degree Official Misconduct, § 18-8-404(1)(a), C.R.S., a class 2 misdemeanor.
3. No. 03-12, Joseph Wesley Dickerson, #B-2972. On March 3, 2003, Respondent was convicted of 1 count of Felony Menacing, § 18-3-206, C.R.S., a class 5 felony.
4. No. 03-13, Douglas Scott Gehm, #8413. On June 6, 2003, Respondent was convicted of 1 count of Unlawful Possession – Schedule IV Controlled Substance, § 18-18-405(1)(2)(c)(I), C.R.S., a class 5 felony.
5. No. 03-14, Michael A. Espinoza, #B-2485. On May 4, 2000, Respondent was convicted of 1 count of Felony Menacing, § 18-3-206, C.R.S., a class 5 felony.
6. No. 03-15, Michael G. Canada, #B-4549. On July 8, 2003, Respondent was convicted of 1 count of Stalking – Threat/Repeated Communication, § 18-9-111(4)(b)(II), a class 5 felony, (Case Number 2003CR00138), and was convicted of Stalking-Emotional Distress – Restraining Order, § 18-9-111(4)(b)(III), (5)(b), C.R.S., a class 4 felony, (Case Number 2003CR002164).
7. No. 03-16, Gilbert J. Pedraza, #12507. On June 18, 2003, Respondent was convicted of 1 count of Theft/Receiving, \$500 - \$15,000 § 18-4-410(1), (4), C.R.S., a class 4 felony.
8. No. 03-17, Jason Brent Pacheco, #B-2959. On July 8, 2003, Respondent was convicted of 1 count of 2nd Degree Burglary – of Building, § 18-4-203(1), C.R.S., a class 4 felony, (Case Number 2002CR003173), and was convicted of 1 count of 1st Degree Trespass of a Dwelling, § 18-4-502, C.R.S, a class 5 felony, (Case Number 2002CR001103).

7. Peace Officer Training Project Regional Training Forums Discussion

A. Attorney General Ken Salazar, P.O.S.T. Director John Kammerzell, Interim P.O.S.T. Training Manager Steve Zotos.

1. Preliminary discussion of topics and issues presented by the Law Enforcement Leaders from P.O.S.T. Training Regions 1 through 10 (Region 11 Forum is schedule at 1:30 p.m. in Colorado Springs, following the Board Meeting).

Director Kammerzell shared feedback from the training forums. There was appreciation for the regional testing and test-outs, the Refresher academies, the rule change regarding out of state candidates and allowing them a provisional certification.

Interim Training Manager Steve Zotos reported that most of the meetings were very well attended. While few line level officers attended the meetings, many have sent in surveys.

The general consensus is that P.O.S.T. is on the right tract. Everyone seems to be positive about the prospects of training resources and the fact that P.O.S.T. is including them in the program development.

Training needs of highest interest seem to be focused upon: Driving skills and facilities, Supervision and Executive Development, verbal /written communications, and conflict resolution.

CSOC and CACP can fund 2 trainings in each of the 9 homeland security areas for \$150,000 which would also include scholarships as well as backfill and per diem associated with the training. The CSOC/CACP proposal seems to be well received, especially outside the metropolitan areas, however, there have been many suggestions on delivery strategies. One suggestion was to break up the 40 hours into 1 to 2 day blocks and have more sessions to accommodate small agency scheduling needs. There is also a need to augment the training proposal by CSOC/CACP by having additional multi-agency initiatives developed to meet those areas' unique needs.

The District Attorneys have put forth a proposal to provide training on legal updates around the state for \$27,000.

Other ideas brought forth at the forums were:

- Back fill and per diem expenses are critical to many small agencies. Tuition costs are of lesser concern.
- Home Land Security Regions map doesn't work outside the metro area. Most seem to be more in tune with multi-agency initiatives of

their own defined area or in some cases driven by adjacent Judicial Districts.

- There is a great interest in POST providing a schedule or web based clearinghouse for all training statewide.
- Distance learning techniques via CD, video, or web based was also of significant interest.
- “Train the trainers” also seems to be a focus. There were significant references to building a core of quality instructors across the state.
- A more detailed report will be presented after the data from all 11 regional meetings is compiled.
- Money collection begins approximately November 1, 2003. Total for this year is expected to be about \$600,000.00.
- Training around the state varies from none to volunteer to 100 hours of mandatory training.

In discussion, the P.O.S.T. Board recommended regionalizing the training and seeing that the standards of training are maintained at a specific and consistent level.

A training committee was formed to assist Director Kammerzell and the Training Manager. The committee will consist of Chief Harrison, Chief Hall, Sheriff Morales, Sherriff Vallario, Chief Velez, Sheriff Acree, Officer Neal Tyler and Board Counsel John Lizza. They will draft a statement of mission and goals as well as how the program will be delivered to present at the December 12, 2003 P.O.S.T. Board Meeting.

8. Report and Recommendations to the Board from the Recodification of Statutes related to Peace Officers Bill, HB03-1266 -- Chief Ron Sloan.

Chief Sloan presented the committees recommendation regarding HB03-1266 and peace officer’s continuing service recognition. A motion was made to adopt the recommendations of the sub-committee considering continuing service and the ability to become certified peace officers as tendered by the sub-committee.

Motion was seconded and approved unanimously.

9. Issues of importance to Board members.

The next formal Rulemaking Hearing will take place at the December 12, 2003 P.O.S.T. Board Meeting in Fort Collins. The date of the meeting was changed from November 28, 2003 to December 12, 2003 in order to meet publication requirements for Rule Making as proscribed by the Secretary of State’s Office. Draft rule changes were presented to SME Committees at the meetings today.

Sheriff Alderden proposed that as Skills Training is taught in both Reserve and Basic Academies, that Reserve Skills training be accepted towards Basic

Certification. Director Kammerzell will work with Sheriff Alderden to present this to the Board with the other Rules at the December 12, 2003 meeting.

Councilwoman Cleland brought up the issues of rising public concern regarding the training peace officers have in dealing with individuals with mental illness. It was noted that there is proposed legislation on this topic. It was also pointed out that there is some excellent training available to Law Enforcement Agencies through the DCJ – CIP.

S.A.C. Reid gave an update on the FBI in Colorado. The FBI is working on ways to improve information sharing and getting relevant information to the agencies that need it.

10. Comments from others.
11. 2003 POST Board Meeting Dates and Host Agencies.

Friday, December 12, 2003 - Fort Collins Police Department

Next Board Meeting
Friday, December 12, 2003
Fort Collins Marriott
350 E. Horsetooth Rd
Fort Collins, Colorado

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
January 30, 2004

The Peace Officer Standards and Training Board held its 342nd Board meeting at the Department of Law, Denver, Colorado, with the following persons present:

BOARD MEMBERS

SHERIFF MICHEAL ACREE
SHERIFF JAMES ALDERDEN
SHERIFF JAMES BIECKER
SHERIFF DAN CORSENTINO
CHIEF JOHN HALL
CHIEF DENNIS HARRISON
SHERIFF STAN HILKEY
SENIOR AGENT DONN KRAEMER
EXECUTIVE DIRECTOR JOE MORALES
CHIEF RONALD SLOAN
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO
CHIEF LUIS VELEZ
CHIEF GERALD WHITMAN

BOARD MEMBERS ABSENT

CHIEF AL BELL (excused)
S.A.C. PHILLIP B. J. REID (excused)

BOARD COUNSEL

JOHN A. LIZZA, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
CRISTINE MACK, P.O.S.T. Investigator
RUTH VANDERBROEK, P.O.S.T. Compliance Officer
LISA BONI, P.O.S.T. Administrative Assistant
STEPHEN ZOTOS, P.O.S.T. Training Manager
THERESA CAVALIER, P.O.S.T. Training Program Coordinator

MEMBERS OF THE PUBLIC IN ATTENDANCE

BERLIN, GARY, Colorado Division of Wildlife
BETHEL, MIKE, Pueblo Police Department
BLACK, C.W., Littleton Police Department
BOEPPLE, RANDAL W., Southern Colorado Law Enforcement Training Academy
BRANDT, JOHN, El Paso County Sheriff
CARLINE, TOM, Southern Colorado Law Enforcement Training Academy
CHRISTENSEN, CORY, Fort Collins Police Department
CLAYTON, BILL, CPPA, DPPA
CLELAND, BARB, Aurora
CURD, DEAN, CSOC
DATTILO, TONY, Adult Parole/Community Corrections
DIGGINS, ELIAS, Denver Sheriff's Department
DUGDALE, PAUL, Arapahoe County Sheriff's Office
ESTERS, MICHAEL, Larimer County Sheriff's Office
FERRARO, JOE, Denver Police Department
FOECHTERLE, JOHN, Olathe Police Department
FORD, REV. GIL
GODSEY, JOHN, Colorado Springs Police Department
JOHNSON, JOSH, Garfield County Sheriff's Office
KIRKLAND, GREG, La Junta Police Department
McDONALD-QUINTANA, KRISTI, State Parks
MINTER, ROY, Aurora Police Department
SNELLING, DAVE, Arvada Police Department
STENSGAARD, RICHARD, Denver Police Department
THIRET, VIC, Arapahoe County Sheriff's Office
THOMAS-HAZELL, JOSEPH A., Citizen
WATTS, WARREN, Pueblo County Sheriff's Office
WHITNEY, JEANETTE, El Paso County Sheriff's Office
WILKE, DEB, Arapahoe Community College
WREN, RICHARD, La Junta Police Department

The following Subject Matter Expert Committees met prior to the P.O.S.T. Board meeting:

Arrest Control Committee
Curriculum Committee
Firearms Committee
Law Enforcement Driving Committee

January 30, 2004

Introduction:

1. Welcome – Attorney General, Ken Salazar

New Board Membership and Welcome

Director Joe Morales, Colorado Department of Public Safety
New Board Member, Mesa County Sheriff Stan Hilkey
Letter of Resignation from Summit County Sheriff John Minor
Letter of Resignation from Rev. Gil Ford
2. Introduction of Board Members, SME Members and Guests
3. Roll Call – P.O.S.T. Director John Kammerzell.
Declaration of a Quorum (11).
4. Approval of P.O.S.T. Board Minutes for December 12, 2003.
Approved

Presentations:

5. Special Recognition and Presentations
 - A. Plaque of Appreciation – Ex-DPS Director Sue Mencer
 - B. Plaque of Appreciation – Ex-City Council Woman Barb Cleland

All the work she did with the Colorado Municipal league to assist getting the P.O.S.T. training bill through.
 - C. Plaque of Appreciation – Rev. Gil Ford
 - D. Plaque of Appreciation – Summit County Sheriff John Minor
 - E. Plaque of Appreciation – Arvada Chief Ron Sloan

For his work on the re-classification legislation.
 - F. Plaque of Appreciation – Park Manager Kristi Quintana

For her work on the re-classification legislation.
 - G. Certificate of Appreciation – Chief Investigator Larry Bailey
- 5.a Sheriff Dan Corsentino addressed the Board.
6. SME Committee Reports

- A. Curriculum Committee – Division Chief Phil Baca, Chairman
Chief Ron Sloan, Board Representative

Chief Sloan reported that the Curriculum Committee discussed the status of the work on the curriculum. Recommendations will come once Div Chief Phil Baca is back from the FBI Academy.

- B. Arrest Control – Sgt. Michael Esters, Chairman
_____, Board Representative

Sergeant Esters reported that the Arrest Control Committee approved a skills site for Grand Junction Police Department, a full skills instructor for El Paso County Sheriff's Office, a lesson plan and program for Pueblo Police Department and an instructor for Jefferson County Sheriff's Office.

The Arrest Control Committee also completed the Arrest Control Grading Sheet. They noted that instead of just asking an individual to perform a skill, that skill is now wrapped inside of a scenario and must be performed within the model. The evaluator is also provided with guidelines to assist in doing the evaluation.

- C. Firearms – Parks Manager Kristi Quintana, Chairman
Sgt. Cory Christensen Vice-Chairman
Sheriff Joe Morales, Board Representative

Parks Manager Kristi Quintana reported that the firearms committee approved six full skills instructors, 2 for Pueblo PD, 2 for El Paso County and 2 for Denver PD. They also approved the firearms training site for the Grand Junction Skills Academy. The firearms committee tabled new membership pending interviews by the committee. They also reviewed the academy inspection report for Pueblo PD.

The Firearms Committee showed "The Handgun Tactical Qualification Course" video, which the Firearms SME Committee produced. Copies were distributed to each P.O.S.T. Board member. Copies are available from P.O.S.T. for \$15.00.

- D. Law Enforcement Driving – Sgt. Al Padilla, Chairman
Sheriff Mike Acree, Board Representative

There was no report from the Law Enforcement Driving Committee.

7. P.O.S.T. Peace Officer Training Project Grants.

- A. County Sheriffs of Colorado and Colorado Association of Chiefs of Police Training Request – Approval Item.
- B. Colorado District Attorneys Council Training Request – Approval Item.

- C. Regional Grant Application workshop schedule and locations.
- D. Other Training Programs.

Steve Zotos reported that the Training Program is going well. He and Theresa Cavalier will be conducting grant preparation briefings throughout Colorado. Their goals are to assist each region in defining their particular needs, to outline the grant requirements, forms and responsibilities

- 8. 2003 P.O.S.T. Board and Staff Accomplishments.
- 9. New Board Member Orientation Program.
 - A. April 14, 2004, at the Department of Law, 1525 Sherman Street, Room 220. Starting at 10:00 a.m. and concluding at 2:00 p.m.
 - B. Agenda
 - 1. History of P.O.S.T.
 - 2. Duties – powers of the P.O.S.T. Board.
 - 3. Peace officer certification – issuance, renewal, and revocation.
- 10. Comments from others
- 11. 2004 P.O.S.T. Board Meetings
 - A. P.O.S.T. Board Meeting Dates.

Friday, May 21, 2004 – Hosted by El Paso County Sheriff Terry Maketa
Friday, July 23, 2004 – Hosted by Garfield County Sheriff Lou Vallario
Friday, September 24, 2004 – Hosted by Durango Chief Al Bell
Friday, November 19, 2004 – Hosted by Arvada Chief Ron Sloan

Next Board Meeting
Friday, March 12, 2004
Colorado Department of Law
1525 Sherman Street, Room 610
Denver, Colorado

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
January 30, 2004

The Peace Officer Standards and Training Board held its 342nd Board meeting at the Department of Law, Denver, Colorado, with the following persons present:

BOARD MEMBERS

SHERIFF MICHEAL ACREE
SHERIFF JAMES ALDERDEN
SHERIFF JAMES BEICKER
SHERIFF DAN CORSENTINO
CHIEF JOHN HALL
CHIEF DENNIS HARRISON
SHERIFF STAN HILKEY
SENIOR AGENT DONN KRAEMER
EXECUTIVE DIRECTOR JOE MORALES
CHIEF RONALD SLOAN
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO
CHIEF LUIS VELEZ
CHIEF GERALD WHITMAN

BOARD MEMBERS ABSENT

CHIEF AL BELL (excused)
S.A.C. PHILLIP B. J. REID (excused)

BOARD COUNSEL

JOHN A. LIZZA, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
CRISTINE MACK, P.O.S.T. Investigator
RUTH VANDERBROEK, P.O.S.T. Compliance Officer
LISA BONI, P.O.S.T. Administrative Assistant
STEPHEN ZOTOS, P.O.S.T. Training Manager
THERESA CAVALIER, P.O.S.T. Training Program Coordinator

MEMBERS OF THE PUBLIC IN ATTENDANCE

BERLIN, GARY, Colorado Division of Wildlife
BETHEL, MIKE, Pueblo Police Department
BLACK, C.W., Littleton Police Department
BOEPPLE, RANDAL W., Southern Colorado Law Enforcement Training Academy
BRANDT, JOHN, El Paso County Sheriff's Office
CARLINE, TOM, Southern Colorado Law Enforcement Training Academy
CHRISTENSEN, CORY, Fort Collins Police Department
CLAYTON, BILL, CPPA, DPPA
CLELAND, BARB, Aurora
CURD, DEAN, CSOC
DATTILO, TONY, Adult Parole/Community Corrections
DIGGINS, ELIAS, Denver Sheriff's Department
DUGDALE, PAUL, Arapahoe County Sheriff's Office
ESTERS, MICHAEL, Larimer County Sheriff's Office
FERRARO, JOE, Denver Police Department
FOECHTERLE, JOHN, Olathe Police Department
FORD, REV. GIL
GODSEY, JOHN, Colorado Springs Police Department
JOHNSON, JOSH, Garfield County Sheriff's Office
KIRKLAND, GREG, La Junta Police Department
McDONALD-QUINTANA, KRISTI, State Parks
MINTER, ROY, Aurora Police Department
SNELLING, DAVE, Arvada Police Department
STENSGAARD, RICHARD, Denver Police Department
THIRET, VIC, Arapahoe County Sheriff's Office
THOMAS-HAZELL, JOSEPH A., Citizen
WATTS, WARREN, Pueblo County Sheriff's Office
WHITNEY, JEANETTE, El Paso County Sheriff's Office
WILKE, DEB, Arapahoe Community College
WREN, RICHARD, La Junta Police Department

The following Subject Matter Expert Committees met prior to the P.O.S.T. Board meeting:

Arrest Control Committee
Curriculum Committee
Firearms Committee
Law Enforcement Driving Committee

Introduction:

1. Welcome – Attorney General, Ken Salazar

New Board Membership and Welcome

Director Joe Morales, Colorado Department of Public Safety
New Board Member, Mesa County Sheriff Stan Hilkey
Letter of Resignation from Summit County Sheriff John Minor
Letter of Resignation from Rev. Gil Ford
2. Introduction of Board Members, SME Members and Guests
3. Roll Call – P.O.S.T. Director John Kammerzell.
Declaration of a Quorum (11).
4. Approval of P.O.S.T. Board Minutes for December 12, 2003.
Approved

Presentations:

5. Special Recognition and Presentations
 - A. Plaque of Appreciation – Ex-DPS Director Sue Mencer
 - B. Plaque of Appreciation – Ex-City Council Woman Barb Cleland
 - C. Plaque of Appreciation – Rev. Gil Ford
 - D. Plaque of Appreciation – Summit County Sheriff John Minor
 - E. Plaque of Appreciation – Arvada Chief Ron Sloan
 - F. Plaque of Appreciation – Park Manager Kristi Quintana
 - G. Certificate of Appreciation – Chief Investigator Larry Bailey
6. Sheriff Dan Corsentino addressed the Board.
7. SME Committee Reports
 - A. Curriculum Committee – Division Chief Phil Baca, Chairman
Chief Ron Sloan, Board Representative

Chief Sloan reported that the Curriculum Committee discussed the status of the work on the curriculum. Recommendations will come once Div. Chief Phil Baca is back from the FBI Academy.

- B. Arrest Control – Sgt. Michael Esters, Chairman
Vacant, Board Representative

Sergeant Esters reported that the Arrest Control Committee approved a skills site for Grand Junction Police Department, a full skills instructor for El Paso County Sheriff's Office, a lesson plan and program for Pueblo Police Department and an instructor for Jefferson County Sheriff's Office.

The Arrest Control Committee completed the Arrest Control Grading Sheet. It was noted that instead of just asking an individual to perform a skill, the skill is now wrapped inside of a scenario and must be performed within the model. The evaluator is also provided with guidelines to assist in doing the evaluation.

- C. Firearms – Parks Manager Kristi Quintana, Chairman
Sgt. Cory Christensen Vice-Chairman
Sheriff Joe Morales, Board Representative

Parks Manager Kristi Quintana reported that the firearms committee approved six full skills instructors, 2 for Pueblo PD, 2 for El Paso County and 2 for Denver PD. They also approved the firearms training site for the Grand Junction Skills Academy. The firearms committee tabled new membership pending interviews by the committee. They also reviewed the academy inspection report for Pueblo PD.

The video produced by the Firearms Committee, "The Handgun Tactical Qualification Course", was viewed. Copies were distributed to each P.O.S.T. Board member. Copies are available from P.O.S.T. for \$15.00.

- D. Law Enforcement Driving – Sgt. Al Padilla, Chairman
Sheriff Mike Acree, Board Representative

There was no report from the Law Enforcement Driving Committee.

8. P.O.S.T. Peace Officer Training Project Grants.

Steve Zotos reported that the Training Program is going well. He and Theresa Cavalier will be conducting grant preparation briefings throughout Colorado during the month of February. Their goals are to assist each region in defining their particular needs, to outline the grant requirements, forms and responsibilities as well as outline state projects to offset any duplication of effort.

- A. County Sheriffs of Colorado and Colorado Association of Chiefs of Police Training Request – Approval Item.

The CSOC/CACP training proposal is for 58 presentations through June 2005 at various locations and primarily in the nine most rural regions. Topics will include drivers training, officer survival, conflict resolution,

use of force, ethics, decision shooting, supervision and train the trainers.
Cost is \$151,285.00

Approved unanimously

- B. Colorado District Attorneys Council Training Request – Approval Item.

The CDAC/DOL training proposal is for 30 classes, 20 of which will be in rural areas, 10 in the metro area as well as development of a DVD or video which will be provided to agencies at no cost to provide legal updates, new case law and issues particular to each judicial district’s practices.
Cost is \$112,464.00 to CDAC and \$15,000.00 to DOL.

Approved unanimously

- C. Regional Grant Application workshop schedule and locations.

- D. Other Training Programs.

Steve Zotos noted that COVA and CRCPI are sending proposals. In addition, the Colorado Bar Association offers free training on domestic violence issues as they pertain to peace officers.

9. 2003 P.O.S.T. Board and Staff Accomplishments.

Director Kammerzell went over the P.O.S.T. accomplishments for 2003. A handout was included in the Board Packets. The Board noted that it would like to know what type of people are completing the academies and who is being hired.

10. New Board Member Orientation Program.

- A. The orientation will be held on April 14, 2004, at the Department of Law, 1525 Sherman Street, Room 220. It will start at 10:00 a.m. and conclude at 2:00 p.m.

- B. Agenda

1. History of P.O.S.T.
2. Duties – powers of the P.O.S.T. Board.
3. Peace officer certification – issuance, renewal, and revocation.

11. Comments from others

It was brought to the Board’s attention that there are several bills for positions seeking peace officer authority. It was noted that the Sheriff’s Association has expressed concern that these are being brought forward without any input from law enforcement organizations. Chiefs Sloan and Hall informed the Board that the Chiefs Association has taken a position in opposition to any new peace officer

designations unless a compelling need is shown. If the general assembly includes new peace officer designations in the title 16, those individuals should be required to meet minimum P.O.S.T. standards upon hire and shall be P.O.S.T. certified prior to working in the position.

Director Kammerzell also noted that there is legislation pending regarding hate crimes which would require P.O.S.T. to develop a hate crimes curriculum similar to the Anti-Bias Training. The bill would require P.O.S.T. to review reporting of hate crimes by all law enforcement agencies in Colorado. As P.O.S.T. does not have the staff to accomplish this, a fiscal note was added to the bill for \$35,000 in operational funding and one full time employee.

P.O.S.T. will continue to monitor the bills.

12. 2004 P.O.S.T. Board Meetings

A. P.O.S.T. Board Meeting Dates.

Friday, March 12, 2004 – Colorado Department of Law, Denver

Friday, May 21, 2004 – Hosted by El Paso County Sheriff Terry Maketa,
Colorado Springs

Friday, July 23, 2004 – Hosted by Garfield County Sheriff Lou Vallario,
Glenwood Springs

Friday, September 24, 2004 – Hosted by Durango Chief Al Bell

Friday, November 19, 2004 – Hosted by Arvada Chief Ron Sloan

Next Board Meeting
Friday, March 12, 2004
Colorado Department of Law
1525 Sherman Street, Room 610
Denver, Colorado

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
March 12, 2004

The Peace Officer Standards and Training Board held its 343rd Board meeting at the Department of Law, Denver, Colorado, with the following persons present:

BOARD MEMBERS

SHERIFF MICHEAL ACREE
SHERIFF JAMES ALDERDEN
SHERIFF JAMES BEICKER
SHERIFF DAN CORSENTINO
CHIEF JOHN HALL
CHIEF DENNIS HARRISON
SHERIFF STAN HILKEY
SENIOR AGENT DONN KRAEMER
EXECUTIVE DIRECTOR JOE MORALES
MAYOR ED MOSS
S.A.C. PHILLIP B. J. REID
CHIEF RONALD SLOAN
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO
CHIEF LUIS VELEZ

BOARD MEMBERS ABSENT

CHIEF AL BELL (excused)
OFF. CURTIS MORENO (newly appointed)
RET. FBI SAC BOB PENCE (newly appointed)
CHIEF GERALD WHITMAN (excused)

BOARD COUNSEL

JOHN A. LIZZA, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
CRISTINE MACK, P.O.S.T. Investigator
RUTH VANDERBROEK, P.O.S.T. Compliance Officer
LISA BONI, P.O.S.T. Administrative Assistant
STEPHEN ZOTOS, P.O.S.T. Training Manager
THERESA CAVALIER, P.O.S.T. Training Program Coordinator

MEMBERS OF THE PUBLIC IN ATTENDANCE

ARNOLD, JEFFRIE, Douglas County Sheriff's Office
BECKMAN, BRUCE, Littleton Police Department
BERLIN, GARY, Colorado Division of Wildlife
BETHEL, MIKE, Pueblo Police Department
BIRK, LEE, Westminster Police Department
BLACK, BILL, Littleton Police Department
BLACK, TIM, Broomfield Police Department
BOEPPLE, RANDAL W., Southern Colorado Law Enforcement Training Academy
BOURGERIE, ERIK, Summit County Sheriff's Office
BRUN, KEVIN, Colorado Mountain College
CARLINE, TOM, Southern Colorado Law Enforcement Training Academy
CHAGOLLA, STEVE, Denver Police Department
CLAYTON, BILL, CPPA, DPPA
ESTERS, MICHAEL, Larimer County Sheriff's Office
FERRARO, JOE, Denver Police Department
GODSEY, JOHN, Colorado Springs Police Department
GOODBEE, MICHAEL, Attorney General's Office
KING, MIKE, Colorado Division of Wildlife
LEONARD, RON, Jefferson County Sheriff's Office
LOMBARD, TONY, Colorado Police Protective Association
LUCAS, JAMES, Jefferson County Sheriff's Office
MEARS, MARK, Pueblo County Sheriff's Office
OSBORNE, DAVE, Hamilton and Faatz
PACHECO, JASON
SCOTT, JACOB, Silverthorne Police Department
STENSGAARD, RICHARD, Denver Police Department
THIRET, VIC, Arapahoe County Sheriff's Office
THOMAS-HAZELL, JOSEPH A., Citizen
WIDMER, ROLF, Douglas County Sheriff's Office
WILKE, DEB, Arapahoe Community College
YOUNG, MAX, Douglas County Sheriff's Office
ZANI, MARGE, El Paso County Sheriff's Office

The following Subject Matter Expert Committees met prior to the P.O.S.T. Board meeting:

Arrest Control Committee
Curriculum Committee
Firearms Committee
Law Enforcement Driving Committee

March 12, 2004

Introduction:

1. Welcome – Attorney General, Ken Salazar.
2. Introduction of Board Members, SME Members and Guests
3. Roll Call – P.O.S.T. Director John Kammerzell.
Declaration of a Quorum (9).
4. Approval of P.O.S.T. Board Minutes for January 30, 2004
Approved

Presentations:

5. SME Committee Membership Recognition, Special Recognition, and Reports.
 - A. Recognition of 2004 P.O.S.T. SME Committee Members – P.O.S.T. Director Kammerzell

Director Kammerzell read the roster of SME committee members and noted the value of their contributions to P.O.S.T.
 - B. Special Recognition – Firearm Handgun Tactical Qualification Video
 1. **Lieutenant C.W. Black**
Littleton Police Department
Gary Maas, Chief of Police
 2. **Sergeant Max Young**
Deputy Sheriff Rolf Widmer
Deputy Sheriff Jeffrie Arnold
Douglas County Sheriff's Office
Mike Acree, Sheriff
 3. **Director Jess Stainbrook**
Douglas County Television Services
Douglas County

Certificates of recognition were presented to the above noted individuals for their work on the Firearms Handgun Tactical Qualification Video.

- C. Curriculum Committee Cmdr. Phil Baca, Chairman (Presently attending FBINA)
 Chief Ron Sloan, Board Member
 Deb Wilke, Vice-Chairwoman

Debbie Wilke reported that the Curriculum committee assigned individuals to look at areas of the proposed curriculum including source materials and hours for each area.

The academic portion of the curriculum will increase to 360 hours. Anticipated implementation date is June 1, 2005.

- D. Arrest Control Sgt. Michael Esters, Chairman
 Vacant, Board Member

Sgt. Esters reported that the Arrest Control Committee worked primarily on administrative items. They are preparing a questionnaire to send to the academies.

- E. Firearms Parks Manager Kristi Quintana, Chairwoman
 Sergeant Cory Christensen, Vice-Chairman
 Sheriff Jim Beicker, Board Member

Parks Manager Kristi Quintana reported that the Firearms Committee approved 3 full instructors, and reviewed the Firearms SME Committee membership.

- F. Law Enforcement Driving Sgt. Al Padilla, Chairman,
 Sheriff Mike Acree, Board Member

Sheriff Acree reported that the Law Enforcement Driving Committee set three site inspections for March and April.

6. P.O.S.T. Peace Officer Training Project Grants.

- A. Project Up-Date – P.O.S.T. Training Manager Steve Zotos.

- 1. COVA Grant Request

Steve Zotos reported that he and Theresa Cavalier did 10 presentations across the state during February where they explained the goals for the project and encouraged regional collaborative efforts. Approximately twenty grant proposals were received by the March 8, 2004 deadline. While there is a budget available of about 1.05 million dollars, nearly 2 million dollars were requested. Recommendations will be presented to the grant sub-committee on April 5, 2004.

It was recommended that the P.O.S.T. Board approve the statewide initiative grant proposals submitted by CRCPI and COVA and leave the regional and other grants to the sub-committee to approve on April 5, 2004.

Approved unanimously.

- B. Subcommittee Meeting on April 5, 2004, Department of Law.

7. Peace Officer Certification Revocation Actions.

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications:

A Colorado peace officer certification issued pursuant to § 24-31-305 C.R.S. (2003) shall be suspended or revoked by the P.O.S.T. 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. (2002), 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. 04-01, Jason Brent Pacheco, Certification # B-2959.

Adams County District Court Case 2002CR003173

On April 25, 2003, Respondent was convicted of 1 count of 2nd Degree Burglary – of Building, § 18-4-203(1),(2)(a), C.R.S., a class 3 felony. Offense date – November 27, 2002. Mr. Pacheco received a 4-year deferred sentence.

Adams County District Court Case 2002CR001103

During the same court proceeding, Mr. Pacheco was convicted of 1 count of 1st degree Trespass – Dwelling, § 18-4-502, C.R.S., a class 5 felony, and 1 count of Violation of Restraining Order, § 18-6-803.5, C.R.S., a class 2 misdemeanor. Offense date – October 1, 2001. Mr. Pacheco received a 1-year jail sentence. The court suspended the jail sentence on condition the defendant successfully completes the deferred sentence in case 2002CR003173, which runs through March 25, 2007. *Mr. Pacheco’s written response is enclosed.*

2. No. 04-02, Thomas Scott Hawley, Certification # 10067.

On August 4, 2003, Respondent was convicted of the following crimes: 1 count of Sexual Contact, § 18-3-404(2), § 18-402(4)(a) C.R.S. a class 5 felony; 1 count of Sexual Contact § 18-3-401(1)(a) C.R.S., a class 1 misdemeanor; 1 count of Sexual Contact § 18-3-404(1)(a) C.R.S., a class 2 misdemeanor; and 1 count of Official Oppression, § 18-8-403 C.R.S., a class 2 misdemeanor.

3. No. 04-03, Elest Carlos Marquez, Certification # B-3636.

On October 3, 2003, Respondent was convicted of 1 count of Murder 1 – After Deliberation, § 18-3-102(1)(a) C.R.S., a class 1 felony, and, guilty of 1 count of Escape – Attempt from felony pending, § 18-8-208.1(2) C.R.S., a class 5 felony.

4. No. 04-04, Morris Edward Drummer, Certification # 16079.

On April 26, 1999, Respondent was convicted of 1 count of 2nd Degree Sexual Assault – Sexual Intrusion, § 18-3-403(1)(b) C.R.S., a class 4 felony.

Revocation of Peace Officer Certifications – Misdemeanor Conviction:
Revocation of peace officer certificates based upon convictions of misdemeanor crimes recognized in § 24-31-305(1.5) (b) thru (g) (2003).

5. No. M03-04, Kevin James Jiles, Sr., Certification #B-4378.
On September 22, 2003, Respondent plead guilty to 1 count of Harassment-Strike/Shove/Kick, § 18-9-111(1)(a) C.R.S., a class 3 misdemeanor. Subject failed to appear at the Show Cause Hearing scheduled November 25, 2003. Director Kammerzell recommends revocation of Kevin James Jiles' peace officer certificate.
6. No. M04-01, Mathew R. Forbes, Certification # B-00171.
On December 30, 2003, Respondent plead guilty to 1 count of Assault in the 3rd Degree – Knowingly/Recklessly Causing an Injury, § 18-3-204 C.R.S., a class 1 misdemeanor; and, also plead guilty to 1 count of Child Abuse – Knowingly/Recklessly Caused Bodily Injury, § 18-6-401(1)(a), (7)(a)(V) C.R.S., a class 1 misdemeanor. Subject failed to appear at the Show Cause Hearing scheduled February 25, 2004. Director Kammerzell recommends revocation of Mathew R. Forbes's peace officer certificate.
7. No. M04-02, Donald P. Snow, Certification # B-6251.
On January 5, 2004, Respondent plead guilty to 1 count of Assault in the 3rd Degree – Knowingly/Recklessly Causing an Injury, § 18-3-204 C.R.S., a class 1 misdemeanor. Subject failed to appear at the Show Cause Hearing scheduled February 25, 2004. Director Kammerzell recommends revocation of Donald P. Snow's peace officer certificate.

Motion was made to revoke the certification for individuals 2 – 7 above.

Motion passed unanimously.

Jason Pacheco and his counsel, David Osborne, Attorney with Hamilton and Faatz, came before the Board and requested a variance so that Mr. Pacheco will be able to regain certification at a future date.

It was noted that if Mr. Pacheco completes the terms of his deferred sentence on the felony charge, and because the misdemeanor conviction is not on our list, there is no statutory bar to his reapplication for certification at that time.

The Board made the motion to revoke the certification of Jason Pacheco.

Motion passed unanimously.

8. New Board Member Orientation Program.

A. April 14, 2004, at the Department of Law, 1525 Sherman Street, Room 220. Starting at 10:00 a.m. and concluding at 2:00 p.m.

B. Agenda – Attached

9. Comments

A. From Board Members.

Members of the Colorado Law Enforcement Memorial, Special Agent Kraemer, SAC Phil Reid and Sheriff James Beicker, invited everyone to attend the Memorial Service on Friday May 7, 2004 at 10:00 a.m. at Camp George West.

AG Ken Salazar noted that a number of jurisdictions are involved in efforts regarding the University of Colorado investigation. He thanked the police departments and sheriff's offices for providing personnel to get through the investigation in a fair, just and expeditious manner and noted that it was yet another example of how well law enforcement agencies in Colorado work together.

B. From others.

Mr. Thomas-Hazell announced that he had lost a green bag at the previous P.O.S.T. Board meeting in January.

10. Future Board Meetings

Friday, July 23, 2004 – Hosted by Garfield County Sheriff Lou Vallario
Meeting will be held in Glenwood Springs, Colorado

Friday, September 24, 2004 – Hosted by Durango Chief Al Bell
Meeting will be held in Durango, Colorado

Friday, November 19, 2004 – Hosted by Arvada Chief Ron Sloan
Meeting will be held in Arvada, Colorado

Next Board Meeting

Friday, May 21, 2004

Hosted By El Paso County Sheriff Terry Maketa

Penrose House Events Center

Colorado Springs, Colorado

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
May 21, 2004

The Peace Officer Standards and Training Board held its 344th Board meeting at the Penrose House, Colorado Springs, Colorado, with the following persons present:

BOARD MEMBERS

SHERIFF JAMES BEICKER
CHIEF AL BELL
CHIEF JOHN HALL
CHIEF DENNIS HARRISON
SHERIFF STAN HILKEY
SENIOR AGENT DONN KRAEMER
OFFICER CURTIS MORENO
MAYOR ED MOSS
RET. FBI SAC BOB PENCE
S.A.C. PHILLIP B. J. REID
CHIEF RONALD SLOAN
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO
CHIEF GERALD WHITMAN

BOARD MEMBERS ABSENT

SHERIFF MICHEAL ACREE (excused)
SHERIFF JAMES ALDERDEN (excused)
SHERIFF DAN CORSENTINO (excused)
EXECUTIVE DIRECTOR JOE MORALES (excused)
CHIEF LUIS VELEZ (excused)

BOARD COUNSEL

JOHN A. LIZZA, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
CRISTINE MACK, P.O.S.T. Investigator
RUTH VANDERBROEK, P.O.S.T. Compliance Officer
LISA BONI, P.O.S.T. Administrative Assistant
STEPHEN ZOTOS, P.O.S.T. Training Manager
THERESA CAVALIER, P.O.S.T. Training Program Coordinator

MEMBERS OF THE PUBLIC IN ATTENDANCE

JOE BALAR, Colorado Springs Resident
GARY BERLIN, Colorado Division of Wildlife
MINER BLACKFORD, Otero Junior College
RANDAL W. BOEPPLE, Southern Colorado Law Enforcement Training Academy
DAN BRENNAN, Colorado Regional Community Policing Institute
TOM CARLINE, Southern Colorado Law Enforcement Training Academy
MICHAEL ESTERS, Larimer County Sheriff's Office
ERIK ESTRADA, El Pomar Foundation
JOE FERRARO, Denver Police Department
JOHN GODSEY, Colorado Springs Police Department
TERI GOODALL, El Paso County Sheriff's Office
DOYLE JONES, Weld County Sheriff's Office
MONTY R. LEMLEY, Weld County Sheriff's Office
RON LEONARD, Jefferson County Sheriff's Office
TERRY MANWARING, Jefferson County Sheriff's Office
KRISTI MCDONALD-QUINTANA, Colorado State Parks
ROY MINTER, Aurora Police Department
PATSY MUNDELL, Jefferson County Sheriff's Office
BOB OWNBEY, Colorado Springs Police Department
KARL SMALLEY, Adams County Sheriff's Office
TRACEY SMALLEY, Douglas County Sheriff's Office
RICHARD STENSGAARD, Denver Police Department
TAMMY VIENOT, Arapahoe County Sheriff's Office
RICH WEBB, Jefferson Country Sheriff's Office
JEANETTE WHITNEY, El Paso County Sheriff's Office
MARGE ZANI, El Paso County Sheriff's Office

The following Subject Matter Expert Committees met prior to the P.O.S.T. Board meeting:

Arrest Control Committee
Curriculum Committee
Firearms Committee
Law Enforcement Driving Committee

Introduction:

1. Welcome – Attorney General, Ken Salazar
2. Welcome by Host Undersheriff Teri Goodall, El Paso County

Sheriff Maketa sent his regrets that he was unable to attend today's meeting. Undersheriff Goodall expressed appreciation to the El Pomar Foundation and Penrose House for allowing us to have the P.O.S.T. Board meeting at their facilities.

3. Introduction of Board Members, SME Members and Guests

May 21, 2004

4. Roll Call – P.O.S.T. Director John Kammerzell
Declaration of a Quorum (9).
5. Approval of P.O.S.T. Board Minutes for March 12, 2004
Approved

Presentations:

6. 2004 Legislative Report
 - A. Senate Bill 04-224, "*Sunrise Review of Peace Officer Status*" by Senator Ken Arnold, Representative Joe Stengel and Representative Mark Larson

Chief Sloan reported that Tony Lombard and Bill Clayton, retired DPD, were instrumental in drafting the language of this bill and working with the legislators in introducing this as a late bill. Last year HB 1266 created the recodification of peace officer definitions and stratifications which resulted in a number of groups introducing bills requesting peace officer status. This method was difficult for the P.O.S.T. Board to assess whether the requests were appropriate and whether they could make any recommendations. SB 04-224 puts an evaluation and review process before the P.O.S.T. Board before the status of these individuals and groups is approved. The P.O.S.T. Board will establish rules, a review process and criteria for the groups who are requesting peace officer status. Reviews will include a report to the judiciary committees of both houses of the General Assembly with recommendations for that particular position or group.

1. Bill requirements – Chief Ron Sloan

The P.O.S.T. Board must establish criteria pursuant to the rule making process. The criteria would be measured against applications, which would have to be made by any group or position requesting peace officer status, or by any bill requesting peace officer status. These must go through the review process prior to any consideration of a bill for that particular group or position. This process also applies to the two new bills that were passed this session: SB04-223 and HB04-1218.

2. Other Legislative Issues – Director John Kammerzell
 - a. SB04-223, *Concerning the Designation of Public Transit Officers as Peace Officers*
 - b. HB04-1218, *Concerning Municipal Court Marshals*

As a Board we need to move forward quickly to establish the criteria by which the bill would be adopted. Attorney General Salazar asked Chief Sloan to head up a subcommittee to review this process and establish the criteria. It was suggested that the same committee that helped with HB 1266 last year work on this project with Chief Sloan as the committee chair. The committee will

attempt to get criteria and recommendations to the Board by the September Board meeting and have the initial hearing at that time.

Due to scheduling issues Agenda Item 8 is discussed before the SME Committee reports.

8. P.O.S.T. Peace Officer Training Project Grants

Grant award implementation plan was established by the Grant Subcommittee.

A. Subcommittee Meeting on April 5, 2004 – Subcommittee Chair Dennis Harrison

On April 5, 2004 the grant subcommittee and P.O.S.T. Staff met and were able to review all the grant applications and requests that were submitted. The subcommittee reviewed the requests and made recommendations on grant awards based upon the projections of available grant funds. They reviewed what should and should not be funded based on the projections that were established.

B. Grant Awards – P.O.S.T. Training Manager Steve Zotos

All grant requests were evaluated based on a variety of issues including the region's location, availability of training resources and number of officers. A discussion was held about the process of appeals and any potential conflicts of interest among subcommittee members. The committee was able to get all these issues out of the way and begin evaluating each request. Steve Zotos provided the Board with the outline and documentation regarding the grant requests and subcommittee recommendations for grant awards. A breakdown of the grant funds available for this grant cycle, June 2003 through June 2005, is as follows:

62% will go to the regional training requests to satisfy their needs.

30% will go to the statewide coalitions CSCO/CACP, DOL, CDAC, CRCPI and COVA.

6% of the fund balance will be kept for unknown expenses which may come up. This is after expenses have been taken out for the administration of the grant.

Steve asked that the Board pass the following resolution: "On April 5, 2004, the P.O.S.T. Training Subcommittee met and reviewed the grants as a whole and submits for approval the following regional grant proposals as based on staff recommendations and analysis: Central Mountains – \$100,000.00; North Central – \$92,500.00; West Central – \$55,000.00; Northwest – \$35,840.00; Southwest – \$52,798.00; Greater Metro – \$173,000.00; I-70 West – \$54,520.00; Northeast – \$38,212.00; Southeast – \$42,000.00 and the San Luis Valley – \$40,000.00."

Chief Harrison reported that there were some areas where the committee did not approve the same amount of funding that was requested. This was based on the priorities of training that were set and also on the mandate that P.O.S.T. had been given to meet the legislative reason behind the funding. In 2005 we can re-examine these areas. Figures could possibly go up or down based upon revenues actually collected.

Sgt. Karl Smalley reported that the committee had a discussion on the Colorado Springs Police Academy, which was approved. They also discussed private driving training programs. These were not approved due to lack of cooperation by the entities.

Director Kammerzell announced that P.O.S.T. will be bringing the chairs of each of these committees together to meet as a group in the next 5-8 weeks. This will help to facilitate discussion among the groups and assist with curriculum development.

Chief Harrison stated that the Attorney General wanted to express his appreciation to the SME Committee members for all their hard work and dedication. P.O.S.T. could not function without the SME Committees.

9. Report on New Board Member Orientation Program – Director Kammerzell

A. Held at DOL on April 14, 2004.

The new Board member orientation was held at the Department of Law on April 14, 2004. This orientation was very effective and we have received very positive feedback from the new board members. P.O.S.T. will be developing a handbook for the new P.O.S.T. Board members, which will outline protocols and policies as it relates to serving on the P.O.S.T. Board. It is anticipated that the handbook will be completed in the next 12 months.

10. Future Considerations from Staff to the Board

A. Future Considerations and Goals of the P.O.S.T. Staff and Board

Director Kammerzell brought forward items for discussion and P.O.S.T. goals. Past activities which will be important over the next two years include: the training project, the academy inspections and our certification examination process.

1. Stratified Peace Officer Certification process.

We need to work towards this as it relates to the development of programs and staffing. Staffing went away in 1992 when CLETA was dissolved. We would like to re-implement the different levels of certification at some point in the future.

- a. Intermediate Certification
- b. Advanced Certification
- c. Supervisory Certification

2. Continuing Law Enforcement Educational (CLEE) requirement.

- a. Thirty-one states currently have a CLEE requirement. In most states, there is a requirement that officers obtain at least 40 hours of training each year. Some agencies in our state exceed the 40

hours but many agencies get little or no training. How will this be accomplished in these agencies?

b. P.O.S.T. Peace Officer Training Project would facilitate: It is important that the training project works, and in the future perhaps the Board would address and discuss the implementation of a CLEE standard.

c. Agency in-service training programs could be recognized

3. Recognition of Training Programs – process and procedure

a. § 24-31-301(7), Definitions – "Training Program" means any course of instruction approved by the P.O.S.T. Board for peace officer and reserve peace officer certification

b. P.O.S.T. in-service training recommendations

How do we recognize those programs other than the Basic and Reserve peace officer programs? P.O.S.T. is limited in its ability to recognize/certify these programs by statute. This is another issue Director Kammerzell would like to see opened for discussion in the future.

4. Distance learning and testing

There is the possibility of developing distance learning programs, for example the anti-bias training.

a. Anti Bias Training

b. Practice Tests

c. Training Programs

Steve Zotos brought up that P.O.S.T. would like to have a think/planning session. P.O.S.T. needs to take the initiative to recognize training programs which are being developed and taught throughout the state. There is a need to put together a protocol or process to show we validate these courses and instructors. P.O.S.T. should be recommending courses and training requirements for peace officers throughout the state. Peace Officer Training Project would help facilitate this process by tracking the results and impact of training through the training project.

Chief Harrison stated that it would be good to have a planning session/retreat to discuss the future of the P.O.S.T. Board, establish goals and look at issues which impact peace officers throughout the state, and issues which may impact the Board. The members of the Board need to make a decision at the next Board meeting as to when the best time for this to take place would be.

B. Board Meeting Schedule for 2004

Friday, July 23, 2004 – Hosted by Sheriff Lou Vallario

Meeting will be held at the Events Center in Glenwood Springs, Colorado

Friday, September 24, 2004 – Hosted by Durango Chief Al Bell

Meeting will be held in Durango, Colorado

*Friday, *December 10, 2004* – Hosted by Arvada Chief Ron Sloan
Meeting will be held in Arvada, Colorado

*Meeting date re-scheduled from November 19, 2004 due to Rule Making

11. Comments from others.

Monty Lemley from the Weld County Law Enforcement Training Academy asked about how the training regions for the grant were established and why the state emergency map was not used. Director Kammerzell explained the majority of the participants in the statewide presentations, felt it was more beneficial to break the regions up according to judicial districts. They felt the regional needs would be better met and represented.

Next Board Meeting
Friday, July 23, 2004
Hosted By Garfield County Sheriff Lou Vallario
Event Center
Glenwood Springs, Colorado

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
July 23, 2004

The Peace Officer Standards and Training Board held its 345th Board meeting at the Glenwood Springs Community Center, Glenwood Springs, Colorado with the following attending:

BOARD MEMBERS

SHERIFF MICHAEL ACREE
SHERIFF JAMES ALDERDEN
SHERIFF JAMES BEICKER
CHIEF AL BELL
CHIEF JOHN HALL
CHIEF DENNIS HARRISON
SHERIFF STAN HILKEY
SENIOR AGENT DONN KRAEMER
EXECUTIVE DIRECTOR JOE MORALES
OFFICER CURTIS MORENO
RET. FBI S.A.C. BOB PENCE
ATTORNEY GENERAL KEN SALAZAR
CHIEF RONALD SLOAN
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO
CHIEF LUIS VELEZ

BOARD MEMBERS ABSENT

SHERIFF DANIEL CORSENTINO(excused)
FORT MORGAN MAYOR JACK DARNELL (excused)
S.A.C. PHILLIP B. J. REID (excused)
CHIEF GERALD WHITMAN (excused)

BOARD COUNSEL

JOHN A. LIZZA, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
CRISTINE MACK, P.O.S.T. Investigator
RUTH VANDERBROEK, P.O.S.T. Compliance Officer
LISA TONEY, P.O.S.T. Administrative Assistant
STEPHEN ZOTOS, P.O.S.T. Training Manager

MEMBERS OF THE PUBLIC IN ATTENDANCE

PHIL BACA, Jefferson County Sheriffs Office
GARY BERLIN, Colorado Division of Wildlife
RANDAL W. BOEPPLE, Southern Colorado Law Enforcement Training Academy
ERIK BOURGERIE, Summit County Sheriffs Office
DAN BRENNAN, Colorado Regional Community Policing Institute
KEVIN BRUN, CMC Glenwood Springs
TOM CARLINE, Southern Colorado Law Enforcement Training Academy
MEREDITH COHEN, KSND Radio Aspen
MARK DEVORSS, Fountain Police Department
MICHAEL ESTERS, Larimer County Sheriff's Office
JOHN FISHER, Pikes Peak Community College
EVA GRAZIANO, Red Rocks Community College
KENNETH J. JACKSON, FBI
VICKI JONES, Garfield County Sheriff's Victim Advocate Coordinator
JOHN MAKI, Highlands Ranch Public Safety Training Institute
TERRY MANWARING, Jefferson County Sheriff's Office
FRANK MARTINEZ, Trinidad State Junior College, Alamosa
GRAG MASSI, Glenwood Springs, Post Independent
KRISTI MCDONALD-QUINTANA, Colorado State Parks
CHEIZI MURRAY, Volunteer
STACI SHAFFER, Larimer County Sheriffs Office
SANDIE TAYLOR, Longmont Police Department
COLLEN TRUDEN, Citizen - Garfield County
PAT TUCKER, Division Of Wildlife
TAMMY VIENOT, Arapahoe County Sheriff's Office

The following Subject Matter Expert Committees met prior to the P.O.S.T. Board meeting:

Arrest Control Committee
Curriculum Committee
Firearms Committee

Introduction:

1. Welcome – Attorney General, Ken Salazar
2. Welcome by Host Sheriff Lou Vallario, Garfield County
3. Introduction of Board Members, SME Members and Guests
4. Roll Call – P.O.S.T. Director John Kammerzell
Declaration of a Quorum.

May 21, 2004

5. Approval of P.O.S.T. Board Minutes for May 21,2004
Approved

Presentations:

6. Subject Matter Expert Committee Report

- A. Curriculum Committee Commander Phil Baca, Chairman
 Chief Deb Wilke, Vice-Chairwoman
 Chief Ron Sloan, Board Member

Commander Baca reported that the curriculum committee recommends a more in-depth knowledge of curriculum regarding search and seizure/constitutional issues, criminal code, children's code and traffic code/DUI. Out of 100 questions, it is recommended that 40 questions cover Search and Seizure/Constitutional Issues, 40 Criminal Code, 10 Children's Code and 10 Traffic Code/DUI. The committee also recommends that all students pass the academic portion of the academy with a minimum score of 70%. This report will be submitted to the Board by September.

Executive Director Joe Morales made a comment on a block of education for the Counter Terrorism piece at the academy level. Commander Baca currently has a draft form of at least 4 hours of that curriculum. At the request of General Salazar the committee will present a draft to the Board members prior to the September meeting so they can give their input.

- B. Arrest Control Sgt. Michael Esters, Chairman
 Chief Al Bell, Board Member

Sgt. Michael Esters reported that the committee discussed organizing sub-committees regarding less than lethal and adult learning. The committee also approved two academy programs, Pueblo PD and Pikes Peak Community College.

- C. Firearms Parks Manager Kristi Quintana, Chairwoman
 Sergeant Cory Christensen, Vice-Chairman
 Sheriff Jim Beicker Board Member

Parks Manager Kristi Quintana reported that the committee approved the lesson plan, the safety plan and instructors for the Pueblo PD Academy. They also approved four additional instructors – two full instructors and two assistant instructors. They denied 1 instructor due to lack of training. The committee also interviewed and approved a new SME Board member, Mark Dix, Colorado Springs PD.

- D. Law Enforcement Driving Sgt. Al Padilla, Chairman,
Sheriff Mike Acree, Board Member

Sheriff Acree announced that the committee did not meet.

7. P.O.S.T. Sunrise Review Committee

Committee Chairperson, Chief Ron Sloan gave a brief overview of Senate Bill 224 that was passed this last legislative session. SB04-224 provides responsibility to the P.O.S.T. Board to establish a rule within P.O.S.T. to do a sunrise review of groups applying for peace officer status through legislation on an annual basis. Two groups, the Municipal Court Marshals and Regional Transit Authority, had bills pass this last legislative session but will be required to bring their request before the P.O.S.T. Board. The P.O.S.T. Board is legislatively mandated to review, conduct hearings and make recommendations to the House and Senate judiciary committees. The committee developed how the review would be done, how recommendations would be put together and what it would look like. Copies of draft of Rule 22 and Form 12 were presented to the Board for review and input.

It was asked if the Bill pertains to all law enforcement groups and if recertification will be required every year. Chief Sloan responded that all groups who were codified two years ago were not included. SB04-224 is for any new group requesting peace officer status. If they were granted peace officer status, it would be by legislation.

The Board was referred to a Bill language template that the committee recommends be used by any group coming forward asking for review and consideration for peace officer status. The committee developed a draft form stating the preferable standards the committee would like to require of any group requesting peace officer status. This draft, thanks to Parks Manager Kristi Quintana, is similar to the current language in Title 16-2.5 pertaining to the recodification of peace officer status of two years ago.

General Salazar asked the status of Rule 22, the finalization, timeline, and what kind of notice we have to give. Director Kammerzell stated that we have not given notice as of yet but do anticipate other rules will be presented to the Board for a general rule making hearing at the December 10th meeting in Arvada. The process will be to complete all drafts and make corrections, not only Rule 22 but any others before presenting to the Secretary of State for publication. The recommended rules will be brought before the Board at the December meeting for the rule making process to begin.

8. Progress Report P.O.S.T. Peace Officer Training Project Grants

Training Manager Zotos reported the progress of the Training Project: Grants are up and running and P.O.S.T. has received approximately 1000 data sheets that will eventually be added to the Crown Point System.

There has been a lot of encouragement in the Regions and from the training providers for participation of new classes being created. Training Manager Zotos presented a new poster that was mailed to all training coordinators across the State, basically letting Line Officers know not to pass up the opportunity for training, and referring them to the web site for schedules of training that is going on in their regions. He also discussed traveling to speak to each coordinator to encourage Officers to participate in these new programs.

Out of approximately \$1 million that will be received, about \$259,000 has been issued to agencies which leaves a balance of about \$700,000 to come in between now and June of 2005. A schedule and timeline for the 2005 and 2006 budget cycle will be prepared. Instructor resources will be added to the web site.

9. Progress Report P.O.S.T. SME Committee Chair Meeting

Director Kammerzell reported that the SME Committee Chair meeting was held on June 30th to discuss issues that are common within the Committees, activities related to P.O.S.T. the partnerships with P.O.S.T. Staff, Committee members, and the Committee Chairs. The firearms committee announced that they are developing new videos that will be available soon. The Law Enforcement Driving Committee has identified problems with students' abilities to multitask. An agreement was made to form additional sub-committees to develop Adult Learning scenarios and to discuss the Less Lethal Issue. All the Committees will work hand in hand with Commander Phil Baca as they all deal with the curriculum revision. Director Kammerzell commends this group and will continue it.

10. Peace Officer Certification Revocation Actions

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications:

§ 24-31-305 C.R.S. (2003) A Colorado peace officer certification issued pursuant to shall be suspended or revoked by the P.O.S.T. 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. (2002), 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. 04-05, Patrick Shawn McGinley, Certification # B-5636.

On October 19, 2001, Respondent was convicted of 1 count of Felony Menacing - Real/Simulated Weapon, § 18-3-206(1)(a)(b), C.R.S., a class 6 felony.

2. No. 04-06, Travis Jay Luzar, Certification # B-7226.

On May 8, 2002, Respondent was convicted of 1 count of Sexual Assault/Child, § 18-3-405(1), C.R.S., a class 4 felony; and guilty of 1 count of Sexual Contact - Coercing a Child - Solicitation, § 18-3-404(1.5), C.R.S., a class 1 misdemeanor.

3. No. 04-07, Steven Bryce Browning, Certification # B-09412.
On February 19, 2004, Respondent was convicted of 1 count of Forgery - Government Issued Document, § 18-5-102(1)(e), C.R.S., a class 5 felony, and, guilty of 1 count of Criminal Impersonation - To Gain a Benefit, § 18-5-114(1)(e), C.R.S., a class 6 felony.

4. No. 04-08, James Joseph Bohn, Certification # B-01026.
On July 23, 2002, Respondent was convicted of the following crimes: 1 count of Harassment - Stalking, § 18-9-111(4)(b)(III), C.R.S., a class 4 felony; guilty of 1 count of Extortion - Unlawful Act, § 18-3-207(1)(a)(b)(I), C.R.S., a class 4 felony; guilty of 1 count of Witness-Bribe-Receiving, § 18-8-603, C.R.S., as class 4 felony; guilty of 1 count of Official Misconduct, § 18-8-404, C.R.S., a class 2 misdemeanor; and, guilty of 1 count of Domestic Violence, § 18-6-801, C.R.S., a separate and included offense.

It was moved by Chief Harrison and seconded by Chief Velez to revoke the certification of these individuals. *Passed unanimously.*

B. Revocation of Peace Officer Certifications – Misdemeanor Conviction:
Revocation of peace officer certificates based upon convictions of misdemeanor crimes recognized in § 24-31-305(1.5) (b) thru (g) (2003).

1. No. M04-03, Lamar Edwards Jr., Certification #B-01346.
On November 20, 2003, Respondent plead guilty to 1 count of Harassment, § 18-9-111(1), C.R.S., a class 3 misdemeanor. Subject failed to appear at the Show Cause Hearing. Director Kammerzell recommends revocation of Lamar Edwards Jr.'s Colorado peace officer certificate.

2. No. M04-03, Edgar Flores Sanchez, Certification #B-14395.
On November 07, 2003, Respondent plead guilty to 1 count of Indecent Exposure to a person 15 or older, § 18-7-302(1), (2)(a), C.R.S., a class 3 misdemeanor. Subject failed to appear at the Show Cause Hearing. Director Kammerzell recommends revocation of Edgar F. Sanchez's Colorado peace officer certificate.

It was moved by Chief Sloan and seconded by Chief Bell to revoke the certification of these individuals. *Passed unanimously.*

11. Future Considerations From The Staff To The Board

Director Kammerzell discussed the importance of having a work session in September to conduct discussions pertaining to stratified Peace Officer certifications that P.O.S.T. at one time recognized. P.O.S.T. staff would also like to bring before the Board the discussion of Continuing Law Enforcement Educational (CLEE) standards. The Peace Officer Training Project will deliver opportunities to Peace Officers around the State, especially with regards to the smaller and more rural areas. The Board also may wish to consider a standard for CLEE training in the future. Director Kammerzell would also like

the Board to bring forward any other issues at the work session and discuss any goals that the Board would like to see P.O.S.T. consider in the next few years. Such expansion and Board decisions could require a statutory change that P.O.S.T. would need to forward to the Legislature.

It was determined that whoever was available could meet in a work session on Thursday evening to set the grounds for discussion during the Board meeting on Friday. This discussion would be completed after the Board meeting on Friday by those that are available at that time.

12. Board Meeting Schedule For 2004

General Salazar stated that the next meeting will be hosted by Chief Al Bell in Durango on Friday September 24th with the following meeting to be held in Arvada, hosted by Arvada Chief Ron Sloan. This will be a Rule Making Hearing meeting regarding proposed Rules. There were no questions pertaining to any future meetings.

13. 2004 Peace Officer Standards And Training Board Appointment Roster

Director Kammerzell called attention to the 2004 P.O.S.T. Board appointment roster. Governor Owens has reappointed Fort Collins Chief Dennis Harrison, as well as Lamar Chief of Police John Hall. He also replaced Mayor Ed Moss with Fort Morgan Mayor Jack Darnell. Mayor Moss served four months and attended 2 meetings. Mayor Moss has been appointed by Governor Owens to serve as a District Judge in Broomfield/Adams County.

Chief Velez gave a statement regarding the **National Law Enforcement Officers Memorial Fund**. Chief Velez received a call from Executive Director Craig Floyd about kicking off an \$80 Million campaign, \$10 million of which they would like to see come from law enforcement. The money will go toward building a museum in Washington which is expected to have a half million visitors each year. If you would like to see more information on the museum you can go to www.nleomf.com and hyper link to "Building The Museum".

Chief Velez also stated that there is a Colorado connection as Senator Ben Nighthorse Campbell and Congressmen Joel Heffley were the two individuals who pushed for this museum.

Senior Agent Donn Kraemer volunteered S.A.C. Phillip Reid, Sheriff James Beicker and himself to assist Chief Velez in his efforts to raise money for this Memorial. Mr. Bob Pence also volunteered to be on the Committee representing the private sector. General Salazar motioned that the Board prepare an appropriate resolution supporting the Colorado contribution to the National Fund and that Chief Velez be the designated Chairperson for this effort on behalf of P.O.S.T. The General also suggested getting the word out through email communication and other means to all law enforcement agencies throughout the State.

Director Kammerzell mentioned that the P.O.S.T. Staff met with web designers recently and are very excited to introduce new and improved access to the law enforcement community. He also stated that this has been a 9 month long project and hoped that it will be available in a few months. Director Kammerzell would also like the Board Members to submit a photograph and brief biography. P.O.S.T. will also add the link for the National Law Enforcement Officers Memorial Fund to the site.

14. Comments from others.

Director Kammerzell commended Officer Neal Tyler who was recently selected in to the United States Martial Arts Hall Of Fame and was recognized as: “Kenpo Master of the Year”. Officer Tyler has been a member of the P.O.S.T. Board since July 2003. Officer Tyler is a past chairperson and long time member of the P.O.S.T. Arrest Control Tactics SME committee. Congratulations to P.O.S.T. member, Canyon City Police Officer Neal Tyler!

15. General Salazar thanked Sheriff Vallario for hosting this meeting and appreciates all the work done by the individual committees who make it possible getting so much done in a small amount of time.

Friday, September 24, 2004 – Hosted by Durango Chief Al Bell
Meeting will be held in Durango, Colorado

*Friday, *December 10, 2004* – Hosted by Arvada Chief Ron Sloan
Meeting will be held in Arvada, Colorado

*Meeting date re-scheduled from November 19, 2004 due to Rule Making

Next Board Meeting
Friday, September 24, 2004
Hosted By Durango Chief Al Bell
Durango, Colorado

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
September 24, 2004

The Peace Officer Standards and Training Board held its 346th Board meeting at the Durango Community Recreation Center, Durango, Colorado with the following attending:

BOARD MEMBERS

SHERIFF MICHAEL ACREE
SHERIFF JAMES BEICKER
CHIEF AL BELL
SHERIFF DANIEL CORSENTINO
FORT MORGAN MAYOR JACK DARNELL
CHIEF JOHN HALL
CHIEF DENNIS HARRISON
SHERIFF STAN HILKEY
SENIOR AGENT DONN KRAEMER
OFFICER CURTIS MORENO
PUBLIC MEMBER BOB PENCE
S.A.C. PHILLIP B. J. REID
ATTORNEY GENERAL KEN SALAZAR
CHIEF RONALD SLOAN
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO
CHIEF LUIS VELEZ

BOARD MEMBERS ABSENT

SHERIFF JAMES ALDERDEN (excused)
EXECUTIVE DIRECTOR JOE MORALES (excused)
CHIEF GERALD WHITMAN (excused)

BOARD COUNSEL

JOHN A. LIZZA, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
RUTH VANDERBROEK, P.O.S.T. Compliance Officer
THERESA CAVALIER, P.O.S.T. Training Program Coordinator
STEPHEN ZOTOS, P.O.S.T. Training Manager

MEMBERS OF THE PUBLIC IN ATTENDANCE

KENNY BELL, FLC – Durango Police Department
DAN BRENNAN, Colorado Regional Community Policing Institute
TOM CARLINE, Trinidad State Junior College
TONY DATTILO, Parole/ Community
MICHAEL ESTERS, Larimer County Sheriff's Office
DAVE EVERETT, Arvada Police Department
T.J. FITZWATER, Archuleta County Sheriff's Office
ROY C. LANE, Cortez Police Department
JERRY MARTIN, Dolores County Sheriff's Office
STEVE O'NEIL, Mancos Marshal's Office
KRISTI MCDONALD-QUINTANA, Colorado State Parks
KIM ROBBINS, Colorado District Attorney's Council
CARL SMITH, Pagosa Springs Police Department
DALE R. SMITH, Durango Police Department
ARNOLD TRUJILLO, Fort Lewis College Police Department
FRANK VANECEK, CBI Durango
JOHN WALLACE, FBI

On September 22, 2004 some Board members met for a Work Session. Minutes for this work session are attached.

The following Subject Matter Expert Committees met prior to the P.O.S.T. Board meeting;

Arrest Control Committee
Curriculum Committee
Firearms Committee

Introduction:

1. **Welcome by Vice Chairperson Chief Dennis Harrison, Fort Collins Police Department**
2. **Welcome by Host Chief Al Bell, Durango Police Department**
3. **Introduction of Board Members, SME Members and Guests**
4. **Roll Call – P.O.S.T. Director John Kammerzell**
Declaration of a Quorum.
5. **Approval of P.O.S.T. Board Minutes for July 23, 2004**
Approved

September 24, 2004

Presentations:

6. **Colorado Police Office Standards and Training Board Resolution and Proclamation in support of the *National Law Enforcement Officer Memorial Fund.***

Chief Velez gave a brief statement on the Memorial stating that Colorado is going to be the first state to have an up and running web site. The prototype for this site is: www.springsgov.com/units/police/nlemm/index2.htm. This site is currently housed on the City of Colorado Springs web site under the Police Department. Chief Velez would like everyone to take a look at this site and comment to him personally. He will then send the information to all agencies for contributions. Chief Velez has also been in contact with the NLEOMF in Washington D.C. who wants to pattern Colorado's program for all other states.

7. **Subject Matter Expert Committee Report**

- A. Arrest Control Sgt. Michael Esters, Chairman
Chief Al Bell, Board Member

Sergeant Esters reported that the ACT committee approved several academy instructors, lead and assistant, for Alamosa, Glenwood Springs, Trinidad and Buena Vista. They also approved a new site for the Alamosa Academy.

- B. Firearms Parks Manager Kristi Quintana, Chairwoman
Sergeant Cory Christensen, Vice-Chairman
Sheriff Jim Beicker Board Member

Parks Manager Kristi Quintana reported that at the meeting in La Junta in August the firearms committee approved six full instructors and one assistant instructor. There was also a discussion on what constitutes qualifications for training instructors as well as approval for new sites and instructors.

- C. Law Enforcement Driving Sgt. Al Padilla, Chairman,
Sheriff Mike Acree, Board Member

The Driving Committee met last Wednesday in Strasburg, Colorado. They discussed the Alamosa academy and various concerns that have arisen from their inspection of the site. It was decided to put the approval of the Alamosa academy driving program, on hold pending further review. Sheriff Acree also advised that Jefferson County would be holding a PIT Instructor course in the near future.

8. ***P.O.S.T. Basic Peace Officer Curriculum Revision and Committee Report***

- A. Curriculum Committee Report Chief Ron Sloan, Board Member

Chief Sloan gave a brief statement on the meeting that was held earlier in the week regarding the recommendations for the curriculum revision.

B. Basic Peace Officer Curriculum Revision

Director Kammerzell discussed the Basic Peace Officer Curriculum Revision with the Board members, updating members on the proposed changes in the curriculum. The Anti-Bias program, and those entities who provide this training, were also discussed. Director Kammerzell advised that the new academy students will have completed the Anti-Bias program prior to graduation. He also recognized all the hard work that has been done by this group and the committee.

C. Board Review, Comments and Action

It was decided that there would be further discussion of the new curriculum proposal at the December 10, 2004 Board meeting. The committee will be looking for approval of the new curriculum at the January 28, 2005 Board meeting with a July 1, 2005 implementation date.

9. **Recommendation for New P.O.S.T. Subject Matter Expert (SME) Committees**

A. “Less Lethal” SME Committee – Senior Agent Donn Kraemer
Director John Kammerzell

1. Director Kammerzell and Senior Agent Kraemer discussed “Less Lethal” as it relates to the development of a two hour orientation and familiarization component which will be part of the academy basic curriculum. This will only be an introduction to “Less Lethal” and is not meant to be a certification in “Less Lethal”.

Senior Agent Kramer added that they were currently in the process of soliciting applications from individuals that may have the proper qualifications in order to have a committee going by the first of the year.

2. The Board decided that there is no need to create a formal SME committee to deal with this issue. Director Kammerzell thought perhaps that this issue could be combined with the Performance Committee.

B. “Performance Based” Instructor SME Committee
Officer Neal Tyler
Division Chief Phil Baca
Mr. Dean Curd
Director John L. Kammerzell

1. Officer Tyler recommended that there should be a committee as a process to support and develop advanced training as well as training the trainers on new programs that have not yet been developed. Director Kammerzell stated that the development would be to start a pilot project with the less lethal orientation familiarization and performance based project and then

establish a new SME committee from there. He also discussed the committee members being limited to only serving on one SME committee. Director Kammerzell suggested that it would be important to allow a number of SME committee members and non-committee members serve on this committee during the development stages of the new Performance Based SME Committee.

2. The Board would like to have a list of people who wish to serve on the Performance Based SME committee and also have some clarification of the language of Less Lethal and resolve the matter at the December 10th meeting.

10. **“Draft” P.O.S.T. Rules Recommendation – Sunrise Review Committee**

A. P.O.S.T. Sunrise Review Committee Chair Person, Chief Ron Sloan

1. Chief Sloan reported on the progress that the committee has done in regards to the decision of who is and who is not certified as a Peace Officer in this state, and has also submitted the “Final Draft” of Rule 22 concerning the Sunrise Review of Peace Officer Status.
2. Rule 22 is a rule set up to govern the process for application of peace officer status. A Board committee will review the applications for peace officer authority and status and put together recommendations for the entire Board to review and to take action on any new groups wanting to achieve peace officer status. Chief Sloan stated that in the last Legislative session, two new groups were granted peace officer status: Municipal Court Marshals and Transportation Authorities. The new groups will have to go through the P.O.S.T. Board for review. The Board will then have to submit recommendations to the House Senate and Judiciary Committees.
3. There is also a “Final Draft” of Form 12 that will be required by the Board for any new groups to complete and submit to the Director of P.O.S.T. This Form does not need to be acted on in the rule making process. Also included is the “Final Draft” of a Bill Summary that will go along with the Sunrise Review for Peace Officer Status. Director Kammerzell stated that action on Rule 22 and two other Rules will be presented in a full Rule Making Hearing on December 10, 2004 that will be held in Arvada.

A question was asked about the Bill summary template, regarding the clarification of “shall be required to complete a minimum of forty hours of continuing Law Enforcement Education”. It was concluded that it would be a preferable standard which would be left up to the Board to decide. Chief Sloan’s response is that this preferable standard is for new groups requesting Peace Officer status and not for current Peace Officers.

There was also a discussion pertaining to Part VI, Paragraph C (P.O.S.T. Board Review), Section 2. John Lizza, the Board's counsel, and Chief Sloan were asked to clarify the language in the draft. Final Drafts have been submitted. (Please see attached.)

11. **Peace Officer Certification Revocation Actions.**

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications:

§ 24-31-305 C.R.S. (2003) A Colorado peace officer certification issued pursuant to shall be suspended or revoked by the P.O.S.T. 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. (2002), 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. 04-09, Robert J. Gallen, Certification # B-8919. On September 10, 2003, Respondent was convicted of 1 count of Possession of Child Pornography, Title 18 U.S.C. § 2252A(a)(5)(B), a federal felony offense.
2. No. 04-10, John Gary Salazar, Certification # B-8648. On February 23, 2004, Respondent was convicted of 1 count of Embezzlement of Public Property, § 18-8-407, C.R.S., a class 6 felony.
3. No. 04-11, Todd Michael Workman, Certification # B14740. On May 17, 2004, Respondent was convicted of 1 count of Crimes against At-Risk Adults and At-Risk Juveniles (Negligent bodily injury), § 18-6.5-103(2)(c), C.R.S., a class 6 felony.

B. Revocation of Peace Officer Certifications – Misdemeanor Conviction:

Revocation of peace officer certificates based upon convictions of misdemeanor crimes recognized in **§ 24-31-305(1.5) (b) thru (g) (2003)**.

1. No. M04-06, Damon Deshawn Finley, Certification #B-7335. On July 9, 2004, Respondent was convicted of 1 count of False Statement, Title 18 U.S.C. § 1001(a)(2), a conviction that is equivalent to False Reporting to Authorities, § 18-8-111(1)(b)(c), C.R.S., a class 3 misdemeanor. Subject failed to appear at the scheduled Director's Show Cause Hearing. Director Kammerzell recommends revocation of Damon Deshawn Finley's Colorado peace officer certificate.

It was moved by Chief Bell and seconded by Chief Velez to revoke the certification of these individuals. ***Passed unanimously.***

12. **Discussion items from the September 23rd Board Work Session.**

Please see attachment from Director Kammerzell.

13. **P.O.S.T. Peace Officer Training Project Grants – Progress Report**

A. P.O.S.T. Training Manager Steve Zotos

1. Steve Zotos reported that the prior week they had recorded over 12,000 hours of training for officers throughout the state. There have also been over 50 curriculums that have been developed and approved and still more being created. There have been new relationships established through these grants with the Colorado Bar Association and Department of Health. They are also working with COVA to do 10 presentations that they will hold across the State after the first of the year.

Training Manager Zotos and Training Program Coordinator Theresa Cavalier have been touring around the state to make officers aware of the training that is available to them, as well as, the web site for the training schedule. Listings on the schedule have doubled since the Project began.

Training Manager Zotos at this time introduced Commander Dan Brennan of Lakewood Police Department and Director of CRCPI, to discuss the importance of training and the opportunity to present their training programs, as well as working together with P.O.S.T. to provide the 16 hour Spanish survival course. Training Manager Zotos then introduced Kim Robbins from CDAC. Ms. Robbins discussed the course that she is presenting on a statewide basis on Legal Updates and Case Law. This course is being funded through the Peace Officer Training Project Grant.

14. **P.O.S.T./C.B.I. Project – Sex Offender Registry Search and Certification Comparison**

- A. Director Kammerzell has researched a number of individuals that have been convicted of sex crimes and who at one time were certified peace officers in this state. He has also found that none of these individuals were currently serving as peace officers. Director Kammerzell recommended that through statutory language P.O.S.T. be given the ability to issue a conditional letter of certification once a person has passed all requirements and that they be recognized as peace officers in the state through that letter. Director Kammerzell gave a brief summary of what was discussed at the work session the previous night and what the Board recommends regarding certification requirements. (Please see attached.)

Director Kammerzell then stated that he would like to clarify the revocation of Damon Deshawn Finley. He was convicted of one count of false statement under Title 18 U.S.C. § 1001(a)(2), and that it was misstated the first time. The Board was given the option to change their mind on that vote. The Board then *decided unanimously* that the certification was to *remain revoked*.

15. **Board Meeting Schedule for 2004/2005**

*Friday, *December 10, 2004* – Hosted by Arvada Chief of Police Ron Sloan
Meeting will be held in Arvada, Colorado

SME Committees meet at 101 Ralston Road in Arvada, Colorado

*Meeting date re-scheduled from November 19, 2004 to accommodate a P.O.S.T. Board Rule Making Hearing

*Friday, *January 28, 2005*, 10:00 a.m. at the Department of Law, 1525 Sherman St., Denver, Colorado

16. **Comments from others**

Captain Dale Smith of Durango Police Department thanked the Board on behalf of the Southwest region for reviewing their grant and approving it so they can receive good quality training in their region.

Next Board Meeting
Friday, December 10, 2004
Hosted By Arvada Chief of Police Ronald Sloan
Arvada, Colorado

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
December 10, 2004

The Peace Officer Standards and Training Board held its 347th Board meeting at the Arvada Center, Arvada, Colorado with the following attending:

BOARD MEMBERS

SHERIFF MICHAEL ACREE
SHERIFF JAMES ALDERDEN
SHERIFF JAMES BEICKER
CHIEF AL BELL
SHERIFF DANIEL CORSENTINO
FORT MORGAN MAYOR JACK DARNELL
CHIEF DENNIS HARRISON
SHERIFF STAN HILKEY
SENIOR AGENT DONN KRAEMER
EXECUTIVE DIRECTOR JOE MORALES
OFFICER CURTIS MORENO
PUBLIC MEMBER BOB PENCE
S.A.C. PHILLIP B. J. REID
ATTORNEY GENERAL KEN SALAZAR
CHIEF RONALD SLOAN
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO
CHIEF LUIS VELEZ

BOARD MEMBERS ABSENT

CHIEF JOHN HALL (excused)
CHIEF GERALD WHITMAN

BOARD COUNSEL

JOHN A. LIZZA, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
RUTH VANDERBROEK, P.O.S.T. Compliance Officer
LISA TONEY, P.O.S.T. Administrative Assistant
THERESA CAVALIER, P.O.S.T. Training Program Coordinator
STEPHEN ZOTOS, P.O.S.T. Training Manager

MEMBERS OF THE PUBLIC IN ATTENDANCE

PHIL BACA, Jefferson County Sheriff's Office
RON BALLAS, Northeastern Junior College Police Academy
RANDAL BOEPPLE, SCLETA
DAN BRENNAN, Colorado Regional Community Policing Institute
KEVIN BRUN, CMC Glenwood Springs
MIKE CARTER, CCA Academy
CAROLE CHARLES, Colorado Police Protective Association
BILL CLAYTON, Colorado Police Protective Association
RAY DEBIASE, Pueblo County Sheriff's Office
MICHAEL ESTERS, Larimer County Sheriff's Office
JOE FERRARO, Denver Police Department
JOHN FOECHTERLE, Olathe Police Department
JOHN GODSEY, Colorado Springs Police Department
MICHAEL GOODBEE, Attorney General's Office
TODD HALLER, Snowmass Village Police Department
JOE THOMAS HAZELL, Citizen
ED KAFEL, El Paso County Sheriff's Office
TONY LOMBARD, Colorado Police Protective Association
JOHN MINER, Summit County Sheriff's Office
STEVE NEUMEYER, Aurora Police Department
F.W. PALMER, Lafayette Police Department
JOHN PATTERSON, Cherry Hills Village Police Department
KRISTI MCDONALD-QUINTANA, Colorado State Parks
KAREN RENSHAW, Colorado Association Chiefs of Police
DAN RUTHERFORD, Pueblo Police Department
PAUL SCHULTZ, CACP Lafayette Police Department
SGT. STACI SHAFFER, Larimer County Sheriff's Office
DAVE SNELLING, Arvada Police Department
RICHARD WEBB, Jefferson County Sheriff's Office
DEB WILKE, Arapahoe Community College Campus Police

The following Subject Matter Expert Committees met prior to the P.O.S.T. Board meeting;

Arrest Control Committee
Curriculum Committee
Firearms Committee

Introduction:

1. Welcome by Chairperson Attorney General Ken Salazar
2. Welcome by Host Chief Ron Sloan, Arvada Police Department and City Manager Craig Kocian

December 10, 2004

3. Introduction of Board Members, SME Members and Guests
4. Special Recognition of Departing Department of Law Members.

Director John Kammerzell recognized Detective Dave Kleiber Firearms SME committee Member for his return from Iraq. Chief Dennis Harrison presented an award to Chief Deputy Don Quick. Chief Paul Schultz of Lafayette PD and current President of CACP with Sheriff James Alderden, President of CSOC, recognized the accomplishments of Attorney General Ken Salazar.

5. Roll Call – P.O.S.T. Director John Kammerzell
Declaration of a Quorum.
6. Approval of P.O.S.T. Board Minutes for September 24, 2004
Approved

Presentations:

7. **Skills Subject Matter Expert Committee Reports**

- A. Arrest Control Sgt. Michael Esters, Chairman

Sergeant Esters reported the approval of an arrest control program for Lakewood Police Department and a new SME Arrest Control Member, Agent Steve Emerson of the Aurora Police Department. Tech. Rich Stensgaard has been appointed as co-chair for the committee in 2005.

- B. Firearms Parks Manager Kristi Quintana, Chairwoman

Parks Manager Kristi Quintana reported that the firearms committee approved six new full instructors and denied one assistant instructor. They also approved the location for the Pueblo PD Academy. The committee is considering a future recommendation to the Board that the firearms qualification percentage be raised from 70% to 80% because they feel that the course may be too easy. The committee may also be making some changes in 2005 by possibly adding an hour to the curriculum

- C. Law Enforcement Driving Sheriff Mike Acree, Board Member

The Driving Committee accepted one new SME member, Officer Mo Campbell from Colorado Springs Police Department. The committee denied the driving track for Alamosa but did approve the lesson plan. The Committee has also approved six full instructors, one assistant instructor and denied one assistant instructor.

D. Curriculum Committee Report Chief Ron Sloan, Board Member

The Curriculum Committee discussed recommendations on the changes to be made to the basic academy curriculum total of hours and courses. There were no big changes made. The committee also approved the lesson plans for the Alamosa Training Academy through Randy Boepple of Trinidad Junior College Academy. Chief Sloan mentioned that the P.O.S.T. certification exam would be modified to fit the new curriculum of 2005 and should be available to the academies after July of 2005.

8. **Peace Officer Certification Revocation Actions.**

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications:

§ 24-31-305 C.R.S. (2003) A Colorado peace officer certification issued pursuant to shall be suspended or revoked by the P.O.S.T. 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. (2002), 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. 04-12, Paul Robert Allen, Certification # 15066. On March 15, 2000, Respondent was convicted of 1 count of Sexual Assault on a Child, § 18-3-405(1), C.R.S., a class 4 felony.
2. No. 04-13, Stanley Peter Baniszewski, Certification # 0860. On September 23, 1996, Respondent was convicted of 1 count of Sexual Assault on a Child, § 18-3-405.3, C.R.S., a class 4 felony.
3. No. 04-14, Ryan Robert Banker, Certification # B-6731. On July 23, 2004, Respondent was convicted of 1 count of Second Degree Burglary, § 18-4-203(1), C.R.S., a class 4 felony, and was convicted of 1 count of Harassment - Strike/Shove/Kick, § 18-9-111(1)(a), C.R.S., a class 3 misdemeanor.
4. No. 04-15, Alex E. Barela Jr, Certification # 13572. On February 26, 1993, Respondent was convicted of 1 count of Sexual assault on a child by one in a position of trust, § 18-3-405.3, C.R.S., a class 4 felony.
5. No. 04-16, Louis F. Bierman, Certification # 12038. On August 21, 1995, Respondent was convicted of 1 count of Sexual Assault on a Child, § 18-3-405.3, C.R.S., a class 4 felony. Also, on September 2, 2004, Respondent was convicted of 1 count of Failure to Register as a Sex Offender (Felony), § 18-3-412.5(1)(a), (2), C.R.S., a class 6 felony.

6. No. 04-17, Lari E. Cooper, Certification # 7070. On April 2, 1997, Respondent was convicted of 1 count of Sexual Assault on a Child, § 18-3-405(1), C.R.S., a class 4 felony.
7. No. 04-18, Wilson D. Elder, Certification # 7268. On October 2, 1996, Respondent was convicted of 1 count of 3rd Degree Sexual Assault, § 18-3-404(1.7) C.R.S., a class 4 felony. Also, on October 2, 1996, Respondent was convicted of 1 count of 3rd Degree Sexual Assault, § 18-3-404(1)(a), C.R.S., a class 1 misdemeanor.
8. No. 04-19, Jimmy R. Engle, Certification # 12170. On July 21, 1999, Respondent was convicted of 1 count of Sexual assault on a child by one in a position of trust, § 18-3-405.3, C.R.S., a class 4 felony.
9. No. 04-20 - No Board Action Required.
10. No. 04-21, John M. Harvey, Certification # B-00237. On February 7, 2000, Respondent was convicted of 1 count of Sexual Assault on a Child, § 18-3-405(1), C.R.S., a class 4 felony.
11. No. 04-22, Richard Ray Herrin, Certification # B-4357. On August 6, 2001, Respondent was convicted of 1 count of Sexual Assault on a Child, § 18-3-405(1), C.R.S., a class 4 felony.
12. No. 04-23, Brett E. Johnson, Certification # B-2737. On September 10, 2004, Respondent was convicted of 1 count of Sexual Assault on a Child, § 18-3-405(1), C.R.S., a class 4 felony.
13. No. 04-24, Jason Cody Jones, Certification # B-6712. On August 9, 2004, Respondent was convicted of 1 count of Second Degree Burglary, § 18-4-203(1), C.R.S., a class 4 felony.
14. No. 04-25, Cody D. McPherson, Certification # 9661. On November 10, 1994, Respondent was convicted of 1 count of Sexual Assault on a Child, § 18-3-405(1), C.R.S., a class 4 felony.
15. No. 04-26, John A. Mullins, Certification # 6376. On February 2, 1996, Respondent was convicted of 1 count of Aggravated Incest, § 18-6-302(1)(a), C.R.S., a class 3 felony.
16. No. 04-27, Wesley T. Short, Certification # B-8532. On July 8, 2004, Respondent was convicted of 1 count of Felony Menacing-Real/Simulated Weapon, § 18-3-206(1)(a)(b), C.R.S., a class 5 felony, and was convicted of 1 count of Assault in the Third Degree, § 18-3-204, C.R.S., a class 1 misdemeanor.

December 10, 2004

17. No. 04-28, George W. Stapleton, Certification # 15742. On April 29, 1999, Respondent was convicted of 1 count of Assault in the Second Degree - Deadly Weapon Involving Bodily Injury, § 18-3-203(1)(b), C.R.S., a class 4 felony.
18. No. 04-29, Mark W. Talbert, Certification # 15345. On July 15, 1994, Respondent was convicted of 1 count of Sexual Assault on a Child, § 18-3-405(1), C.R.S., a class 3 felony.

It was moved by Director Morales and seconded by Chief Harrison that all individuals, 1 thru 18, have their certifications revoked.

Passed Unanimously

B. Revocation of Peace Officer Certifications – Misdemeanor Conviction:
Revocation of peace officer certificates based upon convictions of misdemeanor crimes recognized in § 24-31-305(1.5) (b) thru (g) (2003).

1. No. M04-07, Kevin T. Miller Sr., Certification #B-09846. On December 4, 2003, Respondent was convicted of 1 count of Sexual Assault - 10-Year Age Difference, § 18-3-402(1)(e), C.R.S., a class 1 misdemeanor. Subject failed to appear at the scheduled Director's Show Cause Hearing. Director Kammerzell recommends revocation of Kevin T. Miller Sr.'s Colorado peace officer certificate.
2. No. M04-08, Everett Dean Richardson, Certification # 15600. On February 21, 2003, Respondent was convicted of 1 count of Harassment-Strike/Shove/Kick, § 18-9-111(1)(a), C.R.S., a class 3 misdemeanor. Subject failed to appear at the scheduled Director's Show Cause Hearing. Director Kammerzell recommends revocation of Everett Dean Richardson's Colorado peace officer certificate.
3. No. M04-09, Hiver Salley, Certification #B-7322. On December 4, 2003, Respondent was convicted of 1 count of Harassment, § 18-9-111, C.R.S., a class 3 misdemeanor. Subject failed to appear at the scheduled Director's Show Cause Hearing. Director Kammerzell recommends revocation of Hiver Salley's Colorado peace officer certificate.
4. No. M04-10, Daniel J. Sargent, Certification #B-3508. On December 4, 2003, Respondent was convicted of 1 count of First Degree Official Misconduct, § 18-8-404, C.R.S., a class 2 misdemeanor. Subject failed to appear at the scheduled Director's Show Cause Hearing. Director Kammerzell recommends revocation of Daniel J. Sargent's Colorado peace officer certificate.

December 10, 2004

It was motioned by Sheriff Hilkey and seconded by Chief Acree that all individuals, 1 thru 4, have their certifications revoked.

Passed Unanimously

9. **P.O.S.T. Board Rule Making Hearing**

A. Proposed P.O.S.T. Rule Changes - Summary of Recommended Changes.

1. Rule 1 – Definitions.
2. Rule 5 – Hearings.
3. Rule 7 – Variances.
4. Rule 8 – Appeal Process for Certification Denial – Misdemeanor.
5. Rule 9 – Revocation Hearings for Criminal Conduct.
6. Rule 10 – Basic Certification.
7. Rule 11 – Provisional Certification.
8. Rule 12 – Reserve Certification.
9. Rule 14 – Fingerprint-Based Criminal History Record Check.
10. Rule 17 - Certification Records.
11. Rule 18 - Certification Suspension and Revocation - Basic, Provisional, Renewal, and Reserves.
12. Rule 21 - Basic and Reserve Training Academies.
13. Rule 22 - Concerning Sunrise Review of Peace Officer Status.
14. Rule 23 - Skills Instructors.

Director Kammerzell stated that according to State Statute a public hearing is required on the Rule making process on the Boards Rules. Most of the Rule changes are minimum with some clarifications. P.O.S.T. Rule 22 was acted on per SB 224 from the last legislative session. Chief Sloan stated that process is outlined clearly for this particular Rule. He also brought to the attention of the Board that there were slight changes made to c), sub-section II under P.O.S.T. Board Review.

Attorney General Salazar asked for a motion to approve Rule changes set forth in agenda #9-A. It was moved by Chief Harrison and seconded by Sheriff Hilkey.

Adopted Unanimously

10. Board Assigned Workgroup Discussion.

A. “Less Lethal” Workgroup – Senior Agent Donn Kraemer

1. Discussion from the work group’s representative
 - a. Senior Agent Kraemer discussed a draft proposal put together by the “Less Lethal” Committee for a familiarization class of 2 hours in the basic academy. The draft consisted of a mission statement, goals and the academy course outline. Senior Agent Kraemer

stated that at the January meeting he and Director Kammerzell will bring together the senior instructors in the “Less Lethal” disciplines, and will have a report at that time.

B. Performance Based Instructor Work Group – Officer Neal Tyler

1. Officer Tyler stated that the group is working on curriculum objectives and a more comprehensive report and presentation for the January meeting.

11. P.O.S.T. Peace Officer Training Project Grants – Progress Report

A. P.O.S.T. Training Manager Steve Zotos

1. Training Manager Zotos reported that they have developed 64 various curriculums that have been recommended by the P.O.S.T. Board. He also stated that about 30,000 hours of training have been divided among officers across the state and about 2,100 officers have participated. Training Manager Zotos stated that the project is going well.

Training Manager Zotos also brought before the Board the first Training News Letter, which was put together to try and get more information out to the officers about the training that is available.

There will be a conference held in Colorado Springs, January 13 – 14, for Regional Training Coordinators and statewide Training Providers.

12. 2005 P.O.S.T Legislation

A. Proposed P.O.S.T Bill Language.

1. Director Kammerzell reported that a new bill is being drafted for 2005. The bill sponsor is Rep. Bob McCluskey from Larimer County. The bill has been supported by the Chiefs Association, Sheriff’s Association, and Metro Chiefs. The Bill is to provide recognition of the misdemeanors and definitions of §24-31-301 as well as add a new term relating to conditional peace officer authority. This will require a conditional peace officer to serve one year in good standing as a peace officer before becoming a certified officer. It will also require individuals that have not been appointed to apply for an extension of up to 6 months. If they have not been appointed within an 18 month period they would be required to attend a refresher academy to keep their conditional authority active.

Director Kammerzell also stated that P.O.S.T. does not have the authority to approve peace officer training programs but with the new legislation P.O.S.T. will be able to approve curriculum for ongoing peace officer training.

13. Board Meeting Schedule for 2005

A. Proposed Board meeting dates:

1. January 28,2005
2. March 18,2005
3. May 20, 2005
4. July 29, 2005
5. September 30, 2005
6. December 9, 2005

Next Board Meeting
Friday, January 28, 2005
Colorado Department of Law
1525 Sherman Street Room 610
Denver, CO 80203

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
January 28, 2005

The Peace Officer Standards and Training Board held its 348th Board meeting at the Office of the Attorney General, Denver, Colorado with the following attending:

BOARD MEMBERS

SHERIFF JAMES ALDERDEN
SHERIFF JAMES BEICKER
SHERIFF DANIEL CORSENTINO
FORT MORGAN MAYOR JACK DARNELL
CHIEF JOHN HALL
CHIEF DENNIS HARRISON
SENIOR AGENT DONN KRAEMER
EXECUTIVE DIRECTOR JOE MORALES
OFFICER CURTIS MORENO
S.A.C. PHILLIP B. J. REID
ATTORNEY GENERAL JOHN SUTHERS
CHIEF RONALD SLOAN
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO
CHIEF LUIS VELEZ

BOARD MEMBERS ABSENT

SHERIFF MICHAEL ACREE (excused)
CHIEF AL BELL (excused)
SHERIFF STAN HILKEY (excused)
PUBLIC MEMBER BOB PENCE (excused)
CHIEF GERALD WHITMAN (excused)

BOARD COUNSEL

JOHN A. LIZZA, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
CHRISTINE MACK, P.O.S.T. Investigator
RUTH VANDERBROEK, P.O.S.T. Compliance Officer
LISA TONEY, P.O.S.T. Administrative Assistant
THERESA CAVALIER, P.O.S.T. Training Program Coordinator
STEPHEN ZOTOS, P.O.S.T. Training Manager

MEMBERS OF THE PUBLIC IN ATTENDANCE

PEG ACKERMAN, County Sheriffs of Colorado
MINER BLACKFORD, Otero Junior College
RANDAL BOEPPLE, SCLETA
PARRIS BRADLEY, Aurora Police Department
CAROLE CHARLES, Colorado Police Protective Association
DEAN CURD, County Sheriffs of Colorado
RAY DEBIASE, Pueblo County Sheriff's Office
MARC DIREZZA, Lakewood Police Department
ROBERT DODD, Fremont County Sheriff's Office
ROBERT EBERHART, Colorado Springs Police Department
MICHAEL ESTERS, Larimer County Sheriff's Office
TODD EVANS, El Paso County Sheriff's Office
GARY EYER, Colorado State Patrol
JOE FERRARO, Denver Police Department
EVANGELINE GRAZIANO, Red Rocks Community College
KATHY HERRIN, Canon City Police Department
DARYL HOFFMAN, Jefferson County Sheriff's Office
DOYLE JONES, Weld County Sheriff's Office
MONTY R. LEMLEY, Weld County Sheriff's Office
KRISTI MCDONALD-QUINTANA, Colorado State Parks
KEN MCKLEM, Arapahoe County Sheriff's Office
SHAWN MOODY, Greenwood Village Police Department
BOB MOORE, Arapahoe Community College
STEVE NEUMEYER, Aurora Police Department
AL PADILLA, Lakewood Police Department
ROB RATHBURN, Denver Police Department
DAN RUTHERFORD, Pueblo Police Department
STACI SHAFFER, Larimer County Sheriff's Office
TROY SHIRKEY, Castle Rock Police Department
RICHARD STENSGAARD, Denver Police Department
JOE THOMAS HAZELL, Citizen
RICHARD WEBB, Jefferson County Sheriff's Office
DEB WILKE, Arapahoe Community College
JIM WOLLACK, Westminster Police Department
PAT WOODIN, Jefferson County Sheriff's Office

The following Subject Matter Expert Committees met prior to the P.O.S.T. Board meeting;

Arrest Control Committee
Curriculum Committee
Firearms Committee
Driving Committee

January 28, 2005

Introduction:

1. Welcome – Attorney General John W. Suthers, P.O.S.T. Board, Chairman
2. Introduction of Board Members, SME Members and Guests
3. Roll Call – P.O.S.T. Director John Kammerzell
Declaration of a Quorum.
4. Approval of P.O.S.T. Board Minutes for December 10, 2004
Approved

Presentations:

5. Skills Subject Matter Expert Committee Reports

- A. Arrest Control Sgt. Michael Esters, Chairman

Sergeant Esters reported the approval of two new training sites, Jefferson County Sheriff's Office and Pueblo Community College. The committees also discussed developing an instructor database for test-outs and will continue this discussion at the next committee meeting. The committee also discussed the notes regarding Less Lethal training.

- B. Firearms Parks Manager Kristi Quintana, Chairwoman

Parks Manager Kristi Quintana reported that the firearms committee approved five new full instructors, one assistant instructor and one academy. The committee also reviewed academy issues which included when dim light and tactical firing should be introduced into the firearms program. There was also discussion on the instructor student ratio for both the instructor classes and basic academy classes.

- C. Law Enforcement Driving Sgt. Al Padilla, Chairman

Sgt. Padilla reported that the driving committee approved 17 full driving instructors. They also approved the lesson plan for the Alamosa Academy program. The committee also discussed future proposals of increasing the number of required hours for the academies

- D. Curriculum Committee Deborah Wilke, Vice-Chairwoman

1. Curriculum Committee Report

Vice-Chairwoman Deborah Wilke presented to the Board for discussion and approval the new revised curriculum. She presented three packets, the Curriculum Bibliography, a comparison chart showing the increase of hours,

and the Basic Academic Training Program. The Committee also discussed the P.O.S.T. Test and the guidelines that need to be made and how they will be implemented into the academies. The next meeting date is April 1, 2005. They hope to have changes and questions completed by September 15, 2005. A brief overview was given concerning the changes made to the curriculum.

2. Basic Peace Officer Curriculum Revision – Committee Recommendations.

Executive Director Joe Morales moved for an approval on the revised curriculum which was seconded by Chief Dennis Harrison. Chief Ron Sloan and Director Kammerzell thanked everyone responsible for the hard work they put in revising the curriculum. Director Kammerzell stated that this revision would also apply to the Reserve Academy Curriculum, and that staff would develop recommendations for the revision of the Reserve Academy curriculum, and present the revision to the Board at a future date.

a. Academy implementation on July 1, 2005

3. Board Action and Approval of the Revised Curriculum.

a. P.O.S.T Board comments and discussion.

Approved Unanimously

6. Formal Board recognition of the 2005 SME Committee members.

Director Kammerzell

A. SME Committee Roster – Arrest Control Tactics, Curriculum, Driving and Firearms.

Director Kammerzell formally recognized the individuals who have served on the various SME Committees. Attorney General Suthers called for a motion to approve the roster and membership for 2005. It was moved by Chief Dennis Harrison and seconded by Chief Luis Velez.

Approved Unanimously

7. P.O.S.T. Sunrise Review Sub-Committee. Chief Ron Sloan

A. Chairperson appointment

Attorney General left the decision of the new chairperson up to the committee.

B. Membership appointments

Members of the Sunrise Review Sub-Committee appointed by Attorney General Suthers included Chiefs Hall and Sloan, Sheriffs Alderden and Beicker, and DPS

Director Morales. A motion was made by Mayor Jack Darnell and seconded by Chief Luis Velez to approve these appointments.

Approved Unanimously

- C. Two Groups/Positions were recognized during the 2004 Legislative Session and one group is presently seeking peace officer authority and approval from the P.O.S.T. Board.
 - 1. Municipal Court Marshals - 2004 Legislation.
 - 2. Public Transit Officers - 2004 Legislation.
 - 3. Department of Revenue Taxation Investigators - Letter of Intent.

Director Kammerzell presented to the Board for approval a draft letter of procedures, copies of Rule 22 and Form 12. This information will be sent not only to these three groups but other groups seeking peace officer status. Chief Sloan mentioned that Rule 22 will take affect March 1, 2005.

8. P.O.S.T. Peace Officer Training Project Sub-committee. Chief Dennis Harrison

A. Membership Appointments.

- 1. Past members include: Chief Dennis Harrison (Chair), Chief Luis Velez, Chief John Hall, Sheriff Mike Acree, Officer Neal Tyler, Sheriff Lou Vallario, Mayor Jack Darnell.

It was moved by Chief Ron Sloan and seconded by Sheriff James Beicker that all past members of the Peace Officer Training Project Sub-committee continue to serve on this committee.

Approved Unanimously

9. P.O.S.T. Peace Officer Training Project Grants - Progress Report

A. P.O.S.T. Training Manager Steve Zotos.

- 1. Project up-date.

Training Manager Steve Zotos reported that at the end of December, 87 various curriculums have been developed and are being taught throughout the state. The project has provided about 34,000 hours of training and about 2,500 officers have participated in the training. Training Manager Zotos has provided the Board with a break down report of regions and agencies that are participating in the grant.

- 2. Training Forum Report – January 13 – 14, 2005 in Colorado Springs, Colorado.

Training Manager Zotos stated they had excellent attendance at the training forum in Colorado Springs. He added that it was very beneficial and that he hopes this will be an annual event. Training Manager Zotos also discussed the time line on the fiscal 2005/2006 budget. The Request for Proposal's have been sent out and are due back on March 28, 2005.

Mayor Jack Darnell asked if the funds from one region that are not being used can be transferred to another region. According to Director Kammerzell, because of justifications, this can not be done. Attorney General Suthers suggests some encouragement for these regions that are not performing as well as others. Director Kammerzell recommended sending a letter to each region to explain the situation, and to encourage the regions to meet and complete their training plan.

10. Board Assigned Workgroup Discussion/Presentation.

A. "Less Lethal" Work Group – Senior Agent Donn Kraemer

Senior Agent Kraemer reported that at the last meeting, along with Rob Rathford and Officer Neal Tyler, this group began working on the coarse outline and two hour curriculum that will be incorporated into the Basic Academy for Less Lethal options. The group will put together goals and objectives for approval by the Board.

The group also discussed the Committee Member criteria which will consist of a minimum of ten years as a current full-time law enforcement officer, a P.O.S.T. recognized firearms or arrest control instructor with a tactical application background, completion of a 40-hour intro and instruction methods class, and an instructor in one of the Less Lethal disciplines. The Group will establish a two-hour academy course, and then create a 40-hour P.O.S.T. approved Less Lethal instructor course. This will benefit the state from having to obtain training through other means.

B. Performance Based Instructor Work Group – Officer Neal Tyler

Officer Neal Tyler addressed the issues regarding the Train the Trainer Program which has not been updated for twenty years. The work group would like to see more advanced training and to raise the standard for Trainers. Phase one will be to identify trainers willing to take on this project. Officer Tyler acknowledged these instructors, and gave an overview of the work that will be involved recreating this program. Officer Tyler stated that this would not only benefit the agency, but the officer as well.

11. 2005 P.O.S.T. Legislation

- A. HB05 - 1076, Concerning Peace Officer Certification Granted by the Peace Officer Standards and Training Board. Director Kammerzell

Director Kammerzell gave a brief summary of the Bill that would give authority to the P.O.S.T. Board to approve training programs beyond the academy level. This will also include language that will prohibit individuals that were dishonorably discharged from the U.S. military from obtaining peace officer certification. The Bill will also give those individuals completing an academy and passing the P.O.S.T. certification exam Conditional Peace Officer Authority which will allow them to be employed as a peace officer.

1. House: Sponsor – Rep. Bob McCluskey and Co-sponsor Rep. Mark Larson.
2. Senate: Sponsor – Senator Dan Grossman.

Dr. Margaret “Peg” Ackerman from the County Sheriffs of Colorado reports that the bill passed the House Judiciary Committee by a unanimous vote and she anticipations that the Bill will pass and move on to the Senate.

12. Comments from others.

Chief Dennis Harrison stated that he does not support moving Training Project Grant monies around from one region to another during the first year. He feels that we are to follow a plan and give the agencies the opportunity to participate. Chief Harrison also stated that he would like to inform the agencies that there isn't much time left to use the funds they were given. He has a concern about telling the agencies that the funds they don't use will be taken away from them as then the funds could be spent on classes or things which do not fall under the guidelines of the Training Project Grant. He agrees a letter needs to be sent to the regions.

Mr. Joe Thomas-Hazell stated that he feels more of the public needs to attend the Board meetings and that there should be better communication between the public and law enforcement.

Chief Luis Velez suggested an update on the National Law Enforcement Officers Memorial Fund at the next Board meeting.

13. Board Meeting Schedule for 2005

A. Proposed Board meeting dates and locations:

Approved

1. March 18, 2005.
2. May 20, 2005.
3. July 29, 2005 – Canon City Hosted by Officer Neal Tyler.
Director Kammerzell recommend a work session meeting to be held on
July 28, 2005 in Canon City.
4. September 30, 2005.
5. December 9, 2005.

Motion to adjourn by Sheriff Daniel Corsentino and seconded by Chief Luis Velez

Next Board Meeting
Friday, March 18, 2005
Colorado Department of Law
1525 Sherman Street Room 610
Denver, CO 80203

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
March 18, 2005

The Peace Officer Standards and Training Board held its 349th Board meeting at the Office of the Attorney General, Denver, Colorado with the following attending:

BOARD MEMBERS

SHERIFF MICHAEL ACREE
SHERIFF JAMES ALDERDEN
SHERIFF JAMES BEICKER
SHERIFF DANIEL CORSENTINO
FORT MORGAN MAYOR JACK DARNELL
CHIEF DENNIS HARRISON
SHERIFF STAN HILKEY
SENIOR AGENT DONN KRAEMER
EXECUTIVE DIRECTOR JOE MORALES
OFFICER CURTIS MORENO
PUBLIC MEMBER BOB PENCE
S.A.C. PHILLIP B. J. REID
ATTORNEY GENERAL JOHN SUTHERS
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO
CHIEF LUIS VELEZ
CHIEF GERALD WHITMAN

BOARD MEMBERS ABSENT

CHIEF AL BELL (excused)
CHIEF JOHN HALL (excused)
CHIEF RONALD SLOAN (excused)

BOARD COUNSEL

JOHN A. LIZZA, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
CRISTINE MACK, P.O.S.T. Investigator
RUTH VANDERBROEK, P.O.S.T. Compliance Officer
LISA TONEY, P.O.S.T. Administrative Assistant
THERESA CAVALIER, P.O.S.T. Training Program Coordinator
STEPHEN ZOTOS, P.O.S.T. Training Manager

MEMBERS OF THE PUBLIC IN ATTENDANCE

PHIL BACA, Jefferson County Sheriff's Office
RANDAL BOEPPLE, SCLETA
PHIL BUE, Pueblo County Sheriff's Office
TOM CARLINE, SCLETA
MIKE COLLINS, DOC/ Chaffee County Sheriff's Office
MARK FELTON, Citizen – Aurora Colorado
JOHN GODSEY, Colorado Springs Police Department
DARYL HOFFMAN, Jefferson County Sheriff's Office
KRISTEN HUBBELL, Office of the Attorney General
JANET LARSON, Broomfield Police Department
JOHN MINOR, Summit County Sheriff's Office
SHAWN MOODY, Greenwood Village Police Department
LUCILE MUSMANN, Enforce Inc.
KRISTI MCDONALD-QUINTANA, Colorado State Parks
DIANA SMITH, Knowledge Factor
JOE THOMAS-HAZELL, Citizen
KRISTI THORLAND, Arapahoe Community College
EDWARD M. TRUJILLO, El Paso County Sheriff's Office
SAM VARELA, Castle Rock Police Department
KEVIN WARR, Knowledge Factor
RICHARD WEBB, Jefferson County Sheriff's Office
JEANETTE WHITNEY, El Paso County Sheriff's Office
DEB WILKE, Arapahoe Community College
JIM WOLLACK, Westminster Police Department

The following Subject Matter Expert Committees met prior to the P.O.S.T. Board meeting;

Arrest Control Committee
Curriculum Committee
Firearms Committee
Driving Committee

Introduction:

1. Welcome – Attorney General John W. Suthers, P.O.S.T. Board, Chairman
2. Introduction of Board Members, SME Members and Guests
3. Roll Call – P.O.S.T. Director John Kammerzell
Declaration of a Quorum.
4. Approval of P.O.S.T. Board Minutes for January 28, 2005
Approved

March 18, 2005

Presentations:

5. Skills Subject Matter Expert Committee Reports

- A. Arrest Control Det. J.J. Webb, Jefferson County Sheriff's Office

Detective Webb reported that the committee approved two full instructors and two new SME Arrest Control members. The committee also discussed matters relating to Less Lethal with recommendations that will be forwarded to Director Kammerzell.

- B. Firearms Parks Manager Kristi Quintana, Chairwoman

Parks Manager Kristi Quintana reported that the firearms committee approved four new full instructors and one assistant instructor for the Alamosa academy. The committee tabled a request involving academy instruction hours. There was also discussion about the carrying of weapons off duty and also the possibility of a firearms qualifications course for retired officers.

- C. Law Enforcement Driving Sgt. Al Padilla, Chairman

Sgt. Padilla reported that the driving committee approved 4 full driving instructors. They also inspected and approved the driving course for the Rangley Academy and discussed upcoming academy inspections.

- D. Curriculum Committee Division Chief Phil Baca, Chairman

Division Chief Phil Baca reported that the committee approved the SME application and information, which will be on the P.O.S.T. web-site for anyone interested in serving as member. The committee also had a presentation from Enforce regarding training manuals and information for individuals going through an academy. The committee discussed the guidelines for the exam questions for the new curriculum which will be effective July 1, 2005. The committee will be reviewing current exam questions April 15, 2005 for validity, and on June 1, 2005 any additional questions will be submitted. In August they will continue the review process with the completion date of September 15, 2005.

6. **Special Recognition – Curriculum Committee Members.** **General Suthers**
Director Kammerzell

Director Kammerzell would like to recognize the following members for their dedication and hard work on the revision of the basic peace officer curriculum: Div. Chief Phil Baca, Chief Deb Wilke, Chief Dan Brennan, Lt. Joe Ferraro, Director John Maki, Captain Troy Smith, Director Randall Boepple, Captain Don Tauille, Chief Jerry Gardner, Dep. Chief Mark Devross, Sgt. Charles Rabideau, Vincent Wincelowicz, Sgt. Stacy Shaffer, Sgt. Randy McNitt, Sgt. Gary Eyer, Corporal Mark Weber, Amy Mitchell, and Sandy Sayre.

7. **P.O.S.T. Reserve Academic Training Program Revision** **Director Kammerzell**
Training Manager Zotos

Staff has reviewed the current curriculum and also invited individuals involved in Reserve Academies, to comment on revisions to the current program. Manager Zotos went through and revised the current reserve academic program and made the recommended changes.

A. Comparison of required hours.

1. Present Program – Academic Training: 50 Hours
Skills (With Driving): 154 Hours
Present Academy Total: 204 Hours
2. Recommended Program – Academic Training: **86 Hours**
Skills (with driving): 154 Hours
Revised Academy Total: **240 Hours**

There was a brief discussion about the reserve academy programs. Over the past year, there have been a limited number of active reserve training programs. Chief Velez stated that because of the training required by P.O.S.T. for reserve officers, it has not been cost effective to continue with their program. Chief Velez’s department invests the same amount of time and money to train a reserve officer, as they would to train a fully certified officer. In most cases, most reserve programs exceed the required number of hours. This change was as a result of a statute that was passed by the Legislature regarding reserve peace officer authority. Many law enforcement agencies opposed this legislation, but it passed anyway.

Motion to accept the new reserve academic program passed with a majority vote, Chief Velez voting against the motion.

8. **Program Presentation: Arapahoe Community College “On-line P.O.S.T. Refresher Academy”**
Chief Deb Wilke
Mr. Kevin Warr

Arapahoe Community College has offered a Refresher Academy program in the past. A distance learning program was developed to help accommodate individuals who couldn’t take time off from work to go through a two week program; who couldn’t attend due to distance constraints or who were provisional candidates from another state. This program allows the individual to work at their own pace, via the internet, and complete the academic program on their own. The system tests their knowledge and mastery on several levels. Kevin Warr from Knowledge Factor, presented a PowerPoint presentation to the Board and answered questions regarding the benefits and outcomes of distance based learning. Director Kammerzell proposed to the Board the following: that P.O.S.T. would work closely with Chief Wilke on the academic portion of the refresher academy to develop this as an alternative to the current refresher academy program. The applicants will still have to do classroom time and pass the skills portions. Costs of the program are estimated at \$500 to \$550 per student. ACC hasn’t been able to get enough students to hold a refresher academy and they feel this is a viable alternative for the students. Students will still have to go through all the paperwork, submit fingerprint

March 18, 2005

cards and documentation to P.O.S.T. before they will be allowed to participate. This program will be available statewide. Motion made to allow for more discussion and development of this program. Motion seconded and passed unanimously.

9. **National Law Enforcement Memorial Museum** Chief Luis Velez

Chief Velez gave a brief update on the National Law Enforcement Memorial Museum. Back in 2004, the P.O.S.T. Board put out a resolution in support of the museum. Colorado is the first state to have a website up and running: www.coloradohonor.com. Individuals can donate money to this museum. This is a secure site. P.O.S.T. will also have a link to this site on the P.O.S.T. website. Chief Velez asked that everyone encourage their people to get involved in this worthy effort.

10. **P.O.S.T. Sunrise Review Sub-committee** Director Kammerzell

P.O.S.T. Staff is in the process of putting together packets for the April 21, 2005 meeting to discuss whether or not these groups will be considered as peace officers. This will be the first report submitted to the House and Judicial Sub-committees since the passing of this legislation. If the Board decides that one or both of these groups should not have full peace officer authority, the report will then be submitted to the Judiciary committee. Should a sponsor come forward, then the changes could be made to the statute to recognize them under another status or authority. The legislation forces them into this process.

A. Sub-committee met on February 14, 2005.

1. Hearings will be held on April 21st for 3 applicant groups/positions.
 - a. Municipal Court Marshals – 2004 Legislation.
 - b. Public Transit Officers – 2004 Legislation.
 - c. Department of Revenue Taxation Investigators – Letter of Intent.

11. **P.O.S.T. Peace Officer Training Project Sub-committee.** Chief Dennis Harrison
Training Manager Zotos

A. Sub-committee will be meeting on April 11, 2005 at the Department of Law.

Manager Zotos advised the RFP's were sent out on January 25, 2005. The grant proposals are due March 28, 2005. The next budget cycle will be on a 12 month cycle and we will only have around \$800,000.00 available for next year. Intend to recommend to the Sub-committee that we follow the same plan and mission that we did in the past. There may be some minor changes/recommendations as far as backfill dollars etc. Same general guidelines will be followed. Recommendations from the Sub-committee regarding the grants will be made at the May 20, 2005 P.O.S.T. Board meeting. A letter was sent out to all the grantees regarding utilizing all the money prior to the end of the grant cycle. We do not anticipate any surpluses coming back from the statewide groups or the regions.

12. **P.O.S.T. Peace Officer Training Project Grants – Progress Report**
Training Manager Zotos

Manager Zotos passed out the latest edition of the “POST-IT” newsletter. We have received a lot of positive feedback and it is encouraging regions to network. Currently, we have delivered about 50,000 hours of training to 3,200 officers, throughout the state. Approximately 99 different curriculums have also been developed through the training project.

13. **Board Assigned Workgroup Discussion/Presentation.**

A. "Less Lethal" Work Group – **Senior Agent Donn Kraemer**

Senior Agent Kraemer reported that sub-committee met on February 25, 2005. With the approval of Director Kammerzell and SME Arrest Control Committee Chairperson, Sgt. Michael Esters, they have reviewed the two hour block on Less Lethal instruction in the basic curriculum. The format for Arrest Control block has been changed to Alternatives to Use of Deadly Force. This is just a general overview which will be incorporated into the new curriculum which will be effective July 1, 2005. They are also working on a training program outline for Less Lethal instructor certification, similar to the program created for firearms instructors.

B. Performance Based Instructor Work Group – **Officer Neal Tyler**

The group met this morning. The focus was on developing trainers’ skills and the direction of performance based training.

14. **2005 P.O.S.T. Legislation.** **Director Kammerzell**

A. *HB05 - 1076, Concerning Peace Officer Certification Granted by the Peace Officer Standards and Training Board.*

This Bill was passed. Director Kammerzell would like to thank Sheriff Mike Acree for his assistance. They testified in both committees, and explained the duties of P.O.S.T. to all the new members. The Bill will go to the Governor for signature and will be effective August 10, 2005. It allows P.O.S.T. to approve peace officer training programs, allows for the recognition of the “conditional” peace officer certification and struck the course of study option, which was deleted from the rule last year. This legislation has raised the bar again as it relates to peace officer certification in this state. Director Kammerzell would like to thank the members of the Board, Sheriff Acree, Peg Ackerman and Sheriff Alderden for their assistance. The Governor has come out in support of this bill, and we expect him to sign it into law.

15. **Peace Officer Certification Revocation Actions.** **Director Kammerzell**

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications:
§ 24-31-305 C.R.S. (2004) A Colorado peace officer certification issued pursuant to shall be suspended or revoked by the P.O.S.T. Board if the certificate holder has

March 18, 2005

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. (2002), 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. 05-01, Paul Edward Gasser, Certification # 15622. On December 8, 2004, Respondent was convicted of 1 count of Sexual Assault, § 18-3-402(1)(a), C.R.S., a class 5 felony; and, guilty of 1 count of Intimidating a Witness or Victim, § 18-8-704, C.R.S., a class 4 felony.

2. No. 05-02, Jose D. Gutierrez, Certification # B-7865. On July 21, 2004, Respondent was convicted of 1 count of Unlawful Distribution, Manufacturing, Dispensing, Sale or Possession of a Controlled Substance, § 18-18-405(1), (2)(a)(II)(A), C.R.S., a class 4 felony.

3. No. 05-03, Joseph Micheal Miller III, Certification # B-6480. On February 15, 1989, Respondent was convicted of 3 counts of 2nd Degree Burglary, § 18-4-203, C.R.S., a class 4 felony.

These were handled as a group. Motion to revoke all individuals, motion seconded and passed unanimously.

B. Revocation of Peace Officer Certifications – Misdemeanor Conviction:
Revocation of peace officer certificates based upon convictions of misdemeanor crimes recognized in § 24-31-305(1.5) (b) thru (g) (2004).

1. No. M05-01, Charles R. Broshous III., Certification #14104. On November 24, 2004, Respondent was convicted of 1 count of First Degree Official Misconduct, § 18-8-404, C.R.S., a class 2 misdemeanor. Subject provided written correspondence to the P.O.S.T. Director prior to the Director's Show Cause Hearing, but failed to appear at the scheduled date and time. After review of the written correspondence from the Respondent, Director Kammerzell recommends revocation of Charles R. Broshous III's Colorado peace officer certificate.

2. No. M04-05(2), Joseph H. Saunders, Certification # B-5118. On April 28, 2004, Respondent was convicted of 1 count of Harassment, § 18-9-111, C.R.S., a class 3 misdemeanor. On December 1, 2004, Director Kammerzell conducted a Director's Show Cause Hearing M04-05(2), to determine the merits presented by Mr. Saunders. Mr. David R. Osborne, P.C, represented Mr. Saunders. On December 13, 2004, Director Kammerzell issued notice denying Mr. Saunders' petition appealing revocation action. Director Kammerzell recommends revocation of Joseph H. Saunders' Colorado peace officer certificate.

3. No. M05-03, Christopher J. Kopecky, Certification #B-7378. On February 13, 2004, Respondent was convicted of 1 count of Third Degree Assault - Knowingly-Recklessly Causing Injury, § 18-3-204, C.R.S., a class 1 misdemeanor. Subject failed to appear at the scheduled Director's Show Cause

Hearing. Director Kammerzell recommends revocation of Christopher J. Kopecky's Colorado peace officer certificate.

4. No. M05-04, Daniel Wayne Patino, Certification #B-00339. On August 12, 2004, Respondent was convicted of 1 count of Harassment, § 18-9-111(1)(a), C.R.S., a class 3 misdemeanor. Subject failed to appear at the scheduled Director's Show Cause Hearing. Director Kammerzell recommends revocation of Daniel Wayne Patino's Colorado peace officer certificate.

These were handled as a group. Motion to revoke all individuals, motion seconded and passed unanimously.

16. **Comments from others.**

Mr. Joe Thomas-Hazell asked a question related to the proposed distance learning project. Also wanted to know if it addressed how officers respond to stress.

17. **Board Meeting Schedule for 2005**

A. Board meeting dates and locations:

1. July 29, 2005 – Canon City, Hosted by Officer Neal Tyler.
 - a. *Board Work Session on July 28, 2005.*
2. September 30, 2005 – Colorado Department of Law.
3. December 9, 2005 – Colorado Department of Law.

Motion to adjourn meeting was made and seconded.

Next Board Meeting
Friday, July 29, 2005
Canon City Police Department
161 Justice Center Way
Canon City, CO 81212

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
May 20, 2005

The Peace Officer Standards and Training Board held its 350th Board meeting at the Office of the Attorney General, Denver, Colorado with the following attending:

BOARD MEMBERS

SHERIFF MICHAEL ACREE
SHERIFF JAMES ALDERDEN
CHIEF AL BELL
SHERIFF DANIEL CORSENTINO
FORT MORGAN MAYOR JACK DARNELL
CHIEF JOHN HALL
CHIEF DENNIS HARRISON
SENIOR AGENT DONN KRAEMER
EXECUTIVE DIRECTOR JOE MORALES
OFFICER CURTIS MORENO
PUBLIC MEMBER BOB PENCE
CHIEF RONALD SLOAN
ATTORNEY GENERAL JOHN SUTHERS
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO
CHIEF LUIS VELEZ
CHIEF GERALD WHITMAN

BOARD MEMBERS ABSENT

SHERIFF JAMES BEICKER (excused)
SHERIFF STAN HILKEY (excused)

BOARD COUNSEL

JOHN A. LIZZA, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
CRISTINE MACK, P.O.S.T. Investigator
RUTH VANDERBROEK, P.O.S.T. Compliance Officer
LISA TONEY, P.O.S.T. Administrative Assistant
THERESA CAVALIER, P.O.S.T. Training Program Coordinator
STEPHEN ZOTOS, P.O.S.T. Training Manager

MEMBERS OF THE PUBLIC IN ATTENDANCE

JEAN ANDERSEN, FBI
PHIL BACA, Jefferson County Sheriff's Office
GARY BERLIN, Division of Wildlife
RANDAL BOEPPLE, SCLETA
JEFF BREDEHOEFT, Douglas County Sheriff's Office
SHELLEY BRYANT, Pueblo County Sheriff's Office
TOM CARLINE, SCLETA
RAY DEBIASE, Pueblo County Sheriff's Office
LT. JOE FERRARO, Denver Police Department
EVA GRAZIANO, Red Rocks Community College
ED KAFEL, El Paso County Sheriff's Office
BRIAN LAMKIN, FBI
KRISTI MCDONALD-QUINTANA, Colorado State Parks
GENE RAOULSKY, Pueblo Police Department
DAN RUTHERFORD, Pueblo Police Department
JOE THOMAS-HAZELL, Citizen
GLENN SCHAFFER, Aspen Police Department
STACI SHAFFER, Larimer County Sheriff's Office
JOHN TARBERT, RTD
TAMMY VIENOT, Arapahoe County Sheriff's Office
DEB WILKE, Arapahoe Community College

The following Subject Matter Expert Committees met prior to the P.O.S.T. Board meeting;

Arrest Control Committee
Curriculum Committee
Firearms Committee
Driving Committee

Introduction:

1. Welcome – Attorney General John W. Suthers, P.O.S.T. Board, Chairman
2. Introduction of Board Members, SME Members and Guests
3. Roll Call – P.O.S.T. Director John Kammerzell
Declaration of a Quorum.
4. Approval of P.O.S.T. Board Minutes for March 18, 2005
Approved

May 20, 2005

Presentations:

5. Skills Subject Matter Expert Committee Reports

- A. Arrest Control Det. J.J. Webb, Jefferson County Sheriff's Office

Detective Webb reported that the committee approved two full instructors and one new SME Arrest Control member. The committee also approved a training site at the Larimer County Sheriff's Office.

- B. Firearms Parks Manager Kristi Quintana, Chairwoman

Parks Manager Kristi Quintana reported that the firearms committee approved eight new full instructors, the Pueblo PD firearms course and one new SME Member, Jeff Bredehoeft from Douglas County SO. The committee discussed firearms training from outside companies that provide firearms instructor classes. There is concern that these companies could potentially represent their training as P.O.S.T. approved when that is not the case. As the committee becomes aware they will inform the groups that unless they meet the P.O.S.T. requirements they will not be considered P.O.S.T. approved. As a result of HR 218, the committee is looking at developing a firearms qualifications course for retired officers in order to accommodate the procedures developed by the P.O.S.T. Board and CBI.

- C. Law Enforcement Driving Sgt. Al Padilla, Chairman

Sheriff Acree reported that the driving committee approved 4 full driving instructors and the driving track for the Aurora Police Department. The committee also scheduled site inspections for the upcoming month.

- D. Curriculum Committee Division Chief Phil Baca, Chairman

Division Chief Phil Baca reported that the committee approved a new SME member, Sgt. Graham Dunn. The committee also received a request from Aurora PD to approve an instructor's course presented by the LAPD. The committee reviewed the content and found it comparable to the Colorado requirements and approved the request. Division Chief Baca stated that the committee is currently compiling P.O.S.T. exam questions and is on schedule.

Board Informational Items

6. 2005 P.O.S.T. Board Manual

Director Kammerzell

Director Kammerzell advised that the 2005 P.O.S.T. Manual is now available for purchase and can also be viewed on-line on the P.O.S.T. website. Each Board member was given a copy of the 2005 P.O.S.T. Manual.

7. **P.O.S.T. Sunrise Review Sub-Committee**

Chief Ron Sloan
Director Kammerzell

A. Sunrise Review Sub-committee Up-date

1. Hearings held on April 21st for two applicant groups/positions.

Chief Sloan reported that the committee met regarding two groups that were given 2004 legislative authority – Municipal Court Marshal's and the Public Transit Authority. The committee will be submitting the recommendations for these groups to the Board at the September 30, 2005 Board meeting. Director Kammerzell stated that the Board will then submit these recommendations to the Senate and House Judiciary Committees in October 2005.

8. **P.O.S.T. Anti Bias for Law Enforcement Officers Training Project**

Director Kammerzell
Chief Deb Wilke

A. 2005 Training Project Proposal to the United States District Court.

1. Continuing Anti Bias Training Program for Colorado Law Enforcement Officers.
 - a. Dimension No. 1 – Continued P.O.S.T. funded training for Colorado peace officers and conversion of the peace officer files to electronic format.
 - b. Dimension No. 2 – Funding for Colorado Law Enforcement Association Training (CLEAT) for the revision of the 96- hour Law Enforcement Supervisor Training Course.
 - c. Dimension No. 3 – P.O.S.T./ADL Supervisor – Executive Level Training Component
 - d. Dimension No. 4 – P.O.S.T./ADL Distance Learning Component.

B. 2005 P.O.S.T. Basic Peace Officer Training Program and Reserve Peace Officer Training Program Curriculums – *Law Enforcement Ethics and Bias Policing Training*.

1. Train the Trainers Program for Academy Instructors.
 - a. 16-hour P.O.S.T./ADL Instructor Development Program.
 1. Inclusive of Lesson Plans, PowerPoint, Source Materials.

Board Action Items

9. **Program Presentation on Program Approval Consideration: Arapahoe Community College “On-Line P.O.S.T. Refresher Academy** **Chief Deb Wilke**
Director Kammerzell

Chief Deb Wilke gave a brief discussion about the work that is being conducted with the on-line refresher course and submitted a packet of information on the registration and application for the students to see if they qualify. The students will also have 120 days to complete the on-line course and have 12 months from the date of registration to complete all requirements.

Approved

10. **P.O.S.T. Peace Officer Training Project Sub-committee.** **Chief Dennis Harrison**
Deputy Director Zotos

- A. Recap of the April 29, 2005 Sub-committee Grant Application Review.
- B. Recommendations for FY2005/2006 Training Grant Awards.

On April 29, 2005, the P.O.S.T. Training Subcommittee met and reviewed the grants submitted. Based on projected budget spending authority of \$800,000 for FY2005-06, staff analysis, prior performance by grantees, the goals set by the Board, and Committee input, the following recommendation is submitted to the P.O.S.T. Board for approval:

REGIONS

Central Mountains	\$100,000	San Luis Valley	\$ 28,000
Greater Metro	\$100,000	Southeast	\$ 38,406
I-70 West	\$ 54,000	Southwest	\$ 53,000
North Central	\$ 59,000	West Central	\$ 50,500
Northeast	\$ 38,000		
Northwest	\$ 33,000		

STATEWIDE PROVIDERS

CLEAT	\$149,500
CDAC	\$ 77,605
COVA	\$ 18,989

TOTAL **\$800,000**

There was also a recommendation by the Subcommittee that, if and when the TABOR issue is resolved, the Board consider supplementing some of the grant requests at some later point during the FY2005-06 grant cycle. One entity, Colorado Regional Community Policing Institute (CRCPI), was denied funding. They are currently in the appeal process.

Motion made and seconded. Motion passed with Director Morales abstaining.

11. **Peace Officer Certification Revocation Actions.**

Director Kammerzell

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications – Felony Conviction:

§ 24-31-305 C.R.S. (2004) A Colorado peace officer certification issued pursuant to shall be suspended or revoked by the P.O.S.T. 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. (2002), 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. 05-04, Paul Michael Burek, Certification # B-8124. On February 7, 2005, Respondent was convicted of 1 count of Criminal Attempt to Commit Possession of a Schedule III Controlled Substance, § 18-18-405(1), (2)(a)(II)(A), C.R.S. (2004), a class 5 felony.
2. No. 05-05, Jason M. Davison, Certification # B-00094. On September 3, 1996, Respondent was convicted of 1 count of Theft: Less than \$100, § 18-4-401(1)(a), C.R.S., a class 4 felony and was granted a Deferred Sentence (Sentence Revoked on August 13, 1998). On August 13, 1998, Respondent was convicted of 1 count of Sexual Assault on a Child, § 18-3-405, C.R.S., a class 5 felony.
3. No. 05-06, John Joseph McCroskey, Certification # B-5310. On May 18, 2004, Respondent was convicted of 1 count of Unlawful Possession of a Schedule III Controlled Substance, § 18-18-405(1),(2)(b)(I), C.R.S., a class 4 felony.
4. No. 05-07, Jason Dwight Seymor, Certification #B-09054. On December 22, 2004, Respondent was convicted of 1 count of First Degree Criminal Trespass, § 18-4-502, C.R.S., a class 5 felony.

These were handled individually. Motion to revoke all individuals, motion seconded and passed unanimously.

B. Revocation of Peace Officer Certifications – Misdemeanor Conviction: § 24-31-305 C.R.S. (2004) A Colorado peace officer certification issued pursuant to shall be suspended or revoked by the P.O.S.T. 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. (2004)***, 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. M05-06, Richard J. Christian II, Certification #15655. On November 24, 2004, Respondent was convicted of 1 count of Assault in the Third Degree – Knowingly/Recklessly Caused Injury, § 18-3-204, C.R.S., a class 1 misdemeanor. Respondent failed to appear at the scheduled Director's Show Cause Hearing. Director Kammerzell recommends revocation of Richard J. Christian's Colorado peace officer certificate.

May 20, 2005

2. No. M05-07, Ryan James Duffy, Certification #B-2418. On October 19, 2004, Respondent was convicted of 1 count of Harassment – Strike/Shove/Kick, § 18-9-111(1)(a), C.R.S., a class 3 misdemeanor. Respondent failed to appear at the scheduled Director's Show Cause Hearing. Director Kammerzell recommends revocation of Ryan James Duffy's Colorado peace officer certificate.

These were handled individually. Motion to revoke all individuals, motion seconded and passed unanimously.

12. **Comments from others.**

Attorney General Suthers posed a question to the Board regarding a publication on peace officer revocation action. The response from the Board was that the public should know about the positives of training and the number of officers certified on an annual basis, not just the negative. The public does have access to this information on the P.O.S.T. Board web site. Citizen Joe Thomas-Hazell suggested that there should be a list created for the public after revocation.

13. **Board Meeting Schedule for 2005**

A. Board meeting dates and locations:

1. July 29, 2005 – Canon City, Hosted by Officer Neal Tyler.
 - a. *Board Work Session on July 28, 2005.*
2. September 30, 2005 – Colorado Department of Law.
3. December 9, 2005 – Colorado Department of Law.

Motion to adjourn the meeting was made and seconded.

Next Board Meeting
Friday, July 29, 2005
Canon City Police Department
161 Justice Center Way
Canon City, CO 81212

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
July 29, 2005

The Peace Officer Standards and Training Board held its 351st Board meeting at the Quality Inn & Suites in Cañon City, Colorado with the following attending:

BOARD MEMBERS

SHERIFF MICHAEL ACREE
SHERIFF JAMES ALDERDEN
CHIEF AL BELL
SHERIFF JAMES BEICKER
FORT MORGAN MAYOR JACK DARNELL
CHIEF JOHN HALL
SHERIFF STAN HILKEY
SENIOR AGENT DONN KRAEMER
EXECUTIVE DIRECTOR JOE MORALES
PUBLIC MEMBER BOB PENCE
S.A.C. RICHARD C. POWERS
CHIEF RONALD SLOAN
ATTORNEY GENERAL JOHN SUTHERS
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO
CHIEF GERALD WHITMAN

BOARD MEMBERS ABSENT

CHIEF DENNIS HARRISON (excused)
OFFICER CURTIS MORENO (excused)
CHIEF LUIS VELEZ (excused)

BOARD COUNSEL

JOHN A. LIZZA, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
LISA TONEY, P.O.S.T. Administrative Assistant
THERESA CAVALIER, P.O.S.T. Training Program Coordinator
STEPHEN ZOTOS, P.O.S.T. Training Manager

MEMBERS OF THE PUBLIC IN ATTENDANCE

PHIL BACA, Jefferson County Sheriff's Office
KIM BEICKER, Department of Corrections
RANDAL BOEPPLE, SCLETA
JEFF BREDEHOEFT, Douglas County Sheriff's Office
TOM CARLINE, SCLETA
JAMES L. COX, Cañon City Police Department
RAY DEBIASE, Pueblo County Sheriff's Office
MICHAEL ESTERS, Larimer County Sheriff's Office
TODD EVANS, El Paso County Sheriff's Office
JOHN FOECHTERLE, Olathe Police Department
JOHN GODSEY, Colorado Springs Police Department
EVA GRAZIANO, Red Rocks Community College
KURT HAMMEL, Fremont County Sheriff's Office
ED KAFEL, El Paso County Sheriff's Office
KRISTI MCDONALD-QUINTANA, Colorado State Parks
DAN RUTHERFORD, Pueblo Police Department
STACI SHAFFER, Larimer County Sheriff's Office
DAN SHULL, Cañon City Police Department
DAVID SNELLING, Arvada Police Department

Board members and SME Chairs met on July 28, 2005 for a work session to discuss new legislation Committee activities, and other issues that may affect the Board training academies and peace officer qualifications. (Work session notes attached)

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on July 29th, 2005.

Arrest Control Committee
Curriculum Committee
Firearms Committee
Driving Committee

Introduction:

1. Welcome – Attorney General John W. Suthers, P.O.S.T. Board Chairperson
2. Welcome – Host Agencies
Officer Neal Tyler, Canon City Police Department
Sheriff Jim Beicker, Fremont County Sheriff's Office
3. Introduction of New Board Members
Prowers County Sheriff Jim Faull
Federal Bureau of Investigation, S.A.C. Richard C. Powers,
4. Introduction of Board Members, SME Members and Guests

July 29, 2005

- 5. Roll Call – P.O.S.T. Director John Kammerzell
Declaration of a Quorum
- 6. Approval of P.O.S.T. Board Minutes for May 20, 2005
Approved

Presentations:

7. Skills Subject Matter Expert Committee Reports

- A. Arrest Control Sgt. Michael Esters, Chairman

Sgt. Esters reported that the committee approved 4 full instructors and also the lesson plan for Pueblo Community College in Durango. The committee also interviewed a possible new member.

- B. Firearms Parks Assistant Regional Manager Kristi Quintana, Chairwoman

Parks Manager Kristi Quintana reported that the committee approved 2 full instructors, and 2 firearm instructor programs. They tabled 1 full instructor and also one new committee member, pending documentation. There was further discussion on HR218. No decision was made regarding the proposed course and the committee will wait on a legal opinion before going forward with the description of the course. The committee also discussed a variety of options for the P.O.S.T. qualification course with regards to raising the standard to 80% from 70% and/or 75% with all rounds accounted for on the silhouette, and possibly a shorter time frame. This will be brought back to the Board when the final decision is made.

- C. Law Enforcement Driving Sheriff Mike Acree, Board Member

Sheriff Acree reported that the committee approved 2 full instructors. The committee also discussed out of state driving programs which meet the requirements and can be accepted by Colorado P.O.S.T. The committee did approve an instructor who had attended an L.A.P.D. driving course. That instructor is now with the Aurora Police Department. Minor revisions were made and approved to the inspection report. The committee discussed the required pre-test for the P.O.S.T. Driving Instructors' Course, which will continue to be mandatory. The breakdown of academy program hours will continue to be discussed with 8 hours of classroom and 32 hours of track time.

- D. Curriculum Committee Division Chief Phil Baca, Chairman

Division Chief Baca reported that the committee has been meeting throughout the month to review the new test which will be implemented September 1, 2005. The committee is reviewing additional questions and will meet again on August 12, 2005. Currently the committee has approved about 300 questions for the new examination. The committee is still discussed expanding the P.O.S.T. certification exam to a total of 150 questions.

Informational Items:

8. P.O.S.T. Sunrise Review Sub-committee Chief Ron Sloan
 - A. Committee Hearing for FBI/ATF Group, July 22, 2005.

Chief Ron Sloan updated the Board on the consideration of applications for the F.B.I. and A.T.F., concerning Colorado peace officer status. The committee will be presenting the Board with the recommendations for the groups as well as the review of previous applications from the Municipal Court Marshals and Transit Authority Police (RTD) at the September 30, 2005 POST Board meeting.

9. P.O.S.T. Peace Officer Training Project Sub-committee Deputy Director Manager Zotos
 - A. Project Up-date and Report

Deputy Director Steve Zotos reported that the project delivered 96,882 hours of training throughout the state to about 6,134 officers. The committee has created a policy that states as long as certified officers are not misplaced, other non-certified law enforcement employees are able to attend these classes. The committee estimates about another 5000 hours of training to law enforcement personnel including dispatchers, victim advocates and crime scene technicians. Through the project, the committee was able to track the most attended training, which involved officer safety. Deputy Director Zotos stated that the project was successful this first year, with positive feedback coming from the individuals participating in these classes.

10. Brian L. Taylor's Appeal of Director Kammerzell's Denial of Certification Director Kammerzell
 - A. P.O.S.T. Rule 8(f) allows an applicant thirty (30) days to appeal the decision of the Director to the P.O.S.T. Board. Mr. Taylor met the time limitation requirement to appeal Director Kammerzell's decision to the Board. Rule 8(f) further allows the applicant to appeal to the Board and allows the Board to decide whether to hear the appeal. If at least six (6) Board members do not agree to hear the appeal, the determination of the Director shall be deemed to be summarily affirmed. If at least six (6) members do agree to hear the appeal, a three-member panel of Board members shall proceed to the merits of the matter. ***Any summary affirmance or decision on the merits by the sub-committee of the Board shall be deemed final agency action.***
 1. Director Kammerzell informed the P.O.S.T. Board that the Board had affirmed his Denial of Certification for Mr. Brian L. Taylor: (17 responses for affirmation of the director's denial of the appeal, 1 response to hold a Board member hearing and 2 member positions vacant).

July 29, 2005

Action Items:

11. Peace Officer Certification Revocation Actions

Director Kammerzell

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certification – Felony Conviction: § 24-31-305 C.R.S. (2004) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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. (2004), 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. 05-08, Corinne M Purucker, Colorado Peace Officer Certification Numbers R-1738 and B-6102. On September 15, 2004, Respondent was convicted of 1 count of Bankruptcy Fraud 18 U.S.C. §§ 157 & 2; and 1 count of Fraudulent Transfer and/or Concealment of Assets in Contemplation of Bankruptcy, 18 U.S.C. §§ 152(7), felonies in Violation of Title 18, United States Code.

Motion made and seconded, passed unanimously with the Attorney General John W. Suthers abstaining.

B. Revocation of Peace Officer Certifications – Misdemeanor Conviction: Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes recognized in § 24-31-305(1.5)(b) thru (g) (2004).

1. No. M05-08, Pasha Uney, Certification #B8382. On January 12, 2005, Respondent pled guilty and was convicted of 1 count of Resisting Arrest, § 18-8-103, C.R.S. (2004), a class 2 misdemeanor. On April 4, 2005, Director Kammerzell conducted a Director's Show Cause Hearing M05-08, to determine the merits presented by Ms. Uney. On May 10, 2005, Director Kammerzell issued notice denying Ms. Uney's petition appealing revocation action. Director Kammerzell recommends revocation of Pasha Uney's Colorado peace officer certificate, No. B8382.

2. No. M05-09, Lee Roy Valdez, Certification # B-5530. On October 25, 2004, Respondent pled guilty and was convicted of 1 count of Obstructing a Peace Officer, § 18-8-104(1)(a), C.R.S. (2004), a class 2 misdemeanor. Respondent failed to appear at the scheduled Director's Show Cause Hearing. Director Kammerzell recommends revocation of Lee Roy Valdez's Colorado peace officer certificate.

July 29, 2005

3. No. M05-10, John M. McCauley, Certification #B-5693. On March 4, 2005, Respondent was convicted of 1 count of Assault in the Third Degree – Negligently with a Deadly Weapon, § 18-3-204, C.R.S. (2004), a class 1 misdemeanor. Respondent failed to appear at the scheduled Director's Show Cause Hearing. Director Kammerzell recommends revocation of John M. McCauley's Colorado peace officer certificate.

These were handled individually. Motion made to revoke all individuals, motion seconded. Passed unanimously.

12. Discussion items from the July 28th Board Work Session

Board Members

Director John L. Kammerzell

Deputy Director Steve Zotos

The Board discussed the issues relating to HR-218, *Carrying of concealed firearms by qualified law enforcement officers*. A decision was made by the Board to create a sub-committee. Attorney General Suthers appointed Sheriff James Alderden as Chair and Chief Al Bell as Vice-chair. Other members include: Sheriff Mike Acree, Sheriff James Beicker, Mayor Jack Darnell, Sheriff Stan Hilkey, Senior Agent Donn Kraemer, Executive Director Joe Morales, Public Member Bob Pence, Chief Ron Sloan and Sheriff Louis Vallario. It was suggested that Board council, Assistant Attorney General John Lizza be included as well.

Please see attached minutes from the work session.

13. Comments from others.

Chief Dan Shull of the Cañon City Police Department presented Attorney General John W. Suthers with a coin that Cañon City officers receive for boosting morale. The inscription on the coin states: "Working in partnership with our community to fight crime, reduce fear and improve the quality of life". Chief Shull also presented a coin to Chief Jerry Whitman, Denver Police Department, for taking the time and going out of his way to call and show support for a Cañon City officer who was injured in a motor vehicle accident.

14. Board Meeting Schedule for 2005

A. Board meeting dates and locations:

1. September 30, 2005 – Colorado Department of Law.
2. December 9, 2005 – Colorado Department of Law.

Director Kammerzell suggested that the Board should meet quarterly with one meeting to be held outside of Denver and that meeting would include a work session meeting.

Motion made and seconded. Passed unanimously

Next Board Meeting
Friday, September 30, 2005
Colorado Department of Law
1525 Sherman Street
Denver, CO 80203

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
September 30, 2005

The Peace Officer Standards and Training Board held its 352nd Board meeting at the Colorado Department of Law in Denver, Colorado with the following in attendance:

BOARD MEMBERS

SHERIFF JAMES ALDERDEN
SHERIFF JAMES BEICKER
CHIEF AL BELL
FORT MORGAN MAYOR JACK DARNELL
SHERIFF JAMES FAULL
CHIEF JOHN HALL
SHERIFF STAN HILKEY
SENIOR AGENT DONN KRAEMER
OFFICER CURTIS MORENO
PUBLIC MEMBER BOB PENCE
CHIEF RONALD SLOAN
ATTORNEY GENERAL JOHN SUTHERS
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO
CHIEF LUIS VELEZ
CHIEF GERALD WHITMAN

BOARD MEMBERS ABSENT

CHIEF DENNIS HARRISON (excused)
EXECUTIVE DIRECTOR JOE MORALES (excused)
S.A.C. RICHARD C. POWERS (excused)

BOARD COUNSEL

JOHN A. LIZZA, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
CHRISTINE MACK, P.O.S.T. Investigator
RUTH VANDERBROEK, Compliance Officer
LISA TONEY, P.O.S.T. Administrative Assistant
MARY O'SHEA, P.O.S.T. Training Program Coordinator
STEPHEN ZOTOS, P.O.S.T. Deputy Director/Training Manager

MEMBERS OF THE PUBLIC IN ATTENDANCE

MICHEAL L. ACREE, Colorado Department of Public Safety
RANDAL BOEPPLE, SCLETA
BILL CLASPELL, Colorado Department of Corrections
MARC DIREZZA, Lakewood Police Department
TODD EVANS, El Paso County Sheriff's Office
DAVE EVERETT, Arvada Police Department
GARY EYER, Colorado State Patrol
JOHN FISHER, Pikes Peak Community College
JOHN GODSEY, Colorado Springs Police Department
BOB GOFFI, Federal Bureau of Investigation
ERIC A. GONZALES, Pueblo Police Department
DARYL HOFFMAN, Jefferson County Sheriff's Office
DOYLE JONES, Weld County Sheriff's Office
JODY LATCHAW, Colorado Mountain College
RON LEONARD, Jefferson County Sheriff's Office
JOHN LIPKI, Federal Bureau of Investigation
TERRY MANWARING, Jefferson County Sheriff's Office
DAN MCCASKY, Lakewood Police Department
KRISTI MCDONALD-QUINTANA, Colorado State Parks
JACK MCGRATH, Federal Bureau of Investigation
JOHN MINOR, Summit County Sheriff's Office
SHAUNA MOORE, Lakewood Municipal Court
STEVE NEUMEYER, Aurora Police Department
AL PADILLA, Lakewood Police Department
GENE RAGULSKY, Pueblo Police Department
VIC REICHMAN, HRPSTI
LEONARD RICARDELLA, Lakewood Municipal Court
DAN RUTHERFORD, Pueblo Police Department
DAVE SNELLING, Arvada Police Department
DON SNOW, Citizen
JOHN TARBERT, Regional Transportation District
JOE THOMAS-HAZELL, Citizen
JIM WOLFINBARGER, Colorado State Patrol

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on September 30th, 2005.

Arrest Control Committee
Curriculum Committee
Firearms Committee
Driving Committee

Introduction:

1. Welcome – Attorney General John W. Suthers, P.O.S.T. Board Chairperson
2. Introduction of Board Members, SME Members and Guests

Attorney General Suthers announced two new members to the Board, Sheriff James Faull of Prowers County and Boulder County Sheriff Joe Pelle.

3. Special Recognition of Department Board Members
Pueblo County Sheriff Dan Corsentino
Former Douglas County Sheriff Mike Acree
4. Roll Call – P.O.S.T. Director John Kammerzell
Declaration of a Quorum
5. Approved with the following correction:
S.A.C. Richard C. Powers is to be added to the July 29th minutes.
Approved

Presentations:

6. Skills Subject Matter Expert Committee Reports

- A. Arrest Control Chief Al Bell, Board Member

Chief Bell announced a new committee member Matt Tyner from the Colorado Spring Police Department. The committee approved four full instructors and completed inspections in Delta on August 8, 2005 and also El Paso County on September 13, 2005.

- B. Firearms Parks Assistant Regional Manager Kristi Quintana,
Chairwoman

Parks Manager Kristi Quintana reported that the committee approved a new committee member Gene Ragulsky from Pueblo Police Department. The committee also reviewed one new firearms program and one new instructor program, they also approved eight new full instructors and one assistant instructor. The committee reviewed elements of academy inspections and discussed the 80% minimum requirement for academies and will return with a recommendation of an 80% qualification with all hits to the silhouette.

- C. Law Enforcement Driving Sergeant Al Padilla, Lakewood Police Department

Sergeant Padilla reported that the committee approved the Denver Police Department academy track, and the track for Delta/Montrose. The committee also discussed the inspection at the Denver PD Academy.

D. Curriculum Committee Director John Kammerzell

Director Kammerzell reported that there was a combined meeting with the Curriculum Committee and Advanced Officer Training Committee as the Curriculum Committee met in Colorado Springs prior to the Board meeting. The committee has added additional questions along with some Federal related questions that are currently waiting review. The new curriculum and the current exam have been implemented and updated.

Informational Items:

7. P.O.S.T. Peace Officer Training Project Sub-committee

Director John Kammerzell

A. Project Up-date and Report

Director Kammerzell reported that the grants have been issued to the ten regions and that approximately 10,000 hours of training have been accomplished in the present grant period. The total amount of the grant for this year was \$800,000. Director Kammerzell introduced Mary O'Shea as the new Training Program Coordinator.

8. P.O.S.T. Advanced Officer Training Committee

Officer Neal Tyler, Chairman

A. Project Up-date and Report

Officer Tyler reported that the committee has been working on several projects. They created a curriculum approval form for individuals applying for in-service training. The committee is also working on reviewing the basic 40 hour methodology program and performance based training program.

9. P.O.S.T. HR 218 Sub-Committee

Sheriff Jim Alderden, Chairman

A. Project Up-date and Report

Sheriff Alderden reports that the consensus of the sub-committee was to try to implement a qualifications course of fire by P.O.S.T. Rule and not legislatively. Parks Manager Quintana has put together a proposal that the Attorney General's Office would authorize the Sheriffs to manage this program through their already existing concealed weapons carry permit process. This would include an application, background check and firearms qualification consisting of an eighteen round course. The committee will present this proposal to the Board at the next Board meeting for their approval.

B. Board Review and Discussion

Assistant Attorney General John Lizza gave an explanation on the differences between going with a statutory change versus P.O.S.T. Rule. If P.O.S.T. were to

September 30, 2005

oversee the course of fire there could be problems with the staffing and whether or not P.O.S.T. would even have the authority to do so. A statutory change would be similar to the C.C.W. program which currently exists. There is also concern regarding budget and tabor caps for P.O.S.T.

Attorney General Suthers mentioned that if the Board decides to go by rule, anyone who disagrees can go to the legislature and ask for statutory frame work.

Sheriff Alderden stated that HR 218 requires a retired peace officer to meet the same firearms qualifications as an active peace officer. The committee believes if they try to go the legislative route, the legislature may pass a law requiring a minimum firearm qualification standard for all law enforcement. The committee would like that requirement to remain the decision of each agency.

Director Kammerzell commended Sheriff Jim Alderden and Parks Manager Kristi Quintana on their work with the drafting of a number of documents for the firearms program as well as HR 218.

10. P.O.S.T. Board Rule Making Director John Kammerzell

A. First Draft presentation/information of proposed P.O.S.T. Rule Changes (First "Draft" Attached).

1. Rule 1 – Definitions
2. Rule 8 – Appeal Process for Peace Officer Applicants
3. Rule 10 – Basic Certification
4. Rule 14 – Fingerprint-based Criminal History Check

Director Kammerzell presented the first draft of current rule changes that reflect House Bill 05-1076, Conditional Peace Officer Authority. The rule will recognize an academy graduate as a conditional peace officer for one year. After the year is completed in a recognized peace officer position, the individual will only then be allowed to apply for and receive full basic peace officer certification. If the individual does not gain employment at the end of one year, he/she may request a six month extension of that conditional certification. If an individual has not gained employment after 18 months, he/she must go through a refresher academy which must include both academics and skills. These Drafts are for the Boards review. A summary will be sent to the Board members noting all changes and the rules will be discussed and voted on at the December 9, 2005 meeting.

B. Other P.O.S.T. Rules currently being considered or currently being revised by P.O.S.T. Staff.

5. Rule 21– Basic and Reserve Training Academies
6. Rule 23 – Skills Instructors

C. P.O.S.T. Board Rule Making Hearing will be conducted on December 9, 2005 at the P.O.S.T. Board meeting.

Action Items

11. P.O.S.T. Sunrise Review Sub-committee
Chief Ron Sloan

A. Committee Report and Recommendations to the Board.

1. Lakewood Court Marshals

On April 21, 2005 the sub-committee conducted the first hearing for municipal court marshals. The representatives present for the Lakewood Court Marshals were Court Administrator John Miller, Court Administrator Shauna Moore, and Chief Court Marshall Leonard Richardella. The City of Lakewood Presiding Municipal Judge and City of Lakewood Police Chief Ronald Burns presented supporting documents and testimony to the sub-committee regarding the training and ongoing education provided to Lakewood Court Marshals. They also provided documentation for their instructors. Court Administrator Shauna Moore stated that some of the training required for P.O.S.T. certification would not apply to their court marshals but that they do have significant training. She also stated that the court marshals do not want to represent themselves as peace officers but want to have some authority to enforce Colorado law. The committee concluded that if the municipality desires to designate their court marshals as peace officers they must be P.O.S.T. certified.

It was moved and seconded to accept the sub-committee's recommendations. Passed with Chief Luis Velez and Senior Agent Donn Kraemer voting against the sub-committees recommendations.

2. Transit Security Officers

On April 21, 2005 the sub-committee also met with the group representing public transport authority agencies, including the Colorado Association of State Transit Agency Director Gene Erickson, and Mr. John Tarbert, Manager of the RTD Systems Security. The sub-committee recommended to the Board that the language in §16-2.5-146 be accepted as written. Also that the statute specifically apply only to public transit officers lawfully designated as a peace officer by their governing authority. This will allow the hiring entity to make the decision to certify the officers or designate them as security. RTD Manager John Tarbert stated that the association supports the recommendation of the sub-committee.

It was motioned by Sheriff Stan Hilkey and seconded by Senior Agent Donn Kraemer to accept the recommendations. Passed Unanimously

3. Federal Agents of the FBI and ATF

The entities for Federal law enforcement (Federal Bureau of Investigation – FBI and the Bureau of Alcohol, Tobacco and Firearms and Explosives – ATF) submitted their application and met with the sub-committee on July 22, 2005. Chief Division Council Robert Goffi, FBI Supervisory Special Agent John Lipki, Special Agent Jack McGrath and ATF Agent Matthew Traber represented these entities at the sub-committee hearing. Chief

September 30, 2005

Sloan stated that Federal agents have little or no authority to enforce state laws when working with state or local law enforcement. The primary issue is for these entities to have authority when it is needed. The FBI and ATF submitted a proposal which would limit the circumstances when their Colorado peace officer authority would apply. The sub-committee recommended that the two groups be approved to seek peace officer authority. The sub-committee further recommended that because other Federal agencies may want to be given consideration under the same Colorado Revised Statute, Title 16-2.5, that a bill recognizing Federal Law Enforcement Officers be presented to the Legislature by the FBI and ATF and which would allow the other Federal entities to be given the same consideration. If peace officer authority is given, the sub-committee feels it should be very limited authority. Chief Division Council Robert Goffi stated that there were no objections to the changes that were made by the committee.

***It was moved and seconded to accept the sub-committees recommendations.
Passed Unanimously***

Chief Ron Sloan recommended that language be added to the end of §16-2.5-101, that states “unless otherwise limited within this article”.

***Motion made by Chief Luis Velez and seconded by Mr. Bob Pence.
Passed Unanimously.***

12. Peace Officer Certification Revocation Actions

Director John Kammerzell

Revocation of Peace Officer Certifications – Misdemeanor Conviction

§ 24-31-305 C.R.S. (2004) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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. (2004), 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.

A. Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes recognized in **§ 24-31-305(1.5) (b) thru (g) (2004)**.

1. No. M05-11, David A. Haught, Certification #13475. On April 7, 2005, Respondent pled guilty and was convicted of 1 count of Harassment – telephone-threat/obscene, § 18-9-111(1)(e), C.R.S. (2004), a class 3 misdemeanor. Respondent failed to appear at the scheduled Director's Show Cause Hearing. Director Kammerzell recommends revocation of David A. Haught's Colorado peace officer certificate, No. 13475.

***Motion made and seconded to revoke.
Passed Unanimously***

September 30, 2005

2. No. M05-12, Michael David Rossi, Certification # 13625. On March 17, 2005, Respondent pled guilty and was convicted of 1 count of Assault in the Third Degree, § 18-3-204, C.R.S. (2004), a class 1 misdemeanor. Respondent failed to appear at the scheduled Director's Show Cause Hearing. Director Kammerzell recommends revocation of Michael David Rossi's Colorado peace officer certificate, No. 13625.

Motion made and seconded to revoke.

Passed Unanimously

3. Deleted

13. Request to the Board for Reconsideration of Revoked Peace Officer Certification
Director John Kammerzell

- A. Donald P. Snow, Colorado Peace Officer Certification B6251, Revoked on March 12, 2004. P.O.S.T. Board Revocation Action M04-02.

1. *No. M04-02, Donald P. Snow, Certification # B-6251. On January 5, 2004, Respondent plead guilty to 1 count of Assault in the 3rd Degree – Knowingly/Recklessly Causing an Injury, § 18-3-204, C.R.S., a class 1 misdemeanor. Subject failed to appear at the P.O.S.T. Director's Show Cause Hearing scheduled February 25, 2004. On March 12, 2004, Director Kammerzell recommended revocation of Donald P. Snow's peace officer certificate. Upon further consideration, the P.O.S.T. Board did, at that time, unanimously vote to revoke the peace officer certification of Donald P. Snow.*

a. Chronological Order of Events

1. July 1, 1999, Donald P. Snow Honorably Discharged from Active Duty.
2. January 4, 2000, Donald P. Snow certified as a Colorado peace officer.
3. September 11, 2001, 396th MP Detachment mobilized and Donald P. Snow returns to active duty in Kuwait/Iraq until July 2003. ***P.O.S.T. was not notified of status/address change, per P.O.S.T. Rule 17(a).***
4. January 4, 2003, Donald P. Snow's peace officer certificate would be recognized as expired, but could be renewed.
5. January 5, 2004, Respondent pleads guilty to 1 count of Assault in the 3rd Degree – Deferred Sentence.
6. January 14, 2004, P.O.S.T. issues Order to Show Cause – no response from Donald P. Snow.

September 30, 2005

7. March 12, 2004, Donald P. Snow's peace officer certificate is revoked by the Board upon recommendation by Director Kammerzell.
8. April 2, 2005, P.O.S.T. receives correspondence from SSG Donald P. Snow requesting a hearing and reconsideration of his peace officer certificate's revocation and approval to renew his peace officer certificate.

Mr. Donald P. Snow was given the opportunity to speak to the Board regarding the issues and circumstances of the case, Mr. Snow completed a deferred judgment and was seeking reinstatement of his P.O.S.T. certification. The Board agreed to reinstate Mr. Snow's certification once he complies with the P.O.S.T. renewal process. It was motioned and seconded to overturn the revocation of Mr. Snow's certification and refer the matter back to Director Kammerzell.

14. Comments from others.

Citizen Joe Thomas-Hazell stated that the revocations should be listed through each of the cities. Attorney General Suthers stated that they will be listed on the POST annual report.

15. Board Meeting Schedule for 2006

A. Board meeting dates and locations:

1. January 27, 2006 – Colorado Department of Law.
2. April 28, 2006 – Colorado Department of Law
3. September 28/29, 2006 – Off-site Work Session and Board Meeting
Sheriff Stan Hilkey volunteered to host this meeting in Grand Junction.
4. December 9, 2006 – Colorado Department of Law.

Next Board Meeting
Friday, December 9, 2005
Colorado Department of Law
1525 Sherman Street
Denver, CO 80203

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
December 9, 2005

The Peace Officer Standards and Training Board held its 353rd Board meeting at the Colorado Department of Law in Denver, Colorado with the following in attendance:

BOARD MEMBERS

SHERIFF JAMES ALDERDEN
SHERIFF JAMES BEICKER
FORT MORGAN MAYOR JACK DARNELL
SHERIFF JAMES FAULL
CHIEF JOHN HALL
CHIEF DENNIS HARRISON
SENIOR AGENT DONN KRAEMER
EXECUTIVE DIRECTOR JOE MORALES
SHERIFF JOE PELLE
PUBLIC MEMBER BOB PENCE
S.A.C. RICHARD C. POWERS
CHIEF RONALD SLOAN
ATTORNEY GENERAL JOHN SUTHERS
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO
CHIEF LUIS VELEZ
CHIEF GERALD WHITMAN

BOARD MEMBERS ABSENT

CHIEF AL BELL (excused)
SHERIFF STAN HILKEY (excused)
OFFICER CURTIS MORENO (excused)

BOARD COUNSEL

JOHN A. LIZZA, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
CHRISTINE MACK, P.O.S.T. Investigator
LISA TONEY, P.O.S.T. Administrative Assistant
MARY O'SHEA, P.O.S.T. Training Program Coordinator
STEPHEN ZOTOS, P.O.S.T. Deputy Director/Training Manager

MEMBERS OF THE PUBLIC IN ATTENDANCE

PHIL BACA, Jefferson County Sheriff's Office
RON BALLAS, Northeastern Junior College
STEVEN BISCARO, Colorado Springs Police Department
STEVE CARTER, Denver Police Department
STEVE CHAGOLLA, Denver Police Department
MIKE COLLINS, CDOC/ Chaffee County Sheriff's Office
MICHAEL ESTERS, Larimer County Sheriff's Office
DAVE EVERETT, Arvada Police Department
GARY EYER, Colorado State Patrol
JOE FERRARO, Denver Police Department
ERIC A. GONZALES, Pueblo Police Department
DOYLE JONES, Weld County Sheriff's Office
JAMES LUCAS, Jefferson County Sheriff's Office
KRISTI MCDONALD-QUINTANA, Colorado State Parks
CHUCK RABIDEAU, Colorado Springs Police Department
GENE RAGULSKY, Pueblo Police Department
GLENN SCHAFFER, Aspen Police Department
KARL SMALLEY, Adams County Sheriff's Office
TRACEY SMALLEY, Douglas County Sheriff's Office
DAVE SNELLING, Arvada Police Department
JOE THOMAS-HAZELL, Citizen
JOHN TUCKER, Weld County Sheriff's Office
TAMMY VIENOT, Arapahoe County Sheriff's Office
RICHARD WEBB, Jefferson County Sheriff's Office
DEB WILKE, Arapahoe Community College

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on December 9th, 2005.

Arrest Control Committee
Curriculum Committee
Firearms Committee
Driving Committee
HB-218 Sub-Committee

Introduction:

1. Welcome – Attorney General John W. Suthers, P.O.S.T. Board Chairperson
2. Special Recognition of New Board Member
Boulder County Sheriff Joe Pelle
3. Introduction of Board Members, SME Members and Guests
4. Roll Call – P.O.S.T. Director John Kammerzell
Declaration of a Quorum

December 9, 2005

5. Approval of P.O.S.T. Board Minutes for September 30, 2005
Approved Unanimously

Presentations:

6. Skills Subject Matter Expert Committee Reports

- A. Arrest Control Sgt. Michael Esters, Chairman

Sgt. Michael Esters reported that the committee approved four full instructors for academies and discussed new arrest control programs being introduced to Colorado. The committee also welcomed Board member Sheriff Jim Faull as the Board Representative to the A.C.T. committee.

- B. Firearms Parks Assistant Regional Manager Kristi Quintana, Chairwoman

Parks Manager Kristi Quintana reported that the committee approved five full instructors and discussed Test-Out procedures. The committee will be sending a formal procedure for everyone to follow during Test-Outs. Officer Gene Ragulsky stated that the committee discussed the impact between the Advanced Officer Training Committee and the Firearms Committee in regard to approving courses that are being sent to P.O.S.T. and the validity of these courses. The committee decided that they will meet once a month to discuss these issues.

- C. Law Enforcement Driving Sergeant Karl Smalley, Vice-Chairman

Sgt. Karl Smalley reported that two letters of resignation were submitted to the committee from S.M.E. committee members. The committee reviewed one new member, Dan Carter from Colorado Springs Police Department. James VanHook from La Junta Police Department is under consideration. The Committee also approved two full instructors and worked on scheduling academy inspections for 2006. Sgt. Smalley reported that the administrative paper work was completed and the committee also reviewed the proposed rules for the Board meeting.

- D. Curriculum Committee Division Chief Phil Baca, Chairman

Division Chief Phil Baca reported that he received a letter of resignation from Sgt. Charles Rabideau from Colorado Springs Police Department. Sgt. Rabideau was an asset to the committee and will be missed. The committee welcomed two new members, Steve Biscaro from Colorado Springs Police Department, and Todd Quick from La Junta Police Department. Two instructor methodology courses were reviewed. The Department of Justice course was approved while the other was tabled until further information is given to the committee. A request made by Lucile Musmanno, J.D. and a private company called Enforce regarding study guide materials to be used for academy curriculum training was not endorsed. The committee believes the material does have merit but is concerned that many other private vendors may introduce materials that would cause the committee many hours of research for validity.

Director Kammerzell stated that Chief Al Bell, who was not present, asked for consideration to step down as the Board representative for the Arrest Control

December 9, 2005

Committee, and announced that Sheriff James Faull will be the new Board member recognized for that committee. Director Kammerzell also announced that Mayor Jack Darnell will step in as the Board representative for the Driving Committee replacing former Sheriff Mike Acree.

Informational Items:

7. P.O.S.T. Peace Officer Training Project Sub-committee
Deputy Director Manager Steve Zotos

A. Project Update and Report

Deputy Director Zotos reported that the program has facilitated about 34,011 hours of training and about 2,547 officers have participated. Out of \$800,000 distributed for the 2005/2006 fiscal year, 56% of funds have been drawn. The Sub-committee has set a date of February 23 and 24, 2006 for an upcoming training forum to be held at the CSOC Headquarters in Highlands Ranch, Colorado. This event was very productive in 2005 in preparing the members for the next budget cycle. There will be a vacancy open for a Sheriff on the Sub-committee.

8. P.O.S.T. Advanced Officer Training Committee
Officer Neal Tyler, Chairman

A. Project Up-date and Report

Officer Neal Tyler reported that the committee is working on three phases of Advanced Officer Training, one of which was to create a form for P.O.S.T. for any in-service training. The committee has created two types of forms, one for an informational program and another for advanced training and the measurable outcome. Prior to releasing these forms, Officer Tyler stated that the Central Mountain Training Foundation will meet to discuss an experiment with the classes they offer and get feedback before going forward with the release of the forms.

The committee also discussed level one and level two methodology training which they will continue to discuss.

9. P.O.S.T. HR 218 Sub-Committee
Sheriff Jim Alderden, Chairman

A. Project Update and Report – Rule 27 to be presented during Rule Making.

Sheriff Jim Alderden reported that the committee met several times to create a draft of Rule 27. The committee discussed additional items brought up by the Colorado Bureau of Investigation and will be making amendments to the draft Rule 27 during the rule making portion of the Board meeting.

A. Committee Up-date and Report – 2006 Legislation

Director Kammerzell stated that in 2004 two groups were recognized as Peace Officers – Municipal Court Marshalls and Public Transit Authority Officers. The Legislature also passed a Bill requiring the P.O.S.T. Board to review the application of those seeking Peace Officer authority. The process was conducted last year and the report and recommendations were brought before the Board September 30, 2005. The recommendations by the committee were accepted, which resulted in creating a Bill and obtaining Bill sponsors. A draft of the Bill presented to the Board basically recognizes the actions taken by the Board and a clean-up of the language.

Chief Ron Sloan directed a question to legal council John Lizza regarding line 12 under 16-2.5-101, the question was whether or not the language should read Section 1 rather than Part 1. It was determined that the statement refers to all and that the language should be changed to Section 1. No motion was needed for the change.

Action Items:

11. Formal P.O.S.T. Board Rule Making

Director John Kammerzell

A. Summary of Proposed P.O.S.T. Rule Changes

Colorado Department of Regulatory Affairs Review.

1. **Rule 1 – Definitions**

These draft changes provide a number of “new” definitions including Assistant Skills Instructor, Conditional Peace officer Authority, Full Skills Instructor, Lead Skills Instructor, P.O.S.T. Identification Number and Card, and others.

- f. This new definition clarifies the qualifications and authority of “Assistant Skills Instructor”.
- k. This new definition recognizes the new category of peace officer authority – “Conditional peace officer” and meets the statutory requirements established in HB05-1076, *Concerning Peace Officer Certification Granted by the P.O.S.T. Board*, and within § 24-31-301(3.5), C.R.S. (2005).
- l. Further clarification of the language in the “Conviction” definition.
- s. This new definition clarifies the qualifications and authority of “Full skills instructor”.
- u. This new definition clarifies the qualifications and authority of “Lead skills instructor”.
- w. Adds the word “Police” to the definition of patrol vehicles.
- aa. This definition of “P.O.S.T. Identification Number” and the definition of “ID Card” in (bb) are staff’s attempt to further establish our database of certified peace officers and to simplify

the documentation of training attended by Colorado peace officers within the P.O.S.T. Peace Officer Training Project and all P.O.S.T. Records.

- dd. Rule clarification.
- ee. Rule clarification and recognition of the various arrest control disciplines recognized by P.O.S.T. and the Arrest Control Tactics SME Committee.
- ff. The modification of this definition provides, in Rule, recognition of the *web based distance learning program* approved by the Board this past year.
- gg. Further Rule clarification for skills instructor training programs and applicants.
- ss. This new definition recognizes P.O.S.T.'s authority to approve peace officer training programs and meets the statutory requirements established in HB05-1076 and within § 24-31-301(7), C.R.S. (2005).

***Motion made and seconded to approve.
Passed Unanimously***

2. **Rule 3 – Director’s Authority**

This entry changes the Colorado Revised Statute reference, within the Rule, from 2004 to 2005.

***Motion made and seconded to approve.
Passed Unanimously***

3. **Rule 4 – Subject Matter Experts**

This clarification of Rule language allows the Director and SME Chairpersons authority to set minimum qualifications for SME committee membership. The revisions also allow the applicants the ability to apply for committee membership at any time throughout the calendar year. Finally, the revision further clarifies the committees’ authority to review and approve programs and standards for peace officer training.

***Motion made and seconded to approve.
Passed Unanimously***

4. **Rule 5 – Hearings**

This entry changes the Colorado Revised Statute reference, within the Rule, from 2004 to 2005.

***Motion made and seconded to approve.
Passed Unanimously***

5. **Rule 7 – Variances**

This entry changes the Colorado Revised Statute reference, within the Rule, from 2004 to 2005.

***Motion made and seconded to approve.
Passed Unanimously***

6. **Rule 8 – Appeal Process for Peace Officer Applicants – Certification Denial as a Result of a Misdemeanor Conviction**

Clarification of the Rule’s language by adding P.O.S.T. approved training

December 9, 2005

academy and lists the Board's position on recognizing deferred judgments and sentences as a 'conviction' and makes a grammar correction and further clarification of appeal process after the Director arrives at his decision.

Motion made and seconded to approve.

Passed Unanimously

7. **Rule 9 – Revocation Hearings for Criminal Conduct**

This entry changes the Colorado Revised Statute reference, within the Rule, from 2004 to 2005.

Motion made and seconded to approve.

Passed Unanimously

8. **Rule 10 – Conditional Peace Officer Authority and Basic Peace Officer Certification**

The General Assembly, upon recommendation by the P.O.S.T. Board and Staff, made statutory changes during the 2005 Legislative Session in HB05-1076, *Concerning Peace Officer Certification Granted by the P.O.S.T. Board*, to require graduates of basic peace officer training academies to serve for a period of one year before being issued basic peace officer certification. Rule 10 has been revised to provide academy graduates with the authority to serve immediately as a fully authorized peace officer, and after a period of one year of service provides for the person holding "Conditional" peace officer authority to be issued a basic peace officer certificate.

The revisions within the draft rule also establish the process to be followed to renew conditional status or apply for a variance from the rule.

Motion made and seconded to approve.

Passed Unanimously

9. **Rule 12 – Reserve Certification**

This entry changes the Colorado Revised Statute reference, within the Rule, from 2004 to 2005.

Motion made and seconded to approve.

Passed Unanimously

10. **Rule 14 – Fingerprint-based Criminal History Check**

The revisions within this draft of Rule 14 allow the academies more flexibility in dealing with last minute student cancellation and changes to the academy's submitted roster. The academy must provide P.O.S.T. with an accurate enrollment roster of academy students no later than 5:00 p.m. on the next business day following the first day of the academy.

Motion made and seconded to approve.

Passed Unanimously

11. **Rule 15 – Certification Examination – Basic, Conditional, Provisional, Renewal**

Rule 15 has been drafted to comply with the requirements of HB05-1076, *Concerning Peace Officer Certification Granted by the P.O.S.T. Board*,

December 9, 2005

and the new “Conditional” peace officer authority category established within the legislation. The changes also limit the applicant to three attempts to pass the P.O.S.T. certification examination within two (2) years after completion of the academy.

Motion made and seconded to approve.

Passed Unanimously

12. **Rule 17 – Certification Records**

These revisions of this Rule are completed in an effort to comply with the two misdemeanors added to the list of misdemeanors recognized by P.O.S.T. in Rules 8 and 9. The draft revisions also include language to further clarify the Rule.

Motion made and seconded to approve.

Passed Unanimously

13. **Rule 18 – Certification Suspension and Revocation – Basic, Conditional, Provisional, Renewal, and Reserves**

The draft is revised to include “Conditional” authority officers and changes the Colorado Revised Statute reference, within the Rule, from 2004 to 2005.

Motion made and seconded to approve.

Passed Unanimously

14. **Rule 21 – Basic and Reserve Training Academies**

The revisions within this draft will standardize academy training by requiring that training is administered more consistently and with a greater emphasis on safety. Changes include requiring specific content of lesson plans and the availability of source material. In addition, various aspects of academy approval, site approval and safety plans have been detailed that will promote a safer training environment.

Motion made and seconded to approve.

Passed Unanimously

15. **Rule 23 – Academy Skills Instructors**

The revisions of this Rule clarify the requirements necessary for approval of full skills instructors and also define the role of lead skills instructors.

Motion made and seconded to approve.

Passed Unanimously

16. **Rule 24 – Skills Training Safety and Skills Program Requirements for Basic and Reserve Academies**

The revisions to this draft of Rule 24 provide the academies with detailed information about safety requirements of the various skills programs. In addition, the revisions within this draft require that a firearms program must provide a minimum of forty (40) hours of instruction prior to any dim light instruction.

Motion made and seconded to approve.

Passed Unanimously

17. **Rule 25 – Instructor Training Programs**

The revisions of this Rule establish more uniform standards for the approval of instructor training programs. Revisions include that a continuing instructor program must provide at least one program every five (5) years.

Motion made and seconded to approve.

Passed Unanimously

18. **Rule 27 – Retired Law Enforcement Officer Authority to Carry Concealed Firearms**

The ‘Law Enforcement Officer Safety Act of 2004’ (known also as "HR 218") was passed by Congress in 2004. The strict requirements of the federal act made it difficult for many states, including Colorado, to immediately implement without state legislation. In the 2005 session, the Colorado General Assembly in HB05-1076 (Concerning Peace Officer Certification Granted by the P.O.S.T. Board) included language authorizing the P.O.S.T. Board to approve other peace officer training programs. In an effort to meet the requirements of HR 218 and in the spirit of interagency cooperation, a P.O.S.T. Board Sub-committee composed of chiefs, sheriffs and firearms committee members was appointed by Attorney General Suthers to review and consider various options to implement HR 218. The Sub-committee, headed by Larimer County Sheriff Jim Alderden and Durango Chief Al Bell, met numerous times to develop a process for implementation of a CCW permit system for retired peace officers. P.O.S.T. Rule 27 is the product of the Sub-committee’s efforts.

Motion made and seconded to approve.

Passed Unanimously

12. Peace Officer Certification Revocation Actions

Director John Kammerzell

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications:

§ 24-31-305 C.R.S. (2005) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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. (2005), 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. 05-09, Amanda Renee Carter, Certification #B10430. On June 17, 2005, Respondent was convicted of 1 count of Felony Menacing, § 18-3-206(1)(a)(b), C.R.S. (2004), a class 5 felony; and, was convicted of 1 count of Second Degree Kidnapping, § 18-3-302(1), C.R.S. (2004), a class 4 felony. Respondent failed to comply with Order 05-09 and failed to

appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of the Respondent's peace officer certificate #B10430.

Motion made and seconded to revoke.

Passed Unanimously

2. No. 05-10, Richard Lee Dragon, Certification #B12406. On April 8, 2005, Respondent was convicted of 1 count of Forgery – Public Record, § 18-5-102(1)(d), C.R.S. (2004), a class 5 felony; and, was convicted of 1 count of Second Degree Forgery, § 18-5-104, C.R.S. (2004), a class 1 misdemeanor. Respondent failed to comply with Order 05-10 and failed to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of the Respondent's peace officer certificate #B12406.

Motion made and seconded to revoke.

Passed Unanimously

3. No. 05-11, Brian Matthew Gross, Certification #B00216. On May 24, 2005, Respondent was convicted of 1 count of Theft - \$15,000 or more, § 18-4-401(1),(2)(d), C.R.S. (2004), a class 3 felony. Respondent failed to comply with Order 05-11 and failed to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of the Respondent's peace officer certificate #B00216.

Motion made and seconded to revoke.

Passed Unanimously

4. No. 05-12, Fred Elias Garcia, Certification #R2223. On December 14, 2000, Respondent pled guilty to and was convicted of 2 counts of Theft, \$500 - \$15,000, § 18-34-401(1)(a), C.R.S. (2004), both class 4 felonies (Case No. D0011999CR002756 and No. D0012000CR000113). On April 2, 2001 Respondent pled guilty and was convicted of 1 count of Intimidating a Victim/Witness, § 18-8-704, C.R.S. (2004), a class 4 felony; and, guilty to 1 count of Domestic Violence, § 18-6-801, C.R.S., a separate and included offense. Respondent failed to comply with Order 05-12 and failed to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of the Respondent's peace officer certificate #R2223.

Motion made and seconded to revoke.

Passed Unanimously

5. No. 05-13, Stephen Charles Forsyth, Certification #B7283. On October 18, 2004, Respondent pled guilty to and was convicted of 1 count of Unlawful Sexual Conduct in a Penal Institution, § 18-7-701(1), (3), C.R.S. (2004), a class 5 felony; guilty of 1 count of Introducing Contraband in the Second Degree, § 18-8-204(1)(a), C.R.S. (2004), a class 6 felony; and, guilty of 1 count of First Degree Official Misconduct, § 18-8-404, C.R.S. (2004), a class 2 misdemeanor. Respondent failed to comply with Order 05-13 and failed to appear at the scheduled Show Cause Hearing. Director

Kammerzell recommends revocation of the Respondent's peace officer certificate #B7283.

Motion made and seconded to revoke.

Passed Unanimously

B. Revocation of Peace Officer Certifications – Misdemeanor Conviction

§ 24-31-305 C.R.S. (2005) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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. (2005), 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. Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes recognized in **§ 24-31-305(1.5) (b) thru (h) (2005)**.

1. No. M05-13, Ty E. Lloyd, Certification #B00743. On May 23, 2005, Respondent was convicted of 1 count of Sex Assault – 10-year Age Difference, § 18-3-402(1)(e), C.R.S. (2005), a class 1 misdemeanor. On September 14, 2005, Director Kammerzell conducted Director's Show Cause Hearing M05-13, to determine the merits presented by Mr. Lloyd and his attorney, Mr. Patrick W. Buckingham. On September 26, 2005, Director Kammerzell issued notice denying Mr. Lloyd's petition appealing revocation action. Director Kammerzell recommends revocation of Ty E. Lloyd's Colorado peace officer certificate #B00743.

Motion made and seconded to revoke.

Passed Unanimously

2. No. M05-16, Bobby Ray Adamson, Certification #326. On August 12, 2005, Respondent was convicted of 1 count of Assault in the Third Degree – Recklessly Caused Injury, § 18-3-204, C.R.S. (2005), a class 1 misdemeanor. Respondent failed to appear at the scheduled Director's Show Cause Hearing. Director Kammerzell recommends revocation of Bobby Ray Adamson's Colorado peace officer certificate #326.

Motion made and seconded to revoke.

Passed Unanimously

3. No. M05-17, Todd M. McCarl, Certification #B7810. On August 5, 2005, Respondent was convicted of 1 count of Harassment, § 18-9-111(1)(a), C.R.S. (2005), a class 3 misdemeanor. Respondent failed to appear at the scheduled Director's Show Cause Hearing. Director Kammerzell recommends revocation of Todd M. McCarl's Colorado peace officer certificate #B7810.

Motion made and seconded to revoke.

Passed Unanimously

4. No. M05- 18, John R. Perez, Certification #B5027. On July 13, 2005, Respondent pled guilty to and was convicted of 1 count of Official Misconduct, § 18-4-404, C.R.S. (2005), a class 2 misdemeanor.

December 9, 2005

Respondent failed to appear at the scheduled Director's Show Cause Hearing. Director Kammerzell recommends revocation of John R. Perez's Colorado peace officer certificate #B5027.

Motion made and seconded to revoke.

Passed Unanimously

5. No. M05-19, Derek C. Smotherman, Certification #B00533. On July 20, 2005, Respondent was convicted of 1 count of Official Misconduct, § 18-4-404, C.R.S. (2005), a class 2 misdemeanor. Respondent failed to appear at the scheduled Director's Show Cause Hearing. Director Kammerzell recommends revocation of Derek C. Smotherman's Colorado peace officer certificate #B00533.

Motion made and seconded to revoke.

Passed Unanimously

6. No. M05-20, Nathan J. Redfern, Certification #B2127. On June 6, 2005, Respondent pled guilty to and was convicted of 1 count of Official Misconduct, § 18-4-404, C.R.S. (2005), a class 2 misdemeanor. Respondent failed to appear at the scheduled Director's Show Cause Hearing. Director Kammerzell recommends revocation of Nathan J. Redfern's Colorado peace officer certificate #B2127.

Motion made and seconded to revoke.

Passed Unanimously

7. No. M05-21, Christian R. Vandapool, Certification #B8456. On September 23, 2005, Respondent pled guilty to and was convicted of 1 count of Harassment – Telephone-Threat/Obscene, § 18-9-111(1)(e), C.R.S. (2005), a class 3 misdemeanor. Respondent failed to appear at the scheduled Director's Show Cause Hearing. Director Kammerzell recommends revocation of Christian R. Vandapool's Colorado peace officer certificate #B8456.

Motion made and seconded to revoke.

Passed Unanimously

8. No. M05-22, Felix A. Lucero, Certification #14242. On August 24, 2005, Respondent was convicted of 1 count of Harassment, § 18-9-111, C.R.S. (2005), a class 3 misdemeanor. Respondent failed to appear at the scheduled Director's Show Cause Hearing. Director Kammerzell recommends revocation of Felix A. Lucero's Colorado peace officer certificate #14242.

Motion made and seconded to revoke.

Passed Unanimously

13. ***Comments from others.***

14. ***Board Meeting Schedule for 2006***

A. Meeting dates and locations:

1. January 27, 2006 – Colorado Department of Law
2. April 28, 2006 – Colorado Department of Law
3. September 28/29, 2006 – Work Session and Board Meeting – Hosted by Mesa County Sheriff Stan Hilkey in Grand Junction, Colorado
4. December 8, 2006 – Colorado Department of Law

Next Board Meeting
Friday, January 27, 2006
Colorado Department of Law
1525 Sherman Street
Denver, CO 80203

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
January 27, 2006

The Peace Officer Standards and Training Board held its 354th Board meeting at the Colorado Department of Law in Denver, Colorado with the following in attendance:

BOARD MEMBERS

SHERIFF JAMES ALDERDEN
SHERIFF JAMES BEICKER
FORT MORGAN MAYOR JACK DARNELL
SHERIFF JAMES FAULL
CHIEF JOHN HALL
CHIEF DENNIS HARRISON
SHERIFF STAN HILKEY
SENIOR AGENT DONN KRAEMER
EXECUTIVE DIRECTOR JOE MORALES
OFFICER CURTIS MORENO
PUBLIC MEMBER BOB PENCE
S.A.C. RICHARD C. POWERS
CHIEF RONALD SLOAN
ATTORNEY GENERAL JOHN SUTHERS
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO
CHIEF LUIS VELEZ

BOARD MEMBERS ABSENT

CHIEF AL BELL (excused)
SHERIFF JOE PELLE (excused)
CHIEF GERALD WHITMAN

BOARD COUNSEL

JOHN A. LIZZA, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
CRISTINE MACK, P.O.S.T. Investigator
RUTH VANDERBROEK, P.O.S.T. Compliance Officer
LISA TONEY, P.O.S.T. Administrative Assistant
MARY O'SHEA, P.O.S.T. Training Program Coordinator
STEPHEN ZOTOS, P.O.S.T. Deputy Director/Training Manager

MEMBERS OF THE PUBLIC IN ATTENDANCE

PHIL BACA, Jefferson County Sheriff's Office
MINER BLACKFORD, Otero Junior College, La Junta
RANDAL BOEPPLE, SCLETA, Trinidad
GRAHAM DUNNE, Aurora Police Department
DAVE EVERETT, Arvada Police Department
JOE FERRARO, Denver Police Department
JOHN GODSEY, Colorado Springs Police Department
ERIC A. GONZALES, Pueblo Police Department
EVA GRACIANO, Red Rocks Community College
DARYL HOFFMAN, Jefferson County Sheriff's Office
DOYLE JONES, Weld County Sheriff's Office
TERRY MANWARING, Jefferson County Sheriff's Office
KRISTI MCDONALD-QUINTANA, Colorado State Parks
STEVE NEUMEYER, Aurora Police Department
TODD QUICK, La Junta Police Department
GENE RAGULSKY, Pueblo Police Department
KARL SMALLEY, Adams County Sheriff's Office
TRACEY SMALLEY, Douglas County Sheriff's Office
PAUL SMOKER, Jefferson County Sheriff's Office
MIKE STEEVES, La Junta Police Department
RICHARD STENSGAARD, Denver Police Department
JOE THOMAS-HAZELL, Citizen
JOHN TUCKER, Weld County Sheriff's Office
JAMES VANHOOK, La Junta Police Department
RICHARD WEBB, Jefferson County Sheriff's Office

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on January 27, 2006.

Arrest Control Committee
Curriculum Committee
Firearms Committee
Driving Committee
Advanced Officer Training Committee

Introductions:

1. Welcome – Attorney General John W. Suthers, P.O.S.T. Board Chairperson
2. Introduction of Board Members, SME Members and Guests
4. Roll Call – P.O.S.T. Director John Kammerzell
Declaration of a Quorum
5. Approval of P.O.S.T. Board Minutes for December 9, 2005
Approved Unanimously

February 3, 2006

Presentations:

6. Special Presentations – SME Committee Chairpersons

- A. Arapahoe Community College Chief of Police Deborah Wilke
- B. Larimer County Sheriff's Sergeant Michael Esters

7. Skills Subject Matter Expert Committee Reports

- A. Arrest Control Sgt. Richard "JJ" Webb, Co-Chairman

Sgt. Webb reported that the committee approved the arrest control lesson plans for El Paso County as well as the primary and secondary sites for both Otero Junior College and La Junta. John Tucker from the Weld County Sheriff's Office was recognized as the newest arrest control committee member. The committee reviewed the inspection report for academy inspections and the committee membership information form.

- B. Firearms Parks Assistant Regional Manager Kristi McDonald-Quintana, Chairwoman

Parks Manager Quintana reported the approval of one range site for Otero County and La Junta. The committee also approved an instructor program for the Colorado Law Enforcement Firearms Instructors Association, reviewed test-out procedures and academy inspections.

- C. Law Enforcement Driving Sgt. Karl Smalley, Vice-Chairman

Sgt. Karl Smalley reported that the committee approved two new members, JJ Van Hook from La Junta Police Department and Ed Trujillo from El Paso County Sheriff's Office. There was also discussion about upcoming test-outs and changes to the schedule due to changes at the academies. The committee discussed problems with remedial training with regards to law enforcement driving, and tabled the issue until the next meeting for further discussion and recommendations.

- D. Curriculum Committee Division Chief Phil Baca, Chairman

Division Chief Phil Baca reported that the committee discussed administrative matters and approved one new member, Sgt. Kathy LaBrecque from the El Paso County Sheriff's Office. The committee discussed future meeting dates. The next curriculum committee will be March 10, 2006 at the CSOC Highlands Ranch Law Enforcement Training Facility. The committee reviewed one Instructor Methodology Program submitted by the Grand Junction Police Department, and tabled the matter until further information is received from the instructor.

Division Chief Baca stated that there was some discussion regarding the new exam for academy students who started an academy on or after July 1, 2005. The question was on the validity of some of the new exam questions. The committee asked Director Kammerzell for a state wide analysis of test questions which all or most students

February 3, 2006

answered incorrectly. The committee will review those questions to see if there are issues with them.

Action Items:

8. Formal Board recognition of the 2006 SME Committee members.
Director Kammerzell
 - A. SME Committee Roster - Arrest Control Tactics, Curriculum, Driving and Firearms.
Approved Unanimously

9. P.O.S.T. Sunrise Review Sub-committee. Chief Ron Sloan
 - A. Membership appointments.
 1. Rule 22 - P.O.S.T. Board Sub-committee for Sunrise Review of Peace Officer status.

The Sub-committee shall include the following P.O.S.T. Board members – 2 Police Chiefs, 2 Sheriffs, and 1 additional Board member. The Director of P.O.S.T shall staff the Sub-committee.
 2. Staff recommendations: Chief Ronald Sloan (Chair), Chief John Hall, DPS Director Joe Morales, Sheriff James Beicker, and Sheriff Jim Alderden.
Approved Unanimously
 - B. Committee Up-date and Report – 2006 Legislation

Chief Sloan reported that the only Bill pending is House Bill 1027. Representative Gary Lindstrom is carrying this bill which was amended to put off the effective date until July of 2007. After a discussion between Director Kammerzell, Chief Sloan and Representative Lindstrom, it was agreed that this change could be made.

10. P.O.S.T. Peace Officer Training Project Sub-committee. Deputy Director Manager Steve Zotos
 - A. Membership Appointments.
 1. Staff recommendations: Chief Dennis Harrison (Chair), Chief Luis Velez, Chief John Hall, Sheriff Stan Hilkey, Officer Neal Tyler, Sheriff Lou Vallario, Mayor Jack Darnell.
Approved Unanimously

B. Sub-committee Up-date and Report

Training Manager Steve Zotos reported that the Request for Proposal (RFP) for 2006/2007 will be mailed out after the meeting. The 2006/2007 application is posted on the P.O.S.T. web-site and will be due March 10, 2006.

On February 23 and 24, 2006, P.O.S.T. will host a two day training forum at the Highlands Ranch Training Facility. The forum will allow for an update of the regional coordinators on changes to the application process, networking to share resources and to find out what the different regions are doing to make the grant work.

Training Manager Zotos stated that to date, there has been 47,115 hours of training in the current cycle which involved about 3,682 officers participating.

Chief Luis Velez inquired about funds for supervisory training. He stated that he would like to start a command college but will need assistance with the funds to start the project. Director Kammerzell stated he has been working with the Chiefs Association and Sheriff's Association in the revision of the 96 hour supervisory course. He also stated that Judge Kane has issued a show cause order on the balance of funds in the Whitfield case which may be a source for seed money for this type of training.

11. P.O.S.T. HR 218 Sub-Committee Sheriff Jim Alderden, Chairman

A. Sub-committee Up-date and Report

Sheriff Jim Alderden stated that the implementation process of HR 218 is almost complete. The Board was presented with a state certification card issued by P.O.S.T. for retired peace officers and also a draft copy of the CSOC application form for retired peace officers. If anyone has any suggestions to please contact Sheriff Alderden.

1. Certification card(s) issued by the State (P.O.S.T.)

Director Kammerzell stated that the retired peace officer card along with the CCW qualification card issued by the Sheriff's office will enable retired peace officers to carry a concealed weapon.

12. Advanced Officer Training Committee Officer Neal Tyler, Chairman

A. Project Up-date and Report

Officer Neal Tyler reported that the committee is currently working on the final draft of the Instruction Methodology Course. The committee will present the final draft at the next P.O.S.T. Board meeting.

13. P.O.S.T. Less Lethal Workgroup Senior Agent Donn Kraemer

A. Project Up-date and Report

Senior Agent Donn Kraemer stated that the committee will have a report at the next P.O.S.T. Board Meeting.

14. Peace Officer Certification Revocation Actions Director John Kammerzell

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications:

§ 24-31-305 C.R.S. (2005) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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. (2005), 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. 05-14, Matthew Jay Cook, Certification #B11753. On October 18, 2005, Respondent pled guilty to and was convicted of 1 count of Second Degree Burglary of a Dwelling, § 18-4-203(1), (2)(a), C.R.S. (2004), a class 4 felony; and, pled guilty to and was convicted of 1 count of Criminal Mischief - \$100 to \$500, § 18-4-501, C.R.S. (2004), a class 2 misdemeanor. Respondent failed to comply with Order 05-14 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Matthew J. Cook’s peace officer certificate #B11753.

*Motion made and seconded to revoke.
Passed Unanimously*

B. Revocation of Peace Officer Certifications – Misdemeanor Conviction

§ 24-31-305 C.R.S. (2005) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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. (2005), 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. Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes recognized in **§ 24-31-305(1.5) (b) thru (h) (2005)**.

1. No. M06-02, Smokey David Morse, Certification #B6419. On November 7, 2005, Respondent pled guilty to and was convicted of 1 count of Assault in the Third Degree/Recklessly Caused Injury, § 18-3-204, C.R.S., (2005). Respondent failed to appear at the scheduled Director's Show Cause Hearing. Director Kammerzell recommends revocation of Smokey David Morse’s Colorado peace officer certificate #B6419.

*Motion made and seconded to revoke.
Passed Unanimously*

Informational Items:

15. 2006 P.O.S.T. Manual

Director John Kammerzell

A. Statute, Rules and Program Changes

Director Kammerzell gave a brief overview of the changes that were made to the 2006 Manual including the addition of the Law Enforcement Code of Ethics. There were also changes brought forth by the different committees. There was some discussion on the tactical handgun course and qualifications. Senior Agent Donn Kraemer stated that the committee approved a formal target for the P.O.S.T. course of fire for all academies and test-outs, which will be the target for qualification purposes only. The change was made to not require all the rounds to be on the target, but 80% of the rounds to be within the "milk bottle".

B. Forms

Director Kammerzell gave a description of the new Form 1A for conditional certification. Director Kammerzell indicated that an addition to forms 1, 1A, 3, 4 and 11A was made regarding release or discharge from the US Military.

16. P.O.S.T. Board Mailing List – Terms of Appointment

Director Kammerzell stated that 10 Board members terms will expire June 30, 2006 and to remind these individuals to reapply for appointment.

17. Comments from others.

Chief Dennis Harrison commended Chief Velez and Attorney General Suthers for their part in the internet solicitation issues.

General Suthers commended Chief Velez and the Colorado Springs Police Department personnel for their roll in the internet solicitation issue. 1 in 5 children between the ages of 10 and 18 will receive a sexual internet solicitation and 1 in 33 of these children will be involved in off-line contact which could result in abductions and homicides throughout the nation. These predators are knowledgeable in Colorado law and exchange information with other predators. General Suthers stated that Colorado needs to be more aware of internet solicitations.

There was also comment on the Nevada Attorney General's ID passport program for victims of Identity Theft. Attorney General Suthers stated that this is a growing issue and may be discussed in the next session.

18. Board Meeting Schedule for 2006

A. Meeting dates and locations:

1. April 28, 2006 – Colorado Department of Law
(Pending conflict with another law enforcement conference)
2. September 28/29, 2006 – *Work Session* and Board Meeting – Hosted by Mesa County Sheriff Stan Hilkey in Grand Junction, Colorado
3. December 8, 2006 – Colorado Department of Law

Next Board Meeting
Friday, April 21, 2006
Colorado Department of Law
1525 Sherman Street
Denver, CO 80203

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
April 21, 2006

The Peace Officer Standards and Training Board held its 355th Board meeting at the Colorado Department of Law in Denver, Colorado with the following in attendance:

BOARD MEMBERS

SHERIFF JAMES ALDERDEN
SHERIFF JAMES BEICKER
FORT MORGAN MAYOR JACK DARNELL
SHERIFF STAN HILKEY
SENIOR AGENT DONN KRAEMER
OFFICER CURTIS MORENO
SHERIFF JOE PELLE
S.A.C. RICHARD C. POWERS
ATTORNEY GENERAL JOHN SUTHERS
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO
CHIEF GERALD WHITMAN

BOARD MEMBERS ABSENT

CHIEF AL BELL (excused)
SHERIFF JAMES FAULL (excused)
CHIEF JOHN HALL (excused)
CHIEF DENNIS HARRISON (excused)
EXECUTIVE DIRECTOR JOE MORALES (excused)
PUBLIC MEMBER BOB PENCE (excused)
CHIEF RONALD SLOAN (excused)
CHIEF LUIS VELEZ (excused)

BOARD COUNSEL

JOHN A. LIZZA, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
CRISTINE MACK, P.O.S.T. Investigator
LISA TONEY, P.O.S.T. Administrative Assistant
MARY O'SHEA, P.O.S.T. Training Program Coordinator
STEPHEN ZOTOS, P.O.S.T. Deputy Director/Training Manager

MEMBERS OF THE PUBLIC IN ATTENDANCE

PHIL BACA, Jefferson County Sheriff's Office
RON BALLAS, Northeastern Regional Police Academy
RANDAL BOEPPLE, SCLETA, Trinidad
STEVE CHAGOLLA, Denver Police Department
MARC DIREZZA, Lakewood Police Department
JOE FERRARO, Denver Police Department
ERIC A. GONZALES, Pueblo Police Department
DOYLE JONES, Weld County Sheriff's Office
JAMES LUCAS, Jefferson County Sheriff's Office
TERRY MANWARING, Jefferson County Sheriff's Office
KRISTI MCDONALD-QUINTANA, Colorado State Parks
GENE RAGULSKY, Pueblo Police Department
STACI SHAFFER, Larimer County Sheriff's Office
KARL SMALLEY, Adams County Sheriff's Office
TRACEY SMALLEY, Douglas County Sheriff's Office
RICHARD STENSGAARD, Denver Police Department
JOHN TUCKER, Weld County Sheriff's Office
JOE THOMAS-HAZELL, Citizen
TAMMY VIENOT, Arapahoe County Sheriff's Office
RICHARD WEBB, Jefferson County Sheriff's Office

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on April 21, 2006.

Arrest Control Committee
Curriculum Committee
Firearms Committee
Driving Committee
Advanced Officer Training Committee

Introductions:

1. Welcome – Attorney General John W. Suthers, P.O.S.T. Board Chairperson
2. Introduction of Board Members, SME Members and Guests
3. Roll Call – P.O.S.T. Director John Kammerzell
Declaration of a Quorum
4. Approval of P.O.S.T. Board Minutes for January 27, 2006
Approved Unanimously

April 21, 2006

Presentations:

5. Special Presentations – Skills Subject Matter Expert Committee Reports

A. Arrest Control Sgt. Richard “JJ” Webb, Co-Chairman

Sgt. Webb reported that the committee approved one full instructor for Arapahoe Community College and Pueblo Community College, Mike Dowd. The committee also approved a new training site for the Jefferson County Sheriff’s Office Academy and approved a new agency A.C.T. instructor program for the Colorado Springs Police Department Academy. The committee is planning for the next meeting to be held in June of this year.

B. Firearms Parks Assistant Regional Manager Kristi McDonald-Quintana, Chairwoman

Parks Assistant Regional Manager Quintana reported the committee has approved five full instructors and denied one full instructor. The committee has approved a firearms lesson plan and one firearms instructor course and denied an instructor course which was submitted by an individual from California (he was denied as an instructor as well).

Parks Manager Quintana also reported that committee member Bill Black submitted his resignation and that the committee will be looking for new applicants.

The committee also discussed some concerns in regards to firearms safety in the academies, and will be working with the curriculum committee to incorporate some kind of safety training to the students. The committee feels that the students should have knowledge of basic weapons handling before going into the firearms program.

C. Law Enforcement Driving Sergeant Karl Smalley, Vice-Chairman

Sgt. Smalley introduced a new member to the committee, Doyle Jones from Weld County. The committee reviewed two sites submitted by Trinidad academy for Alamosa airport and approved the site. Inspections were reviewed from the Arapahoe Community College and Pueblo Community College driver training program and both were in compliance.

The next committee meeting will be held September 21, 2006 to discuss a new Adams County academy and also some concerns with simulators used in the academies. The committee discussed working on the language and Rule changes for next year’s consideration, regarding the use of simulators in addition to the basic driver training course.

The committee will also be addressing the number of remedial hours of driver training and number of errors a student is allowed during testing.

D. Curriculum Committee Division Chief Phil Baca, Chairman

Division Chief Phil Baca reported that the committee considered an application for a new S.M.E. member but the application was denied because the agency withdrew their support for the individual.

1. Committee review of P.O.S.T. certification examination questions.

After reviewing the validity of the exam questions, Division Chief Baca stated that there were a few issues but most questions were valid.

Action Items:

6. *P.O.S.T. Sunrise Review Sub-committee.* Director Kammerzell

A. Committee Up-date and Report – 2006 Legislation.

1. ***House Bill 06-1027, Concerning Persons Authorized as Peace Officers in Colorado.***
 - Clarified peace officer status for Municipal Court Marshals and Public Transit Officers – Compliance with the requirements of SB04-224.
 - Eliminated the option of any municipal court marshal receiving reserve peace officer training in lieu of basic peace officer training standards and certification. Also, only municipal court marshals, *who are employed by a municipality and are specifically designated as a peace officer by the municipality,* are peace officers while engaged in the performance of their duties. *The authority of such a municipal court marshal shall be limited to providing security for the municipal court, detaining prisoners, etc. A municipal court marshal shall be certified by the P.O.S.T. Board.*
 - Supported the Public Transit Officers authority granted in HB04-1218 (no changes), with one exception – only a public transit officer who is employed by a public transportation entity, as defined in § 18-4-801(2) and *who is specifically designated as a peace officer by the public transportation entity is a peace officer.*

Director Kammerzell stated that regarding House Bill 06-1027, the sub-committee recommended each of the two groups have full basic certification and must be specifically designated by that municipality or entity to obtain peace officer status. The Bill has been signed by the Governor.

2. ***HB06-1179, Concerning Peace Officer Authority in Colorado for Certain Federal Law Enforcement Officers.***
 - Provides Federal Bureau of Investigation and United States Bureau of Alcohol, Tobacco, Firearms and Explosives special agents with limited peace officer authority in Colorado.
 - Agents can respond to non-federal felonies and misdemeanors committed in their presence.

- Action can be taken by the agent in an emergency situation in which the agent has probable cause to believe that a non-federal felony or misdemeanor involving injury or threat of injury to a person or property has been, or is being committed and immediate action is required to prevent escape, serious bodily injury, or destruction of property.
- Agents can render assistance at the request of a Colorado peace officer.
- Agents can effect an arrest or provide assistance as part of a Bona Fide Task Force or joint investigation with Colorado peace officers.
- The agent must act in accordance with the rules and regulations (policy and procedure) of his or her employing agency.
- Agents of the two federal departments are empowered to effect an arrest with or without a warrant for violations of the United States Code, and authorized to carry a firearm and use deadly force in the performance of the agent's official duties as a federal law enforcement officer.
- Upon effecting an arrest under the authority of the section, the agent shall immediately surrender custody of the arrested individual to a Colorado peace officer.
- The section does not impose liability on or require indemnification or create a waiver of sovereign immunity by the state of Colorado for any action performed by the agent.
- The section does not expand the authority of the agent to initiate or conduct an independent investigation into violations of Colorado law.

Regarding House Bill 06-1179 Director Kammerzell stated that Special Agent in Charge Richard Powers testified on behalf of the F.B.I. Others testified on behalf of the Board including Chief Ron Sloan and Director Kammerzell. It was noted that Sheriff Doug Darr of Adams County had provided significant testimony on behalf of the F.B.I. and the Bill was signed by the Governor.

S.A.C. Richard Powers thanked all those that participated in getting this important piece of legislation passed, especially Director Kammerzell for all his efforts.

7. P.O.S.T. Peace Officer Training Project Sub-committee.

Deputy Director Manager Steve Zotos

A. 2006 P.O.S.T. Training Forum Report – ***Deputy Director Zotos***

Deputy Director Zotos reported that the 2nd Annual Training Forum went well and had approximately 50 participants along with several statewide providers and a representative from the F.B.I. to speak about training opportunities throughout the state. The Forum was held to discuss the progress of the grant to date and future goals for the 2006-2007 grant cycle. Deputy Director Zotos stated that much of the forum involved encouragement of interactions between regions and mutual issues and concerns about the grant process.

As of April 13, 2006, P.O.S.T. has documented about 75,136 hours of training to about 5,483 officers that have participated. The grant training for this grant cycle is surpassing last years' pace. Director Kammerzell and Deputy Director Zotos will meet

April 21, 2006

with Rocky Mountain HIDTA regarding grant monies available for meth training to the more rural agencies in the state.

B. FY2006/2007 Training Grant Awards

1. Grant Training Award Recommendations and Resolution.

The Committee met in April and allocated around \$800,000 for the 2006-2007 grant and proposed an outline presented to the Board. Director Kammerzell and Deputy Director Zotos met with Sheriff Stong to discuss issues with the San Luis Valley. Recommendations were made as to the funds being given to that region to help with their training needs.

Officer Neil Tyler made a motion to accept the sub-committees recommendations on the allocations of the grant money for 2006-2007. It was stated that all regions had the right to appeal the sub-committee's recommendations but there were no appeals requested.

***Motion made and seconded to approve
Passed Unanimously***

8. Peace Officer Certification Revocation Actions Director John Kammerzell

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications:

§ 24-31-305 C.R.S. (2005) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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. (2005), 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. 06-01, Steward H. Bilsborrow, Certification No.B-8360. On August 11, 2005, Respondent pled guilty to and was convicted of 1 count of Sexual Exploitation of a Child, § 18-6-403(3)(b.5), C.R.S., (2005), a class 5 felony. Respondent failed to comply with P.O.S.T. Show Cause Order 06-01 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Stewart H. Bilsborrow's Colorado peace officer certificate, B-8360.

***Motion made and seconded to revoke.
Passed Unanimously***

2. No. 06-02, Deborah A. Diedrich, Certification No. B-01037. On September 6, 2005, Respondent pled guilty to and was convicted of 1 count of Pawnbroker – false information by seller, § 12-56-103(1), C.R.S., (2005), a class 6 felony; and also pled guilty to and was convicted of 1 count of Theft - \$500 to \$15,000, § 18-4-401(1), (2)(c), C.R.S., (2005), a class 4 felony. Respondent failed to comply with P.O.S.T. Show Cause Order 06-02 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Deborah A. Diedrich's Colorado peace officer certificate, B-01037.

April 21, 2006

Motion made and seconded to revoke.

Passed Unanimously

3. No. 06-03, Gary Wayne Carnes, Certification No. B-00103. On September 1, 2005, Respondent pled guilty to and was convicted of 1 count of Aggravated Motor Vehicle Theft, § 18-4-409(2),(3)(a), C.R.S., (2005), a class 4 felony. Respondent failed to comply with P.O.S.T. Show Cause Order 06-03 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation Gary Wayne Carnes' Colorado peace officer certificate, B-00103.

Motion made and seconded to revoke.

Passed Unanimously

B. Revocation of Peace Officer Certifications – Misdemeanor Conviction

§ 24-31-305 C.R.S. (2005) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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. (2005), 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. Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes recognized in **§ 24-31-305(1.5)(b) thru (h) (2005)**.

1. No. M05-05, Joshua E. Lowry aka: Joshua Means-Collyer, Certification #B-2890. On January 6, 2006, Respondent pled guilty to and was convicted of Harassment, § 18-9-111, C.R.S., (2005), a class 3 misdemeanor. Respondent failed to appear at the scheduled Director's Show Cause Hearing. Director Kammerzell recommends revocation of Joshua E. Lowry's Colorado peace officer certificate #B-2890.

Motion made and seconded to revoke.

Passed Unanimously

2. No. M06-05, Lawrence Algiene, Certification #B-3959. On December 29, 2005, Respondent pled guilty to and was convicted of Harassment, § 18-9-111, C.R.S., (2005), a class 3 misdemeanor. Respondent failed to appear at the scheduled Director's Show Cause Hearing. Director Kammerzell recommends revocation of Lawrence Algiene's Colorado peace officer certificate #B-3959.

Motion made and seconded to revoke.

Passed Unanimously

3. No. M06-06, Matthew Martin Halstad, Certification #B-00225. On January 13, 2006, Respondent pled guilty to and was convicted of Harassment - Unspecified, § 18-9-111, C.R.S., (2005), a class 3 misdemeanor. Respondent failed to appear at the scheduled Director's Show Cause Hearing. Director Kammerzell recommends revocation of Matthew M. Halstad's Colorado peace officer certificate #B-00225.

April 21, 2006

was added to the required curriculum so when an individual attends an academy he/she will have already completed this program. Director Kammerzell stated that with additional funding Judge Kane appointed a special master to distribute this funding, Attorney General Suthers and P.O.S.T. submitted a letter to the Denver Foundation requesting \$140,000 for consideration to develop a 16 hour course for the more rural areas of the state so that they may receive this training through simpler means. Director Kammerzell also stated that they also want to develop a web based training program for all law enforcement to participate in Anti Bias Training.

B. Denver Foundation Grant Award Process (*U.S. District Court Funding*).

1. **Dimension No. 1** – ***“P.O.S.T./ADL Ethical and Anti Bias Policing for Small and Rural Law Enforcement Leaders”***.

- P.O.S.T./ADL will develop and deliver a 16-hour ethics and anti bias training curriculum designed for the mid-level and executive leaders of small and rural law enforcement agencies.
- Emphasis will be placed on additional training topics and training scenarios that include recognition of bias within the community, within the workplace and by employees.

2. **Dimension No. 2** - ***“P.O.S.T./ADL Anti Bias Training for Law Enforcement Officers”- Web Based Distance Learning Program.***

- P.O.S.T./ADL will develop an internet web based training program through utilization of our popular “Anti Bias Training for Law Enforcement Officers” curriculum.
- The web-based program will address the same core competencies and student outcomes as in the in-class program.
- This web-based program will be available on the internet to any officer, at their convenience and at any computer.
- Colorado Higher Education may assist with research and adult learning needs. Training will be validated and managed by P.O.S.T. and ADL.

12. P.O.S.T. Board Mailing List – Terms of Appointment Director John Kammerzell

A. Ten Board Members Terms Expire in June 2006.

Attorney General Suthers and Director Kammerzell wanted to remind all Board members whose terms are going to expire, to please submit paper work prior to June of 2006.

13. Comments from others.

Mr. Thomas-Hazell suggested a better procedure for citizens who file reports, have a better knowledge and maybe a handbook on what to do next. He also stated that if law enforcement has a new device on how to catch a criminal why put it on the news and let everyone know about it, especially the criminals.

April 21, 2006

14. P.O.S.T. Board Meeting Schedule for Fall and Winter 2006

A. Meeting dates and locations:

1. September 28-29, 2006 – *Board Work Session* and Board/SME Committee Meetings – Grand Junction, Colorado. Hosted by Mesa County Sheriff Stan Hilkey.
 - Meeting Locations and Hotel Information – ***Sheriff Hilkey***
 - *Work Session on September 28th at 3:00 p.m. – 7:00 p.m.*
 - *SME Meetings on September 29th at 8:00 a.m.*
 - *Board Meeting on September 29th at 10:00 a.m.*
2. December 8, 2006 – Colorado Department of Law

Next P.O.S.T. Board/ S.M.E. Meetings
Thursday and Friday, September 28 and 29, 2006
Mesa County Sheriff's Office
215 Rice Street
Grand Junction, Colorado 81505
970.244.3900

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
September 29, 2006

The Peace Officer Standards and Training Board held its 356th Board meeting at the Mesa County Sheriff's Office in Grand Junction, Colorado with the following in attendance:

BOARD MEMBERS

SHERIFF JAMES ALDERDEN
CHIEF AL BELL
SHERIFF JAMES BEICKER
FORT MORGAN MAYOR JACK DARNELL
SHERIFF JAMES FAULL
CHIEF JOHN HALL
CHIEF DENNIS HARRISON
SHERIFF STAN HILKEY
SENIOR AGENT DONN KRAEMER
EXECUTIVE DIRECTOR JOE MORALES
CHIEF JOHN PATERSON
SHERIFF JOE PELLE
PUBLIC MEMBER BOB PENCE
S.A.C. RICHARD C. POWERS
CHIEF RONALD SLOAN
ATTORNEY GENERAL JOHN SUTHERS
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO

BOARD MEMBERS ABSENT

CORPORAL CURTIS MORENO (excused)
CHIEF GERALD WHITMAN

BOARD COUNSEL

DIANE MARIE DASH, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
MARY O'SHEA, P.O.S.T. Training Program Coordinator
STEPHEN ZOTOS, P.O.S.T. Deputy Director/Training Manager

MEMBERS OF THE PUBLIC IN ATTENDANCE

ERIC J. BOURGERIE, Summit County Sheriff's Office
KEVIN BRUN, Colorado Mountain Collage Glenwood Springs
JEFF BREDEHOEFT, Douglas County Sheriff's Office
CORY CHRISTENSEN, Fort Collins Police Department
MARC DIREZZA, Lakewood Police Department
DAVE EVERETT, Arvada Police Department
DARYL HOFFMAN, Jefferson County Sheriff's Office
JAMES LUCAS, Jefferson County Sheriff's Office
TERRY MANWARING, Jefferson County Sheriff's Office
AMANDA K. MARTIN, Colorado Northwestern Community College-Rangely
MICHAEL MCINTOSH, Adams County Sheriff's Office
AL PADILLA, Lakewood Police Department
KRISTI MCDONALD-QUINTANA, Colorado State Parks
RUSS REED, Fort Collins Police Department
GLENN SCHAFFER, Aspen Police Department
KARL SMALLEY, Adams County Sheriff's Office
PAUL SMOKER, Jefferson County Sheriff's Office
CHRIS TAFOYA, Colorado State Patrol
JOHN TUCKER, Weld County Sheriff's Office
RON WILSON, Colorado Northwestern Community College-Rangely

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on September 29, 2006.

Arrest Control Committee
Curriculum Committee
Firearms Committee
Driving Committee
Advanced Officer Training Committee

Introductions:

1. Welcome – Attorney General John W. Suthers, P.O.S.T. Board
Chairperson
 - a. Welcome – Cherry Hills Village Chief John Patterson
Attorney General Suthers also welcomed Diane Dash as the new Assistant
Attorney General representing the P.O.S.T. Board.
 - b. Retirement Announcement – Colorado Springs Chief Luis Velez
 - c. Executive Order A 143 06 – Board Terms of Office
2. Welcome – Mesa County Sheriff Stan Hilkey
3. Introduction of Board Members, SME Members and Guests
4. Roll Call – P.O.S.T. Director John Kammerzell

Declaration of a Quorum

September 29, 2006

5. Approval of P.O.S.T. Board Minutes for April 21, 2006

Approved Unanimously

Presentations:

6. Special Presentations – Skills Subject Matter Expert Committee Reports

- A. Arrest Control Chris Tafoya, Committee Member

Committee Member Tafoya reported that the 1st and 2nd sites and the safety plan for Jefferson County Sheriff's Academy and the site and safety plan for Pueblo Community College in Durango were approved. The committee also approved one full instructor and denied one full instructor.

The committee is working on revising the safety plan which would not allow live weapons in the facility where defensive tactics are being taught. The changes to the Rules and arrest control program will be presented to the Board.

A review of the arrest control committee members is being conducted to see who is or is not still active with the committee.

Senior Agent Donn Kramer asked if there is anything mandating the use of the red gun and blue gun only in the current defensive tactics program. Committee member Tafoya stated that the committee is aware that the instructors are being cautious about using the red or blue guns rather than live weapons but they want to make the revision to the Rule so that it is in writing.

- B. Firearms Parks Assistant Regional Manager
Kristi McDonald-Quintana, Chairwoman

Parks Assistant Regional Manager Quintana reported that the committee has met a number of times prior to the Board meeting and conducted three test-outs, approved seven full skills instructors and eight assistant skills instructors and denied two full skills instructors. The committee also approved a new firearms program for Adams County and denied an existing program in Trinidad. There was an inspection conducted for the academies in Durango, Highlands Ranch and Trinidad.

The committee has been discussing the changes made to the firearms program and evaluations. They would like to make it a requirement for the instructors to go through the instructor training within a 5 year time frame before they will be allowed to instruct. Some of the training for people they are being asked to approve goes all the way back to 1962.

Changes to the academy program with regards to the use of the revolver and the semi-automatic in training were discussed. The committee feels that the academies should teach one weapon system only and that weapon should be the semi-automatic. The majority of the academies are already using the semi-automatic so it shouldn't be a hardship to any academy. The committee would also like to delete all reference to the revolver as well as any qualifying target other than the P.O.S.T. target to be used for training in all academies. This will also affect the percentage of qualification from 100% to 97.5%, this change will also be made.

C. Law Enforcement Driving Sergeant Al Padilla, Chairman

Sergeant Padilla reported that Mike Harris from Colorado State Patrol and Eric Gonzales from the Pueblo Police Department will be joining the driving committee.

The committee discussed some changes to the driving program regarding the amount of time an instructor has for lecture and track time and suggested an additional four hours be added to the program to be used at the academy instructors' discretion. This additional time is being suggested as academies are stating that they cannot complete all of the lecture material during the classroom time. Since the majority of the academies are doing 50 hours or more already, the additional four hours should not be a problem.

Driving simulators and the amount of track time the students were receiving was also discussed. It was pointed out that the time spent on the driving simulator should not be deducted from the track time. It was also noted that some academies are doing the final testing and then completing the required hours of track time. The committee will be submitting a change in Rule to state that all mandatory track time must be completed before the final testing is conducted.

The liability for remedial training was brought up as a concern for the academies. The committee is suggesting that the driving program be changed to reflect that 20% of the track time be mandated as necessary remedial training which will alleviate the liability concern.

D. Curriculum Committee Chief Ron Sloan, Board Member

Chief Ron Sloan reported that the Curriculum Committee did not meet.

E. Advanced Officer Training Committee Officer Neal Tyler, Chairman

Officer Neal Tyler reported that a Preparatory Instructor Refresher Class was held with about ten trainers participating. The committee would like to propose some changes to the curriculum for the instructor methodology class to have the instructors to take a refresher class once every five years.

Deputy Director Steve Zotos added that they had met with the other Subject Matter Expert committees regarding the proposed changes and all were supportive of the Skills Instructor Refresher Class requirements and process.

Action Items:

7. P.O.S.T. Sunrise Review Sub-committee. Chief Ronald Sloan

A. 2006 Committee Up-date and Report

1. 2006 Application (Withdrawn) – Fort Carson Police Department
2. 2006 Application and Hearing – Colorado Department of Regulatory Agencies (DORA).
 - a. DORA Division of Registrations Criminal Investigators

September 29, 2006

b. DORA Division of Insurance Criminal Investigators

Chief Ronald Sloan reported that the committee met with the Department of Regulatory Agencies (DORA) Division of Registrations and Division of Insurance in August to discuss the application for Peace Officer Authority. Chief Sloan stated that after the hearing and discussing all relevant information regarding P.O.S.T. Rule 22, the committee will give the DORA application a favorable recommendation for the Board's approval.

3. Committee Report and Recommendation to the Board

a. Report and Recommendation – Board Action

b. P.O.S.T. Report to the Senate and House Judiciary Committees is due October 15, 2006.

Chief Sloan stated that a report will be submitted to both the House and Senate Committees for recommendation and titled § 16-2.8-148 Department of Regulatory Agencies Criminal Investigator. Chief Sloan recommends Board approval of the report to the Legislature. It will be the responsibility of DORA to initiate the Bill.

Attorney General Suthers asked if this report included other departments within DORA. Chief Sloan stated that the committee recommended a title of the Bill to be “Department of Regulatory Agencies Criminal Investigator” instead of designating only the two departments. Chief Sloan stated that if DORA wants a criminal investigator to be considered a peace office, DORA would have to designate them as a peace officer and then the individual would have to be P.O.S.T. certified. Attorney General Suthers stated that he hopes to see other departments of DORA become involved in this Bill.

***Motion made and seconded to Approve Report for Legislature
Passed Unanimously***

8. Peace Officer Certification Revocation Actions Director John Kammerzell

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications – Felony Convictions:

§ 24-31-305 C.R.S. (2005) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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. (2005), 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. 06-04(2), Steven Knight, Certification No.12514. On December 15, 2005, Respondent pled guilty to and was convicted of 1 count of Impersonating a Peace Officer § 18-8-112, C.R.S., (2005), a class 6 felony. Respondent failed to comply with P.O.S.T. Show Cause Order 06-04(2) by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Steven Knight's Colorado peace officer certificate, No. 12514.

*Motion made and seconded to revoke.
Passed Unanimously*

2. No. 06-05(2), Daniel Esequel Trevizo, Jr., Certification No. 14567. On April 15, 2005, Respondent pled guilty to and was convicted of 1 count of First Degree Burglary – Assault/Menace, § 18-4-202(1) C.R.S., (2005), a class 3 felony; 1 count of Assault with a Deadly Weapon, § 18-3-202(1)(a), C.R.S., (2005), a class 3 felony; 1 count of Felony Menacing – Read/Simulated Weapon, § 18-3-206(1)(a)/(b), C.R.S., (2005), a class 5 felony; Violation of Protection Order, § 18-6-803.5(1),(2)(a) C.R.S. (2005), a class 1 misdemeanor; and 2 counts of Violent Crime / Causing Death, § 18-1.3-406(2)(a)(I)(B), C.R.S. (2005). Respondent failed to comply with P.O.S.T. Show Cause Order 06-05(2) by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Daniel Esequel Trevizo's Colorado peace officer certificate, No. 14567.

*Motion made and seconded to revoke.
Passed Unanimously*

B. P.O.S.T. Rule 9 - Revocation of Peace Officer Certifications – Misdemeanor Convictions:

§ 24-31-305 C.R.S. (2005) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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. (2005), 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. Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes recognized in **§ 24-31-305(1.5) (b) thru (h) (2005)**.

1. No. M06-07, Sandra Lynn Allison, Certification No. B-3948. On February 22, 2006, Respondent pled guilty to and was convicted of False Reporting – Fire Alarm, § 18-8-111(1) (a), C.R.S., (2005), a class 3 misdemeanor. Respondent failed to appear at the scheduled Director's Show Cause Hearing. Director Kammerzell recommends revocation of Sandra Lynn Allison's Colorado peace officer certificate No. B-3948.

*Motion made and seconded to revoke.
Passed Unanimously*

2. No. M06-08, Dana Deidre Malek-Berquist, Certification No. B-00056. Hearing on Director's Show Cause Action (misdemeanor conviction)

September 29, 2006

M06-08 *was to be presented to the Board today.* However, subject has been issued Show Cause Action 06-12 for her May 22, 2006 conviction of a class 4 felony. Both actions, No. M06-08 and No. 06-12 will be presented to the Board on December 8, 2006.

Postponed

3. No. M06-09, Charles Daniel Costigan, Certification No. 12048. On June 22, 2005, Respondent pled guilty to and was convicted of Harassment – Strike/Shove/Kick, § 18-9-111(1) (a), C.R.S., (2005), a class 3 misdemeanor. Respondent failed to appear at the scheduled Director's Show Cause Hearing. Director Kammerzell recommends revocation of Charles Daniel Costigan's Colorado peace officer certificate No. 12048.

Motion made and seconded to revoke.

Passed Unanimously

4. No. M06-10, James Dana Miller, Certification No. 13418. On June 06, 2006, Respondent pled guilty to and was convicted of Harassment – Telephone, § 18-9-111(1) (E), C.R.S., (2005), a class 3 misdemeanor. On September 8, 2006, Director Kammerzell conducted Director's Show Cause Hearing M06-10, to determine the merits presented by Mr. Miller and his attorney, Mr. Michael Cohen. On September 14, 2006, Director Kammerzell issued notice denying Mr. Miller's petition appealing revocation action. Director Kammerzell recommends revocation of James Dana Miller's Colorado peace officer certificate #13418.

Motion made and seconded to revoke.

Passed Unanimously

5. No. M06-11, Roger L. Fine, Certification No. B-7691. On June 01, 2006, Respondent pled guilty to and was convicted of Harassment – Strike/Shove/Kick, § 18-9-111(1) (a), C.R.S., (2005), a class 3 misdemeanor; and, Domestic Violence (Sentence Enhancement), § 18-6-801, C.R.S. (2005). Respondent failed to appear at the scheduled Director's Show Cause Hearing. Director Kammerzell recommends revocation of Roger L. Fine's Colorado peace officer certificate No. B-7691.

Motion made and seconded to revoke.

Passed Unanimously

6. No. M06-12, Thomas A. Fazzio, Certification No. 12788. On November 17, 2003, Respondent pled guilty to and was convicted of Assault in the Third Degree, § 18-3-204, C.R.S., a class 1 misdemeanor; and, Domestic Violence (Sentence Enhancement), § 18-6-801, C.R.S. Respondent failed to appear at the scheduled Director's Show Cause Hearing. Director Kammerzell recommends revocation of Thomas August Fazzio's Colorado peace officer certificate No. 12788.

Motion made and seconded to revoke.

Passed Unanimously

7. No. M06-13, Joshua B. Nichols Certification No. B-11139. On June 12, 2006, Respondent pled guilty to and was convicted of Assault in the Third Degree, § 18-3-204, C.R.S., a class 1 misdemeanor. Respondent failed to

September 29, 2006

appear at the scheduled Director's Show Cause Hearing. Director Kammerzell recommends revocation of Joshua B. Nichols' Colorado peace officer certificate No. B-11139.

Motion made and seconded to revoke.

Passed Unanimously

Board Member Robert Pence stated that Mr. James Dana Miller had 30 days to appeal the decision and that the time line had not been with in the 30days. Director Kammerzell referred to his records and corrected the record to indicate that the dates should read August 14 not September 14, 2006.

Informational Items:

9. P.O.S.T. Peace Officer Training Project Sub-committee.
Deputy Director Manager Steve Zotos

- A. 2006 P.O.S.T. Training Year End Report – Deputy Director Zotos

Deputy Director Steve Zotos stated that the project is doing better than last year. About 195 curriculums in about 49 different topic areas through the AOTC committee have been approved. 106,318 hours of training were delivered across the state with about 62% of officers participating. The report included a breakdown of each region cost, expenses, participation and summery of how they used the project. Since the project began in May of 2003 there has been over 205,000 hours of training given to certified officers.

10. 2006 Work Session – Discussion Director John Kammerzell

Please see attached minutes from the work session.

11. P.O.S.T. FY2007-2008 Decision Item Director John Kammerzell

- A. Scanning/Indexing of Peace Officer Certification Files
1. Funding to convert all P.O.S.T. hard copy files to digitally imaged format.
 2. P.O.S.T. documents will be indexed and divided into the several **Filing Areas** including:
 - a. Personal information
 - b. Employment (agency appointments)
 - c. Formal education
 - d. Certifications
 - e. Law enforcement training
 - f. Out-of-state information; correspondence
 - g. Other information
 - h. Files will be **Indexed** for search by: name (last, first and middle initial); last name (AKA's, etc); social security number; P.O.S.T. certification number, and importantly by P.O.S.T. PIN.
 3. Cost - \$44,638

Director Kammerzell reported that currently P.O.S.T. has over 30,000 hard files of every peace officer that has ever been certified in the State of Colorado. The

September 29, 2006

proposal is to convert the paper files to a secured electronic file database. Director Kammerzell stated that this will be a more convenient process for verifying peace officer records and a more secure system to protect in case of unseen events.

- B. P.O.S.T. Colorado Peace Officer Identification Cards – Peace Officer Training Project.
1. Electronic Files up-dated and merged – future electronic files submittal to the Colorado Bureau of Investigation.
 2. Funding to implement secure and verifiable peace officer identification cards to every certified peace officer.
 3. Cost - \$36,274

Director Kammerzell would like to request funds for an alternative identification card for certified officers for the grant training program with a unique number which an officer can use to attend the classes. This will keep officers from having to complete a scan sheet each time they attend a training class. The ID card would be scanned at the time of training and all information would then be added to each officer's training file.

Deputy Director Zotos stated that P.O.S.T. has uploaded every officer that had been entered into the CCIC system. The issue has been aligning the officers to their agency. Deputy Director Zotos stated that about 98% of the system is accurate as to which officer is appointed to which agency. He also stated that P.O.S.T. will be sending a list of current officers, certified and reserve, from our database to all agencies throughout the state. Each agency will then validate and make corrections to their agency and return the list back to P.O.S.T. This will help P.O.S.T. in the process of distribution of the training ID cards.

- C. Decision Item Total Costs - \$80,912

12. P.O.S.T./ADL “Anti-Bias Training for Colorado Law Enforcement Officers” - Web Based/Multimedia Program Director John Kammerzell

- A. *Denver Foundation Grant Award Up-date (U.S. District Court Funding)*

1. Web Based/Multimedia Learning Program - “P.O.S.T./ADL Anti-Bias Training for Law Enforcement Officers”
 - P.O.S.T./ADL awarded \$57,000 to develop an internet web based training program through utilization of our popular “Anti Bias Training for Law Enforcement Officers” curriculum.
 - The web-based program will address the same core competencies and student outcomes as in the in-class program.
 - This web-based program will be available on the internet to any officer, at their convenience and at any computer.
 - Colorado Higher Education may assist with research and adult learning needs. Training will be validated and managed by P.O.S.T. and ADL.

Director Kammerzell reported that with the grant award funds, P.O.S.T. developed an Anti-Bias internet based training program accessible to all officers in the state through the company Knowledge Factor. This company also developed the on-line refresher course. Director Kammerzell stated that this may be available within the next 18 months.

Public Member Robert Pence commented that he spoke with a number of sheriffs and chiefs from other states who are getting positive feed back from the public as well as agencies regarding the Anti-Bias training.

Director Kammerzell noted that on December 12 and 13, 2006 there will be a 16-hour instructor course available for agency and academies needing an instructor in this discipline.

13. Comments from others.

None.

14. P.O.S.T. Board Meeting Schedule – 2006 and 2007

A. 2006 Meetings:

- Friday, December 8, 2006 – Colorado Department of Law

B. 2007 Meeting (~~Proposed~~):

- Friday, January 26, 2007 – Colorado Department of Law
- Friday, May 18, 2007 – Colorado Department of Law
- Thursday and Friday, September 27 and 28, 2007
- Friday, December 7, 2007 – Colorado Department of Law

The Board recommends that the meetings be held March, June, September and December.

Next P.O.S.T. Board Meeting (10:00 a.m.) / S.M.E. Meetings (8:00 a.m.)

Friday, December 8, 2006

Colorado Department of Law
1525 Sherman Street, Room 610
Denver, CO 80203

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
December 8, 2006

The Peace Officer Standards and Training Board held its 357th Board meeting at the Colorado Department of Law Office of the Attorney General in Denver, Colorado with the following in attendance:

BOARD MEMBERS

SHERIFF JAMES ALDERDEN
CHIEF AL BELL
SHERIFF JAMES BEICKER
FORT MORGAN MAYOR JACK DARNELL
SHERIFF JAMES FAULL
CHIEF JOHN HALL
CHIEF DENNIS HARRISON
SHERIFF STAN HILKEY
SENIOR AGENT DONN KRAEMER
CORPORAL CURTIS MORENO
CHIEF JOHN PATERSON
SHERIFF JOE PELLE
PUBLIC MEMBER BOB PENCE
ATTORNEY GENERAL JOHN SUTHERS
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO
CHIEF GERALD WHITMAN

BOARD MEMBERS ABSENT

EXECUTIVE DIRECTOR JOE MORALES (excused)
S.A.C. RICHARD C. POWERS (excused)
CHIEF RONALD SLOAN (excused)

BOARD COUNSEL

DIANE MARIE DASH, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
RUTH VANDERBROEK, P.O.S.T. Compliance Officer
CRISTINE MACK, P.O.S.T. Investigator
LISA TONEY, P.O.S.T. Administrative Assistant

MEMBERS OF THE PUBLIC IN ATTENDANCE

PHIL BACA, Jefferson County Sheriff's Office
TIM BLACK, Broomfield Police Department
STEVE CARTER, Denver Police Department
STEVE CHAGOLLA, Denver Police Department
CORY CHRISTENSEN, Fort Collins Police Department
MICHELLE COLE, Citizen
GLENN DAVIS, Colorado Department of Transportation
GRAHAM DUNNE, Aurora Police Department
MICHAEL ESTERS, Larimer County Sheriff's Office
GARY EYER, Colorado State Patrol
JOE FERRARO, Denver Police Department
JOHN FOECHTERLE, Montrose County Sheriff's Office
ERIC GONZALES, Pueblo Police Department
BRIAN HILL, Federal Reserve Police Department
TERRY MANWARING, Jefferson County Sheriff's Office
AL PADILLA, Lakewood Police Department
KRISTI MCDONALD-QUINTANA, Colorado State Parks
GENE RAGULSKY, Pueblo Police Department
KARL SMALLEY, Adams County Sheriff's Office
LUIS VELEZ, Citizen
JOYCE VELEZ, Citizen
RICHARD WEBB, Jefferson County Sheriff's Office
ROD WOODS, Colorado State Patrol

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on December 8, 2006.

Arrest Control Committee
Curriculum Committee
Firearms Committee
Driving Committee

Introductions:

1. Welcome – Attorney General John W. Suthers
2. Introduction of Board Members, Staff, SME Members and Guests

December 8, 2006

3. Special Recognition – Retired P.O.S.T. Board Member, Colorado Springs Police Chief Luis Velez

Attorney General Suthers thanked Retired Chief Luis Velez for the dedication to Colorado and the Board. Retired Chief Velez stated that he enjoyed working for the Board and the people involved. He thanked the Board for the recognition and the honor.

Attorney General Suthers also recognized Lieutenant Bill Black from the Littleton Police Department for his work as a Subject Matter Expert in firearms. Lt. Black has been a dedicated member since 1992.

4. Roll Call – P.O.S.T. Director John Kammerzell

Declaration of a Quorum

5. Approval of P.O.S.T. Board Minutes for September 29, 2006

Approved Unanimously

Presentations:

6. Skills Subject Matter Expert Committee Reports

- A. Arrest Control Sgt. Richard “JJ” Webb, Co-Chairman

Sgt. Webb reported that the committee reviewed and accepted the resignation of committee member Glenn Schaffer from the Aspen Police Department. The committee reviewed the inspection of the Glenwood Springs Academy with a few issues to resolve.

Jefferson County submitted a curriculum change in their lesson plan to include P.P.C.T. along with F.B.I. for a split program which will help the cadets learn the specific discipline that the hiring agency uses. This change was approved.

Sgt. Webb stated that Dave Snelling from the Arvada Police Department was approved as a full instructor and other officers from Arvada were listed as assistant instructors for the Jefferson County P.P.C.T. program. Another officer for the academy in Rangely was denied due to verification of hours.

Sgt. Webb reported that the new Trinidad academy was tabled due to a lack of information and other issues for the arrest control portion of the academy.

The committee also discussed membership, meeting dates, inspections and test-out dates for the up coming year.

Director Kammerzell stated that the new Board member for the Arrest Control Committee will be Chief John Patterson of Cherry Hills Village Police Department.

B. Firearms Parks Assistant Regional Manager Kristi McDonald-Quintana, Chairwoman

Parks Manager Quintana reported that the committee approved ten full skills instructors and denied one instructor, pending documentation of hours. The committee also approved thirteen assistant instructors and denied eight.

The committee approved two new programs, Trinidad and Mesa State. The committee approved three safety plans, two range sites and could not approve one site due to a malfunctioning DVD. The committee also completed an inspection at Otero Junior College and rated it very good.

Parks Manager Quintana stated that the committee was reviewing the Firearms Program for a complete re-write. They also set the 2007 committee meeting dates and locations.

C. Law Enforcement Driving Sergeant Al Padilla, Chairman

Sgt. Padilla reported that the committee approved eight full instructors and four assistant instructors. They also approved the new Mesa State program and tabled the Trinidad program due to questions regarding the driving instructors.

Sgt. Padilla stated that the committee also discussed issues with left foot braking and will be working on the clarification of the use of this braking method for the driving program.

The committee discussed meeting dates for 2007.

D. Curriculum Committee Division Chief Phil Baca, Chairman

Division Chief Baca reported that the committee approved the Adams County Sheriff's Office Academy lesson plan as well as their academic site safety plan. The Trinidad curriculum lesson plans were also approved as meeting P.O.S.T. requirements.

The committee voted on and accepted new member Glenn Davis from the Colorado Department of Transportation.

The committee also approved the 2007 meeting dates. The committee has two issues for 2007 regarding the sequencing of classes and will be making recommendations to the Board. The other issue is with some academies allowing extra credit on academy exams. Division Chief Baca stated that 100% should be the highest percentage an individual can get on an academy exam.

E. Advanced Officer Training Committee Officer Neal Tyler, Chairman

Officer Neal Tyler stated that the committee met prior to the Board meeting to discuss a refresher course, training time and qualification training.

Action Items:

7. Selection of the P.O.S.T. Vice-Chairperson General Suthers

Chief Harrison was unanimously reinstated as the Vice-Chairperson for the Board.

8. Appointment of the 2007 P.O.S.T. Sunrise Review Sub-committee
Director Kammerzell

A. Membership appointments

1. Rule 22 - P.O.S.T. Board Sub-committee for Sunrise Review of Peace Officer status.

The Sub-committee shall include the following P.O.S.T. Board members – 2 Police Chiefs, 2 Sheriffs, and 1 additional Board member. The Director of P.O.S.T. shall staff the Sub-committee.

2. Staff recommendations: Chief Ronald Sloan (Chair), Chief John Hall, DPS Executive Director, Sheriff James Beicker, and Sheriff James Alderden.

***Motion made and seconded to approve membership
Passed Unanimously***

B. Committee Up-date and Report to the House and Senate Judiciary Committees

9. Appointment of the 2007 P.O.S.T. Peace Officer Training Project Sub-committee
Director Kammerzell

A. Membership Appointments

1. Staff recommendations: Chief Dennis Harrison (Chair), Chief John Patterson, Chief John Hall, Sheriff Stan Hilkey, Officer Neal Tyler, Sheriff Lou Vallario, Mayor Jack Darnell.

***Motion made and seconded to approve membership
Passed Unanimously***

B. Sub-committee Up-date

10. Formal Board recognition of the 2007 Subject Matter Expert (SME) Committee members
Director Kammerzell

A. SME Committee Roster² – Advanced Officer Training Committee, Arrest Control Training, Curriculum, Driving and Firearms

Attorney General Suthers stated that he would like to send a letter of appreciation to each department for allowing these individual experts' time to participate with each committee.

December 8, 2006

11. Peace Officer Certification Revocation Actions Director John Kammerzell

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications – Felony Convictions:

§ 24-31-305 C.R.S. (2005) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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. (2005), 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. 06-16, Gary James Perman, Certification No.3481. On August 7, 2006, Respondent pled guilty to and was convicted of 1 count of Possession, Use or Removal of Explosives or Incendiary Devices, § 18-12-109(2), C.R.S., a class 4 felony. Respondent has provided written correspondence for the Board’s consideration. Additionally, Respondent acknowledges his right to appear and informs the Board that he will not attend today’s hearing.

Motion made and seconded to revoke.

Passed with Sheriff James Alderden abstaining

B. P.O.S.T. Rule 9 - Revocation of Peace Officer Certifications – Misdemeanor Convictions:

§ 24-31-305 C.R.S. (2005) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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. (2005), 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. Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes recognized in **§ 24-31-305(1.5) (b) thru (h) (2005)**.

1. No. M06-14, Kevin E. McKellips, Certification No. B-5102. On August 10, 2006, Respondent pled guilty to and was convicted of 1 count of Escape (misdemeanor or petty offense) § 18-8-208(4), C.R.S. (2005), a class 3 misdemeanor. Respondent failed to appear at the scheduled Director's Show Cause Hearing. Director Kammerzell recommends revocation of Kevin E. McKellips’ Colorado peace officer certificate No. 12048.

Motion made and seconded to revoke.

Passed Unanimously

2. No. M06-15, Adam Eugene Nuanez, Certification No. B-5638. On August 24, 2006, Respondent pled guilty to and was convicted of 1 count of Harassment - Stalking, § 18-9-111, C.R.S. (2005), a class 3 misdemeanor. Respondent failed to appear at the scheduled Director's

3. Show Cause Hearing. Director Kammerzell recommends revocation of Adam Eugene Nuanez's Colorado peace officer certificate No. B-5638.
Motion made and seconded to revoke.
Passed Unanimously

4. No. M06-16, Edward T. Rasch, Certification No. B-6388. On August 18, 2006, Respondent was found guilty after trial of 1 count of First Degree Official Misconduct, § 18-9-111(1)(a), C.R.S. (2006), a class 2 misdemeanor. Respondent attended the Director's Show Cause Hearing held by Director Kammerzell on October 17, 2006. On October 25, 2006 Director Kammerzell issued notice denying Mr. Rasch's petition appealing revocation action. Per P.O.S.T. Rule 9(e), Mr. Rasch had the ability to appeal the director's decision within a thirty day period, expiring on November 25, 2006. No correspondence or appeal was submitted. Director Kammerzell recommends revocation of Edward T. Rasch's Colorado peace officer certificate No. B-6388.
Motion made and seconded to revoke.
Passed Unanimously

5. No. M06-18, Eric Elliot Barske, Certification No. B-10524. On July 15, 2006, Respondent pled guilty to and was convicted of 1 count of Harassment – Strike/Shove/Kick, § 18-9-111(1)(a), C.R.S. (2005), a class 3 misdemeanor. Respondent failed to appear at the scheduled Director's Show Cause Hearing. Director Kammerzell recommends revocation of Eric Elliot Barske's Colorado peace officer certificate No. B-10524.
Motion made and seconded to revoke.
Passed Unanimously

12. Formal P.O.S.T. Board Rule Making

Director John Kammerzell

*Public Announcement of Formal Rule Making Hearing

A. Summary of Proposed P.O.S.T. Rule Changes

Colorado Department of Regulatory Affairs Review/Response

1. Rule 1 - *Definitions*
2. Rule 19 – *Vehicle Identification Number Inspectors*
3. Rule 21 – *Basic and Reserve Training Academies*
4. Rule 23 – *Academy Skills Instructors*
5. Rule 24 – *Skills Training Safety and Skills Program Requirements for Basic and Reserve Academies*

December 8, 2006

6. Rule 27 – Retired Law Enforcement Officer Authority to Carry Concealed Firearms

***Motion made and seconded to accept proposed changes.
Passed Unanimously***

*Public Announcement of Completion of Formal Rule Making

B. Special Presentations – Skills Subject Matter Expert Committees

1. Firearms SME Committee Recommended Training Program Changes
Kristi McDonald- Quintana

- a. Revisions to the Firearms Training Program
- b. Revisions to the Handgun Instructor Tactical Qualification Course

Parks Manager Quintana gave a brief overview of the changes made to the program including the use of semi-automatic pistol only and striking references to the revolver as a supplemental weapon.

The other major change was that the P.O.S.T. target only shall be used for testing purposes. The committee made changes to the scoring process, as well.

***Motion made and seconded to accept proposed changes.
Passed Unanimously***

2. Law Enforcement Driving SME Committee Recommended Training Program Changes
Sgt. Al Padilla

- a. Revisions to the Law Enforcement Driving Program

Sgt. Padilla stated that the revisions made were regarding the driving simulators and that the use is not to replace the mandatory hours of actual track time. Another issue was that the mandatory track time hours are to be completed prior to taking the test. The committee also recommended that there be an additional 4 hours added to the mandatory driving program to be used at the discretion of the instructor.

The committee also recommended that a trainee shall receive no more than 20% of total track time in remedial training. Denver Chief Whitman stated that the wording of “shall receive no more than 20%” will not help the students who need more time. Captain Steve Carter of the Denver Police Academy stated that the hours should be left up to the academy as to how much time they can spend on training. Board Council Diane Dash stated that the wording should be changed to read: An academy is not required to provide more than 20% of the total track time in remedial training.

***Motion made and seconded to accept proposed changes.
Passed Unanimously***

December 8, 2006

3. Advanced Officer Training SME Committee Recommended *Instruction Methodology Program* Changes Officer Neal Tyler

- a. Revisions to the Instruction Methodology Program

Officer Neal Tyler stated that the change to the program is to require individuals to attend an 8 hour Instruction Methodology Refresher Program every 5 years.

***Motion made and seconded to accept proposed changes.
Passed Unanimously***

- C. 2007 P.O.S.T. Manual and Forms Director Kammerzell

- a. 2007 P.O.S.T. Manual
- b. Revised P.O.S.T. Forms

Director Kammerzell stated that the changes made to forms were to reflect the change in the law regarding citizenship pursuant to Federal Law and § 24-76.5-103, C.R.S.

Informational Items:

13. P.O.S.T. FY2007-2008 Decision Item Director John Kammerzell

- A. Scanning/Indexing of Peace Officer Certification Files

1. Funding to convert all P.O.S.T. hard copy files to digitally imaged format.
2. P.O.S.T. documents will be indexed and divided into the several **Filing Areas** including:
 - a. Personal information
 - b. Employment (agency appointments)
 - c. Formal education
 - d. Certifications
 - e. Law enforcement training
 - f. Out-of-state information; correspondence
 - g. Other information
 - h. Files will be **Indexed** for search by: name (last, first and middle initial); last name (AKA's, etc); social security number; P.O.S.T. certification number, and importantly by P.O.S.T. PIN.
3. Cost - \$44,638

Director Kammerzell stated that with the approval of the Joint Budget Committee, P.O.S.T. will proceed with the completion of the digital filing of all certified officers in Colorado by July of 2007.

14. Colorado Department of Transportation Racial Profiling Training Grant (Federal Funding - \$112,000)

A. *Denver Foundation Grant (U.S. District Court Funding)*

1. Web Based/Multimedia Learning Program - ***“P.O.S.T./ADL Anti-Bias Training for Law Enforcement Officers”***
2. P.O.S.T./ADL awarded \$53,000 to develop an internet web based training program through utilization of our popular “Anti Bias Training for Law Enforcement Officers” curriculum. *This award will be recognized as the “in-kind” match for the federal funding/grant award.*
3. The web-based program will address the same core competencies and student outcomes as the in-class program. The web-based program will be available on the internet to any officer, at their convenience and at any computer.
4. Additional funding through CDOT will improve and extend the program.

B. P.O.S.T. Colorado Peace Officer Identification Cards – Peace Officer Training Project

1. Electronic Files up-dated and merged – future electronic files submittal to the Colorado Bureau of Investigation.
2. Funding to implement secure and verifiable peace officer identification cards to every certified peace officer.
3. .5 PTE to assist with project implementation.

C. Colorado Association of Chiefs of Police and the County Sheriffs of Colorado (CLEAT) Command College

1. P.O.S.T./ADL will partner with CLEAT in the development of a specific curriculum within the command college that addresses the issues and consequences of bias based policing and develop support among law enforcement graduates.

15. CACP/CSOC Supervisory Institute Scholarships Director Kammerzell

A. Announcement Letter

1. Four (4) Scholarships per year
 - a. Pays tuition - \$425
 - b. Per Diem and travel costs are paid by the employing agency

Director Kammerzell stated that the individuals, Sheriff or Chief should submit a letter of recommendation to P.O.S.T. for the supervisory training program.

16. Comments from others

17. 2007 P.O.S.T. Board Meeting Schedule

A. 2007 Meeting Dates:

December 8, 2006

- Friday, March 9, 2007 – Colorado Department of Law
- Friday, June 15, 2007 – Colorado Department of Law
- Thursday and Friday, September 13 and 14, 2007
The Board meeting is to be co-hosted by Chief Harrison and Sheriff Alderden in Fort Collins
- Friday, December 7, 2007 – Colorado Department of Law

Next P.O.S.T. Board Meeting (10:00 a.m.) / S.M.E. Meetings (8:00 a.m.)

Friday, March 9, 2007

Colorado Department of Law
1525 Sherman Street, Room 243
Denver, CO 80203

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
March 9, 2007

The Peace Officer Standards and Training Board held its 358th Board meeting at the Colorado Department of Law Office of the Attorney General in Denver, Colorado with the following in attendance:

BOARD MEMBERS

SHERIFF JAMES ALDERDEN
CHIEF AL BELL
SHERIFF JAMES BEICKER
FORT MORGAN MAYOR JACK DARNELL
SHERIFF JAMES FAULL
CHIEF JOHN HALL
CHIEF DENNIS HARRISON
SENIOR AGENT DONN KRAEMER
CORPORAL CURTIS MORENO
CHIEF JOHN PATTERSON
SHERIFF JOE PELLE
PUBLIC MEMBER BOB PENCE
S.A.C. RICHARD C. POWERS
CHIEF RONALD SLOAN
ATTORNEY GENERAL JOHN SUTHERS
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO

BOARD MEMBERS ABSENT

SHERIFF STAN HILKEY (excused)
EXECUTIVE DIRECTOR PETER WEIR (excused)
CHIEF GERALD WHITMAN (excused)

BOARD COUNSEL

DIANE MARIE DASH, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
STEVE ZOTOS, P.O.S.T. Deputy Director/ Training Manager
CRISTINE MACK, P.O.S.T. Investigator
RUTH VANDERBROEK, P.O.S.T. Compliance Officer
BRENDA DRYBURGH, Assisting P.O.S.T. Staff

MEMBERS OF THE PUBLIC IN ATTENDANCE

PHIL BACA, Jefferson County Sheriff's Office
MARGARET BROWNING, Durango Police Department
STEVE CARTER, Denver Police Department
STEVE CHAGOLLA, Denver Police Department
ROD CONNER, Colorado Northwestern Community College
GLENN DAVIS, Colorado Department of Transportation
JOHN FOECHTERLE, Montrose County Sheriff's Office
ERIC GONZALES, Pueblo Police Department
EVA GRAZIANO, Red Rocks Community College
DARYL HOFFMAN, Jefferson County Sheriff's Office
JOHN HOOD, Colorado Division of Wildlife
SCOTT JARMIN, Brighton Police Department
TERRY MANWARING, Jefferson County Sheriff's Office
KRISTI MCDONALD-QUINTANA, Colorado State Parks
MIKE MCINTOSH, Adams County Sheriff's Office
GENE RAGULSKY, Pueblo Police Department
JOE THOMAS-HAZELL, Citizen
BOB WASKO, Morrison Police Department
RICHARD WEBB, Jefferson County Sheriff's Office
STEVE WYGANT, Jefferson County Sheriff's Office

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on March 9, 2007.

Arrest Control Committee
Curriculum Committee
Firearms Committee
Driving Committee

Introductions:

1. Welcome – Attorney General John W. Suthers
2. Introduction of Executive Director Peter A. Weir, Colorado Department of Public Safety
Executive Director Peter Weir was unable to attend this meeting.
3. Introduction of Board Members, Staff, SME Members and Guests
4. Recognition of Board Service – Ex-Director Joseph Morales, Colorado Department of Public Safety
Attorney General Suthers acknowledge the dedication of Joe Morales for the years of service to the P.O.S.T. Board from May 2002 until January 2007. Mr. Joe Morales stated that it was an honor and a privilege to serve on the Board and thanked the Board for the recognition.

March 9, 2007

5. Roll Call – P.O.S.T. Director John Kammerzell
Declaration of a Quorum
6. Approval of P.O.S.T. Board Minutes for December 8, 2006.
Approved Unanimously

Presentations:

7. Skills Subject Matter Expert Committee Reports

- A. Arrest Control Sgt. Richard “JJ” Webb, Co-Chairman

Sgt. Webb reported that the committee approved the lesson plan, site plan and safety plan as well as one instructor and six assistant instructors for Mesa State academy. Full instructors for El Paso, Pueblo Police Department and Rangely and a new site and safety plan for Pueblo Community College were also approved.

The committee approved the site and safety plan for the Trinidad academy but the lesson plan and a full instructor were not approved. The Committee is willing to give direction to the Trinidad academy regarding any issues.

The committee tabled a review of an arrest control program that needed to be revised.

- B. Firearms
Parks Assistant Regional Manager Kristi McDonald-Quintana, Chairwoman

Parks Manager Kristi Quintana reported that the committee has been meeting monthly. During that time they have approved ten full instructors and numerous assistant skills instructors. As of July 2007, all assistant firearms instructors will have to be approved by the committee. Four assistant skills instructors were denied and two were tabled for further documentation.

The committee approved one new program, range site and lesson plan. They also approved two handgun instructor programs and are in the process of rewriting the firearms program.

- C. Law Enforcement Driving Sergeant Karl Smalley, Vice-Chairman

Sgt. Karl Smalley reported that the committee reviewed two safety plans and also approved four new full instructors with Jefferson County and Trinidad. The Committee approved six assistant instructors and Pueblo Police Department’s instructor training program.

The committee looked over three site plans for the Trinidad academy and site plans for the Pueblo Police Department Academy as well as an alternate site for the Adams County and Highlands Ranch Academies.

D. Curriculum Committee

Division Chief Phil Baca, Chairman

Division Chief Phil Baca reported that the committee met last month to discuss a few items. The lesson plan for the Trinidad academy was approved at that time. The Trinidad State Jr. College submitted the application of Mr. Gallegos for approval as the new academy director. The application was denied and will be sent back to the college.

The committee has also been discussing the minimum qualifications for academic instructors and if there should be levels based on education and experience. The committee has not made any recommendations and is still in the discussion process. Division Chief Baca says that if there are any changes to be made to Rule 21 the committee should have this done prior to September.

The committee has discussed the sequencing of the basic peace officer curriculum and how an academy should be incorporating the curriculum so it is more logical to the academy student. Other future developments and rule changes are in progress.

Chief Ron Sloan stated that if any Board members had input on qualifications of Academy Directors or instructors to give the information to Division Chief Baca or himself for consideration. Chief Sloan also added that if an academy had any student evaluations for each academy, he would like copies for the committee's evaluation process.

E. Advanced Officer Training Committee

Officer Neal Tyler, Chairman

Officer Neal Tyler reported that the committee has been working on the Performance Based Training Program as well as the evaluation. The committee is also working on the Skills Manager Program project.

Action Items:

8. Peace Officer Certification Revocation Actions

Director John Kammerzell

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications – Felony Convictions:

§ 24-31-305 C.R.S. (2005) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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. (2005), 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. 06-06, Chad A. Burkholder, Certification No.B-3785. On October 27, 2005, Respondent pled guilty to and was convicted of one count of Theft - \$500 - \$15,000, § 18-4-401, C.R.S., a class 4 felony; and, one count of False Reporting – False Information, § 18-8-111(1) (c), C.R.S., a class 3 misdemeanor. Respondent failed to comply with P.O.S.T. Show Cause

March 9, 2007

Order 06-06 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Chad A. Burkholder's Colorado peace officer certificate, No. B-3785.

***Motion made and seconded to revoke
Passed Unanimously***

2. No. 06-07, Perfecto A. Hajar II, Certification No.11784. On January 13, 2006, Respondent pled guilty to and was convicted of one count of Possession of Contraband in the First Degree, § 18-8-204.1(1) (a), C.R.S., a class 6 felony. Respondent failed to comply with P.O.S.T. Show Cause Order 06-07 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Perfecto A. Hajar's Colorado peace officer certificate, No. 11784.

***Motion made and seconded to revoke
Passed Unanimously***

3. No. 06-08, Isaac L. Gallegos, Certification No. B-00767. On May 17, 2006, Respondent pled guilty to and was convicted of one count of Embezzlement of Public Property, § 18-8-407, C.R.S., a class 5 felony; and, one count of Extortion, § 18-3-207(1), C.R.S., a class 4 felony. Respondent failed to comply with P.O.S.T. Show Cause Order 06-08 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Isaac L. Gallegos' Colorado peace officer certificate, No. B-00767.

***Motion made and seconded to revoke
Passed Unanimously***

4. No. 06-09, James T. Loyd, Certification No. 6844. On May 16, 2006, Respondent pled guilty to and was convicted of one count of Theft - \$15,000 or More, § 18-4-401(1), (2) (d), C.R.S., a class 3 felony. Respondent failed to comply with P.O.S.T. Show Cause Order 06-09 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of James T. Loyd's Colorado peace officer certificate, No. 6844.

***Motion made and seconded to revoke
Passed Unanimously***

5. No. 06-10, James R. Thompson, Certification No. B-00569. On January 24, 2005, Respondent pled guilty to and was convicted of one count of Theft - \$500 - \$15,000, § 18-4-401(1), (2) (c), C.R.S., a class 4 felony. Respondent failed to comply with P.O.S.T. Show Cause Order 06-10 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of James R. Thompson's Colorado peace officer certificate, No. B-00569.

***Motion made and seconded to revoke
Passed Unanimously***

6. No. 06-11, Qilly Suzanne Yankovich, Certification No. B-5646. On May 11, 2006, Respondent pled guilty to and was convicted of one count of Forgery – Check/Commercial Instrument, § 18-5-102(1) (c), C.R.S., a

March 9, 2007

class 5 felony. Respondent failed to comply with P.O.S.T. Show Cause Order 06-11 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Qilly Suzanne Yankovich's Colorado peace officer certificate, No. B-5646.

***Motion made and seconded to revoke
Passed Unanimously***

7. No. 06-12 and M06-08, Dana Deidre Malek (Berquist), Certification No. B-00056. On May 26, 2005, Respondent pled guilty to and was convicted of one count of Harassment – Strike/Shove/Kicked, § 18-9-11(1) (a), C.R.S., a class 3 misdemeanor. On May 22, 2006, Respondent pled guilty to and was convicted of one count of Possession of over 1 Gram of a Schedule 2 Controlled Substance, § 18-18-405 (1), (2) (a) (I) (A), C.R.S., a class 4 felony. Respondent failed to comply with the P.O.S.T. Show Cause Orders (No. 06-12 and No. M06-08) by failing to appear at either of the hearings. Director Kammerzell recommends revocation of Dana Deidre Malek's (Berquist's) Colorado peace officer certificate, No. B-00056.

***Motion made and seconded to revoke
Passed Unanimously***

8. No. 06-13, Russell (Rusty) Eugene Rollison, Certification No. B-11253. On June 14, 2006, Respondent pled guilty to 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. Respondent failed to comply with P.O.S.T. Show Cause Order 06-13 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Russell Eugene Rollison's Colorado peace officer certificate, No. B-11253.

***Motion made and seconded to revoke
Passed Unanimously***

9. No. 06-14, Walter Williams, Certification No. B-01981. On February 9, 1998, Respondent pled guilty to and was convicted of one count of Tampering with a Witness/Victim, § 18-8-707(1) (a), C.R.S., a class 4 felony. Respondent failed to comply with P.O.S.T. Show Cause Order 06-14 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Walter Williams' Colorado peace officer certificate, No. B-01981.

***Motion made and seconded to revoke
Passed Unanimously***

10. No. 06-15, Todd Michael Rounph, Certification No. B-2113. On July 25, 2006, Respondent pled guilty to and was convicted of one count of Conspiracy to Commit Menacing, § 18-3-206, C.R.S., a class 6 felony. Respondent failed to comply with P.O.S.T. Show Cause Order 06-15 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Todd Michael Rounph's Colorado peace officer certificate, No. B-2113.

***Motion made and seconded to revoke
Passed Unanimously***

March 9, 2007

11. No. 06-17, Christopher Lee Poundstone, Certification No. B-8642. On September 11, 2006, Respondent pled guilty to and was convicted of one count of Unauthorized Use – Financial Transaction Device - \$500 \$15,000, § 18-5-702(1), (3) (c), C.R.S., a class 5 felony. Respondent failed to comply with P.O.S.T. Show Cause Order 06-17 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Christopher Lee Poundstone’s Colorado peace officer certificate, No. B-8642.

***Motion made and seconded to revoke
Passed Unanimously***

B. P.O.S.T. Rule 9 - Revocation of Peace Officer Certifications – Misdemeanor Convictions:

§ 24-31-305 C.R.S. (2005) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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. (2005), 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. Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes recognized in **§ 24-31-305(1.5) (b) thru (h) (2005)**.

1. No. M06-19(2), Gregory Alan Schumann, Certification No. 11918. On, September 1, 2006, Respondent pled guilty to and was convicted of 1 count of Harassment – Strike/Shove/Kick, § 18-9-111(1) (a), C.R.S., a class 3 misdemeanor. Respondent and his Attorney did appear at the Director's Show Cause Hearing scheduled on January 9, 2007. On January 19, 2007, Director Kammerzell issued notice denying Mr. Schumann’s petition appealing revocation action. Director Kammerzell recommends revocation of Gregory Alan Schumann’s Colorado peace officer certificate, No. 11918.

***Motion made and seconded to revoke
Passed Unanimously***

2. No. M07-02, Morrise A. Luckey II, Certification Numbers R-1130 and B-2135. On, November 2, 2006, Respondent pled guilty to and was convicted of 1 count of Assault in the Third Degree – Deadly Weapon, § 18-3-204, C.R.S., a class 1 misdemeanor. Respondent failed to appear at the scheduled Director's Show Cause Hearing. Director Kammerzell recommends revocation of Morrise A. Luckey II’s Colorado peace officer certificates, Numbers R-1130 and B-2135.

***Motion made and seconded to revoke
Passed Unanimously***

3. No. M07-03, Larry Douglas James, Certification No. B-10822. On April 7, 2006, Respondent pled guilty to and was convicted of 1 count of Harassment – Strike/Shove/Kick, § 18-9-111(1) (a), C.R.S., a class 3 misdemeanor. Respondent failed to appear at the scheduled Director’s

March 9, 2007

Show Cause Hearing. Director Kammerzell recommends revocation of Larry Douglas James' Colorado peace officer certificate, No. B-10822.

Motion made and seconded to revoke

Passed Unanimously

4. No. M07-04, John Richard Stiffler, Certification No. B-7275. On October 6, 2006, Respondent pled guilty to and was convicted of 1 count of Abuse of Public Record – False Entry, § 18-8-114(1) (a), C.R.S., a class 1 misdemeanor. Respondent failed to appear at the scheduled Director's Show Cause Hearing. Director Kammerzell recommends revocation of John Richard Stiffler's Colorado peace officer certificate, No. B-7275.

Motion made and seconded to revoke

Passed Unanimously

Informational Items:

9. 2007 P.O.S.T. Sunrise Review Sub-committee Report Chief Ron Sloan

A Committee Up-date and legislative report.

1. HOUSE BILL 07-1033, CONCERNING THE DESIGNATION OF CRIMINAL INVESTIGATORS WITHIN THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES AS PEACE OFFICERS.

a. Postponed Indefinitely by the House Judiciary Committee.

Chief Ron Sloan reported that the House Judiciary Committee Chair reported that the language of House Bill 07-1033 did not line up with what the Sub-committee reviewed and the P.O.S.T. Board approved. There was also a fiscal note attached that included other investigators not originally included in the Bill that was approved by the Sub-committee. The Bill was killed by the House Judiciary Committee.

10. 2007 P.O.S.T. Peace Officer Training Project Sub-committee Deputy Director Zotos

A. Sub-committee Up-date and Training Report.

Deputy Director Steve Zotos stated that 67,461 training hours have been used this fiscal year, and since May of 2005 a total number of 265,000 hours of training has been used. The average number of officers being trained averages about 6,000 officers per year.

The Committee will meet regarding the grant cycle for this next fiscal year and submit their recommendations to the Board at the June P.O.S.T. Board meeting.

11. 2006 Legislative Up-date Sheriff Jim Alderden

A. *House Bill 07-1173, Concerning Reserve Peace Officer Status*

Sheriff Jim Alderden reported that House Bill 1173 passed and will allow agencies to have a fully P.O.S.T. certified officer working as a reserve with full peace officer authority. It will also allow reserve officers to wear similar uniforms as a fully certified officer if the agency allows.

12. 2006 P.O.S.T. Annual Report Director John Kammerzell

Director Kammerzell reported that the 2006 Annual Report has been completed and is available on the P.O.S.T. web-site. The report includes inspections, training, compliance and revocations.

13. P.O.S.T. FY2007-2008 Decision Item Director John Kammerzell

A. Scanning/Indexing of Peace Officer Certification Files

The Department of Law has submitted a FY2007/2008 Decision Item requesting funding to convert all P.O.S.T. hard copy files to digitally imaged format. The Department of Law's JBC budget figure setting hearing is set for March 11, 2007.

1. P.O.S.T. documents will be indexed and divided into the several **Filing Areas** including:
 - a. Files will be **Indexed** for search by: name (last, first and middle initial); last name (AKA's, etc); social security number; P.O.S.T. certification number, and importantly by P.O.S.T. PIN.
2. Cost - \$44,638

Director Kammerzell stated that JBC will meet on March 14, 2007 for a decision regarding the funds for the project.

14. Colorado Department of Transportation Racial Profiling Training Grant (Federal Funding - \$122,800) and Denver Foundation Grant (U.S. District Court Funding - \$53,000) Total Funding \$175,800 Director Kammerzell

A. Program Update.

1. Web Based/Multimedia Learning Program - "*P.O.S.T./ADL Anti-Bias Training for Law Enforcement Officers*". The web-based program will address the same core competencies and student outcomes as the in-class program. The web-based program will be available on the internet to any officer, at their convenience and at any computer. This additional funding, through CDOT and the Denver Foundation, will improve and *extend the P.O.S.T. funding of the program through June 2008.*

2. P.O.S.T. Colorado Peace Officer Identification Cards – Peace Officer Training Project. Funding will be used by P.O.S.T. to issue a secure and verifiable peace officer identification card to every certified (appointed) peace officer.
 3. Grant funding will provide P.O.S.T. with the ability to add a Temporary Part Time Employee (.5 PTE) to assist with project implementation.
- B. Colorado Association of Chiefs of Police and the County Sheriffs of Colorado (CLEAT) Command College.
1. P.O.S.T./ADL will partner with CLEAT in the development of a specific curriculum within the command college that addresses the issues and consequences of bias based policing within a law enforcement agency, and how to develop support among law enforcement graduates.
15. Comments from others

Citizen Joe Thomas Hazell stated that he feels that there should be an outside force to take action on the competency of law enforcement.

Next P.O.S.T. Board Meeting (10:00 a.m.) / S.M.E. Meetings (8:00 a.m.)
Friday, June 8, 2007
Colorado Department of Law
1525 Sherman Street, Room 243
Denver, CO 80203

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
June 8, 2007

The Peace Officer Standards and Training Board held its 359th Board meeting at the Colorado Department of Law Office of the Attorney General in Denver, Colorado with the following in attendance:

BOARD MEMBERS

SHERIFF JAMES ALDERDEN
CHIEF AL BELL
SHERIFF JAMES BEICKER
FORT MORGAN MAYOR JACK DARNELL
CHIEF JOHN HALL
CHIEF DENNIS HARRISON
SHERIFF STAN HILKEY
SENIOR AGENT DONN KRAEMER
CORPORAL CURTIS MORENO
CHIEF JOHN PATTERSON
SHERIFF JOE PELLE
S.A.C. RICHARD C. POWERS
ATTORNEY GENERAL JOHN SUTHERS
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO
CHIEF GERALD WHITMAN

BOARD MEMBERS ABSENT

SHERIFF JAMES FAULL (excused)
PUBLIC MEMBER BOB PENCE (excused)
CHIEF RONALD SLOAN (excused)
EXECUTIVE DIRECTOR PETER WEIR (excused)

BOARD COUNSEL

DIANE MARIE DASH, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
STEVE ZOTOS, P.O.S.T. Deputy Director/Training Manager
CRISTINE MACK, P.O.S.T. Investigator
MARY O'SHEA, Training Program Coordinator
LISA TONEY, Administrative Assistant

MEMBERS OF THE PUBLIC IN ATTENDANCE

PHIL BACA, Jefferson County Sheriff's Office
MINER BLACKFORD, Otero Junior College
MARGARET BROWNING, Durango Police Department
STEVE CHAGOLLA, Denver Police Department
MICHELLE COLE, Citizen
ROD CONNER, Colorado Northwestern Community College
DEAN CURD, County Sheriff's of Colorado
MARC DIREZZA, Lakewood Police Department
GRAHAM DUNNE, Aurora Police Department
JOE FERRARO, Denver Police Department
ERIC GONZALES, Pueblo Police Department
SCOTT JARMIN, Brighton Police Department
DOYLE JONES, Weld County Sheriff's Office
KRISTI MCDONALD-QUINTANA, Colorado State Parks
JIM PUSCIAN, Aurora Police Department
GENE RAGULSKY, Pueblo Police Department
DARRELL SANDERS, Citizen
KARL SMALLEY, Adams County Sheriff's Office
RICHARD STENSGAARD, Denver Police Department
JOE THOMAS-HAZELL, Citizen
JOHN TUCKER, Weld County Sheriff's Office

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on June 8, 2007.

Arrest Control Committee
Curriculum Committee
Firearms Committee
Driving Committee

Introductions:

1. Welcome – Attorney General John W. Suthers
2. Introduction of Board Members, Staff, SME Members and Guests
3. Special Presentations to Retiring Board Members – Arvada Chief of Police Ronald C. Sloan and Erie Chief of Police John Hall

Attorney General John Suthers recognized the efforts of Erie Police Chief John Hall and presented Chief Hall with a plaque for his service on the P.O.S.T. Board.

March 9, 2007

Attorney General Suthers announced that S.A.C. Richard Powers has been assigned to Washington and will also receive a plaque for his service with the Board. Arvada Police Chief Ron Sloan was unable to attend. Chief Sloan's plaque will be presented to him at a later date.

4. Roll Call – P.O.S.T. Director John Kammerzell
Declaration of a Quorum
5. Approval of P.O.S.T. Board Minutes for March 9, 2007
Approved Unanimously

Presentations:

6. Skills Subject Matter Expert Committee Reports

- A. Arrest Control Cpl. Richard Stensgaard, Co-Chairman

Cpl. Stensgaard reported that the committee approved the site and safety plans for the Alamosa and Otero academies. The committee also approved full instructors for Jefferson County, Weld County, Pikes Peak Community College as well as a number of assistant instructors.

The committee will meet in August to discuss future changes to the ACT program and also possible changes to the skills inspection report.

- B. Firearms Parks Assistant Regional Manager
Kristi McDonald-Quintana, Chairwoman

Parks Manager Kristi Quintana reported that the committee previously met and approved 19 full skills instructors and denied two; approved 81 assistant skills instructors and denied two. The committee completed three academy inspections of Colorado Springs Police Department, Adams County, and Weld County.

The committee continues to work on a re-write of the firearms program for presentation to the Board this fall.

Parks Manager Quintana stated that the committee discussed different tactical groups providing training throughout the state for safety and quality.

- C. Law Enforcement Driving Sergeant Karl Smalley, Vice-Chairman

Sgt. Karl Smalley reported the committee approved one full and five assistant instructors for the Weld County Academy.

The committee inspected the Pueblo Police Department Academy and gave an excellent rating.

March 9, 2007

The committee also approved full instructors for the El Paso County Sheriff's Office, Aurora Police Department, Colorado State Patrol, Brighton Police Department and Denver Police Department.

The committee discussed changes at the Colorado State Patrol academy and also tabled the issue of remedial training.

Sgt. Smalley stated that the committee will also be working on the inspection form and rule change proposals for the next Board meeting in September.

D. Curriculum Division Chief Phil Baca, Chairman

Division Chief Phil Baca reported that the committee approved new committee member Rod Conner, the new Director of the Colorado Northwestern Community College in Rangely.

The committee discussed standardizing the lesson plan cover sheet for academy inspections and also a standardized form for an end of academy evaluation.

Director Kammerzell stated that Chief Ron Sloan was the Board member representative for the curriculum committee. Boulder County Sheriff Joe Pelle stated that he would volunteer for the position; Attorney General Suthers called for a motion and second to approve the appointment.

*Motion made and seconded to approve the appointment of Sheriff Pelle to the curriculum committee.
Passed Unanimously*

E. Advanced Officer Training Officer Neal Tyler, Chairman

Officer Neal Tyler stated that the committee has been working on the refresher academies coming up at months end and in August. The committee is also working on the curriculum for level two of the Train the Trainers class in October.

Officer Tyler stated that the committee is currently working on the completion of two curriculums at this time.

Action Items:

7. 2007 P.O.S.T. Sunrise Review Sub-committee Report Director John Kammerzell

A. Committee Chair and Board Member Appointments

1. 2007 staff recommendations included: Chief Ronald Sloan (Retiring), Chief John Hall (Retiring), DPS Executive Director Joe Morales (Retired), Sheriff Jim Alderden and Sheriff Jim Beicker

Director Kammerzell stated that committee member positions are available for two Chief and one non Sheriff Board members.

March 9, 2007

The Board selected Sheriff Jim Alderden as the Chair of the committee and Board Members Sheriff Jim Becker, Chief John Patterson, Chief Al Bell and Public Member Bob Pence.

B. Committee Update

Director Kammerzell stated that the committee received an application from Fort Carson Police Department last year and they will be reapplying this year.

The school security officers group and Federal Security Police have informed Director Kammerzell of their intent to seek Peace Officer authority as well as the Department of Revenue.

8. 2007 P.O.S.T. Peace Officer Training Project Sub-committee.

Deputy Director Zotos

A. Sub-committee's FY2007/2008 Grant Recommendations to the Board

Deputy Director Zotos reported that there were 303,000 hours of training provided since the grant was introduced. Deputy Director Zotos presented the Board with charts showing the breakdown of training provided for each region and what the sub-committees recommendations were for the next fiscal year.

Chief Dennis Harrison stated that he did not agree with some of the recommendations that were made and stated that when this process began the training funds were to go to the more rural areas of the state that could not afford the training needed for Colorado officers. Chief Harrison stated that he opposed to taking \$5,000 from both CLEAT and CDAC to support the Greater Metro area. Chief Harrison wanted the amount recommended by staff to remain with these two groups and not to be taken away.

Cherry Hills Village Chief John Patterson stated that he was in support of the funds being reallocated to the Greater Metro region to support the smaller inner-city Departments.

General Suthers referred to the Act Titled "Resources for the Training of Peace Officers-Peace Officers in Rural Jurisdictions-Legislative Declaration" which states that the funds collected and transferred to the P.O.S.T. Board shall be used to promote training programs for peace officers, especially peace officers in rural and smaller jurisdictions that have limited resources due to the size or location of such jurisdictions. Attorney General Suthers stated that Chief Patterson had a legitimate point in regards to the smaller jurisdictions in the metro area, but that there was a clear legislative push toward the more rural areas of the state.

Chief Bell stated that both had valid points, but if these funds were no longer available for training, the metro area would still receive training and the rural areas would not. Chief Bell stated that the spirit and meaning of the Act was created for the training of rural officers.

Many others had comments in support of the training for the rural areas of Colorado including Corporal Moreno from Grand Junction, whose agency depends on the training they receive from CDAC.

***Motion made and seconded for original staff recommendation
Approved, with Chief John Patterson Opposing.***

9. Peace Officer Certification Revocation Actions Director John Kammerzell

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications – Felony Convictions:

§ 24-31-305 C.R.S. (2005) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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. (2005), 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. 07-03, Director Kammerzell stated that Mr. Darrell J. Sanders pled guilty to and was convicted of § 18-3-302(1), C.R.S. a Class 4 Felony and was present to address the Board. Mr. Sanders was present and spoke to the Board regarding his conviction, the situation, and apologized to the Board and Profession for his actions.

Attorney General Suthers stated that because of the felony conviction the Board had no discretion in this case and would have to proceed with Mr. Sanders revocation of certificate No. B-10863.

***Motion made and seconded to revoke Mr. Darrell J. Sanders.
Passed Unanimously.***

2. No. 07-01, Christopher Todd Alexander, Certification No. B-11723. On October 5, 2006, Respondent pled guilty to and was convicted of one count of First Degree Trespass - Dwelling, § 18-4-502, C.R.S., a class 5 felony. Respondent has failed to comply with P.O.S.T. Show Cause Order 07-01 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Christopher Todd Alexander’s Colorado peace officer certificate No. B-11723.

***Motion made and seconded to revoke.
Passed Unanimously.***

B. P.O.S.T. Rule 9 - Revocation of Peace Officer Certifications – Misdemeanor Convictions:

§ 24-31-305 C.R.S. (2005) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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. (2005), 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.
Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes recognized in § 24-31-305(1.5) (b) thru (h) (2005).

1. No. M07-05, Damon E. Bolden, Certification No. 15093. On May 11, 2006, Respondent pled guilty to and was convicted of 1 count of Harassment, § 18-9-111, C.R.S., a class 3 misdemeanor. Respondent has failed to comply with Director's Show Cause Order M07-05. Director Kammerzell recommends revocation of Damon E. Bolden's Colorado peace officer certificate No. 15093.
Motion made and seconded to revoke.
Passed Unanimously.
2. No. M07-06, Patrick Alan Smith, Certification No. 14212. On September 21, 2006, Respondent pled guilty to and was convicted of 1 count of Harassment, § 18-9-111, C.R.S., a class 3 misdemeanor. Respondent has failed to comply with Director's Show Cause Order M07-06. Director Kammerzell recommends revocation of Patrick Alan Smith's Colorado peace officer certificate No. 14212.
Motion made and seconded to revoke.
Passed Unanimously.
3. No. M07-07, Eric James Beale, Certification No. B-4347. On January 22, 2007, Respondent pled guilty to and was convicted of 1 count of Assault in the Third Degree – Knowingly/Recklessly Caused Injury, § 18-3-204, C.R.S., a class 1 misdemeanor. Respondent has failed to comply with Director's Show Cause Order M07-07. Director Kammerzell recommends revocation of Eric James Beale's Colorado peace officer certificate No. B-4347.
Motion made and seconded to revoke.
Passed Unanimously.
4. No. M07-08, Megan Francis Duchon-Zwart, Certification No. B-10743. On May 12, 2006, Respondent pled guilty to and was convicted of 1 count of Harassment – Inconvenient Hours (Domestic Violence), § 18-9-111(1)(G), C.R.S., a class 3 misdemeanor. Respondent has failed to comply with Director's Show Cause Order M07-08. Director Kammerzell recommends revocation of Megan Francis Duchon-Zwart's Colorado peace officer certificate No. B-10743.
Motion made and seconded to revoke.
Passed Unanimously.
5. No. M07-09, Michael D. Ramsey, Certification No. B-4633. On May 16, 2006, Respondent pled guilty to and was convicted of 1 count of Harassment (Domestic Violence), § 18-9-111, C.R.S., a class 3 misdemeanor. Respondent has failed to comply with Director's Show Cause Order M07-09. Director Kammerzell recommends revocation of Michael D. Ramsey's Colorado peace officer certificate No. B-4633.
Motion made and seconded to revoke.
Passed Unanimously.

March 9, 2007

6. No. M07-10, Robert Russell Breyfogle, Certification No. B-3721. On February 20, 2007, Respondent pled guilty to and was convicted of 1 count of Harassment – Strike/Shove/Kick, § 18-9-111(1)(a), C.R.S., a class 3 misdemeanor. Respondent has failed to comply with Director's Show Cause Order M07-10. Director Kammerzell recommends revocation of Robert Russell Breyfogle's Colorado peace officer certificate No. B-3721.

***Motion made and seconded to revoke.
Passed Unanimously.***

Informational Items:

10. P.O.S.T. FY2007-2008 Decision Item Director John Kammerzell

- A. Scanning and Indexing of Peace Officer Certification Files

1. P.O.S.T. will begin scanning and indexing documents in July 2007
2. Records (documents) will be divided into the several **Filing Areas** including:
 - a. Personal information
 - b. Employment (agency appointments)
 - c. Formal education
 - d. Certifications
 - e. Law enforcement training
 - f. Out-of-state information; correspondence
 - g. Other information
3. Files will be **Indexed** for search by: name (last, first and middle initial); last name (AKA's, etc); social security number; P.O.S.T. certification number; and by P.O.S.T. PIN

Director Kammerzell stated that P.O.S.T. staff will continue the process of updating the database and clean-up of files.

11. Racial Profiling Training Project Director Kammerzell

- A. Program Status Report

1. NHTSA/CDOT Grant Funding - \$130,300
3. U.S. District Court/Denver Foundation Grant Funding - \$80,246
3. Web Based/Multimedia Learning Program - "***P.O.S.T./ADL Anti-Bias Training for Law Enforcement Officers***"
 - a. The web-based program will address the same core competencies and student outcomes as the in-class program
 - b. The web-based program will be available on the internet to any officer, at their convenience, and at any computer

March 9, 2007

- c. This additional funding, through CDOT and the Denver Foundation, will improve and extend the P.O.S.T. funded training through June 2008
- 4. P.O.S.T. Colorado Peace Officer Identification Cards – Peace Officer Training Project
 - a. Secure and verifiable peace officer identification card to every certified (appointed) peace officer
- 5. Funding for P.O.S.T. with the ability to add a Temporary Part Time Employee (.5 PTE) to assist with project implementation
- 6. Funding for the Colorado Regional Community Policing Institute (CRCPI) to develop a new Anti Bias Training Course for law enforcement supervisors
 - a. Specific course to help supervisors and managers develop skills which will assist them in identifying potential problem employees based on the employee’s behavior and interaction with fellow employees and citizens.
 - b. The supervisors and managers will learn how to create and maintain an agency culture that supports diversity.
 - c. How to appropriately address biased behavior through the development of policies and procedures, counseling and disciplinary actions.

Director Kammerzell reported that the preparation for the distribution of the P.O.S.T. training cards will take place this fall.

12. ADA Accommodation Agreement, Application Process, and Form
AAG Diane Marie Dash

A. History

Director Kammerzell stated that an individual requested special accommodations for a reading disability, in regards to the P.O.S.T. exam.

B. Agreement and Process

Director Kammerzell stated that he had created an audio tape of the P.O.S.T. exam to meet the ADA and DOJ requirement.

A comment was made that if a person had such a disability would it be the responsibility of P.O.S.T. to make an agency aware of such disability.

Attorney General Suthers recommendation was that the Board members should look at their agency requirements essential functions for the job of peace officer. Attorney General Suthers stated that he would like for AAG Dash and Director Kammerzell to compare other state requirements of essential functions to see if this issue should be a statewide requirement or not.

AAG Dash stated that she would compile the information for the next Board meeting.

13. Comments from others

Mr. Joe Thomas-Hazell suggested that when a citizen makes a report the citizen's report should be recorded to document all cases and make those reports available to the citizens.

14. 2007 P.O.S.T. Board Meeting Schedule

A. 2007 Meeting Dates:

1. Thursday and Friday, September 13 and 14, 2007 – Fort Collins
2. Friday, December 7, 2007 – Colorado Department of Law

**Next P.O.S.T. Board Meeting / S.M.E. Meetings
Thursday, September 13, 2007 and Friday, September 14, 2007
Fort Collins, Colorado**

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
September 14, 2007

The Peace Officer Standards and Training Board held its 360th Board meeting at the Larimer County Sheriff's Office in Fort Collins, Colorado with the following in attendance:

BOARD MEMBERS

SHERIFF JAMES ALDERDEN
CHIEF HEATHER A. COOGAN
SHERIFF JAMES FAULL
COMMISSIONER SARA J. FISHER
CHIEF DENNIS HARRISON
SHERIFF STAN HILKEY
CORPORAL CURTIS MORENO
SHERIFF JOE PELLE
PUBLIC MEMBER BOB PENCE
CHIEF PAUL D. SCHULTZ
ATTORNEY GENERAL JOHN SUTHERS
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO
EXECUTIVE DIRECTOR PETER WEIR
CHIEF GERALD WHITMAN

BOARD MEMBERS ABSENT

CHIEF AL BELL (excused)
SHERIFF JAMES BEICKER (excused)
CHIEF JOHN PATTERSON (excused)

BOARD COUNSEL

DIANE MARIE DASH, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
STEVE ZOTOS, P.O.S.T. Deputy Director/Training Manager
CRISTINE MACK, P.O.S.T. Investigator
MARY O'SHEA, Training Program Coordinator
LISA TONEY, Administrative Assistant

MEMBERS OF THE PUBLIC IN ATTENDANCE

PHIL BACA, Jefferson County Sheriff's Office
MINER BLACKFORD, Otero Junior College
STEVE CHAGOLLA, Denver Police Department
CORY CHRISTENSEN, Fort Collins Police Department
MICHELLE COLE, Citizen
COREY COMPTON, Colorado Springs Police Department
ROD CONNER, Colorado Northwestern Community College
DEAN CURD, County Sheriff's of Colorado
RODGER C. DALEY, Attorney
MARC DIREZZA, Lakewood Police Department
BOB FALCONE, El Paso County Sheriff's Office / CFEI
JOE FERRARO, Denver Police Department
ERIC GONZALES, Pueblo Police Department
EVA GRAZIANO, Red Rocks Community College
PAUL GREGORY, Adams County Sheriff's Office
ERIC HARTSOUGH, Department of Revenue / Auto Industry Division
CHRISTOPHER HINES, Colorado Northwestern Community College
SCOTT JARMIN, Brighton Police Department
ED KAFEL, El Paso County Sheriff's Office
RON KAMMERZELL, Department of Revenue
W. LEWIS KOSKI, Colorado Division of Gaming
DONN KRAEMER, Lakewood Police Department
CATHY LABRECQUE, El Paso County Sheriff's Office
AMY LARSON, Public
JOHN MACKEY, Auraria Police Department
LAURA MANNING, Colorado Division of Gaming
KRISTI MCDONALD-QUINTANA, Colorado State Parks
MICHAEL MCINTOSH, Adams County Sheriff's Office
BEN PENICK, Homeland Security / FPS (ICE)
GENE RAGULSKY, Pueblo Police Department
WENDY RICH-GOLDSCHMIDT, U.N.C. Police Department – Greeley
JOE ROY, CU Boulder Police Department
ERIC RUBIN, Denver Police Department
CHUCK SANDERS, El Paso County Sheriff's Office / CFEI
STACI SHAFFER, Larimer County Sheriff's Office
MATTHEW SHAY, Lakewood Police Department
JOEL F. SHULTS, Adams State College
KARL SMALLEY, Adams County Sheriff's Office
TRACEY SMALLEY, Douglas County Sheriff's Office
STEPHEN SMIDT, U.C.D.H.S.C. Police Department
MATT TYNER, Colorado Springs Police Department
RICH WEBB, Jefferson County Sheriff's Office

September 14, 2007

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on September 14, 2007.

Arrest Control Committee
Curriculum Committee
Firearms Committee
Driving Committee

Introductions:

1. Welcome Attorney General John W. Suthers

Sheriff James Alderden and Chief Dennis Harrison welcomed the Board members and guests to Larimer County and the City of Fort Collins.

2. Introduction of Board Members, Staff, SME Members and Guests, Special Introduction of New Board Members

Attorney General Suthers introduced P.O.S.T. Board members recently appointed by the Governor, Littleton Chief Heather Coogan, Lafayette Chief Paul Schultz, and Eagle County Commissioner Sara Fisher.

3. Special Presentations to Retiring Board Members – Fort Morgan Mayor Jack Darnell and Lakewood Senior Agent Donn Kraemer

Attorney General Suthers recognized Senior Agent Donn Kraemer for his dedication to the P.O.S.T. Board from July 2003 thru June 2007 and service to the Firearms SME Committee on which he will continue to serve.

Attorney General Suthers also recognized the efforts of Fort Morgan Mayor Jack Darnell from June 2004 thru June 2007.

4. Roll Call – P.O.S.T. Director John Kammerzell
Declaration of a Quorum

5. Approval of P.O.S.T. Board Minutes for June 8, 2007
Approved Unanimously

Presentations:

6. Skills Subject Matter Expert Committee Reports

- A. Arrest Control Sgt. Richard “JJ” Webb, Co-Chairman

Sgt. JJ Webb reported that the committee approved one assistant instructor and rescheduled three inspections before the end of 2007.

September 14, 2007

The committee discussed revisions to the 2008 program on how the Academy Directors are complying with the requirements for reporting to P.O.S.T.

- B. Firearms Parks Assistant Regional Manager
Kristi McDonald-Quintana, Chairwoman

Parks Manager Quintana reported that the committee met three times prior to the Board meeting and approved six full instructors and denied two, approved 75 assistant skills instructors and denied one.

The committee had one inspection with El Paso County and the academy was rated very well.

The committee also approved two new members, Paul Gregory of Adams County Sheriff's Office, and Cory Compton of Colorado Springs Police Department.

The committee is also working on a revision to the Firearms program and will submit the changes to the Board for approval.

- C. Law Enforcement Driving Sergeant Karl Smalley, Vice-Chairman

Sgt. Karl Smalley stated that the committee reviewed the inspection of El Paso County and rated it as exceptional.

The committee reviewed a request for a full instructor for the Colorado Spring Police Department and tabled the request due to documentation of hours.

The committee reviewed and approved the revised lesson plan for Pikes Peak Community College. The committee also reviewed and approved a new driving track for Aurora Police Department and Community College of Aurora. The safety plan for this site was not approved.

Sgt. Smalley reported that the committee will continue to work on revisions to the driving program which will be submitted to the Board for approval.

- D. Curriculum Division Chief Phil Baca, Chairman

Division Chief Baca reported that the committee reviewed topics pertaining to curriculum revisions at the request of some academies. The committee didn't feel that revisions needed to be made and the issues can be added at the academy's discretion.

The committee continues to discuss the rotation of the academic lesson plan and how each block should be administered during the course of the academy. The committee will also continue to work on the evaluation standards for end of academy instructor evaluations.

The committee approved a new member, Dr. Joel Shults, the Director of Public Safety for Adams State College.

E. Advanced Officer Training Officer Neal Tyler, Chairman

Officer Neal Tyler reported that the committee is about to complete the Level 2 portion of the Train the Trainer program which should be completed by December.

The committee will also complete the Training Manager program with a completion date of October 16th.

Action Items:

*Due to time constraints, the Board proceeded to action item 8A on the revocation hearing of Amy Larson's Peace Officer certification. Ms. Larson was represented by her Attorney Rodger Daley. The Attorney stated that because Ms. Larson pled guilty to and was convicted of the Class 5 Felony, it does not constitute a conviction because of a deferred judgment.

P.O.S.T. Board Counsel Diane Marie Dash stated that this plea is defined as a conviction because the judgment has not been completed. Ms. Dash also stated that the individual will be eligible to re-apply for P.O.S.T. certification upon completion of the deferred judgment.

Executive Director Weir stated that the Board has the authority to establish rules and both Ms. Dash and Mr. Daley have legitimate claims.

Attorney General Suthers recommended a motion for postponement so that Board Counsel may review and examine claims made by Mr. Daley and to verify, if by legislative authority, Ms. Larson may maintain her certification until the deferred judgment is completed.

Mr. Daley stated that his client is willing to wait until the next P.O.S.T. Board meeting, December 7, 2007 to be held at the Department of Law, for final determination.

Attorney General Suthers called for a motion to defer until the next P.O.S.T. Board meeting.

***Motion made to defer and seconded.
Passed Unanimously.***

7. 2007 P.O.S.T. Sunrise Review Sub-committee Report Sheriff Jim Alderden
Director Kammerzell

A. 2007 Report to the Board

Sheriff Alderden reported that the committee met with each of the six groups applying for peace officer authority. Sheriff Alderden stated that two of the groups are seeking changes regarding the language in statute, one seeking consolidation and two new applicants seeking authority.

1. Colorado Department of Revenue Criminal Investigators

The Board approved the concept and wanted the Department of Revenue to consider language similar to the language used in the Bill language introduced for Federal Agents.

Attorney General Suthers stated that the Board would like to view these changes prior to the December 7th Rule Making Hearing.

Sheriff Pelle did offer a motion to support the concept and to add the same language as with the Federal Agents in Colorado statute.

***Motion made and seconded to approve recommendation.
Passed Unanimously.***

2. Colorado Association of Institutional Law Enforcement Directors

Sheriff Alderden stated that this group is requesting a language change to clarify their recognition in the peace officer statutes. The current language in the statute keeps this group from appointing reserve officers, obtaining federal grants and other funds, because the group is defined as Security Officers.

***Motion made and seconded to approve recommendation.
Passed Unanimously.***

3. Colorado International Association of Arson Investigators

The Colorado Arson Investigators want a change in language to read that Arson Investigators are considered peace officers while performing their duty and that the language should read “Authorized” changing the current reading of “Employed”.

***Motion made and seconded to approve recommendation.
Passed Unanimously.***

4. Federal Protective Services

Sheriff Alderden stated that the Federal Protective Service would like to be added to the already approved and recognized statute for Federal Agents (Alcohol Tobacco and Firearms and Federal Bureau of Investigation Agents). The Sunrise Review Committee recommends granting them the same authority.

***Motion made and seconded to approve recommendation.
Passed Unanimously.***

5. School Security Officers – Douglas County Schools Re.1

Sheriff Alderden reported that there were issues involved in the creation of this type of Police Department. He stated there were other remedies to pursue and the committee did not support this application.

Sheriff Alderden stated that the group will not pursue its intentions and the application is considered withdrawn.

8. Peace Officer Certification Revocation Actions Director John Kammerzell

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications – Felony Convictions:

§ 24-31-305 C.R.S. (2005) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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. (2005), 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. 07-11, Amy Rebecca Larson, Certification No. B-2519. On July 26, 2007, Respondent pled guilty to and was convicted of one count of Vehicular Eluding, § 18-9-116.5, C.R.S., a class 5 felony. Respondent, through her attorney, has submitted a Response for Order to Show Cause pursuant to P.O.S.T. Board Rule 5.
Per P.O.S.T. Rule 9 – Revocation Hearings for Criminal Conduct, (a) A Colorado peace officer certification issued pursuant to § 24-31-305, C.R.S., shall be suspended or revoked by the P.O.S.T. 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.(2006), or, has otherwise failed to meet the certification requirements established by the Board. For the purposes of this rule, the term ‘conviction’ includes any deferred judgments or deferred sentences imposed by a court or judge.

*** Held over until December P.O.S.T. Board Meeting**

2. No. 07-02(2), Simon Marcus Gunnoe, Certification No. B-8434. On November 13, 2006, Respondent pled guilty to and was convicted of one count of Vehicular Eluding, § 18-9-116.5, C.R.S., a class 5 felony; and pled guilty to and was convicted of 1 count of Child Abuse – Negligently Caused Bodily Injury, § 18-6-401(1) (a), C.R.S., a class 4 misdemeanor. Respondent has failed to comply with P.O.S.T. Show Cause Order 07-02(2) by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Simon Marcus Gunnoe’s Colorado peace officer certificate No. B-8434.

**Motion made and seconded to revoke.
Passed Unanimously.**

3. No. 07-04, Brian Matthew Schmidt, Certification No. B-09195. On February 20, 2007, Respondent pled guilty to 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. Respondent has failed to comply with P.O.S.T. Show Cause Order 07-04 by failing to appear at the scheduled

September 14, 2007

Show Cause Hearing. Director Kammerzell recommends revocation of Brian Matthew Schmidt's Colorado peace officer certificate No. B-09195.

Motion made and seconded to revoke.

Passed Unanimously.

4. No. 07-05, Neil Roy Draper, Certification No. B-01619. On December 11, 2002, Respondent pled guilty to and was convicted of one count of Forgery – Check/Commercial Instrument, § 18-5-102(1) (c), C.R.S., a class 5 felony. Respondent has failed to comply with P.O.S.T. Show Cause Order 07-05 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Neil Roy Draper's Colorado peace officer certificate No. B-01619.

Motion made and seconded to revoke.

Passed Unanimously.

5. No. 07-06, Scott Andrew Branam, Certification No. B-09020. On April 13, 2007, Respondent pled guilty to 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. Respondent has failed to comply with P.O.S.T. Show Cause Order 07-06 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Scott Andrew Branam's Colorado peace officer certificate No. B-09020.

Motion made and seconded to revoke.

Passed Unanimously.

B. P.O.S.T. Rule 9 - Revocation of Peace Officer Certifications – Misdemeanor Convictions:

§ 24-31-305 C.R.S. (2005) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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. (2005), 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. Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes recognized in **§ 24-31-305(1.5) (b) thru (h) (2005)**.

1. No. M07-11, Anthony Joshua Pamas, Certification Numbers R-1670 and B-01637. On March 6, 2007, Respondent pled guilty to and was convicted of 1 count of Harassment – Strike/Shove/Kick, § 18-9-111, C.R.S., a class 3 misdemeanor. Respondent has failed to comply with Director's Show Cause Order M07-11. Director Kammerzell recommends revocation of Anthony Joshua Pamas' Colorado peace officer certificate numbers, R-1670 and B-01637.

Motion made and seconded to revoke.

Passed Unanimously.

2. No. M07-12, Eric Leon Bufkin, Certification No. B-4220. On March 28, 2007, Respondent pled guilty to and was convicted of 1 count of Sexual Contact – Peeping Tom, § 18-3-404(1.7), C.R.S., a class 1 misdemeanor. Respondent has failed to comply with Director's Show Cause Order M07-12. Director Kammerzell recommends revocation of Eric Leon Bufkin's Colorado peace officer certificate No. B-4220.
Motion made and seconded to revoke.
Passed Unanimously.

3. No. M07-13, James Nelson Ziemba, Certification No. 11573. On May 14, 2007, Respondent pled guilty to and was convicted of 1 count of False Reporting – False Information, § 18-8-111(1) (c), C.R.S., a class 3 misdemeanor. Respondent has failed to comply with Director's Show Cause Order M07-13. Director Kammerzell recommends revocation of James Nelson Ziemba's Colorado peace officer certificate No. 11573.
Motion made and seconded to revoke.
Passed Unanimously.

4. No. M07-14, Lance Jeffery Anthony, Certification No. B-00024. On May 18, 2007, Respondent pled guilty to and was convicted of 1 count of Harassment – Strike/Shove/Kick, § 18-9-111(1) (a), C.R.S., a class 3 misdemeanor. Respondent has failed to comply with Director's Show Cause Order M07-14. Director Kammerzell recommends revocation of Lance Jeffery Anthony's Colorado peace officer certificate No. B-00024.
Motion made and seconded to revoke.
Passed Unanimously.

Informational Items:

9. 2007 P.O.S.T. Peace Officer Training Project Sub-committee
Deputy Director Zotos
 - A. Project Update

Deputy Director Zotos reported that to date there has been 113,000 hours of training provided to about 7,100 officers throughout the state.

Deputy Director Zotos referred to a handout given to the Board members showing a breakdown of training for all regions, agencies, and also by popular courses offered. He stated that since the implementation of the grant there has been about 330,000 total hours of training provided to peace officers in Colorado.

10. 2008 Rules Hearing and Manual Review Director John Kammerzell
 - A. December 7, 2007, Colorado Department of Law

Director Kammerzell stated that this meeting may take some time, and that he will provide the Board members with these changes prior the meeting for review.

11. New Board Member Orientation Presentation and September 13th Work Session Discussion Director John Kammerzell

A. October 17, 2007 at the Department of Law

Director Kammerzell reported that the new Board Members were introduced during the work session, and were informed of ongoing issues, new legislation, and P.O.S.T. budget.

Director Kammerzell stated the main topic of discussion was related to going back to the Legislature to seek additional funding to support law enforcement training.

Attorney General Suthers stated he supports the Board pursuing a 25 cent fee increase and should get the process started quickly.

Motion made and seconded to move forward.

Passed, with Executive Director Weir abstaining.

Director Kammerzell requested the new Board members and others interested in participating in the orientation to contact him with dates of availability.

12. P.O.S.T. Peace Officer Records Conversion Project Director John Kammerzell

A. Project Report

Director Kammerzell stated that P.O.S.T. is working with the Department of Personnel and Administration to accomplish a conversion of databases to complete the records conversion process. This process will eliminate the thousands of hard copy files kept with P.O.S.T.

13. Racial Profiling Internet Training Project Director Kammerzell

A. P.O.S.T. ID Cards

Director Kammerzell reported the completion of the contract to move forward with purchases of the actual ID cards and hardware. He said posters will be made announcing that these unique identification cards are available to the officer for training purposes.

B. Colorado Regional Community Policing Institute (CRCPI) Project

1. 8-Hour Supervisor's Course

Director Kammerzell stated that the contract with CRCPI will be completed within the next two weeks in regard to the Supervisor's course.

C. Anti-Bias Internet Training Project

Director Kammerzell reported that the Anti-Bias online training project is currently on schedule.

September 14, 2007

14. Comments from others

Public Member Pence stated that there may be some changes to HR-218 Retired Peace Officer Carry Permit. Director Kammerzell stated there are two pieces of legislation being introduced in Washington and the Board will be watching for any changes.

Officer Tyler stated that Central Mountain Training Foundation may be looking into developing a Counter Terrorism / First Responder Training Center for law enforcement officers. Officer Tyler asked the Board members for a letter of support to bring this type of training to Colorado.

Director Weir asked Officer Tyler to coordinate with Homeland Security on this, as well.

Attorney General Suthers called for a motion to support Central Mountain's effort in obtaining Federal funding for this training center.

Motion made and seconded to support.

Passed Unanimously.

Next P.O.S.T. Board Meeting (10:00 a.m.) / S.M.E. Meetings (8:00 a.m.)

Friday, December 7, 2007

Colorado Department of Law

1525 Sherman Street, Room 243

Denver, CO 80203

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
December 7, 2007

The Peace Officer Standards and Training Board held its 361st Board meeting at the Department of Law in Denver, Colorado with the following in attendance:

BOARD MEMBERS

CHIEF AL BELL
SHERIFF JAMES BEICKER
CHIEF HEATHER A. COOGAN
SHERIFF JAMES FAULL
COMMISSIONER SARA J. FISHER
CHIEF DENNIS HARRISON
SHERIFF STAN HILKEY
CHIEF JOHN PATTERSON
SHERIFF JOE PELLE
PUBLIC MEMBER BOB PENCE
CHIEF PAUL D. SCHULTZ
ATTORNEY GENERAL JOHN SUTHERS
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO
CHIEF GERALD WHITMAN

BOARD MEMBERS ABSENT

SHERIFF JAMES ALDERDEN (excused)
SAC ROBERT J. GARRITY, JR. (excused)
CORPORAL CURTIS MORENO (excused)
EXECUTIVE DIRECTOR PETER WEIR (excused)

BOARD COUNSEL

DIANE MARIE DASH, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
STEVE ZOTOS, P.O.S.T. Deputy Director/Training Manager
RUTH VANDERBROEK, P.O.S.T. Compliance Officer
CRISTINE MACK, P.O.S.T. Investigator
MARY O'SHEA, Training Program Coordinator
LISA TONEY, Administrative Assistant

MEMBERS OF THE PUBLIC IN ATTENDANCE

PHIL BACA, Jefferson County Sheriff's Office
GREGG BLUEMEL, Citizen
MIKE CARTER, Community College of Aurora Police Academy
STEVE CHAGOLLA, Denver Police Department
DEAN CURD, County Sheriff's of Colorado
RODGER C. DALEY, Attorney
GLENN DAVIS, Colorado Department of Transportation
GRAHAM DUNNE, Aurora Police Department
MICHAEL ESTERS, Larimer County Sheriff's Office
ERIC GONZALES, Pueblo Police Department
EVA GRAZIANO, Red Rocks Community College
BRIAN HILL, Federal Reserve Police Department
KRIS HUND, Citizen
SCOTT JARMIN, Brighton Police Department
DONN KRAEMER, Lakewood Police Department
AMY LARSON, Public
KRISTI MCDONALD-QUINTANA, Colorado State Parks
STEVE OULLIBER, Aurora Police Department
GENE RAGULSKY, Pueblo Police Department
JOEL F. SHULTS, Adams State College
RICHARD STENSGAARD, Denver Police Department
JOE THOMAS-HAZELL, Citizen
ERIC WITTMAN, Aurora Police Department
RICK YOUNG, Citizen

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on December 7, 2007.

Arrest Control Committee
Curriculum Committee
Firearms Committee
Driving Committee

Introductions:

1. Welcome Attorney General John W. Suthers
2. Introduction of Board Members, Staff, SME Members and Guests

During the introductions, Attorney General Suthers congratulated Division Chief Phil Baca on his appointment as Chief of Police for Commerce City.

3. Roll Call – P.O.S.T. Director John Kammerzell
Declaration of a Quorum

December 7, 2007

4. Approval of P.O.S.T. Board Minutes for September 14, 2007

One correction needed to be made to the spelling of Sheriff Pelle's name.

Approved Unanimously

Presentations:

5. Skills Subject Matter Expert Committee Reports

A. Arrest Control Cpl. Richard Stensgaard, Co-Chairman

Cpl. Stensgaard reported that the committee approved a number of full and assistant instructors for the Pikes Peak, Colorado State Patrol, Jefferson County, Aurora, El Paso, Pueblo, Western Colorado, and Adams County academies.

The committee will also be looking at their agenda for 2008 and making changes to the ACT Program.

B. Firearms Parks Assistant Regional Manager
Kristi McDonald-Quintana, Chairwoman

Parks Manager Quintana reported that the committee approved eight full skills instructors, eighteen assistant instructors and denied three assistant instructors. There was also an inspection conducted at the Lakewood Police Academy and the committee gave the academy a rating of "very good".

C. Law Enforcement Driving Sergeant Al Padilla, Chairman

Corporal Steve Chagolla of Denver Police Department reported that the committee approved the safety plan, driving plan, and driving track for Dawson's Ridge in Adams County.

The committee also certified two assistant instructors for the Mesa County Sheriff's Office.

Corporal Chagolla also stated that Littleton Police Chief Heather Coogan will be joining the committee as the P.O.S.T. Board Representative.

D. Curriculum Division Chief Phil Baca, Chairman

Division Chief Baca stated that the committee continued their discussion regarding academy evaluation, instructor evaluation, and class evaluation forms which they continue to work on.

The committee also discussed issues related to DUI standards for Colorado and proposed modifications. The committee also discussed future matters regarding leadership and fitness issues.

The report also included the sub-committee and Board approval of the application of the Federal Protective Service Officers, as well as a request from the Colorado Association of Institutional Law Enforcement Directors (CAILED) for revision of state statutes. Additionally, the report contained the Board's approval of the recommended statute revision to the section for Fire Arson Investigators, and submitted on behalf of the Colorado Chapter of the International Association of Arson Investigators (CIAAI).

The report also included information and the Sub-committee and Board's decision not to recommend consideration or approval of the application submitted on behalf of the Douglas County School Security Offices (DCSD), Douglas County School District Re.1.

8. Appointment of the 2008 P.O.S.T. Peace Officer Training Project Sub-committee
General Suthers

A. Membership Appointments

1. 2007 Committee - Chief Dennis Harrison (Chair), Chief John Patterson, Chief John Hall, Sheriff Stan Hilkey, Officer Neal Tyler, Sheriff Lou Vallario, Mayor Jack Darnell.

B. Sub-committee Update

Attorney General Suthers advised the Board that because of the resignations of Chief Hall and Mayor Jack Darnell, two vacancies need to be filled by one Chief and one additional Board member.

Director Kammerzell stated that he spoke with Chief Paul Schultz and Commissioner Sara Fisher about the positions. Both Chief Schultz and Commissioner Fisher agreed to serve. A motion was made and seconded to appoint both to the Training Project Sub-committee.

Approved Membership Unanimously

9. Formal Board recognition of the 2008 Subject Matter Expert (SME) Committee members
Director Kammerzell

A. SME Committee Roster – Advanced Officer Training Committee, Arrest Control Training, Curriculum, Driving and Firearms

Director Kammerzell recognized each individual for their participation including the newly appointed Sgt. Lawrence.

Attorney General Suthers and Director Kammerzell thanked the agencies for allowing their people to participate in these committees and their expertise they bring to the Board.

***Due to time constraints, Attorney General Suthers and the Board proceeded to item #11, Peace Officer Certification Revocation Actions.**

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications – Felony Convictions:

§ 24-31-305 C.R.S. (2005) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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. (2005), 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. 07-11, Amy Rebecca Larson, Certification No. B-2519. On July 26, 2007, Respondent pled guilty to and was convicted of one count of Vehicular Eluding, § 18-9-116.5, C.R.S., a class 5 felony. Respondent, through her attorney, submitted a Response for Order to Show Cause pursuant to P.O.S.T. Board Rule 5, both appeared at the September 14, 2007 P.O.S.T. Board Meeting in Fort Collins, Colorado. Hearing 07-11 was continued to December 7, 2007 to allow P.O.S.T. Board Counsel Diane M. Dash an opportunity to review all documents submitted by Ms. Larson and her attorney.

Per P.O.S.T. Rule 9 – Revocation Hearings for Criminal Conduct, (a) A Colorado peace officer certification issued pursuant to § 24-31-305, C.R.S., shall be suspended or revoked by the P.O.S.T. 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.(2006), or, has otherwise failed to meet the certification requirements established by the Board. For the purposes of this rule, the term ‘conviction’ includes any deferred judgments or deferred sentences imposed by a court or judge.

Ms. Larson was represented by her Attorney Rodger Daley. The Attorney stated that because Ms. Larson pled guilty to and was convicted of the Class 5 Felony, it does not constitute a conviction because of a deferred judgment.

Board Counsel, Diane Dash, stated that a deferred judgment is a conviction under Colorado law. She stated that Weber vs. State Board of Nursing concerned a deferred judgment that was successfully completed whereas Ms. Larson’s deferred judgment was still pending.

Attorney General stated that because of the information provided, the Board would have to entertain a motion that there is a conviction until the deferment is completed.

***Motion made and seconded to revoke
Passed Unanimously***

December 7, 2007

2. No. 07-14, Kris Hund, Certification No. B-2732. On September 16, 1986, Respondent pled guilty to and was convicted of one count of Criminal Mischief, § 18-4-501, C.R.S., a class 3 felony. Respondent has submitted a response for Order to Show Cause pursuant to P.O.S.T. Board Rule 5. P.O.S.T. Certificate B-2732 was in error issued on August 19, 1996. Mr. Hund has never served as a Colorado peace officer. Director Kammerzell recommends revocation of Kris Hund's Colorado peace officer certificate No. B-2732.

Director Kammerzell stated that as a result of the scanning project a file was discovered and reviewed and found that Mr. Hund had committed a class 3 felony and was mistakenly issued a P.O.S.T. certificate.

Mr. Hund stated that he was proud to achieve his goals in receiving his P.O.S.T. certification. He stated that he should be allowed to keep his certification and never misrepresented himself.

Director Kammerzell stated that on the original notarized application that Mr. Hund signed, stated that "I have attached a fingerprint card demonstrating that my fingerprints have been processed by the Federal Bureau of Investigation within three years of the date of this application and indicating no convictions of felonies or misdemeanors involving moral turpitude."

Chief Dennis Harrison stated that the Board began the process of cleaning up historical files, and revoked individuals that had never served as peace officers that were convicted of such crimes. Chief Harrison also stated that this process needs to be consistent.

***Motion made and seconded to revoke
Passed Unanimously***

3. No. 07-07, Miguel Antonio Otero, Certification No. B-09746. On May 4, 2007, Respondent pled guilty to and was convicted of one count of Robbery, § 18-4-301(1), C.R.S., a class 4 felony; and pled guilty to and was convicted of 1 count of Theft, § 18-4-401(1), (2)(c), C.R.S., a class 4 felony. Respondent has failed to comply with P.O.S.T. Show Cause Order 07-07 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Miguel Antonio Otero's Colorado peace officer certificate No. B-09746.

***Motion made and seconded to revoke
Passed Unanimously***

4. No. 07-08, Joseph Martin Rael, Certification No. 7245. On May 7, 2007, Respondent pled guilty to and was convicted of one count of False Oath in a Bankruptcy Proceeding, 18 U.S.C. § 152, a federal felony. Respondent has failed to comply with P.O.S.T. Show Cause Order 07-08 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Joseph Martin Rael's Colorado peace officer certificate No. 7245.

December 7, 2007

***Motion made and seconded to revoke
Passed Unanimously***

5. No. 07-09, Michael Ernest Macon, Certification No. B-3730. On May 8, 2007, Respondent pled guilty to and was convicted of one count of Theft - \$500 to \$15,000, § 18-4-401(1), (2)(c), C.R.S., a class 5 felony; and pled guilty to and was convicted of one count of Theft - \$100 to \$500, § 18-4-401(1),(2)(b), C.R.S., a class 2 misdemeanor. Respondent has failed to comply with P.O.S.T. Show Cause Order 07-09 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Michael Ernest Macon's Colorado peace officer certificate No. B-3730.

***Motion made and seconded to revoke
Passed Unanimously***

6. No. 07-10, Michelle Lee Crouch, Certification No. B-12658. On July 16, 2007, Respondent pled guilty to and was convicted of one count of Identification Theft, § 18-5-902(1)(a),(f), C.R.S., a class 4 felony. Respondent has failed to comply with P.O.S.T. Show Cause Order 07-10 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Michelle Lee Crouch's Colorado peace officer certificate No. B-12658.

***Motion made and seconded to revoke
Passed Unanimously***

B. P.O.S.T. Rule 9 - Revocation of Peace Officer Certifications – Misdemeanor Convictions:

§ 24-31-305 C.R.S. (2005) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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. (2005), 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. Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes recognized in **§ 24-31-305(1.5) (b) thru (h) (2005)**.

1. No. M07-16, Rayleene A. Lang, Certification No. 15860. On September 4, 2007, Respondent pled guilty to and was convicted of 1 count of First Degree Official Misconduct, § 18-8-404, C.R.S., a class 2 misdemeanor. Respondent has failed to comply with Director's Show Cause Order M07-16. Director Kammerzell recommends revocation of Rayleene A. Lang's Colorado peace officer certificate, No. 15860.

***Motion made and seconded to revoke
Passed Unanimously***

C. Director's Report

Director John Kammerzell

1. 2007 Revocation Actions – Trends

Director Kammerzell reported that since the Board implemented the 44 misdemeanor list in 2002, there have been 157 peace officer revocations. Director Kammerzell stated that he had given only one suspension that had agency support, and also one appeal that had been denied.

10. 2008 Rules Hearing and Manual Review

Director John Kammerzell

* ***Public Announcement of Formal Rule Making Hearing***

A. Summary of Proposed P.O.S.T. Rule Changes

Colorado Department of Regulatory Affairs Review/Response

1. Rule 1 – Definitions

The addition of the “Dimlight” definition.

2. Rule 10 – Conditional Peace Officer Authority and Basic Peace Officer Certification

The present language in Rule 10(a)(I)(D) to be revised to mirror the language in § 24-31-301 (5).

3. Rule 12 – Reserve Certification

The language has been added to complement and mirror the recommendations in Rule 10 and to allow an individual holding conditional authority to request a variance and be issued a Reserve certificate. The recommendation also sets forth a process to renew Conditional Peace Officer Authority.

4. Rule 17 – Certification Records

The language has been added to allow P.O.S.T. to provide every law enforcement agency with an electronic report of certified peace officers as listed members of each agency. The process will simplify the agency and P.O.S.T. process for peace officer appointments and separations.

5. Rule 24 – Skills Training Safety and Skills Program Requirements for Basic and Reserve Academies.

At the recommendation of the P.O.S.T. Arrest Control Tactics SME Committee to strike (6)(VII).

***Motion made and seconded to approve changes
Passed Unanimously***

* ***Public Announcement of Completion of Formal Rule Making***

6. Overview of the 2008 P.O.S.T. Manual Revision

Director Kammerzell stated that more programs and resources will be added along with changes made to the refresher academy.

Informational Items:

12. 2008 P.O.S.T. Legislation - Update Director John Kammerzell

Director Kammerzell reported that there have been discussions about a twenty-five cent increase needed for continuing training, and that he will be working with the DOL and the legislature to seek legislation to increase the fees collected by P.O.S.T.

13. AOTC/CLEAT – Managing the Training Unit Dean Curd, CSOC

Mr. Curd reported on the development of a Training Manager to help officers with a type of training other than a power point class. The class was presented months prior and about sixteen officers participated. The officers were evaluated by conducting a presentation.

14. P.O.S.T. Peace Officer Records Scanning Project Director John Kammerzell
Deputy Director Steve Zotos

A. Project Activities

Director Kammerzell stated that the scanning of officer files has been going smoothly and all records will be in digital format in a protected system. Director Kammerzell stated that once all information is stored in this system, all hard files will be destroyed.

Deputy Director Zotos stated that there are currently 32,000 officer records on file with P.O.S.T.

15. P.O.S.T. CDOT/NHTSA Grant and Projects Update Director Kammerzell

A. P.O.S.T. ID Cards

B. Colorado Regional Community Policing Institute (CRCPI) Project

1. 8-Hour Supervisor's Course

C. Internet Training Project

1. Peace Officer Access/Registration on February 1, 2008
2. Presentation to the Board on March 7, 2008

Director Kammerzell reported that with the grant fund received by CDOT, P.O.S.T. is able to create P.O.S.T. ID cards for each active officer in Colorado. The grant also funded an 8 hour Supervisory Course and an on-line training course for officers that need to complete the mandatory 8 hour Anti-Bias course.

Deputy Director Zotos stated that the development of the P.O.S.T. ID Card is under way and that this card will allow each officer to register for classes provided by the P.O.S.T. Training Grant, without having to provide personal identifying information (i.e. SS#, DOB, etc.).

16. Request from Aurora Chief Daniel J. Oates Director Kammerzell

A. Reconsideration of “Executive” Certification Category

Director Kammerzell stated at the request had been submitted by Aurora Chief Oats for the Board’s re-consideration of Executives certification.

Director Kammerzell stated that as a result of a 1999 Sub-Committee, this process was recommended to cease and not be considered in the future.

Deputy Director Zotos commented that at one time the Board allowed Law Enforcement Executives from other states not to test under the stipulation that they not act as a certified peace officer. Unfortunately, these individuals moved on to other departments which required certification and they did not have the authority, or in the smaller communities had to act as a peace officer without authority.

The Board did not act on this request.

17. Comments from others

Citizen Joe Thomas-Hazell stated that there should be a standard implemented for locksmiths. He also stated that citizens should be taken seriously when they call for assistance.

Citizen Gregg Bluemel stated concerns about conduct of officers toward him, personally. Attorney General Suthers recommended he seek private counsel and to take each matter up with each agency supervisor.

18. 2008 P.O.S.T. Board Meeting Schedule

A. 2008 Meeting Dates:

Friday, March 7, 2008 – Colorado Department of Law

Friday, June 20, 2008 – Colorado Department of Law

Thursday and Friday, September 18 and 19, 2008 – Canon City, Colorado

Friday, December 5, 2008 – Colorado Department of Law

Next P.O.S.T. Board Meeting (10:00 a.m.) / S.M.E. Meetings (8:00 a.m.)

Friday, March 7, 2008

Colorado Department of Law

1525 Sherman Street, Room 243

Denver, CO 80203

December 7, 2007

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
March 7, 2008

The Peace Officer Standards and Training Board held its 362nd Board meeting at the Department of Law in Denver, Colorado with the following in attendance:

BOARD MEMBERS

SHERIFF JAMES ALDERDEN
CHIEF AL BELL
SHERIFF JAMES BEICKER
CHIEF HEATHER A. COOGAN
SERGEANT LOUIS DIXON III
SHERIFF JAMES FAULL
COMMISSIONER SARA J. FISHER
CHIEF DENNIS HARRISON
CHIEF JOHN PATTERSON
SHERIFF JOE PELLE
PUBLIC MEMBER BOB PENCE
CHIEF PAUL D. SCHULTZ
ATTORNEY GENERAL JOHN SUTHERS
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO
EXECUTIVE DIRECTOR PETER WEIR

BOARD MEMBERS ABSENT

SHERIFF STAN HILKEY (excused)
INTERIM SAC COREY NELSON (excused)
CHIEF GERALD WHITMAN (excused)

BOARD COUNSEL

DIANE MARIE DASH, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
STEVE ZOTOS, P.O.S.T. Deputy Director/Training Manager
RUTH VANDERBROEK, P.O.S.T. Compliance Officer
CRISTINE MACK, P.O.S.T. Investigator
MARY O'SHEA, Training Program Coordinator
LISA TONEY, Administrative Assistant

MEMBERS OF THE PUBLIC IN ATTENDANCE

PHIL BACA, Commerce City Police Department
MINER BLACKFORD, Otero Junior College
ROD CONNER, Colorado Northwestern Community College Academy
TONY DATTILO, Colorado Division of Adult Parole
GRAHAM DUNNE, Aurora Police Department
ERIC GONZALES, Pueblo Police Department
KEN HILTE, Pikes Peak Community College Police Department
SCOTT JARMIN, Brighton Police Department
ED KAFEL, El Paso County Sheriff's Office
DONN KRAEMER, Lakewood Police Department
CATHY LABRECQUE, El Paso County Sheriff's Office
KRISTI MCDONALD-QUINTANA, Colorado State Parks
MICHAEL T. MCINTOSH, Adams County Sheriff's Office
TODD QUICK, La Junta Police Department
KARL SMALLEY, Adams County Sheriff's Office
RICHARD STENSGAARD, Denver Police Department
MIKE WALKER, Denver Police Department
RICH WEBB, Jefferson County Sheriff's Office

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on March 7, 2008.

Arrest Control Committee
Curriculum Committee
Firearms Committee
Driving Committee

Introductions:

1. Welcome Attorney General John W. Suthers
2. Introduction of New Board Members – Interim FBI SAC Cory Nelson, Adams County Sheriff's Sergeant Louis A. Dixon III

Attorney General Suthers introduced and welcomed new Board member Sgt. Louis Dixon III of the Adams County Sheriff's Office.

Director Kammerzell stated that the Interim SAC Cory Nelson had recently been transferred and that new SAC Jim Davis would be introduced at the next Board meeting.

March 7, 2008

3. Special Recognition of Retiring Board Members – Durango Chief of Police Al Bell and Grand Junction Police Corporal Curtis Moreno

Attorney General Suthers commended Durango Chief Al Bell for his many years of service and dedication to the P.O.S.T. Board.

Chief Bell stated that he had been associated with the Board since 1982 and became a Board Member in 1999. Chief Bell stated that he appreciated the chance to serve with the Board and its members.

Chief Bell recognized Director Kammerzell and P.O.S.T. staff for their dedication and hard work in helping all Law Enforcement Agencies in Colorado.

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

5. Roll Call – P.O.S.T. Director John Kammerzell
Declaration of a Quorum

6. Approval of P.O.S.T. Board Minutes for December 7, 2007
Approved Unanimously

Presentations:

7. Skills Subject Matter Expert Committee Reports

- A. Arrest Control Sgt. Richard “JJ” Webb, Co-Chair

Sgt. Webb reported the committee reviewed and approved the lesson plan, site, and safety plan for Pikes Peak training academy.

Sgt. Webb reported the committee did not approve the lesson plan for the Northeastern College in Sterling but did approve their site plan. Sgt. Webb stated the committee approved one full skills instructor and one assistant skills instructor for Sterling.

Sgt. Webb stated that two full instructors were approved for El Paso County and five assistant instructors were approved for Jefferson County.

Sgt. Webb stated the committee reviewed two minor injury reports from two separate academies. The committee recommends future consideration on the process of reporting injuries to academy staff and to P.O.S.T. Sgt. Webb stated this topic should be discussed at the Academy Director’s meeting in May.

Sgt. Webb reported the committee will conduct three test-outs this month and will meet in April to review a revision of the arrest control training program. The committee will submit the revisions at the September Board meeting.

B. Firearms

Parks Assistant Regional Manager
Kristi McDonald-Quintana, Chairwoman

Parks Manager Quintana stated in the last three months the committee has approved six and denied two full skills instructors. The committee approved 47 assistant skills instructors and denied five.

Parks Manager Quintana reported that all denied individuals were from Northeastern Junior College in Sterling, but the committee had approved the firearms program and range site for that program.

Parks Manager stated the committee approved the program, site and safety plan for the Pikes Peak Academy.

Parks Manager Quintana reported the committee completed two inspections, the Denver Police Department was rated as good, and Delta Montrose Vo-Tec was rated as a very good program.

C. Law Enforcement Driving

Sergeant Karl Smalley, Vice-Chairman

Sgt. Karl Smalley reported the committee approved eight full driving instructors and 20 assistant driving instructors.

The committee also approved two new committee members and denied one based on the applicants' lack of agency recommendation/support.

Sgt. Smalley stated a "surprise inspection" was held at the Pikes Peak Community College and the program was rated very good. Sgt. Smalley stated the committee also approved the lesson plan and safety plan for Pikes Peak Community College.

Sgt. Smalley stated the committee reviewed material from Northeastern Junior College and did not approve the lesson plan because it was not up-to-date. Sgt. Smalley stated the driving site and safety plan for that program was approved.

D. Curriculum

Chief Phil Baca, Chairman

Chief Baca reported the committee reviewed the entire lesson plan and curriculum for Northeastern Junior College's academic instruction and found it severely deficient and outdated. The program was sent back to the academy with recommendations.

Chief Baca stated the committee reviewed the entire program for the Pikes Peak Community College Academy and found several deficiencies and that no lesson plan existed. Chief Baca stated there were several required learning objectives that were not met.

Chief Baca reported the new Chief of Police and Co-Director of Pikes Peak C.C., Chief Ken Hilte, did attend the committee meeting and will be making the program changes and recommendations made by the committee.

Chief Baca stated the committee discussed an issue brought up by committee member Sgt. Graham Dunne, about adding a 2-hour Leadership component to the required hours of the program. Chief Baca stated the issue has not been decided on and is still being discussed.

Chief Baca reported the “committee course evaluation form” that the committee has been developing has been finalized, and if an agency academy or community college academy cares to use this form, it is available upon request.

E. Advanced Officer Training Officer Neal Tyler, Chairman

Officer Neal Tyler stated the committee looked at two programs for approval for in-service training. Neither of the programs were approved for grant funding.

Officer Tyler stated the committee is scheduling another Level 2 Reality Based Training Course for the last week of July at the Colorado Springs Police Department.

Action Items:

8. Peace Officer Certification Revocation Actions Director John Kammerzell

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications – Felony Convictions:

§ 24-31-305 C.R.S. (2005) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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. (2005), 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.07-12, Kelby Reed Kenney, Certification No. B-6648. On August 1, 2007, Respondent pled guilty to and was convicted of one count of Criminal Mischief, § 18-4-501, C.R.S., a class 4 felony. Respondent has failed to comply with P.O.S.T. Show Cause Order 07-12 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Kelby Reed Kenney’s Colorado peace officer certificate No. B-6648.

***Motion made and seconded to revoke
Passed Unanimously***

2. No.07-13 (2), Patrick Laurence Strawmatt, Certification No. 12601. On September 24, 2007, Respondent pled guilty to and was convicted in the *District Court of Park County* of 1 count of Assault in the Second Degree, § 18-3-203(1)(e), C.R.S., a class 4 felony. On September 28, 2007, Respondent pled guilty to and was convicted in the *District Court of Mesa County* of 3 felony counts: Assault in the First Degree – Extreme Indifference, § 18-3-202(1)(c), C.R.S., a class 3 felony; Vehicular Homicide, § 18-3-106(1)(b)(I), C.R.S., a class 3 felony; and, Vehicular Eluding – Resulting in Death, § 18-9-116.5, C.R.S., a class 3 felony. Director Kammerzell recommends revocation of Patrick Laurence Strawmatt’s Colorado peace officer certificate No. 12601.

***Motion made and seconded to revoke
Passed Unanimously***

B. P.O.S.T. Rule 9 - Revocation of Peace Officer Certifications – Misdemeanor Convictions:

§ 24-31-305 C.R.S. (2005) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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. (2005), 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. Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes recognized in § 24-31-305(1.5) (b) thru (h) (2005).

1. No Misdemeanor Revocation Actions

9. P.O.S.T. Sunrise Review Sub-committee - Chief of Police Appointment to replace Chief Al Bell

Director Kammerzell

- A. 2008 Committee - Sheriff Jim Alderden (Chairperson), Sheriff Jim Beicker, **Chief Al Bell**, Chief John Patterson, and Public Member Bob Pence.

Attorney General Suthers stated due to the retirement of Chief Bell, the Sunrise Review Committee needed to replace the appointment with another Chief. Director Kammerzell stated Chief Gerald Whitman of the Denver Police Department has volunteered for the position.

***Motion made and seconded to appoint Chief Whitman
Passed Unanimously***

Informational Items:

10. 2008 P.O.S.T. Peace Officer Training Project Sub-Committee
Deputy Director Zotos

March 7, 2008

A. Report – 2008 Peace Officer Training Project

Deputy Director Zotos stated in the current grant cycle there has been about 60,000 hours of training provided, which puts the total number of hours at approximately 390,000 training hours provided since the project started.

B. FY2008 Grant Process and Timelines

Deputy Director Zotos reported \$720,000 will be allocated at the next budget cycle. Deputy Director Zotos stated all grant applications are due into P.O.S.T. on March 28, 2008.

Deputy Director Zotos stated the committee will be meeting April 14th to discuss and process grant applications. The committee will submit the recommendations at the June P.O.S.T. Board meeting.

11. 2008 P.O.S.T. Legislation - Update Director John Kammerzell

Attorney General Suthers stated the Board was unable to find a legislator to carry a bill that would allow an increase for the P.O.S.T. fee on motor vehicle registrations.

A. House Bill 08-1106 – *Concerning Peace Officers Employed by Institutions of Higher Education*

1. Bill Language
2. History

Director Kammerzell gave an update of House Bill 08-1106 stating the Sunrise Review Sub-Committee approved this Bill to go forward with the clean up of existing language within the statute. Director Kammerzell stated that the Bill has been completed and anticipates passage of the Bill, which should be law within the next week.

B. House Bill 08-1245 – *Concerning Required Reductions in Specified Government-Imposed Means of Raising Fees*

1. Bill Language
2. History

Director Kammerzell reported this Bill (offered by Representative Doug Bruce), which would have decreased all motor vehicle registration fees, was killed in committee.

C. Other Possible Legislation

1. *Federal Special Agents - § 16-2.5-147, C.R.S.*

- a. Colorado law currently provides statutory protections for FBI and ATF Agents. The Federal Protection Services (FPS) will pursue legislation, which will add *FPS Agents and Officers* to the existing Federal Special Agents statute.

Director Kammerzell stated that House Bill 08-1348 has been brought forth by the Federal Protective Service (FPS). The FPS's officers and agents will be added to the existing language in statute § 16-2.5-147. This Bill is moving forward and will be heard March 12, 2008.

2. *Request for Temporary Assignment of Police Officers or Deputy Sheriffs – § 29-5-104, C.R.S.*

- a. Temporary revision to the statute to allow Denver to enter into an intergovernmental agreement with agencies from bordering states.

Director Kammerzell stated House Bill 08-1347 will be created for the purpose of the Democratic National Convention being held in Colorado. This Bill allows bordering states' law enforcement to participate during this time and will sunset the day the convention has ended.

Director Kammerzell reported on House Bill 08-1147, concerning the witness protection training by the witness protection Board. Director Kammerzell stated the Witness Protection Board will create a program and provide it to P.O.S.T. for availability for all law enforcement in the state.

Director Kammerzell stated House Bill 08-1351 was introduced and assigned to House Judiciary concerning the preservation of DNA evidence.

Director Kammerzell stated the Bill included language that will require Colorado P.O.S.T. to provide the proper DNA collection and retention training to Colorado Peace Officers. The Bill currently requires the training to be available on or before August 1, 2008. Director Kammerzell stated that due to the Board process for implementation of training and rules, this implementation would be problematic for the Board and academies.

12. Report to the Board – Edgar Antillon's Appeal of Denial as a Result of Misdemeanor Conviction

Director John Kammerzell

Director Kammerzell reported that he had denied a variance request by Mr. Antillon, and then appealed to the entire Board. His appeal was denied unanimously by the Board members.

March 7, 2008

13. P.O.S.T. Peace Officer Records Scanning Project Director John Kammerzell
Deputy Director Steve Zotos
- A. Project Update and Report

Director Kammerzell stated P.O.S.T. had been recognized by the Department of Personnel and Administration in their February 2008 newsletter regarding the scanning process of over 450,000 documents of peace officer records.

Deputy Director Zotos stated P.O.S.T. had identified about 30,000 peace officer records in two databases and through this process discovered about 3,700 records never recorded in any database.

14. P.O.S.T. CDOT/NHTSA Grant and Projects Update Director Kammerzell
- A. Special Presentation - Internet Training Project
Deb Wilke, Project Coordinator

Ms. Wilke demonstrated the anti-bias on-line training system, adding that not only will this be a learning process for individuals, but also the individual will answer each question with confidence.

- B. Colorado Regional Community Policing Institute (CRCPI) Project

1. 8-Hour Supervisor's Course

Director Kammerzell stated he spoke with Sandy Sayre from CRCPI and they expect the project to be available within the next few months.

- C. P.O.S.T. ID Card Project

Director Kammerzell stated that following the completion of the scanning project, P.O.S.T. will begin issuing the ID cards.

15. P.O.S.T./Academy Directors Meeting – May 14, 2008 Director Kammerzell

- A. Hosted by Director John Reece, Western Colorado Peace Officers Academy, Grand Junction, Colorado.

16. Comments from others on P.O.S.T. Issues

None

17. 2008 P.O.S.T. Board Meeting Schedule

A. 2008 Meeting Dates:

Friday, June 20, 2008 – Colorado Department of Law

Thursday and Friday, September 18 and 19, 2008 – Canon City, Colorado

Friday, December 5, 2008 – Colorado Department of Law

Next P.O.S.T. Board Meeting Friday, June 20, 2008
Board Meeting (10:00 a.m.) - S.M.E. Meetings (8:00 a.m.)
Colorado Department of law
1525 Sherman Street, 2nd Floor
Denver, CO 80203

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
June 20, 2008

The Peace Officer Standards and Training Board held its 363rd Board meeting at the Department of Law in Denver, Colorado with the following in attendance:

BOARD MEMBERS

SHERIFF JAMES ALDERDEN
CHIEF AL BELL
SHERIFF JAMES BEICKER
CHIEF HEATHER A. COOGAN
SERGEANT LOUIS DIXON III
SHERIFF JAMES FAULL
CHIEF DENNIS HARRISON
SHERIFF STAN HILKEY
CHIEF JOHN PATTERSON
SHERIFF JOE PELLE
PUBLIC MEMBER BOB PENCE
CHIEF PAUL D. SCHULTZ
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO
EXECUTIVE DIRECTOR PETER WEIR

BOARD MEMBERS ABSENT

ATTORNEY GENERAL JOHN SUTHERS (excused)
SAC JAMES H DAVIS (excused)
COMMISSIONER SARA J. FISHER (excused)
CHIEF GERALD WHITMAN (excused)

BOARD COUNSEL

DIANE MARIE DASH, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
STEVE ZOTOS, P.O.S.T. Deputy Director/Training Manager
RUTH VANDERBROEK, P.O.S.T. Compliance Officer
CRISTINE MACK, P.O.S.T. Investigator
MARY O'SHEA, Training Program Coordinator
LISA TONEY, Administrative Assistant

MEMBERS OF THE PUBLIC IN ATTENDANCE

PHIL BACA, Commerce City Police Department
MIKE CARTER, Community College of Aurora Police Academy
GREGORY CAZZELL, Glendale Police Department
RAFAEL CINTRON, Colorado Springs Police Department
DOUGLAS CHURCH, Denver Police Department
GLENN DAVIS, Colorado Department of Transportation
CHRIS DELEIN, Brighton Police Department
MARC DIREZZA, Lakewood Police Department
GRAHAM DUNNE, Aurora Police Department
MICHAEL ESTERS, Larimer County Sheriff's Office
BRIAN HILL, Federal Reserve Police Department
MICHELLE HOULNE, Citizen
DOYLE JONES, Weld County Sheriff's Office
ED KAFEL, El Paso County Sheriff's Office
CATHY LABRECQUE, El Paso County Sheriff's Office
MICHAEL T. MCINTOSH, Adams County Sheriff's Office
CURT MORENO, Citizen
GENE RAGULSKY, Pueblo Police Department
KIM SILLS, Garfield County Sheriff's Office
DAVID SNELLING, Arvada Police Department
RICHARD STENSGAARD, Denver Police Department
JOE THOMAS-HAZELL, Citizen
JOHN TUCKER, Weld County Sheriff's Office
RICH WEBB, Jefferson County Sheriff's Office

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on June 20, 2008.

Arrest Control Committee
Curriculum Committee
Firearms Committee
Driving Committee

Introductions:

1. Welcome Vice-Chairman Dennis Harrison
2. Introduction of New Board Member – FBI SAC James H. Davis

Due to a scheduling conflict SAC Davis was unable to attend the Board meeting.

June 20, 2008

3. Special Recognition of Retiring Board Member – Retired Grand Junction Police Corporal Curt Moreno

Chief Dennis Harrison recognized Retired Corporal Moreno for his efforts with the Board and the SME committees.

Retired Corporal Moreno stated he was honored to serve as a member of the Board and to serve with the other members. Retired Corporal Moreno recognized what the SME Committees have done, and the efforts made on behalf of the Board. He also stated he was honored to have represented law enforcement in Colorado and recognized all front line officers for their efforts.

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

5. Roll Call – P.O.S.T. Director John Kammerzell
Declaration of a Quorum

6. Approval of P.O.S.T. Board Minutes for March 7, 2008
Approved Unanimously

Presentations:

7. Skills Subject Matter Expert Committee Reports

- A. Arrest Control Sgt. Richard “JJ” Webb, Co-Chairman

Sgt. Rich Webb reported the committee did not approve one instructor.

The committee approved the lesson plan for the Sterling Academy with conditions that the academy resubmits the outline of the ACT program for committee review. Sgt. Webb stated the academy must resubmit this outline July 7th with a starting date of August pending approval.

Sgt. Webb stated the committee discussed and approved a change to the ACT program and will present the Board with the final draft at the August meeting for Board approval.

- B. Firearms Deputy Ed Kafel, Committee Member

Deputy Kafel reported Colorado Mountain College firearms program was inspected and found to be compliant with P.O.S.T. standards.

Deputy Kafel reported that the committee did approve 6 full instructors.

C. Law Enforcement Driving Chief Heather Coogan, Board Member

Chief Coogan reported the committee approved new committee member Mike Walker of the Denver Police Department.

Chief Coogan stated that an inspection was completed at the Aurora Community College Academy and that the academy had passed inspection.

Chief Coogan stated Arapahoe County Sheriff's Department and Deputy Mike Cummings submitted their new lesson plan and the committee described it as "excellent!" Chief Coogan reported that they approved two new site and safety plans at two locations for Arapahoe.

Chief Coogan stated the committee approved a new site plan, safety plans, lesson plans, assistant instructors, and instructors for the Alamosa Academy.

Chief Coogan stated the committee approved instructors for El Paso County and three new instructors for the Western Colorado Peace Officer Academy.

The Committee reviewed the Northeastern Junior College lesson plan and found that it did not meet P.O.S.T. standards. This issue was tabled until the plan is resubmitted.

D. Curriculum Chief Phil Baca, Chairman

Chief Baca reported the committee reviewed three new SME applicants and approved two, Sgt. Steve Wygant, Jefferson County Sheriff's Office and Sgt. Jim Mair, Denver Police Department.

Chief Baca reported the approval of Northeastern Junior College lesson plan and the final approval of the Pikes Peak Community College academic lesson plan.

The committee, at the request of Aurora Police Department did approve an Instructor Methodology program from Texas which they found similar to the Colorado program and has met the requirements.

Chief Baca reported the approval of two forms the committee has worked on for Course Evaluations and overall Academy Evaluation and will be submitted to the Board for approval. Chief Baca stated these forms are not mandatory and may be used by each academy.

Chief Baca reported two future discussions about academy attendance requirements for the academic portion of the academy and taking a look at the state certification exam questions to verify current statute changes.

E. Advanced Officer Training Officer Neal Tyler, Chairman

Officer Neal Tyler had nothing to report at this time.

Action Items:

8. 2008 P.O.S.T. Peace Officer Training Project Sub-Committee
Deputy Director Zotos

A. Sub-committee Meeting - Evaluation of the Allocations, Recommendations and Discussion

Deputy Director Zotos stated the committee had determined the amount given to each region for the 2008/2009 grant cycle, and that the amount recommended to be given to each region was similar to amount received in previous years.

Deputy Director Zotos stated that due to a recent change in legislation, P.O.S.T. is required to offer Witness Protection Training. Deputy Director Zotos stated that the cost to produce a training DVD for the program was around \$600 and will be taken from the training Grant fund.

The DVD was created by the Douglas County Sheriff's Office with help from the Douglas County Public Service Television, Channel 8.

B. Grant Awards – Motion for Approval of the 2008/2009 Grants

***Motion made and seconded to approved Sub-committee's recommendations
Passed Unanimously***

9. Peace Officer Certification Revocation Actions Director John Kammerzell

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications – Felony Convictions:

§ 24-31-305 C.R.S. A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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 or judge.

1. No.08-01, Russell Wayne Eller, Certification No. B-12468. On October 23, 2007, Respondent pled guilty to and was convicted of one count of Attempt to Influence a Public Servant, § 18-8-306, C.R.S., a class 4 felony. Respondent has failed to comply with P.O.S.T. Show Cause Order

08-01 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Russell Wayne Eller's Colorado peace officer certificate No. B-12468.

***Motion made and seconded to revoke
Passed Unanimously***

2. No.08-02, John Lopez, Certification No. 1494. On October 22, 1990, Respondent pled guilty to and was convicted of one count of Sexual Assault on a Child, § 18-3-405 (2) (b), C.R.S., a class 3 felony. Respondent has failed to comply with P.O.S.T. Show Cause Order 08-02 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of John Lopez's Colorado peace officer certificate No. 1494.

***Motion made and seconded to revoke
Passed Unanimously***

3. No.08-03, Robert L. Anderson, Certification No. B-6706. On July 20, 2007, Respondent pled guilty to and was convicted of 1 count of Felony Menacing § 18-3-206 (1) (a)(b), C.R.S., a class 5 felony. Respondent has failed to comply with P.O.S.T. Show Cause Order 08-03 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Robert L. Anderson's Colorado peace officer certificate No. B-6706.

***Motion made and seconded to revoke
Passed Unanimously***

4. No.08-04, Jeffrey Eugene Grimwood, Certification No. 13675. On November 13, 2007, Respondent pled guilty to and was convicted of one count of Third Degree Burglary – Theft of Drugs, § 18-4-204(1),(2), C.R.S., a class 4 felony. Respondent has failed to comply with P.O.S.T. Show Cause Order 08-04 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Jeffery Eugene Grimwood's Colorado peace officer certificate No. 13675.

***Motion made and seconded to revoke
Passed Unanimously***

5. No.08-05, John James Witkowski, Certification No. 15413. On January 8, 2008, Respondent pled guilty to 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. Respondent has failed to comply with P.O.S.T. Show Cause Order 08-05 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of John James Witkowski's Colorado peace officer certificate No. 15413.

***Motion made and seconded to revoke
Passed Unanimously***

6. No. 08-06, Daniel E. Pollack, Sr., Certification No. B-01173. On December 4, 1998, Respondent pled guilty to and was convicted of one count of Second Degree Kidnapping, § 18-3-302(1), C.R.S., a class 3 felony; and, pled guilty to and was convicted of 1 count of Second Degree

June 20, 2008

Sexual Assault, § 18-3-403(1)(a), C.R.S., a class 4 felony. Respondent has failed to comply with P.O.S.T. Show Cause Order 08-06 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Daniel E. Pollack's Colorado peace officer certificate No. B-01173.

***Motion made and seconded to revoke
Passed Unanimously***

B. P.O.S.T. Rule 9 - Revocation of Peace Officer Certifications – Misdemeanor Convictions:

§ 24-31-305 C.R.S. A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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 or judge. Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes recognized in **§ 24-31-305(1.5) (b) thru (h), C.R.S.**

1. No. M08-01, Kristoffer John Lewandowski, Certification No. B-09789 On January 2, 2008, Respondent pled guilty to and was convicted of 1 count of Harassment, § 18-9-111, C.R.S., a class 3 misdemeanor. Respondent has failed to comply with Director's Show Cause Order M08-01. Director Kammerzell recommends revocation of Kristoffer John Lewandowski's Colorado peace officer certificate, No. B-09789.

***Motion made and seconded to revoke
Passed Unanimously***

2. No.M08-02, Noah Myron Dale Stephenson, Certification Number B-11209. On January 15, 2008, Respondent pled guilty to and was convicted of 1 count of Harassment – Strike/Shove/Kick, § 18-9-111, C.R.S., a class 3 misdemeanor. Respondent has failed to comply with Director's Show Cause Order M08-02. Director Kammerzell recommends revocation of Noah Myron Dale Stephenson's Colorado peace officer certificate, No. B-11209.

***Motion made and seconded to revoke
Passed Unanimously***

Informational Items:

10. Colorado Police Canine Association

DPD Officer Doug Church

A. Training Course and Standards Presentation – Request for Board Recognition

Officer Church presented the Board with a packet of information from the Colorado Police Canine Association. Officer Church stated there should be some kind of standards set for training and would like the state to recognize this certification and training.

Chief Harrison stated the Board is not being asked to set standards but endorsing the CPCA program and to have P.O.S.T. recognize their standards for certification.

Sheriff Pele motioned that the P.O.S.T. Board recognize training standards and annual certification set by CPCA as a minimal acceptable standard for Police Canines in Colorado.

After further discussion Sheriff Pelle amended his motion to say “the Board recognizes the Colorado Police Canine Associations training as acceptable standards for law enforcement canines.”

Chief Harrison stated the Board would agree with Sheriff Pelle’s motion and if there was a change to be made to the minutes this issue would be addressed at the next Board meeting in September.

Motioned made and seconded to recognize CPCA acceptable standard.

Passed Unanimously

11. 2008 P.O.S.T. Annual Report Director John Kammerzell

Director Kammerzell reported that the Annual Report is currently available and that its contents included two major projects completed by P.O.S.T. staff, recognition of Board members, and Board accomplishments.

Director Kammerzell stated the report will be available on-line once the website is up and running.

12. 2008 P.O.S.T. Legislation – Final Report Director John Kammerzell

A. House Bill 08-1106 – CONCERNING PEACE OFFICERS EMPLOYED BY INSTITUTIONS OF HIGHER EDUCATION

1. History – Colorado Association of Institutional Law Enforcement Directors (CAILED) approached the P.O.S.T. Sunrise Review Sub-committee for support of proposed changes to existing law. CAILED’s application was fully supported by the Sunrise Sub-committee and P.O.S.T. Board. ***Passed and Signed by Governor Ritter***

2. No P.O.S.T. Action Required

B. House Bill 08-1147 – CONCERNING A REPORT REGARDING WITNESS PROTECTION TRAINING

June 20, 2008

1. History – *Passed and Signed by Governor Ritter*
 - a. The bill provides that any Witness Protection Curriculum developed by the Witness Protection Board (WPB) shall be provided to P.O.S.T. and made available to any law enforcement agency requesting such training. Courses approved by the WPB will be provided in CD and electronic format.

- C. House Bill 08-1208 – CONCERNING JUVENILES AGAINST WHOM CHARGES ARE FILED IN A DISTRICT COURT
 1. History – *Passed by the Legislature – Vetoed by Governor Ritter*

- D. House Bill 08-1245 – CONCERNING REQUIRED REDUCTIONS IN SPECIFIED GOVERNMENT-IMPOSED MEANS OF RAISING FEES
 1. History – *02/20/2008 House Committee on Finance Postpone Indefinitely*

- E. House Bill 08-1347 – CONCERNING PROVISIONS WHEREBY A CITY AND COUNTY MAY ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH A LAW ENFORCEMENT AGENCY FROM ANOTHER STATE FOR THE PERFORMANCE OF LAW ENFORCEMENT DUTIES
 1. History - *Passed and Signed by Governor Ritter.*
 - a. Subsection 2 is repealed effective September 15, 2008
 2. P.O.S.T. Action Required – Review of Training and Certification Credentials of Cheyenne Police Department Mounted Unit Members

Director Kammerzell stated he Chief Whitman and Lt. Potter of Denver Police Department will be looking at certifications for compliance.

- F. House Bill 08-1348 – CONCERNING THE AUTHORIZATION OF OFFICERS OF THE FEDERAL PROTECTIVE SERVICE TO ACT AS PEACE OFFICERS IN COLORADO
 1. History - *Passed and Signed by Governor Ritter*
 2. No P.O.S.T. Action Required

- G. House Bill 08-1351 – CONCERNING PRESERVATION OF DNA EVIDENCE IN CRIMINAL CASES INVOLVING NEWLY COMMITTED CRIMINAL CASES
 1. History – *04/02/2008 House Committee on Judiciary voted to Postpone Indefinitely*

H. House Bill 08-1360– CONCERNING AUTHORIZING FIRE ARSON INVESTIGATORS AS PEACE OFFICERS

1. History – Representatives of the Colorado Arson Investigators Association approached the P.O.S.T. Sunrise Review Sub-committee for support of proposed changes to existing law. The group’s application was fully supported by the Sunrise Sub-committee and P.O.S.T. Board. ***Passed and Signed by Governor Ritter***
2. No P.O.S.T. Action Required

I. House Bill 08-1397 – CONCERNING THE DISPOSITION OF EVIDENCE COLLECTED IN CRIMINAL CASES

1. History - ***Passed and Signed by Governor Ritter***
2. P.O.S.T. Action Required

Director Kammerzell reported with the passing of this Bill P.O.S.T. will be required to develop the training programs.

Executive Director Weir stated that there is significant disagreement with the Prosecution Community and Defense Community about the implementation of the Act. Executive Director Weir stated the area is in need of further discussion.

Chief Harrison stated with such controversy, the matter of HB 08-1397 be tabled until the September Board meeting.

13. P.O.S.T. Peace Officer Records Scanning Project Director John Kammerzell

A. Program Demonstration

Director Kammerzell gave a brief summary of how many P.O.S.T. paper files were created and kept by P.O.S.T. over the years.

Deputy Director Zotos gave a demonstration on how the new systems P.O.S.T. maintains will help with the process of access to each individual’s record, agency records, and records for each region.

Deputy Director gave a brief description of the new P.O.S.T. ID card and the meaning of each unique number. Deputy Director Zotos stated that with this card P.O.S.T. can track any P.O.S.T. approved training and direct it to each officer’s file.

The PID will also help with ID theft when an agency submits forms to P.O.S.T. the PID the identifier will be the PID and not a social security number.

14. P.O.S.T. CDOT/NHTSA Grant and Projects Update Director Kammerzell
 - A. Information and Report
 1. Denver Foundation Grant ends June 30, 2008 - Final Report by July 15, 2008.
 2. CDOT/NHTSA Grant continues through September 30, 2008.

Director Kammerzell stated the grant project is wrapping up and that the Anti-Bias training is on-line and that the CODT/NHTSA grant continues through September.

Director Kammerzell will be submitting a final report to the Denver Foundation.

15. Comments from others on P.O.S.T. Issues

Mr. Joe Thomas-Hazell commented with regards to the collection of evidence, and that this process would help citizens when reports are filed. Mr. Thomas-Hazell offered to help the Board with this process.

16. 2008 and 2009 (Tentative) P.O.S.T. Board Meeting Schedule

- A. 2008 Meeting Dates:
Thursday and Friday, September 18 and 19, 2008 – Canon City, Colorado
Friday, December 5, 2008 – Colorado Department of Law
- B. 2009 Meeting Dates (Tentative):
Friday, March 06, 2009 – Colorado Department of Law
Friday, June 26, 2009 – Colorado Department of Law
Thursday and Friday, September 24 and 25, 2009
Friday, December 4, 2009 – Colorado Department of Law

Next P.O.S.T. Board Meeting

Hosted by the Canon City Police Department - Officer Neil Tyler

Thursday and Friday, September 18th and 19th, 2008

Work Session – September 18th, starting at 3:00 p.m.

P.O.S.T. Board and S.M.E. Committees Meeting - September 19th

S.M.E. Meetings begin at 8:00 a.m. - Board Meeting at 10:00 a.m.

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
September 19, 2008

The Peace Officer Standards and Training Board held its 364th Board meeting at the Quality Inn in Canon City, Colorado with the following in attendance:

BOARD MEMBERS

SHERIFF JAMES ALDERDEN
SHERIFF JAMES BEICKER
SHERIFF JAMES CASIAS
CHIEF HEATHER A. COOGAN
SAC JAMES H. DAVIS
SERGEANT LOUIS DIXON III
COMMISSIONER SARA J. FISHER
SHERIFF STAN HILKEY
CHIEF BRIAN N. KOZAK
SHERIFF JOE PELLE
OFFICER NICHOLAS A. PECK
PUBLIC MEMBER BOB PENCE
ATTORNEY GENERAL JOHN SUTHERS
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO

BOARD MEMBERS ABSENT

CHIEF DENNIS HARRISON (excused)
CHIEF JOHN PATTERSON (excused)
CHIEF PAUL D. SCHULTZ (excused)
EXECUTIVE DIRECTOR PETER WEIR (excused)
CHIEF GERALD WHITMAN (excused)

BOARD COUNSEL

DIANE MARIE DASH, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
LISA TONEY, Administrative Assistant

MEMBERS OF THE PUBLIC IN ATTENDANCE

PHIL BACA, Commerce City Police Department
MINER BLACKFORD, Otero Junior College
TONY DATTILO, Colorado Division of Adult Parole
GLENN DAVIS, Colorado Department of Transportation
DOYLE JONES, Weld County Sheriff's Office
ED KAFEL, El Paso County Sheriff's Office
KRISTI MCDONALD-QUINTANA, Colorado State Parks
DARREN O'DRISCOLL, El Paso County Sheriff's Office
J.D. ROSS, El Paso County Sheriff's Office
JOEL F. SHULTS, Adams State College Police
RICH WEBB, Jefferson County Sheriff's Office

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on September 19, 2008.

Arrest Control Committee
Curriculum Committee
Firearms Committee
Driving Committee

Introductions:

1. Welcome Attorney General John W. Suthers
Canon City Chief Daniel C. Shull

Chief Shull welcomed the Board and members to Canon City.

2. Introduction of New Board Members – FBI SAC James Davis, Las Animas County Sheriff James Casias, Avon Chief of Police Brian Kozak, Fruita Police Officer Nicholas Peck

Attorney General Suthers welcomed the new Board members and encouraged each member to share their backgrounds with the group, starting with FBI SAC James Davis.

FBI SAC Davis introduced himself and gave a brief history of his duties as an FBI Agent. SAC Davis stated he had been with the FBI since 1985.

Las Animas County Sheriff James Casias introduced himself, and gave a brief history about his family and his law enforcement career of 25 years.

Avon Chief of Police Brian Kozak introduced himself and gave a brief history about his career as an officer of 22 years in Arizona. He stated his career continues here in Colorado where he has been the Chief of Avon for the last two and a half years.

September 19, 2008

Fruita Police Officer Nicholas Peck introduced himself and gave a brief history of his career, starting in a records position at the Mesa County Sheriff's Office for three years. He has served as an officer for Fruita Police Department for the past seven years.

Attorney General Suthers congratulated the New Board members on their appointments.

3. Special Recognition of Retiring Board Member – Prowers County Sheriff James Faull

Attorney General Suthers recognized Prowers County Sheriff James Faull for his dedication to the Board and read a letter from Sheriff Faull.

In his letter, Sheriff Faull thanked the Attorney General, P.O.S.T. Board members, SME members, and staff for all their hard work and dedication. The Sheriff expressed his appreciation and privilege to have worked with such a great organization. Sheriff Faull stated his work with the Board was a highlight of his career, and he supports P.O.S.T.'s mission to keep the training and standards of law enforcement at a high level.

Attorney General Suthers stated a plaque will be given to Sheriff Faull and expressed his appreciation for the Sheriff's service to the Board.

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

5. Roll Call – P.O.S.T. Director John Kammerzell

Declaration of a Quorum

6. Approval of P.O.S.T. Board Minutes for June 20, 2008

Presentations and Action Items were given prior to the approval of the minutes.

Sheriff Stan Hilkey's name was not included in the June 20th meeting, he was in attendance and his name is to be added.

Approved Unanimously with Amendment

Presentations:

7. Skills Subject Matter Expert Committee Reports

A. Arrest Control Sgt. Richard "JJ" Webb, Co-Chairman

Sgt. Webb reported the committee reviewed and tabled an application for Jeff Black until the next committee meeting.

The committee approved the safety plan for La Junta but their testing standards were not in compliance.

Sgt. Webb stated that the testing site for Pueblo was not approved due to lack of information, the safety plan was approved.

The committee approved a full instructor for El Paso County and one assistant instructor for Alamosa.

Sgt. Webb stated the committee reviewed and approved the guidelines for site and safety plan inspections.

- B. Firearms Parks Assistant Regional Manager
Kristi McDonald-Quintana, Chairwoman

Parks Manager Quintana reported the committee met in July, August and prior to the Board meeting. The committee had approved twenty-six assistant instructors and one full instructor. The committee also approved one lesson plan, one training site, and two safety plans.

Parks Manager Quintana stated the committee has had continuing discussions about changes to the qualification course, but at this time will not be submitting any changes to the firearms program for next year.

The committee has conducted one inspection in June since the last Board meeting.

- C. Law Enforcement Driving Chief Heather Coogan, Board Member

Chief Heather Coogan reported the committee made changes to performance testing, and will be submitting these changes to the Board for review. The changes will include no longer accepting verbal cues and will require use of light (visual) cues when testing driving ability under normal circumstances.

The committee discussed changes to the Rule regarding an academy not being required to provide 20% of remedial track time. The committee decided that P.O.S.T. shouldn't make that determination and decided to remove that rule.

Chief Coogan stated the committee discussed creating stronger guidelines for lesson plans. The guidelines would help each academy when submitting for academy approval. Chief Coogan stated that if there were stronger guidelines, academies would not have to submit their program numerous times, as in the case of the Sterling academy which was approved by the committee.

Chief Coogan stated the committee discussed the Rule and time limitations for review of each program, and that the current rule calls for a review only if there is a significant change, and that there is no definition of significant change. The committee feels there should be a time line and because of P.O.S.T. having limited staff, there is no way to verify every program.

Chief Coogan stated the committee will recommend that an equipment list be added to the lesson plan and safety requirements regarding the academies driving track.

- D. Curriculum Chief Phil Baca, Chairman

Chief Baca reported the committee addressed the 2009 committee meeting schedule.

Chief Baca stated there will be no changes to the curriculum for 2009.

Chief Baca stated the committee briefly discussed DNA topics.

Chief Baca stated that two new committee members were present, Sgt. James Mair from Denver Police Department, and Sgt. Steve Wygant from Jefferson County Sheriff's Office. Chief Baca stated that they will be announcing new committee member at the December Board meeting.

Chief Baca stated the committee discussed tasks for next year regarding the review of Rule 21 the rule for Basic and Reserve academies, to determine if changes need to be made regarding instructors, lesson plans, and the general layout of the curriculum.

Chief Baca referred the Board to the two evaluation forms for review that the committee would like added to the P.O.S.T. web-site. The forms will be available to any academy that would like to use them.

E. Advanced Officer Training Officer Neal Tyler, Chairman

Officer Tyler reported the committee had a large agenda and added three new committee members. Officer Tyler stated that due to scheduling issues the committee will report at the next Board meeting.

Action Items:

8. Peace Officer Certification Revocation Actions Director John Kammerzell

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications – Felony Convictions:

§ 24-31-305 C.R.S. A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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 or judge.

1. No.08-07, Bryan Robert Robidoux, Certification No. B-3998. On February 4, 2008, Respondent pled guilty to and was convicted of 1 count of Theft - \$500 to \$15,000, § 18-4-401(1), (2) (c), C.R.S., a class 4 felony. Respondent has failed to comply with P.O.S.T. Show Cause Order 08-07 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Bryan Robert Robidoux's Colorado peace officer certificate No. B-3998.

***Motion made and seconded to revoke
Passed Unanimously***

2. No.08-08, Douglas Morrill Peek, Certification No. 9379. On August 17, 2007, Respondent pled guilty to and was convicted of one count of Transportation
September 19, 2008

of Child Pornography, 18 U.S.C. § 2252(a)(1), a federal felony. Respondent has failed to comply with P.O.S.T. Show Cause Order 08-08 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Douglas Morrill Peek's Colorado peace officer certificate No. 9379.

***Motion made and seconded to revoke
Passed Unanimously***

3. No.08-09, Angela Michelle Tollison, Certification No. B-11179. On January 15, 2008, Respondent pled guilty to and was convicted of 1 count of Weapons – Possession by a Previous Offender, § 18-12-108(1), C.R.S., a class 6 felony. Respondent has failed to comply with P.O.S.T. Show Cause Order 08-09 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Angela Michelle Tollison's Colorado peace officer certificate No. B-11179.

***Motion made and seconded to revoke
Passed Unanimously***

4. No.08-12, David F. Holt, Certification No. 1338. On March 27, 2008, Respondent pled guilty to and was convicted of one count of Worker Compensation – False Statement, § 8-43-402, C.R.S., a class 5 felony. Respondent has failed to comply with P.O.S.T. Show Cause Order 08-12 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of David F. Holt's Colorado peace officer certificate No. 1338.

***Motion made and seconded to revoke
Passed Unanimously***

5. No. 08-13, Brian Rod Desizlets, Certification No. B-09444. On March 5, 2008, Respondent pled guilty to and was convicted of one count of Contributing to the Delinquency of a Minor, § 18-6-701, C.R.S., a class 4 felony. Respondent has failed to comply with P.O.S.T. Show Cause Order 08-13 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Brian Rod Deszlets' Colorado peace officer certificate No. B-09444.

***Motion made and seconded to revoke
Passed Unanimously***

6. No. 08-14, Michelle Dawn Moore, Certification No. B-10202. On March 7, 2008, Respondent pled guilty to and was convicted of one count of Accessory to a Crime - Murder, § 18-8-105(1)(3), C.R.S., a class 4 felony. Respondent has failed to comply with P.O.S.T. Show Cause Order 08-14 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Michelle Dawn Moore's Colorado peace officer certificate No. B-10202.

***Motion made and seconded to revoke
Passed Unanimously***

B. P.O.S.T. Rule 9 - Revocation of Peace Officer Certifications – Misdemeanor Convictions:

§ 24-31-305 C.R.S. A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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 or judge. Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes recognized in **§ 24-31-305(1.5) (b) thru (h), C.R.S.**

1. No. M08-03, Craig Weston Holley, Certification No. B-10973. On April 16, 2008, Respondent pled guilty to and was convicted of 1 count of Harassment, § 18-9-111 – Strike/Shove/kick, C.R.S., a class 3 misdemeanor. Respondent has failed to comply with Director's Show Cause Order M08-03. Director Kammerzell recommends revocation of Craig Weston Holley's Colorado peace officer certificate, No. B-10973.

***Motion made and seconded to revoke
Passed Unanimously***

2. No. M08-04, Felix Lockwood Fetterolf, Sr., Certification No. B-00740. On April 21, 2008, Respondent pled guilty to and was convicted of 1 count of Third Degree Assault, § 18-3-204, C.R.S., a class 1 misdemeanor. Respondent has failed to comply with Director's Show Cause Order M08-04. Director Kammerzell recommends revocation of Felix Lockwood Fetterolf, Sr.'s Colorado peace officer certificate, No. B-00740.

***Motion made and seconded to revoke
Passed Unanimously***

3. No. M08-05, Earvin E. Harness, Certification Number B-4680. On May 29, 2008, Respondent pled guilty to and was convicted of 1 count of False Reporting to Authorities, § 18-8-111, C.R.S., a class 3 misdemeanor. Respondent has failed to comply with Director Kammerzell's Show Cause Order M08-05. Director Kammerzell recommends revocation of Earvin E. Harness' Colorado peace officer certificate, No. B-4680.

***Motion made and seconded to revoke
Passed Unanimously***

Informational Items:

9. 2009 P.O.S.T. Legislative Initiative Director John Kammerzell

A. Increase to Motor Vehicle Registration Fee – House Member to Sponsor

1. Legislation to increase the Motor Vehicle Registration Fee in § 42-3-304(24), C.R.S. (2007).

Director Kammerzell stated the P.O.S.T. grant awards so far have provided funding for almost 500,000 hours of training. Director Kammerzell stated that P.O.S.T. is now fully cash funded, and as a result, some of this training money needs to go to P.O.S.T.

2. Increase(s) - 25 Cents or 50 Cents (Handout)

Director Kammerzell stated P.O.S.T. has a House sponsor, Representative Steven King from Mesa County. Director Kammerzell stated Representative King will ask the Legislature for an increase of 25 to 50 cents. Director Kammerzell stated the 25 cent increase would bring an additional \$1,059,000 for training and that the 50 cent increase would bring \$2,118,000.

10. 2009 P.O.S.T. Manual – Preliminary Issues Director John Kammerzell

Director Kammerzell stated the 2009 P.O.S.T. manual is currently being drafted and two revisions of the program are being submitted to the Board members for review.

A. Arrest Control Tactics Program - Revision Sgt. Richard Webb

Sgt Webb reported the changes being made to the program are the number of recommended hours and also the addition of scenario based training.

Sgt Webb stated the number of recommended hours be changed to required hours to accommodate the scenario based training change.

Sgt. Webb stated each academy is training about 60% above the required minimum of P.O.S.T. standards, and this change should not affect any academy training for arrest control.

B. Law Enforcement Driving Program – Revision Chief Heather Coogan

Chief Coogan reported the changes in the skills performance test and require a visual indicator and no longer accept manual or audio.

Chief Coogan stated the removal of anything that dictates that POST is deciding on how an academy shall administer their program.

Chief Coogan stated the committee discussed academies adding pit training after the program has been approved. The committee feels that adding the number of hours is inappropriate and should have to be counted as an additional block.

11. Witness Protection Training Project Director Kammerzell

A. DVD Training Course

Director Kammerzell reported that with the help of Douglas County and the Witness Protection Board, the training DVD has been distributed to all law enforcement in the state and with positive results.

B. Reference and Contacts Link on DOL/P.O.S.T. Website

Director Kammerzell stated there are contacts and links on the Department of Law and P.O.S.T. website for information and help.

12. DNA Training Project - HB 08-1397 Director Kammerzell

Director Kammerzell reported that HB1397 requires P.O.S.T. and its committees to add the DNA training to the basic curriculum for academy level training. Director Kammerzell stated the fiscal note provides \$81,000 to P.O.S.T. to hire a contract person to develop a training program and for training trainers with agency sponsored programs. Director Kammerzell stated that next year, two part time trainers are to be used to train peace officers throughout the state.

Director Kammerzell reported he and DOL Budget Manager Hugh Wilson have reviewed the Bill and the way the Fiscal Note reads, and the way the two analysts' put together the training plan, the process will not work in the two year training period recommended in the Fiscal Note.

Director Kammerzell stated that if the Legislative Sponsor and P.O.S.T. are successful in obtaining the 25 cent or 50 cent increase, P.O.S.T. may be able to hire a full time employee for the DNA training with those funds.

General Suthers suggested to the Board to authorize Director Kammerzell to engage with State budget staff and the Legislature to communicate these issues with each to get these problems resolved.

***Motion made and seconded
Passed Unanimously***

A. Training Manager Contract – Deborah Wilke, Project Director

Director Kammerzell stated P.O.S.T. has contracted Deb Wilke to develop the courses. Director Kammerzell stated that Deb will be working with an Interim SME Committee, appointed by the Governor's Board, to develop these DNA courses.

B. Interim Subject Matter Expert Committee

1. Best Practices Paper – Distribution to Law Enforcement Agencies

Director Kammerzell reported that this committee will be reviewing the current curriculum for DNA for the basic academy and improve the evidence collection training if needed.

2. Training programs for Colorado peace officers and basic training program students

Director Kammerzell stated this committee discussed the need for a training program for new investigators and evidence technicians. The committee may develop three or four programs during this process, and submit these programs to the Board for approval.

13. P.O.S.T. CDOT/NHTSA Grant and Projects Update Director Kammerzell

Director Kammerzell reported the completion of the issuance of the P.O.S.T. peace officer ID cards. The present Grant ends on September 30, 2008, and he has applied for an extension that will run through December 31, 2008. Peace Officer access to the P.O.S.T. Knowledge Factor website will be extended through May 31, 2009.

Director Kammerzell further stated he had to request an extension on the grant for the purpose of implementing and distributing the scanners to each region.

14. Report to the Board – Aron Davis’ Appeal of Denial as a Result of Misdemeanor Conviction

Director John Kammerzell

Director Kammerzell gave a final report regarding Mr. Davis appeal to the Board.

Director Kammerzell stated that the Board upheld his decision.

Sheriff Pelle brought up for discussion how the appeals process was being conducted.

General Suthers announced that in the future, when an individual appeals the Director’s decision, the Board will review and act on the appeal at the next Board meeting. If Board grants a rehearing, the Board will appoint a three member panel to hear the appeal. General Suthers stated that this will be in the case of misdemeanors only.

***Motion made and seconded
Passed Unanimously***

15. Comments from others on P.O.S.T. Issues

No additional comments were made.

16. 2008 and 2009 (Tentative) P.O.S.T. Board Meeting Schedule
- A. 2008 Meeting Dates:
Friday, December 5, 2008 – Colorado Department of Law
- B. 2009 Meeting Dates (Tentative):
Friday, March 06, 2009 – Colorado Department of Law
**Friday, June 12, 2009* – Colorado Department of Law
Thursday and Friday, September 24 and 25, 2009
Friday, December 4, 2009 – Colorado Department of Law

Next P.O.S.T. Board Meeting

Friday, December 5, 2008

Colorado Department of Law

1525 Sherman Street

Denver, CO 80203

S.M.E. Meetings begin at 8:00 a.m. - Board Meeting at 10:00 a.m.

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
December 5, 2008

The Peace Officer Standards and Training Board held its 365th Board meeting at the Department of Law in Denver, Colorado with the following in attendance:

BOARD MEMBERS

SHERIFF JAMES ALDERDEN
SHERIFF JAMES BEICKER
CHIEF HEATHER A. COOGAN
SAC JAMES H. DAVIS
SERGEANT LOUIS DIXON III
CHIEF DENNIS HARRISON
SHERIFF STAN HILKEY
CHIEF BRIAN N. KOZAK
CHIEF JOHN PATTERSON
SHERIFF JOE PELLE
OFFICER NICHOLAS A. PECK
PUBLIC MEMBER BOB PENCE
CHIEF PAUL D. SCHULTZ
OFFICER NEAL TYLER
EXECUTIVE DIRECTOR PETER WEIR
CHIEF GERALD WHITMAN

BOARD MEMBERS ABSENT

ATTORNEY GENERAL JOHN SUTHERS (excused)
SHERIFF JAMES CASIAS (excused)
COMMISSIONER SARA J. FISHER (excused)
SHERIFF LOUIS VALLARIO (excused)

BOARD COUNSEL

DIANE MARIE DASH, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
CRISTINE MACK, Investigator
RUTH VANDERBROEK, Compliance Officer
LISA TONEY, Administrative Assistant
SUZANNE WALKER, Interim Training Program Coordinator

MEMBERS OF THE PUBLIC IN ATTENDANCE

PHIL BACA, Commerce City Police Department
JIM BAGBY, Colorado Springs Police Department
TIM BLACK, Broomfield Police Department
COREY COMPTON, Colorado Springs Police Department
CHARLES COSTIGAN, Citizen
MICHAEL CUMMINGS, Arapahoe County Sheriff's Office
GLENN DAVIS, Colorado Department of Transportation
JAMES GLEASON, Aurora Police Department
HEATH GRAW, Aurora Police Department
BRIAN HILL, Federal Reserve Police Department
SCOTT JARMIN, Adams County Sheriff's Office
DONN KRAEMER, Lakewood Police Department
MICHAEL MCINTOSH, Adams County Sheriff's Office
PAUL O'KEEFE, Aurora Police Department
AL PADILLA, Lakewood Police Department
JOEL F. SHULTS, Adams State College Police, Alamosa
JOE THOMAS-HAZELL, Citizen
ED TRUJILLO, El Paso County Sheriff's Office
MATT TYNER, Colorado Springs Police Department
RICH WEBB, Jefferson County Sheriff's Office
DEB WILKE, P.O.S.T.

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on December 5, 2008.

Arrest Control Committee
Curriculum Committee
Firearms Committee
Driving Committee

Introductions:

1. Welcome P.O.S.T. Vice-Chairman Dennis Harrison
2. Introduction of Board Members, Staff, SME Members and Guests
3. Roll Call P.O.S.T. Director John Kammerzell
Declaration of a Quorum

December 5, 2008

4. Approval of P.O.S.T. Board Minutes for September 19, 2008

Approved Unanimously

Presentations:

5. Skills Subject Matter Expert Committee Reports

A. Curriculum Chief Phil Baca, Chairman

Chief Baca reported the committee updated their 2009 committee membership forms.

The Committee formally approved the academy course evaluation forms, and informed the Board that the forms are now currently available for use.

Chief Baca stated the committee had formally approved the DNA curriculum course.

The committee continues to discuss physical fitness and leadership training content for the Basic Training program, which will be reconsidered and discussed in 2009.

Chief Baca stated the committee verified future committee meeting dates and times.

B. Arrest Control Cpl. Richard Stensgaard, Co-Chairman

Cpl. Stensgaard reported the committee reviewed and approved numerous instructors of the new program for El Paso County's primary arrest control program.

Cpl. Stensgaard reported the committee had assisted with inspection of the Highlands Ranch Academy.

The Committee did not approve the application for committee member because the individual is not a current Law Enforcement Officer.

Cpl. Stensgaard stated the committee approved instructors and an assistant instructor for the Delta County Academy.

C. Firearms Sheriff Jim Beicker, Board Member

Sheriff Beicker reported the committee approved thirty-six assistant skills instructors and denied one for lack of training. The committee approved three full instructors and one lesson plan.

The committee held two inspections: the reserve academy in La Junta was rated as fair and WCPOA in Grand Junction was rated as very good.

D. Law Enforcement Driving Sergeant Al Padilla, Chairman

Sgt Al Padilla stated the committee had some safety concerns with the Delta-Montrose track site. The committee will be working with that academy prior to the start of the next academy.

Sgt. Padilla stated the committee modified the inspection form for easier use.

The Committee approved one full instructor and three assistant instructors for the El Paso County Sheriff's Academy, and approved the driving track at the Pikes Peak International Raceway.

E. Advanced Officer Training Officer Neal Tyler, Chairman

Officer Tyler reported that the committee completed a Train the Trainer II course of Reality Based Training. The new program will be available soon.

Officer Tyler stated the committee met with the Arrest Control SME Committee and discussed scenario based training verses reality based training.

Officer Tyler stated that committee would like to meet with the SME Chairs to discuss how to integrate Reality Based Training into each of the other skills training disciplines.

F. DNA Course Development Ex-Chief Deborah Wilke, Project Coordinator

Project Coordinator Wilke reported the committee met three times to discuss Section 4 of House Bill 1397, and how it relates to law enforcement, the basic academy curriculum, and in-service training.

Coordinator Wilke stated the committee was successful at revising the basic training curriculum for evidence collection and retention. Coordinator Wilke stated the revision and recommendations meet the requirement that the training be implemented by August of 2009.

Action Items:

6. Selection of the 2009 P.O.S.T. Vice-Chairperson Chief Dennis Harrison

Chief Harrison deferred the appointment of the Vice-Chairperson until the March 6, 2009 Board meeting.

7. Appointment of the 2009 P.O.S.T. Sunrise Review Sub-committee
Chief Dennis Harrison

A. Membership appointments

1. Rule 22 - P.O.S.T. Board Sub-committee for Sunrise Review of Peace Officer Status

The Sub-committee shall include the following P.O.S.T. Board members: 2 Police Chiefs, 2 Sheriffs, and 1 additional Board member. The Director of P.O.S.T. shall staff the Sub-committee.

2. 2008 Committee - Sheriff Jim Alderden (Chairperson), Sheriff Jim Beicker, Chief Gerald Whitman, Chief John Patterson and Public Member Bob Pence.

Chief Harrison called for a motion to have the current standing committee to remain for 2009.

***Motion made and seconded
Approved Unanimously***

- B. Sub-committee Update and Letters to the Legislative Judiciary Committees

Sheriff Alderden reported that there has been no activity and no one has applied for Sunrise review.

8. Appointment of the 2009 P.O.S.T. Peace Officer Training Project Sub-committee.
Chief Dennis Harrison

- A. Membership Appointments

1. 2008 Committee - Chief Dennis Harrison (Chair), Sheriff Lou Vallario, Sheriff Stan Hilkey, Chief John Patterson, Chief Paul Schultz, Commissioner Sara Fisher and Officer Neal Tyler

Chief Harrison stated in an effort to keep consistency within the Sub-committee process, he would recommend Sheriff Lou Vallario be appointed as Chair. Chief Harrison also called for a motion to have the current standing committee to remain for 2009 with an option to update in June 2009.

***Motion made and seconded
Approved Unanimously***

- B. Sub-committee Update

Director Kammerzell introduced Interim Project Coordinator Suzanne Walker to the Board. Director Kammerzell stated that Suzanne has been responsible for successfully implementing distribution of the scanners and training information to each region.

Director Kammerzell reported 37,000 hours of training had been reported to P.O.S.T. during the first half of the grant's cycle.

Director Kammerzell stated the Training Program Coordinator position has been posted and that the Training Manager's position is currently vacant.

Director Kammerzell anticipates a training forum to be held in April for all Regions and the RFP for grant applications will be announced in February.

Director Kammerzell reported that the Training Sub-committee will meet December 11th to discuss legislation for P.O.S.T. Director Kammerzell stated that P.O.S.T. has secured a sponsor in the House to run the Bill for a thirty-five cent increase to the existing motor vehicle registration statute.

9. Formal Board recognition of the 2009 Subject Matter Expert (SME) Committee Members
Director Kammerzell

A. Committee Rosters – Curriculum SME, Firearms SME, Arrest Control SME, Driving SME, Advanced Officer Training Committee and Interim DNA SME

Director Kammerzell formally recognized each SME Committee member for their dedication and the expertise they bring to the P.O.S.T. Board. Without these individuals, P.O.S.T. would not be able accomplish their mission, responsibilities, and tasks.

Chief Harrison also expressed his sincere gratitude for all the SME members and to the agencies that allow these individuals to participate.

10. 2009 Rules Hearing and Manual Review *Chief Dennis Harrison*

* ***Public Announcement of Formal Rule Making Hearing***

A. Summary of Proposed P.O.S.T. Rule Changes

Colorado Department of Regulatory Affairs Review/Response

1. Rule 21 – *Basic and Reserve Training Academies*
2. Rule 23 – *Academy Skills Instructors*
3. Rule 24 – *Skills Training Safety and Skills Program Requirements for Basic and Reserve Academies*

Chief Harrison states that a handout was made available outlining the changes made to the program.

Chief Harrison asked of the Board if there are any questions regarding the rule changes in each Rule. Chief Harrison seeing none directed the same question to the audience.

Chief Harrison seeing none called for a motion to accept the changes made to Rule 21, Rule 23, and Rule 24.

***Motion made and seconded
Approved Unanimously***

* ***Public Announcement of Completion of Formal Rule Making***

B. *Overview – Revisions to the 2009 P.O.S.T. Manual*

December 5, 2008

1. DNA Training Project (HB08-1397) DNA Coordinator Deb Wilke

a. Basic Academic Training Program

Section VII - Investigative Procedures 56 Required Hours

Coordinator Wilke reported the committee's objective was to ensure the training meets the requirements of House Bill 1397.

Coordinator Wilke stated the committee researched the current Basic Training Academy Program and found that evidence collection and some sort of DNA training already existed.

Coordinator Wilke stated the committee felt it necessary to standardize the curriculum already being taught in the academy without adding any additional hours, and advised the section, Identification and Collection of Evidence would remain at 10 Hours. Coordinator Wilke stated the Curriculum Committee supports the recommended changes to the Basic Academy Program, also that the committee will provide future training program recommendations to the Board

DNA SME Committee Recommendations

C. Arrest Control Training Program Revision **Sgt. Richard Webb**

1. 2009 P.O.S.T. Manual – Arrest Control Training Program

Sgt. Webb stated committee revised the proposed program to be more beneficial for the teaching of and learning of the students. Sgt. Webb stated the revisions will incorporate scenario based training and the committee reviewed discussed the revisions throughout the year. Sgt. Webb reported that the revision does not add to the existing number of hours.

D. Law Enforcement Driving Program Revision Director John Kammerzell

1. 2009 P.O.S.T. Manual – Law Enforcement Driving Program

Driving SME Committee Recommendations

Director Kammerzell reported the committees' recommendation to require a visual indicator and to delete the requirement of not providing a trainee more than 20% of total track time.

Director Kammerzell stated the Course Evaluation 10A and Academy Evaluation 10B forms will included in the 2009 P.O.S.T. Manual.

Chief Harrison asked if there were any comments from the Board and called for a motion to accept all Rule changes as read.

***Motion made and seconded
Passed Unanimously***

December 5, 2008

11. Peace Officer Certification Revocation Actions

Chief Dennis Harrison
Director John Kammerzell
Board Counsel Diane Dash

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications – Felony Convictions:

§ 24-31-305 C.R.S. A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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 or judge.

1. No.08-15, Jeffrey M. Outlar, Certification No. B-11518. On February 8, 2008, Respondent pled guilty to and was convicted of 1 count of Sexual Conduct in Penal Institutions, § 18-7-701(1)(3), C.R.S., a class 5 felony. Respondent has failed to comply with P.O.S.T. Show Cause Order 08-15 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Jeffrey M. Outlar’s Colorado peace officer certificate No. B-11518, (PID121427).

*Motion made and seconded to revoke
Passed Unanimously*

2. No. 08-17, Jeffrey Denton Brosh, Certification No. B-00082. On April 18, 2008, Respondent pled guilty to and was convicted of 1 count of Sexual Assault on a Child – Position of Trust, § 18-3-405.3(1),(2)(a), C.R.S., a class 3 felony. Respondent has failed to comply with P.O.S.T. Show Cause Order 08-17 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Jeffrey Denton Brosh’s Colorado peace officer certificate No. B-00082, (PID 108466).

*Motion made and seconded to revoke
Passed Unanimously*

B. P.O.S.T. Rule 9 - Revocation of Peace Officer Certifications – Misdemeanor Convictions:

§ 24-31-305 C.R.S. A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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 or judge. Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes recognized in **§ 24-31-305(1.5) (b) thru (h), C.R.S.**

1. No. M08-07, Joetta Marie Iles, Certification No. 16112. On April 30, 2008, Respondent pled guilty to and was convicted of 2 counts of First

December 5, 2008

Degree Official Misconduct, § 18-8-404, C.R.S., both class 2 misdemeanors. Respondent has failed to comply with Director's Show Cause Order M08-07. Director Kammerzell recommends revocation of Joetta Marie Iles' Colorado peace officer certificate, Number 16112, (PID 123633).

***Motion made and seconded to revoke
Passed Unanimously***

2. No. M08-09, Jonathan Jay Gonzales, Certification No. B-5246. On May 14, 2008, Respondent pled guilty to and was convicted of 1 count of First Degree Official Misconduct, § 18-8-404, C.R.S., a class 2 misdemeanor. On October 8, 2008, the Respondent appeared before Director Kammerzell in Show Cause Order M08-07. On October 15, 2008, Mr. Gonzales was notified that his petition appealing revocation action was denied. The 30-day appeal period, Per P.O.S.T. Rule 9 (e), has expired. Director Kammerzell recommends revocation of Jonathan Jay Gonzales' Colorado peace officer certificate, Number B-5246, (PID 113289).

***Motion made and seconded to revoke
Passed Unanimously***

C. P.O.S.T. Rule 9 – Reconsideration of Revocation of Peace Officer Certification – Misdemeanor Conviction:

P.O.S.T. Rule 5 – Hearings (a), at any time the Director may direct a respondent to appear at a hearing and show cause why the Board should not issue a remedial order. Not less than thirty (30) days prior to the date set for such hearing, the Director shall transmit to the respondent written notice of such hearing.

1. No. M06-09, Charles Daniel Costigan, Certification No. 12048. On June 22, 2005, Respondent pled guilty to 1 count of Harassment – Strike/Shove/Kick, § 18-9-111(1)(a), C.R.S., a class 3 misdemeanor. Respondent was sentenced to a *12 month Deferred Sentence*. Subject failed to appear at the P.O.S.T. Director's Show Cause Hearing scheduled May 23, 2006. On September 29, 2006, Director Kammerzell recommended revocation of Charles Daniel Costigan's peace officer certificate. Upon further consideration, the P.O.S.T. Board did at that time unanimously vote to revoke the peace officer certification of Daniel Charles Costigan.

a. Chronological Order of Events

1. November 21, 1986, Respondent completed training at the Jefferson County Sheriff's Academy.
2. March 30, 1987, Respondent was certified as a Colorado peace officer, Certificate No. 12048.
3. On June 22, 2005, in Arapahoe County Case 2005M101042, Respondent pled guilty to Count 1 – Driving While Ability Impaired (not a P.O.S.T. recognized conviction) and guilty to 1 Count of Harassment.

December 5, 2008

4. On June 26, 2006, the District Attorney for the Eighteenth Judicial District moved to dismiss the Harassment in the action and to quash any outstanding warrants. The Court approved the motion and ordered the action dismissed.
5. On August 8, 2008, P.O.S.T. received correspondence from Charles Daniel Costigan requesting a hearing for reconsideration of the revocation of his peace officer certificate, and approval to renew his peace officer certificate.

Chief Harrison stated to the Board that Mr. Costigan's resume was supplied to them, and a letter to the Board expressing his desire to have his certification reinstated.

Chief Harrison also explained to Mr. Costigan that if the Board allows his renewal of his certification he would have to go through the entire testing process.

Mr. Costigan gave a brief description about his current status as an investigator, and working in the private sector as a financial officer.

Mr. Costigan gave his account of the night the incident occurred, and why he was in the situation.

Mr. Costigan stated he would like to be able to pursue his career as a law enforcement officer, and maybe serve in a different capacity.

Chief Harrison stated that under Rule 13 the Board may grant reinstatement of his certification and called for a motion to allow Mr. Costigan to renew his certification.

***Motion made and seconded to allow renewal
Passed Unanimously***

Informational Items:

12. 2009 P.O.S.T. Legislative Initiative

	Chief Dennis Harrison
	Director John Kammerzell

 - A. 35-Cent Increase to Motor Vehicle Registration Fee: § 42-3-304 (24), C.R.S.
 1. P.O.S.T. Sub-committee Meeting
 - a. December 11, 2008 at the Department of Law
 - b. Development of Bill Talking Points – Grant Awards
13. Comments from others on P.O.S.T. Issues

Mr. Thomas-Hazell stated that there should be a law that if a person is not getting the help they need from law enforcement they should be allowed to request the help from FBI or CBI for assistance.

Mr. Thomas-Hazell stated that when collecting DNA evidence there should be a miscellaneous category included.

14. 2008 and 2009 (Tentative) P.O.S.T. Board Meeting Schedule

- A. 2009 Meeting Dates:
Friday, March 06, 2009 – Colorado Department of Law
**** Friday, June 5, 2009** – Colorado Department of Law
Thursday and Friday, September 24 and 25, 2009 – Hosted by Sheriff Vallario
Friday, December 4, 2009 – Colorado Department of Law

** Changed since last meeting and from June 12, 2009

Next P.O.S.T. Board Meeting

Friday, March 6, 2009

Colorado Department of Law

1525 Sherman Street

Denver, CO 80203

S.M.E. Meetings begin at 8:00 a.m. - Board Meeting at 10:00 a.m.

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
March 6, 2009

The Peace Officer Standards and Training Board held its 366th Board meeting at the Department of Law in Denver, Colorado with the following in attendance:

BOARD MEMBERS

SHERIFF JAMES ALDERDEN
SHERIFF JAMES BEICKER
CHIEF HEATHER A. COOGAN
SAC JAMES H. DAVIS
SERGEANT LOUIS DIXON III
COMMISSIONER SARA J. FISHER
CHIEF DENNIS HARRISON
SHERIFF STAN HILKEY
OFFICER NICHOLAS A. PECK
PUBLIC MEMBER BOB PENCE
CHIEF PAUL D. SCHULTZ
ATTORNEY GENERAL JOHN SUTHERS
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO
EXECUTIVE DIRECTOR PETER WEIR

BOARD MEMBERS ABSENT

SHERIFF JAMES CASIAS (excused)
CHIEF BRIAN N. KOZAK (excused)
CHIEF JOHN PATTERSON (excused)
SHERIFF JOE PELLE (excused)
CHIEF GERALD WHITMAN (excused)

BOARD COUNSEL

DIANE MARIE DASH, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
CRISTINE MACK, Investigator
RUTH VANDERBROEK, Compliance Officer
LISA TONEY, Administrative Assistant
SUZANNE WALKER, Training Program Coordinator

MEMBERS OF THE PUBLIC IN ATTENDANCE

DARRELL AULSTON, Colorado State Patrol
PHIL BACA, Commerce City Police Department
MIKE BARNETT, Fountain Police Department
MINER BLACKFORD, Otero Junior College
ERIK BOURGERIE, Summit County Sheriff's Office
BILL CLAYTON, CPPA, CSPPA, CDAC, PPA
DAN CORSENTINO, Fountain Police Department
MICHAEL CUMMINGS, Arapahoe County Sheriff's Office
TONY DATTILO, Adult Parole
GLENN DAVIS, Colorado Department of Transportation
DAVID EDMONDSON, Colorado Springs Police Department
ERIC A. GONZALES, Pueblo Police Department
BRIAN HILL, Federal Reserve Police Department
KEN HILTE, Pikes Peak Community College Police Department
GLENN JOHNSON, Colorado Department of Transportation
ED KAFEL, El Paso County Sheriff's Office
DONN KRAEMER, Lakewood Police Department
PETE LAWRENCE, Colorado State Patrol
JOHN MINOR, Summit County Sheriff's Office
DARREN O'DRISCOLL, El Paso County Sheriff's Office
AL PADILLA, Lakewood Police Department
KRISTI QUINTANA, Colorado State Parks
JD ROSS, El Paso County Sheriff's Office
MIKE SACCONI, Office of the Attorney General
JOEL F. SHULTS, Adams State College Police, Alamosa
KARL SMALLEY, Adams County Sheriff's Office
RICHARD STENSGAARD, Denver Police Department
JOE THOMAS-HAZELL, Citizen
MIKE WALKER, Denver Police Department
RICH WEBB, Jefferson County Sheriff's Office
DEB WILKE, P.O.S.T.

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on December 5, 2008.

Arrest Control Committee
Curriculum Committee
Firearms Committee
Driving Committee

March 6, 2009

Introductions:

1. Welcome Attorney General John W. Suthers
2. Introduction of Board Members, Staff, SME Members and Guests
3. Roll Call P.O.S.T. Director John L. Kammerzell
Declaration of a Quorum
4. Approval of P.O.S.T. Board Minutes for December 5, 2008
Approved Unanimously

Presentations:

5. Skills Subject Matter Expert Committee Reports
 - A. Curriculum Chief Phil Baca, Chairman

Chief Baca reported that the committee approved a new member, Sergeant Dave Edmondson of the Colorado Springs Police Department. Chief Baca welcomed Sgt. Edmondson, and stated he will be a great member for the curriculum committee.

Chief Baca reported that the committee discussed the future of training academies, and how training will be presented.

- B. Arrest Control Sgt. Richard "JJ" Webb, Co-Chairman

Sgt. Webb stated that the committee approved an assistant instructor from the Alamosa Police Department. The applicant also requested to be an SME member, which was denied due to the small amount of time the instructor had in with academy direction instruction.

Sgt. Webb reported that two academy inspections were completed in February, the Arapahoe Community College site and Durango site were both rated as very good.

Sgt. Webb stated the lesson plan for Delta County was approved. The site and safety plans for WCPOA in Grand Junction, and the Jefferson County were also approved.

Jefferson County submitted approval for seven assistant instructors, which were approved. El Paso County requested approval for nine full instructors and 12 assistant instructors, which were also approved.

March 6, 2009

Sgt. Webb stated that the committee will conduct three inspections in April and May.

- C. Firearms Parks Assistant Regional Manager
Kristi McDonald-Quintana, Chairwoman

Parks Assistant Regional Manager Quintana reported the committee met over the last three months, and have approved three full skills instructors and denied one due to lack of training. The committee approved 62 assistant skills instructors, and denied three assistants, two for lack of training and one because of a domestic violence permanent restraining order.

Parks Manager Quintana reported the committee approved two programs, one for handgun and one for rifle, and that the committee is currently working on an updated qualification course.

- D. Law Enforcement Driving Sergeant Al Padilla, Chairman

Sgt. Al Padilla stated the committee had reviewed two applicants for membership, both of which were denied for lack of experience. Sgt. Padilla stated that the committee recommended that these two individuals re-apply next year.

The committee approved two full instructors and four assistant instructors. Sgt. Padilla stated the committee is reviewing the inspection format of the driving aspect of the program.

Sgt. Padilla stated the committee discussed terms of pursuits as opposed to emergency driving in the manual. The subject has been tabled while further research is conducted.

The committee will conduct two future inspections in May, one at CSP and Denver in June. The Committee will assist with inspections in Weld County, Jefferson County, and in Alamosa.

- E. Advanced Officer Training Officer Neal Tyler, Chairman

Officer Neal Tyler reported that committee had met, and will be offering a reality based training instructor development course in the summer.

Officer Tyler stated that he is currently working with Director Kammerzell and with other SME committees in developing similar reality based training courses for each discipline.

- F. DNA Course Development Deborah Wilke, Project Coordinator

Coordinator Deb Wilke reported the committee worked on the development of student outcomes for the new in-service training program for certified peace officers.

Coordinator Wilke stated the committee is working with Knowledge Factor to determine the cost of creating a DNA course, and to allow free training to all certified peace officers for two years.

March 6, 2009

Coordinator Wilke stated the committee is currently working on goals and objectives, and plan to have another work session in April at Knowledge Factor, when they will be developing the final curriculum.

Coordinator Wilke reported the committee plans to have the curriculum completed and ready to upload into the program by May 31st. Peace officers should be able to access to the online course on July 1, 2009.

Coordinator Wilke stated the people in the committee were great to work with and recognized them individually.

Action Items:

6. Selection of the 2009 P.O.S.T. Vice-Chairperson General Suthers

General Suthers selected Fort Collins Police Chief Dennis Harrison to continue as the Vice-Chairman of the Board, and called for a motion.

***Motion made and seconded
Approved Unanimously***

7. Peace Officer Certification Revocation Actions Director Kammerzell

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications – Felony Convictions:

§ 24-31-305 C.R.S. A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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 or judge.

1. No.08-18, John Ramon Chapman, Certification No. B-7799. On August 13, 2008, Respondent pled guilty to and was convicted of 1 count of Violation of Custody – Removal from the United States, § 18-3-304(1),(2.5), C.R.S., a class 4 felony. *The Respondent was not employed as a peace officer on the date of the offense (Arrest Date: October 3, 2007 – Separated: March 1, 2004).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 08-18 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of John Ramon Chapman’s Colorado peace officer certificate No. B-7799, (PID 116162).

***Moved by Sgt. Dixon, and seconded by Sheriff Hilkey to revoke certification
Passed Unanimously***

2. No.08-19, Gregory Frank Sisco, Certification No. B-00646. On June 4, 2008, Respondent pled guilty to and was convicted of 1 count of Possessing a Dangerous or Illegal Firearm, § 18-12-102(3), C.R.S., a class 5 felony. *The Respondent was not employed as a peace officer on the date of the offense (Arrest Date: December 15, 2007 – Separated: February 1, 2007).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 08-19 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Gregory Frank Sisco’s Colorado peace officer certificate No. B-00646, (PID 112378).

***Moved by Sheriff Hilkey, and seconded by Chief Schultz to revoke certification
Passed Unanimously***

B. P.O.S.T. Rule 9 - Revocation of Peace Officer Certifications – Misdemeanor Convictions:

§ 24-31-305 C.R.S. A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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 or judge. Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes recognized in **§ 24-31-305(1.5) (b) thru (h), C.R.S.**

1. No. M08-10(2), Benjamin A. Roe, Certification No. B-4444. On March 12, 2008, Respondent pled guilty to and was convicted of 1 count of Harassment – Domestic Violence, § 18-9-111, C.R.S., a class 3 misdemeanor. *The Respondent was employed as a peace officer on the date of the offense (Later separated on March 21, 2008).* The Respondent has failed to comply with Director's Show Cause Order M08-10(2). Director Kammerzell recommends revocation of Benjamin A. Roe’s Colorado peace officer certificate, Number B-4444, (PID 124223).

***Moved by Mr. Pence, and seconded by Sheriff Alderden to revoke certification
Passed Unanimously***

2. No. M08-11, Dawna Davis, Certification No. B-5822. On September 11, 2008, Respondent pled guilty to and was convicted 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 (Summons and Complaint Filed: July 28, 2008 – Separated: October 21, 2005).* The Respondent has failed to comply with Director's Show Cause Order M08-11. Director Kammerzell recommends revocation of Dawna Davis’ Colorado peace officer certificate, Number B-5822, (PID 124881).

Moved by Sheriff Beicker, and seconded by Chief Harrison to revoke certification

Passed Unanimously

March 6, 2009

3. No. M08-12, Michael Lawrence Liddle, Certification No. B-01427. On September 25, 2008, Respondent pled guilty to and was convicted of 1 count of Harassment – Domestic Violence, § 18-9-111, C.R.S., a class 3 misdemeanor. *The Respondent has never been appointed as a peace officer.* The Respondent has failed to comply with Director's Show Cause Order M08-12. Director Kammerzell recommends revocation of Michael Lawrence Liddle's Colorado peace officer certificate, Number B-01427, (PID 108583).

***Moved by Director Weir, and seconded by Chief Coogan to revoke certification
Passed Unanimously***

4. No. M08-13, Richard P. Trujillo, Certification No. B-01317. On November 13, 2008, Respondent pled guilty to and was convicted 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 (Arrest Date: November 7, 2008 - Separation Date: September 12, 2005).* The Respondent has failed to comply with Director's Show Cause Order M08-13. Director Kammerzell recommends revocation of Richard P. Trujillo's Colorado peace officer certificate, Number B-01317, (PID 107154).

***Moved by Sheriff Hilkey, and seconded by Sgt. Dixon to revoke certification
Passed Unanimously***

5. No. M09-01, Craig Raymond Hathaway, Certification No. B-09690. On November 24, 2008, Respondent pled guilty to and was convicted of 1 count of Harassment, § 18-9-111 (1)(f), C.R.S., a class 3 misdemeanor. *The Respondent has never been employed as a peace officer.* The Respondent has failed to comply with Director's Show Cause Order M09-01. Director Kammerzell recommends revocation of Craig Raymond Hathaway's Colorado peace officer certificate, Number B-09690, (PID 100144).

***Moved by Chief Harrison, and seconded by Officer Tyler to revoke certification
Passed Unanimously***

8. Variance Requests Director Kammerzell

- A. *P.O.S.T. Rule 10 – Conditional Peace Officer Authority and Basic Peace Officer Certification and § 24-31-305(1)(c), C.R.S., (2008).*

Provides the P.O.S.T. Board with the authorization to issue P.O.S.T. Basic Peace Officer Certification to persons holding Conditional Peace Officer Authority and who have been employed for at least one year in good standing as a peace officer by a law enforcement agency as specified in § 24-31-301(3.5), C.R.S. (2008).

B. *P.O.S.T. Rule 7 – Variances and § 24-31-305 (4), C.R.S., (2008)*

Provides that the P.O.S.T. Board may grant variances from the requirements of this section to any individual, including any individual called to active duty by the armed forces of the United States, if strict application thereof would result in practical difficulty or unnecessary hardship and where the variance would not conflict with the basic purposes and policies of this part 3. **

1. Rachel R. White (PID 133065)

Petitioner's Request:

Petitioner requests P.O.S.T. accept her 10 months of employment and service with the El Paso County Sheriff's Office, and issue Basic Peace Officer Certification.

History/Facts:

- Petitioner began the El Paso County Sheriff's P.O.S.T. approved Basic Training Academy on October 15, 2007.
- Petitioner passed the P.O.S.T. Certification Examination and was issued P.O.S.T. Conditional Peace Officer Authority on March 11, 2008.
- Petitioner graduated from the El Paso County Sheriff's Academy on March 19, 2008.
- Petitioner voluntarily separated from service with the El Paso County Sheriff's Office on December 31, 2008 due to budgetary circumstances.

Sheriff Maketa address the Board for consideration of Conditional Officers who voluntarily resigned from their position due to the economy and budget issues. Sheriff Maketa stated Ms. White's request was to be allowed to obtain a certificate with the amount of time she had already accumulated so she could seek other employment as a certified officer. Sheriff Maketa stated he supported her decision.

Sheriff Maketa stated that Ms. White would have successfully completed the one year of service if she had not been laid off.

Staff Recommendation:

Grant Petitioner's Request – Issue P.O.S.T. Basic Peace Officer Certificate

2. Thomas Kennedy (PID 133557)
3. Heather Ricker (PID 133569)
4. Bryan Stammer (PID 133573)
5. Brad Bartter (PID 133540)
6. Daniel Wood (PID 133577)
7. Layne Derby (PID 133548)

** All supported by El Paso County Sheriff Terry Maketa.

March 6, 2009

Petitioner's Request:

Petitioners request that P.O.S.T. consider their 4 months of employment and peace officer service with the El Paso County Sheriff's Office, and allow completion of the requirements of P.O.S.T. Rule 10 (b)(I) for Basic Peace Officer Certification at a later date.

History/Facts:

- Petitioners began the El Paso County Sheriff's P.O.S.T. approved Basic Training Academy on March 19, 2008.
- Petitioners passed the P.O.S.T. Certification Examination and were issued P.O.S.T. Conditional Peace Officer Authority on August 14, 2008.
- Petitioners graduated from the El Paso County Sheriff's Academy on August 7, 2008.
- Petitioners voluntarily separated from service with the El Paso County Sheriff's Office on December 31, 2008 due to budgetary circumstances.
- Petitioners completed 4 months service and FTO training prior to December 31, 2008.

Staff Recommendation:

Grant the Petitioners' Request – place their Conditional Peace Officer Authority in abeyance until the El Paso County Sheriff's Office is able to return each deputy to active status and continue the petitioner(s) training within Rule 10 (b)(I) and § 24-31-305 (1)(c), C.R.S., (2008). Issue P.O.S.T. Basic Peace Officer Certification upon receipt of a P.O.S.T. Form 1 submitted by the El Paso County Sheriff's Office, and upon completion of one full year in good standing as a peace officer.

Sheriff Maketa stated he will hire back all the individuals, including Ms. White, affected by the forced layoff and seeks consideration to allow a hold on each person's conditional authority until the budget allows them to be rehired. Sheriff Maketa requested a year for each individual.

A motion was made to grant a variance allowing Ms. White to become certified having only completed ten months.

***Motioned by Sheriff Hilkey, and Seconded By Sheriff Vallario
Passed Unanimously***

A motion was made to grant the variance, and allow these individuals an additional twelve months, and to be conditional upon their return to the El Paso County Sheriff's Office.

***Motioned by Sheriff Hilkey, and Seconded By Sheriff Beicker
Passed Unanimously***

March 6, 2009

Informational Items:

9. 2009 P.O.S.T. Legislative Initiative Director Kammerzell
- A. ***HB09-1036***, 35-Cent Increase to Motor Vehicle Registration Fee: § 42-3-304 (24), C.R.S., (2008).
1. Bill Status/Report
- a. Passed House on February 18, 2008 – Vote of 42 to 21.
- b. Senate Finance Committee – Hearing, Thursday, March 5, 2009.

Director Kammerzell reported that the Bill is doing well, and that it is about 80% through the process. Director Kammerzell stated the Bill will be going to the Senate Appropriations Committee within the next two weeks.

10. Instructor Re-certification Standards for the Standardized Field Sobriety Testing (SFST) Program Glenn Davis
- A. Executive Summary
- B. POST Peace Officer Training Project Program Approval
1. TA0013 – SFST Instructor Re-certification Training Course
- C. Formal Letter of Support to all Colorado Law Enforcement Agency Heads – signed by P.O.S.T. Board Chair, Director of CDAC and CSP Chief.

SFST Coordinator Glenn Davis stated that the standards of field sobriety testing have been the same since 1999, and he feels it is important to maintain and update this type of training.

Coordinator Davis stated there are funds available through CDOT for officers to be current with the SFST course.

Attorney General Suthers asked the Board if there were any objections with him signing this letter. General Suthers stated he will sign Coordinator Davis’s letter of support.

11. P.O.S.T. Peace Officer Training Project Director Kammerzell
- A. Update and Report
1. Program Status
2. 2009-2010 Project Schedule

Director Kammerzell reported the HR department will be providing a list of eleven individuals that will be interviewed for Steve Zotos position.

Director Kammerzell stated that the oral Board will be held March 16 for the three candidates and one current State employee.

Director Kammerzell stated that the position should be filled by the first week of April.

Director Kammerzell reported that the training forum will be held April 9th at the Highlands Ranch Training Facility for all the Regions and statewide training partners, and will inform them of the grants available to them for the next cycle.

Director Kammerzell reported at the present cycle there has been a total of 65,000 hours of training and, there is to be more training conducted before the end of the fiscal year.

12. 2008 P.O.S.T. Annual Report General Suthers

The 2008 P.O.S.T. Annual report was handed out to the Board members, there were no comments.

13. 2009 P.O.S.T. Manual/CD Director Kammerzell

Director Kammerzell supplied the Board members with a hard copy and CD of the 2009 P.O.S.T. Manual, and that is now available for purchase and announced on the P.O.S.T. website.

14. Comments from others on P.O.S.T. Issues

Senior Agent Donn Kramer, of the Lakewood Police Department and Chairman of the Colorado Law Enforcement Memorial, announced that the annual ceremony will be held on May 1st.

Senior Agent Kramer stated that a disc, which can be modified or printed for use, will be mailed to the Police Administrators. The Line of Duty, Death and Serious Injury Project was created by the Colorado Law Enforcement Memorial, in conjunction with the Colorado Chapter of Concerns of Police Survivors, so that if any agency is in need of this information they have something to refer to.

Citizen Joe Thomas-Hazell stated his concerns regarding DNA collection and retention and how all agencies should follow the same protocol when collecting evidence.

15. 2009 P.O.S.T. Board Meeting Schedule

- A. 2009 Meeting Dates:
Friday, June 5, 2009 – Colorado Department of Law
Thursday and Friday, September 24 and 25, 2009 – Hosted by Sheriff Vallario in
Glenwood Springs, Colorado
Friday, December 4, 2009 – Colorado Department of Law

March 6, 2009

Next P.O.S.T. Board Meeting

**Friday, June 5, 2009
Colorado Department of Law
1525 Sherman Street
Denver, CO 80203**

S.M.E. Meetings begin at 8:00 a.m. - Board Meeting at 10:00 a.m.

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
June 5, 2009

The Peace Officer Standards and Training Board held its 367th Board meeting at the Department of Law in Denver, Colorado with the following in attendance:

BOARD MEMBERS

SHERIFF JAMES ALDERDEN
SHERIFF JAMES BEICKER
CHIEF HEATHER A. COOGAN
SERGEANT LOUIS DIXON III
COMMISSIONER SARA J. FISHER
CHIEF DENNIS HARRISON
SHERIFF STAN HILKEY
CHIEF BRIAN N. KOZAK
OFFICER NICHOLAS A. PECK
PUBLIC MEMBER BOB PENCE
CHIEF PAUL D. SCHULTZ
ATTORNEY GENERAL JOHN SUTHERS
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO
EXECUTIVE DIRECTOR PETER WEIR
CHIEF GERALD WHITMAN

BOARD MEMBERS ABSENT

SHERIFF JAMES CASIAS (excused)
SAC JAMES H. DAVIS (excused)
CHIEF JOHN PATTERSON (excused)
SHERIFF JOE PELLE (excused)

BOARD COUNSEL

DIANE MARIE DASH, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
KAREN DUFFALA, Interim Deputy Director / Training Manager
CRISTINE MACK, Investigator
RUTH VANDERBROEK, Compliance Officer
LISA TONEY, Administrative Assistant
BRIAN FERRANS, P.O.S.T. Intern

MEMBERS OF THE PUBLIC IN ATTENDANCE

DARRELL AULSTON, Colorado State Patrol
PHIL BACA, Commerce City Police Department
MINER BLACKFORD, Otero Junior College
MICHAEL CUMMINGS, Arapahoe County Sheriff's Office
MARK DIETEL, Lakewood Police Department
GRAHAM DUNNE, Aurora Police Department
DAVID EDMONDSON, Colorado Springs Police Department
MICHAEL ESTERS, Larimer County Sheriff's Office
AARON HORWITZ, Larimer County Sheriff's Office
SCOTT JARMIN, Adams County Sheriff's Office
STEVE KING, Representative House District 54
DONN KRAEMER, Lakewood Police Department
SCOTT A. LANNER, Colorado Springs Citizen
JOHN MAIR, Denver Police Department
JOHN MORSE, Senator District 11
DARREN O'DRISCOLL, El Paso County Sheriff's Office
AL PADILLA, Lakewood Police Department
KRISTI QUINTANA, Colorado State Parks
JD ROSS, El Paso County Sheriff's Office
ERIC RUBIN, Denver Police Department
MATTHEW SHAY, Lakewood Police Department
DR. JOEL F. SHULTS, Adams State College Police, Alamosa
DAVE SNELLING, Arvada Police Department
RICHARD STENSGAARD, Denver Police Department
JOE THOMAS-HAZELL, Citizen
TED TOW, Colorado District Attorney's Council
JOHN TUCKER, Weld County Sheriff's Office
MIKE WALKER, Denver Police Department
DENISE WASHINGTON, Coalition Against Domestic Violence
RICH WEBB, Jefferson County Sheriff's Office
MARC WEBER, Larimer County Sheriff's Office
DEB WILKE, P.O.S.T.
ROBERT WINCKLER, Denver Police Department
JANICE WORTHEM, Red Rocks Community College LETA Director

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on June 5, 2009.

Arrest Control Committee
Curriculum Committee
Firearms Committee
Driving Committee

June 5, 2009

Introductions:

1. Welcome Attorney General John W. Suthers

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

3. Special Recognition – Senator John Morse, Representative Steve King

Attorney General Suthers recognized Senator Morse and Representative King for their efforts in supporting P.O.S.T. with additional funding through the Legislature.

Director Kammerzell formally thanked Senator Morse and Representative King and also individuals who testified and worked everyday helping support the Bill.

Director Kammerzell recognized Sheriff Jim Beiker, Chief Heather Coogan, Chief John Patterson, Officer Neil Tyler, Chief Paul Schultz, Sheriff Lou Vallario, Sheriff Grayson Robinson, Chief Stephen Hasler, Deputy Attorney General Tom Raynes, Amy Miller, Chief Dennis Harrison, Sheriff Joe Pelle, Chief Walt Vanatta, Chief Levy Burris, Chief Dwight Henninger, Chief Dan Brennan, Chief Joe Roy, District Attorney Don Quick, including the Sheriff's Director's, Don Christenson, Gary Cure, Karen Renshaw, Ted Tow, Deputy District Attorney Mark Randall, Sheriff Doug Darr, Sheriff Jim Crone, Chief Todd Quick, Undersheriff Ken Kimsey, Nicki Browning, Captain Chris Wilson, Jeanette Whitney and COVA Director Nancy Lewis.

Director Kammerzell wanted to give special recognition for the individuals who worked on this project daily, Tony Lombard, Bill Clayton, John White, Ted Tow, Ann Marie Jenson, and Peg Ackerman.

Director Kammerzell stated that if he'd missed anyone he apologized and that there were a number of individuals who made phone calls, testified and helped make the passing of this Bill possible.

Attorney General Suthers stated that in addition to Senator Morris and Representative Morris, there were a number of people present who were involved and called for a round of applause.

4. Roll Call P.O.S.T. Director John L. Kammerzell
Declaration of a Quorum

5. Approval of P.O.S.T. Board Minutes for March 6, 2009
Approved Unanimously

June 5, 2009

Presentations:

6. Skills Subject Matter Expert Committee Reports

A. Curriculum Chief Phil Baca, Chairman

Chief Baca reported the committee recently met with the academy director's regarding the state certification exam and if modifications or updates needed to be addressed.

Chief Baca stated the committee discussed exam question issues regarding search and seizure due to resent court decisions.

Chief Baca stated the committee discussed balancing the examination with test questions to the level of instruction taught at the academies.

Chief Baca reported the committee will review current exam questions, bring in new question, and the redrafting of some questions to reflect problem based/scenario based questioning. Chief Baca stated the committee's goal will be to complete the process by October 30, 2009 in preparation of academies starting after July 1, 2010.

B. Arrest Control Sgt. Richard "JJ" Webb, Co-Chairman

Sgt. Webb reported the committee reviewed an injury report of an instructor at the Jefferson County Academy and found no Rule violations and that it was an unfortunate accident.

Sgt. Webb stated the committee approved three full instructors and reviewed completion of three inspections. Sgt. Webb stated the committee will clarify all questions asked by the academies including documentation of training and instructors. Sgt. Webb stated that this will be done individually and get the information back the Academy Directors.

C. Firearms Parks Assistant Regional Manager Kristi McDonald-Quintana, Chairwoman

Assistant Regional Manager Quintana reported the committee met monthly and during that time and added a new committee member Bob Winckler form Denver Police Department.

Parks Manager Quintana stated the committee approved a handgun instructor class, approved one academy lesson plan and denied one academy lesson plan. The committee approved two safety plans, and approved four full firearms skills instructors and denied one. The committee approved three assistant skills instructors and denied twenty, the twenty were denied due to certificates not being in compliance with Rule, no date and no number of hours taught.

Parks Manager Quintana reported two inspections were completed for Larimer County Reserve academy which was rated as average and Pueblo Police Department which was rated as very good.

Parks Manager Quintana stated the committee has been primarily working on the development of a new qualification course. Parks Manager Quintana stated the new course will be presented to the Board for approval in September, 2009.

D. Law Enforcement Driving Sergeant Al Padilla, Chairman

Sgt. Padilla reported the committee approved several full instructors and some lesson plans. The committee also reviewed academy inspections and discussed actual onsite inspections. Sgt. Padilla stated that currently the committee requests a video of the track and diagram, but this not a clear indicator of the actual track.

Sgt. Padilla stated that the committee will be conducting tests on current exercises to determine how much area is needed for acceleration and breaking to use as a guideline for academies.

E. Advanced Officer Training Officer Neal Tyler, Chairman

Officer Tyler stated the committee reviewed two new programs and rejected them due to lack of information.

Officer Tyler reported the committee also approved two new committee members, Dr. Carey Pelto, Medical Director of Penrose Hospital in Colorado Springs, and Sergeant Mark Stevens of the Colorado Springs Police Department.

Officer Tyler reported the committee was looking at new methods in reviewing programs and updating class information.

Officer Tyler stated there will be some changes to the forms the committee uses to approve programs.

F. DNA Course Development Deborah Wilke, Project Coordinator

Project Coordinator Wilke reported the committee completed the first module of the DNA course and it was uploaded through Knowledge Factor on the website.

Project Coordinator Wilke stated the committee plan is to have everything completed by June 19th in order to make the July 1st deadline.

Project Coordinator Wilke stated that there are five modules in the course, Intro to DNA, Basic Crime Scene Review, Evidence Collection and ID, Evidence Lab Processing and Protocols and also Scenarios. Coordinator Wilke stated that the student must complete the first four modules before they are allowed into the scenario module.

Project Coordinator Wilke stated each student can login to the course by using their P.O.S.T. PID number. The program will then direct them to a drop down tab

to select the individual's agency so if an agency needed information on who completed the course at their agency, we would be able to run that report.

Project Coordinator Wilke stated there will be a new feature at the end of the course that will allow a student to print a completion certificate at the end of the course.

Action Items:

7. Peace Officer Certification Revocation Actions Director Kammerzell

Director Kammerzell stated when an individual has been convicted of misdemeanors and felonies, they are given an opportunity to appear before the Board to make a request not to be revoked and for consideration.

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications – Felony Convictions:

§ 24-31-305 C.R.S. A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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 or judge.

1. No.09-05 (2), Scott A. Lanner, Certification No. B-6153. On December 16, 2008, Respondent pled guilty to 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 employed as a peace officer on the date of the offense (Date of Charges: August 8, 2008 – Separated: December 8, 2008).* Respondent has submitted a Response for Order to Show Cause pursuant to P.O.S.T. Board Rule 5 and will appear as ordered.

Per P.O.S.T. Rule 9 – *Revocation Hearings for Criminal Conduct*, (a) A Colorado peace officer certification issued pursuant to § 24-31-305, C.R.S., shall be suspended or revoked by the P.O.S.T. 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.(2006), or, has otherwise failed to meet the certification requirements established by the Board. *For the purposes of this rule, the term 'conviction' includes any deferred judgments or deferred sentences imposed by a court or judge.*

Mr. Lanner addressed the Board and stated that he had submitted a letter requesting a suspension of his certification so that he can have time to complete the deferred sentence.

June 5, 2009

Mr. Lanner stated that his attorney is attempting to get an early release of the deferred judgment and also a dismissal of all charges.

Mr. Lanner gave accounts of the situation and asked the Board for consideration of his certification while he completed his deferred sentence. Attorney General Suthers addressed Board Council Diane Dash, to clarify that a revocation was to happen upon conviction until full completion of the deferment. Board Council Dash confirmed the statement.

General Suthers called for the motion to revoke the certification of Mr. Lanner.

Moved by Chief Harrison and Seconded by Sheriff Hilkey to revoke certification

Passed Unanimously

2. No.08-20, Aaron Michael Woolfson, Certification No. B-09869. On, August 11, 2008, Respondent pled guilty to and was convicted of 1 count of Forgery – Check/Commercial Instrument, §18-5-102(1) (c), C.R.S., a class 5 felony. *The Respondent was not employed as a peace officer on the date of the offense (Filing Date: February 6, 2008 – Separated: January 21, 2005).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 08-20 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Aaron Michael Woolfson’s Colorado peace officer certificate No. B-09869, (PID 114581).

Moved by Sgt. Dixon and Seconded by Chief Schultz to revoke certification

Passed Unanimously

3. No.08-21, Michaela Gerber Murray, Certification No. B-09578. On September 8, 2008, Respondent pled guilty to and was convicted of 1 count of Contributing to the Delinquency of a Minor, §18-6-701, C.R.S., a class 4 felony. *The Respondent was employed as a peace officer on the date of the offense (Arrest Date: February 29, 2008 – Separated: March 18, 2008).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 08-21 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Michaela Gerber Murray’s Colorado peace officer certificate No. B-09578, (PID 113923).

Moved by Mr. Pence and Seconded by Sheriff Alderden to revoke certification

Passed Unanimously

4. No.08-22, Lonnie Gene White Jr., Certification – Letter of Conditional Peace Officer Authority. On August 13, 2008, Respondent pled guilty to and was convicted of 1 count of Misapplication of a Construction Trust

June 5, 2009

Fund with Intent to Defraud, §162.032(b) of the Texas Penal Code, a class 3 felony. *The Respondent was not employed as a peace officer on the date of the offense (Appointed: September 10, 2007 – Separated: October 1, 2007).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 08-22 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of the Conditional Peace Officer Authority issued to Lonnie Gene White Jr. (PID 130728).

Moved by Sheriff Hilkey and seconded by Sheriff Vallario to revoke conditional authority

Passed Unanimously

5. No.08-23, Landon Gross Greatheart, Certification No. B-12466. On July 30, 2008, Respondent pled guilty to and was convicted of 1 count of Contributing to the Delinquency of a Minor, §18-6-701, C.R.S., a class 4 felony. *The Respondent was employed as a peace officer on the date of the offense (Arrest Date: January 14, 2008 – Separated: January 17, 2008).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 08-23 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Landon Gross Greatheart's Colorado peace officer certificate No. B-12466, (PID 124963).

Moved by Chief Coogan and Seconded by Chief Schultz to revoke certification

Passed Unanimously

6. No. 09-01, Terrence Scott Chelius, Certification No. 5364. On October 1, 2008, Respondent pled guilty to and was convicted of 1 count of Attempt to Influence a Public Servant, §18-8-306, C.R.S., a class 4 felony. *The Respondent was not employed as a peace officer on the date of the offense (Arrest Date: May 16, 2008 – Separated: February 15, 1989).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 09-01 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Terrance Scott Chelius' Colorado peace officer certificate No. 5364, (PID 106320).

Moved by Sheriff Hilkey and Seconded by Executive Director Weir to revoke certification

Passed Unanimously

7. No. 09-02, Derek Alan Wehner, Certification No. R-1770. On September 15, 2008, Respondent pled guilty to and was convicted of 1 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 (Arrest Date: February 18, 2008 - Separated: August 13, 2004).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 09-02 by failing to appear at the scheduled

Show Cause Hearing. Director Kammerzell recommends revocation of Derek Alan Wehner's Colorado peace officer certificate No. R-1770, (PID 119571).

Moved by Officer Peck and Seconded by Sgt. Dixon to revoke certification

Passed Unanimously

8. No. 09-04, Justin Robert Tolman, Certification – Letter of Conditional Peace Officer Authority. On December 15, 2008, Respondent pled guilty to and was convicted of 1 count of Internet Luring of a Child, § 18-3-306, C.R.S., a class 5 felony. *The Respondent was employed as a peace officer on the date(s) of the offense (Arrest Date: July 25, 2008 – Separated on August 6, 2008).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 09-04 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of the Conditional Peace Officer Authority issued to Justin Robert Tolman, (PID 130953).

Moved by Chief Harrison and Seconded by Officer Tyler to revoke conditional authority

Passed Unanimously

B. P.O.S.T. Rule 9 - Revocation of Peace Officer Certifications – Misdemeanor Convictions:

§ 24-31-305 C.R.S. A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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 or judge. Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes recognized in **§ 24-31-305(1.5) (b) thru (h), C.R.S.**

1. No. M09-03, Augusto Cesar Berumen-Ramirez, Certification No. B-5971 (PID 115461). On February 4, 2009, Respondent pled guilty to and was convicted of 1 count of Harassment –Insults/Taunts/Challenges, § 18-9-111 (1) (h), C.R.S., a class 3 misdemeanor. *The Respondent was not employed as a peace officer on the date of the offense (Offense Date was December 29, 2008 / Separated employment on February 14, 2008).* The Respondent has failed to comply with Director's Show Cause Order M09-03. Director Kammerzell recommends revocation of Augusto Cesar Berumen-Ramirez's Colorado peace officer certificate, Number B-5971, (PID 115461).

Moved by Chief Kozak and Seconded by Chief Coogan to revoke certification

Passed Unanimously

2. No. M09-04, Darren Michael Linza, Certification No. 14935 (PID 122564). On March 2, 2009, Respondent pled guilty to and was convicted of 1 count of Harassment, § 18-9-111, C.R.S., a class 3 misdemeanor. *The Respondent was not employed as a peace officer on the date of the offense (Offense Date was February 27, 2009 / Separated employment on April 18, 2005).* The Respondent has failed to comply with Director's Show Cause Order M09-04. Director Kammerzell recommends revocation of Darren Michael Linza's Colorado peace officer certificate, Number 14935, (PID 122564).

Moved by Chief Schultz and Seconded by Sheriff Hilkey to revoke certification

Passed Unanimously

3. No. M09-05, Jeremiah Grant Ivins, Certification No. B-5518 (PID 121214). On February 12, 2009, Respondent pled guilty to and was convicted of 1 count of Harassment – Telephone – Threat/Obscene, § 18-9-111, C.R.S., a class 3 misdemeanor. *The Respondent was not employed as a peace officer on the date of the offense (Offense Date was September 16, 2008 / Separated employment on October 23, 2007).* The Respondent has failed to comply with Director's Show Cause Order M09-05. Director Kammerzell recommends revocation of Jeremiah Grant Ivins' Colorado peace officer certificate, Number B-5518, (PID 121214).

Moved by Chief Harrison and Seconded by Officer Peck to revoke certification

Passed Unanimously

C. P.O.S.T. Rule 9 – Reconsideration of Revocation of Peace Officer Certification – Misdemeanor Conviction:

P.O.S.T. Rule 5 – Hearings (a), at any time the Director may direct a respondent to appear at a hearing and show cause why the Board should not issue a remedial order. Not less than thirty (30) days prior to the date set for such hearing, the Director shall transmit to the respondent written notice of such hearing.

1. No. M06-11, Roger L. Fine. On June 1, 2006, Respondent pled guilty to 1 count of Harassment – Strike/Shove/Kick, § 18-9-111(1) (a), C.R.S., a class 3 misdemeanor. Respondent was sentenced to a *Deferred Sentence*. Subject failed to appear at the P.O.S.T. Director's Show Cause Hearing scheduled on August 8, 2006. On September 29, 2006, Director Kammerzell recommended revocation of Roger L. Fine's peace officer certificate. Upon further consideration, the P.O.S.T. Board did at that time unanimously vote to revoke the peace officer certification of Roger L. Fine.

June 5, 2009

a. Chronological Order of Events

1. On August 10, 2001, Respondent completed basic peace officer training at the Delta-Montrose Area Vocational Center's Law Enforcement Academy.
2. On August 10, 2001, Respondent was certified as a Colorado peace officer, Certificate No. B-7691.
3. On June 1, 2006, Respondent pled guilty to 1 Count of Harassment.
4. On September 29, 2006 after being apprised of the premises and due consideration of the record, the P.O.S.T. Board unanimously voted to revoke the peace officer certificate of Roger L. Fine.
5. On July 2, 2007, the Combined Court of Montrose County held a hearing in Case 06CR131, on the defendant's deferred sentence. The Court approved the motion and ordered the action dismissed.
6. On March 12, 2009, P.O.S.T. received correspondence from Roger L. Fine requesting a hearing for reconsideration of the revocation of his peace officer certificate, and approval to renew his peace officer certificate.

Mr. Fine failed to attend the P.O.S.T. Board Meeting and there was no action taken

2. No. M08-02, Noah Myron Dale Stephenson. On January 15, 2008, Respondent pled guilty to 1 count of Harassment – Strike/Shove/Kick, § 18-9-111(1) (a), C.R.S., a class 3 misdemeanor. Respondent was sentenced to a *Deferred Sentence*. Subject failed to appear at the P.O.S.T. Director's Show Cause Hearing scheduled on March 26, 2008. On June 20, 2008, Director Kammerzell recommended revocation of Noah Stephenson's peace officer certificate. Upon further consideration, the P.O.S.T. Board did at that time unanimously vote to revoke the peace officer certification of Noah Myron Dale Stephenson.

a. Chronological Order of Events

1. On November 20, 2004, Respondent completed basic peace officer training at the Colorado Mountain College's Law Enforcement Academy in Buena Vista, Colorado.
2. On November 23, 2004, Respondent was certified as a Colorado peace officer, Certificate No. B-11209.
3. On January 15, 2008, Respondent pled guilty to 1 Count of Harassment.
4. On June 20, 2008, after being apprised of the premises and due consideration of the record, the P.O.S.T. Board

June 5, 2009

unanimously voted to revoke the peace officer certificate of Noah Myron Dale Stephenson.

5. On January 9, 2009, the County Court of Chaffee County held a hearing in Case 07M431, on the defendant's deferred sentence. The Court approved the motion and ordered the action dismissed.
6. On March 10, 2009, P.O.S.T. received correspondence from Noah Stephenson requesting a hearing for reconsideration of the revocation of his peace officer certificate, and approval to renew his peace officer.

Mr. Stephenson failed to attend the P.O.S.T. Board Meeting and there was no action taken

8. P.O.S.T. Peace Officer Training Project Grant Awards Director Kammerzell

- A. Introduction of Ms. Karen Duffala, P.O.S.T. Training Manager/Deputy Director

Director Kammerzell introduced Ms. Karen Duffala to the Board as the new Training Manager.

Ms. Duffala gave a brief description of her career which includes Aurora Police Department, the U.S. Department of Justice as a grant administrator, Ms. Duffala was also with the Jefferson County public school district as their Director of Safety and Security, Colorado Department of Transportation as the statewide programs manager.

Ms Duffala stated she was excited and honored to be a part of P.O.S.T. and appreciative of Director Kammerzell in his efforts of the passing of the Bill.

- B. Sub-committee Meeting - Evaluation of the Allocations, Recommendations and Discussion

Sheriff Vallario reported the committee approved all funding budget requests except a few that had duplicate training. Sheriff Vallario stated the focus of the sub-committee was still to provide more training to the more rural areas of the state.

Director Kammerzell stated that funding for P.O.S.T. has been flat and that this passing of the Bill will help P.O.S.T. including budget. Director Kammerzell stated P.O.S.T. will request for approval for \$300,000 go to the P.O.S.T. cash fund for the first year. Director Kammerzell stated P.O.S.T. would like to purchase a server to protect the files of all peace officers in the state that are currently being held off site.

Director Kammerzell stated that the funds will also be used to fund other goals and projects in the future.

June 5, 2009

Sheriff Hilkey stated the committee's recommendation for the \$300,000 was strongly recommended for the future of P.O.S.T.

General Suthers called for a Motion to approve the \$300,000 for P.O.S.T. cash fund.

Moved by Sheriff Hilkey and Seconded by Chief Harrison to approved money for cash fund

Passed Unanimously

C. Grant Awards – Motion for Approval of the 2009/2010 Grants

General Suther called for a Motion to approve the 2009/2010 grants decided on by the Grant Sub-committee.

Moved by Commissioner Fisherand Seconded by Chief Coogan

Passed Unanimously

D. Training Report – 2008/2009

Director Kammerzell reported almost 600,000 hours of officer training since the beginning of the grant program.

Informational Items:

9. DNA Course Development

Director Kammerzell

A. Project Review

Director Kammerzell stated that the DNA process is well ahead of schedule with the Basic academy mandate and implementation of the curriculum. Director Kammerzell that is was recommended that the program was available online for any law enforcement in the state, and that the training will be as successful as the anti-bias training currently available online.

Director Kammerzell stated a letter will be going out to all law enforcement agencies in the state about the training and that the Legislature will provide funds for the next two years so that all officers can complete the DNA course. Director Kammerzell stated that every and all certified officers who need the training, complete the training by June 30, 2011.

1. HB08-1397, Concerning the disposition of evidence collected in criminal cases, and making an appropriation in connection therewith.

a. Training standards required within § 24-31-311, C.R.S. DNA evidence – collection – retention. The P.O.S.T. Board shall approve the training curriculum on or before August 1, 2009.

1. Basic Training Academy Curriculum – approved by the Board on December 5, 2008.

June 5, 2009

2. Internet Training Program – P.O.S.T. DNA Training Program for Colorado Peace Officers”.
 - a. For all peace officers described in § 16-2.5-101, C.R.S., who are certified by the P.O.S.T. Board.
 - b. Program status - *Knowledge Factor Contract* – Modules
 1. *Tuition Free Program Access by certified peace officers (PID) starting July 1, 2009 through June 30, 2011.*

10. 2009 P.O.S.T. Legislative Initiative Director Kammerzell

Director Kammerzell again thanked the Board members for the passing of this Bill.

- A. ***HB09-1036***, 35-Cent Increase (total 60 Cents) to Motor Vehicle Registration Fee: § 42-3-304 (24), C.R.S., (2008).
 1. Bill Status/Report
 - a. Passed 2nd Reading in the Senate on April 22, 2009
 1. Committee of the Whole effort to change funding failed
 - b. Passed on 3rd and Final Reading in the Senate on April 23, 2009
 - c. Signed on May 21, 2009 by Governor Ritter
 - d. New fee increase becomes effective on July 1, 2009

11. Comments from others on P.O.S.T. Issues

Citizen Joe Thomas-Hazell stated his concerns about evidence collection saying that people are sensitive to what they think are evidence.

12. 2009 P.O.S.T. Board Meeting Schedule

- A. 2009 Meeting Dates:
Thursday and Friday, September 24 and 25, 2009 – Hosted by Sheriff Vallario in
Glenwood Springs, Colorado
Friday, December 4, 2009 – Colorado Department of Law

Next P.O.S.T. Board Meeting

**Hosted by the Garfield County Sheriff's Office – Sheriff Lou Vallario
Glenwood Springs, CO**

Thursday and Friday, September 24th and 25th, 2009

**Work Session – September 24th, starting at 3:00 p.m.
P.O.S.T. Board and S.M.E. Committees Meeting - September 25th
S.M.E. Meetings begin at 8:00 a.m. - Board Meeting at 10:00 a.m.**

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
September 25, 2009

The Peace Officer Standards and Training Board held its 368th Board meeting at the Hotel Colorado in Glenwood Springs, Colorado with the following in attendance:

BOARD MEMBERS

CHIEF HEATHER A. COOGAN
SHERIFF JAMES FAULL
COMMISSIONER SARA J. FISHER
SHERIFF STAN HILKEY
CHIEF BRIAN N. KOZAK
OFFICER NICHOLAS A. PECK
SHERIFF JOE PELLE
PUBLIC MEMBER BOB PENCE
CHIEF PAUL D. SCHULTZ
ATTORNEY GENERAL JOHN SUTHERS
SHERIFF KIRK TAYLOR
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO

BOARD MEMBERS ABSENT

SHERIFF JAMES CASIAS (excused)
SAC JAMES H. DAVIS (excused)
SERGEANT LOUIS DIXON III (excused)
CHIEF DENNIS HARRISON (excused)
CHIEF JOHN PATTERSON (excused)
EXECUTIVE DIRECTOR PETER WEIR (excused)
CHIEF GERALD WHITMAN (excused)

BOARD COUNSEL

DIANE MARIE DASH, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
KAREN E. DUFFALA, Interim Deputy Director / Training Manager
SUZANNE WALKER, Training Program Coordinator
LISA TONEY, Administrative Assistant

MEMBERS OF THE PUBLIC IN ATTENDANCE

PHIL BACA, Commerce City Police Department
MINER BLACKFORD, Otero Junior College
KEVIN BRUN, Colorado Mountain College Glenwood Springs
GLOVER JARMIN, Adams County Sheriff's Office
RICK MCNAIR, Adams County Sheriff's Office
KARL SMALLEY, Adams County Sheriff's Office
RICH WEBB, Jefferson County Sheriff's Office
STEVE WYGANT, Jefferson County Sheriff's Office

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on September 25, 2009.

Arrest Control Committee
Curriculum Committee
Firearms Committee
Driving Committee

Introductions:

1. Welcome Attorney General John W. Suthers
Sheriff Lou Vallario

Garfield County Sheriff Lou Vallario and Glenwood Spring Police Chief Terry Wilson welcomed everyone to the city of Glenwood Springs and thanked everyone for coming.

A. New Board Members

General Suthers introduced two new Board members and welcomed Prowers County Sheriff, James Faull back to Board, and welcomed new Board member Pueblo County Sheriff, Kirk Taylor.

2. Introduction of Board Members, Staff, SME Members and Guests
3. Roll Call P.O.S.T. Director John L. Kammerzell

Declaration of a Quorum

4. Approval of P.O.S.T. Board Minutes for June 5, 2009

***Motioned made to approve by Sheriff Pelle and Seconded by Sheriff Hilkey
Approved Unanimously***

September 25, 2009

Presentations:

5. Skills Subject Matter Expert Committee Reports

A. Curriculum Chief Phil Baca, Chairman

Chief Baca introduced new member, John Reece, current Director of the Western Peace Officers Academy in Grand Junction.

Chief Baca reported that the committee discussed course sequencing at academies and how the curriculum should be presented. Chief Baca stated that the committee did not have any issues on when the curriculum was taught due to the fact that other components were addressed throughout the course of the academy.

Chief Baca stated that the committee will be re-examining all of the current test questions for the Peace Officer examination question bank. This process will start in January of 2010. Chief Baca stated that committee may add an additional 150 questions.

Chief Baca also stated that he will not be involved in reviewing these questions for ethical reasons. Chief Baca stated that Chief Joel Shults will be chairing the review of all the P.O.S.T. examination questions.

B. Arrest Control Sgt. Richard "JJ" Webb, Co-Chairman

Sgt. Webb reported the committee was currently reviewing handouts that were given to academy directors about incorporating scenario based training into current academy training.

Sgt. Webb stated the committee is also reviewing schedules to verify that each recruit has received all of the required training.

A question was asked if Krav Maga was being reviewed, Sgt. Webb stated that no academy has requested that skill on its own for review.

C. Firearms Director John Kammerzell

Director Kammerzell stated that he would be making the presentation for Parks Manager Quintana.

Director Kammerzell reported the firearms committee has been working on a complete rewrite of the handgun qualification course.

Director Kammerzell stated the committee's intent was to meet the needs of academies throughout the state and the issue was use of targets. The decision was to reduce the course to 25 rounds and allow each academy to select the target of their choice, and to require that all 25 rounds be on target. Director Kammerzell stated that this will be a 100% qualification course.

Director Kammerzell stated the committee also set the distance regarding the course as well.

D. Law Enforcement Driving Sergeant Karl Smalley, Vice-Chairman

Sgt. Smalley reported the committee met in August to discuss and approve the Pikes Peak Community College lesson plan. The committee approved a full instructor for the Delta Montrose Academy, and two full instructors for State Patrol.

Sgt. Smalley stated the committee discussed issues of actual track time. The committee decided that the Lead Instructor would make the decision of how much track time each student has.

Sgt. Smalley stated the committee worked on definitions pertaining to “approved vehicle”, the committee deleted “Police Patrol Vehicle” and added “Authorized Emergency Vehicle” to clarify this definition. Sgt. Smalley commended Officer Jim Gleason of the Aurora Police Department for all the hard work and research on this issue.

Sgt. Smalley stated that the committee will be adding to P.O.S.T. rules that a daily schedule will be required so when an inspection is scheduled the instructor can supply the committee with details of what is being taught and when.

Sgt Smalley stated that changes were made regarding night driving and times for clarification.

E. Advanced Officer Training Officer Neal Tyler, Chairman

Officer Tyler reported the committee approved one program and also is looking into measuring the quality of training and the impact it has long after the officer has been trained.

Officer Tyler stated that officers in Central Mountain Region may be receiving a questionnaire regarding the impact of the training they received.

F. DNA Course Development Director John Kammerzell

Director Kammerzell stated that the course content is complete and is currently being reviewed by the SME committee for accuracy and content.

Director Kammerzell stated that he will be issuing a letter to all agency heads letting them know that their officers can sign up for this online training using their individual P.O.S.T. ID training number.

Action Items:

6. Appointment of a Board Member to serve as Board Representative to the Firearms SME Committee

Attorney General Suthers stated that Sheriff Lou Vallario would like to serve as the Board Representative for the Firearms Committee.

*Motion made to appoint by Chief Coogan and seconded by Chief Schultz
Approved Unanimously*

September 25, 2009

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications – Felony Convictions:

§ 24-31-305 C.R.S. A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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 or judge.

1. No.09-06, Joseph Paul Bini, Certification No. B-2055. On January 26, 2009, Respondent pled guilty to and was convicted of 1 count of Contributing to the Delinquency of a Minor, §18-6-701, C.R.S., a class 4 felony. The Respondent was not employed as a peace officer on the date of the offense (Charged on: May 21, 2008 – Separated: July 6, 2007). The Respondent has failed to comply with P.O.S.T. Show Cause Order 09-06 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Joseph Paul Bini’s Colorado peace officer certificate No. B-2055, (PID 125233).

Moved by Mr. Pence and Seconded by Sheriff Faull to revoke certification

Passed Unanimously

2. No.09-07, Scott Lee Heidleberg, Certification No. R-2224 (PID 112782). On February 17, 2009, Respondent pled guilty to and was convicted in the District Court of Larimer County of 1 count of Theft - \$1000/\$20,000, § 18-4-401(1),(2)(c), C.R.S., a class 4 felony. On March 3, 2009, Respondent pled guilty to and was convicted in the District Court of Weld County of 1 count of Assault in the Third Degree, § 18-3-204, C.R.S., a class 1 misdemeanor. The Respondent was not employed as a peace officer on the date of the offense (Offense Date: June 10, 2008 – Separated: February 19, 1999). The Respondent has failed to comply with P.O.S.T. Show Cause Order 09-07 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Scott Lee Heidleberg’s Colorado peace officer certificate No. R-2224, (PID 112782).

Moved by Sheriff Pelle and Seconded by Sheriff Taylor to revoke certification

Passed Unanimously

3. No.09-08, Patrick Lee Casey, Certification No. 16065 (PID 105792). On April 1, 2009, Respondent was found guilty to and was convicted of 9 counts of Sexual Assault on a Child, § 18-3-405 (1), C.R.S., all class 4 felonies; 9 counts of Sexual Assault on a Child by One in a Position of Trust, § 18-3-405.3 (2)(a), all class 3 felonies; and, 9 counts of Sexual Assault on a Child by One in a Position of Trust – Pattern of Sexual

September 25, 2009

Abuse, § 18-3-405.3 (2)(b), C.R.S., all class 3 felonies. The Respondent was employed as a peace officer on the date of the offense (Offense Date(s): January 3, 1997 – Separated: November 20, 2000). The Respondent has failed to comply with P.O.S.T. Show Cause Order 09-08 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Patrick Lee Casey's Colorado peace officer certificate No. 16065, (PID 105792).

Moved by Sheriff Hilkey and Seconded by Sheriff Vallario to revoke certification

Passed Unanimously

4. No.09-10, Lori Ann Paye, Certification No. B-5168 (PID 115541). On March 23, 2009, Respondent pled guilty to and was convicted of 1 count of Theft/Series - \$1000 to \$20,000, § 18-4-401(1),(4), C.R.S., a class 4 felony. The Respondent was not employed as a peace officer on the date of the offense (Offense Date: January 8, 2008 – Separated: April 17, 2003). The Respondent has failed to comply with P.O.S.T. Show Cause Order 09-10 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Lori Ann Paye's Colorado peace officer certificate, No. B-5168 (PID 115541).

Moved by Officer Tyler and Seconded by Sheriff Taylor to revoke certification

Passed Unanimously

5. No.09-11, Richard Martin Jones, Certification No. 8782 (PID 110638). On February 20, 2009, Respondent pled guilty to and was convicted of 1 count of Sexual Assault on a Child – Attempted, § 18-3- 405 (1), C.R.S., a class 5 felony; and, 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 not employed as a peace officer on the date of the offense (Offense Date: February 2, 2008 – Separated: April 1, 1993). The Respondent has failed to comply with P.O.S.T. Show Cause Order 09-11 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Richard Martin Jones' Colorado peace officer certificate No. 8782, (PID 110638).

Moved by Chief Schultz and Seconded by Officer Peck to revoke certification

Passed Unanimously

B. P.O.S.T. Rule 9 - Revocation of Peace Officer Certifications – Misdemeanor Convictions:

§ 24-31-305 C.R.S. A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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

September 25, 2009

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

1. No. M09-02 (2), Michael Angel Gonzalez, Certification – Letter of Conditional Peace Officer Authority. On November 5, 2008, Respondent pled guilty to and was convicted of 1 count of Harassment – Telephone/Threat/Obscene, § 18-9-111 (1) (e), C.R.S., a class 3 misdemeanor. The Respondent was employed as a peace officer on the date of the offense (Offense Date was October 18, 2007 - Separated employment on November 15, 2008). The Respondent has failed to comply with Director's Show Cause Order M09-02 (2). Director Kammerzell recommends revocation of Michael A. Gonzalez's Conditional Peace Officer Authority, (PID 130554).

***Moved by Chief Kozak and Seconded by Sheriff Pelle to revoke conditional authority
Passed Unanimously***

Informational Items:

8. P.O.S.T. Peace Officer Training Project Deputy Director Duffala

- A. Training Report and Update

Deputy Director Duffala gave a brief summary on grant funds disbursement and utilization of the funds. Deputy Director Duffala stated FY2010 grant funds began distribution August 1st, and so far over 18,000 hours of training for about 1,300 officers in the state have been reported.

Sheriff Vallario commented that during the work session there was discussion about continuing education standards and requirements. Sheriff Vallario stated that the sub-committee will be meeting to discuss any such requirements in the future.

9. 2009 P.O.S.T. Sunrise Review Sub-committee General Suthers
Director Kammerzell

- A. Membership appointments – Vacancy Appointments on December 4th

1. 2009 Committee - *Sheriff Jim Alderden* (Chairperson), *Sheriff Jim Beicker*, Chief Gerald Whitman, Chief John Patterson and Public Member Bob Pence.

Director Kammerzell stated that because of the change in Board members two of the committee representatives are no longer with the P.O.S.T. Board. Director Kammerzell stated that at the December Board meeting Attorney General Suthers will be appointing two Sheriffs to fill these vacancies.

September 25, 2009

B. Committee Update

1. No Applications/Action in 2009

A question was asked if there were any requests from either BIA or other tribal agencies requesting authority.

Director Kammerzell stated that there were not, and that currently there were individuals who obtained peace officer certification through P.O.S.T. and are recognized by statute but have limited authority.

10. DNA Internet Training Course Up-date Director Kammerzell

A. Project Update

Director Kammerzell stated that due to weather conditions Deb Wilke was not at the meeting and the formal presentation will be held at the December P.O.S.T. Board meeting in Denver.

1. Internet Training Program – P.O.S.T. DNA Training Program for Colorado Peace Officers.

a. For all peace officers described in § 16-2.5-101(2), C.R.S., (2009).

b. Program status

1. Tuition Free for certified peace officers through June 30, 2011.

11. Discussion Items from the September 24th P.O.S.T. Work Session

Director Kammerzell reported that the primary discussion of the work session meeting was the continuing law enforcement education standard to be adopted by the P.O.S.T. Board.

Director Kammerzell stated that development of this standard will be a statutory issue.

Director Kammerzell stated that Colorado is one of six states that have not established a standard.

Attorney General Suthers asked why we are one of six that do not have the standard.

Director Kammerzell stated that because of funding and limits of staff was the reason there was no standard set.

Sheriff Pelle stated that there were a number of questions to address before an actual standard can be set. One would be who would decide what the requirements would be who would decide what courses, curriculum, and instructors would meet CLEE requirements.

Sheriff Pelle stated that continuing education is a broad field that would have to meet specific areas of training for different areas of the state.

Sheriff's Pelle concern was that establishing this standard could be huge for approval of the courses, curriculum, and instructors. There are also enforcement questions and what happens if someone does not meet these requirements.

Attorney General Suthers stated that the attorney's CLE in Colorado submit outlines to the Colorado Supreme Court CLE for approval. General Suthers stated that if the Board wanted to move forward on this they could develop a similar CLE to the ones provided to attorneys.

Sheriff Pelle stated that there is a training committee established and that this issue will be discussed and the process will begin by creating a concept, contacting respective agencies and then talking to legislators.

Director Kammerzell stated that there was also some discussion regarding reestablishing the stratified certification process that was enacted in the 90's. Director Kammerzell stated that this was not an issue at this time.

Director Kammerzell stated there was also discussion regarding open meetings and a brief overview was given by Board Counsel, Diane Dash. The overview was given because of changes in statute pertaining to executive session.

Chief Heather Coogan commented that she believes there may be a future issue regarding the economy and the hiring process for conditional officers. Chief Coogan stated that her concern is the one year requirement rule is not enough time to gain employment for individuals who attend a self sponsored academy and when the jobs come back there will be no applicants to select from.

Director Kammerzell stated that this issue will be an agenda item for the December meeting. Director Kammerzell stated that he will send information for consideration to the Board for a final decision in December.

12. 2010 P.O.S.T. Manual – Prehearing Information Director John Kammerzell

A. Draft Summary of Rule and Program Changes (Handout)

Director Kammerzell reported that the Rule making process is now under way and the announcement will be made soon.

Director Kammerzell gave a brief overview of the summary in regards to house keeping issues to current academy requirements and Rules.

13. Comments from others on P.O.S.T. Issues

Attorney General Suthers made a comment regarding the current terrorist incident in Colorado and the different organizations and cells that still continue to exist in this country. General Suthers stated that there will always be a threat that has to be dealt with mostly by local law enforcement.

September 25, 2009

Sheriff Hilkey commented that he would like to see more conversation about medical marijuana and that working together with Chiefs and Sheriffs to try to find a common ground to create a statewide consistency. Sheriff Hilkey stated that right now some communities are finding ordinances to govern it, some that are not and some that are prohibiting it.

General Suthers stated that the medical marijuana issue is on going and that the District Attorney's, U.S. Attorney, and law enforcement agencies may want to write a letter to the Health Department telling them that it is their medical responsibility to advise the medical board of these doctors that are practicing substandard medicine by issuing 200 prescriptions in a day.

14. 2009 - 2010 P.O.S.T. Board Meeting Schedule

A. 2009 Meeting Date:

Friday, December 4, 2009 – Colorado Department of Law

B. **Tentative 2010 P.O.S.T. Board Meeting Dates**

Friday, March 12, 2010 – Colorado Department of Law

Friday, June 11, 2010 – Colorado Department of Law

Thursday and Friday, September 23 and 24, 2010

Friday, December 03, 2010 – Colorado Department of Law

Attorney General Suthers called for a motion to Adjourn.

*Motioned by Sheriff Taylor and Seconded by Mr. Pence
Adjourned Unanimous*

Next P.O.S.T. Board Meeting

Friday December 4, 2009

**Colorado Department of Law
1525 Sherman Street, Room 243
Denver, Colorado**

S.M.E. Meetings begin at 8:00 a.m. - Board Meeting at 10:00 a.m.

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
December 4, 2009

The Peace Officer Standards and Training Board held its 369th Board meeting at the Department of Law in Denver, Colorado with the following in attendance:

BOARD MEMBERS

CHIEF HEATHER A. COOGAN
SERGEANT LOUIS DIXON III
SHERIFF JAMES FAULL
CHIEF DENNIS HARRISON
SHERIFF STAN HILKEY
CHIEF BRIAN N. KOZAK
CHIEF JOHN PATTERSON
OFFICER NICHOLAS A. PECK
SHERIFF JOE PELLE
PUBLIC MEMBER BOB PENCE
CHIEF PAUL D. SCHULTZ
ATTORNEY GENERAL JOHN SUTHERS
SHERIFF KIRK TAYLOR
EXECUTIVE DIRECTOR PETER WEIR
CHIEF GERALD WHITMAN

BOARD MEMBERS ABSENT

SHERIFF JAMES CASIAS (excused)
SAC JAMES H. DAVIS (excused)
COMMISSIONER SARA J. FISHER (excused)
OFFICER NEAL TYLER (excused)
SHERIFF LOUIS VALLARIO (excused)

BOARD COUNSEL

DIANE MARIE DASH, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
KAREN E. DUFFALA, Deputy Director / Training Manager
CRISTINE MACK, P.O.S.T. Investigator
SUZANNE WALKER, Training Program Coordinator
RUTH VANDERBROEK, Compliance Officer
CARLEEN JOHNSON-GARCIA, Examination Coordinator

MEMBERS OF THE PUBLIC IN ATTENDANCE

PHIL BACA, Commerce City Police Department
JIM BEICKER, Fremont County
ERIK BOURGERIE, Summit County Sheriff's Office
DON CHRISTENSEN, County Sheriff's of Colorado
MICHAEL CUMMINGS, Arapahoe County Sheriff's Office
GLENN DAVIS, Colorado Department of Transportation
GRAHAM DUNNE, Aurora Police Department
MICHAEL ESTERS, Larimer County Sheriff's Office
ERIC GONZALES, Pueblo Police Department
JOE THOMAS-HAZELL, Citizen
DOYLE JONES, Weld County Sheriff's Office
ED KAFEL, El Paso County Sheriff's Office
DONN KRAEMER, Lakewood Police Department
KRISTI QUINTANA, Firearms Subject Matter Expert
JOHN REECE, Western Colorado Peace Officer
KARL SMALLEY, Adams County Sheriff's Office
RICH STENSGAARD, Denver Police Department
JOHN TUCKER, Weld County
MIKE WALKER, Denver Police Department
RICH WEBB, Jefferson County Sheriff's Office
DEB WILKE, DNA Subject Matter Expert
JANICE WORTHEM, Red Rocks Community College

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on December 4, 2009.

Arrest Control Committee
Curriculum Committee
Firearms Committee
Driving Committee

Introductions:

1. Welcome Attorney General John W. Suthers
2. Introduction of Board Members, Staff, SME Members and Guests
3. Special Recognition – Sheriff Jim Alderden, Sheriff Jim Beicker and Outgoing Firearms SME Committee Chair Kristi McDonald-Quintana

Attorney General Suthers recognized Sheriff Jim Alderden who was unable to attend due to scheduling conflicts. Attorney General Suthers read a letter sent by Sheriff Alderden acknowledging the Board members.

December 4, 2009

Attorney General Suthers stated that a plaque would be sent to Sheriff Alderden recognizing his service to the Board.

Attorney General Suthers recognized Sheriff Jim Beicker and presented him with a plaque and sincere appreciation and gratitude for many years of loyal service to the Board and as a P.O.S.T. Board member.

Sheriff Beicker thanked the Board and stated that it has been a privilege and an honor to serve with such qualified and experienced law enforcement in Colorado.

Sheriff Beicker stated that he felt privileged to work with the Firearms SME Committee and all the other SME committees who work hard for the Board.

Attorney General Suthers recognized Kristy McDonald-Quintana and presented her with a plaque and grateful appreciation for all her hard work and dedication to the Firearms SME committee as the Chairperson.

Parks Manager Quintana thanked the Board for all the support over the years from current and past Board members.

Parks Manager Quintana thanked each in command for allowing their officers to be part of these committees and recognized the committee members for all the hard work, and time each expert dedicates for all Colorado Law Enforcement.

4. Roll Call P.O.S.T. Director John L. Kammerzell

Declaration of a Quorum

5. Approval of P.O.S.T. Board Minutes for September 25, 2009

Motion made to approve the minutes by Chief Coogan, Mr. Pence seconded the motion

Approved Unanimously

Presentations:

6. Skills Subject Matter Expert Committee Reports

A. Curriculum Chief Phil Baca, Chairman

Chief Baca reported the committee discussed a question that came from one of the academies who asked about the testing process and whether or not the test questions were heavily weighted in certain areas.

Chief Baca stated the committee weighted the questions to be more balanced within the six areas of law. The Committee decided to look at the areas of high risk / low frequency, and how people function in field training and how they function on the street.

December 4, 2009

Chief Baca stated the committee is recommending the total number of questions in each area is as follows: five questions in the area of Childrens Code, ten of Human Rights, ten of Traffic Code DUI, thirty-five of Basic Criminal Procedure, thirty-five of Basic Criminal Code, and five of the area of Federal Code.

Chief Baca reported the 2010 goal for the committee will be to review the entire basic exam questions making sure they are up to date, reflect topic areas, and that case law is accurate, and to create a deeper pool of questions in certain areas.

Chief Baca stated that Chief Joel Shults will be the chairing the committee which will meet at the end of January and the first four months of 2010. Chief Baca stated the completion date of the process will be no later then December 1st of 2010.

Attorney General Suthers called for an action to approve the curriculum committee's recommendation.

Sheriff Pelle moved to agree with the committee's recommendations, Sheriff Hilkey seconded the motion.

Approved Unanimously

B. Arrest Control Cpl. Richard Stensgaard, Co-Chairman

Cpl. Stensgaard reported the committee tabled an application for a perspective new committee member until the individual has the opportunity to attend a committee meeting.

Cpl. Stensgaard stated the committee also discussed an inspection completed at the Red Rocks Community College Academy in November, which the committee had concerns about mat conditions, the training area and size of the area.

Cpl. Stensgaard stated that this is a concern with many academies throughout the state and the committee is working with the academy to address these issues.

Cpl. Stensgaard reported that the primary issue discussed was the approval of a new ACT program for the Colorado State Patrol Academy.

Cpl. Stensgaard stated the academy is introducing a new discipline for the academy and agency. The committee approved both academy program and instructor program and stated that the committee was very impressed with the amount of work, quality of work and preparation that was put into the program by Jason Bachman, Capt. Barba, and CSP staff. Cpl. Stensgaard stated that the committee also approved Jason Bachman and Ryan Barba as full instructors and Ryan Holmes and Capt. Barba as assistant instructors.

C. Firearms Parks Assistant Regional Manager
Kristi McDonald-Quintana, Chairwoman

Parks Manager Quintana introduced the new chair of the firearms committee, Deputy Ed Kafel from the El Paso County Sheriff's Department Training Academy. Attorney General Suthers welcomed Deputy Kafel.

December 4, 2009

Parks Manager Quintana reported the committee approved ten full skills instructors and thirty-eight assistant skills instructors, the committee denied three assistant skills instructors.

Parks Manager Quintana reported the committee approved one handgun instructor program for El Paso County and denied one basic firearms program for Larimer County reserve program stating that they will reapply.

Parks Manager Quintana stated the committee finalized a new proposed handgun qualification course, stating that Chief Kozak of Avon had his firearms instructor shoot the course and came back with good comments which the committee may go back and review.

Parks Manager Quintana stated that all the committee members shot the course with good results. The biggest feedback has been the pass/fail requirement of 100%, which the committee felt the accountability was important.

Parks Manager stated the committee did reduce the number of rounds in the course and opened up the target selection so academies and agencies can use human photo targets that have to be human size targets.

Parks Manager Quintana stated the committee reviewed and concurred with the proposed changes made to Rules 22, 23, and 24.

Parks Manager Quintana stated the committee discussed some changes to the Master firearms instructor program. The committee is looking for more of an experienced based program instead of the two week program one must attend.

Questions were asked regarding the 100% accountability on target regarding agency qualification, Parks Manager Quintana stated that this was at the academy level only and that each agency can set their own qualification.

D. Law Enforcement Driving Sergeant Karl Smalley, Vice-Chairman

Sgt. Smalley reported that the committee discussed an issue about the number of hours in a single training day. Sgt. Smalley stated the committee discussed putting a cap of twelve hours in a single training day.

Sgt. Smalley stated the committee also discussed making modifications to the speed and qualification times referring to larger vehicles that are in some agency fleets.

Sgt. Smalley stated there was also a discussion for standardized measurements regarding the test-out process. Sgt. Smalley stated that relying on the lead instructor has not been working the way the committee had hoped on the cone patterns so the committee will be looking into standardizing the procedure during the next meeting in March.

Sgt. Smalley reported the committee reviewed and approved eight full instructors and completed two inspections. One was from the Western Colorado Peace Officers Academy and reported that was an excellent program. Sgt. Smalley stated the committee inspected the Adams County course which was also rated as excellent.

E. Advanced Officer Training Officer Neal Tyler, Chairman

No report was given at this time.

F. DNA Course Development Deborah Wilke, Project Coordinator

Project Coordinator Wilke reported that the developments and revisions for the course were completed in mid October, and there are about 120 learning units in the course.

Project Coordinator Wilke stated that when the course was completed, it was sent to Byron Jones of the eighteenth Judicial District to review for legal technicalities and accuracy.

Project Coordinator Wilke stated that she would also like to thank the Subject Matter Experts for their dedication and their supervisors for allowing these individuals to serve in that capacity.

Project Coordinator Wilke reported that about eight officers were asked to complete the course before its release and received positive feedback from all.

Project Coordinator Wilke stated the course is up and running and letters have been sent to the agencies informing them that their officers can log on and start the course.

Action Items:

7. Peace Officer Certification Revocation Actions Director Kammerzell

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications – Felony Convictions:

§ 24-31-305 C.R.S. A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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 or judge.

1. No. 09-12, James Edward Dennis, Certification No. 8248. On May 14, 2009, Respondent pled guilty to and was convicted of 1 count of Sexual Assault on a Child – Position of Trust, §18-3-405.3(1), (2)(a), C.R.S., a class 3 felony, and guilty to 1 count of Sexual Assault on a Child, § 18-3-405 (1), C.R.S., a class 4 felony. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: December 1, 2007 – Separated: October 4, 2008).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 09-06 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell

recommends revocation of James Edward Dennis' Colorado peace officer certificate No. 8248, (PID 126817).

Moved by Chief Harrison and Seconded by Chief Patterson to revoke certification

Passed Unanimously

2. No. 09-13, Herbert Ernest Teague, Colorado Letter of Conditional Peace Officer Authority. On May 11, 2009, Respondent pled guilty to and was convicted of 1 count of Internet Sexual Exploitation of a Child, §18-3-405.4(1), C.R.S., a class 5 felony. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: January 10, 2009 – Separated: January 23, 2009).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 09-13 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Herbert Ernest Teague's Colorado Letter of Conditional Peace Officer Authority, (PID 133585).

Moved by Director Weir and Seconded by Chief Schultz to revoke certification

Passed Unanimously

3. No. 09-14, William Carl Schultz, Colorado Letter of Conditional Peace Officer Authority. On May 26, 2009, Respondent pled guilty to and was convicted of 1 count of Vehicular Eluding, §18-9-116.5, C.R.S., a class 5 felony. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: April 7, 2009– Separated: October 14, 2008).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 09-14 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of William Carl Schultz's Colorado Letter of Conditional Peace Officer Authority (PID 129748).

Moved by Sgt. Dixon and Seconded by Chief Patterson to revoke certification

Passed Unanimously

4. No. 09-15, Monica Marie McDaniel, Certification No. B-7285. On June 2, 2009, Respondent pled guilty to and was convicted of 1 count of Forgery – Check/Commercial Instrument, §18-5-102(1)(c), C.R.S., a class 5 felony. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: January 19, 2009 – Separated: October 22, 2007).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 09-15 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Monica Marie McDaniel's Colorado peace officer certificate No. B-7285, (PID 116894).

Moved by Sheriff Hilkey and Seconded by Sheriff Pelle to revoke certification

Passed Unanimously

5. No. 09-16, Jennifer Raine Luedtke (Griffin), Certification No. B-6798. On July 1, 2008, Respondent pled guilty to and was convicted of 1 count of Theft – Series over \$15, 000, §18-4-401(1), C.R.S., a class 3 felony. *The Respondent was not*

December 4, 2009

employed as a peace officer on the date of the offense (Date of Offense: October 3, 2006 – Separated: June 14, 2004). The Respondent has failed to comply with P.O.S.T. Show Cause Order 09-16 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Jennifer Raine Luedtke’s Colorado peace officer certificate No. B-6798, (PID 121245).

Moved by Chief Patterson and Seconded by Sheriff Hilkey to revoke certification

Passed Unanimously

6. No. 09-17, Scott Michael Warner, Certification No. B-6675. On July 13, 2009, Respondent pled guilty to and was convicted of 1 count of Stalking – Threat/Following /Surveillance, §18-9-111(4)(b)(I), C.R.S., a class 5 felony. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: November 1, 2008 – Separated: September 1, 2000).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 09-17 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Scott Michael Warner’s Colorado peace officer certificate No. B-6675, (PID 121270).

Moved by Sheriff Taylor and Seconded by Officer Peck to revoke certification

Passed Unanimously

- B. P.O.S.T. Rule 9 - Revocation of Peace Officer Certifications – Misdemeanor Convictions:

§ 24-31-305 C.R.S. A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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 or judge. Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes recognized in **§ 24-31-305(1.5) (b) thru (h), C.R.S.**

1. No. M09-06, Scott Allen Hammond, Certification B-8656. On January 26, 2009, Respondent pled guilty to and was convicted of 1 count of First Degree Official Misconduct, § 18-8-404, C.R.S., a class 2 misdemeanor. *The Respondent was employed as a peace officer on the date of the offense (Offense Date was January 1, 2008 / Separated employment on September 30, 2008).* The Respondent has failed to comply with Director's Show Cause Order M09-06. Director Kammerzell recommends revocation of Scott Allen Hammond’s Colorado peace officer certificate, No. B-8656, (PID 115113).

Moved by Sgt. Dixon and Seconded by Sheriff Pelle to revoke certification

Passed Unanimously

2. No. M09-07, James Edward Stafford, Certification B-09296. On May 26, 2009, Respondent pled guilty to and was convicted of 1 count of First Degree Official Misconduct, § 18-8-404, C.R.S., a class 2 misdemeanor. *The Respondent was*
December 4, 2009

employed as a peace officer on the date of the offense (Offense Date was June 8, 2008 / Separated employment on March 12, 2009). The Respondent has failed to comply with Director's Show Cause Order M09-07. Director Kammerzell recommends revocation of James Edward Stafford's Colorado peace officer certificate, No. B-09296, (PID 112633).

***Moved by Chief Schultz and Seconded by Chief Patterson to revoke certification
Passed Unanimously***

3. No. M09-08, Charles Christopher Kimbell, Certification B-12496. On May 19, 2009, Respondent pled guilty to and was convicted of 1 count of Harassment – Followed Person in a Public Place, § 18-9-111(1)(c), C.R.S., a class 3 misdemeanor. *The Respondent was employed as a peace officer on the date of the offense (Offense Date was August 12, 2006 / Separated employment on November 7, 2006).* The Respondent has failed to comply with Director's Show Cause Order M09-08. Director Kammerzell recommends revocation of Charles Christopher Kimbell's Colorado peace officer certificate, No. B-12496, (PID124993).

***Moved by Chief Harrison and Seconded by Chief Schultz to revoke certification
Passed Unanimously***

4. No. M09-09, Charles Dean Vigil, Certification B-10713. On July 24, 2009, Respondent pled guilty to and was convicted of 1 count of Third Degree Assault – Knowingly/Recklessly Cause Bodily Injury, § 18-3-204, C.R.S., a class 1 misdemeanor. *The Respondent never served as a peace officer.* The Respondent has failed to comply with Director's Show Cause Order M09-09. Director Kammerzell recommends revocation of Charles Dean Vigil's Colorado peace officer certificate, No. B-10713, (PID 100558).

***Moved by Chief Coogan and Seconded by Sheriff Taylor to revoke certification
Passed Unanimously***

C. P.O.S.T. Rule 9 – Revocation of Peace Officer Certification Misdemeanor Conviction:

P.O.S.T. Rule 5 – Hearings (a), at any time the Director may direct a respondent to appear at a hearing and show cause why the Board should not issue a remedial order. Not less than thirty (30) days prior to the date set for such hearing, the Director shall transmit to the respondent written notice of such hearing.

Rule 17 – Certification Records (a)

Every P.O.S.T. certificate holder shall submit a completed P.O.S.T. Form 5, *Change of Name, Address or Telephone*, to the Board within thirty (30) days of any change of his or her name, home address, mailing address, or home telephone number.

1. No. M09-05, Jeremiah Grant Ivins, Certification No. B-5518 (PID 121214). On February 12, 2009, Respondent pled guilty to 1 count of Harassment – Telephone-Threat-Obscene, § 18-9-111(1) (e), C.R.S., a class 3 misdemeanor. Respondent failed to appear at the P.O.S.T. Director's Show Cause Hearing (DSCH) scheduled on April 22, 2009. On June 5, 2009, Director Kammerzell

December 4, 2009

recommended revocation of Jeremiah Ivins' peace officer certificate. Upon further consideration, the P.O.S.T. Board did at that time unanimously vote to revoke the peace officer certification of Jeremiah Ivins. On July 7, 2009, P.O.S.T. received correspondence from Jeremiah Ivins, informing P.O.S.T. of his intention to appeal the P.O.S.T. Board's decision to revoke his peace officer certification.

a. Chronological Order of Events Handout

Mr. Ivins did not attend and no action was taken by the Board

8. Selection of the 2010 P.O.S.T. Vice-Chairperson General Suthers

General Suthers thanked Chief Harrison for his service as the Board Vice-chair and called for nominations for a new Vice-chair

Chief Harrison nominated Sheriff Stan Hilkey, of Mesa County, Sheriff Pelle seconded the nomination of Sheriff Hilkey.

General Suthers called for a motion that the nominations be closed.

***Motioned by Chief Patterson and seconded by Mr. Pence to close nominations
Closed Unanimously***

General Suthers stated that by unanimous acclamation, Sheriff Hilkey has been appointed Vice-chair of the Colorado P.O.S.T. Board

9. Appointment of the 2010 P.O.S.T. Sunrise Review Sub-committee
Attorney General Suthers

A. Membership appointments

1. Rule 22 - P.O.S.T. Board Sub-committee for Sunrise Review of Peace Officer Status

The Sub-committee shall include the following P.O.S.T. Board members: 2 Police Chiefs, 2 Sheriffs, and 1 additional Board member. The Director of P.O.S.T shall staff the Sub-committee.

2. 2009 Committee - Sheriff Jim Alderden (Chairperson), Sheriff Jim Beicker, Chief Gerald Whitman, Chief John Patterson and Public Member Bob Pence.

Attorney General Suthers stated that there are two vacancies for Sheriff's on the Sub-committee and called for volunteers which were Sheriff Taylor and Sheriff Pelle.

General Suthers appointed Sheriff Taylor and Sheriff Pelle to the Sub-committee along with Chief Whitman, Chief Patterson, and Bob Pence. General Suthers appointed Sheriff Taylor as Chair of the Sunrise Review of Peace Officer Status Sub-committee.

December 4, 2009

- B. Letters to the Legislative Judiciary Committees – No Applications during 2009
10. Appointment of the 2010 P.O.S.T. Peace Officer Training Project Sub-committee.
General Suthers
- A. Membership Appointments
 - 1. 2010 Committee - Chief Paul Schultz (Chair), Sheriff Lou Vallario, Sheriff Stan Hilkey, Chief John Patterson, Chief Dennis Harrison Commissioner Sara Fisher and Officer Neal Tyler

General Suthers reappointed the Sub-committee with Chief Paul Schultz as the new Chair of the Peace Officer Training Project Sub-committee.
 - B. Sub-committee Update
11. Formal Board Recognition of the Members of the 2010 Subject Matter Expert (SME) Committees
Director Kammerzell
- A. Committee Rosters – Curriculum SME, Firearms SME, Arrest Control SME, Driving SME, Advanced Officer Training Committee and Interim DNA SME
- Director Kammerzell stated that the development of programs, rules and processes at the academy level, is done by the SME members who volunteer their time and services, which is supported by their agencies.
- Director Kammerzell formally recognized each SME Committee member for their dedication and the expertise they bring to the P.O.S.T. Board.
- General Suthers also wanted to thank each individual and their agencies for sacrificing their time to work on these committees.
12. 2010 Rules Hearing and Manual Review
General Suthers
Director John Kammerzell

* ***Public Announcement of Formal Rule Making Hearing***

- A. Summary of Proposed P.O.S.T. Rule Changes
Colorado Department of Regulatory Affairs Review/Response
 - 1. Rule 1 – *Definitions*
 - 2. Rule 10 – *Conditional Peace Officer Authority and Basic Peace Officer Certification*
 - 3. Rule 21 – *Basic and Reserve Training Academies*

December 4, 2009

4. Rule 23 – *Academy Skills Instructors*
5. Rule 24 – *Skills Training Safety and Skills Program Requirements for Basic and Reserve Academies*

General Suthers asked for discussion, Chief Coogan asked why the examination qualification score was changed from 80% to 70%.

Director Kammerzell stated there was a correction in the Refresher academy program with regards to the certification examination, and that there was a typo.

Director Kammerzell stated that the correction was to conform to the standard which is a 70% passage rate for the certification written examination.

B. Public Comment

Citizen Joe Thomas-Hazell commented there should be some legal recourse regarding citizen abuse.

Seeing no more public comment, General Suthers called for a motion to accept these changes.

Motion by Sheriff Pelle and seconded by Mr. Pence to approve purposed changes to Rule 1, Rule 10, Rule 21, Rule 23, and Rule 24.

Approved Unanimously

C. Overview – Revisions to the 2010 P.O.S.T. Manual

Director Kammerzell asked if there was anything to add to the firearms program. Parks Manager Quintana stated there was only standardizing changes to the Refresher program.

Director Kammerzell gave brief summary regarding changes to the ACT program regarding safety instructions, and inspections.

Director Kammerzell gave brief summary regarding changes to the Driving program regarding testing, skills performance, and inspections. There was also a change regarding vehicles.

Director Kammerzell reported changes made to the handgun instructor program and recommended shotgun instructor program.

General Suthers called for a motion to approve programs changes.

Motion by Chief Harrison and seconded by Mr. Pence

Approved Unanimously

D. *2010 Legislative Discussion - 24-31-305. Certification - issuance - renewal - revocation.*

(1) Basic peace officer certification requirements shall include:

(c) The P.O.S.T. board is authorized to grant conditional peace officer authority to any person who successfully completes the requirements of paragraph (b) of this subsection (1). Conditional peace officer authority qualifies the person to seek employment and serve as a fully authorized peace officer with any Colorado law enforcement agency recognized in article [2.5](#) of title [16](#), C.R.S. Conditional peace officer authority is valid for ~~one~~ **three** years, ~~but may be extended for a continuing period of not more than six months.~~ Upon full expiration of conditional peace officer authority, a person may renew the authority through the successful completion of a P.O.S.T. refresher academy program. The P.O.S.T. board is authorized to issue basic peace officer certification to any person who holds conditional peace officer authority and who has been employed for at least one year in good standing as a peace officer by a law enforcement agency specified in section [24-31-301](#) (3.5).

(2) (1.7) (a) Unless revoked, a basic certification or reserve certification issued pursuant to this part 3 is valid as long as the certificate holder is continuously serving as a peace officer or reserve peace officer.

(b) If a basic or reserve certificate holder has not served as a peace officer or reserve peace officer ~~for a total of at least six months~~ during any consecutive three-year period, the certification automatically expires at the end of such three-year period, unless the certificate holder is then serving as a peace officer or reserve peace officer.

Director Kammerzell stated there was discussion regarding the one year plus six months to complete the process. Director Kammerzell recommended that the statute remain as is and to deal with each case individually through variance requests.

General Suthers called for a motion to accept Director Kammerzell's recommendation.

*Motion made and seconded
Approved Unanimously*

Informational Items:

13. *DNA Training Course Presentation*

Project Director Deb Wilke

A. Internet Project Presentation and Report - For all peace officers described in § 16-2.5-101, C.R.S., who are certified by the P.O.S.T. Board.

December 4, 2009

Project Director Wilke gave a brief presentation of how the Knowledge Factor training site is accessed for both Anti-Bias and DNA on one link.

Project Director Wilke guided the Board members and guests through the log in process and through each module. Director Wilke stated if the officer had signed out and returned to the program, the course would allow the officer to start the course where the officer left off.

1. Internet Training Program – P.O.S.T. DNA Training Program for Colorado Peace Officers”.
 - a. Access of *Knowledge Factor* from the P.O.S.T. Home Page
 1. *Tuition Free Program Access by certified peace officers through June 30, 2011.*
2. Agency In-service Program Approval Process.
 - a. Program submitted for Approval will receive a P.O.S.T. Program Number.
 1. Training accomplishments for each peace officer will be received through the regular P.O.S.T. Training Project reporting procedure and the training noted in the officer’s training file.

Director Kammerzell stated the course will be accessible and free of charge to all Colorado Peace Officers until June 30, 2011.

Director Kammerzell stated the in service training can be approved through P.O.S.T. and recorded into each officers file.

Deputy Director Duffala stated that P.O.S.T. Compliance Officer, Ruth VanDerBroek, will be the DNA contact for any agency requesting DNA results for their specific agency. Or any questions related to the DNA on-line course.

14. Comments from others on P.O.S.T. Issues

Attorney General Suthers stated that with the appointment by the Obama Administration appointing Director Kammerzell as the U.S. Marshal for the District of Colorado, he will appoint an Interim Director until a permanent Director is found.

Citizen Joe Thomas-Hazell commented about racial profiling and how it affects his community.

Chairman Donn Kramer, of the Law Enforcement Memorial, reminded the Board and guests about keeping the services of fellow officer in Lakewood, Washington in their thoughts.

Attorney General Suthers called for a motion to Adjourn.

*Motioned and Seconded
Adjourned Unanimous*

15. 2010 P.O.S.T. Board Meeting Schedule

- A. Friday, March 12, 2010 – Colorado Department of Law
Friday, June 11, 2010 – Colorado Department of Law
Thursday and Friday, September 23 and 24, 2010 – *Officer Neal Tyler has extended an invitation to the Board to meet in Canon City*
Friday, December 03, 2010 – Colorado Department of Law

Next P.O.S.T. Board Meeting

Friday March 12, 2010

**Colorado Department of Law
1525 Sherman Street, Room 243
Denver, Colorado**

S.M.E. Meetings begin at 8:00 a.m. - Board Meeting at 10:00 a.m.

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
March 12, 2010

The Peace Officer Standards and Training Board held its 370th Board meeting at the Department of Law in Denver, Colorado with the following in attendance:

BOARD MEMBERS

CHIEF HEATHER A. COOGAN
SERGEANT LOUIS DIXON III
SHERIFF JAMES FAULL
SHERIFF STAN HILKEY
CHIEF BRIAN N. KOZAK
CHIEF JOHN PATTERSON
OFFICER NICHOLAS A. PECK
SHERIFF JOE PELLE
PUBLIC MEMBER BOB PENCE
CHIEF PAUL D. SCHULTZ
ATTORNEY GENERAL JOHN SUTHERS
SHERIFF KIRK TAYLOR
OFFICER NEAL TYLER
EXECUTIVE DIRECTOR PETER WEIR
CHIEF GERALD WHITMAN
CHIEF DAVE WOHLERS

BOARD MEMBERS ABSENT

SHERIFF JAMES CASIAS (excused)
SAC JAMES H. DAVIS (excused)
COMMISSIONER SARA J. FISHER (excused)
CHIEF DENNIS HARRISON (excused)
SHERIFF LOUIS VALLARIO

BOARD COUNSEL

DIANE MARIE DASH, Assistant Attorney General

STAFF MEMBERS

DEBORAH WILKE, P.O.S.T. Interim Director
KAREN E. DUFFALA, Deputy Director / Training Manager
CRISTINE MACK, P.O.S.T. Investigator
SUZANNE WALKER, Training Program Coordinator
LISA TONEY, Administrative Assistant

RUTH VANDERBROEK, Compliance Officer
CARLEEN JOHNSON-GARCIA, Examination Coordinator

MEMBERS OF THE PUBLIC IN ATTENDANCE

PHIL BACA, Commerce City Police Department
GLENN DAVIS, Colorado Department of Transportation
GRAHAM DUNNE, Aurora Police Department
ROGER FINE, Citizen
JOHN FOECHTERLE, Montrose County Sheriff's Office
PAUL GREGORY, Adams County Sheriff's Office
BRIAN HILL, Federal Reserve Police Department
DOYLE JONES, Weld County Sheriff's Office
ED KAFEL, El Paso County Sheriff's Office
DONN KRAEMER, Lakewood Police Department
DARREN O'DRISCOLL, El Paso County Sheriff's Office
ERIC RUBIN, Denver Police Department
RON SLOAN, Colorado Bureau of Investigation
KARL SMALLEY, Adams County Sheriff's Office
RICH STENSGAARD, Denver Police Department
NOAH STEPHENSON, Chaffee County Sheriff's Office
JOE THOMAS-HAZELL, Citizen
JOHN TUCKER, Weld County
RICH WEBB, Jefferson County Sheriff's Office
MARC WEBER, Larimer County Sheriff's Office
ROBERT E. WELTZER, PhD, National Highway Traffic Safety Administration
JANICE WORTHEM, Red Rocks Community College

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on March 12, 2010.

Arrest Control Committee
Curriculum Committee
Firearms Committee
Driving Committee

Introductions:

1. Welcome Attorney General John W. Suthers
2. Introduction of Board Members, Staff, SME Members and Guests
3. Introduction of New Board Member Chief Dave Wohlers:

Attorney General Suthers welcomed new Board Member Chief Dave Wohlers of the Idaho Springs Police Department to the Board.

March 12, 2010

4. Roll Call P.O.S.T. Interim Director Deborah Wilke

Declaration of a Quorum

5. Approval of P.O.S.T. Board Minutes for December 4, 2009

*Motioned and seconded to approve minutes
Approved Unanimously*

Presentations:

6. Skills Subject Matter Expert Committee Reports

- A. Curriculum Chief Phil Baca, Chairman

Chief Baca reported that nine members of the curriculum committee met and also members from NHTSA and CDOT who gave a presentation regarding SFST.

Chief Baca stated that the presentation was to propose an amendment to the current P.O.S.T. curriculum by including SFST at the academy level. Chief Baca stated that this proposal may not increase the number of hours of the training academy.

Chief Baca stated the committee will start meeting this month on this issue and have the proposal completed by the next P.O.S.T. Board meeting.

Chief Baca reported the committee had completed the validation of all the P.O.S.T. exam questions for validity and content.

- B. Arrest Control Sgt. Richard "JJ" Webb, Co-Chairman

Sgt. Rich Webb reported that eight committee members met and discussed changes in the test-out process regarding the identification of the discipline and where the officer received the training before requesting to be tested out through P.O.S.T.

Sgt. Webb stated the committee reviewed the arrest control program for the 2010 Manual and were satisfied with the completion.

Sgt. Webb stated the committee will be reviewing the arrest control instructor program which has not been revised since 1997 and also Rule 25 which will be a project for the first part of the year.

Sgt. Webb stated the committee approved new committee member Vince Fraker of La Junta Police Department. The committee also approved a full instructor from Grand Junction Police Department, Pua Utu.

Sgt. Webb reported the CSP site plan for Red Rocks Community College Academy was approved. The committee will be conducting inspections at Buena Vista, El Paso County, La Junta and Larimer County Reserve Academies.

March 12, 2010

C. Firearms

Deputy Ed Kafel, Chairman

Deputy Kafel reported the committee met in January, February, and this morning and approved new committee member Fred Carrier of the Colorado State Patrol.

Deputy Kafel stated the committee approved five full skill instructors, nineteen assistant skills instructors, and approved the firearms program for the Larimer County Sheriff's office.

Deputy Kafel reported the committee conducted a test-out for nine individuals who all passed.

Deputy Kafel stated the committee will be conducting inspections in Alamosa and Pueblo. The committee will also be working on the firearms program for 2011.

Interim Director Wilke announced Deputy Kafel was awarded the 2009 Employee of the Year for the El Paso County Sheriff's Office.

D. Law Enforcement Driving

Sergeant Karl Smalley, Vice-Chairman

Sgt. Smalley reported seven committee members met and approved four full instructors.

Sgt. Smalley stated the Denver Police Department submitted a revision of their driving instructor training program, put together by Cpl. Walker. The program was rated excellent and approved unanimously by the committee.

Sgt. Smalley reported the committee conducted test-outs for five applicants which all passed successfully.

Sgt. Smalley stated that an issue regarding the number of hours taught per day was discussed. The committee, pursuant to Rule 24, has capped the maximum number of hours taught per day at twelve hours.

Sgt. Smalley stated the committee will be reviewing instructor programs every five years.

E. Advanced Officer Training

Officer Neal Tyler, Chairman

No Report was given at this time.

Action Items:

7. Peace Officer Certification Revocation Actions

Interim Director Deb Wilke

Interim Director Wilke announced a change in the agenda; Mr. Roger Fine will attend the Board meeting and address the Board regarding revocation of certification.

Interim Director Wilke stated that Mr. Fine was sent notification to appear at the June 5, 2009 Board Meeting at which Mr. Fine did not appear.

Interim Director Wilke stated a letter was sent to Mr. Fine instructing him that he may appear at today's Board meeting which there was confusion about Mr. Fine notifying the Director / Interim Director that he would be attending.

March 12, 2010

Interim Director Wilke stated that at the advisement of Legal Counsel the Board would allow Mr. Fine to appear before the Board.

Mr. Roger Fine stated he was requesting reinstatement of certification. Mr Fine stated he had been in the process of changing employment and did not know about the show cause hearing and did not attend.

Mr. Fine stated that he did not attend the meeting in June because his daughter was having surgery at the time. Mr. Fine stated he has completed everything he needed to do to be eligible to be recertified.

Mr. Fine asked for the Boards approval to become recertified.

Attorney General Suthers asked Mr. Fine if and when he completed the deferred judgment and when the case was dismissed. Mr. Fine stated that he had completed the deferred judgment about two years ago.

Board Counsel Diane Marie Dash stated the information she had showed the guilty plea, there was no indication that the deferment had been completed.

Attorney General Suthers stated the issue will have to be postponed until the next Board meeting. Attorney General Suthers stated that Mr. Fine will need to produce all documentation showing the completion of the deferred judgment and the Board will make a decision at that time.

Attorney General Suthers asked Interim Director Wilke to advise Mr. Fine what he needs to do to meet these requirements.

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications – Felony Convictions:

§ 24-31-305 C.R.S. A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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 or judge.

1. No. 09-18, Bertrand Neville McKinney, Conditional Letter of Peace Officer Authority (PID 133563). On September 25, 2009, Respondent pled guilty to and was convicted of 1 count of Felony Menacing, §18-3-206, C.R.S., a class 5 felony. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: September 24, 2009 – Separated: September 25, 2009).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 09-18 by failing to appear at the scheduled Show Cause Hearing. Upon review of Mr. McKinney’s file and supporting documents, Interim Director Wilke recommends revocation of Bertrand Neville McKinney’s Letter of Conditional Peace Officer Authority, (PID 133563).

March 12, 2010

***Motion made and seconded to revoke
Passed Unanimously***

B. P.O.S.T. Rule 9 - Revocation of Peace Officer Certifications – Misdemeanor Convictions:

§ 24-31-305 C.R.S. A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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 or judge. Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes recognized in **§ 24-31-305(1.5) (b) thru (h), C.R.S.**

1. No. M09-10, Neal R. Seibrandt, Certification B-7325. On February 25, 2009, Respondent pled guilty to and was convicted of 1 count of Harassment, § 18-9-111, C.R.S., a class 3 misdemeanor. *The Respondent never served as a peace officer.* The Respondent has failed to comply with Director Kammerzell’s Show Cause Order M09-10. Upon review of Mr. Seibrandt’s file and supporting documents, Interim Director Wilke recommends revocation of Neal R. Seibrandt’s Colorado peace officer certificate, No. B-7325, (PID 103165).

***Motion made and seconded to revoke
Passed Unanimously***

2. No. M09-11, Christopher A. Parker, Certification B-7127. On October 23, 2009, Respondent pled guilty to and was convicted of 1 count of Harassment, § 18-9-111, 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: July 11, 2009 – Separated: November 16, 2007).* The Respondent has failed to comply with Director Kammerzell’s Show Cause Order M09-11. Upon review of Mr. Parker’s file and supporting document, Interim Director Wilke recommends revocation of Christopher A. Parker’s Colorado peace officer certificate, No. B-7127, (PID 126314).

***Motion made and seconded to revoke
Passed Unanimously***

C. P.O.S.T. Rule 9 – Reconsideration of Revocation of Peace Officer Certification – Misdemeanor Conviction:

P.O.S.T. Rule 5 – Hearings (a), at any time the Director may direct a respondent to appear at a hearing and show cause why the Board should not issue a remedial order. Not less than thirty (30) days prior to the date set for such hearing, the Director shall transmit to the respondent written notice of such hearing.

1. No. M08-02, Noah Myron Dale Stephenson. On January 15, 2008, Respondent pled guilty to 1 count of Harassment – Strike/Shove/Kick, § 18-9-111(1) (a),

March 12, 2010

C.R.S., a class 3 misdemeanor. Respondent was sentenced to a *Deferred Sentence*. Subject failed to appear at the P.O.S.T. Director's Show Cause Hearing scheduled on March 26, 2008. On June 20, 2008, Director Kammerzell recommended revocation of Noah Stephenson's peace officer certificate. Upon further consideration, the P.O.S.T. Board did at that time unanimously vote to revoke the peace officer certification of Noah Myron Dale Stephenson.

a. Chronological Order of Events

1. On November 20, 2004, Respondent completed basic peace officer training at the Colorado Mountain College's Law Enforcement Academy in Buena Vista, Colorado.
2. On November 23, 2004, Respondent was certified as a Colorado peace officer, Certificate No. B-11209.
3. On January 15, 2008, Respondent pled guilty to 1 Count of Harassment.
4. On June 20, 2008, after being apprised of the premises and due consideration of the record, the P.O.S.T. Board unanimously voted to revoke the peace officer certificate of Noah Myron Dale Stephenson.
5. On January 9, 2009, the County Court of Chaffee County held a hearing in Case 07M431, on the defendant's deferred sentence. The Court approved the motion and ordered the action dismissed.
6. On March 10, 2009, P.O.S.T. received correspondence from Noah Stephenson requesting a hearing for reconsideration of the revocation of his peace officer certificate, and approval to renew his peace officer status. Mr. Stephenson failed to attend the P.O.S.T. Board meeting and there was no action taken.
7. On January 22, 2010, P.O.S.T. again received correspondence from Noah Stephenson requesting a hearing for reconsideration of the revocation of his peace officer certificate, and approval to renew his peace officer status.

Mr. Stephenson addressed the Board asking for reconsideration to allow him to become a certified officer again. Mr. Stephenson stated he has been an employee of the Chaffee County Sheriff's Office in good standing for the past five years.

Mr. Stephenson stated he also has a letter of recommendation from the Sheriff of Chaffee County.

The question was asked about the facts of the case. Mr. Stephenson stated that he was having a disagreement with his wife, as she proceeded to leave in the car there was an altercation with the keys of the car. Mr. Stephenson stated after his wife had left he was called by the Chief of Police of the town he lived, he went

March 12, 2010

directly to the Police Department and was asked to make a statement, at that time he declined without counsel.

Mr. Stephenson stated he was charged at that time and took a plea deal for 3rd degree assault.

Mr. Stephenson stated the assault was due to fact that he bent his wife's fingers back trying to take the keys away.

The question was asked to Mr. Stephenson if he was still married; Mr. Stephenson stated that he was not. Mr. Stephenson also stated he was recently granted the primary decision making and parental rights of his son.

Board Counsel Dash stated that there are two options for Mr. Stephenson to renew his certification which include attending a full basic academy or follow recertification as outlined in Rule 13.

Motion was made and Seconded to Allow Mr. Stephenson to Renew Certification following Rule13 Passed Unanimously

8. Continuing Education Update Chief Paul Schultz

Chief Paul Schultz reported the sub-committee met in February to address continuing education standards of Law Enforcement in Colorado.

Chief Schultz stated the sub-committee is currently gathering information, discussing how this will be accomplished, and what the standards might be.

9. FY 2010-2011 Grant Process Approval Deputy Director Karen Duffala

Deputy Director Karen Duffala gave a brief overview of the upcoming process of grant funds and how they will be distributed.

Deputy Director Duffala stated that the state fiscal management system requires that contracts be issued for all amounts over \$50,000. All contracts over \$100,000 must be posted on the Colorado Grant Management website.

Deputy Duffala stated the new process will be an improvement and help facilitate the tracking of funds. An advantage of contracts as compared to purchase orders is that contracted funds are encumbered and protected.

Deputy Duffala stated the information that is being asked for in the new spreadsheets is the same information that has always been required.

Deputy Duffala stated there will be four meetings held throughout the state, Grand Junction, Pueblo, Brighton, and at the Department of Law, to help guide people through the new grant application process.

Attorney General Suthers asked that the staff draft a policy to prohibit any member of the Board from being the direct recipients of grant money. This policy will be presented to the Board at the next Board meeting for input and discussion and voted on at the September Board meeting.

Informational Items:

10. DNA Training Course Interim Director Deb Wilke
- A. HB08-1397 Concerning the Disposition of Evidence Collected in Criminal Cases.
1. Law Enforcement DNA Evidence Disposition Form
 - a. The form to be used by law enforcement when requesting permission from the local district attorney to destroy DNA evidence
 2. DNA Evidence Dispo Stipulation and Order
 - a. The form that prosecutors file with the court when requesting permission to destroy DNA evidence

Interim Director Wilke stated the DNA committee developed two forms to be use when destroying evidence that may contain DNA. Interim Director Wilke stated she was asked by the committee to post these forms on the P.O.S.T. website.

Interim Director Wilke stated that the forms will be on the P.O.S.T. website and a letter will go out to all law enforcement agencies about the forms and how to obtain them.

11. Comments from others on P.O.S.T. Issues

The question was asked about a ballot issue this fall to eliminate license registration fees.

Attorney General Suthers stated there is a ballot going to the people and asked Board Counsel Dash to address issues about what Board members are allowed to do.

Citizen Joe Thomas-Hazell stated that with all the new technology available, each officer should be able to record each call and give a copy to an individual for a more accurate documentation.

Senior Agent Donn Kraemer stated on May 7th the Annual Law Enforcement Memorial will be held at Camp George West. This year they will be memorializing one line of duty death, Sgt. David Kinterknecht of the Montrose Police Department.

Senior Agent Kraemer stated there will also be 12 historical desks on view and Guest speaker US Marshal John Kammerzell.

12. Recognition Former POST Director John Kammerzell Attorney General John W. Suthers

US Marshal Kammerzell stated he was humbled by being recognized by the Board.

Attorney General Suthers stated there was a long list of achievements by then Director Kammerzell, and referred to one of his greatest achievements by bringing significant

March 12, 2010

funds into the P.O.S.T. Board for the purpose of training law enforcement officers throughout the state; primarily in the more rural areas of the state that wouldn't otherwise have the resources to do this type of training. That is a legacy!

Marshal Kammerzell stated that one of the most rewarding experiences was for him the last ten years as the Director of P.O.S.T. Marshal Kammerzell thanked the Board members for all of their support during that time.

13. 2010 P.O.S.T. Board Meeting Schedule

- A. *Friday, March 12, 2010* – Colorado Department of Law
Friday, June 11, 2010 – Colorado Department of Law
Thursday and Friday, September 23 and 24, 2010 – *In Canon City*
Friday, December 03, 2010 – Colorado Department of Law

General Suthers called for a motion to adjourn.

*Motion Made and Seconded
Adjourned Unanimously*

Next P.O.S.T. Board Meeting

Friday June 11, 2010

**Colorado Department of Law
1525 Sherman Street, Room 243
Denver, Colorado**

S.M.E. Meetings begin at 8:00 a.m. - Board Meeting at 10:00 a.m.

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
June 11, 2010

The Peace Officer Standards and Training Board held its 371st Board meeting at the Department of Law in Denver, Colorado with the following in attendance:

BOARD MEMBERS

CHIEF HEATHER A. COOGAN
SAC JAMES H. DAVIS
SERGEANT LOUIS DIXON III
SHERIFF JAMES FAULL
COMMISSIONER SARA J. FISHER
CHIEF DENNIS HARRISON
SHERIFF STAN HILKEY
OFFICER NICHOLAS A. PECK
SHERIFF JOE PELLE
PUBLIC MEMBER BOB PENCE
ATTORNEY GENERAL JOHN SUTHERS
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO
EXECUTIVE DIRECTOR PETER WEIR
CHIEF DAVE WOHLERS

BOARD MEMBERS ABSENT

SHERIFF JAMES CASIAS (excused)
CHIEF JOHN PATTERSON (excused)
CHIEF PAUL D. SCHULTZ (excused)
SHERIFF KIRK TAYLOR (excused)
CHIEF GERALD WHITMAN (excused)

BOARD COUNSEL

DIANE MARIE DASH, Assistant Attorney General

STAFF MEMBERS

DEBORAH WILKE, P.O.S.T. Interim Director
KAREN E. DUFFALA, Deputy Director / Training Manager
CARLEEN JOHNSON-GARCIA, Examination Coordinator
CRISTINE MACK, P.O.S.T. Investigator
LISA TONEY, Administrative Assistant
RUTH VANDERBROEK, Compliance Officer

JENNIFER WICKHAM, Interim Training Program Coordinator

MEMBERS OF THE PUBLIC IN ATTENDANCE

MIKE CARTER, C.C. of Aurora Law Enforcement Training Academy
DON CHRISTENSEN, County Sheriff's of Colorado
MICHAEL CUMMINGS, Arapahoe County Sheriff's Office
DEAN CURD, County Sheriff's of Colorado
ERIC GONZALES, Pueblo Police Department
BRIAN HILL, Federal Reserve Police Department
DOYLE JONES, Weld County Sheriff's Office
ED KAFEL, El Paso County Sheriff's Office
JANET LARSON, County Sheriff's of Colorado
RICK MCNAIR, Adams County Sheriff's Office
JOHN REECE, Western Colorado Peace Officer's Academy
BRAD SHANNON, El Paso County Sheriff's Office
KARL SMALLEY, Adams County Sheriff's Office
RICH STENSGAARD, Denver Police Department
JOE THOMAS-HAZELL, Citizen
JOHN TUCKER, Weld County
MIKE WALKER, Denver Police Department
RICH WEBB, Jefferson County Sheriff's Office

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on March 12, 2010.

Arrest Control Committee
Driving Committee

Introductions:

1. Welcome Attorney General John W. Suthers
2. Introduction of Board Members, Staff, SME Members and Guests
3. Roll Call P.O.S.T. Interim Director Deborah Wilke

Declaration of a Quorum

4. Approval of P.O.S.T. Board Minutes for March 12, 2010.

***Motioned and seconded to approve minutes
Approved Unanimously***

June 11, 2010

Presentations:

5. Skills Subject Matter Expert Committee Reports

A. Curriculum Sheriff Joe Pelle, Board Member

Sheriff Pelle reported to the Board that the Curriculum Committee did not meet and reported the committee continues to work on an ongoing project related to modification of academy hours.

Sheriff Pelle stated the committee will submit these changes to the Board for approval at the September Board meeting.

B. Arrest Control Sgt. Richard Webb, Co-Chairman

Sgt. Webb reported the committee reviewed four inspections that were completed in March for the Buena Vista, La Junta, Larimer County, and El Paso County academies.

Sgt Webb stated the committee approved one full instructor for the Aurora Police Department and reviewed site and safety plan for La Junta due to change of location.

Sgt. Webb stated the committee will be holding another inspection for the Delta academy in July.

C. Firearms Deputy Ed Kafel, Chairman

Deputy Kafel reported the committee met in April and May and approved three full skills instructors and sixteen assistant skills instructors.

Deputy Kafel stated in March the committee conducted a firearms program inspection at the Trinidad State College in Alamosa and in May with the Pueblo Community College. Both were found to be within P.O.S.T. compliance.

Deputy Kafel stated the committee continues to work on updating the firearms program related to tactical, decisional, and dim light sections of the program.

D. Law Enforcement Driving Sergeant Karl Smalley, Vice-Chairman

Sgt. Smalley reported the committee approved two full instructors for the Jefferson and Weld County academies.

Sgt. Smalley stated the committee reviewed and approved the safety plan for the Jefferson County Sheriff's academy with no problems.

Sgt. Smalley stated there was an amendment to the El Paso County driver training program and approved the addition.

Sgt. Smalley stated the Durango academy had a question that POST Investigator Cristine Mack handled in detail.

Sgt. Smalley reported the committee completed most of the academy inspections and will be looking into instructor programs. Sgt. Smalley stated the committee will be meeting prior to the September Board meeting for future updates and progress

E. Advanced Officer Training Officer Neal Tyler, Chairman

Officer Tyler stated the committee has nothing to report at this time.

Action Items:

6. Peace Officer Certification Revocation Actions Interim Director Deb Wilke

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications – Felony Convictions:

§ 24-31-305 C.R.S. A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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 or judge.

1. No. 10-01, Todd George Vecellio, Colorado Reserve Peace Officer, Certificate Number E-1016 (PID 113078). On November 19, 2009, Respondent pled guilty to and was convicted of 2 counts of Sexual Assault on a Child – Position of Trust – Victim Under 15 Years of Age, §18-3-405.3(1), (2)(e), C.R.S., class 4 felonies; 1 count of Enticement of a Child, §18-3-305(1), C.R.S., a class 4 felony; and 1 count of Attempted Sexual Assault on a Child, §18-3-405(1), C.R.S., a class 5 felony. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: August 19, 2008 – Separated: September 25, 2009).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 10-01 by failing to appear at the scheduled Show Cause Hearing. Interim Director Wilke recommends revocation of Todd George Vecellio’s Colorado Peace Officer Certification Number E-1016, (PID 113078).

***Motion made and seconded to revoke
Passed Unanimously***

2. No. 10-02, Mark Joseph Corriea, Colorado Peace Officer, Certificate Number B-3799 (PID 100032). On August 31, 2009, Respondent pled guilty to and was convicted of 1 count of Sexual Assault on a Child – Position of Trust, §18-3-405.3(1), (2)(a), C.R.S., a class 3 felony. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: January 1, 2006 – Separated: August 7, 2002).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 10-02 by failing to appear at the scheduled Show Cause Hearing. Interim

Director Wilke recommends revocation of Mark Joseph Corriea's Colorado Peace Officer Certification Number B-3799, (PID 100032).

***Motion made and seconded to revoke
Passed Unanimously***

B. P.O.S.T. Rule 9 - Revocation of Peace Officer Certifications – Misdemeanor Convictions:

§ 24-31-305 C.R.S. A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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 or judge. Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes recognized in **§ 24-31-305(1.5) (b) thru (h), C.R.S.**

1. No. M09-10, Troy A. Wold, Certification B09466. On February 5, 2010, Respondent pled guilty to 1 count of Harassment – Strike/Shove/Kick, § 18-9-111 (1)(a), C.R.S., a class 3 misdemeanor. *Respondent was employed as a peace officer on the date of the offense (Date of Offense: July 18, 2009 – Separated: March 4, 2010).* The Respondent has failed to comply with Interim Director Wilke's Show Cause Order M10-01. Interim Director Wilke recommends revocation of Troy A. Wold's Colorado peace officer certificate, No. B09466, (PID 113204).

***Motion made and seconded to revoke
Passed Unanimously***

7. Conflict of Interest Policy General John Suthers

General Suthers reported Colorado P.O.S.T. has received about 1.5 million dollars and may be subject to a state audit. Attorney General Suthers stated that he believes that the Board should adopt certain policies concerning any potential Board member conflict of interest in disseminating the grants.

General Suthers asked the Board to review the policy and ask any questions they may have. General Suthers stated he would like the Board to vote on this policy at the September Board Meeting.

Attorney General Suthers gave a brief overview of the policy stating a Board Member shall not accept either directly or indirectly any personal benefit from the grantee and shall not use his or her position to influence information during the grant process.

General Suthers stated that the purpose of the policy is to ensure that any Board member not receive any grant compensation individually as a trainer or in any other manner.

8. Grant Approval Process and Appeal

Interim Director Deb Wilke

Interim Director Wilke reported that 10 regions and 6 entities have requested grant funds this fiscal year.

Interim Director Wilke gave a brief overview of a summary presented to the Board showing the organization requesting funds, the 2009 award granted, the 2010 request for funds, the staff recommendation, and the sub-committee recommendation. Interim Director Wilke stated there were five appeals which were addressed by her.

Interim Director Wilke stated P.O.S.T. staff and Sub-Committee encouraged and funded programs that were offered by in-state providers. Interim Director Wilke stated the reason for this was to minimize spending of grant funds for hotel and travel expenses of an out of state provider when we could achieve the same quality of training provided by quality trainers in Colorado.

Interim Director Wilke stated there was also discussion regarding the use of training dollars to fund salaries which Interim Director stated would like the Board to address.

Interim Director Wilke stated the total award recommended for the 2010/2011 fiscal year with the appeals was \$1,520,207, which does not include the \$100,000 set aside to conduct the CACP training program through P.O.S.T. and approximately \$25,000 for the Officer Suicide Prevention training.

A member of the Board asked Interim Director Wilke who sits on the Sub-Committee. Interim Director Wilke stated, Officer Tyler, Chief Wohlers, Sara Fisher, Lou Vallario, Sheriff Hilkey, and Chief Patterson.

Interim Director Wilke stated that only two of the members were able to attend the sub-Committee meeting which were Officer Tyler and Chief Wohlers. Interim Director Wilke stated that each sub-Committee member did receive the information and packet regarding the process and recommendations.

General Suthers called on Executive Director of the County Sheriff's of Colorado to hear their appeal to the Board.

Executive Director Christensen thanked the Board for allowing him to hear the appeal. Executive Director Christensen stated two concerns first on the grant process and how CSOC feels they can improve on and second the uniqueness of CLEAT.

Executive Director Christensen stated that a survey should be sent to the regions for input on training needed in their area for the upcoming P.O.S.T. Grant fiscal year. Executive Director Christensen stated after analysis by P.O.S.T. staff, a statewide meeting should be held to discuss submittals for the grant. Executive Director Christensen stated that P.O.S.T. should fund room and board to assure attendance and CSOC would host the event.

Executive Director Christensen stated after the review and meeting each applicant should be granted time to discuss the proposal with the Sub-Committee and answer questions.

June 11, 2010

Executive Director Christensen stated there was not significant communications in this process until after critical decisions had been made. Executive Director Christensen stated that only two voting members of the Sub-Committee had made the determination not knowing the uniqueness of CLEAT and the past understandings and agreements.

Executive Director Christensen stated if the above procedure had been implemented there would not have been a difference in the number of classes recommended by us and the Sub-Committee. Executive Director Christensen stated the number of classes was based on training provided in previous years and request from regions.

Executive Director Christensen gave a brief history of the 30 years of CLEAT and that no one in the state of Colorado will develop these types of core courses. Executive Director Christensen stated that at no cost CLEAT trains CLEAT trainers to provided training.

Executive Director Christensen stated the neither organization is tax payer supported, and both are required to earn enough revenue to maintain their existence.

Executive Director Christensen stated CLEAT should not be compared to other agencies or providers since they do not perform all the functions that we do.

Executive Director Christensen stated they provided training to all certified and non-certified but sworn peace officers in the state. Executive Director Christensen stated that the Sub-Committee based their decision on only the certified officer training numbers.

Executive Director Christensen thanked the Board for their consideration.

9. FY 2010-2011 Grant Process Approval Interim Director Deb Wilke

Interim Director Wilke stated that if the Board will approve the Grant proposal as it stands the Board can revisit the CLEAT appeal at the September Work Session meeting.

Attorney General Suthers stated that a committee be formed and the Sub-Committee meet prior to the September Work Session.

Attorney General Suthers called for a motion on how to deal with the grant recommendations.

Motion was made to approve the Sub-Committee's recommendations to grant \$1,520,207, with the caveat that the Sub-Committee will reconsider the CLEAT situation and come to the Board for further recommendations in September.

***Motion Made and Seconded
Passed Unanimously, Officer Tyler Abstained***

Informational Items:

10. Comments from others on P.O.S.T. Issues

Board Counsel Dash commented on participation with upcoming ballot issues, and referred to a hand out stating that elected officials may have more leeway but to refer to the document for a more detailed explanation.

Mr. Joe Thomas-Hazell made a comment on Senior Abuse and wanted to know if a committee had been formed to address this issue.

Attorney General Suthers stated that Law Enforcement community in general is concerned about including the Office of the Attorney General. General Suthers stated that there is not a separate committee within the P.O.S.T. Board. General Suthers stated that Senior Abuse is a big priority of the law enforcement community.

11. Recognition of Chief Dennis Harrison, Board Member and past Board Vice Chair
Attorney General John W. Suthers

Attorney General Suthers stated Chief Harrison has been a member of the P.O.S.T. Board for twelve years and almost seven of the years as Vice-Chair.

Chief Harrison thanked the SME members for their dedication and hard work and as a Board Member appreciates their efforts.

Chief Harrison commented on the first day he was appointed to the Board and stated that he has had the honor and privilege to be working for this Board.

12. 2010 P.O.S.T. Board Meeting Schedule

- A. Thursday and Friday, September 23 and 24, 2010 – In Canon City
Friday, December 03, 2010 – Colorado Department of Law

Next P.O.S.T. Board Meeting

Friday September 24, 2010

**Canon City Police Department
1525 Sherman Street, Room 243
Denver, Colorado**

S.M.E. Meetings begin at 8:00 a.m. - Board Meeting at 10:00 a.m.

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
September 24, 2010

The Peace Officer Standards and Training Board held its 372nd Board meeting at the Cañon City Administrative Building in Cañon City, Colorado with the following in attendance:

Due to a recording equipment malfunction, the Minutes for the September Board meeting were lost in their entirety. Based on collective recollection of the meetings content, the following synopsis has been compiled.

BOARD MEMBERS

CHIEF MARK BECKNER
SHERIFF JAMES CASIAS
CHIEF HEATHER A. COOGAN
SAC JAMES H. DAVIS
SHERIFF JAMES FAULL
CHIEF DAVID FELICE
SHERIFF STAN HILKEY
CHIEF JOHN PATTERSON
OFFICER NICHOLAS A. PECK
SHERIFF JOE PELLE
PUBLIC MEMBER BOB PENCE
EXECUTIVE DIRECTOR KATHY SASAK
ATTORNEY GENERAL JOHN SUTHERS
SHERIFF KIRK TAYLOR
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO
CHIEF DAVE WOHLERS

BOARD MEMBERS ABSENT

SERGEANT LOUIS DIXON III (excused)
CHIEF GERALD WHITMAN (excused)

BOARD COUNSEL

DIANE MARIE DASH, Assistant Attorney General

STAFF MEMBERS

PAUL SCHULTZ, P.O.S.T. Director
CARLEEN JOHNSON-GARCIA, Examination Coordinator
JENNIFER WICKHAM, Interim Training Program Coordinator

MEMBERS OF THE PUBLIC IN ATTENDANCE

RACHEL ALEXANDER, CC Daily Record
PHIL BACA, Commerce City Police Department
MINOR BLACKFORD, Otero Junior College
STEVE BRATTEN, Colorado Department of Revenue
M.E. BROWNING, Durango Police Department
DON CHRISTENSEN, County Sheriff's of Colorado
DEAN CURD, County Sheriff's of Colorado
GLENN DAVIS, Colorado Department of Transportation
DAVID EDMONDSON, Colorado Springs Police Department Academy
CHRIS HALSOR, Colorado District Attorney's Council
LAWRENCE HILTON, Colorado State Patrol Training Academy
DOYLE JONES, Weld County Sheriff's Office
ED KAFEL, El Paso County Sheriff's Office
JOHN L. KAMMERZELL, US MARSHAL, District of Colorado
JANET LARSON, County Sheriff's of Colorado
MAUREEN MEISNER, Cañon City Police Department
JIM MILNE, Colorado Department of Revenue
DARREN O'DRISCOLL, El Paso County Sheriff's Office
BRAD SHANNON, El Paso County Sheriff's Office
ROSS SIBLEY, Commerce City Police Department
SHIRLEY SQUIER, Central Mountain
TAMMY TYLER, Citizen
J.W. WILDER, Colorado State Parks

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on September 24, 2010.

Arrest Control Committee
Curriculum Committee
Firearms Committee

Introductions:

1. Welcome Attorney General John W. Suthers
2. Introduction of Board Members, Staff, SME Members and Guests
3. Board Recognition Officer Neal Tyler, Board Member
Attorney General John W. Suthers

Attorney General Suthers recognized Officer Tyler for his dedication to the Board and his accomplishments during his appointment.

September 24, 2010

4. Introduction of New Board Members:

Chief David Felice, Durango Police Department
Chief Mark Beckner, Boulder Police Department
Executive Director Kathy Sasak, Department of Public Safety

Resignation of Eagle County Commissioner Sara Fisher

5. Roll Call P.O.S.T. Director Paul Schultz

Declaration of a Quorum

6. Approval of P.O.S.T. Board Minutes for June 11, 2010.

*Motioned and seconded to approve minutes
Approved Unanimously*

Presentations:

7. Skills Subject Matter Expert Committee Reports

A. Curriculum Chief Phil Baca, Chairman

Chief Baca reported the committee approved new committee member Ross Sibley from Commerce City Police Department.

Chief Baca gave a presentation on new changes to the basic academy curriculum.

B. Arrest Control Chief John Patterson, Board Member

Chief Patterson reported the committee completed an inspection for Delta Montrose Technical College

The committee also reviewed new site and safety plans for Pueblo Police Department Academy and the Weld County Sheriff's Office Academy.

Chief Patterson stated the committee will be conducting an academy inspection for Lakewood Police Department Academy October 26, 2010.

C. Firearms Deputy Ed Kafel, Chairman

Deputy Kafel reported the committee did not approve a request for full instructor.

Deputy Kafel reported the committee will conduct an academy inspection for the Aurora Police Department Academy November 30, 2010.

D. Law Enforcement Driving Chief Heather Coogan, Board Member

Chief Coogan stated the committee did not meet and no report was given.

Action Items:

8. Peace Officer Certification Revocation Actions Director Paul Schultz

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications – Felony Convictions:

§ 24-31-305 C.R.S. A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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 or judge.

1. No. 10-03, Ross N. Munro, Colorado Peace Officer, Certificate Number B-12062 (PID 123306). On February 1, 2010, Respondent pled guilty and was convicted of 1 count of Theft-At Risk Victim, § 18-6.5-103(5); 18-4-401(1) C.R.S., a class 3 felony. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: May 30, 2009 – Separated: April 12, 2006).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 10-03 by failing to appear at the scheduled Show Cause Hearing. Director Schultz recommends revocation of Ross N. Muro’s Colorado Peace Officer Certification Number B-12062, (PID 123306).

***Motion made and seconded to revoke
Passed Unanimously***

2. No. 10-04, Michael J. Eckstein, Conditional Letter of Peace Officer Authority (PID 133725). On March 26, 2010, Respondent pled guilty to and was convicted of 1 count of Felony Menacing-Real/Simulated Weapon, § 18-3-206(1)(a)(b), C.R.S., a class 5 felony. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: April 27, 2009 – Separated: April 30, 2009).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 10-04 by failing to appear at the scheduled Show Cause Hearing. Director Schultz recommends revocation of Michael J. Eckstein’s Letter of Conditional Peace Officer Authority, (PID 133725).

***Motion made and seconded to revoke
Passed Unanimously***

3. No. 10-05, Vincent D. Toscano, Colorado Peace Officer, Certificate Number B-8170 (PID 114619). On April 1, 2010, Respondent pled guilty and was convicted of 1 count of Felony Menacing-Real/Simulated Weapon, § 18-3-206(1)(a)(b), C.R.S., a class 5 felony and 1 count of Assault-Knowingly/recklessly cause injury, § 18-3-204(1)(a), C.R.S., a class 1 misdemeanor. On April 2, 2010, Respondent pled guilty and was convicted of 1 count of Assault-Knowingly/recklessly 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 offenses (Date of Offenses: January 17, 2010 and February 2, 2010 – Separated: February 16, 2010).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 10-05 by failing to appear at the scheduled Show Cause Hearing. Director Schultz recommends revocation of Vincent D. Toscano’s Colorado Peace Officer Certification Number B-8170, (PID 114619).

***Motion made and seconded to revoke
Passed Unanimously***

4. No. 10-06, Michael C. Thompson, Colorado Peace Officer, Certificate Number B-6560 (PID 114608). On April 20, 2010, Respondent pled guilty and was convicted of 1 count of Sexual Assault on a child, § 18-3-405(1), C.R.S., a class 5 felony. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: March 31, 2008 – Separated: September 24, 2007).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 10-06 by failing to appear at the scheduled Show Cause Hearing. Director Schultz recommends revocation of Michael C. Thompson’s Colorado Peace Officer Certification Number B-6560, (PID 114608).

***Motion made and seconded to revoke
Passed Unanimously***

5. No. 10-09, Kachina Dyani McAlexander, Colorado Peace Officer, Certificate Number B-6446 (PID 121710). On January 12, 2010 respondent was found guilty of 3 counts Aggravated Assault, in violation of S.D.C.L., § 22-18-1.1(2) and 22-18-1.05, S.D.C.L. (South Dakota Criminal Law), a class 2 felony and 1 count of Reckless Discharge of a Firearm, § 22-14-7(1), S.D.C.L., a class 1 misdemeanor. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: March 24, 2009 – Separated: March 28, 2009).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 10-09 by failing to appear at the scheduled Show Cause Hearing. Director Schultz recommends revocation of Kachina Dyani McAlexander’s Colorado Peace Officer Certification Number B-6446, (PID 121710).

***Motion made and seconded to revoke
Passed Unanimously***

September 24, 2010

B. P.O.S.T. Rule 9 - Revocation of Peace Officer Certifications – Misdemeanor Convictions:

§ 24-31-305 C.R.S. A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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 or judge. Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes recognized in **§ 24-31-305(1.5) (b) thru (h), C.R.S.**

1. No. M10-02, Jack G. Kimmett, Certification 9763 (PID 108273). On April 9, 2010 Respondent pled guilty to 1 count of Controlled substance – posses schedule 5, § 18-18-405 (1), (2)(a)(IV)(a), C.R.S., a class 1 misdemeanor and 1 count of Failing to Disclose Conflict of Interest, § 18-8-308, C.R.S., a class 2 misdemeanor. *Respondent was employed as a peace officer on the date of the offense (Date of Offense: November 11, 2009 – Separated: January 4, 2010).* The Respondent has failed to comply with Director Schultz’s Show Cause Order M10-02. Director Schultz recommends revocation of Jack G. Kimmett’s Colorado peace officer certificate, No. 9763, (PID 108273).

***Motion made and seconded to revoke
Passed Unanimously***

C. P.O.S.T. Rule 8(f) – Appeal Process for Peace Officer Applicants – Certification Denial as a result of a Misdemeanor Conviction:

P.O.S.T. Rule 8(F) provides that at least six (6) Board members must agree to hear the appeal, or the determination of the Director shall be deemed to be summarily affirmed by the Board.

1. No. M10-03, Richard Anthony Mondragon, Certification B11107 (PID 119513). On January 7, 2010 Respondent pled guilty to 1 count of Harassment – Strike/Shove/Kick, § 18-9-111 (1)(a), C.R.S., a class 3 misdemeanor. *Respondent was not employed as a peace officer on the date of the offense (Date of Offense: November 20, 2009 – Separated: December 30, 2004).* The Respondent did appear at Director Schultz’s Show Cause Order M10-03. Director Schultz found no merit in Mr. Mondragon’s appeal. The members of the P.O.S.T. Board were provided with the relevant information concerning Mr. Mondragon’s past criminal convictions, written correspondence, and formal request to appeal my denial. The P.O.S.T. Board members have reviewed the information and declined to hear Mr. Mondragon’s appeal. Director Schultz’s

determination to deny Mr. Mondragon's request for an exemption from denial of certification has been supported by the P.O.S.T. Board. Director Schultz recommends revocation of Richard Anthony Mondragon's Colorado peace officer certificate, No. B11107, (PID 119513).

***Motion made and seconded to revoke
Passed Unanimously***

9. Approval of the Conflict of Interest Policy Attorney General Suthers

***Motion made to Approve Policy
Passed Unanimously***

Legislative Issues:

10. Legislative Updates Director Schultz

- A. Decertification (Officers Who Depart from the Truth)

An update was provided by Director Schultz on proposed additional language to the decertification Statute.

Informational Items:

11. P.O.S.T. Peace Officer Training Project Director Schultz

Director Schultz thanked Chief Coogan for accepting management of the Greater Metro training grant.

- A. Training Report Update

Director Schultz stated that over 736,000 hours of documented grant funded training have occurred in the last five years.

- B. Suicide Prevention

A proposed suicide prevention training program was presented by Director Schultz.

- C. Tolerance Partnership

A Proposed tolerance training partnership with the Los Angeles based Simon Wiesenthal Center was presented by Director Schultz.

- D. Rural Training Project

Director Schultz presented information about a proposed training program.

12. 2010 P.O.S.T. Sunrise Review Sub-Committee Sheriff Hilkey

A. Committee Update

Sheriff Hilkey reported on the three entities that applied for state peace office recognition pursuant to the Sunrise Committee. The three entities were US Marshal Service, Department of Revenue Criminal Tax Enforcement Section, and the Lakewood City Court Marshals.

Sheriff Hilkey recommended the US Marshal Service and the Department of Revenue Criminal Tax Enforcement Section be forwarded to the House and Senate Judiciary Committees for further action.

Sheriff Hilkey recommended the Lakewood City Court Marshals not be forwarded for further action since it was determined by the sub-Committee they were already recognized by statute.

13. DNA Training Course Update Director Schultz

A. Training Update

Director Schultz reported on the DNA Training Course and improvements made to the current course by Knowledge Factor.

14. Discussion Items from the September 23rd P.O.S.T. Work Session

A. Draft Summary of Rule and Program Changes (Handout)

Director Schultz reported on the Work Session and gave a brief summary on the proposed new Proctoring format for the P.O.S.T. examination process.

15. P.O.S.T. Recruitment Update Director Schultz

Director Schultz stated there were three individuals in the testing process for the P.O.S.T. Deputy Director position and that the interviews were going well.

Director Schultz introduced Training Program Coordinator Jennifer Wickham.

Director Schultz updated the Board on two interns starting in November.

16. Comments from others on P.O.S.T. Issues

None given

17. 2010 P.O.S.T. Board Meeting Schedule

A. Friday, December 03, 2010 – Colorado Department of Law

B. **Tentative 2011 POST Board Meeting Dates**

September 24, 2010

Friday March 11, 2011 – Colorado Department of Law

Friday June 10, 2011 – Colorado Department of Law

Thursday and Friday September 22 and 23, 2011 – Hosted by Sheriff Kirk Taylor
and the Pueblo County Sheriff Office in Pueblo, Colorado.

Friday December 2, 2011 – Colorado Department of Law

Dates Approved by the Board

General Suthers called for a motion to adjourn.

*Motion Made and Seconded
Adjourned Unanimously*

Next P.O.S.T. Board Meeting

Friday December 3, 2010

**Colorado Department of Law
1525 Sherman Street, Room 243
Denver, Colorado**

S.M.E. Meetings begin at 8:00 a.m. - Board Meeting at 10:00 a.m.

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
December 3, 2010

The Peace Officer Standards and Training Board held its 373rd Board meeting at the Department of Law in Denver, Colorado with the following in attendance:

BOARD MEMBERS

CHIEF MARK BECKNER
CHIEF HEATHER A. COOGAN
SAC JAMES H. DAVIS
SERGEANT LOUIS DIXON III
SGT. DAVID EDMONDSON
SHERIFF JAMES FAULL
CHIEF DAVID FELICE
OFFICER NICHOLAS A. PECK
SHERIFF JOE PELLE
PUBLIC MEMBER BOB PENCE
EXECUTIVE DIRECTOR KATHY SASAK
ATTORNEY GENERAL JOHN SUTHERS
SHERIFF KIRK TAYLOR
CHIEF DAVE WOHLERS

BOARD MEMBERS ABSENT

SHERIFF JAMES CASIAS (excused)
SHERIFF STAN HILKEY (excused)
CHIEF JOHN PATTERSON (excused)
SHERIFF LOUIS VALLARIO (excused)
CHIEF GERALD WHITMAN (excused)

BOARD COUNSEL

DIANE MARIE DASH, Assistant Attorney General

STAFF MEMBERS

PAUL SCHULTZ, P.O.S.T. Director
CARLEEN JOHNSON-GARCIA, Examination Coordinator
CHRISTINE MACK, P.O.S.T. Investigator
LISA TONEY, Administrative Assistant
JENNIFER WICKHAM, Training Program Coordinator

MEMBERS OF THE PUBLIC IN ATTENDANCE

PHIL BACA, Commerce City Police Department
GLENN DAVIS, Colorado Department of Transportation
GRAHAM DUNNE, Aurora Police Department
MICHAEL ESTERS, Larimer County Sheriff's Office
ERIC A. GONZALES, Pueblo Police Department
BRIAN HILL, Federal Reserve Police Department
GLOVER JARMIN, Adams County Sheriff's Office
DOYLE JONES, Weld County Sheriff's Office
ED KAFEL, El Paso County Sheriff's Office
DONN KRAEMER, Lakewood Police Department
JIM MAIR, Denver Police Department
JEFF MARTINEZ, Denver Police Department
RICK S. MCNAIR, Adams County Sheriff's Office
STEVE NEUMEYER, Aurora Police Department
ROBIN ROCKE, Colorado Department of Transportation
KARL SMALLEY, Adams County Sheriff's Office
DAVE SNELLING, Aurora Police Department
ED TRUJILLO, El Paso County Sheriff's Office
JANICE WORTHEM, Red Rocks Community College

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on December 3, 2010.

Arrest Control Committee
Curriculum Committee
Firearms Committee

Introductions:

1. Welcome Attorney General John W. Suthers
2. Introduction of New Board Members – Sgt. David Edmondson of the Colorado Springs Police Department

Attorney General Suthers welcomed and introduced two new people to P.O.S.T., New Board Member Sergeant David Edmondson of the Colorado Springs Police Department and New Deputy Director Steve Neumeyer.

3. Introduction of New P.O.S.T. Deputy Director – Steven A. Neumeyer

Director Schultz stated Mr. Steve Neumeyer comes from the Aurora Police Department as a Lieutenant with 32 years of law enforcement experience and training experience which includes academy training, local training and nationally recognized training.

December 3, 2010

Director Schultz stated that Mr. Neumeier will be joining P.O.S.T. as the Deputy Director January 3, 2011.

3. Introduction of Board Members, Staff, SME Members and Guests
4. Roll Call P.O.S.T. Director Paul D. Schultz

Declaration of a Quorum

5. Approval of P.O.S.T. Board Minutes for September 24, 2010

***Motioned and seconded to approve minutes
Approved Unanimously***

Presentations:

6. Skills Subject Matter Expert Committee Reports

- A. Curriculum Chief Phil Baca, Chairman

Chief Baca reported ten committee members met and discussed two programs, one from the Teller County Reserve program and their instructor's resumes and approved both.

Chief Baca stated the Highlands Ranch Public Safety Institute (HRPSTI) submitted a Reserve program and instructor resumes. Chief Baca stated the committee did approve the instructor resumes but did not approve the program because HRPSTI did not provide the requirements of Rule 21 to provide the committee with instructional content. Chief Baca stated the committee needed that information before they can give approval.

Chief Baca reported the committee looked at current committee rules and decided no changes for 2011.

Chief Baca stated the committee welcomed back committee member Sergeant Jim Mair from Denver Police Department. Chief Baca also announced a resignation from committee member Chief Todd Quick who will now be serving with the Firearms Committee.

Chief Baca also announced Curriculum Committee Vice-chair Sgt. David Edmondson.

- B. Arrest Control Lieutenant Michael Esters

Lt. Esters reporting for Sgt. Stensgaard reported the committee met and discussed the Arrest Control Committees inspection report and made some changes.

Lt. Esters stated the committee looked at several instructors and academies and approved an assistant instructor from Montezuma County and two full instructors from Grand Junction and Delta.

December 3, 2010

Lt. Esters stated the committee reviewed the Teller County Reserve academy and approved the site and safety plan. Lt. Esters stated the program is pending instructor approvals.

Lt. Esters stated the committee reviewed the Highlands Ranch program and approved two full instructors.

C. Firearms Deputy Ed Kafel, Chairman

Deputy Ed Kafel reported new committee members, Investigator Richard Wren from the Department of Corrections and Chief Todd Quick of La Junta Police Department.

Deputy Kafel reported that over the last year the committee met 12 times and approved 17 full skills instructors and 87 assistant skills instructors. The committee also inspected 3 firearms programs and revised the firearms program that the Board approved in September.

Deputy Kafel commented that there was concern regarding to 100% pass rate for the course of fire that was implemented July 1, 2009. Deputy Kafel stated the seven academies that had gone through the course of fire achieved a 94% pass rate which has exceeded the committee's expectations.

Deputy Kafel gave a brief summary of the Rule changes that are going to be made for the 2011 Manual.

D. Law Enforcement Driving Sergeant Karl Smalley, Chairman

Sgt. Smalley reported the committee met with 10 members present and Chief Coogan the Board representative for the Driving committee.

Sgt. Smalley stated Chairperson Sgt. Al Padilla will be stepping down as Chairperson and assume the position of Vice-chair of the Driving committee. Sgt. Smalley stated that he will be assuming the position of Chairperson.

Sgt. Smalley reported on new committee member Sgt. Robert Evans of the Morgan County Sheriff's Office.

Sgt. Smalley stated the committee completed two inspections, one at the Otero Junior College and one at the Southwest Community College.

Sgt. Smalley stated the committee approved two full instructors from the El Paso County Sheriff's Office.

Sgt. Smalley stated the committee tabled a discussion in regards to renewal of instructors which the committee will discuss at a later time.

Action Items:

7. ***Peace Officer Certification Revocation Actions***

Director Schultz

A. **P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications – Felony Convictions:**

§ 24-31-305 C.R.S. A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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 or judge.

1. No. 10-07, April A. Clark, Conditional Letter of Peace Officer Authority (PID 133450). On May 20, 2010, Respondent pled guilty to and was convicted of 1 count of Forgery-government issued document, § 18-5-102(1)(e), C.R.S., a class 5 felony and 1 count of Use of Forged Academic records, § 18-5-104.5, C.R.S., a class 1 misdemeanor. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: July 31, 2007 – Separated: October 7, 2009).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 10-07 by failing to appear at the scheduled Show Cause Hearing. Director Schultz recommends revocation April A. Clark’s Conditional Letter of Peace Officer Authority (PID 133450).

***Motion made by Chief Coogan and seconded by Sheriff Pelle to revoke
Passed Unanimously***

2. No. 10-08, Tony L. White, Conditional Letter of Peace Officer Authority (PID 130124). On March 22, 2010, Respondent pled guilty to and was convicted of 1 count of Tampering with Physical Evidence-destroy, § 18-8-610(1)(a), C.R.S., a class 6 felony and 1 count of Prohibited Use of Weapons, § 18-12-106(1)(b), C.R.S., a class 2 misdemeanor.. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: May 31, 2008 – Separated: May13, 2008).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 10-08 by failing to appear at the scheduled Show Cause Hearing. Director Schultz recommends revocation Tony L. White’s Colorado Letter of Conditional Peace Officer Authority, (PID 130124).

***Motion made by Chief Felice and seconded by Executive Director Sasak to revoke
Passed Unanimously***

B. **P.O.S.T. Rule 9 - Revocation of Peace Officer Certifications – Misdemeanor Convictions:**

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

December 3, 2010

A. Membership appointments

1. Rule 22 - P.O.S.T. Board Sub-committee for Sunrise Review of Peace Officer Status

The Sub-committee shall include the following P.O.S.T. Board members: 2 Police Chiefs, 2 Sheriffs, and 1 additional Board member. The Director of P.O.S.T. shall staff the Sub-committee.

2. 2010 Sunrise Review Sub-committee - Sheriff Kirk Taylor (Chairperson), Sheriff James Casias, Chief John Patterson, Chief David Felice and Public Member Bob Pence.

Director Schultz stated that everyone wishes to remain on the standing Sub-committee.

General Suthers called for a motion to reappoint the 2010 Sub-committee.

***Motioned by Sheriff Pelle and Seconded by Chief Coogan
Approved Unanimously***

B. Letters to the Legislative Judiciary Committees

A. Update

Director Schultz reported that letters were sent to both Senate and House Judiciary Committees with the Sunrise Review Committee's recommendations.

Director Schultz stated the Sub-committee recommends that the US Marshal and Colorado Department of Revenue Criminal Tax Enforcement Division be recognized as Colorado peace officers.

General Suthers inquired about Colorado court marshal's status.

Director Schultz stated the court marshals did not need to go back through the Sunrise process because statute was already in existence.

10. Appointment of the 2011 P.O.S.T. Peace Officer Training Project Sub-committee.
Attorney General Suthers

A. Membership Appointments

1. 2010 Sub-committee – Chief Paul Schultz (Chair), Sheriff Lou Vallario, Sheriff Stan Hilkey, Chief John Patterson, Chief Dave Wohlers, Commissioner Sara Fisher and Officer Neal Tyler

General Suthers stated there is a call for changes in the committee.

December 3, 2010

Director Schultz recommended the committee should be enlarged and recommends Sheriff Pelle as Chairperson. Director Schultz stated the committee would exist of Exec. Director Sasak, Sgt. Dixon, Officer Peck, Sheriff Faull, Sheriff Hilkey, Chief Patterson, Chief Wohlers and Sgt. Edmondson.

General Suthers called for comments, heard none and called for a motion to appoint Sheriff Pelle as the Chairperson and Sub-committee membership as described by Director Schultz.

***Motioned by Sheriff Taylor and Seconded by Chief Beckner
Approved Unanimously***

B. Sub-committee Update

No update given at this time.

11. Formal Board Recognition of the Members of the 2011 Subject Matter Expert (SME) Committees

Director Schultz

A. Committee Rosters – Curriculum SME, Firearms SME, Arrest Control SME, Driving SME.

Director Schultz formally recognized and thanked each SME Committee member for their dedication and the expertise they bring to the P.O.S.T. Board.

General Suthers stated that in the previous years the P.O.S.T. Board thank each agency head for allowing individuals to participate in the Subject Matter Expert Committees.

General Suthers stated that he would like for this to continue.

12. 2011 Rules Hearing and Manual Review

*General Suthers
Director Schultz*

* ***Public Announcement of Formal Rule Making Hearing***

A. Summary of Proposed P.O.S.T. Rule Changes

Colorado Department of Regulatory Affairs Review/Response

1. Rule 19 – *Vehicle Identification Number Inspectors*
2. Rule 21 – *Basic and Reserve Training Academies*

December 3, 2010

3. Rule 23 – *Academy Skills Instructors*
4. Rule 24 – *Skills Training Safety and Skills Program Requirements for Basic and Reserve Academies*
5. Rule 25 – *Instructor Training Programs*

Director Schultz referred the Board to a document showing changes to be made regarding P.O.S.T. Rules. Director Schultz also referred to the final Rules in the Board packets and asked SME committee members to address these changes if they hadn't already done so.

General Suthers asked the Board if there were any comments or questions on the Rule changes. Seeing none Attorney General Suthers ask for public comment.

B. Public Comment

Since no public comment was made, General Suthers asked the Board for a motion to approve the rule changes and incorporate them into the 2011 P.O.S.T. Manual.

*Motioned by SAC Davis and Seconded by Sheriff Pelle
Approved Unanimously*

Informational Items:

13. Additional Training Funds Director Schultz

A. Update

Director Schultz reported that P.O.S.T. has encumbered an additional \$136,000, from license fees this year. Director Schultz stated the Grant committee will meet in mid-December to discuss more needed training to the small and rural areas of the state.

Director Schultz gave a brief summary of how these additional funds would be utilized and stated the Grant Sub-committee will be meeting to discuss further recommendations.

Director Schultz stated the Sub-committee will present its recommendations at the next Board meeting for approval.

General Suthers called for a motion to approve recommended expenditures.

*Motion was made to approve expenditures, the outcome of the
Sub-committee, and that they are expended by July 1, 2011
Motion Seconded
Approved Unanimously*

14. P.O.S.T. Recruitment Update Director Schultz

Director Schultz announced an opening for the position of Local Government Representative.

Director Schultz stated he had received two applications for the position and had forwarded the recommendation for approval.

15. P.O.S.T. Peace Officer Training Project Training Coordinator Wickham

- A. Training Report and update

Training Coordinator Wickham reported 862,476 hours of training provided to sworn officers since the implementation of the Grant.

16. Outreach Efforts

- A. Meetings in Grand Junction, Colorado Spring, Idaho Springs, and Fort Morgan.

- B. Update

Director Schultz stated P.O.S.T. staff including him has met with several representatives from Counties in this region regarding Grant processes and other information related to P.O.S.T.

Director Schultz stated that the efforts are going well in building relationships and obtaining new information from these cities and counties.

Director Schultz that this process will continue and will also include attendance during SME scheduled meeting.

17. DNA Training Course

- A. Update

Director Schultz reported that because of several complaints regarding the DNA course a Sub-committee had been formed and that they are successfully working with Knowledge Factor to provide a better option for the adult learner.

Director Schultz stated that ten changes have been made at no cost and the goal is to complete the training in less time but still retaining the same information.

Director Schultz stated that this process should be complete by the end of the year.

18. Proctoring of P.O.S.T. Examinations

A. Update

Director Schultz stated that Colonel James Wolfenbarger of the Colorado State Patrol has offered to help with the proctoring of the State exam at no cost to P.O.S.T.

Director Schultz stated that P.O.S.T. staff will be looking into this partnership with CSP.

19. Subject Matter Expert Reimbursement

A. Update

Director Schultz stated a study has been made regarding reimbursements for SME travel costs.

Director Schultz stated SME committees drive approximately 25,000 miles a year conducting academy inspections, and administering test-outs for out of state and renewal applicants.

Director Schultz stated reimbursement would be about \$12,759 for mileage at 50¢ a mile, which does not include hotel stay. Director Schultz stated that not all inspections require an overnight stay.

The discussion by the Board was that some agencies that support their committee members may want reimbursement for their officers. Some Board members felt that some SME members are paying out their own pocket and should be reimbursed for their time and effort.

The Board decided to table the decision pending further documentation can be presented.

General Suthers called for a motion to complete a SME survey.

***Motion made and seconded
Approved Unanimously***

Attorney General Suthers called on Board Counsel Diane Dash with regards to Rule 27 and changes made in October 2010.

Senior Assistant Dash reported that because of the many changes to HR218, the course of fire approved by the Board would no longer apply.

General Suthers called for a motion to approve Senior Assistant Dash to make an emergency rule pending the process for a permanent Rule making in March.

***Motion made and seconded
Approved Unanimously***

Attorney General Suthers stated that there was a discussion and may be proposed legislation regarding the de-certification of Officer Who Depart from the Truth.

General Suthers stated that he would be meeting with Police Chiefs and the Lobbyist for The Chiefs Association to discuss the matter.

General Suthers stated he would report to the Board on any information he obtains from the meeting with the Chief Association.

20. Comments from others on P.O.S.T. Issues

Senior Agent Donn Kramer of Lakewood Police Department stated that he has look into HR218 and gave his interruption and stated the committee would be willing to work with Board Counsel Dash if needed.

Senior Agent Kramer gave his condolences to the tragedy of Weld County on behalf of the National Law Enforcement Memorial Fund.

21. 2011 P.O.S.T. Board Meeting Schedule

- A. Friday March 11, 2011 – Colorado Department of Law
Friday June 10, 2011 – Colorado Department of Law
Thursday and Friday September 22 and 23, 2011 – Hosted by Sheriff Kirk Taylor and the Pueblo County Sheriff Office in Pueblo, Colorado.
Friday December 2, 2011 – Colorado Department of Law

Next P.O.S.T. Board Meeting

Friday December 3, 2010

**Colorado Department of Law
1525 Sherman Street, Room 243
Denver, Colorado**

S.M.E. Meetings begin at 8:00 a.m. - Board Meeting at 10:00 a.m.

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
March 11, 2011

The Peace Officer Standards and Training Board held its 374th Board meeting at the Department of Law in Denver, Colorado with the following in attendance:

BOARD MEMBERS

CHIEF MARK BECKNER
COUNCILWOMAN SARAH CLARK
CHIEF HEATHER A. COOGAN
EXECUTIVE DIRECTOR JAMES H. DAVIS
SERGEANT LOUIS DIXON III
SGT. DAVID EDMONDSON
SHERIFF JAMES FAULL
CHIEF DAVID FELICE
OFFICER NICHOLAS A. PECK
PUBLIC MEMBER BOB PENCE
ATTORNEY GENERAL JOHN SUTHERS
SHERIFF LOUIS VALLARIO
CHIEF GERALD WHITMAN
CHIEF DAVE WOHLERS

BOARD MEMBERS ABSENT

SHERIFF JAMES CASIAS (excused)
SHERIFF STAN HILKEY (excused)
CHIEF JOHN PATTERSON (excused)
SHERIFF JOE PELLE (excused)
SHERIFF KIRK TAYLOR (excused)

BOARD COUNSEL

DIANE MARIE DASH, Assistant Attorney General

STAFF MEMBERS

PAUL SCHULTZ, P.O.S.T. Director
STEVE NEUMEYER, P.O.S.T. Deputy Director
CARLEEN JOHNSON-GARCIA, Examination Coordinator
CRISTINE MACK, P.O.S.T. Investigator
LISA TONEY, Administrative Assistant
RUTH VANDERBROEK, Compliance Officer
JENNIFER WICKHAM, Training Program Coordinator

MEMBERS OF THE PUBLIC IN ATTENDANCE

ERIK J. BOURGERIE, Summit County Sheriff's Office
JONATHAN CLARK, Montezuma County Sheriff's Office
MICHAEL CUMMINGS, Arapahoe County Sheriff's Office
MIKE DOUGHERTY, Attorney General's Office
JOHN FOECHTERLE, Montrose County Sheriff's Office
VINCE FRAKER, La Junta Police Department
ERIC A. GONZALES, Pueblo Police Department
BRIAN HILL, Federal Reserve Police Department
GLOVER JARMIN, Adams County Sheriff's Office
DOYLE JONES, Weld County Sheriff's Office
DONN KRAEMER, Lakewood Police Department
RICK S. MCNAIR, Adams County Sheriff's Office
TODD QUICK, La Junta Police Department
KENNY SHERMAN, Adams County Sheriff's Office
KARL SMALLEY, Adams County Sheriff's Office
ROY SPIKER, Cedaredge Police Department
RICHARD STENSGAARD, Denver Police Department
JOHN TUCKER, Weld County Sheriff's Office
ROBIN VIGIL, Attorney General's Office
MIKE WALKER, Denver Police Department
ROBERT WINCKLER, Denver Police Department
JANICE WORTHEM, Red Rocks Community College

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on March 11, 2011.

Arrest Control Committee
Curriculum Committee
Firearms Committee

Introductions:

1. Welcome Attorney General John W. Suthers

Attorney General Suthers stated that the first order of business be a moment of silence for Limon Peace Officer Jay Sheridan who died in the line of duty this week.

2. Acknowledgement of James Davis – Appointment as the Executive Director of the Colorado Department of Public Safety

March 11, 2011

Attorney General Suthers welcomed and acknowledged Jim Davis, who served the P.O.S.T. Board in other capacities and now serves as the Executive Director of the Colorado Department of Public Safety.

3. Special Recognition of Retiring Board Members – Las Animas County Sheriff James Casias

Attorney General Suthers recognized Sheriff James Casias of Las Animas County and stated that Sheriff Casias was not able to attend the Board meeting but will be sent a plaque acknowledging his participation with the Board.

Attorney General Suthers stated that because of the retirement, there is an opening for a Sheriff's position on the P.O.S.T. Board.

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

5. Roll Call P.O.S.T. Director Paul Schultz

Declaration of a Quorum

6. Approval of P.O.S.T. Board Minutes for December 3, 2010.

***Motioned and seconded to approve minutes
Approved Unanimously***

Presentations:

7. Skills Subject Matter Expert Committee Reports

- A. Curriculum Sgt. David Edmondson, Vice-Chairman

Sgt. Edmondson stated that any Rules, Rule changes or recommendations for the 2012 Manual will be due July 1st.

Sgt. Edmondson stated a Curriculum Committee farewell to Joel Shultz.

Sgt. Edmondson stated the committee discussed lesson plans and no further business.

- B. Arrest Control Cpl. Richard Stensgaard, Co-Chairman

Cpl. Stensgaard welcomed three new members to the Arrest Control Committee, Joaquin Baca of the Lakewood Police Department, Jonathan Clark of Montezuma

March 11, 2011

County Sheriff's Office, and Kenny Sherman of the Adams County Sheriff's Office.

Cpl. Stensgaard stated the committee approved two full instructors for El Paso County and Weld County.

Cpl. Stensgaard reported the committee also approved the lesson plan for the Teller County Sheriff's Reserve academy and two of their assistant instructors.

Cpl. Stensgaard stated the committees' primary projects are revising the Arrest Control Skills Inspection Report Form and revamping the Arrest Control Instructor Program for 2012 P.O.S.T. Manual due July 1st.

C. Firearms Tech. Robert Winckler, Vice-Chairman

Tech. Winkler reported the Firearms Committee has met twice this year and has welcomed Roy Spiker of the Cedaredge Police Department.

Tech. Winkler stated this year the committee approved two full instructors and completed one test-out.

Tech. Winkler stated the committee is currently updating the Handgun Instructor Program for the 2012 Manual.

D. Law Enforcement Driving Lt. Karl Smalley, Chairman

Lt. Smalley reported eight committee members present and the approval of three full instructors.

Lt. Smalley stated the committee updated a list of current driving instructor programs.

Lt. Smalley stated the committee reviewed skills instructor determinations, the committee may be making a recommendation to the other SME committees regarding change of hours from assistant instructors to full instructor status.

Lt. Smalley reported the committee also discussed renewal of full instructor status regarding individuals who have not instructed for several years.

Lt. Smalley requested that all driver instructor programs be reviewed by the committee for approval.

Chief Coogan stated that the committee felt they should have some input on training that is being offered in different jurisdictions.

Chief Coogan stated that driving accidents are the number one cause of Police officer deaths in the United States.

Attorney General Suthers asked Director Schultz if the committee would be allowed to review the programs not related to the academy program.

Director Schultz stated the process is something that can be worked on.

Action Items:

8. Peace Officer Certification Revocation Actions Director Paul Schultz

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications – Felony Convictions:

§ 24-31-305 C.R.S. A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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 or judge.

1. No. 10-10, John Patrick Welsh Certification No. B00606 (PID 119939). On October 12, 2008, Respondent was found guilty and convicted of 1 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 Offense: October 13, 2008 – Separated: April 6, 2008)*. The Respondent has failed to comply with P.O.S.T. Show Cause Order 10-10 by failing to appear at the scheduled Show Cause Hearing. Director Schultz recommends revocation John Patrick Welsh’s Colorado Peace Officer Certificate No. B00606 (PID 119939).

***Motion made by Mr. Pence and seconded by Chief Felice to revoke
Passed Unanimously***

2. No. 10-11, Matthew Scott Wood Certification No. B12877 (PID 128636). On October 15, 2010, Respondent pled guilty to and was convicted of 1 count of Attempted Robbery, § 18-4-301 (1) C.R.S., a class 5 felony. *The Respondent has never been employed as a peace officer*. The Respondent has failed to comply with P.O.S.T. Show Cause Order 10-11 by failing to appear at the scheduled Show Cause Hearing. Director Schultz recommends revocation Matthew Scott Wood’s Colorado Peace Officer Certificate No. B12877, (PID 128636).

***Motion made by Sgt. Dixon and seconded by Sgt. Edmondson to revoke
Passed Unanimously***

March 11, 2011

B. P.O.S.T. Rule 9 - Revocation of Peace Officer Certifications – Misdemeanor Convictions:

§ 24-31-305 C.R.S. A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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 or judge. Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes recognized in § 24-31-305(1.5) (b) thru (h), C.R.S.

1. No. M10-07, Theodore Norman Shaw, Certification B4271 (PID 104173). On October 13, 2010, Respondent pled guilty to and was convicted of 1 count of Harassment – strike/shove/kick Domestic Violence, §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: August 25, 2010 - Separated: December 19, 1998).* The Respondent has failed to comply with Director's Show Cause Order M10-07. Director Schultz recommends revocation of Theodore Norman Shaw’s Colorado Peace Officer Certificate, No. B4271, (PID 104173).

***Motion made by Exec. Director Davis and seconded by Chief Coogan to revoke
Passed Unanimously***

2. No. M10-08, Timothy Allan Stitt, Certification B01195 (PID 119529). On November 9, 2010, Respondent pled guilty to and was convicted of 1 count of Harassment – Follow Person in Public Place, § 18-9-111 (1)(c), 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: July 19, 2010 / Separated: June 12, 1997).* The Respondent did not comply with Director's Show Cause Order M10-08. Director Schultz recommends revocation of Timothy Allan Stitt’s Colorado Peace Officer Certificate, No. B01195, (PID 119529).

***Motion made by Sheriff Faull and seconded by Sgt. Edmondson to revoke
Passed Unanimously***

9. Request to the Board for Reconsideration of Revoked Peace Officer Certification
Director Paul Schultz

Per P.O.S.T. Rule 9 – *Revocation Hearings for Criminal Conduct*, (a) A Colorado peace officer certification issued pursuant to § 24-31-305, C.R.S., shall be suspended or revoked by the P.O.S.T. 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.(2006), or, has otherwise failed to meet the certification requirements established by the Board. *For the purposes of this rule, the term*

March 11, 2011

'conviction' includes any deferred judgments or deferred sentences imposed by a court or judge.

1. No.09-05 (2), Scott A. Lanner, Certification No. B-6153. On December 16, 2008, Respondent pled guilty to 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 employed as a peace officer on the date of the offense (Date of Charges: August 8, 2008 – Separated: December 8, 2008).* On June 5, 2009, respondent addressed the Board requesting suspension of his certification so that he may be allowed to complete his deferred sentence. It was determined by Board Counsel Dash, the revocation was to happen upon conviction. Upon further consideration, the P.O.S.T. Board did, at that time, unanimously vote to revoke the peace officer certification of Scott A. Lanner.

a. Chronological Order of Events

1. December 6, 1999, Scott A. Lanner is certified as a Colorado Peace Officer.
2. August 6, 2008, Respondent pleads guilty to Felony Menacing (F5) – 2 Year Deferred Sentence
3. June 5, 2009, Scott A. Lanner addressed the Board asking for suspension of his certification and was revoked.
4. November 16, 2010 Mr. Lanner's case was dismissed.
5. January 28, 2011, P.O.S.T. receives correspondence from Scott A. Lanner requesting a hearing and reconsideration of his peace officer certificate's revocation and approval to renew his peace officer certificate.

Attorney General Suthers asked Mr. Lanner if he was there to address the Board and to ask that his peace officer certification be reinstated. Mr. Lanner stated yes.

Mr. Lanner stated for the record that he was charged August 6, 2008 and pled guilty December 16, 2008.

Mr. Lanner stated that he did contact Director Schultz requesting to speak to the Board and submitted 20 copies for their review for reconsideration.

Attorney General Suthers asked Mr. Lanner what the last time he served as a peace officer.

Mr. Lanner stated he resigned from the city of Colorado Springs December 8, 2008.

Attorney General Suthers referred to Board Counsel Diane Dash stating that the Board had no discretion on reinstatement but that the Board can set conditions on the reinstatement.

March 11, 2011

Board Counsel Diane Dash agreed with General Suthers on the interpretation and stated that because there is no conviction, the board could not deny Mr. Lanner's reinstatement but the Board can apply conditions to his reinstatement.

Board Counsel referred to Rule 10 which would require a full basic training academy or Rule 13 which would require renewal and a refresher course.

Attorney General Suthers asked Director Schultz for his recommendation.

Director Schultz recommended Mr. Lanner attend a full basic academy.

Mr. Lanner stated he would comply with the Board decision and admitted to making a mistake. Mr. Lanner stated the conviction is off his record but it is something that he thinks about on a regular basis.

Mr. Lanner stated he should have followed a different procedure and not let his emotions take control of the situation and this is something he has learned.

Mr. Lanner stated he has been told by a few smaller departments that they would enjoy his contribution to their departments. Mr. Lanner stated the only problem with the decision is that these smaller departments do not have an academy.

Mr. Lanner stated that he does not have the finances or time to attend a full basic academy. Mr. Lanner requested that he be allowed to go through the refresher program or other circumstances and stipulations that could be easily achieved so that he can come back to protect and serve Colorado and the community where he lives and works.

Chief Felice asked Mr. Lanner if the Felony Menacing was domestic related and Mr. Lanner replied it was not.

Chief Felice asked Mr. Lanner if the capacity he had served the City of Colorado Springs was with the Colorado Springs City Marshal's Office, Mr. Lanner stated yes.

The question was asked if there was a precedence set prior to this event that would require a full basic academy.

Director Schultz stated to the best of his knowledge that this has never happened before.

Director Schultz stated that he views the incident as a serious matter and based on the seriousness of events, that it would be a prudent course of action to take.

***Motion was made by Chief Coogan to allow reinstatement
and support Director Schultz's recommendation for a full
basic academy requirement
Seconded by Chief Felice
Passed Unanimously***

March 11, 2011

10. 2011 Rules Hearing and Manual Review *Director Schultz*

Director Schultz stated that because of a technical clause that must be complied with, the Rule making hearing be postponed until the June 3, 2011 P.O.S.T. Board meeting.

Legislative Issues:

11. Legislative Updates *Director Schultz*

- A. Decertification (Officers Who Depart from the Truth)

Attorney General Suthers stated that no Bill has been introduced and asked the Board if anyone had information regarding the matter.

Because nothing has been introduced there is nothing to take a position on.

Informational Items:

12. Subject Matter Expert (SME) Cost Survey *Director Schultz*

- A. Update

Director Schultz referred the Board to a survey regarding compensation to some SME Committee members who pay out of pocket expenses.

Director Schultz stated that a reasonable and limited reimbursement policy could be created and that P.O.S.T. staff comes back to the Board with recommendations to cover minimal out of pocket expenses.

Attorney General Suthers stated that there be a policy created by P.O.S.T. staff and bring that policy back to the Board.

13. Refresher Academy – Arapahoe County Sheriff’s Office *Director Schultz*

- A. Update

Director Schultz stated that there is only one refresher academy in Colorado and that academy is located in Grand Junction.

Director Schultz reported that because the only refresher academy is located in Grand Junction P.O.S.T. has been trying to establish an entity for the Front Range.

Director Schultz stated the Arapahoe County Sheriff’s Office has shown some interest in having a refresher academy but no commitment has been made.

14. P.O.S.T. Peace Officer Training Project

Director Schultz

A. Training Report and Update

Director Schultz stated P.O.S.T. was informed by Flo Nath, Controller for the Attorney General's Office that the Board needs to vote on training projects to authorize payments.

1. Suicide Prevention

P.O.S.T. would like to authorize up to \$25,000 for the cost of this training which may be slightly less.

2. Tolerance Partnership

There is zero cost to Colorado for this training and is offered through a Federal Grant.

3. Rural Training Project

P.O.S.T. would like to authorize up to \$41,000 for the cost of this training.

4. Detention Academy

P.O.S.T. would like to authorize up to \$60,000 for the cost of this training which may also be less.

5. Law Enforcement Training Network

P.O.S.T. would like to authorize up to \$10,000 for the cost of this training.

6. Colorado Association of Chiefs of Police

This annual contract dealing with Leadership of Police Organizations will cost \$159,000 that P.O.S.T. would like to authorize payment for.

7. Attorney General Executive Protection

P.O.S.T. would like to authorize \$10,000 for training related to protection of the Attorney General's Office. Director Schultz stated that this training is work in progress along with State Patrol.

8. County Sheriff's Of Colorado Conference

P.O.S.T. would like to authorize \$9,000 to support this conference.

9. Crisis Intervention Training – School Resource Officer

P.O.S.T. would like to authorize \$13,000 for training related to this training.

General Suthers called for a motion to approve these expenditures.

***Motioned to Approve by Mr. Pence
Seconded by Chief Felice
Approved Unanimously***

15. P.O.S.T. Recruitment Update

Director Schultz

March 11, 2011

A. Board Opening for County Sheriff's Position

Attorney General Suthers reminded the Board of the open Sheriff position left by Sheriff Casias.

16. Comments from others on P.O.S.T. Issues

Donn Kramer stated the Colorado Law Enforcement Memorial ceremony will be held May 6 2011, to memorialize Weld County Deputy Sam Brownlee along with six historical deaths from as far back as 1867.

Mr. Kramer stated that the ceremony will be held at Camp George West.

17. 2011 P.O.S.T. Board Meeting Schedule

A. September 22nd and 23rd Meeting Conflict in Pueblo

Director Schultz stated there is no conflict in Pueblo

B. Friday June 3, 2011 – Colorado Department of Law
Thursday and Friday September 22 and 23, 2011 – Hosted by Sheriff Kirk Taylor and the Pueblo County Sheriff Office in Pueblo, Colorado.
Friday December 2, 2011 – Colorado Department of Law

General Suthers called for a motion to adjourn.

*Motion Made and Seconded
Adjourned Unanimously*

Next P.O.S.T. Board Meeting

Friday June 3, 2011

**Colorado Department of Law
1525 Sherman Street, Room 243
Denver, Colorado**

S.M.E. Meetings begin at 8:00 a.m. - Board Meeting at 10:00 a.m.

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
June 3, 2011

The Peace Officer Standards and Training Board held its 375th Board meeting at the Department of Law in Denver, Colorado with the following in attendance:

BOARD MEMBERS

CHIEF MARK BECKNER
CHIEF HEATHER A. COOGAN
SERGEANT LOUIS DIXON III
SGT. DAVID EDMONDSON
SHERIFF JAMES FAULL
SHERIFF STAN HILKEY
SHERIFF JOE PELLE
ATTORNEY GENERAL JOHN SUTHERS
SHERIFF KIRK TAYLOR
SHERIFF LOUIS VALLARIO
CHIEF DAVE WOHLERS
SAC JAMES F. YACONE

BOARD MEMBERS ABSENT

COUNCILWOMAN SARAH CLARK (excused)
EXECUTIVE DIRECTOR JAMES H. DAVIS (excused)
CHIEF DAVID FELICE (excused)
CHIEF JOHN PATTERSON (excused)
OFFICER NICHOLAS A. PECK (excused)
PUBLIC MEMBER BOB PENCE (excused)
CHIEF GERALD WHITMAN (excused)

BOARD COUNSEL

DIANE MARIE DASH, Assistant Attorney General

STAFF MEMBERS

PAUL SCHULTZ, P.O.S.T. Director
STEVE NEUMEYER, P.O.S.T. Deputy Director
CRISTINE MACK, P.O.S.T. Investigator
LISA TONEY, Administrative Assistant
RUTH VANDERBROEK, Compliance Officer
JENNIFER WICKHAM, Training Program Coordinator

MEMBERS OF THE PUBLIC IN ATTENDANCE

RONALD ABRAMSON, Colorado Mounted Rangers
PHIL BACA, Commerce City Police Department
ANDREW BAKER, Teller County Sheriff's Office
TIM BLACK, Broomfield Police Department
MIKE CARTER, Community College of Aurora Basic Law Enforcement Training Academy
DON CHRISTENSEN, County Sheriff's of Colorado
MICHAEL CUMMINGS, Arapahoe County Sheriff's Office
DEAN CURD, County Sheriff's of Colorado
KEVIN GILPIN, Teller County Sheriff's Office
BRIAN HILL, Federal Reserve Police Department
ED KAFEL, El Paso County Sheriff's Office
DONN KRAEMER, Lakewood Police Department
CATHY LABRECQUE, Pikes Peak Community College
JOHN MCFARLANE, Colorado Mounted Rangers
RICK S. MCNAIR, Adams County Sheriff's Office
JASON MIKESELL, Teller County Sheriff's Office
DARREN O'DRISCOLL, El Paso County Sheriff's Office
ERNIE ORTIZ, Aurora Police Department
KARL SMALLEY, Adams County Sheriff's Office
RICHARD STENSGAARD, Denver Police Department
ED TRUJILLO, El Paso County Sheriff's Office
RICHARD WEBB, Jefferson County Sheriff's Office
ERIC WITTMAN, Aurora Police Department
JANICE WORTHEM, Red Rocks Community College
RICHARD WREN, Colorado Department of Corrections

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on June 3, 2011.

Arrest Control Committee
Curriculum Committee
Firearms Committee

Introductions:

1. *Welcome* *Attorney General John Suthers*

A. New Board Member Announcement

1. Special Agent in Charge James Yacone

Attorney General Suthers welcomes SAC James Yacone to the Board

June 3, 2011

- B. Resignation of Chief David Felice and Councilwoman Sarah Clark
2. Introduction of Board Members, Staff, S.M.E. Members and Guests
3. Roll Call Director Paul Schultz
Declaration of a Quorum
4. Approval of P.O.S.T. Board Minutes for March 11, 2011
Motioned by Sergeant Dixon and seconded by Chief Coogan
Approved Unanimously

Public Announcement of Formal Rule Making Hearing:

5. Formal Rule Making Hearing *Attorney General John Suthers*
Board Counsel Diane Dash
Director Paul Schultz

A. Summary of Proposed P.O.S.T. Rule 27 Changes

Diane Dash presented the information regarding P.O.S.T. Rule 27: Pursuant to Chapter 44 of Title 18, United States Code , § 926C, the *Law Enforcement Officer Safety Improvement Act of 2010*, an individual who is a qualified retired law enforcement officer and who is carrying the identification required may carry a concealed firearm.

In Oct 2010, House and Senate proposed a revision to Rule 27. Due to the federal language the rule needed to change to be within compliance. A redlined version was provided to the Board with the proposed changes specific to “Retired Law Enforcement Officer Authority to Carry Concealed Firearms”. Proposed changes included adjusting the terminology from “retired” to “separated” and to “served” rather than “regularly employed”.

For retired/separated members who want to qualify, standards are typically determined by the former agency. Currently there are two courses, one given to active officers and one to retired officers. The course is designed by the qualified instructor.

The active duty clause wasn’t in the former law therefore the major change pertains to the course for active duty officers. It must be completed through either the former agency, at another agency in the state that provides active duty courses, or by someone who starts a course on their own and is qualified to be an instructor for a firearms course for active duty.

Retired officers can go to any law enforcement agency providing this course. They should, however, qualify before they separate from their department which provides coverage for the first year and then they would have to go back annually.

June 3, 2011

General Attorney John Suthers requests more information, however, the revision should be approved and the ambiguity should be further clarified.

B. Public Comment

Ernie Ortiz – Suggested that the active duty officer course, in compliance with federal Rule 218 should be printed on the certificate score sheet so that anyone who takes the course should have documentation. This can further the compliance.

Don Christenson – Is the decision to revoke Rule 27 right for the community? The testing of an active officer is different from the testing of a separated officer. Colorado State POST should establish a standard by which instructors should follow. Several agencies do not provide programs for their own personnel. Individual structures without standard will confront problems such as those experienced in the training for concealed handgun permit certification. Certification is often provided at whatever level they choose and fees are charged for useless performance. Qualifying courses with a state standard should require three documents: a state I.D., an agency card with tenure of service, and a card stating that the individual qualified within the previous 12 month period. If it's done by the agency doing the qualification then there will be no burden on POST.

Director Paul Schultz - It's become known to POST through inquiry that most all other states have de-centralized this. Most states are leaving it up to the agency itself for interpretation.

Deputy Ed Kafel – Because of the perceived change in language, El Paso County developed an active duty course for off duty carry that is doable for retirees and was purposely defined to meet that requirement. The officer is engaged, and there's a lot of movement, especially in uniform. Therefore the off duty component is more user friendly towards retirees.

C. Vote of Board Members

*Motioned by Sergeant Edmonson and seconded by Sheriff Taylor
Approved Unanimously*

Presentations:

6. *Subject Matter Expert (S.M.E.) Committee Reports*

A. *Curriculum*

*Chief Phil Baca, Chairman
Sgt. David Edmondson, Vice-Chairman
Sheriff Joe Pelle, Board Member*

Eleven Subject Matter Expert Committee members were present in today's meeting along with seven guests. Chief Phil Baca reported that the committee approved additional lesson plans as well as two new POST instructors for Teller County's reserve academy.

June 3, 2011

The committee also reviewed the instructor methodology program submitted by an individual from Grand Junction Police department who was requesting equivalency reconsideration. He attended a 40-hour instructor methodology course in Alabama and provided the booklet to the committee for the approval of the course in lieu of the course provided here in Colorado. It gained committee approval.

There was a request for the review of Rule 23 which concerns full time skills instructors. Part of the rule requires each full skills instructor attend a 40hr instructor methodology course or have a credential for career and technical education. The committee believes the second part of the rule should be stricken because it's not equivalent. All full time skills instructor should go through the methodology course and should be included in the new rule making.

B. *Arrest Control*

***Sgt. Richard "JJ" Webb, Co-Chairman
Cpl. Richard Stensgaard, Co-Chairman
Chief John Patterson, Board Member***

Sergeant Webb reported that the committee approved six instructors as well as set up personnel to do test outs and inspections for June and July. The committee is in the process of changing and reviewing the form used for inspections. Finally, it has been decided that the arrest control instructor program is in need of revision which will begin soon.

C. *Firearms*

***Deputy Ed Kafel, Chairman
Tech. Robert Winckler, Vice-Chairman
Sheriff Lou Vallario, Board Member***

Deputy Ed Kafel reported that the committee approved the firearms program for the Teller County Reserve Academy. The inspection of the Highlands Ranch Public Safety Reserve Academy was found to be in full compliance. The major revision to the handgun instructor program included dim light shooting and off duty carry so that it mirrors the basic firearms program. This program has also been subject to minor revisions for clarification purposes.

D. *Law Enforcement Driving*

***Lt. Karl Smalley, Chairman
Sgt. Al Padilla, Vice-Chairman
Chief Heather Coogan, Board Member***

Lieutenant Karl Smalley presented to the Board that the committee approved two new instructors for the Delta Montrose Technical College. A revised lesson plan from Pikes Peak Community College was also approved. The committee completed inspections with the Colorado Mountain College at Glenwood Springs campus which was found to be in compliance. Colorado Springs Police Department also had a successful inspection. At the March P.O.S.T. Board meeting it was mentioned to increase hours required for an assistant instructor to become a full time instructor which still needs collaboration from the other S.M.E. committee members. Policy and prerequisites for attendance in the instructor training program needs to be revisited for the next P.O.S.T. board meeting. Sergeant Edmonson introduced a new tool to the committee which was an impressive automated light signal system.

June 3, 2011

Finally, the committee received a letter of resignation from Sheriff John Minor of the Summit County Sheriffs Office.

Action Items:

7. ***Peace Officer Certification Revocation Actions*** ***Attorney General John Suthers***
Director Paul Schultz
Board Counsel Diane Dash

A. **P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications – Felony Convictions:**

§ 24-31-305, C.R.S. A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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 or judge.

1. No. 11-01, Brian L. Williams Certification No. B4247 (PID 113174). On October 12, 2008, Respondent pled guilty and was convicted of 1 count of Sexual Exploitation/Child-Possess Material, § 18-6-403(3)(b.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: March 22, 2007 – Separated: September 21, 2004)*. The Respondent has failed to comply with P.O.S.T. Show Cause Order 11-01 by failing to appear at the scheduled Show Cause Hearing. Director Schultz recommends revocation of Brian L. Williams’ Colorado Peace Officer Certificate No. B4247 (PID 113174).

Motion made and seconded
Approved unanimously

2. No. 11-02, William Dale Reese, Jr. Certification No. B11950 (PID 123062). On November 15, 2010, Respondent pled guilty to and was convicted of 1 count of Public Servant – Attempt to Influence, § 18-8-306 C.R.S., a class 4 felony. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: March 31, 2009 – Separated: April 14, 2009)*. The Respondent has failed to comply with P.O.S.T. Show Cause Order 11-02 by failing to appear at the scheduled Show Cause Hearing. Director Schultz recommends revocation of William Dale Reese, Jr.’s Colorado Peace Officer Certificate No. B11950 (PID 123062).

Motion made and seconded
Approved unanimously

B. **P.O.S.T. Rule 9 - Revocation of Peace Officer Certifications – Misdemeanor Convictions:**

§ 24-31-305, C.R.S. A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. 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. M11-01, Michael Eugene Percival, Certification No. 14818 (PID 126570). On December 15, 2010, 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: June 18, 2009 - Separated: December 21, 2010).* The Respondent has failed to comply with Director's Show Cause Order M11-01. Director Schultz recommends revocation of Michael Eugene Percival's Colorado Peace Officer Certificate No. 14818 (PID 126570).

***Motion made and seconded
Approved unanimously***

8. ***Subject Matter Expert (SME) Reimbursement***

***Director Paul Schultz
Training Manager Steve Neumeyer***

A. Update/Final Action

1. The Assignment given to POST was to come up with a policy pursuant to some S.M.E. requests for reimbursement. The drafted policy follows state law for the reimbursement of employees which has been found applicable to the S.M.E. members. The numbers reflect an amount of about \$25,000, 1% of training dollars.

***Motioned by Sheriff Taylor and seconded by Sheriff Faull
Approved Unanimously***

2. Aside from reimbursements, S.M.E. committee members have shown interest in hiring out their services to a different agency to teach skills. Chief Heather Coogan expressed that this is an important suggestion because S.M.E. committee members are actually some of the best instructors available and they should be in the various academies for the training programs especially for recertification.

It was suggested, to eliminate conflicts of interest in regards to the financial component to require members of an S.M.E committee to submit a letter of notification for teaching for compensation to P.O.S.T.

Director Paul Schultz will prepare a form and additional suggestions regarding requirements.

9. *P.O.S.T. Peace Officer Training Project Grant Awards* *Sheriff Joe Pelle*
Training Manager Steve Neumeyer

A. Sub-committee Meeting - Evaluation of the Allocations, Recommendations and Discussion

1. Nearly 90% of all requests have been funded and only 10% cutback. Change in policy, which allows providers and regions to decide which areas should be cut are all within some degree of oversight. The following numbers of dollars are recommended:

CSOC \$224,754.40
Colorado District Attorney Association council: \$162,516.00
CRCPI: 12,070.00
COVA: 46,359
CBI: \$29,205
CACP: \$170,100
Total pay: \$645,004.40
90percentile

Region Totals:

Central Mountain Region: \$178,827.
Greater metro region: \$235,517
I-70 west: \$80,213.00
North central \$138,600
North east \$129,263
North West: \$106,384.64
San Louis \$48,758.00
South east: \$83,039.00
South west: \$55,305.00
West central \$181,783.00
Region total: \$1,237,689.65

Additions for state wide training presented by P.O.S.T. including:

Detention Academies: \$28,000.00
Rural Command Staff Institute: \$42,000.00
In-service academy (40hr academy at Camp George West): \$40,000.00
Crime scene investigation course \$20,000.00
Peer Support \$3,000.00
Pre-retirement training seminars: \$25,000.00
Total \$2,017,694.05

B. Grant Awards – Board Vote for Approval of the 2011/2012

1. Grants Expenditures of the new P.O.S.T. exam in addition to the S.M.E. reimbursements of \$25,000 will bring the grand total to: **\$2,082,694.05**

Many of these grants should be under budget and will be divided up by the various regions to be spent on training.

*Motioned by Sergeant Dixon seconded by Sheriff Hilkey
Approved unanimously*

C. Training Report – 2010/2011

1. 2010/2011 – 191,257 hours of training have been performed for 13,027 officers thus far. Since the project inception in 2001, there are currently 961,257 hours. P.O.S.T. predicts those numbers will surpass 1 million hours of training by September 2011.

Informational Items:

10. *Rule Change Recommendations – Letter of Conditional Authority/Electronic Funds for Exam Fees*

Director Paul Schultz

A. “Conditional Letter Expiration” Presented by Chief Heather Coogan

1. Consideration to go back to three year time frame for P.O.S.T. certified individuals to find employment rather than the current one year with six month extension. This concept will be reviewed at the next meeting.

B. Accepting Electronic Payment for P.O.S.T. Exams

1. POST has several products and tests whereby many individuals request to pay by credit card. Currently P.O.S.T. only accepts certified checks. If this was initiated, there would be a 2.25% fee plus .75 cents on each transaction which would be a net reduction of P.O.S.T. funds. Based on last year’s data we would have lost \$3,500.00 of P.O.S.T. money. This is the worst case example considering that all payments were made by credit card. This would require a rule change.

11. *In-Service Training Academy*

Director Paul Schultz

A. Update/Final Action

1. Sheriff Woodruff of Rio Blanco County suggested the development of an in-service academy which would be 40 hours in length, held at a location where room and board would be provided. Camp George West is an option where agencies could send their officers for one week of advance training in a jointly developed curriculum. This would be funded by P.O.S.T. and the contemporary topics provided could be very well received especially for rural officers. A minimum of four academies, one per quarter, would be appropriate.

*Motioned by Sheriff Taylor Seconded by Sergeant Edmonson
Approved unanimously*

June 3, 2011

12. ***Crime Scene Investigation Training Class*** ***Director Paul Schultz***

A. Five day in-service training class proposed which would satisfy many requests. It would also include the statutory requirement for DNA training.

***Motioned by Sheriff Taylor and seconded by Sergeant Dixon
Unanimously approved***

13. ***P.O.S.T. Recruitment Update*** ***Director Paul Schultz***

A. Board Opening for County Sheriff's Position

1. Still waiting for governor approval since May 13, 2010

B. Board Openings for Local Government, Chief Position

C. Board Member Re-Appointments

1. Terms Ending June 2011

14. ***Public Comments P.O.S.T. Issues***

A. Colorado Mounted Rangers presentation by Ronald Abrahamson

1. Colorado Mounted Rangers are the oldest law enforcement and law enforcement supporters in the state of Colorado starting in 1861. Currently the organization operates as an auxiliary. The organization is comprised of 250 sworn rangers across the state. The Colorado Mounted Rangers work with various local sheriff offices and police departments providing search and rescue assistance. The rangers comprised of former law enforcement officers, firefighters, and trauma support nurses, are looking to be P.O.S.T. certified reserve officers.

Attorney General Suthers made the submission that the law presently reads that P.O.S.T. recognizes only those who are law enforcement entities and therefore a statutory change may need to be addressed. The practical solution is seeking out the auspices of a state agency.

15. ***2011 P.O.S.T. Board Meeting Schedule***

A. *Thursday and Friday September 22 and 23, 2011 – Pueblo, Colorado
Friday December 2, 2011 – Colorado Department of Law*

16. ***Executive Session***

A. Potential investigative matter appropriate for an executive session

***Motioned by Chief Coogan Seconded by Sergeant Dixon
Approved unanimously***

June 3, 2011

Next P.O.S.T. Board Meeting

Hosted by the Pueblo County Sheriff's Office – Sheriff Kirk Taylor

Thursday September 22, 2011 – Work Session

Friday September 23, 2011 – Board Meeting

S.M.E. Meetings - 8:00 a.m. – Board Meeting - 10:00 a.m.

June 3, 2011

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
September 23, 2011

The Peace Officer Standards and Training Board held its 376th Board meeting at the Cambria Suites in Pueblo, Colorado with the following in attendance:

BOARD MEMBERS

CHIEF MARK BECKNER
CHIEF JOHN CAMPER
CHIEF HEATHER COOGAN
SERGEANT LOUIS DIXON III
SHERIFF JAMES FAULL
SHERIFF CHRIS JOHNSON
CHIEF DANIEL OATES
OFFICER NICHOLAS A. PECK
SHERIFF JOE PELLE
PUBLIC MEMBER BOB PENCE
ATTORNEY GENERAL JOHN SUTHERS
SHERIFF DAVID WEAVER
CHIEF DAVID WOHLERS
SAC JAMES YACONE

BOARD MEMBERS ABSENT

EXECUTIVE DIRECTOR JAMES DAVIS (excused)
SERGEANT DAVID EDMONDSON (excused)
SHERIFF LOUIS VALLARIO (excused)
CHIEF GERALD WHITMAN (excused)

BOARD COUNSEL

DIANE MARIE DASH, Assistant Attorney General

STAFF MEMBERS

PAUL SCHULTZ, P.O.S.T. Director
STEVE NEUMEYER, P.O.S.T. Deputy Director
MICHAEL DOUGHERTY, Deputy Attorney General
CRISTINE MACK, P.O.S.T. Investigator
RUTH VANDERBROEK, Compliance Officer

MEMBERS OF THE PUBLIC IN ATTENDANCE

PAT HEINE, Pueblo Police Department
ED KAFEL, El Paso Sheriff's Office
MARY KUBICK, Pueblo Community College
SAL PACE, State Representative
JD ROSS, El Paso Sheriff's Office
KATHY SASAK, Colorado Department of Public Safety
JOEL F. SHULTS, Adams State College Police Department
LUIS VELEZ, Pueblo Police Department

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on September 23, 2011.

Firearms Committee

Introductions:

1. Welcome Attorney General John W. Suthers

New Board Member Appointments and Re-Appointments

- A. Re-Appointment of Chief Dave Wohlers, Idaho Springs
- B. Appointment of Chief Daniel Oates, Aurora
- C. Appointment of Chief John Camper, Grand Junction
- D. Appointment of Sheriff David Weaver, Douglas County
- E. Appointment of Chris Johnson, Otero County

Welcome by Sheriff Taylor

2. Introduction of Board Members, Staff, S.M.E. Members and Guests
3. Roll Call Director Paul Schultz
Declaration of a Quorum
4. Approval of P.O.S.T. Board Minutes for June 3, 2011
Approved
5. Selection of Vice-Chair Attorney General John Suthers
Chief Coogan was selected as the new vice-chair

Public Announcement of Formal Rule Making Hearing:

6. Formal Rule Making Hearing Attorney General John Suthers
Board Counsel Diane Dash
Director Paul Schultz

September 23, 2011

- A. Summary of Proposed P.O.S.T. Rule Changes
Colorado Department of Regulatory Affairs Review/Response
 - 1. Rule 10 – *Conditional Peace Officer Authority and Basic Peace Officer Certification*
 - 2. Rule 11 – *Provisional Certification*
 - 3. Rule 12 – *Reserve Certification*
 - 4. Rule 15 – *Certification Examination – Conditional, Provisional, Renewal*
 - 5. Rule 17 – *Certification Records*
 - 6. Rule 23 – *Academy Skills Instructors*
- B. Public Comment
- C. Vote of Board Members
Approved unanimously

Presentations:

7. Subject Matter Expert (S.M.E.) Committee Reports

- A. Curriculum
 - Chief Phil Baca, Chairman
 - Sgt. David Edmondson, Vice-Chairman
 - Sheriff Joe Pelle, Board Member

The curriculum committee met September 16, 2011 at the Colorado Springs Police Department Academy. Sergeant Eric Whitman of the Aurora Police Department was accepted as a member of the committee.

A refresher course to be held at the Delta Montrose Technical College was presented to the committee. They are waiting for the audio/visual components to be submitted to the committee before final approval can be made.

The Denver Police Academy notified the committee of their intent to request an approval for their academy as they will not have conducted an academy for three years.

A representative from the Colorado State Patrol recommended that the Accident Investigation part in the academy curriculum be renamed Accident Documentation as it would be more accurate as to what can be covered in the allotted time. There was an ongoing discussion about providing a 550 hour basic academy template. Sergeant Edmondson will send out a survey for future discussion.

- B. Arrest Control
 - Sgt. Richard “JJ” Webb, Co-Chairman
 - Cpl. Richard Stensgaard, Co-Chairman
 - Vacant, Board Member

September 23, 2011

There was no one from the arrest control committee to present information at the Board meeting. Sergeant Dixon volunteered to be the Board representative to the committee.

- C. Firearms Deputy Ed Kafel, Chairman
Tech. Robert Winckler, Vice-Chairman
Sheriff Lou Vallario, Board Member

At the December meeting, the Board will review the proposed program changes to the Handgun Instructor Program. The committee has rewritten the program with emphasis on instructor methodology, coaching, and training liability.

The outline for the basic firearms program was reformatted for clarity purposes with the assistance of POST investigator Cristine Mack. There was a change made at the 10-yard line of the qualification course. Instead of an combat reload with the gun holstered, they will now do a combat reload while at the ready position.

An inspection was conducted at the Teller County Reserve Training Academy firearms program. They are doing a super job.

- D. Law Enforcement Driving Lt. Karl Smalley, Chairman
Sgt. Al Padilla, Vice-Chairman
Chief Heather Coogan, Board Member

There was no one from the driving committee to present information at the Board meeting.

Action Items:

8. Peace Officer Certification Revocation Actions Attorney General John Suthers
Director Paul Schultz
Board Counsel Diane Marie Dash

- A. P.O.S.T. 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 P.O.S.T. 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. 11-03, Jose Manuel Sanchez Certification No. B11004 (PID 118769). On May 27, 2011, Respondent was found guilty by a jury and was convicted of 2 counts of Sexual Exploitation/Child – Induce/Entice, § 18-6-403(3)(a) C.R.S., a class 3 felony and 2 counts of Sexual Exploitation/Child – Possess Material, § 18-6-403(3)(b.5) C.R.S., a class 6 felony. *The Respondent was employed as a peace officer on the date of the offense*

September 23, 2011

(Date of Offense: October 21, 2010 – Separated: December 16, 2010).
The Respondent has failed to comply with P.O.S.T. Show Cause Order 11-03 by failing to appear at the scheduled Show Cause Hearing. Director Schultz recommends revocation of Jose Manuel Sanchez’s Colorado Peace Officer Certificate No. B11004 (PID 118769).

Approved unanimously

2. No. 11-04, Jason Paul Grothe Certification No. B09318 (PID 100065). On July 1, 2010, Respondent pled guilty to and was convicted of 1 count of Vehicular Assault – DUI, § 18-3-205(1)(b) C.R.S., a class 4 felony. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: June 26, 2009 – Separated: September 18, 2009).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 11-04 by failing to appear at the scheduled Show Cause Hearing. Director Schultz recommends revocation of Jason Paul Grothe’s Colorado Peace Officer Certificate No. B09318 (PID 100065).

Approved unanimously

3. No. 11-05, Mark Keith Conrad Certification No. 15820 (PID 105856). On May 13, 2011, Respondent pled guilty to and was convicted of 1 count of Internet Sex Exploit of a child – Att, § 18-3-405.4(1) C.R.S., a class 5 felony. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: July 9, 2010 – Separated: February 6, 2001).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 11-05 by failing to appear at the scheduled Show Cause Hearing. Director Schultz recommends revocation of Mark Keith Conrad’s Colorado Peace Officer Certificate No. 15820 (PID 105856).

Approved unanimously

4. No. 11-06, Dominick Gabriel Lucero Certification No. B8633 (PID 113792). On June 20, 2011, Respondent pled guilty to and was convicted of 1 count of Child Abuse – Negligently Cause Serious Bodily Injury, § 18-6-401(1)(a) and (7)(a)(IV) C.R.S., a class 4 felony and 1 count of Sex Assault/Child/Position of Trust/Victim 15-18 – Att § 18-3-405.3(1), a class 5 felony. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: March 27, 2010 – Separated: December 8, 2010).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 11-06 by failing to appear at the scheduled Show Cause Hearing. Director Schultz recommends revocation of Dominick Gabriel Lucero’s Colorado Peace Officer Certificate No. B8633 (PID 113792).

Approved unanimously

- B. P.O.S.T. 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 P.O.S.T. 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

September 23, 2011

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. M10-09, Mark Allen Amelkin, Certification No. B7260 (PID 114868). On December 15, 2010, Respondent pled guilty to 1 count of Harassment – Repeat Telephone Calls, §18-9-111(1)(f), 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 20, 2010 – Separated: December 18, 2005).* The Respondent has failed to comply with P.O.S.T. Show Cause Order M10-09. Director Schultz recommends revocation of Mark Allen Amelkin’s Colorado Peace Officer Certificate No. B7260 (PID 114868).

Approved unanimously

2. No. M11-06, David George Unverferth, Letter of Conditional Authority (PID 130228). On May 27, 2011, 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 not employed as a peace officer on the date of the offense (Date of Offense: June 20, 2010 – Never Appointed).* The Respondent has failed to comply with P.O.S.T. Show Cause Order M11-06. Director Schultz recommends revocation of David George Unverferth’s Colorado Letter of Conditional Authority (PID 130228).

Approved unanimously

- C. P.O.S.T. Rule 9 (b) - Revocation Hearings for Criminal Conduct: P.O.S.T. Rule 9 (b) allows a peace officer certificate holder, **within thirty (30) days after the effective date of the conviction** of a misdemeanor to petition the Board not to revoke the certificate. The petition must fully explain all relevant facts. The petitioner has the burden to meet the requirements of the rule.

1. No. M11-03, Steven Floyd James, Certification 15524 (PID 115175.) On February 16, 2011, Respondent was convicted, in a trial to the court, of one (1) count of Obstructing Firefighter/Medical, Section 18-8-104 (1) (a), C.R.S., a class 2 misdemeanor. *Respondent was employed as a peace officer on the date of the offense (Date of offense: March 27, 2010- Separated: January 11, 2011.)* Respondent failed to comply with P.O.S.T. Rule 9 (b) requirement to petition the Board to **not** revoke his certificate within thirty (30) days after the effective date of the conviction. On May 24, 2011, Respondent filed a Response to Order to Show Cause-Revocation Hearing Upon Conviction of a P.O.S.T. Recognized Misdemeanor. In his Response, Respondent requested that Director Schultz postpone taking action until appeal of the conviction was resolved. The District Attorney of the Fifth Judicial District actively prosecuted Respondent and is actively defending the conviction on appeal. On August 24, 2011, Director Schultz denied the request and advised Mr. James that he could appeal his decision to the Board within 30 days. On September 8, 2011, Respondent filed his Notice of Appeal Pursuant to Rule 5 (hearings

September 23, 2011

in general) and Rule 8 (peace officer applicants.) Rule 8 applies to new applicants, not current peace officers.

P.O.S.T. Rule 9 (e) provides that if at least six (6) members of the Board affirmatively vote to hear the appeal, a five-member panel is selected and shall proceed to hear the Board appeal. The decision of the five-member panel shall be deemed final Board action.

Board Counsel reviewed that the statute allows the revocation by the Board to take place upon conviction. The Board does have the obligation to provide due process so there is an opportunity for the certificate holder to appear before the Board.

A motion was made and seconded to grant him a hearing before a five member panel of Board members.

Approved unanimously

The panel set up for the hearing will include Chief Wohlers, SAC Yacone, Chief Beckner, Chief Camper, and Mr. Pence. Director Schultz will coordinate the hearing.

D. Reinstatement of Certification:

1. No. 11-01, Brian L. Williams, Certification No. B4247 (PID 113174). On June 3, 2011, the POST Board voted to revoke the peace officer certification of Brian L. Williams based upon entry of a plea of guilty to a class 6 felony on January 4, 2011. On July 1, 2011, Mr. Williams' attorney notified Director Schultz that the revocation was in error due to the Court vacating the guilty plea on March 30, 2011 and entering a plea of not guilty. A trial on the class 6 felony is scheduled for December 2011. On July 29, 2011, Mr. Williams' attorney submitted a formal request to vacate the revocation of the peace officer certification of Brian L. Williams.

Director Schultz recommends reinstatement of Brian L. Williams' Peace Officer Certification No. B4247 (PID 113174) pending the outcome of his case.

Even though Mr. Williams pled guilty to his charge, the judge did not accept his plea. Because of this POST does not have discretion in revoking his certification and so need to reinstate his certification pending the outcome of his trial in December 2011.

Approved unanimously

9. Subject Matter Expert (SME) Teaching as Independent Contractors

Director Paul Schultz

A. Update/Final Action

The policy states that in order for SME members to teach any classes, they must not have voted on any POST training grants during the year in which the training took place to avoid a conflict of interest.

September 23, 2011

It was recommended that email and phone section have more space between them in both areas on the form.

It was moved to approve the policy and the form.

Approved unanimously

10A. Conditional and Basic Peace Officer Status Chief Heather Coogan

Over the last couple of years, the economy has affected the ability of individuals to obtain a position within the one to one and one-half year time frame. It takes four to eight months to hire a peace officer so the time passes quickly for these individuals. Even though someone's skills may degrade during that period of time, most departments will have some type of training policy with regard to new officers. It is recommended that the time frame be changed back to three years and to develop a sub-committee to work out the details. This will require a statute change.

It was moved and seconded to form a committee to work out the details and to work with the Office of the Attorney General's office to find a sponsor for the bill. The committee will consist of Chief Coogan, Sergeant Dixon, Sheriff Taylor and Ruth VanDerBroek. The committee will bring it back to the full Board at the December meeting to verify the wording of the statute.

Approved unanimously

10. P.O.S.T. Peace Officer Training Project Grant Awards Director Paul Schultz
Chief Heather Coogan

A. Colorado Association of Chiefs of Police request \$15,000 for Ethics Training

Chief Don Wick of Arvada Police Department has requested a contract for Neil Troutman, a national ethics instructor. This training would be done through Colorado Association of Chiefs of Police (CACP). This training will be for field officers throughout the state of Colorado. The cost will be well over \$15,000 but CACP and other associations will put funds towards this project. This training is open to every peace officer in the state but the number of individuals that will be trained will be very low so it cannot be looked at as a one time deal but an ongoing process. A request for additional funds could be made next year as well.

It was moved and seconded to approve the request for the \$15,000.

Approved unanimously

B. Greater Metro Region request \$15,000 for 1st Annual Law Enforcement Training Conference

The initial paperwork for this request was sent in but it was incomplete so it was denied. The second submission provided the required information. There is a goal of having 500 officers attend and will be open to all Colorado Peace Officers.

September 23, 2011

It was moved and seconded to approve this request for \$15,000.
Approved but with three no votes

C. Final Action/Approval

Informational Items:

11. **2011 P.O.S.T. Sunrise Review Sub-Committee** **Director Paul Schultz**
Sheriff Kirk Taylor

A. Committee Update

There were six applicants requesting Peace Officer Authority. Of those six, two were denied and four were approved.

Colorado Mounted Rangers: Recommends denial due to lack of statutory authority.

Colorado Association Animal Control Officers: Recommends denial as they already having statutory authority so no additional authority is needed.

City Prosecutors Group: Recommends support for the request for state authority in the performance of their duty as a prosecutor for self defense and to enhance any crime of which they may be a victim.

Fort Carson Police: Recommends support for the request for state authority to be Peace Officers on base when dealing with civilians. They would be the first responders if a civilian commits a felony and the case would then automatically be taken care of by the bureau.

US Postal Inspection Service: Recommends support for the request for authority due to their multiple involvements with other task forces and have their own training and field officer academy.

Department of Public Safety: Recommends support for the request for authority for the Assistant Deputy Director, Director of Homeland Security, and the Director of Criminal Justice for the purpose of acting on his behalf during the absence of the Director of Public Safety.

It was moved and seconded to approve the recommendations of the committee.

Approved unanimously

12. **In-Service Training Academy** **Director Paul Schultz**

A. Update

The 40 hour training program started it's first class on November 7, 2011 at Camp George West. This in-service will allow the officers to receive a year's worth of in service training in one week. Room and board is included in the cost of the in-service. CSP is not charging for the rooms and is only charging for the meals at cost. This event is POST sponsored and funded.

September 23, 2011

13. New Instructor Requirements Director Paul Schultz

A. Out of State Instructors

POST would like to tighten up standards for instructors from out of state requesting POST Instructor Status. An approval to develop the language and to go forward is requested. The language will be presented at the next Board meeting.

Approval granted

14. Recommendation for new P.O.S.T. Committee Director Paul Schultz

A. Credentialing Committee

POST is requesting the formation of a credentialing SME committee which would give POST recommendation as to whether or not outside companies have quality instruction and quality training and should be allowed to train in the state of Colorado. This would apply only to entities wanting to train under the training grant.

POST is directed to develop suggested criteria to be created by POST to be discussed at the next Board meeting.

15. LETN (Law Enforcement Training Network) Director Paul Schultz

A. Update

This on-line training will be going on-line very soon. We are funding 33 smallest agencies in Colorado, 11 sheriff's offices and 22 police departments for a total of 208 officers.

16. Public Comments P.O.S.T. Issues

Lieutenant JD Ross from El Paso County Sheriff Office requested clarification on the ethics training that will be funded by POST and driven by the metro area. How many sessions of this training are going to occur? At this time there are four sessions scheduled in Fort Collins, Denver, Colorado Springs and Grand Junction. Lt. Ross made the recommendation that there be ongoing training for training the trainer so more officers can be reached.

Corporal Pat Heine of Pueblo PD protested the decision that was made to cut the community policing course training to 4 hours instead of the original 12 hours. It was clarified that the change is only a minimum requirement for community policing training, not the maximum hour requirement. Any academy can go beyond that set minimum requirement. Other parts of the curriculum needed to have more hours added to their sections so hours in other areas needed to be decreased.

September 23, 2011

17. 2011 P.O.S.T. Board Meeting Schedule
- A. Friday, December 2, 2011 – Colorado Department of Law

18. Executive Session

- A. Two-thirds vote

It was moved and seconded to go into executive session

Approved unanimously

19. Update on New P.O.S.T. Test

Director Paul Schultz

Five candidates for the implementation of the new POST test were selected – 4 national and 1 local. The RFP has been prepared and sent out to all five candidates. The RFP must include 400 approved questions and a security protocol. Other elements which will be added to the cover of the test are photo identification of person taking the test, a finger print of person taking the test, a statement that says if you are not who you say you are on the test or if you cheat on the test you will be subject to administrative and criminal sanctions. It is hoped we will be able to find certified paper which will prevent the opportunity for the test to be copied.

The selected vendor will visit Colorado twice to review what a Colorado Peace Officer does and review the Colorado curriculum to develop test questions that are applicable to Colorado. Sample tests will be given to 150 officers in the state of Colorado.

\$40,000 has been budgeted for a one year contract with ongoing support at an additional cost if necessary. POST staff will still be required to monitor the test. Director Schultz will select three members of the Board to give their approval on the selection of the vendor along with the Department of Law and bring the recommendation to the Board.

20. Adjournment

At the request of Board Counsel Diane Dash, the RFP was approved by the Board.

It was moved and seconded to adjourn.

Approved unanimously

Next P.O.S.T. Board Meeting

**Colorado Department of Law
1525 Sherman Street
Denver, CO 80203
Friday December 2, 2011 – Board Meeting**

S.M.E. Meetings - 8:00 a.m. – Board Meeting – 10:00 a.m.

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
December 2, 2011

The Peace Officer Standards and Training Board held its 377th Board meeting at the Department of Law in Denver, Colorado with the following in attendance:

BOARD MEMBERS

CHIEF MARK BECKNER
CHIEF JOHN CAMPER
CHIEF HEATHER COOGAN
SHERIFF JAMES FAULL
SHERIFF CHRIS JOHNSON
CHIEF DANIEL OATES
OFFICER NICHOLAS A. PECK
SHERIFF JOE PELLE
PUBLIC MEMBER BOB PENCE
ATTORNEY GENERAL JOHN SUTHERS
SHERIFF DAVID WEAVER
CHIEF DAVID WOHLERS
SAC JAMES YACONE

BOARD MEMBERS ABSENT

EXECUTIVE DIRECTOR JAMES DAVIS (excused)
SERGEANT LOUIS DIXON III (excused)
SERGEANT DAVID EDMONDSON (excused)
SHERIFF KIRK M. TAYLOR (excused)

BOARD COUNSEL

DIANE MARIE DASH, Assistant Attorney General

STAFF MEMBERS

PAUL SCHULTZ, P.O.S.T. Director
STEVE NEUMEYER, P.O.S.T. Deputy Director
MICHAEL DOUGHERTY, Deputy Attorney General
CRISTINE MACK, P.O.S.T. Investigator
RUTH VANDERBROEK, Compliance Officer
HANNAH LUCEY, P.O.S.T. Temporary Administrative Assistant
MEGAN LOBBAN, P.O.S.T. Temporary Administrative Assistant

MEMBERS OF THE PUBLIC IN ATTENDANCE

JOAQUIN BACA, Lakewood Police Department
JAMES BAER , Citizen
MINER BLACKFORD, Otero Junior College
DAVID J. BRUNO, DPPA/APA/CPA
BILL CLAYTON, Lombard and Clayton INC.
TROY COOPER, Colorado State Fraternal Order of Police/1st Judicial District
DEAN CURD, County Sheriffs of Colorado
GLENN DAVIS, Colorado Department of Transportation
GRAHAM DUNNE, Aurora Police Department
ERIC EWING, Commerce City Police Department
ERIC FREDERIC, Colorado Springs Police Department
PAT HEINE, Pueblo Police Department
BIRAN HILL, Federal Reserve Police Department
GLOVER JARMIN, Adams County Sheriff's Office
DOYLE JONES, Weld County Sheriff's Office
ED KAFEL, El Paso Sheriff's Office
DONN KRAEMER, Lakewood Police Department
CATHY LABRECQUE, Pikes Peak Community College
JANET LARSON, County Sheriff's Of Colorado
JIM MAIR, Denver Police Department
RICK MCNAIR, Adams County Sheriff's Office
DARREN O'DRISCOLL, El Paso County Sheriff's Office
ERNIE ORTIZ, Aurora Police Department
ROB PRIDE, Colorado State Fraternal Order of Police (FOP)/Loveland Police Department
TODD QUICK, La Junta Police Department
JOHN REECE, Colorado Mesa University
DEREK RICHTER, Commerce City Police Department
ERIC RUBIN, Denver Police Department
STEPHEN SCHULZ, Colorado Fraternal Order of Police
KENNY SHERMAN, Adams County Sheriff's Office
KARL SMALLEY, Adams County Sheriff's Office
TRACEY SMALLEY, Adams County Sheriff's Office
RICHARD STENSGAARD, Denver Police Department
DOUG TEMPLETON, Adams County Sheriff's Office
JOE THOMAS-HAZELL, Citizen
EDWARD TRUJILLO, El Paso County Sheriff's Office
JOHN TUCKER, Weld County Sheriff's Office
MIKE VILOTTE, Colorado Fraternal Order of Police
MIKE WALKER, Denver Police Department
RICHARD WEBB, Jefferson County Sheriff's Office
MARC WEBER, Larimer County Sheriff's Office
BOB WELTER, Citizen
ROBERT WINCKLER, Denver Police Department
ERIC WITTMAN, Aurora Police Department
JANICE WORTHEM, Red Rocks Community College

December 2, 2011

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on December 2, 2011.

Arrest Control
Curriculum
Firearms Committee
Law Enforcement Driving

Introductions :

1. Welcome Attorney General John W. Suthers
2. Introduction of Board Members, Staff, S.M.E. Members and Guests
3. Roll Call Director Paul Schultz
Declaration of a Quorum
4. Recognition of P.O.S.T Deputy Director Steve Neumeyer's absence
Director Paul Schultz
5. Approval of P.O.S.T. Board Minutes for September 23, 2011
Motioned and seconded to approve minutes
Approved Unanimously

Presentations:

6. ***Subject Matter Expert (S.M.E.) Committee Reports***

- A. ***Curriculum*** ***Chief Phil Baca, Chairman***
Sgt. David Edmondson, Vice-Chairman
Sheriff Joe Pelle, Board Member

The curriculum committee met December 2, 2011 Department of Law in Denver, Colorado prior to the P.O.S.T. Board meeting. Chairman and Chief Phil Baca disclosed the meeting's report. The reconstructed roster of new Subject Matter Expert committee members was discussed and the members contact information was updated. Additionally, the new *Colorado Department of Law Non Disclosure and Confidentiality Agreement* was signed by each member.

The Denver Police Department's recently proposed academy curriculum in the new electronic format was a topic of conversation. Instruction and lesson plans will be provided to cadets which will be directly linked to performance outcomes that P.O.S.T. requires of each class and section of the academy. This will ensure that all standards are being met especially those of the instructors.

Delta Montrose Technical College's lesson plans for the new refresher academy and instructor's were approved by the committee.

December 2, 2011

Weld County Sheriff's Office also proposed a new refresher academy lesson plan however; there were concerns about some blocks of instruction that didn't contain the required information. It was requested that more information be provided by a representative of the academy regarding the pass or fail of classed and particular subjects offered rather than the entire curriculum itself.

Finally there was a request from a private author to have their book entitled *Management of Aggressive Canines* involved in police academy curriculum. The SME committee didn't see it as a requirement for the academies however it's informative and individuals are welcome to purchase and read the material themselves.

B. *Arrest Control*

***Sgt. Richard "JJ" Webb, Co-Chairman
Cpl. Richard Stensgaard, Co-Chairman
Sgt. Louis A. Dixon III Board Member***

The Arrest Control Subject Matter Expert Committee met December 2, 2011 Department of Law in Denver, Colorado prior to the P.O.S.T. Board meeting and also signed the *Colorado Department of Law Non Disclosure and Confidentiality Agreement* as well as reviewed the membership forms.

Co-Chairperson and Sergeant Richard Webb of the Jefferson County Sheriff's Office relayed the discussion of the SME committee's meeting. It was determined that next year there will be a submission of review for the arrest control instructional program which has not been reviewed or discussed since 1997. Many of the departments haven't used the old programs therefore this is necessary to validate the processes by which the instructors identify their own standards within a department that has an academy.

The Arrest Control Subject Matter Expert Committee approved Trooper Ryan Barba as new SME committee member.

The Denver Police Department also submitted hard copies of their new academy process for the committee's review. It's very well done and appreciated.

Two instructors were formally approved.

The refresher academy was reviewed for Weld County. The arrest control component is not required in the refresher course and historically there hasn't been a standard for the arrest control to have such a program however Weld County is submitting for sixteen hours. This program would be based on the test out that is utilized when someone comes into the state and is tested specifically for arrest control. Such information would yield their new standard. The committee will submit a request that this be reviewed next year. It will also be recommended that the arrest control component should be included in the refresher course.

C. Firearms

Deputy Ed Kafel, Chairman
Tech. Robert Winckler, Vice-Chairman
Vacant Board Member

Chairman and Deputy Ed Kafel reported the meeting's discussions for the Firearm Subject Matter Expert Committee.

In 2011 the Firearms Committee held twelve meetings. They conducted two firearms training program inspections, five firearm test-outs, and reviewed and approved nine firearms training program lesson plans including Denver's. The committee reformatted and clarified the outline for the Firearms training program in addition to rewriting the Handgun Instructor Program to make it more relevant while maintaining the 40 hours. Finally, the committee standardized the instructions for administering the qualification course for the basic firearms program, refresher academies and test-outs.

Instructor Eric Schuyler of the Pikes Peak Community College has been accepted on the Firearm's committee

Special acknowledgement was made to Cristine Mack and Ruth VanDerBroek. Their support throughout the year has been instrumental for the success of the committee.

D. Law Enforcement Driving

Lt. Karl Smalley, Chairman
Sgt. Al Padilla, Vice-Chairman
Chief Heather Coogan, Board Member

Chairman and Lieutenant Karl Smalley gave report on the Law Enforcement Driving Subject Matter Expert Committee's meeting.

A Law Enforcement Driving Committee meeting was held in September in Commerce City in lieu of the P.O.S.T Board meeting in Pueblo which the committee was unable to attend. At this gathering, the Delta Montrose Technical College's lesson plan submission was reviewed. The inspection of the academy in 2008 identified problems with using the gravel portion of the roadways in which they do their training on. The recommendation was to use only the paved portion of the roadway.

The nine members who met on December 2, 2011 discussed the retirement of Sergeant Al Padilla effective January of next year. He will be missed in the committee.

All of the administrative paperwork was completed in addition to the signing of the *Colorado Department of Law Non Disclosure and Confidentiality Agreement*.

Upcoming inspections include test outs for 2012. Also took a look at the current test-out for driving whereby there were recommendations made

December 2, 2011

Two instructors were formally approved by the committee.

Denver's Police Academy's instructors as well as their lesson plan for law enforcement were approved.

Weld County's lesson plan was also approved.

A driving accident occurred at the Pueblo Community College whereby a serious injury occurred. Ruth VanDerBroek and Cristine Mack assisted in the documentation for the investigation of the injury. The director of the college also did everything appropriately.

Action Items:

**7. Peace Officer Certification Revocation Actions Attorney General John Suthers
Director Paul Schultz
Board Counsel Diane Marie Dash**

A. P.O.S.T. 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 P.O.S.T. 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. 11-07, Scott M. Downey Conditional Authority (PID 134135). On June 22, 2011, Respondent pled guilty to and was convicted of one count of Computer Crime – Unauthorized Access – 2d Of, § 18-5.5-102(1)(a),(3)(b) 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 from: December 10, 2008 – Never appointed).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 11-07 by failing to appear at the scheduled Show Cause Hearing. Director Schultz recommends revocation of Scott M. Downey's Colorado Peace Officer Conditional Authority (PID 134135).

***Motion made and seconded
Approved unanimously***

2. No. 11-08, William S. Pride Certification No. B6314 (PID 112947). On August 5, 2010, Respondent pled guilty to and was convicted of 1 count of Contributing to the Delinquency of Minor, § 18-6-701 C.R.S., a class 4 felony and 1 count of Official Oppression, § 18-8-403 C.R.S., a class 2 misdemeanor. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: April 22, 2010 – Separated: July 31, 2005).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 11-08 by failing to appear at the scheduled Show Cause

December 2, 2011

Hearing. Director Schultz recommends revocation of William S. Pride's Colorado Peace Officer Certificate No. B6314 (PID 112947).

***Motion made and seconded
Approved unanimously***

- B. P.O.S.T. 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 P.O.S.T. 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. M11-07, Tracy Allison Quinn, Sr., Certification No. B13045 (PID 129907). On July 21, 2011, 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 28, 2011 – Separated: April 15, 2011).* The Respondent did comply with P.O.S.T. Show Cause Order M11-07. Director Schultz denied the request by Mr. Quinn to not go through with the revocation of his certification and recommends revocation of Tracy Allison Quinn, Sr.'s Colorado Peace Officer Certificate No. B13045 (PID 129907).

***Motion made and seconded
Approved unanimously***

2. No. M11-03, Steven Floyd James, Certification 15524 (PID 115175.) Update: On February 16, 2011, Respondent was convicted, in a trial to the court, of one (1) count of Obstructing Firefighter/Medical, Section 18-8-104 (1) (a), C.R.S., a class 2 misdemeanor. *Respondent was employed as a peace officer on the date of the offense (Date of offense: March 27, 2010- Separated: January 11, 2011.)* Respondent petitioned the Board to not revoke his certificate within thirty (30) days after the effective date of conviction. P.O.S.T. Rule 9(e) provides that the Board will hear the appeal if at least six (6) members of the Board vote affirmatively. That appeal was granted and a five-member panel was selected to hear the appeal. The decision of the five-member panel unanimously voted to hold in abeyance Mr. James' certification pending the outcome of his appeal process. The panel decision shall be deemed the final Board action in this matter. Additionally, it was agreed that Mr. James would not seek employment as a peace officer pending the appeal of this case. Since, Mr. James has been residing out of state and desires to become a part-time marshal in Nebraska. The panel again will be polled to determine whether this modification of the agreement should be altered from its original form. Mr. James would also need to complete P.O.S.T. certification requirements in the State of Nebraska.

December 2, 2011

8. ***P.O.S.T. Test Vendor Update***

Director Paul Schultz

- A. Bids have been placed with various companies regarding the composition of a new P.O.S.T exam. One business in particular, I/O Solutions, specializes in online testing which after review of their references and products, Director Paul Schultz recommends further action with them. This may require a sub-committee's unanimous vote. The test would consist of 400 questions and it would be validated by individuals on a PhD level. If the test would happen to be hacked, the insurance would cover a new test at no additional charge. All police academies of Colorado were surveyed for their endorsement of this ideal and eleven responded. Only one had major concerns which were addressed prior to this meeting. If this method is adopted, the test proctoring would occur by the academy staff. In addition, for a fee, a test expert by the name of Dr. Helaoyna out of Arizona, can analyze and confirm in the area of psychometrics that the test is legitimate and well worth the money. He has also been contracted through Arizona P.O.S.T. for a similar consultation. This is simply another layer of protection in the process of building a new exam. The quote was \$45,000 which may include an additional \$5,000 for add-on. The annual costs may be as little as \$2,000.00/yr.

***Motion made and seconded
Approved unanimously***

9. ***2012 Sheriff Conference Speaker Request***

Director Paul Schultz

- A. County Sheriff's of Colorado is requesting up to \$4,500 to help pay for two speakers at the annual Sheriff's conference in January 2012. Brian Willis, a 25 year veteran of the Calgary, Alberta Police Department and an international law enforcement trainer will present "The Winning Mindset for Officers". Pay Woodin from Jefferson County will speak on Risk Management. \$4,000 will be used to cover speaker fees, part of the travel costs and two day per diem for Mr. Willis and \$500 will be used to cover speaker fees for Ms. Woodin.

***Motion made and seconded
Approved unanimously***

10. ***Formal Board Recognition of the members of the 2012 Subject Matter Expert (SME) Committees***

- A. Committee Rosters – Curriculum SME, Firearms SME, Arrest Control SME, and Driving SME.
B. Vacancy in Firearms SME was filled by S.A.C James F. Yacone

Informational Items:

11. ***Conditional Certification Update***

Director Paul Schultz

- A. Representative Mark Waller has agreed to carry this bill after it was suggested to the Board to amend the conditional certification time frame to three years

- 12. P.O.S.T. Grant Administrative Cost Update** **Director Paul Schultz**
- A. This is an on-going process whereby P.O.S.T. is working to determine what percentage of dollars are allowable and ought to be allocated to agencies acting as the fiscal agent in the future.
- 13. Instructor and Course Approval Update** **Director Paul Schultz**
- A. Progress being made in terms of P.O.S.T.'s response to instructor, company, or course and the method of consent. There are multiple models being researched at this time and more information will be available at the next Board meeting.
- 14. P.O.S.T. Board Recruitment Update** **Director Paul Schultz**
- A. Currently there is one opening due to the resignation of Sheriff Louis Vallario for a Sheriff Representative. P.O.S.T. has contacted County Sheriffs of Colorado and broadcasted a posting on their website which the application deadline is December 14, 2011. The interview process will follow.
- B. There's an additional opening available pursuant to § 24-31-301, C.R.S.(4), for a local government representative such as a member of a board of county commissioners, a city or town council, a mayor, or on the board of trustees for the mayor. This is a governor appointed position.
- 15. Comments from others on P.O.S.T. Issues**
- A. Departing from the truth update:
1. There is currently a drafted bill proposing P.O.S.T.'s involvement in decertification once the agency terminates an employee for departing from the truth as defined. The agency is to notify P.O.S.T. who will then decertify the individual within ten days unless the employee challenges the termination in the court of law. The court will determine the certification outcome thereafter.
 2. Attorney General John Suthers suggested there be a special meeting if this bill is introduced prior to the next Board meeting of March 9, 2012. Sheriff Joe Pelle agreed and added that whether this process involves investigators or a quasi-judicial onus, there will be a cost with fiscal impact on the Board and possibly effect training dollars.
 3. Mike Violette further added that the Colorado State Fraternal Order of Police, without seeing the most current edition, intends to oppose and go against the bill based on the information that was proposed last year.
- B. Mr. Joe Thomas-Hazell made a comment on profiling and expressed his feelings towards the need to "tighten" the assessment of cases. He suggested that every officer carry a form associated with officer's feelings towards victim's incompetence. Attorney John Suthers responded by stating that a great deal of time and training has been spent in those areas; racial profiling in particular.

16. 2012 P.O.S.T Board meeting schedule

Friday, March 9, 2012

Friday, June 8, 2012

Thursday and Friday, September 27th and 28th, 2012 (location – TBA)

Friday, December 7th, 2012

17. Adjournment

Attorney General Suthers called for a motion to Adjourn.

Motioned and Seconded

Adjourned unanimous

Next P.O.S.T. Board Meeting

Colorado Department of Law

1525 Sherman Street

Denver, CO 80203

Friday March 9, 2012 – Board Meeting

S.M.E. Meetings - 8:00 a.m. – Board Meeting – 10:00 a.m.

P.O.S.T. BOARD MEETING

RECORD OF PROCEEDINGS

March 9, 2012

The Peace Officer Standards and Training Board held its 378th Board meeting at the Department of Law in Denver, Colorado with the following in attendance:

BOARD MEMBERS

CHIEF MARK BECKNER
CHIEF JOHN CAMPER
EXECUTIVE DIRECTOR JAMES DAVIS
SERGEANT LOUIS DIXON
SERGEANT DAVID EDMONSON
SHERIFF JAMES FAULL
SHERIFF CHRIS JOHNSON
CHIEF DANIEL OATES
OFFICER NICHOLAS A. PECK
SHERIFF JOE PELLE
ATTORNEY GENERAL JOHN SUTHERS
SHERIFF KIRK TAYLOR
CHIEF ROBERT WHITE
CHIEF DAVID WOHLERS
SAC JAMES YACONE

BOARD MEMBERS ABSENT

CHIEF HEATHER COOGAN (excused)
PUBLIC MEMBER BOB PENCE (excused)
SHERIFF DAVID WEAVER (excused)

BOARD COUNSEL

DIANE MARIE DASH, Assistant Attorney General

STAFF MEMBERS

PAUL SCHULTZ, P.O.S.T. Director
STEVE NEUMEYER, P.O.S.T. Deputy Director
MICHAEL DOUGHERTY, Deputy Attorney General
CRISTINE MACK, P.O.S.T. Investigator
RUTH VANDERBROEK, Compliance Officer
HANNAH LUCEY, P.O.S.T. Temporary Administrative Assistant
MEGAN LOBBAN, P.O.S.T. Temporary Administrative Assistant
KERI LAWLER, P.O.S.T. Temporary Grant Manager
SARAH SCHODER, P.O.S.T. Intern

MEMBERS OF THE PUBLIC IN ATTENDANCE

MINER BLACKFORD, Otero Junior College
GRAHAM DUNNE, Aurora Police Department
BRIAN HILL, Federal Reserve Police Department
DOYLE JONES, Weld County Sheriff's Office
ED KAFEL, El Paso County Sheriff's Office
DONN KRAEMER, Lakewood Police Department, Retired
RICK MCNAIR, Adams County Sheriff's Office
DARREN O'DRISCOLL, El Paso County Sheriff's Office
TODD QUICK, La Junta Police Department
KENNY SHERMAN, Adams County Sheriff's Office
TRACEY SMALLEY, Adams County Sheriff's Office
RICHARD STENSGAARD, Denver Police Department
JOE THOMAS-HAZELL, Citizen
EDWARD TRUJILLO, El Paso County Sheriff's Office
JOHN TUCKER, Weld County Sheriff's Office
MIKE WALKER, Denver Police Department
RICHARD WEBB, Jefferson County Sheriff's Office
ROBERT WINCKLER, Denver Police Department
FLORINE NATH, Colorado Attorney General's Office
MICHAEL DOUGHERTY, Colorado Attorney General's Office
JOHN L. KAMMERZELL, U.S. Marshal
HUGH K. WILSON, Colorado Attorney General's Office
MARC COLIN, Bruno, Colin, Jewell, & Lowe P.C.
LOU VALLARIO, Garfield County Sheriff's Office
STAN HILKEY, Mesa County Sheriff's Office
KIM SILLS, Garfield County Sheriff's Office
BEV LONG, El Paso County Sheriff's Office
JANET LARSON, County Sheriffs of Colorado
KRISTI MCDONALD-QUINTANA, Colorado Parks and Wildlife, retired
PHILIP J. BACA, Jefferson County Sheriff's Office
MICHAEL CUMMINGS, Arapahoe County Sheriff's Office

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on March 9, 2012.

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

March 9, 2012 P.O.S.T. Board Meeting

Introductions

1. Welcome Attorney General John W. Suthers
2. Introduction of Board Members, Staff, S.M.E. Members and Guests
3. Roll Call Director Paul Schultz
Declaration of a Quorum
4. Approval of P.O.S.T. Board Minutes for December 2, 2011 as well as P.O.S.T. Board Minutes for June 3, 2011
Approved Unanimously
5. Presentation of Service Plaques Attorney General John W. Suthers
Sheriff Stan Hilkey (present)
Sheriff Lou Vallerio (present)
Chief Gerry Whitman (absent)
Chief John Patterson (absent)

Presentations:

6. Subject Matter Expert (S.M.E.) Committee Reports
 - A. Curriculum Sgt. David Edmonson, Chairman
Sgt. Darren O'Driscoll, Vice-Chairman
Sheriff Joe Pelle, Board Member

The curriculum committee met March 9, 2012 at the Department of Law in Denver, Colorado prior to the P.O.S.T. Board meeting. Chairman Sergeant David Edmonson reported that the committee reviewed and approved the Jefferson County and Lakewood Police Department Combined Regional Academy curriculum in electronic form. The committee also welcomed two new members, Lieutenant Rick McNair from Adams County Sheriff's Office and Dr. Robert Weltzer.

The membership application was reviewed. A revision may state that multiple members from a single agency will be limited to two. The composition of members will also be formulated to include a ratio of half law enforcement experience and half civilian or academic experience.

B. *Arrest Control*

***Sgt. Richard "JJ" Webb, Co-Chairman
Cpl. Richard Stensgaard, Co-Chairman
Sgt. Louis A. Dixon III Board Member***

The Arrest Control Subject Matter Expert Committee met March 9, 2012, at the Department of Law in Denver, Colorado prior to the P.O.S.T. Board. Co-Chairperson Sergeant Richard Webb of the Jefferson County Sheriff's Office relayed the discussion of the SME committee's meeting. A plethora of new full instructors were approved from Colorado Springs, El Paso County, Colorado State Patrol, Adams County, and Aurora Police Department. The committee also discussed changes to the Arrest Control Instructor Program Manual which will be submitted by the July 1, 2012 deadline. The Jefferson County and Lakewood Police Department Combined Regional Academy ACT program was also approved by the committee.

C. *Firearms*

***Deputy Ed Kafel, Chairman
Tech. Robert Winckler, Vice-Chairman
SAC James Yacone, Board Member***

Vice-Chairman Technician Robert Winckler reported that the Firearms S.M.E. committee approved the Jefferson County and Lakewood Police Department Combined Regional Academy program. At the end of March the committee will be inspecting the Colorado State Patrol's Firearms program. In April the committee will be inspecting the Firearms program in Durango.

The committee recognized the resignation of previous S.M.E. member Donn Kraemer who was one of the founding members of the Firearms Committee.

D. *Law Enforcement Driving*

***Lt. Karl Smalley, Chairman
Sgt. Al Padilla, Vice-Chairman
Chief Heather Coogan, Board Member***

Law Enforcement Driving S.M.E. Committee member and Senior Deputy Tracey Smalley reported that the committee approved their new member, Sergeant Robert Major of Lakewood Police Department.

The committee also changed their membership requirements from a recommended five year experience to mandatory five year experience.

The Jefferson County and Lakewood Police Department Combined Regional Academy's lesson plan and site were approved however the instructors and safety plans are pending approval.

Action Items:

7. Peace Officer Certification Revocation Actions

**Attorney General John Suthers
Director Paul Schultz
Board Counsel Diane Marie Dash**

- A. P.O.S.T. 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 P.O.S.T. 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. M11-02, Jeffrey Patrick Marr, Certification No. B09138 (PID 112392). On November 16, 2010, Respondent pled guilty to one 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: July 19, 2010 – Separated: September 3, 2010).* The Respondent did not comply with P.O.S.T. Show Cause Order M11-02. Director Schultz recommends revocation of Jeffrey Patrick Marr's Colorado Peace Officer Certificate No. B09138 (PID 112392).

Approved unanimously

2. Steven Floyd James Update: District Court appeal denied on January 30, 2012.
No. M11-03 Steven Floyd James, Certification No. 15524 (PID) 115175
Update: On February 16, 2011, Respondent was convicted, in a trial to the court, of one (1) count of Obstructing Firefighter/Medical, Section 18-8-104 (1) (a), C.R.S., a class 2 misdemeanor. *Respondent was employed as a peace officer on the date of the offense (Date of offense: March 27, 2010- Separated: January 11, 2011.)* Respondent petitioned

March 9, 2012 P.O.S.T. Board Meeting

the Board to **not** revoke his certificate within thirty (30) days after the effective date of the conviction. P.O.S.T. Rule 9(e) provides that the Board will hear the appeal if at least six (6) members of the Board vote affirmatively. That appeal was granted and a five-member panel was selected to hear the appeal. The decision of the five-member panel unanimously voted to hold in abeyance Mr. James' certification pending the outcome of his appeal process. The panel decision shall be deemed final Board action in this matter. **On January 30, 2012, the District Court denied Mr. James' appeal and upheld his POST disqualifying conviction.**

Attorney Marc Colin was present for the P.O.S.T. Board meeting to represent Mr. Steven Floyd James. He stated to the Board that Mr. James has petitioned for a writ of certiorari to the Colorado Supreme Court on March 8, 2012. The basis of the petition is that the lower court's interpretation of the public building statute effectively superseded a sheriff's ability to control access in their county jail facilities and Mr. James and his representative believe that the interpretation is contrary to law and that's the basis of their appeal. Anticipation is 4-6 weeks before the Supreme Court will rule on the writ of certiorari. His request to the Board is that Mr. James' certification will continue to be held in abeyance until a ruling is made by the Supreme Court regarding the writ of certiorari.

Sheriff Joe Pelle, a member of the assigned panel, as well as other members deemed it appropriate to make a motion to continue to hold this situation in abeyance until the appellate process is resolved.

Approved unanimously

Informational Items:

8. Legislative Updates Deputy Attorney General Michael Dougherty

A. Conditional Certification Update

1. Currently the period of certification of academy graduates by statute is one year. Due to the difficult job market, finding employment has been difficult within that first year therefore the P.O.S.T. Board had expressed a desire to increase it back to a three year time frame. Last year approximately 687 conditional certifications were granted and of that number almost 200 applied for exemptions for an extra 6 months of conditional certification.

March 9, 2012 P.O.S.T. Board Meeting

This passed the House of Representatives, passed unanimously by the Senate judiciary and has passed the second reading in the senate. After it has been signed by the governor, graduates will have a three year window to find employment.

B. School Resource Officer Update

1. Senate Bill 46 Sponsor requests that P.O.S.T. provides a training program for School Resource Officers. There will be a cost associated to this fiscal note. At first it was \$100,000.00 but it has been negotiated to about \$30,000.00 which includes the development of a training curriculum. It is proposed to be an online training of about one and one half hours. The training is in appropriations where a decision needs to be made on the fiscal note.

C. Sunrise Review Committee Update

1. Municipal Prosecutors (approved by P.O.S.T. sub-committee) – Have found a sponsor, passed the third reading in the House of Representatives, and will now be moving into the Senate.
2. Department of Public Safety (approved by P.O.S.T. sub-committee) passed the third reading in the House of Representatives and the Senate.
3. Fort Carson Police (approved by P.O.S.T. sub-committee) - Have not secured a sponsor.
4. U.S. Postal Inspection Service (approved by P.O.S.T. sub-committee) - Have not secured a sponsor.
5. Colorado Association of Animal Control Officers (NOT approved by P.O.S.T. sub-committee).
6. Colorado Mounted Rangers (NOT approved by P.O.S.T. sub-committee).

The organization made an effort to obtain oversight from a law enforcement agency but have not found a sponsor to support them as an auxiliary. They started as a state-wide auxiliary unit. The Attorney General's Office recognizes their status and that they can be called upon through a Memorandum of Understanding (MoU) that is currently in place. If any agency calls upon the Mounted Rangers for their assistance, that agency is solely responsible for

their conduct during the time period of that activity. Any misconduct is a liability of that law enforcement agency in particular. They are not reserve deputies when they are acting under a MoU. Their bill has passed the Senate and is now in the House.

9. P.O.S.T. On-line Test Update **Director Paul D. Schultz**

1. A contract has been signed with the Chicago based company I/O Solutions and they will begin writing the test based on existing test bank questions as well as source material. All academies within the state are able to accommodate the exam with the exception of one. Colorado will be one of 12 states who offer these online tests for certification. If there is a security breach of any kind, the company will re-write the test. Applicants will still take the exam at a proctored site. P.O.S.T. Proctors will attend the exams in the metro region, otherwise there will be a State Patrol Captain proctoring the exam.

**10. P.O.S.T. On-line Grant Application and Reimbursement Process
FY 2012-2013**

Deputy Director Steve Neumeier

1. The approval process for grant applications will go online, be reviewed online, and approved online. An immediate request can be made for monies and immediate payment can be secured through this process. There will be a built in component for smaller regions that need an advanced amount of money for up to \$10,000.00. This should be available for internal training the week of March 19. The regions will then be trained in April. The grant applications can then be submitted online at the end of April. In May they can be approved by the grant sub-committee. It will then go to the Board for final approval in June.
2. Many members are leaving the grant sub-committee therefore the committee is in need of volunteers. It has been determined that Chief Davis Wohlers, Sheriff Kirk M. Taylor, Sheriff Chris Johnson, Director James Davis and either Chief Daniel Oates or Chief Heather Coogan will be on this subcommittee.

11. S.M.E. Reimbursement Update **Director Paul D. Schultz**

1. First S.M.E. Reimbursement has been made and the process was smooth.

12. P.O.S.T. Grant Administrative Cost Update

Deputy Director Steve Neumeyer

1. A draft definition was composed to determine grant compliance and the administrative cost of the grant. This is an amount used to operate and manage the total grant award. This has been estimated at 5% with the remaining dollars being used for training.

13. Course and Instructor Approval Update

Deputy Director Steve Neumeyer

1. A new process has been created for the application for P.O.S.T. courses and instructor approval. The entity must now submit the online form which includes a host agency, syllabus, and resumes for all the instructors. This is significant because P.O.S.T. will now be able to reach out to these agencies for training referrals.

14. IACP Leading by Legacy Update

Deputy Director Steve Neumeyer

1. This course is for rural agencies to train their executive staff. Leading by Legacy wants this course to be held in May. The Board authorized \$20,000 for this course to be held.

15. Update on Tools for Tolerance

Director Paul D. Schultz

1. This year, P.O.S.T. has sent representatives from Sheridan Police Department, Fountain Police Department, and Glendale Police Department. P.O.S.T. plans to continue this partnership in the future with the same amount of representatives dependent upon the budget.

16. Update on Suicide Prevention Project

Director Paul D. Schultz

1. Littleton Police Department hosted the second phase of this program which has been going very well.

17. Update on Patrol In-Service Training Program

Director Paul D. Schultz

1. Personnel are sent to Camp George West for one week of training with the third class starting in April. It has been a great success. Topics include officer survival, on-going analysis of officer fatality response, officer report writing refresher, officer safety, case law,

crime scene investigation, firearms at the range, and driving on the track

18. Update on LETN Training Project **Director Paul D. Schultz**

1. Approximately \$10,000.00 was set aside last year for this training project based out of Texas. Thirty three agencies across the state have been signed up. Nearly 246 officers are attending this online training program. LETN provides P.O.S.T. with a very detailed report of results regarding the benefits and strong points of this experimental training expense.

19. P.O.S.T. Board Recruitment Update **Director Paul D. Schultz**

1. Logan County Commissioner Deborah Zurn has expressed interest to be on the P.O.S.T. Board. This is currently pending the Governor's approval.
2. Sheriff Ron Bruce from Hinsdale County Sheriff's Office has submitted an application for the P.O.S.T. Board which is also pending the Governor's approval.

20. Handgun Instructor Course Review **Director Paul D. Schultz**
(Inspection of Instructor Courses)

1. Handgun instructor course for the trainers has been examined by P.O.S.T. Personnel.

21. Proposed Rule for Federal Law Enforcement Applicants for Colorado P.O.S.T certification

Director Paul D. Schultz

Proposal - Discussion of State Certification for Federal Officers - Retired (20 or more years of honorable service) agents of the FBI (includes FBI uniformed police), DEA, ATF, FPS, BIA, ICE, Border Patrol, US Postal Inspection Service and Secret Service (includes Secret Service uniformed division) would be required to attend and successfully complete a two week refresher academy to become a P.O.S.T. Certified Peace Officer. No test-outs would be allowed. If a retired Federal Agent did not pass the two week refresher course during the first attempt he/she would be required to attend an entire P.O.S.T. approved basic training academy in order to become a P.O.S.T. certified Peace Officer.

A survey has been conducted of neighboring states. Several have a new emerging program whereby federal agencies are given approval for their academy. Some states propose that all federal academies are compatible for state approval. Some states require a reciprocity refresher course.

After some discussion with SAC Yacone, Colorado P.O.S.T. is proposing to the Board that after ten years of federal service with an honorable leave, an individual must attend a two week refresher course with no necessary test out, and then can become Colorado P.O.S.T. certified.

Diane Dash, P.O.S.T. Board Counsel brought Rule 11 to the Boards attention regarding provisional certification of federal officers which groups them with out of state officers. This would require a change to Rule 11 which would eliminate the federal service component and propose a new rule that addresses this issue.

22. Comments from others on P.O.S.T. issues

1. Joe Thomas-Hazell approached the Board and spoke about child abuse and the possibility of crime reduction if more children are treated as productive citizens. Drug use by juveniles is also a serious concern because it is prompting criminal activity. Additionally, Mr. Hazell reflected upon officer's understanding when responding to specific situations that require more sensitivity.
2. In closing, an informal acknowledgment was made by Director Paul Schultz regarding three P.O.S.T. Staff members:
 - **Sarah Schoder**, P.O.S.T. Intern, Metropolitan State College of Denver
 - **Megan Lobban**, Temporary P.O.S.T. Administrative Assistant, Metropolitan State College of Denver 2011 graduate
 - **Hannah Lucey**, Temporary P.O.S.T. Administrative Assistant, Metropolitan State College of Denver 2011 graduate

23. 2012 P.O.S.T. Board meeting schedule:

- A. Next Post Board meeting will be held Friday June 8, 2012 at the Department of Law in Denver
- B. Thursday and Friday September 27 and 28, 2012 in Grand Junction

24. Adjournment

Attorney General Suthers called for a motion to Adjourn.

Meeting end: 11:36 am (1 Hour 36 Minutes)

Approved unanimously

**Next P.O.S.T. Board Meeting:
Friday June 8, 2012
Colorado Department of Law
1525 Sherman Street
Denver, CO 80203
S.M.E. Committee Meetings 8:00am - 10:00am**

P.O.S.T. BOARD MEETING

RECORD OF PROCEEDINGS

June 8, 2012

The Peace Officer Standards and Training Board held its 379th Board meeting at the Department of Law in Denver, Colorado with the following in attendance:

BOARD MEMBERS

CHIEF MARK BECKNER
SHERIFF RON BRUCE
CHIEF JOHN CAMPER
CHIEF HEATHER COOGAN
EXECUTIVE DIRECTOR JAMES DAVIS
SERGEANT LOUIS DIXON
SHERIFF CHRIS JOHNSON
OFFICER NICHOLAS A. PECK
PUBLIC MEMBER BOB PENCE
ATTORNEY GENERAL JOHN SUTHERS
SHERIFF DAVID WEAVER
CHIEF ROBERT WHITE
CHIEF DAVID WOHLERS
SAC JAMES YACONE
DEBORAH ZWIRN

BOARD MEMBERS ABSENT

SERGEANT DAVID EDMONSON (excused)
SHERIFF JAMES FAULL (excused)
CHIEF DANIEL OATES (excused)
SHERIFF JOE PELLE (excused)
SHERIFF KIRK TAYLOR (excused)

BOARD COUNSEL

DIANE MARIE DASH, Assistant Attorney General

STAFF MEMBERS

PAUL SCHULTZ, P.O.S.T. Director
MICHAEL DOUGHERTY, Deputy Attorney General
CRISTINE MACK, P.O.S.T. Investigator
TOM MULLEN, P.O.S.T. Compliance Officer
LORI JENCKS, P.O.S.T. Administrative Assistant
HANNAH LUCEY, P.O.S.T. Temporary Administrative Assistant
SARAH SCHODER, P.O.S.T. Intern

MEMBERS OF THE PUBLIC IN ATTENDANCE

MINER BLACKFORD, Otero Junior College
MARC COLIN, Bruno, Colin, Jewell, & Lowe P.C.
MICHAEL CUMMINGS, Arapahoe County Sheriff's Office
MICHAEL ESTERS, Larimer County Sheriff's Office
JASON FOSTER, KMGH-TV
VINCENT FRAKER, La Junta Police Department
GLOVER JARMIN, Adams County Sheriff's Office
DOYLE JONES, Weld County Sheriff's Office
ED KAFEL, El Paso County Sheriff's Office
TAK LANDROCK, KMGH-TV
MONTY LEMLEY, Weld County Sheriff's Office
DARREN O'DRISCOLL, El Paso County Sheriff's Office
JOHN REECE, Colorado Mesa University
KARL SMALLEY, Adams County Sheriff's Office
RICHARD STENSGAARD, Denver Police Department
JOHN TUCKER, Weld County Sheriff's Office
CAROLYN TYLER, Colorado Attorney General's Office
ERIC WITTMAN, Aurora Police Department

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on June 8, 2012.

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 W. Suthers**

2. **Introduction of New Board Members**

Sheriff Ron Bruce, Hinsdale County
Honorable Debra Zwirn, Logan County Commissioner

3. **Introduction of Board Members, Staff, S.M.E. Members and Guests**

4. **Roll Call** **Director Paul Schultz**
Declaration of a Quorum

5. **Approval of P.O.S.T. Board Minutes for March 9, 2012**

Approved Unanimously

June 8, 2012 P.O.S.T. Board Meeting

Presentations:

6. Subject Matter Expert (S.M.E.) Committee Reports

A. Curriculum

***Sgt. Darren O’Driscoll, Chairman
Sgt. Graham Dunne, Vice-Chairman
Sheriff Joe Pelle, Board Member***

The Curriculum Committee met June 8, 2012 at the Department of Law in Denver, Colorado prior to the P.O.S.T. Board meeting. Sergeant Darren O’Driscoll reported that the committee reviewed and approved the Highlands Ranch and Weld County Refresher Academies. Also, the remaining components of the Jefferson County Sheriff’s Office and Lakewood Police Department Combined Regional Academy curriculum in electronic form have been approved at this time.

The Committee also came to a consensus about the proposed quorum. It was decided that half of the membership must be present to declare a quorum. There are currently 15 active members.

B. Arrest Control

***Sgt. Richard “JJ” Webb, Co-Chairman
Cpl. Richard Stensgaard, Co-Chairman
Sgt. Louis A. Dixon III Board Member***

The Arrest Control Subject Matter Expert Committee met June 8, 2012, at the Department of Law in Denver, Colorado prior to the P.O.S.T. Board meeting. Sergeant Richard Webb of the Jefferson County Sheriff’s Office relayed the discussion of the S.M.E. committee’s meeting.

The committee reviewed the inspection report from May 1, 2012 of the Colorado State Patrol Training Academy. It was determined to be a very good program without issue. The committee also reviewed the remainder of the Jefferson County Sheriff’s Office and Lakewood Police Department’s Combined Regional Academy. In May, an Arrest Control Instructor Program was established and the 23 instructors whom completed it were approved. A site inspection was also conducted which resulted in an approval.

Lesson plans, safety plans, and instructors were approved for the Refresher Academy in Highlands Ranch. Although an arrest control curriculum isn’t required by P.O.S.T., a block of instruction was submitted. The SME committee has recognized a need for this block of instruction and will pursue a proposal to include this in the future.

There have been two reported injuries in academies including a heart attack at Larimer County Sheriff's Office Reserve Academy as well as a knee injury at the Colorado State Patrol Training Academy. Both were handled appropriately.

On the issue of a quorum, it was decided by the committee that 50% must be present to approve committee material. There will not be a quorum at the September P.O.S.T. board meeting therefore the group will convene locally on October 19, 2012 at 10:00am.

C. Firearms

**Deputy Ed Kafel, Chairman
Tech. Robert Winckler, Vice-Chairman
SAC James Yacone, Board Member**

Deputy Ed Kafel reported that the Firearms S.M.E. committee approved the remainder of the Jefferson County and Lakewood Police Department Combined Regional Academy program. The committee approved nine assistant skills instructors for the program. The Highlands Ranch Refresher Academy safety plan was also approved. The next meeting will be held in Glenwood Springs in July.

D. Law Enforcement Driving

**Lt. Karl Smalley, Chairman
Mr. Al Padilla, Vice-Chairman
Chief Heather Coogan, Board Member**

Law Enforcement Driving S.M.E. Lieutenant Karl Smalley reported that the committee approved four instructors, nine assistant instructors, and tabled one for lack of documentation.

A revised safety plan for Arapahoe Community College was submitted as a result from an inspection in March. This was approved by the committee at this time.

The final proposal for the Jefferson County Sheriff's Office and Lakewood Police Department's Combined Regional Academy was approved.

The issue of a quorum was addressed and the committee decided to utilize Roberts Rules of Order and maintain 51% of membership in attendance for decision making.

The Law Enforcement Driving SME committee will be meeting prior to the September POST board meeting however the time has yet to be determined.

Action Items:

7. Peace Officer Certification Revocation Actions

**Attorney General John Suthers
Director Paul Schultz**

Board Counsel Diane Marie Dash

1. Steven Floyd James Update: No.M11-03 Steven Floyd James, Certification No. 15524 (PID 115175). On February 16, 2011, Respondent was convicted, in a trial to the court, of one (1) count of Obstructing Firefighter/Medical, Section 18-8-104 (1) (a), C.R.S., a class 2 misdemeanor. Respondent was employed as a peace officer on the date of the offense (Date of offense: March 27, 2010- Separated: January 11, 2011.) Respondent petitioned the Board to **not** revoke his certificate within thirty (30) days after the effective date of the conviction. P.O.S.T. Rule 9(e) provides that the Board will hear the appeal if at least six (6) members of the Board vote affirmatively. That appeal was granted and a five-member panel was selected to hear the appeal. The decision of the five-member panel unanimously voted to hold in abeyance Mr. James' certification pending the outcome of his appeal process. The panel decision shall be deemed final Board action in this matter. On January 30, 2012, the District Court denied Mr. James' appeal and upheld his P.O.S.T. disqualifying conviction.

Attorney Marc Colin was present for the P.O.S.T. Board meeting to represent Mr. Steven Floyd James on March 9, 2012. He stated to the Board that Mr. James had petitioned for a writ of certiorari to the Colorado Supreme Court on March 8, 2012. The basis of the petition is that the lower court's interpretation of the public building statute effectively superseded a sheriff's ability to control access in their county jail facilities and Mr. James and his representative believe that the interpretation is contrary to law and that's the basis of their appeal. His request to the Board was that Mr. James' certification will continue to be held in abeyance until a ruling is made by the Supreme Court regarding the writ of certiorari.

Sheriff Joe Pelle, a member of the assigned panel, as well as other members deemed it appropriate to make a motion to continue to hold this situation in abeyance until the appellate process is resolved. Motion was approved unanimously at the P.O.S.T. Board meeting on March 9, 2012.

On May 14, 2012, the Supreme Court denied Mr. James' petition for Certiorari, upholding his conviction of a P.O.S.T. disqualifying misdemeanor.

Marc Colin was present to discuss the most up to date information on the case of Steven Floyd James. Recently Mr. James was hospitalized after a heart attack. He had surgery and is currently at home. He has given Marc Colin authorization to proceed on this issue.

Attorney General Suthers reiterated that the decision made by P.O.S.T. was to hold the issue in abeyance until the determination of the appeal. The denial of the writ of certiorari was the determination of the appeal

therefore the P.O.S.T. Board has chosen to uphold the revocation after very thorough review of the material

Approved unanimously

A. **P.O.S.T. 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 P.O.S.T. 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. 11-09, Kurt Matthew MacFarlane, Certification No. B4407 (PID 113855). On October 5, 2011, Respondent pled guilty to and was convicted of one count of Criminal Mischief - \$20,000 or More, § 18-4-501, C.R.S., a class 3 felony. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: August 10, 2010 – Separated: August 31, 2006).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 11-09 by failing to appear at the scheduled Show Cause Hearing. Director Schultz recommends revocation of Kurt Matthew MacFarlane’s Colorado Peace Officer Certificate No. B4407 (PID 113855).

Approved unanimously

2. No. 12-01, Ryan J. Corsentino, Reserve Certification No. R2388 (PID 113889). On February 10, 2012, Respondent pled guilty to and was convicted of 1 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: September 09, 2011 – Separated: September 11, 2006).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 12-01 by failing to appear at the scheduled Show Cause Hearing. Director Schultz recommends revocation of Ryan J. Corsentino, Reserve Certification No. R2388 (PID 113889).

Approved unanimously

3. No. 12-02, Scottie Alan Smith, Certification No. B5783 (PID 119217). On December 6, 2011, Respondent pled guilty to and was convicted of 1 count of Embezzlement of Public Property, § 18-8-407, C.R.S., a class 5 felony. *The Respondent was employed as a peace officer on the date of*
June 8, 2012 P.O.S.T. Board Meeting

the offense (Date of Offense: March 3, 2011 – Separated: November 11, 2011). The Respondent has failed to comply with P.O.S.T. Show Cause Order 12-02 by failing to appear at the scheduled Show Cause Hearing. Director Schultz recommends revocation of Scottie Alan Smith's Colorado Peace Officer Certificate Number B5783 (PID 119217).

Approved unanimously

4. No. 12-03, Guy Eugene Orazem, Certification No. 7873 (PID 108275). On August 9, 1999, Respondent pled guilty to and was convicted of 1 count of Computer Crime – Theft \$400-\$15,000, § 18-5.5-102(1), C.R.S., a class 5 felony. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: December 02, 1998-May 05, 1999) – Separated: September 30, 1999).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 12-03 by failing to appear at the scheduled Show Cause Hearing. Director Schultz recommends revocation of Guy Eugene Orazem's, Colorado Peace Officer Certificate Number 7873 (PID 108275).

Approved unanimously

5. No. 12-04, Jeremy George Duran, Conditional Peace Officer Authority (PID 135091). On April 21, 2011, Respondent pled guilty to and was convicted of 1 count of Felony Menacing – Real/Simulated, § 18-3-206(1)(a)(b), C.R.S., a class 6 felony. *The Respondent was not employed as a peace officer on the date of the offense (Date of April 21, 2011 – Never appointed).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 12-04 by failing to appear at the scheduled Show Cause Hearing. Director Schultz recommends revocation of Jeremy George Duran's Conditional Peace Officer Authority (PID 135091).

Approved unanimously

6. No. 12-05, Patrick J. Sullivan, Certification No. 3351 (PID 126134). On April 3, 2012, Respondent pled guilty to and was convicted of 1 count of Controlled Substance – Possess Methamphetamine – 2g/less, § 18-18-403.5(1),(2)(b)(I), C.R.S., a class 6 felony and 1 count of Prostitution – Soliciting, § 18-7-202, a class 3 misdemeanor. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: November 29, 2011) – Separated: January 15, 2010).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 12-05 by failing to appear at the scheduled Show Cause Hearing. Director Schultz recommends revocation of Patrick J. Sullivan's Colorado Peace Officer's Certificate Number 3351 (PID 126134).

Approved unanimously

B. P.O.S.T. 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 P.O.S.T. 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. 11-04, Jared Ellson, Certification No. B4175 (PID 115059). On March 9, 2011, 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 not employed as a peace officer on the date of the offense (Date of Offense: March 08, 2011 – Separated: March 6, 2003).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 11-04 by failing to appear at the scheduled Show Cause Hearing. Director Schultz recommends revocation of Jared Ellson’s Colorado Peace Officer Certificate No. B4175 (PID 115059).

Approved unanimously

2. No. 11-05, Stephanie L. Cienfuegos, Certification No. B3648 (PID 119613). On February 18, 2011, Respondent pled guilty to 1 count of Official Misconduct 1, § 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: December 15, 2010 – Separated: December 17, 2010).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 11-05 by failing to appear at the scheduled Show Cause Hearing. Director Schultz recommends revocation of Stephanie L. Cienfuegos’ Colorado Peace Officer Certificate No. B3648 (PID 119613).

Approved unanimously

3. No. 11-10, Jonathan Beach, Certification No. B14790 (PID 118137). On August 23, 2011, 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 not employed as a peace officer on the date of the offense (Date of Offense: August 12, 2011 – Separated: December 07, 2007).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 11-10 by failing to appear at the scheduled Show Cause Hearing. Director Schultz recommends revocation of Jonathan Beach’s Colorado Peace Officer Certificate No. B14790 (PID 118137).

June 8, 2012 P.O.S.T. Board Meeting

Approved unanimously

4. No. 11-11, Charles Bedford Chick, Certification No. B7846 (PID 119800). On July 29, 2011, Respondent pled guilty to 1 count of Official Misconduct 1, § 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 22, 2010 – Separated: November 24, 2010).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 11-11 by failing to appear at the scheduled Show Cause Hearing. Director Schultz recommends revocation of Charles Bedford Chick's Colorado Peace Officer Certificate No. B7846 (PID 119800).

Approved unanimously

5. No. 12-01, Luciano Santana John Castillo, Conditional Peace Officer Authority (PID 134083). On December 21, 2011, Respondent was found guilty of 1 count of Assault 3 – Know/Reckless Cause Injury, § 18-3-204(1)(a), C.R.S., a class 1 misdemeanor. *The Respondent was not employed as a conditional peace officer on the date of the offense.* The Respondent has failed to comply with P.O.S.T. Show Cause Order 12-01 by failing to appear at the scheduled Show Cause Hearing. Director Schultz recommends revocation of Luciano Santana John Castillo's Colorado Conditional Peace Officer Authority (PID 134083).

Approved unanimously

6. No. 12-02, Shane Franklin Gardner, Certification No. B00187 (PID 113891). On December 19, 2011, Respondent pled guilty to one (1) count of Controlled Substance – Possess Schedule 3 §18-18-403.5(1),(2)(c), C.R.S., a class 1 misdemeanor, one (1) count of Official Misconduct 1 §18-8-404, C.R.S., a class 2 misdemeanor, and one (1) count of Controlled Substance – Unlawful Use Schedule 3 §18-18-404, 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 10, 2011 – Separated: November 14, 2011).* The Respondent did comply at the scheduled Show Cause Hearing. After considering all information presented, Director Schultz recommends revocation of Shane Franklin Gardner's Colorado Police Officer Certification No. B00187 (PID 113891).

Approved unanimously

Informational Items:

8. Legislative Updates

Deputy Attorney General

June 8, 2012 P.O.S.T. Board Meeting

A. House Bill 12-1163

1. Governor Hickenlooper has signed this House Bill into law on March 22, 2012 and it goes into effect on August 8, 2012. This Bill responds to the job market of peace officers and allows academy graduates to receive three years to find employment prior to their conditional authority ending rather than the one year term with a six month extension as previously determined.

B. Sunrise Review Committee Update

1. Municipal Prosecutors (approved by P.O.S.T. sub-committee) - They found a sponsor for legislation. This bill has passed through the legislature and was signed by the governor.
2. Department of Public Safety (approved by P.O.S.T. sub-committee - They found a sponsor for legislation. This bill has passed through the legislature and was signed by the governor.
3. Fort Carson Police (approved by P.O.S.T. sub-committee) – They were unable to secured a sponsor.
4. U.S. Postal Inspection Service (approved by P.O.S.T. sub-committee) - Have not secured a sponsor.
5. Colorado Association of Animal Control Officers (NOT approved by P.O.S.T. sub-committee).
6. Colorado Mounted Rangers (NOT approved by P.O.S.T. sub-committee). The organization proceeded to find a legislative sponsor. They have made many attempts to find legislation that will fit within the statute concerning the P.O.S.T. Board. They are currently available to contract with any law enforcement agency provided that that agency takes full and sole responsibility for the monitoring of the Colorado Mounted Rangers during the period of that arrangement.

C. P.O.S.T. Exam Update

Deputy Attorney General
Michael Dougherty

To be eligible for appointment as a peace officer, one must first pass the academy. One must also pass the certification examination administered by POST as well as a physical examination, psychological examination and a background check. In May of 2011 it was brought to the State's attention that there were possible issues with the question and answer database utilized by the POST exam and the test may have been compromised.

June 8, 2012 P.O.S.T. Board Meeting

In April of 2011, a member of the P.O.S.T. staff administered an exam at Otero Community College. At the end of the exam period the proctor required that all students hand in the testing material including the study supplies. In that pile of documents, the proctor found a test with the number #2594. This particular test wasn't actually given at the Otero Community College test site. The Academy Director Minor Blackford notified POST of this and a criminal investigation was immediately initiated. At the time, it was believed that the test had been stolen. It was also determined that this test had been given at Colorado Springs in 2009. All of the questions and answers that appeared on the test were removed from the database.

The investigation spanned over the course of several weeks and many peace officers throughout Colorado were interviewed. P.O.S.T. employees were also interviewed. Unbeknownst to the investigators, one of the POST employees was the person responsible for the entire thing. This particular individual returned to the office after acquiring knowledge of this ongoing investigation, pulled the files for the individuals who initially had access to the test several years prior, called them and conspired with them to obstruct the criminal investigation.

After a number of additional steps, it was determined that P.O.S.T. employee Carleen Johnson-Garcia, who was still employed at that time, was responsible for giving the test to these two individuals who cheated and then proceeded to share the test and answers with several other individuals.

At this specific administration of the P.O.S.T. exam, two additional students showed up who were not scheduled to take the exam. She did not have extra tests and therefore, rather than rescheduling them for a different date, Carleen Johnston Garcia E-mailed the exam to the students essentially making it an open-book test. Both of these individuals had failed the exam twice prior. Therefore this was a crucial exam for them to pass otherwise they would have had to return to the academy and re-take the entire program. Once these two aspiring peace officers completed the exam, they proceeded to E-mail the test back to Carleen Johnson-Garcia at which time she filled in the bubbles on the answer sheet and submitted the results as official.

During the investigation it was also understood that one of the officers had the test archived in an E-mail account. This made its circulation trackable. A small number of students were exposed to the exam prior to becoming POST certified. All of their current employers were notified and it was left up to the discretion of the agencies to decide the outcome of their employment. Nearly all of them have removed these individuals from the agencies.

On August 16, 2011 Carleen Johnson-Garcia admitted to obstructing the investigation and conspiring with the officers to engage in official misconduct. The two officers in question also confessed. The matter was then referred to the District Attorney's Office for possible criminal prosecution. The case was presented to the Grand Jury and criminal charges were secured. Carleen Johnson-Garcia's employment was terminated within days of obtaining a confession. She utilized her right to appeal termination to the State Personnel Board. This however did not resolve in her favor.

Currently, the officers will be required to plea to an offense which will decertify them as peace officers in the state of Colorado. Carleen Johnson Garcia's case is still pending and the court date is at the end of June. Since this is an active case, no other details regarding the criminal matter can be released at this time.

The events have received much publicity for the compromised P.O.S.T. exam in addition to a study guide which is available for purchase. For years Phil Baca has taught courses for aspiring peace officers and utilized a guide that is sold to anyone who is interested. During the course of the investigation, it was brought to the investigator's attention that identical questions and answers from the study guide also appeared on the question and answer database. When the Attorney General was informed of this, an inquiry was launched. A review determined there were 60 to 70 identical questions which were immediately removed from the database. Former POST Director John Kammerzell, former Deputy Attorney General Tom Raynes, Phil Baca, and POST staff were questioned.

The former P.O.S.T. Director stated that he had requested questions and answers from Phil Baca to be placed in the P.O.S.T. exam's database. It was known that Phil Baca spent a lot of time and effort on this study guide and that classes were taught to aid and assist students with the exam. As a result, the F.B.I. consulted with the Department of Justice Public Integrity Unit. The F.B.I. released a statement on June 7, 2012. This read that based on the information known to date, the F.B.I. and D.O.J. determined that there is not sufficient information to proceed with a deferral investigation and there is no indication that a federal Statute has been violated. There has been no showing of fraud or conspiracy between these two investigations and no criminal charges apply to Phil Baca for this issue.

As a result of these unfortunate circumstances, P.O.S.T. initiated the development of a new exam. Currently, a contract has been signed with a Chicago based company called I/O Solutions to move the now paper test to a new online format. Along with P.O.S.T. staff and law enforcement representatives, they have begun writing the questions. These questions are based on existing test bank questions as well as source material. All academies within the state are able to accommodate the exam with the exception of one. If there is a security breach of any kind, the company

June 8, 2012 P.O.S.T. Board Meeting

will re-write the test. Applicants will still take the exam at a proctored site. P.O.S.T. Proctors will attend the exams in the metro region, otherwise there will be a State Patrol Captain proctoring the exam.

Over 400 questions have currently been written for this new online exam. The test is due to be completed by July 1, 2012. The company is currently one month behind due to issues processing the contract. If they are found to be at fault for the delay they will suffer a penalty cost of \$100.00 per day. Once the test is complete, it will be entered into a computerized format. The students will be processed via credit card and POST will be reimbursed. The students will have results the same day as they took the exam.

Colorado will be the thirteenth state that has progressed toward an online POST examination method.

9. P.O.S.T. On-line Grant Application/Approval and Reimbursement Process FY 2012-2013 Director Paul D. Schultz

The company called Portland Webworks has been contracted and grant submittals are being processed in an online fashion. The reimbursement system will also be computerized. This is set to officially launch in July 2012.

All regions experienced a 15% grant cutback therefore leaving an encumbered balance of \$1,919,405.16. The Grant Subcommittee also approved an additional amount for the Colorado District Attorney's Counsel which totaled their approved grant at \$150,396.00. With the 15% reduction, the Colorado District Attorney's Counsel would not have been able to fund their statewide trainer therefore this exception was accepted. For the grants to be approved, a vote is appropriate.

Approved unanimously

10. Command College – FBI Partnership Director Paul D. Schultz

P.O.S.T. has met with the FBI training staff in Denver and they have proposed a training partnership called "Command College." Periodically, a one week training course would be brought to Colorado for command officers. Currently the closest is in Montana which charges the attendees \$850.00 however Colorado P.O.S.T. believes this may only cost as little as \$150.00 for Colorado's command officers interested in participating. The POST Director will be submitting a plan for P.O.S.T. Board review during the next meeting.

11. IACP Leading by Legacy Update Director Paul D. Schultz

Colorado P.O.S.T. successfully brought in IACP's Leading by Legacy. This is a course for rural agencies to train their executive staff. The Board had previously authorized P.O.S.T. to pay \$20,000 for this course. It has successfully trained 22 supervisors and command officers.

12. Update on LETN Training Project

Director Paul D. Schultz

The Law Enforcement Training Project has a viable training product which is currently being used in the state of Colorado. Thirty-three of the smallest agencies in the state were offered a free membership for their officers. This was reevaluated and currently LETN has given 7 more months of free training to these law enforcement agencies. If it is found to be beneficial it will be brought to the board for consideration in the future.

13. Conditional Peace Officer Classification Statutory Changes

Director Paul D. Schultz

The Conditional Peace Officer Classification and statutory changes, which were also mentioned in the legislative update, allow academy graduates to receive three years to find employment prior to their conditional authority ending rather than the one year term with a six month extension as previously determined.

The date that this goes into effect is July 1, 2012. Some individuals conditional certification expires right before this date. The proposal is to make this somewhat retroactive and include all of those who were certified after January 1, 2012 under the new statutory change. This may require an emergency rule change which would allow it to go into effect immediately upon the Attorney General's signature. This would allow the P.O.S.T. Board to grant an extension for people who would otherwise terminate within this period of time.

Approved unanimously

14. Proposed E-mail Delivery of P.O.S.T. Board Meeting Packets

Director Paul D. Schultz

A request has been made to E-mail the Board meeting agenda to all Board members to review prior to the meeting. This has been approved in addition to providing a hard copy at the meeting itself.

15. Update - Retiring Federal Officers Requesting P.O.S.T. Certification

Director Paul D. Schultz

P.O.S.T. certifies officers from other states through the provisional process however there hasn't historically been a process for retiring federal agents with interest in becoming a Colorado Peace Officer. P.O.S.T. currently reviews and compares every federal request

individually with regard to their educational history and the curriculum taught at the academy they attended.

In an attempt to simplify this process, P.O.S.T. has come up with a strategy comprised of three phases. The first phase requires that the agent served their agency for a minimum of 10 years and separated under honorable circumstances. The second phase requires them to complete the 88 hour refresher course that is offered by POST in Grand Junction. There are currently other locations that will consider bringing this refresher to their academy as well. The individual would only need to complete the refresher course itself and not the test-out. The third phase would require the completion of the 400 hour FTO program facilitated by the hiring agency. They would then be recognized and certified as a state authority. POST and the Special Agents in Charge Association met to discuss this criteria and agreed that this would be appropriate. There are certain federal codes that apply including the 1811 series, the 1802 series, and the 1803 series. The goal is to include these under the program. Additional information will be provided to the Board for approval at a later time.

16. Expiration of P.O.S.T. Board Members Terms Director Paul D. Schultz

Attorney General Suthers acknowledged the members of the P.O.S.T. Board who have come to the end of their terms and are not eligible for reappointment. Their service to the Board is greatly appreciated. This includes:

Sergeant Louis A. Dixon III
Sergeant David Edmondson
Officer Nicholas A. Peck
Sheriff Joe Pelle
Mr. Robert L. Pence

These members will be recognized in a future P.O.S.T. Board meeting

17. Update on Deputy Director Steven Neumeyer Director Paul D. Schultz

After serving as the P.O.S.T. Board Deputy Director, Steve Neumeyer resigned to take a position as Chief of Police in the city of Dillon.

18. Public Comment

No public comments at this time.

19. 2012 P.O.S.T. Board Meeting Schedule:

- A. Thursday and Friday September 27 and 28, 2012 (Grand Junction)
- B. Friday December 7, 2012 (Department of Law, Denver)

20. Adjournment

Attorney General Suthers called for a motion to Adjourn.
June 8, 2012 P.O.S.T. Board Meeting

Approved unanimously

Meeting end: 11:32 am (1 Hour 32 Minutes)

Next P.O.S.T. Board Meeting:

**Thursday September 27, 2012 – Working Session (Grand Junction)
Friday September 28, 2012 – POST Board Meeting (Grand Junction)**

P.O.S.T. BOARD MEETING

RECORD OF PROCEEDINGS

September 28, 2012

The Peace Officer Standards and Training Board held its 380th Board meeting at the Grand Junction Police Department in Grand Junction, Colorado with the following in attendance:

BOARD MEMBERS

ATTORNEY GENERAL JOHN SUTHERS
CHIEF MARK BECKNER
CHIEF JOHN CAMPER
SHERIFF JAMES FAULL
SHERIFF CHRIS JOHNSON
CHIEF DANIEL OATES
SHERIFF KIRK TAYLOR
SHERIFF DAVID WEAVER
CHIEF DAVID WOHLERS

BOARD MEMBERS ABSENT

SHERIFF RON BRUCE (excused)
CHIEF HEATHER COOGAN (excused)
EXECUTIVE DIRECTOR JAMES H. DAVIS (excused)
CHIEF ROBERT C. WHITE (excused)
SAC JAMES F. YACONE (excused)

BOARD COUNSEL

DIANE MARIE DASH, Senior Assistant Attorney General

STAFF MEMBERS

MICHAEL DOUGHERTY, Deputy Attorney General
STEFANIE MACKEY, P.O.S.T. Grant & Training Coordinator
LORI JENCKS, P.O.S.T. Administrative Assistant
SARA SCHODER, P.O.S.T. Intern

MEMBERS OF THE PUBLIC IN ATTENDANCE

KEVIN BRUN, Colorado Mountain College, Glenwood Springs
JOHN FOECHTERLE, Montrose County Sheriff's Office
PAUL FREY, Delta-Montrose Technical College Law Enforcement Academy
TIM GIEBELS, United States Secret Service
ED KAFEL, El Paso County Sheriff's Office
JANET LARSON, County Sheriff's of Colorado (CSOC)
DARREN O'DRISCOLL, El Paso County Sheriff's Office
KATHY SASAK, Colorado Dept of Public Safety, on behalf of JAMES H. DAVIS
KARL SMALLEY, Adams County Sheriff's Office
ERIC R. STEWART, Aurora Police Department

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on September 28, 2012.

Firearms Subject Matter Expert Committee

Introductions:

1. Welcome *Attorney General John Suthers
Chief John Camper, Grand Jct. PD*

2. Introduction of P.O.S.T. Staff

3. Introduction of Board Members, S.M.E. Members and Guests

4. Roll Call *Deputy Attorney General
Michael Dougherty*

Declaration of a Quorum

5. Approval of P.O.S.T. Board Minutes for June 8, 2012

Approved Unanimously

Presentations:

6. Subject Matter Expert (S.M.E.) Committee Reports

a. *Curriculum* *Sgt. Darren O'Driscoll, Chairman
Sgt. Graham Dunne, Vice-Chairman
Vacant, Board Member*

The Committee last met in July in Denver. Lesson plans were approved for Highlands Ranch Public Safety Training Institute Refresher Academy, Weld County Law Enforcement Training Academy Refresher Academy, and the Jefferson County SO & Lakewood PD Combined Regional Basic Academy programs after final changes were completed. Committee members were involved in the test question writing sessions for the new P.O.S.T. written exam. The Curriculum Bibliography has been completely updated. Membership and attendance requirements for the Committee have been discussed and will be finalized at the next meeting in El Paso County Oct. 12, 2012. A priority for the October and subsequent meetings is the review of the Reserve Academy programs. No questions were asked by those in attendance.

b. *Arrest Control* *Sgt. Richard "JJ" Webb, Chairman
(Presented by Deputy Attorney
General Michael Dougherty)* *Vacant, Board Member*

The last Committee meeting was in June. Members of the Committee assisted with a test-out at the Colorado State Patrol Academy in July. In July Committee member Matt Tyner was killed in the line of duty. Members of the POST Unit and the Criminal Justice Section of the Attorney General's Office attended the service. He will be missed by the committee and by the community. An inspection for the Committee was scheduled with Cristine Mack for October. The next meeting is at the Jefferson County Sheriff's Office in October. No questions were asked by those in attendance.

c. Firearms

*Deputy Ed Kafel, Chairman
Tech. Robert Winckler, Vice-Chairman
S.A.C. James Yacone, Board Member*

The Firearms S.M.E. Committee has inspected five programs to date: Southwest Regional Academy, Colorado State Patrol, Adams County Sheriff's Office, Pikes Peak Community College and Red Rocks Community College. All were found to be within P.O.S.T. compliance requirements. In October the Committee will inspect El Paso and Otero County Academies. Steve Oulliber has been added as a new member from Aurora PD. Anita Koester, from Lakewood PD, is pending Committee interview and will be added as a new member at the October meeting. Minor changes were made to the Firearms training program regarding the qualification course, clarifying the language. No vote necessary. No questions were asked by those in attendance.

d. Law Enforcement Driving

*Lt. Karl Smalley, Chairman
Mr. Al Padilla, Vice-Chairman
Chief Heather Coogan, Board Member*

The last Committee meeting was at the Arapahoe County Sheriff's Office new training facility, which was recently approved. Two full instructors and an assistant instructor (from US Dept of Commerce Police Department) were approved for the Adams County Sheriff's Office Academy. The Committee reviewed the Driving Skills Inspection Report and determined no changes were required. The Committee discussed possible changes in the test-out process for out-of-state applicants as they have some concerns with the skills exhibited by applicants. Changes may be made so the skills coincide more closely with academy testing procedures. The issue will be discussed at the next meeting. The Pueblo Community College inspection was completed in September with positive results. The last test-out was completed last week, and another is planned in November at Denver PD. No questions were asked by those in attendance.

Action Items:

7. Appointment of Board Representatives to Curriculum and Arrest Control S.M.E. Committees

Sheriff Kirk Taylor volunteered to act as the Board representative for the Curriculum Committee.

Approved Unanimously

Chief Dan Oates volunteered to act as Board representative for the Arrest Control Committee.

Approved Unanimously

8. Formal Rule Making Hearing

*Attorney General John Suthers
Senior Assistant Attorney General
Diane Dash
Deputy Attorney General
Michael Dougherty*

Rule changes regard the elimination of the Conditional Certification. There is an Emergency Rule currently in effect. A Final Rule will be filed after the Board meeting. The changes eliminate any reference to Conditional Peace Officer Authority. Individuals will now receive Basic Certification upon successful completion of a Basic Law Enforcement Academy. This change was brought about by difficulties in Conditional officers finding employment within the certification period (one year plus the possible 6 month extension) after completing the academy. Basic Certification expires three years from the date of certification. If an officer is working as a Peace Officer or Reserve Peace Officer, the Basic Certification does not expire. Legislation was passed August 8, 2012. These changes align P.O.S.T. rules with the change in law.

a. Summary of proposed P.O.S.T. Rule Changes

Colorado Department of Regulatory Affairs Review/Response

- | | |
|--------------|---|
| i. Rule 1 | Definitions |
| ii. Rule 10 | Conditional Peace Officer Authority and Basic Peace Officer Certification |
| iii. Rule 15 | Certification Examination-Conditional, Provisional, Renewal |
| iv. Rule 18 | Certification Suspension and Revocation-Basic, Conditional, Provisional, Renewal and Reserves |

b. Public Comment - *None*

Approved Unanimously

A motion was made to submit a rule change for Rule 10 Section C to clarify the wording stating that the expiration period for Basis Certification is three years from the date of certification. The statute states that Basic Certification will expire automatically at three years from certification unless the certificate holder is serving as a peace officer or reserve peace officer. The rule change will align Rule 10 with statute.

Approved Unanimously

9. Formal Review of Proposed Changes to 2013 P.O.S.T. Manual

*Senior Assistant Attorney General
Diane Dash*

- a. Curriculum Bibliography
Major revision, no vote required.
- b. Basic, Reserve and Refresher Academic Training Programs
No vote required.
- c. Programs – Firearms Training Program and Handgun Instructor Program
Minor language changes, no vote required.
- d. Forms Changes/Deletions
Eliminate/edit forms to reflect elimination of Conditional Certification. No vote required.
- e. 2013 Heading Changes
Headings will change to reflect new address and phone numbers for P.O.S.T. upon move to new office January 18-20, 2013. No vote required.

10. Sunrise Review

Chief John Camper

The request for Sunrise Review of Peace Officer status for the United States Secret Service was reviewed by the sub-committee on August 21, 2012. All forms were submitted correctly and contained all required information. The P.O.S.T. Board sub-committee believed there would be a direct benefit to the public by granting Peace Officer Authority to Secret Service Agents. There will be no fiscal impact on the State of Colorado. Secret Service training meets or exceeds Colorado standards of training. The sub-committee unanimously recommended that the application for Sunrise review of Peace Officer status be approved.

Approved Unanimously

11. Additional Grant Funding Requests

Each year P.O.S.T. has a budget of approximately \$2,000,000 within their grant fund spending authority. In recent years, approximately \$200,000 has been returned unused each year. P.O.S.T. staff has discussed with grantees the importance of using all grant funds awarded to them and will continue to do so, in order to avoid any reduction in training programs for peace officers or funding dollars.

P.O.S.T. has approximately \$107,000 available to allocate to grantees at present.

- a. County Sheriffs of Colorado (CSOC) *Janet Larson*

For the 2012-2013 fiscal year grant cycle all applications from training regions and providers were reduced by 15% because P.O.S.T. did not have spending authority for sufficient funds to cover the initial requests. CSOC is now requesting funds to restore some of the 15% reduction incurred.

With consideration of the other requests presented, CSOC is willing to reduce the additional funds requested.

Requested amount: \$43,900.06

- b. Leading Police Organization Training Program *Chief Dan Oates*

September 28, 2012 P.O.S.T. Board Meeting

The Colorado Association of Chiefs of Police (CACP) has been partnering with International Association Chiefs of Police (IACP) for the last three years to bring the LPO training program, developed by IACP, to Colorado. CACP has already received grant funds to run three classes for this fiscal year and is asking for additional funding to run eight additional classes by the end of the fiscal year.

Eric R. Stewart of the Aurora Police Department made a presentation regarding the value of LPO training. The goal of the class is to develop current and future leaders and to enhance public trust. The present plan is to hold 15 classes beginning the first week of October, 2012 through December 2013 to train 540 future leaders. Training would be open to all Colorado agencies. At present, IACP has 12 instructors who will be used for the trainings until Colorado instructors can be trained. Using IACP instructors is expensive, and training Colorado instructors would result in a significant savings.

Requested amount: \$133,250

Alternative funding has not been discussed at this time, though Chief Oates may discuss with Chiefs and Sheriffs whether agency funds might be used as well.

c. Colorado P.O.S.T. – Online Exam

Requested amount: \$10,000

An alternative funding source may be Region 11 funds, though that may not be possible.

(See Informational Item #13, below)

Motion presented by Board members that the \$107,000 available be allocated as follows:

\$77,000 to CACP for the LPO Training Programs
(to be reduced by \$10,000 if spending authority cannot be obtained or Region 11 funds cannot be used to provide for the additional cost of P.O.S.T. online test development.)

\$30,000 to CSOC for additional training.

\$10,000 to remain with P.O.S.T. for online test development (if another funding source is not obtained)

Approved Unanimously

There is currently \$811,000 in the P.O.S.T. account for which there is no spending authority. Two years ago the account had approximately \$400,000. The increase is due, in part, to the return of unused grant funds (approximately \$200,000 each year in recent years). To obtain authority to utilize these funds, P.O.S.T. must formally request spending authority from the Legislature. This request would require a supplemental request for a one-time training program, or a decision item to obtain permanent access to the funds for a continuing training program. P.O.S.T. will have to show a compelling need to obtain these funds. The fact that P.O.S.T. has had unspent funds for at least the last two years may indicate to the Legislature that the funds are not needed and they may not grant spending authority.

September 28, 2012 P.O.S.T. Board Meeting

The Board briefly discussed proposed trainings that could be funded by P.O.S.T. funds if spending authority is granted:

- a. Elder Abuse Prevention and Investigation Training
This potential request is in response to pending legislation regarding the mandatory reporting of elder abuse. It has been suggested by stakeholders that P.O.S.T. may provide funds for this training. No formal proposal or dollar amount requested at this time.
- b. Human Trafficking Training
P.O.S.T. has been asked to consider providing funding for this training that will be coming up next year. No formal proposal or dollar amount requested at this time.

The Board members suggested that future funding for the Elder Abuse and Human Trafficking training and any new mandated training be provided by requesting spending authority or a decision item to obtain funds from the \$811,000 in the P.O.S.T. account as these trainings may require permanent sources of funding. Requesting additional spending authority from the Legislature for these and other similar courses may be successful. The Board wants to see the funds used for training programs.

Between now and the December P.O.S.T. Board meeting, a list of potential uses for the remaining money in the P.O.S.T. account should be assembled, for which we may request additional spending authority.

Informational Items:

12. P.O.S.T. Board Director

*Deputy Attorney General
Michael Dougherty*

There were 68 applicants for the position of P.O.S.T. Director. Thirty-six applicants met the minimum qualifications and underwent a written exam. The top 10 candidates participated in oral board interviews and the top three finalists continued to final interviews and are currently undergoing background and reference checks. P.O.S.T. anticipates announcing the new director next week.

13. P.O.S.T. Online Exam

*Deputy Attorney General
Michael Dougherty*

The process to revise the P.O.S.T. exam started in March. I/O Solutions, the company selected to develop the exam, was planning to write the questions, but the S.M.E. Curriculum Committee requested that SME members be involved. There have been five question-writing sessions resulting in 650 questions drafted, which will be reduced to 400 questions. I/O Solutions has also completed a job analysis report which was reviewed by Dr. Thomas Haladyna, a test development and evaluation authority and professor emeritus at Arizona State University. P.O.S.T. is setting up three field test sessions in three locations the second week of October to try out the sample test. P.O.S.T. is requesting volunteers who are employed as peace officers and have been recently hired to take the pen and paper test. Field

testing is to be completed by October 31, 2012. The online exam is currently scheduled to be online and available for use by December 3, 2012.

The test will be entirely online and at present all academies have the facilities to accommodate the testing, with exception of Highlands Ranch Public Safety Training Institute, which has made arrangements with P.O.S.T. to administer the test at the Department of Law in Denver. There will be three completely different exams with four forms of each exam. Each form will have the same questions in varied order. The system used for testing is secure and computers cannot access any other applications or online sources while the test is being taken. We will inspect the academy systems in the beginning to make sure they are compliant. The applicant taking the test will see pass/fail results upon completion of the exam. A report will be sent to the academy if an applicant fails, with a breakdown of number of items/percentages missed in each category of the test and what they may need to study prior to re-taking the exam.

The additional \$10,000 requested funding is due to delays caused by the SME Curriculum Committee's inclusion in the question-writing sessions which altered the original schedule, and for travel costs for I/O Solutions staff traveling to Denver more frequently than was originally planned.

I/O Solutions will continue to review the test results and adapt the test as needed as specified in their contract agreement with P.O.S.T. There may be changes in pass/fail rates once the new online test format is implemented, which P.O.S.T. will monitor.

14. Public Comment on P.O.S.T. Issues
No comments

15. General Comments

Attorney General John Suthers

Deputy Attorney General Michael Dougherty is leaving his position with the Department of Law in January, 2013. He will be working as the Assistant District Attorney for Jefferson County. Michael has done an excellent job and will be missed.

General Suthers expressed his appreciation to the law enforcement agency leaders for contributing to the atmosphere of cooperation with each other and other state and federal agencies that exists in Colorado.

16. Adjournment

General Suthers called for a motion to adjourn.

Approved unanimously

Meeting end: 11:44 am (1 Hour 44 Minutes)

Next P.O.S.T. Board Meeting:

Friday December 7, 2012 – POST Board Meeting (DOL, Denver CO)

POST BOARD MEETING

RECORD OF PROCEEDINGS

December 7, 2012 10:00 am

The Peace Officer Standards and Training Board held its 381st Board meeting at the Department of Law, Denver, Colorado with the following in attendance:

BOARD MEMBERS

MR. RONALD BECKHAM
CHIEF MARK BECKNER
TRAINING COORDINATOR SCOTT BLACK
SHERIFF RON BRUCE
CHIEF JOHN CAMPER
OFFICER RAFAEL CHANZA
CHIEF HEATHER COOGAN
EXECUTIVE DIRECTOR JAMES H. DAVIS
COMMISSIONER DAVID DONALDSON
SHERIFF JAMES FAULL
SHERIFF SHAYNE HEAP
SHERIFF CHRIS JOHNSON
CHIEF DANIEL OATES
LEAD INVESTIGATOR GILBERT PERALES
ATTORNEY GENERAL JOHN SUTHERS
SHERIFF KIRK TAYLOR
SHERIFF DAVID WEAVER
CHIEF DAVID WOHLERS

BOARD MEMBERS ABSENT

CHIEF ROBERT C. WHITE (excused)
SAC JAMES F. YACONE (excused)

BOARD COUNSEL

DIANE DASH, Senior Assistant Attorney General

STAFF MEMBERS

MICHAEL DOUGHERTY, 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
SARA SCHODER, POST Intern

MEMBERS OF THE PUBLIC IN ATTENDANCE

MINER BLACKFORD, Otero Junior College
DIANE BRUCE, Hinsdale County Sheriff's Office
DOUG ERICKSEN, El Paso County Sheriff's Office
MICHAEL ESTERS, Larimer County Sheriff's Office
VINCENT FRAKER, La Junta Police Department
ERIC A. GONZALES, Pueblo Police Department
PAUL GREGORY, Adams County Sheriff's Office
CHRIS HALSOR, Colorado District Attorneys' Council
BRIAN HILL, Federal Reserve Law Enforcement Unit
JOHN HOOD, Colorado Parks and Wildlife
SCOTT JARMIN, Adams County Sheriff's Office
DOYLE JONES, Weld County Sheriff's Office
RHONDA JONES, Denver Police Department
ANITA KOESTER, Lakewood Police Department
CATHY LABRECQUE, Pikes Peak Community College
BOB MAJOR, Lakewood Police Department
PAUL MYNATT, El Paso County Sheriff's Office
DARREN O'DRISCOLL, El Paso County Sheriff's Office
STEVE OULLIBER, Aurora Police Department
BOB PENCE, Former POST Board Member, Littleton
TRACY A. QUINN
JOEL SHULTS, Adams State University Police Department
KARL SMALLEY, Adams County Sheriff's Office
DAVE SNELLING, Arvada Police Department
EDWARD M. TRUJILLO, El Paso County Sheriff's Office
JOHN TUCKER, Weld County Sheriff's Office
RICH WEBB, Jefferson County Sheriff's Office
DR. ROBERT WELTZER
ERIC WITTMAN, Aurora Police Department
JANICE WORTHEM, Red Rocks Community College

The following Subject Matter Expert Committees met prior to the regular POST Board meeting on September 28, 2012.

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

2. Moment of Silence for Officer James Davies of Lakewood Police Department

3. Introduction of POST Board Director

Attorney General John Suthers

General Suthers briefly described the required hiring process for a new POST director. There were 68 applicants for the position, and three were interviewed following testing. Pete Dunbar was Chief of Police for six years at the Pleasant Hill, California Police Department, following 24 years with Oakland, California Police Department, five years as Deputy Chief.

4. Introduction of new POST Board Members

General Suthers introduced new POST Board Members:

Term Expiring 6/30/13

Commissioner Dave Donaldson, Logan County

Term Expiring 6/30/15

Sheriff Shayne Heap, Elbert County Sheriff's Office

Mr. Ron Beckham, Retired, Jefferson County Sheriff's Office

Investigator Gilbert Perales, Southern Ute Indian Tribe

Officer Rafael Chanza, Colorado Springs Police Department

Training Coordinator Scott Black, Glendale Police Department

5. Introduction of Board Members, S.M.E. Members, Staff and Guests

6. Formal Board Recognition of Departing Board Members

Recognition and presentation of plaques to Mr. Bob Pence, 15 year member; Lt. Dave Edmondson of Colorado Springs Police Department, 2 years; and Sgt. Louis Dixon of Adams County Sheriff's Office, 3 years. Ofcr. Nicholas Peck was unable to attend

7. Roll Call

Director Pete Dunbar

Declaration of a Quorum

8. Approval of POST Board Minutes for September 28, 2012

Approved Unanimously

Presentations:

9. Subject Matter Expert (S.M.E.) Committee Reports

a. *Curriculum*

Sgt. Darren O'Driscoll, Chairman

Sgt. Graham Dunne, Vice-Chairman

Sheriff Kirk Taylor, Board Member

The Curriculum Committee met in October and November at the El Paso County Sheriff's Office and began revision of the Reserve Academy curriculum. That project is ongoing. The Committee is also discussing revisions to the Refresher Academy Curriculum. The Committee will meet again in February at Jefferson County to discuss and wrap up Refresher Academy and Reserve Academy Curriculum issues, then get back to Basic Academy Curriculum as an ongoing project. The Curriculum Committee is

hoping to meet more often than the quarterly meetings. An email survey was taken by the Committee and at Cristine Mack's request to determine the number of agencies and academies running wet labs as part of the Standardized Field Sobriety Testing (SFST) Program. The majority are running wet labs. Though the training is available in a video format as well, the wet lab method is preferred. Sgt. David Swavely of the Jefferson County Sheriff's Office was approved as a Curriculum Committee member at this morning's meeting. The Committee discussed a proposed Community Awareness Train-the-Trainer class and gave approval for that to be POST approved.

b. Arrest Control

*Sgt. Richard "JJ" Webb, Chairman
Chief Dan Oates, Board Member*

The Committee met October 19, 2012 at Jefferson County. Minutes were submitted to the Director. The Committee reviewed inspection of the Community College of Aurora. There were no problems with that inspection. The Committee did a follow-up records inspection & review of the drill training submitted by Pueblo Community College, which was approved. The Committee looked at new site and safety plan for Durango. That site was not approved, and recommendations for changes will be going out. There was a new site and safety plan submitted for El Paso County, however, the site is still under construction. Plans that were submitted are very detailed, but they must submit a video of the completed site for review by the Committee before they conduct any training at that site. Weld County has a new site and safety plan, however, they were not compliant with Rule 21 and that site was not approved. There was no detailed description of site and video showed classroom, but did not offer any clarification on where Arrest Control would be done. Until they have more info, site will not be approved. New course submitted by Jeff Black, Tactical Knife Options, requesting POST approval, was not approved, and was tabled until they have instructors and resumes, as well as lesson plan. The Committee is reviewing Refresher Academy Training Program, which will be submitted after the first meeting in March, to be reviewed for approval in September. The Arrest Control Training Program will be reviewed and changes will be submitted for approval. Membership forms, nondisclosure guidelines, test-out dates, etc. will be reviewed and submitted at a later date.

c. Firearms

*Deputy Ed Kafel, Chairman
Training Mgr John Hood, Vice-Chairman
S.A.C. James Yacone, Board Member*

Vice-Chair John Hood presented report. Since the Board meeting in September, the Committee has conducted inspections for the El Paso County Sheriff's Office, and Otero Junior College Firearms programs. Both were found to be in compliance with POST rules. Firearms Committee has appointed new member Anita Koester of the Lakewood Police Department, and announced the resignation of member Bob Winckler of Denver Police Department due to reassignment. Brad McKiernan has applied for membership to the Committee. Approval is pending based on his appearance at the January 18th meeting. The Committee would like to recognize the assistance provided by POST staff members Cristine Mack and Tom Mullen.

d. Law Enforcement Driving

*Lt. Karl Smalley, Chairman
Mr. Al Padilla, Vice-Chairman
Chief Heather Coogan, Board Member*

Committee reviewed Pikes Peak Community College revised lesson plan and safety plan for their proposed backup location and found them to be in compliance. Completed inspections for Pueblo Community College and Jeffco/Lakewood Academy and both were found to be in compliance. The Committee approved three assistant Skills instructors & one full instructor. The Committee discussed the refresher academy program and will be making some revisions. Director Dunbar offered information on the SAFE driving campaign that California POST has in place. The Committee will be looking into that program. The Committee reviewed membership guidelines for 2013, and they will remain the same. They would like to get more involvement from agencies on the Western Slope and outlying areas, utilizing conference calling and video conferencing. Hopefully the new building will provide better opportunity. General Suthers suggests we look for appropriate spaces in the new facility to allow for better remote meeting attendance and training opportunities. Sheriff Kirk Taylor asked about issues regarding law enforcement moving toward use of SUVs. Have changes been made? Electronic stability control (ESC) is a new technology which will be a tremendous asset. Lt. Smalley attended a class in Las Vegas in November regarding ESC. He has had the opportunity to experiment a little, they perform well, and the control and stability are very good. Large SUVs are pretty solid and surefooted. When the SUVs become more generally available the Committee will develop the program to utilize the new technology.

10. Colorado District Attorney's Council

*Chris Halsor
POST Training Attorney*

The CDAC is developing a training for law enforcement regarding Amendment 64 and its implications. This web-based program will include a tutorial on the language of Amendment 64, legality under state law as opposed to federal law, how it pertains to probable cause, search-and-seizure, canine searches, contraband, etc. The CDAC hopes to have it developed and online within the next couple of weeks, and will direct communication through POST, the Colorado Association of Chiefs of Police (CACP) and County Sheriffs of Colorado (CSOC). The CDAC is requesting input regarding situations that may need to be considered. Governor Hickenlooper did not issue his executive decision on September 27, 2012, but is expected to do so on October 1, 2012. The Governor is creating a task force regarding Amendment 64. It may follow a pattern similar to the Commission of Criminal and Juvenile Justice (CCJJ) in which there is the task force and several subcommittees offering representation to various groups. There has been no federal response as yet, with no formal position.

Action Items:

11. Formal Board Recognition of the Members of the 2013 Subject Matter Expert (S.M.E.) Committees

Director Dunbar stated all 2013 S.M.E. Committee chairs, Board members, and members, and formally recognized their assistance to POST and to the law enforcement community. A letter of appreciation from General Suthers to each member's agency head will be forthcoming.

12. Peace Officer Certification Revocation Actions

Director Pete Dunlap

- 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 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. 12-03, Duff W. Knott, Certification No. 13858 (PID 108899). On December 19, 2011, Respondent was found guilty of 1 count of Harassment – telephone – threat/obscene, § 18-9-111(1)(e), 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: October 31, 2011 – Separated: June 24, 2011)*. The Respondent has failed to comply with POST Show Cause Order 12-03 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Duff W. Knott’s Colorado Peace Officer Certificate No. 13858 (PID 108899).

Approved Unanimously

2. No. 12-04, Ernest Randolph Forsythe III, Certification No. B11687 (PID 122276). Respondent was found guilty of 1 count of Sexual Contact – no Consent, § 18-3-404(1)(a), C.R.S., a class 1 misdemeanor. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: April 8, 2011 – Separated: February 25, 2010)*. The Respondent has failed to comply with POST Show Cause Order 12-04 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Ernest Randolph Forsythe III’s Certification No. B11687 (PID 122276).

Approved Unanimously

- 13. Request for Reinstatement of Basic Peace Officer Certification – Tracy A. Quinn, Sr. #B13045**
On November 11, 2012, POST received correspondence from Tracy A. Quinn Sr. requesting reinstatement of his revoked peace officer certificate.

Chronological Order of Events

- a. January 17, 2007: Tracy Allison Quinn, Sr. was certified as a Colorado Peace Officer
- b. July 21, 2011: Mr. Quinn pled guilty to one (1) count of Assault 3 – Know/Reckless Cause Injury in violation of §18-3-204(1)(a), C.R.S., a class 1 misdemeanor and received a deferred judgment and sentence.
- c. December 2, 2011: Board revokes Mr. Quinn’s certification
- d. July 21, 2012: The court dismissed Mr. Quinn’s case after successful completion of terms of his deferred judgment and sentencing.

Mr. Quinn no longer has a disqualifying misdemeanor conviction and is eligible to seek basic peace officer certification. The Board has the discretion to set conditions on Mr. Quinn's request for reinstatement. The Board could require Mr. Quinn to successfully complete all statutory requirements for basic peace officer certification, including completion of a full basic academy. Or, the Board could allow Mr. Quinn to "renew" his basic peace officer certification, pursuant to Rule 13, including completion of a refresher academy or a skills test-out examination.

Mr. Quinn was in attendance at the Board meeting and requested reinstatement. He explained further about his arrest and the actions following, including the deferred sentence, and requested the Board consider overturning his revocation.

Board Counsel Diane Dash reviewed reinstatement and requirements of reinstatement. Board may choose to require him to go through refresher academy, two-day test-out, or the full academy.

Motion to reinstate providing Mr. Quinn completes two-day test-out.

Approved, one dissent (Faull)

14. Appeal to Board of Denial of Rule 7 Variance – Kyle Bacon

On September 23, 2012 POST received correspondence from Kyle Bacon seeking an appeal to the Board of the denial of his Rule 7 request for variance.

On August 2, 2012, Mr. Bacon requested a Rule 7 variance to attend the Arapahoe Community College fall 2012 police academy. On June 17, 2009, Mr. Bacon was adjudicated a delinquent when he plead guilty to Theft- \$1000-20,000, § 18-4-401 (1) (2) (c), a class 4 felony, and to Trespass 1 – auto w/intent to Commit Crime, § 18-4-502, a class 5 felony.

POST Rule 14 (f) (I) states that a training academy **shall not** enroll any person who has been convicted of a felony or a disqualifying misdemeanor.

Deputy Attorney General Michael Dougherty, as acting POST Director, denied the variance and advised Mr. Bacon that POST could reconsider his request in the event his record is expunged.

POST Rule 7 states that if at least six (6) Board members **do not** agree to hear the appeal, the determination of the Director shall be deemed to be summarily affirmed. If at least six (6) members **do** agree to hear the appeal, the Board shall proceed to the merits of the matter. Any summary affirmance or decision on the merits by the Board shall be deemed final agency action.

Mr. Bacon has not provided evidence that this record has been expunged.

Appeal Denied

15. Formal Rule Making Hearing

*Attorney General John Suthers
Senior Assistant Attorney General
Diane Dash
Director Pete Dunbar*

Rule changes

- a. Summary of proposed POST Rule Changes
Colorado Department of Regulatory Affairs Review/Response
 - i. Rule 10 – Basic Peace Officer Certification
Clarify wording of rule regarding expiration of certification to agree with statute.
- b. Public Comment - None

Approved Unanimously

16. POST Peace Officer Training Project

Grant Manager Becky Calomino

- a. Recipient Eligibility of POST Grant Funds

Ms. Calomino observed that 46% of Grant funds have been granted to not-for-profit agencies, and that statutory language should be changed to include non-profit/not-for-profit. At present, C.R.S. 24-31-303 (3) states that the POST Board may make grants to local governments or to any college or university for the purpose of funding the training programs required by this section. Board should consider changing statute if we wish to continue to disburse funds to not-for-profit agencies. General Suthers will ask Deputy Attorney General David Blake to seek sponsors for statutory change.

- b. Change in Subcommittee

Request increase in number of members on subcommittee from four to five, including at least one rural member. Chief John Camper, Grand Junction Police Department was approached and has agreed to join the subcommittee. Chief Heather Coogan, Sheriff Kirk Taylor, Chief Dave Wohlers and Executive Director James Davis are presently on the committee and will remain as members. There will be a Grant Subcommittee meeting set up within the next month.

- c. Fiscal year 2014 application process

At the beginning of the 2014 grant cycle, POST will conduct an application workshop for grantees and will include requirements such as curriculum and instructor approval as a part of the application review. We will now be looking more closely at curriculum and the instructor expertise. All applications will be due to our office by March 31, 2013. We are requesting a meeting of the Grant Subcommittee in the first two weeks of May. This will be a full-day meeting to review applications, look at course curriculum and instructor expertise. Ms. Calomino will be contacting members to schedule. The goal is to have all Grant funds awarded and contracted by July 1, 2013, at the beginning of the next fiscal year.

- d. Fiscal year 2013 Report

POST has awarded over two million dollars in funds this fiscal year, with the total reimbursed to date of \$365,000 (18%). The slow expenditure rate may be due to contracts going out late and that the grant database was not working properly. We have reached out to grant recipients to determine whether they will be turning back funds. We will know more by January 31, 2013 when their midyear reports are due. Some recipients are delaying drawdowns so they don't have to interact with the software any

more than necessary. We are planning to strengthen contract language and require quarterly drawdowns. Receipts and documentation will be required for reimbursement. There are no advances on funds any longer, with the exception of 5% for administration. We would entertain the idea of a “hardship” waiver for advances, especially for some of the small, non-profit regions.

17. Proposed Supplemental Grant Funding Requests

As mentioned at the last POST Board meeting, POST has approximately \$811,000 for which we do not have spending authority. We will attempt to obtain spending authority from the legislature, by seeking a budget modification request for the fiscal year starting 2013-2014. We will seek funding authority for several items, such as a database system to eliminate redundant data entry and make the system more user-friendly. A new system may also allow agencies to see what courses are POST certified.

Last year POST partnered with LETN with the 30 smallest agencies in Colorado given the opportunity to subscribe with Law Enforcement Training Network. There are other online training providers that may be as good or better, and may offer more contemporary content to allow rural agencies more opportunity.

It is recommended that academy directors and grantees meet on a regular basis in order to better determine status and needs.

Human-Trafficking, Elder Abuse training, Critical Incident Debriefing and Line of Duty Death training are areas in which POST might utilize funds if we can gain spending authority. School Resource Officer Training has been mandated, however, unless we get spending authority there is no funding for that training. There may be additional training opportunities for which funding could be provided.

18. Selection of the 2013 POST Vice-Chairperson

Chief Dan Oates was nominated as 2013 POST Board Vice-Chair.

Approved unanimously

19. Appointment of the 2013 POST Sunrise Review Sub-committee

General Suthers explained what Sunrise Review means for the benefit of the new Board members. He requested volunteers for the Sunrise Committee. The following Board members volunteered and were appointed:

Chief Mark Beckner
Training Coordinator Scott Black
Sheriff Chris Johnson
Sheriff David Weaver
Chief Dave Wohlers

20. 2013 POST Board Meeting – Proposed Schedule

The next POST Board meeting will be the first in the new Ralph L. Carr Judicial Center. We will notify members of the address and contact information.

The September meeting is typically held off-site, hosted by one of the Board member's agencies. Sheriff Kirk Taylor volunteered to host the September Board meeting.

March 1, 2013

June 14, 2013

September 27, 2013- off site- Pueblo CSO

December 6, 2013

Informational Items:

21. POST Online Test Update

Director Pete Dunbar

The progress of the online testing has slowed. The field test results were not satisfactory, with a pass rate of about 50%. POST and Julie Selsberg of CJS are working with the vendor to make sure the questions provided will work with the online format. S.M.E. committee members have assisted on question-writing sessions, and we appreciate their commitment and work. The statistical analysis from the vendor was delayed. Dr. Thomas Haladyna in Arizona, an expert in the testing field, has reviewed the statistical analysis and the test questions, and is assisting with producing a better product. We are not being charged anything further by our vendor at this time. We were hoping to have the online testing in place by early December. We are now hoping for early 2013, however, Director Dunbar is not comfortable predicting a date.

22. 2013 POST Manual Update

Typically, copies of the new POST Manual would be distributed today, however, due to the vote on Rule 10 earlier in this meeting, we will plan to send CDs by the end of the year. There are fairly minimal changes, so we recommend referring to the 2012 Manual.

23. Recognition of Intern Sara Schoder

Presentation of plaque of appreciation to intern Sara Schoder.

24. Comments from others on POST Issues

Director Joel Shults, Chief of Adams State University Police Department, commented on the Grant funding from the perspective of the Southern Colorado community. There is a six county area with an approximate population of 40,000 with about 200 police officers. There is no full-time training staff and the grant funding received has not met the long-term needs of the region. Funding is perceived to be limited to classroom training, and it is difficult for the region to provide the number of students needed to make the classes cost-effective. Director Shults would like to see the Board be open to Grant funding for research and development of materials that could be used in a library over a long period of time and would have a longer-term effect, rather than providing seminars which are poorly attended, and less useful due to employee turnover. Becky Calomino will consider the issue and look into options.

General Suthers recognized Michael Dougherty, Deputy Attorney General of the Criminal Justice Section, who is leaving the Attorney General's office on January 7, 2013 to become the Assistant District Attorney for Jefferson County.

General Suthers requested members of agencies take and distribute boxes of Identity Theft kits as they are able.

25. Adjournment

General Suthers called for a motion to adjourn.

Approved unanimously

Meeting end: 12:06 pm (2 Hours 6 Minutes)

Next POST Board Meetings:

Friday, March 1, 2013 – POST Board Meeting – Colorado Dept. of Law

NEW LOCATION: Ralph L. Carr Colorado Judicial Center

1300 Broadway, 1st Floor, Denver CO 80203

Friday, June 14, 2013 – Colorado Department of Law

Effective *January 22, 2013*, Colorado POST will operate from the Ralph L. Carr Colorado Judicial Center. The *new address and phone number* will be:

Colorado Department of Law
Criminal Justice Section, Colorado POST
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 9th Floor
Denver, Colorado 80203
720-508-6721
720-508-6000 Department of Law - Main

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**



John W. Suthers
Attorney General

Cynthia H. Coffman
Chief Deputy Attorney General

Daniel D. Domenico
Solicitor General

STATE OF COLORADO
DEPARTMENT OF LAW

Peace Officer Standards and Training

Ralph L. Carr
Colorado Judicial Center
1300 Broadway, -9th Floor
Denver, Colorado 80203
Phone (720) 508-6000

POST BOARD WORK SESSION

RECORD OF PROCEEDINGS

Hosted by Pueblo County Sheriff's Office
Hampton Inn and Suites-North
4790 Eagleridge Circle
Pueblo, CO 81008
12:00 p.m. – 4:00 p.m.

1. Welcome

Attorney General John Suthers welcomed all to the Pueblo meeting, and introduced new Board counsel, Julie Selsberg, replacing Diane Dash.

Sheriff Kirk Taylor welcomed all and recommended the Chili/Frijole festival. Pueblo Police Department Chief Velez will be addressing the group both as a welcome, and regarding a potential rule change.

2. Director Dunbar reviewed the agenda

3. Strategic Planning

Director Dunbar reviewed the list of issues submitted by Board members and went over the process to choose the top five issues to focus on for the next five years. There was some minimal discussion of some issues which were not fully understood by all. Further topics were added to the list gathered previously.

The Board would like to pursue legislative change to allow decertification on municipal misdemeanors that are similar to the present list of decertifying state misdemeanors.

There was more detailed discussion regarding Sunrise review for peace officer status, in-service training, non-certified police chiefs, funding, POST grant, unfunded mandates, rural/urban training, grant regions,

The priorities that developed after discussion are:

- a. Funding

POST is to pursue legislative change raising the amount paid with each vehicle registration from \$.60 to \$1.00. POST will be comparing other states' funding, as well as analyzing whether we are carrying out statutory goals, and reviewing the grant training regions and whether using Homeland Security regions may be more efficient.

b. Mandated In-Service training

POST is intending to pursue statutory change to mandate in-service training requirements, then to develop POST rules for same. Director Dunbar suggests 20 hours every year, 12 hours of which must be perishable skills training (driving, firearms, arrest control). The other 6 hours of training would be at the agencies' discretion determined by their needs. If agencies are already doing training, we should take that into account. The Board may decide on a different number of hours. Training requirements could be phased in and/or a grace period offered. POST is to compare other states' requirements, and survey smaller agencies and SME committees for recommendations/needs. The training regions may need to provide funding and work together to assist. Simulators and programs like Below 100 are ways to help rural agencies complete training. Training should also be considered risk-management tool where agency liability is concerned.

c. Reserve officers-levels and training

There was discussion of the possibility of having different levels of reserve officers and annual training for existing reserves. POST will compare reserve programs and policies of other states. Historically POST did have different levels of reserve officers. It still exists in statutes and may be as simple as a rule change. The current requirement for training of reserve officers is not an issue for small, rural agencies, however providing instructors can be more difficult.

d. Smaller agencies/Communication & training

County Sheriffs of Colorado (CSOC) and Colorado Association of Chiefs of Police (CACCP) are to work with smaller agencies and help determine why those agencies aren't participating. The larger agencies can open trainings to those agencies, with POST assisting with funding and backfill where able. POST may also be able to send trainers to rural areas using grant funds, possibly developing a "cadre" of trainers.

e. Standardized lesson plans

POST is to give instruction to the SME committees to develop lesson plans and present them to the Board.

4. Below 100

Commander Karl Smalley, the Law Enforcement Driving SME chair, presented information regarding the Below 100 program. The goal of the program is to reduce police officer line-of-duty deaths in the United States to below 100 per year. As of March 2013, there were 19 police officer deaths in the U.S. The leading cause of death is traffic accident (seatbelt, speed and struck by other vehicle)

The five tenets of the program are:

- a. Wear your seatbelt
- b. Wear ballistic (and safety) vest
- c. Watch Your Speed
- d. WIN - What's Important Now
- e. Remember: Complacency kills

California has a California-specific Below 100 program. POST could develop a Colorado-specific program as well. POST has been working with the developer of Below 100 and Knowledge Factor, the company providing our online Anti-Bias and DNA training courses. It would cost approximately \$30,000 to develop an online version of Below 100. Colorado Intergovernmental Risk Sharing Agency (CIRSA) has been approached for funding the development. We would like the Board to support our development of this program and get it distributed across the state. CIRSA would be able to take the program nationwide. POST is to develop a more specific program and present it to the Board with more specific costs.

5. Chief Luis Velez, Pueblo Police Department

Chief Velez requested we consider revising our 100% requirement for our Firearms qualification. Chief Velez feels the 100% qualification is not reasonable, and that it is unreasonable to require an officer who fails the Firearms qualification to repeat the full 64-hour Firearms portion of the academy. This 100% requirement was approved in 2010. The prior standard was not strict enough. The pass rate at this point using the 100% requirement is 96%. The Board requests Firearms SME chair Ed Kafel present the reasoning for the 100% qualification at the Board meeting tomorrow morning. Other remediation options will be discussed.

6. Issues from Board Members

Chief Camper reported there have been requests that a test-out be offered on the Western Slope on occasion. The difficulty is getting qualified SME members who are not affiliated with the hiring agency to be available for the test-out. It may increase costs due to lodging for SME members. POST has not been directly approached by anyone regarding this issue. POST is also hoping to offer 1-day test-outs shortly, which would be more convenient for many officers.

POST BOARD MEETING

RECORD OF PROCEEDINGS

September 20, 2013 10:00 am

The Peace Officer Standards and Training Board held its 384th Board meeting at the Hampton Inn & Suites-North, Pueblo, Colorado with the following in attendance:

BOARD MEMBERS

DETECTIVE SCOTT BLACK
CHIEF JOHN CAMPER
OFFICER RAFAEL CHANZA
SHERIFF JAMES FAULL
SHERIFF CHRIS JOHNSON
CHIEF DANIEL OATES
INVESTIGATOR GILBERT PERALES
SPECIAL AGENT IN CHARGE THOMAS RAVENELLE
ATTORNEY GENERAL JOHN SUTHERS
SHERIFF KIRK TAYLOR
SHERIFF DAVID WEAVER
CHIEF DAVE WOHLERS

BOARD MEMBERS ABSENT

MR. RONALD BECKHAM (excused)
CHIEF MARK BECKNER (excused)
CHIEF DAN BRENNAN (excused)
SHERIFF RON BRUCE (excused)
EXECUTIVE DIRECTOR JAMES H. DAVIS (excused)
COMMISSIONER DAVID DONALDSON (excused)
SHERIFF SHAYNE HEAP (excused)
CHIEF ROBERT C. WHITE (excused)

BOARD COUNSEL

JULIE SELSBERG, Senior Assistant Attorney General

STAFF MEMBERS

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

MEMBERS OF THE PUBLIC IN ATTENDANCE

CAPTAIN ERIK J. BOURGERIE, Summit County Sheriff's Office
TECHNICIAN AARON BRILL, Denver Police Department
INVESTIGATOR CHRIS BROOKS, Mesa County Sheriff's Office
SERGEANT MICHAEL CUMMINGS, Arapahoe County Sheriff's Office
CHIEF OF INVESTIGATIONS FRANCINE GONZALES, Colorado DOR, MVIU
SERGEANT JIM HINRICHS, Adams County Sheriff's Office Academy
DIRECTOR DOYLE JONES, Weld County Sheriff's Office
SERGEANT CHRIS JUUL, Aurora Police Department Training Academy
DEPUTY EDWARD KAFEL, El Paso County Sheriff's Office
INVESTIGATOR JAMES KAUTZ, Colorado Department of Revenue, MVIU
DIRECTOR CATHY LABRECQUE, Pikes Peak Community College
JAMES MASON, Mental Health Institute at Pueblo
TECHNICIAN DEVIN MCGINTY, Denver Police Department
SERGEANT DARREN O'DRISCOLL, El Paso County Sheriff's Office
SERGEANT JIM RODGERS, Colorado Springs Police Department
KATHY SASAK, Colorado Department of Public Safety
DETECTIVE KENNY SHERMAN, Adams County Sheriff's Office
COMMANDER KARL SMALLEY, Adams County Sheriff's Office
OFFICER SHANNON SNUGGS, Colorado Springs Police Department
DETECTIVE KAREN TURNBULL, Lakewood Police Department
TECHNICIAN MICHAEL WALKER, Denver Police Department
LIEUTENANT MARK WALTERS, Aurora P.D.
LIEUTENANT ERIC WITTMAN, Aurora Police Department
ACADEMIC COORDINATOR JANICE WORTHEM, Colorado State Patrol

The following Subject Matter Expert Committees met prior to the regular POST Board meeting on September 20, 2013.

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

Introductions:

1. Welcome

Attorney General John Suthers

General Suthers welcomed all to the Board meeting, hosted by Sheriff Kirk Taylor and the Pueblo County Sheriff's Office. Sheriff Taylor welcomed members and guests. General Suthers introduced new Board counsel Julie Selsberg who is replacing former Board counsel Diane Dash, who resigned from the Department of Law.

2. Pledge of Allegiance

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

4. Roll Call

Director Pete Dunbar

Declaration of a Quorum

5. Approval of POST Board Minutes for June 14, 2013

Approved Unanimously

Presentations:

6. Subject Matter Expert (SME) Committee Reports

a. Arrest Control

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

Capt. Bourgerie presented the report. Revisions of the Arrest Control Instructor program were approved by Committee; they will be formatted and submitted to POST before the next ACT SME meeting. The Western Colorado Peace Officers Academy (WCPOA) and Aims Community College site and safety plans were reviewed and approved. Approval for the Durango/Mancos site was tabled at the August 2nd meeting because photos of mats were not provided. Photos have since been provided and site was approved by the Committee via email in August. The lesson plans for the Delta/Montrose Refresher Academy were approved. Craig Klukas, Denver PD, was approved as a full instructor. Frank Kramer of the Delta/Montrose Refresher Academy was approved as an assistant instructor. At the next meeting the Committee will review wording for site approvals and requirements for mats. Condolences to the Bob Koga family on the passing of Mr. Koga, who standardized arrest control systems nationwide.

Chief Oates submitted his resignation as Board Liaison for the Arrest Control Committee. Inv. Gilbert Perales has volunteered as Board Liaison with the agreement of all Board members.

b. Curriculum

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

Sgt. O'Driscoll reported. The Committee welcomes new member Sgt. Jimmy Rodgers of Colorado Springs PD. Guest Linda Johnston, Colorado District Attorneys' Council, Ending Violence Against Women Project, proposed ideas for changes to the domestic violence and sexual assault investigation sections of the Basic Academic Training Program curriculum. The ideas were well received, but were tabled along with other curriculum changes until the larger Basic curriculum revision project begins. A proposal was made to include Lone Wolf training in the Basic curriculum. The Committee reviewed the proposal and decided that individual agencies should provide this training if they feel it is necessary. There was another discussion about the Advanced Roadside Impaired Driving Enforcement (ARIDE) program and its place in the Basic curriculum. The Committee feels that though the Basic curriculum should include some drug impairment training, the ARIDE program is too advanced for the Basic academy.

The revision of the Basic Academic Training Program curriculum is beginning and will include the development of standardized lesson plans.

Curriculum changes for Reserve and Refresher Academic Training Programs have been completed and are included in the agenda packet for approval by the Board. After review, the minimum required hours for both programs were increased. The biggest change to the Refresher program was the addition of Arrest Control. The Board was prepared to vote without further review and a motion was made for approval of the Refresher and Reserve Academic Training Program curricula as presented.

Approved Unanimously

General Suthers presented information from a discussion at the September 19th, 2013, POST Board work session regarding the possibility of different levels of reserve officers, to include different levels of training, instructor qualifications and in-service training requirements. There were different levels of reserve officers in the past and it was determined by the Board that the possibility should be revisited. Rural agencies have difficulty finding Arrest Control and Firearms instructors that meet POST instructor requirements and different levels would allow smaller and rural agencies to hire people that would like to act as reserve officers but cannot attend a full reserve academy.

c. *Law Enforcement Driving*

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

Cmdr. Smalley reported. An inspection of the Denver Police Academy took place on June 27th, 2013. The site video for WCPOA facility was viewed and site and safety plans were approved. The site and safety plans for the Colorado Springs PD and El Paso County SO academies' backup driving site at Fort Carson were approved. Technician Devin McGinty of Denver PD was approved as a full instructor. The test-out process was discussed with POST Compliance Officer Tom Mullen. There is an upcoming inspection at the end of October for the El Paso County academy. The Driving Programs section of the 2014 POST manual has been revised with a new revision date (2007) for the International Association of Directors of Law Enforcement Standards and Training (IADLEST) Manual. The IADLEST Manual was also added to the Curriculum Bibliography. General Suthers thanked Cmdr. Smalley for his presentation on the *Below 100* program given at the POST Board work session on September 19th, 2013.

d. *Firearms*

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

Deputy Kafel reported. After a presentation by Chief Luis Velez of Pueblo PD at the POST Board work session on September 19, 2013, regarding the 100% firearms qualification requirement, Deputy Kafel drafted a memo to the Board.

Chief Velez expressed concerns that the 100% qualification requirement is too stringent and requiring an individual to attend the full 64-hour Firearms Training Program again if he/she fails the qualification after a third attempt is unrealistic and puts an unfair burden on the agencies hiring the individuals. Deputy Kafel's memo explained the foundation for the 100% qualification requirement. There is an expectation that peace officers are fully accountable for every round they fire. It is the Committee's view that in a course of fire in a controlled environment without the distractions of an actual life-threatening situation, a lesser pass rate would be a contradiction.

In December 2009, the Committee proposed and presented the revision of the Firearms program to the Board. After extensive discussion by the Board members, they voted in support of it. The adoption of the revision, including the 100% qualification standard, required a review of methodology and training techniques. Prior to implementation of the 100% requirement, the qualification requirement was 80% and the failure rate was higher. Currently the average pass rate at academies is approximately 98.5%. The course of fire now is not as difficult, but is still fair. The current course of fire requires a lifelike, man-sized silhouette target, without scoring rings. Most agencies/academies use a TQ-15 type target, but there is not a standard target. Remediation is allowed between the first and second attempts and between the second and third attempts. The amount of remediation is up to the agency/academy. The passing score for the other skills programs is not 100%, but the standards outlined in the POST Manual must be met. The only area that typically requires significant remediation is firearms, and may need to be considered differently.

The Committee is willing to consider alternatives to an individual attending the full 64-hour program if he/she does not successfully complete the firearms qualification, but hopes the 100% standard will remain. The Firearms SME Committee must work closely with the Driving and Arrest Control SME Committees and with Director Dunbar to create a standard for remediation. An individual has three chances to take the written exam, and if he/she fails three times, he/she is required to re-attend the academy. The standard for the firearms qualification was based on that precedent.

The Board asked the Firearms SME Committee to prepare the following presentations and information for the next Board meeting:

- 1) Suggestions for a standard target for the qualification course of fire.
- 2) A remediation alternative to the full 64-hour Firearms Training Program, if the 100% qualification is kept.
- 3) A comparison of Colorado to other states' qualification scores.
- 4) An alternative to the 100% qualification standard.
- 5) A video demonstration of the course of fire.

Action Items:

7. Strategic Plan Adoption

Director Pete Dunbar

At the POST Board work session on September 19th, 2013, Board members and POST staff went through a strategic planning process to determine areas the Board should focus on for the next three years. It began with a list of more than 20 items and goals from group discussion, which was narrowed down to five and prioritized. A summary of the items and goals, along with suggestions and strategies for accomplishing them, were provided to the Board. Director Dunbar requested that the Board provide direction by adopting the strategic plan.

Approved unanimously

8. Sunrise Review

*Sheriff David Weaver
Subcommittee Chair*

General Suthers described the statutory process by which a group seeking peace officer status can present their request to the POST Board. After review, the POST Board then makes a recommendation to the legislature as to whether the group should be approved for peace officer status.

Sheriff Weaver reported that the Sunrise Review Subcommittee conducted its review of the applicants on July 26, 2013, at the Colorado Department of Law. In attendance were Sheriff Chris Johnson, Chief David Wohlers, Chief Mark Beckner, Detective Scott Black, Senior Assistant Attorney General Diane Dash, Director Pete Dunbar, and Sheriff Weaver.

The Department of Revenue (DOR) Criminal Tax Enforcement Section (CTES) Special Agents requested peace officer status as they presently must rely on other agencies for arrests, seizure, case filing, etc. The CTES originally requested that they “may” be POST-certified by statute, but the Subcommittee recommends that they “shall” be POST-certified and that they assume all costs associated with certification. The CTES stated they would meet 40 hours per year continual training and agreed that “shall” be POST-certified will be included in the recommendation to the legislature. The Subcommittee recommended the investigators receive peace officer status.

The POST Board recommended to the legislature that DOR CTES Special Agents be given peace officer status, provided the statute language includes “shall be POST-certified.”

Approved unanimously

The DOR Motor Vehicle Investigations Unit (MVIU) Investigators, as with the Criminal Tax Agents, also rely on other agencies for arrests, warrants, case filing, etc. They are requested peace officer status to be able to handle all elements of the law in performance of their duties. Three of the six investigators are presently POST-certified, and three will become POST-certified.

Chief of Investigations Francine Gonzales and Investigator James Kautz of DOR MVIU made a brief presentation. The Unit has a heavy caseload and having peace officer status would increase efficiency and allow the MVIU to better assist other agencies and focus on fraud and corruption. The Subcommittee recommended the investigators receive peace officer status.

The POST Board recommended to the legislature that DOR MVIU Investigators be given peace officer status, provided the statute language includes “shall be POST-certified.”

Approved unanimously

9. Peace Officer Certification Revocation Actions *Director Pete Dunbar*

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. 13-05, **Gerald L. Bumgarner**, Certification No. B14430, (PID 133119), On March 6, 2013, Respondent pled Nolo Contendere to 1 count of Attempted Official Misconduct I, § 18-8-404, C.R.S., a class 3 misdemeanor. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: January 1, 2012 – Separated: May 12, 2012)*. The Respondent appeared at and gave testimony at the show cause hearing May 15, 2013. (Appeal documentation included in agenda packet) Director Dunbar recommended Mr. Bumgarner attempt to have the charge changed to a non-decertifying charge and explained that Mr. Bumgarner could appeal to the Board. Mr. Bumgarner has not made contact with Director Dunbar since his show cause hearing. Director Dunbar recommends revocation of Gerald L. Bumgarner’s Colorado Peace Officer Certification No. B14430 (PID 133119).

Approved unanimously

2. No. 13-06, **James Michael Gallegos**, Certification No. B11416 (PID 120679). On March 14, 2013, 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: 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 James Michael Gallegos’ Colorado Peace Officer Certification No. B11416 (PID 120679).

Approved unanimously

3. No. 13-07, **Nicholas Joseph Ward**, Certification No. NONE ISSUED (PID 136111). On October 24, 2012, the 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 not employed as a peace officer on the date of the offense (Date of Offense: September 11, 2012 – Never Employed)*. 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 Nicholas Joseph Ward's Colorado Peace Officer Certification (PID 136111).

Approved unanimously

4. No. 13-08, **Robert Alan Vasko II**, Certification No. B17100 (PID 137793). On May 14, 2013, the 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 20, 2013 – Separated: February 15, 2013)*. The Respondent has failed to comply with POST Show Cause Order 13-08 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Robert Alan Vasko II's Colorado Peace Officer Certification No. B17100 (PID 137793).

Approved unanimously

5. No. 13-09, **Kelsey Elise Houser**, Certification No. NONE ISSUED (PID 134168). On May 23, 2013, the 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 Resisting Arrest, §18-8-103 C.R.S., a class 2 misdemeanor. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: July 21, 2012 – Separated: March 18, 2010)*. The Respondent has failed to comply with POST Show Cause Order 13-9 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Kelsey Elise Houser's Colorado Peace Officer Certification (PID 134168).

Approved unanimously

6. No. 13-10, **David Trevino Galvan**, Certification No. B10241 (PID 100294). On August 17, 2012, the Respondent was found guilty of 1 count of Assault 3 – Know/Reckless Cause Injury, § 18-3-204(1)(a), C.R.S., a class 1 misdemeanor. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: September 17, 2012 – Never Employed)*. The Respondent has failed to comply with POST Show Cause Order 13-10 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of David Trevino Galvan's Colorado Peace Officer Certification No. B10241 (PID 100294).

Approved unanimously

7. No. 13-11, **Jeffrey Allan Haifley**, Certification No. B13316 (PID 129845). On April 15, 2013, 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 not*

employed as a peace officer on the date of the offense (Date of Offense: April 9, 2013 – Separated: November 24, 2008). The Respondent has failed to comply with POST Show Cause Order 13-11 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Jeffrey Allan Haifley’s Colorado Peace Officer Certification No. B13316 (PID 129845).

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. 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; 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 –Separated February 22, 2013).* 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 Hector Abraham Paez’s Colorado Peace Officer Certification No. B13617 (PID 129989).

Approved unanimously

2. No. 13-08, **Eric K. Janusz**, Certification No. B01401 (PID 111696). On August 27, 2012, Respondent was found guilty and was convicted of one count of Sexual Assault/Child/Position of Trust/Vic 15-18, § 18-3-405 (3)(1), C.R.S., a class 4 felony. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: July 7, 2000 –Separated February 18, 2012).* The Respondent has failed to comply with POST Show Cause Order 13-08 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Eric K. Janusz’s Colorado Peace Officer Certification No. B01401 (PID) 111696).

Approved unanimously

3. No. 13-09, **Christian Dale McCracken**, Certification No. B13461 (PID 130368). On February 11, 2013, Respondent pled guilty to 1 count of Stalking – Threat/Following/Surveil; § 18-3-602(1)(a), C.R.S., a class 5 felony. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: March 1, 2012 – Separated August 15, 2012).* The Respondent has failed to comply with POST Show

Cause Order 13-09 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Christian D. McCracken's Colorado Peace Officer Certification No. B13461 (PID 130368).

Approved unanimously

4. No. 13-10, **Darrell Lingle**, Certification No. NONE ISSUED (PID 135119). On April 18, 2013, Respondent pled guilty and was convicted of one count of Sexual Exploitation/Child Poss Material, § 18-6-403 (3)(b.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: August 10, 2011 –Separated September 12, 2011).* The Respondent has failed to comply with POST Show Cause Order 13-10 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Darrell Lingle's Colorado Peace Officer Certification (PID 135119).

Approved unanimously

5. No. 13-11, **Sydney Rose Huffman**, Certification No. B14828 (PID 133103). On April 29, 2013, Respondent pled guilty to and was convicted of one count of Public Servant-Attempt To Influence, §18-8-306, a class 4 felony. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: April 7, 2010 –Separated May 2, 2013).* The Respondent has failed to comply with POST Show Cause order 13-11 by failing to appear the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Sydney Rose Huffman's Colorado Peace Officer Certification No. B14828, (PID 133103).

Approved unanimously

6. No. 13-12, **Michael Samuel Jimenez**, Certification No. B7776, (PID 113659). On June 14, 2013, Respondent pled guilty to and was convicted of one count of Vehicle Assault - DUI, §18-3-205 (1) (b), a class 4 felony. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: January 9, 2013 –Separated May 2, 2013).* The Respondent has failed to comply with POST Show Cause order 13-12 by failing to appear the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Michael Samuel Jimenez's Colorado Peace Officer Certification No. B7776, (PID 113659).

Approved unanimously

10. Formal Rule Making Hearing

*Attorney General John Suthers
Board Counsel Julie Selsberg
Director Pete Dunbar*

Public Announcement of Formal Rule Making Hearing

Opened at 11:35 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.

These Rules changes were originally voted on at the last POST Board meeting, June 14, 2013, but the filing date was missed by one day. There are no other changes.

B. Public Comment on Rule Making

No comments from Board or public

C. Board Vote

Unanimously adopted

Session closed at 11:37 a.m.

Informational Items:

11. POST Board Member Reimbursement

Director Pete Dunbar

Board members are reminded that if their agency does not reimburse them for the expenses (lodging, mileage, and meals) incurred by attending POST Board meetings, they are eligible to submit a request for reimbursement to POST. New forms were provided to members who chose to request reimbursement.

12. POST Online Test Update

Director Pete Dunbar

I/O Solutions is the company with whom POST contracted to develop a test and questions and to move the test online. The test developed by I/O Solutions is too difficult and the passing score is approximately 50%. I/O Solutions has been unable to develop a test that is adequate to our needs. Our contract states that POST determines whether the test is adequate and allows us to seek a third party expert's opinion. POST has consulted a third-party expert (Dr. Thomas Haladyna) to assess the test questions.

There have been a number of meetings with SME Committee members to go over test items. The SME group met to help determine the "cut score." POST is working with Dr. Haladyna to get the test developed and online. At present the written exam is still being administered as a paper test throughout the state with a passing score of 70% and the statewide passing rate is approximately 80%.

POST will have a progress report at the December Board meeting.

13. Comments from Others on POST Issues

No comments.

14. Adjournment

Attorney General John Suthers

General Suthers called for a motion to adjourn.

Approved unanimously

Meeting end: 11:45 am (1 Hour 45 Minutes)

Next POST Board Meeting:

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

POST BOARD MEETING

RECORD OF PROCEEDINGS

December 6, 2013 10:04 am

The Peace Officer Standards and Training Board held its 385th Board meeting at the Ralph L. Carr Colorado Judicial Center, 1300 Broadway, Denver Colorado with the following in attendance:

BOARD MEMBERS

MR. RONALD BECKHAM
CHIEF MARK BECKNER
CHIEF DAN BRENNAN
SHERIFF RON BRUCE (via teleconference)
CHIEF JOHN CAMPER
OFFICER RAFAEL CHANZA
EXECUTIVE DIRECTOR JAMES H. DAVIS
COMMISSIONER DAVID DONALDSON
SHERIFF SHAYNE HEAP
SHERIFF CHRIS JOHNSON
INVESTIGATOR GILBERT PERALES
SPECIAL AGENT IN CHARGE THOMAS RAVENELLE
SHERIFF KIRK TAYLOR
SHERIFF DAVID WEAVER
CHIEF ROBERT C. WHITE
CHIEF DAVE WOHLERS

BOARD MEMBERS ABSENT

SHERIFF JAMES FAULL
CHIEF DANIEL OATES
ATTORNEY GENERAL JOHN SUTHERS

BOARD COUNSEL

JULIE SELSBERG, First 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

SERGEANT WILLIAM BAKER, Grand Junction Police Department
GREG BARLOW, Colorado Intergovernmental Risk Sharing Agency
CAPTAIN ERIK J. BOURGERIE, Summit County Sheriff's Office
SERGEANT JEFF BREDEHOEFT, Douglas County Sheriff's Office
TECHNICIAN AARON BRILL, Denver Police Department
INVESTIGATOR CHRIS BROOKS, Mesa County Sheriff's Office
SERGEANT MICHAEL CUMMINGS, Arapahoe County Sheriff's Office
LIEUTENANT MICHAEL ESTERS, Larimer County Sheriff's Office
SERGEANT ERIC GONZALES, Pueblo Police Department
STAFF SERGEANT BRIAN HILL, Federal Reserve Police Department
DEPUTY DARYL HOFFMAN, Jefferson County Sheriff's Office
TRAINING MANAGER JOHN HOOD, Colorado Parks and Wildlife
CORPORAL AARON HORWITZ, Larimer County Sheriff's Office
DIRECTOR DOYLE JONES, Weld County Sheriff's Office
SERGEANT CHRIS JUUL, Aurora Police Department Training Academy
DEPUTY EDWARD KAFEL, El Paso County Sheriff's Office
SERGEANT ANITA KOESTER, Lakewood Police Department
JANELLE KRUEGER, Colorado Department of Education
OFFICER STEPHEN LARSEN, Aurora Police Department
JANET LARSON, County Sheriffs of Colorado
TECHNICIAN DEVIN MCGINTY, Denver Police Department
TECHNICIAN BRAD MCKIERNAN, Denver Police Department
SERGEANT DARREN O'DRISCOLL, El Paso County Sheriff's Office
OFFICER STEPHEN OULLIBER, Aurora Police Department
CHIEF JOEL SHULTS, Adams State College Police Department
COMMANDER KARL SMALLEY, Adams County Sheriff's Office
CHIEF LUIS VELEZ, Pueblo Police Department
TECHNICIAN MICHAEL WALKER, Denver Police Department
OFFICER BRAD WANCHISEN, Aurora Police Department
SERGEANT RICHARD D. WEBB III, Jefferson County Sheriff's Office
ACADEMIC COORDINATOR JANICE WORTHEM, Colorado State Patrol
INVESTIGATOR RICHARD WREN, Colorado Department of Corrections

The following Subject Matter Expert Committees met prior to the regular POST Board meeting on December 6, 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

Chief Mark Beckner, Chair pro tem

Chief Beckner welcomed all to the Board meeting.

2. Pledge of Allegiance
3. Introduction of Board Members, SME Members, Staff and Guests
4. Formal Board Recognition of Departing Subject Matter Expert Committee Members *Chief Mark Beckner, Chair pro tem*

Chief Beckner presented plaques of appreciation to departing SME Law Enforcement Driving Committee members Deputy Edward Trujillo and Lieutenant James Lucas. Sergeant Darren O'Driscoll accepted for Deputy Trujillo.

5. Roll Call *Director Pete Dunbar*

Declaration of a Quorum

6. Approval of POST Board Minutes for September 20, 2013

Approved Unanimously

Presentations:

7. Subject Matter Expert (SME) Committee Reports

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

Sgt. O'Driscoll presented the report. Sgt. Eric Wittman of Aurora Police Department has been promoted to lieutenant and has resigned from the committee. The progress of the POST certification exam revision was discussed. The subcommittee has built a bank of approximately 400 new questions which will be field tested in the next months. The goal is to get the new exam administered to Basic Academy graduates as soon as possible in 2014. Director Dunbar will advise the Board of further details later in the meeting. The Basic curriculum revision will take place in 2014, with the goal of aligning the test questions on the new exam with the curriculum. Once the Basic curriculum is revised and coordinated with the new exam, the committee will work on aligning the Refresher and Reserve curricula with the new exam as well. Mark Ashby of Thornton Police Department spoke to the committee for the second time to discuss the need for additional and ongoing training in detection of impaired driving, including use of alcohol as well as marijuana and other substances. The committee discussed whether additional training should be mandated as part of the Basic academy curriculum, such as the 16-hour Advanced Roadside Impaired Driving Enforcement (ARIDE) program. Training should possibly be mandated for current officers statewide. The initial proposal was the 16-hour ARIDE program, but that met with some resistance. Officer Ashby has volunteered to develop an alternate, eight-hour program. Implementation would fall on regions and individual agencies. The committee set monthly meeting dates for 2014.

2) *Arrest Control*

*Sgt. Richard "JJ" Webb, Co-Chair
Capt. Erik Bourgerie, Co-Chair
Inv. Gilbert Perales, Board Member*

Sgt. Webb reported to the Board. The committee met in November. The committee has conducted an inspection and a test-out. Membership forms were reviewed and updated and meeting dates for 2014 were set. An inspection in Alamosa was conducted and the program was found to be very good, with some recommendations for improvements. Marco Montez of Mesa County Sheriff's Office was approved as a new member. Timothy Grandy of Castle Rock Police Department was approved as a full instructor. A Carotid Restraint Hold Instructor course was reviewed after being tabled in June due to incomplete course outline. Complete information was submitted and the course was approved. The final draft of the Arrest Control Instructor Program should be submitted prior to the March meeting. The committee has recommended some language for the site and safety plan approval, regarding the obligation of the academies to have all items mentioned in the plan on site at the time the inspection occurs. There was one injury reported to the committee and was handled appropriately by the academy. Lieutenant Michael Esters of Larimer County Sheriff's Office has submitted his resignation from the committee. Larimer County will be submitting paperwork for another deputy to take his place.

3) *Law Enforcement Driving*

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

Commander Karl Smalley reported. Lieutenant Jim Lucas of Jefferson County Sheriff's Office submitted his resignation from the committee. Brad Wanchisen of Aurora Police Department attended the meeting today as a prospective new member. The committee will be meeting prior to the Board meetings, including in June in Lake City. An inspection of the El Paso County Sheriff's Office Academy was conducted on October 29th. The Academy has an excellent program with no issues.

4) *Firearms*

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

Deputy Ed Kafel presented the report. The committee met 11 times in the past year and conducted six program inspections, six major test-outs and several individual test-outs. New member William Baker of Grand Junction Police Department has been approved.

Action Items:

8. Firearms Remediation

*Deputy Ed Kafel
Firearms SME Chairman*

Director Dunbar gave a brief background regarding concerns with the firearms qualification. On September 20, 2013 Chief Luis Velez of Pueblo Police Department gave a presentation to the Board members at the work session in Pueblo, stating concerns that the 100% qualification requirement for the current course of fire was unnecessarily stringent. At present the academy qualification course requires that all 25 rounds be on the target to pass with no size requirements for the target. Remediation can take place after the first and second failed attempts. After the third failed attempt, the individual must re-take the entire 64-hour academy firearms training course. The student/cadet would typically have to complete the program at a different academy causing logistical and financial issues for agencies and individuals. At the September Board meeting, the Board requested that the Firearms SME committee:

- 1) Present a video of the qualification course of fire
- 2) Determine a standard target to be used at all academies
- 3) Recommend alternate remediation options if 100% qualification is kept
- 4) Compare Colorado standards to other states' qualification scores
- 5) Present an alternative to the 100% qualification score.

Director Dunbar presented information for firearm program requirements for other states. The varying levels of difficulty of the courses of fire and qualification score requirements cannot be compared easily to Colorado. There are three other states that have a 100% qualification requirement, but have substantially different courses of fire.

The subcommittee supports the 100% qualification requirement, and stated that if the Board chooses a different qualification score, the subcommittee would have to review and revise the course of fire to increase the difficulty and the number of rounds, possibly similar to the course of fire in place prior to 2010. The Firearms subcommittee presented two remediation options for consideration by the Board. The first option includes minimum standards of four hours remediation between the first and second attempts, and a minimum eight hours remediation between the second and third attempts at qualification. The second option includes the same minimum standards for remediation between attempts as the first option, *plus* additional remediation training after the third attempt, of a minimum of 4 hours and a maximum of 24 hours, prior to a fourth attempt. Failure of the fourth attempt would require completion of the 64-hour academy firearms program. For both options the remediation curriculum would be left to the discretion of the academy director and lead firearms instructor for that academy.

Per the Board request Deputy Ed Kafel showed a video of the course of fire from the shooter's perspective shot by an El Paso County Sheriff's Deputy.

Discussion of the options took place, with particular emphasis on whether an agency could provide remediation, how it could be coordinated with the academy, and whether there should be a minimum and/or maximum time for remediation. The burden would fall on the academy for remediation. There is also concern that the process should be consistent for students not sponsored by an agency. The Firearms committee is amenable to the agency providing remediation. The Board can choose an option, and review the results in one year (two academy classes, roughly). The option chosen would not affect the refresher academy, but would affect the reserve academy.

Chief Luis Velez spoke briefly and reiterated his two points: 100% qualification is not reasonable, and that remediation of 64-hour Firearms academy is unreasonable and too costly. Dep. Kafel responded that officers are responsible for all rounds fired. On a controlled course of fire, 100% should be the expectation.

The TQ15 target without scoring rings was displayed to the Board and is the proposed standard target for all academies. A motion was issued to approve the target.

Approved unanimously

A motion was issued to approve Option #2 with additional language: “Those students employed or sponsored by an agency may have remediation conducted by agency staff in coordination with the academy director.”

An amendment to the motion was suggested to provide success rate and remediation data after one year to assess the status of the changes.

An amendment to the motion was proposed to set maximum remediation of 24 hours for each remediation period. After discussion the amendment was withdrawn.

Approved - Exec. Dir. James Davis, Sheriff Kirk Taylor and Comm. Dave Donaldson opposed.

9. 2014 Proposed Statutory Changes

Director Pete Dunbar

Board Counsel Julie Selsberg presented proposed statutory changes to clarify rule making authority. The statutory changes would provide broad authority for the POST Board to promulgate rules and regulations. POST must obtain a sponsor to present to the legislature at this legislative session. Changes would be made to §24-31-303 and §24-31-305 and §42-3-304 to would include an increase in test fees by \$25 per certification exam and an increase from \$.60 to \$1.00 in the fee POST receives from vehicle registrations.

Grant and Training Manager Becky Calomino had comments regarding the proposed change to §24-31-303(3), which would allow grant funding to “any non-profit... or to any other organization that develops and provides training programs.” The proposed change corrects the statute to allow for funding non-profits as was approved last year by the grant subcommittee and the Board. Ms. Calomino states that the proposed additional language regarding “any other organization” is too broad and may diminish training dollars going to regions because the existing funds would be shared by additional organizations. The application process would change if the number of applications increases dramatically and will require a considerable amount more time, money and changes to the grant database. The word “compensation” indicates that POST grant funds could be used to pay salary, vacation, retirement and other fringe benefits to any organization that receives POST grant funds instead of paying to peace officer training.

There was general discussion regarding the repercussions of the proposed language, which had been reviewed and approved by Attorney General Suthers. Several

possibilities for alternate language were put forth for discussion, as well as the possibility of including specific requirements in the grant guidelines.

The POST Board moves to approve statutory changes with the exception of §24-31-303(3) in which the original language that had been approved previously by vote will replace the more recent language.

Approved unanimously

10. Update on Below 100

*Director Pete Dunbar
Michael Papi, Knowledge Factor*

At the September POST Board work session Karl Smalley presented the Below 100 program information. At that time the Board requested a training proposal. POST is proposing train-the-trainer sessions, followed by classroom and online training.

Director Dunbar stated that it will cost \$20,000 to develop the online course. Colorado Intergovernmental Risk Sharing Agency (CIRSA) is offering to fund \$10,000 of the total cost.

Knowledge Factor is currently developing the online course. Michael Papi presented Knowledge Factor's proposal with a demonstration of the application. Knowledge Factor worked closely with Below 100 to develop an online program with similar emotional impact that can be utilized statewide, especially by small, rural agencies.

It is recommended that POST move forward with online and classroom training and work with CIRSA on development and will expect a progress report in March. Sheriff Taylor proposes Pueblo County as a test site if needed.

Approved unanimously

11. Peace Officer Certification Revocation Actions

Director Pete Dunbar

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. 13-12, **Matthew Russell Keefe**, Certification No. B00337, (PID 106492). On September 14, 1995, Respondent pled guilty to one count of Assault 3 know/reckless/cause injury, § 18-3-204, C.R.S., a class 1 misdemeanor. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: July 15, 1997 –Never Employed)*. 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 Matthew Russell Keefe's Colorado Peace Officer Certification No. B00337, (PID 106492).

Approved unanimously

2. No 13-13, **Michael Eugene Pyle**, Certification No. B15567 (PID 134648). On July 22, 2013, Respondent pled guilty to two counts 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: February 27, 2013 – Separated: May 23, 2013).* The Respondent has failed to comply with POST Show Cause Order 13-13 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Michael Eugene Pyle's Colorado Peace Officer Certification Number B15567 (PID 134648).

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. F13-13, **Kevin David Osborne**, Certification No. B7151 (PID 114092). On August 6, 2013, Respondent pled guilty to and was convicted of one count of Theft, 1000-20,000, § 18-4-401 (1)(2)(C), C.R.S., a class 4 felony. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: March 20, 2013 – Separated June 24, 2009).* The Respondent has failed to comply with POST Show Cause Order 13-13 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Kevin David Osborne's Colorado Peace Officer Certification No. B7151 (PID 114092).

Approved unanimously

12. Formal Rule Making Hearing

*Chief Mark Beckner, Chair pro tem
Board Counsel Julie Selsberg
Director Pete Dunbar*

Public Announcement of Formal Rule Making Hearing

Opened at 12:46 p.m.

- A. Summary of Proposed POST Rule Change *Director Pete Dunbar*
Colorado Department of Regulatory Affairs Review/Response
 - a. Rule 1 – Definitions
 - b. Rule 11 – Provisional Certification

- c. Rule 13 – Renewal of Basic Certification
Changes in Rules 1, 11 & 13 correct style and grammatical errors, change the number of hours for the refresher academy, and add arrest control instruction to the renewal of basic certification and provisional certification requirements.
- d. Rule 27 – Retired Law Enforcement Officer Authority to Carry Concealed Firearms
Removes reference to repealed statute. Strikethrough version will remain in place for reference through 2014.

B. Public Comment on Rule Making

No comments from Board or public.

C. Board Vote

Unanimously adopted

Session closed at 12:50 p.m.

13. 2014 POST Board Meeting Dates and Offsite Meeting

Director Pete Dunbar

Proposed Board Meeting dates for 2014

Friday, March 7, 2014

Thursday, June 12, 2014 - POST Board work session, Hinsdale County, Lake City

Friday, June 13, 2014 – Hinsdale County, Lake City

Friday, September 12, 2014

Friday, December 5, 2014

A date change for the offsite meeting from September to June is proposed. Sheriff Bruce of Hinsdale County expressed the need for preparation and head counts, and suggests we make reservations as quickly as possible. He will provide a list of available lodgings.

Approved unanimously

Informational Items:

14. POST Online Test Update

Director Pete Dunbar

POST is dissatisfied with progress with I/O solutions and has discontinued working with them. POST formed a test question subcommittee that wrote new questions and reviewed existing test questions. The current test bank will be field tested throughout December for analysis in early January by Dr. Haladyna, the third-party expert. POST would like the test to be online as soon as possible, and will have a report in March.

15. Strategic Plan Update

Director Pete Dunbar

The Basic curriculum update will take place next year. POST will also determine the levels for reserve officers next year as well. Working with small, rural agencies on training opportunities is an ongoing project, but more comprehensive update will be presented in March.

16. School Resource Officer and Elder Abuse Curricula *Director Pete Dunbar*

Elder Abuse: Director Dunbar has been working with Jefferson County and Boulder County to take an eight-hour curriculum and reduce it to four hours. We have scheduled some trainings beginning in January. At least one person from each municipal and county agency in Colorado is to be trained with this curriculum. The goal is to complete the training before the mandatory reporting requirement on July 1, 2014. At present there is no cost to attend.

The School Resource Officer curriculum is nearing completion. It is a 48-hour course including 2 days of single officer response to a shooter. One officer per agency must attend the training, but those who have attended the basic 40 hour course will be grandfathered.

17. Comments from Others on POST Issues

Scott Black of the Glendale Police Department has tendered his resignation and POST will be replacing him as a Board member within the next couple of months.

18. Adjournment

Chief Mark Beckner, Chair pro tem

Chief Beckner called for a motion to adjourn.

Approved unanimously

Meeting end: 12:58 p.m. (2 Hours 54 Minutes)

Next POST Board Meeting:

**Friday, March 7, 2014
POST Board Meeting – Colorado Dept. of Law
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 1st Floor
Denver CO 80203**

POST BOARD MEETING

RECORD OF PROCEEDINGS

March 7, 2014 10:00 am

The Peace Officer Standards and Training Board held its 386th Board meeting at the Ralph L. Carr Colorado Judicial Center, 1300 Broadway, Denver Colorado with the following in attendance:

BOARD MEMBERS

MR. RONALD BECKHAM
CHIEF MARK BECKNER
CHIEF DAN BRENNAN
SHERIFF RON BRUCE
CHIEF JOHN CAMPER
OFFICER RAFAEL CHANZA
COMMISSIONER DAVID DONALDSON
SHERIFF JAMES FAULL
SHERIFF SHAYNE HEAP
SHERIFF CHRIS JOHNSON
CHIEF DANIEL OATES
INVESTIGATOR GILBERT PERALES
SPECIAL AGENT IN CHARGE THOMAS RAVENELLE
ATTORNEY GENERAL JOHN SUTHERS
SHERIFF KIRK TAYLOR
SHERIFF DAVID WEAVER
CHIEF DAVE WOHLERS

BOARD MEMBERS ABSENT

EXECUTIVE DIRECTOR JAMES H. DAVIS
CHIEF ROBERT C. WHITE

BOARD COUNSEL

MATT DURKIN, Deputy Attorney General, Criminal Justice

STAFF MEMBERS

PETE DUNBAR, POST Director
CRISTINE MACK, POST Investigator
TOM MULLEN, POST Compliance Officer
STEFANIE MACKEY, POST Grant & Training Coordinator
LORI JENCKS, POST Administrative Assistant

MEMBERS OF THE PUBLIC IN ATTENDANCE

JASON ARMSTRONG, Professional Bail Agents of Colorado (PBAC)
WILLIAM BAKER, Grand Junction Police Department

JOSH BELLENDIR, Larimer County Sheriff's Office
 CAPTAIN ERIK J. BOURGERIE, Summit County Sheriff's Office
 DIANE BRUCE
 JEFF CLAYTON, Clayton Advocacy
 SERGEANT MICHAEL CUMMINGS, Arapahoe County Sheriff's Office
 LIEUTENANT MICHAEL ESTERS, Larimer County Sheriff's Office
 JOSH FAST, Larimer County Sheriff's Office
 EMILY GALLAGHER, POST Intern
 SERGEANT ERIC GONZALES, Pueblo Police Department
 TRAINING MANAGER JOHN HOOD, Colorado Parks and Wildlife
 CORPORAL AARON HORWITZ, Larimer County Sheriff's Office
 DEPUTY GLOVER JARMIN, Adams County Sheriff's Office
 DIRECTOR DOYLE JONES, Weld County Sheriff's Office
 SERGEANT CHRIS JUUL, Aurora Police Department Training Academy
 DEPUTY EDWARD KAFEL, El Paso County Sheriff's Office
 ROGER KELLEY, Adams County Sheriff's Office
 JANET LARSON, County Sheriffs of Colorado
 DIRECTOR CATHY LABREQUE, Pikes Peak Community College
 OFFICER STEPHEN LARSEN, Aurora Police Department
 COMMANDER RICK MCNAIR, Adams County Sheriff's Office
 COMMANDER IB V. MEYER, Weld County Sheriff's Office
 SERGEANT DARREN O'DRISCOLL, El Paso County Sheriff's Office
 OFFICER STEPHEN OULLIBER, Aurora Police Department
 COMMANDER KARL SMALLEY, Adams County Sheriff's Office
 KEVIN SMYTH, Aurora Police Department
 TECHNICIAN MICHAEL WALKER, Denver Police Department
 MARK E. WALTERS, Aurora Police Department
 OFFICER BRAD WANCHISEN, Aurora Police Department
 RICHARD WEBB
 JAN WORTHEM, Colorado State Patrol Academy

The following Subject Matter Expert Committees met prior to the regular POST Board meeting on March 7, 2014.

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 Board meeting.

2. **Pledge of Allegiance** Attorney General John Suthers

General Suthers requested all remain standing for a moment of silence to commemorate

Sgt. David Baldwin of the Jefferson County Sheriff's Office, who died in the line of duty on January 26, 2014.

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

4. **Formal Board Recognition of** Attorney General John Suthers
Departing Board Members
Chief Mark Beckner and Executive Director James Davis

General Suthers presented a plaque of appreciation to retiring Chief Mark Beckner. Executive Director James Davis was unable to attend and Director Dunbar will present his plaque at a later date.

5. **Formal Board Recognition of** Attorney General John Suthers
Departing Subject Matter
Expert Committee Members

General Suthers presented plaques of appreciation to departing SME Committee members Deputy Glover Jarmin and Lieutenant Michael Esters.

6. **Roll Call** Director Pete Dunbar

Declaration of a Quorum (11)

7. **Approval of POST Minutes from December 6, 2013**
(See supplemental handout)

Approved Unanimously

Presentations:

8. **Subject Matter Expert (SME) Committee Reports:**

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

Sgt. O'Driscoll presented the report. The Curriculum committee has had many meetings, primarily for the purpose of writing test questions for the new POST certification exam. Sgt. O'Driscoll thanked Sgt. Chris Juul and members of the subcommittee for their work. The next project is the revision of the Basic Academy curriculum. Two members of California POST will be meeting with the Curriculum committee on March 19th to discuss how their curriculum is set up and determine aspects we may adapt. The Curriculum committee would like to bring in other SME committee members for their assistance with their disciplines in the revision. One goal is to produce standardized lesson plans which every academy in the state can utilize. As the curriculum is revised, additional test questions must be written. The Committee will not meet in Lake City in June, but there will be a representative present to submit a report.

B. Arrest Control

Capt. Erik Bourgerie, Chair
Vice-Chair - Vacant
Inv. Gilbert Perales, Board Member

Capt. Bourgerie presented the report. The Committee accepted the resignation of Joaquin Baca due to other obligations. Corp. Aaron Horwitz of Larimer County Sheriff's Office was approved as a member, replacing Lt. Michael Esters. The Committee reviewed the inspection completed at Red Rocks Community College February 27. The inspection went very well with minor suggestions. The Committee continued discussion on revisions to the Arrest Control training program. Several revisions were accepted and wording changes will be reviewed. A new site and safety plan were approved for the El Paso County Sheriff's Office. The 80-hour training requirement for full skills instructors was discussed, and while the Committee supports the intent of Rule 23-Academy Skills Instructors, an update is needed to reflect the combined disciplines now used. The Committee will not meet in Lake City in June, but will meet June 20th in Larimer County. There was one Rule 21 incident in which an academy instructor was injured. The full report is pending. The selection of vice-chair for the committee was tabled until the next meeting. Two inspections are coming up: Jeffco/Lakewood Academy, and Adams County Sheriff's Office Academy. Both are staffed.

C. Firearms

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

Dep. Kafel presented the report. The Committee met today for the third time this year. Paperwork on prospective new member Terry Bridge of Mesa County Sheriff's Office was approved. Dep. Bridge will attend the next Board meeting and the Committee will make final approval. There will be an inspection of Larimer County Sheriff's Office Reserve program on April 13, and Pueblo PD has an inspection scheduled for May 2. Both inspections are staffed.

D. Law Enforcement Driving

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

Cmdr. Smalley presented the report. The Committee approved new member Brad Wanchisen of Aurora Police Department. Mark Abbotts of Colorado Springs Police Department was approved as a full instructor. Three driving programs were approved today: Two submitted by Arapahoe County (Vehicle Counter Ambush Techniques and Advanced Law Enforcement Driving Instructor), and one by Western Slope Driving Academy (Law Enforcement Driving for the 21st Century). The Committee made one revision to the LE Driver Instructor training program. A prerequisite was added that state instructors must be POST-certified or retired POST-certified with at least 18 months continuous active service in order to apply to become a driving instructor. The Committee considered the issue of assistant instructors becoming full instructors and the 80-hour requirement. It was decided that completing two full academy classes as an assistant instructor would qualify one to become a full instructor. The Driving

Committee will meet in June in Lake City. Western Colorado Peace Officers Academy has an inspection coming up. There have been several Below 100 classes as well as two train-the-trainer courses in Grand Junction and Highlands Ranch, and we now have approximately 60 new instructors for Below 100. Director Dunbar will give a more complete report.

Chief Oates asked about role of the Driving committee regarding recommendations of new vehicles such as the new Ford Interceptor, which many agencies are considering as an alternative vehicle. Cmdr. Smalley recommends the Interceptor and states the handling and the electronic stability control are very good. The Committee is considering how best to train officers on use of vehicles with electronic stability control. Chief Camper, the Board representative for the Committee, stated that the Committee should consider a more formalized process for reviewing and disseminating reviews of new vehicle to agencies, the process to be discussed at the next meeting. General Suthers suggests that the Committee research data from other sources, including law enforcement agencies, throughout the U.S. and make that data available to agencies along with recommendations. Cmdr. Smalley stated that the committee could take on the project. He is also looking into working with the manufacturers, such as Chrysler, to set up subjective testing specifically for law enforcement driving, possibly designing an off-road testing ground at the Adams County facility to allow a more thorough evaluation of new vehicles.

Action Items:

9. Bail Recovery Agents

Jeff Clayton
Clayton Advocacy LLC

Jeff Clayton represents Professional Bail Agents of Colorado (PBAC). Jason Armstrong, vice president of PBAC, was also in attendance. The PBAC board is concerned that bail recovery is unregulated, with no training or background checks required. §12-7-105.5 C.R.S., a 1998 statute which required background checks and completion of a training course for bail recovery agents, was repealed in 2012. Mr. Clayton has been working with the PBAC board to move toward regulation. The Department of Regulatory Agencies (DORA) does not want to be involved. It was hoped that the POST Board may consider regulating bail recovery, however it is understood that the Board may not wish to do so. PBAC would like to define the powers of bail recovery agents, require background checks, and require training. The POST Board provides standards for bail recovery training, and has fulfilled that obligation by providing them to DORA. DORA certifies that any training courses meet that standard. Licensed bail agents are required to take the bail recovery training as a module of their training course, however their contracted recovery agents are not. The power to arrest comes from the licensed bail agent, but the agent may contract out actual recovery. PBAC has called for Sunrise review by DORA to consider the issue. PBAC is requesting support for regulation and asks for POST's participation in the Sunrise process, even if POST is not the regulating agency. There are no records for numbers of bail recovery agents in Colorado. General Suthers stated that he is somewhat supportive of PBAC in seeking regulation, though he does not believe that the POST Board should be the regulating agency. If the POST Board were provided with proposed legislation it may consider taking a position supporting regulation. It was suggested that PBAC also seek

support for proposed legislation from the County Sheriffs of Colorado (CSOC) and the Colorado Association of Chiefs of Police (CACP).

10. **School Safety Officers**

Director Pete Dunbar

Chief Camper stated that there are schools in his district who wish to hire POST-certified officers to enhance security. Sheriff Hilkey (Mesa County SO) and Chief Camper would like POST-certified school security officers to maintain their certification while still employed with the school district to avoid losing certified personnel due to the risk of expiration. They would like the Board to consider a rule change to allow those officers to maintain their certification. Some concerns expressed during discussion were potential required training elements, a limit on length of certification, and consideration of other similar positions, such as hospital safety officers, court officers and Coroner's office investigators. It was suggested that school districts be treated similarly to existing higher education law enforcement, giving the school district responsibility for legislative changes. Higher education police officers are POST-certified. It is not the intent to require POST-certification or to regulate the profession, but only to allow continuation of certification for those who are already certified. General Suthers would like POST to research other positions that may benefit from extended certification and report back to the Board.

11. **Appointment to Grant Subcommittee**

Director Pete Dunbar

Sheriff Weaver of Douglas County and Interim Director Kathy Sasak of Dept. of Public Safety were approved as members replacing retiring member Chief Mark Beckner of Boulder PD and Exec. Director James Davis of DPS.

12. **Antonio E. Martinez Jr. – Appeal**

Director Pete Dunbar

Mr. Martinez was not present. Mr. Martinez requested a Rule 7 variance May 7, 2013 and was granted a 6-month extension as he was undergoing the hiring process with Firestone PD. He requested a second extension, stating he was in the hiring process with several agencies and could not afford to complete the renewal process if expired. He then requested a third extension as he was in the hiring process with Aurora PD. Director Dunbar denied the 3rd extension request and Mr. Martinez requested an appeal to the Board.

Denied unanimously

13. **Peace Officer Certification Revocation Actions** Director Pete Dunbar

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

§ 24-31-305, C.R.S.(2)(a) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section or 24-31-308 shall be suspended or revoked by the POST Board if the certificate holder *has been convicted of a felony 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. 13-14, **David R. Morrow**, Certificate Number B11340 (PID 120488). On August 19, 2013, Respondent was convicted of one count of Child Abuse-Knowingly/Reckless Causing Serious Bodily Injury, § 18-6-401(1)(a),(7)(a)(III), a class 3 Felony, one count of Assault 2 causing Serious Bodily Injury, § 18-3-203 (1)(g), C.R.S., a class 4 felony, and one count of Assault 2 causing Serious Bodily Injury with deadly weapon, § 18-3-203 (1)(b), C.R.S., a class 4 felony. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: June 12, 2011 –Separated July 28, 2011).* The Respondent has failed to comply with POST Show Cause Order 13-14 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of David R. Morrow's Colorado Peace Officer Certificate No. B11340 (PID 120488).

Approved unanimously

2. No 13-15, **Rodney Olin Bretches**, Certificate Number 12721 (PID 109973). On June 17, 2013, Respondent was convicted of one count of Sexual Exploitation/child §18-6-403(3)(b.5),(5), C.R.S., a class 5 Felony, and one count of Peeping Tom, §18-3-404(1.7) C.R.S., a class 1 Misdemeanor. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: June 1, 2011 –Separated June 15, 2012).* The Respondent has failed to comply with POST Show Cause Order 13-15 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Rodney Olin Bretches' Colorado Peace Officer Certificate No. 12721 (PID) 109973).

Approved unanimously

3. No. 13-16, **Brent R. Curnow**, Certificate Number B5080 (PID 110231). On September 3, 2013, Respondent was convicted of one count of Tampering With Physical Evidence/Destroying § 18-8-610(1)(a), C.R.S., a class 6 Felony. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: January 1, 2013 –Separated January 22, 2013).* The Respondent has failed to comply with POST Show Cause Order 13-16 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Brent R. Curnow's Colorado Peace Officer Certificate Number B5080 (PID 110231).

Approved unanimously

4. No. 13-17, **Allan Lewis McEwen**, Certificate Number 1284 (PID 110274). On July 11, 2013, Respondent pled guilty to and was convicted of one count of Assault 1-Threatening a Police Officer with a weapon, § 18-3-202 (1)(e), C.R.S., a class 3 felony. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: October 18, 2012 –Separated October 31, 1986).* The Respondent has failed to comply with POST Show Cause Order 13-16 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Allan Lewis McEwen's Colorado Peace Officer Certificate Number 1284 (PID 110274).

Approved unanimously

5. No. 13-17, **Lorenzo A. Hernandez**, Certificate Number B7402 (PID 115292). On April 18, 2013, Respondent was convicted of one count of Trespassing 1- Dwelling, § 18-4-502 C.R.S., a class 5 felony, and Trespassing - Emotional Duress § 18-3-602 (1)(c) 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: February 08, 2013 – Separated December 30, 2002).* The Respondent has failed to comply with POST Show Cause Order 13-17 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Lorenzo A. Hernandez’s Colorado Peace Officer Certificate Number B7402 (PID 115292).

Approved unanimously

Informational Items:

14. POST Online Test Update

Director Pete Dunbar

POST is going through the formal process to separate from I/O Solutions as the results were unsatisfactory. The test questions were too difficult and were not reflective of the actual curriculum, among other issues.

Sgt. Chris Juul and a subcommittee of the Curriculum SME committee have written 350 questions so far which have been field-tested and reviewed by Dr. Tom Haladyna. POST has purchased a records management system (Acadis Readiness Suite) from ENVISAGE Technologies Corporation which has an online testing module. We are checking the security measures and Mr. Mullen is entering test questions into the Acadis system. It is expected that the success rate for the new test will be similar to the old, above 80%. The test is fair and more usable, and we will be able to easily review and edit questions. General Suthers expressed concern regarding the security of the test. The online test will avoid the issue of POST staff potentially giving copies of the test to students, as happened several years ago. There will be no printed version, and the test questions are randomized for each test. The other issue was that previously members of the Curriculum committee put together “study guides” which had included verbatim questions from the exam. Director Dunbar stated that we have written confidentiality agreements from all committee members and from others with contact with the test with consequences for releasing information regarding test questions.

15. Strategic Plan Update

Director Pete Dunbar

The top two items on the Strategic plan were to obtain additional funding for POST, and to develop a mandatory in-service training program. We have begun the process to pass SB 14-123 (POST Bill). The bill was created, approved by the Board and is sponsored by Senator Lucia Guzman and Representative Daniel Kagan. It has gone through the Senate Judiciary and Finance committees and is scheduled to be heard by the Senate Appropriations committee on Friday, March 14, 2014. We have support of CSOC and CACP with members testifying before the Senate on POST’s behalf. If the bill passes Senate Appropriations, it will go before the whole Senate, then will move to the House

Committees. The original draft of the bill included language regarding suspensions for not completing in-service training, but all reference to suspensions has been eliminated. Consequences for not completing in-service training will be discussed later by the Board. The Bill would increase funding from \$.60 to \$1.00 per vehicle registration, giving POST an additional 1.7 million for training, focusing on small, rural agencies. POST has expressed to CSOC and CACP that it is not the intent to tell the agencies what training they must have. The Legislature will determine what would be required, but the chiefs and sheriffs should have discretion in the training topics and methods. If the bill passes the Board would need to determine the requirements for in-service training.

16. Mandated Training Update

Director Pete Dunbar

The Dog Protection Task Force is developing training in response to the Dog Protection Act. POST is not involved with development. It is to be completed and implemented by the end of the calendar year.

The Elder Abuse training is a four-hour class. We have completed three classes and have set up 12 classes throughout the state. All will be completed by June and POST will assess which agencies have not participated at that time. One person from each municipal agency and Sheriff's office must attend training. We are providing packets for those attending the course to take back to their agencies to act as trainers for their agency's officers. All officers are mandatory reporters. Colorado was one of three states that did not previously have a mandatory reporting requirement.

17. POST Board Meeting – Lake City

Director Pete Dunbar

The POST Board off-site meeting has traditionally been held in September, with a planning session on Thursday afternoon, and the Board meeting on Friday morning. The Board is asked to determine whether we should retain the planning session in September, prior to the Board meeting, or have the planning meeting in June in Lake City in Hinsdale County. If the POST Bill passes, Director Dunbar suggests that we have an all-day work session on the Thursday prior to the September Board meeting on September 12. There is some concern that September 11 may be difficult due to 9/11 activities/services. Sheriff Bruce and Hinsdale County Sheriff's Office are hosting a dinner on Thursday evening for those who wish to attend. Sheriff Bruce mentioned attractions in the area and the need to make reservations quickly.

18. Comments from others on POST Issues

Director Dunbar mentioned vacancies to be filled on the POST Board. Applications have been submitted for the Sergeant or below opening and POST will be reviewing and interviewing those applicants shortly. POST will be requesting applications to replace Chief Beckner, and there are several positions coming open after June 30, most of which are eligible for reappointment. Applications should be directed to the Governor's Office of Boards and Commissions.

Chief Camper mentioned an issue that has come up in his jurisdiction and he is requesting POST provide clarification. Should a certified individual who is not currently employed as a peace officer be conveyed the same right to carry a concealed weapon and retain the same

expectation to respond as a working peace officer? Statute implies that an officer would be employed by an agency by stating that it is subject to the written firearms policy created by the employing agency, but is not clear whether an officer must be employed to have those rights and responsibilities. There is provision for a retired peace officer to obtain a permit to carry a concealed firearm [Law Enforcement Officers Safety Act (LEOSA) HR218]. The Attorney General's Office would support a reading that permission to carry a concealed weapon is limited to individuals employed as law enforcement officers. General Suthers recommends looking into possible legislative clarification.

19. **Adjournment**

Attorney General John Suthers

Meeting end: 11:33 a.m.

(1 Hour 33 Minutes)

Next POST Board Meeting

Friday, June 13, 2014

10:00 am

Hosted by Hinsdale County Sheriff's Office

Moseley Health Care Complex

700 N Henson St

Lake City CO 81235

POST BOARD MEETING

RECORD OF PROCEEDINGS

June 13, 2014 10:00 am

The Peace Officer Standards and Training Board held its 387th Board meeting at the Ralph L. Carr Colorado Judicial Center, 1300 Broadway, Denver, Colorado, with the following in attendance:

BOARD MEMBERS

MR. RONALD BECKHAM
CHIEF DAN BRENNAN
SHERIFF RON BRUCE (teleconference)
CHIEF JOHN CAMPER (teleconference)
OFFICER RAFAEL CHANZA
CHIEF JOHN COLLINS
DEPUTY AMANDA CRUZ-GIORDANO
COMMISSIONER DAVID DONALDSON
CHIEF JOHN DYER
INVESTIGATOR GILBERT PERALES
INTERIM DIRECTOR KATHY SASAK
ATTORNEY GENERAL JOHN SUTHERS
SHERIFF DAVID WEAVER
CHIEF DAVE WOHLERS (teleconference)

BOARD MEMBERS ABSENT

SHERIFF JIM FAULL
SHERIFF SHAYNE HEAP
SPECIAL AGENT IN CHARGE THOMAS RAVENELLE
SHERIFF KIRK TAYLOR
CHIEF ROBERT C. WHITE

BOARD COUNSEL

JULIE SELSBERG, FIRST ASSISTANT ATTORNEY GENERAL

STAFF MEMBERS

PETE DUNBAR, POST Director
CRISTINE MACK, POST Investigator
TOM MULLEN, POST Compliance Officer
STEFANIE MACKEY, POST Grant & Training Coordinator
LORI JENCKS, POST Administrative Assistant

MEMBERS OF THE PUBLIC IN ATTENDANCE

CAPTAIN ERIK J. BOURGERIE, Summit County Sheriff's Office
CHRIS BROOKS, Mesa County Sheriff's Office

SERGEANT MICHAEL CUMMINGS, Arapahoe County Sheriff's Office
MATT DURKIN, Colorado Department of Law
GRAHAM DUNNE, Aurora Police Department
EMILY GALLAGHER, POST Intern
ERIC A. GONZALES, Pueblo Police Department
DIRECTOR DOYLE JONES, Weld County Sheriff's Office
DEPUTY EDWARD KAFEL, El Paso County Sheriff's Office
JANET LARSON, County Sheriffs of Colorado
COMMANDER KARL SMALLEY, Adams County Sheriff's Office
SHANNON SNUGGS, Colorado Springs Police Department

The following Subject Matter Expert Committees met prior to the regular POST Board meeting on June 13, 2014.

Law Enforcement Driving Subject Matter Expert Committee

Introductions:

1. **Welcome** Attorney General John Suthers

General Suthers welcomed everyone to the Board meeting.

2. **Pledge of Allegiance** Attorney General John Suthers

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

4. **Welcome New Board Members**

General Suthers introduced new Board members Chief John Collins of the Englewood Police Department, Deputy Amanda Cruz-Giordano of the Arapahoe County Sheriff's Office, and Chief John Dyer of the Rifle Police Department. General Suthers also introduced Chief Michael Phibbs of the Elizabeth Police Department who will begin his first term on the POST Board effective 6/30/2014.

5. **Roll Call** Director Pete Dunbar

Declaration of a Quorum (11)

6. **Colorado POST Bill SB14-123**

General Suthers commended all who worked to get the POST Bill passed, increasing funding for POST training and allowing POST to mandate in-service training for peace officers.

7. **Approval of POST Minutes from March 7, 2014**
(See supplemental handout)

Approved Unanimously

Presentations:

8. Subject Matter Expert (SME) Committee Reports:

A. Curriculum

Sgt. Graham Dunne, Chair
Dir. Cathy LaBrecque, Vice-Chair
Sheriff Kirk Taylor, Board Member

Sgt. Dunne presented the report. The Curriculum committee has been working on three primary goals: Writing new test questions for the POST certification exam, updating goals and performance outcomes for the POST manual, and the introduction of tactical casualty care for training with the goal of including it in the Basic curriculum.

The test writing subcommittee has met periodically over the past eight months and they have written approximately 500 questions for the POST certification exam. POST has been field testing the final questions and they will soon be sent to Dr. Haladyna for analysis and review. The new POST test questions should be in use by August.

Director Dunbar reports that the current POST test is now being administered online. Tablets have been ordered for test administration to increase security. After analysis of the final questions, they will be entered into the question bank and the new test can be administered in August. The Curriculum committee is considering increasing the number of questions on the exam to include more subjects that are taught in the academy.

The Committee is working on a major revision of the Basic curriculum which will be an ongoing project.

Tactical casualty training ties in with active shooter training and the Below 100 program, and at this time the Committee is determining logistics and cost.

B. Arrest Control

Capt. Erik Bourgerie, Chair
Inv. John Tucker, Vice-Chair
Inv. Gilbert Perales, Board Member

Capt. Bourgerie presented the report. The Committee met May 9th at Aurora Police Department. They approved a discipline switch for the Weld County Sheriff's Office from PPCT to FBI, which included approval of three sites and three site safety plans. The Committee approved nine assistant skills instructors and did not approve two assistant skills instructors due to lack of documentation. Two full skills instructors were approved: David Whitlock with Colorado Springs Police Department Academy and William Ray of Pikes Peak Community College Academy. The Denver Police Department lateral academy arrest control lesson plan was approved. There were three academy inspections conducted: the Jefferson County Combined Regional Academy, Adams County Sheriff's Office Academy, and Denver Police Department Academy. All inspections went well. The revision of the Arrest Control Training Program was tabled for more thorough review. John Tucker of the Weld County Sheriff's Office was selected as vice-chair of the Arrest Control SME committee. The

Committee reviewed two injury reports. The next meeting is June 20 at the Summit County Sheriff's office with the intent of discussing the Arrest Control Training Program revision.

C. Firearms

Dep. Ed Kafel, Chair
Training Mgr. John Hood, Vice-Chair
Board Member - Vacant

General Suthers congratulated Dep. Ed Kafel's winning the 100 Club of Colorado Springs award.

Dep. Kafel presented the report. The committee has met five times this year. The committee expressed thanks to Sheriff Chris Johnson for his service to the committee and good luck in his new position with County Sheriffs of Colorado. Sgt. Terry Bridge of Mesa County Sheriff's Office has joined the committee. So far this year there have been eight test-outs and three inspections: Denver Police Department, Larimer County, and Pueblo Police Department. All were found to be in compliance. In June inspections will be conducted at the Weld County Sheriff's Office Academy and Aurora Community College Academy.

D. Law Enforcement Driving

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

Cmdr. Smalley presented the report. The committee met this morning with eight members and one guest. Inspections were conducted at Western Colorado Peace Officer Academy, Community College of Aurora, and Colorado State Patrol Academy. All programs were very good. The committee approved a new driving site for Colorado Springs Police Department as well as their safety plan. Denver Police Department's driver training program was not approved. Denver wanted to include four hours of pit training in their lateral academy, and that is not covered at this time in the Basic driving curriculum. Denver may eliminate the pit training from the Basic driving program and then gain approval, or they can extend the program to include it if they wish. The committee approved seven full instructors and a new driving instructor program from Weld County. The committee is reviewing and revising the current Driver Instructor Training program and hopes to have the revision completed by the December meeting. The committee discussed and approved the First Gear Skid-car program presented for course approval. The committee discussed member participation. Lt. Dan Mark of Aurora Police Department submitted his resignation. Upcoming inspections include Aurora Police Department in July and Weld County in August. The vehicle evaluation event is planned for August 29th at the Flatrock training facility. There was a survey sent to all chiefs and sheriffs to determine the needs and priorities for the evaluation. Ford, Chrysler and GM representatives will be present for the event. Invitations will be sent to all chiefs and sheriffs to request registration for the event. The results of the subjective evaluations will be released statewide.

Board member Ron Beckham expressed concern with the number of rear-end collisions involving law enforcement vehicles. He asked whether offset parking, vehicle lighting,

etc. are covered in the Basic driving curriculum. Cmdr. Smalley discussed the dim-light driving portion of the Adams County academy and what is covered. Most agency academies cover that material well, but he's not certain how well the community college academies address this. Mr. Beckham suggested we consider revision of the curriculum to include this type of training more specifically. Cmdr. Smalley stated that the committee will look at that in more detail when they are revising the driving curriculum.

Action Items:

9. **Approval of Fiscal Year 2015 POST Grant Awards** Director Pete Dunbar

(See supplemental handout)

The grant subcommittee met on April 16, 2014, reviewed the grantee funding applications, and determined grant award recommendations. After the materials were printed the Colorado Association of Chiefs of Police (CACP) entered an agreement with the County Sheriffs of Colorado (CSOC) to allow CSOC to manage their training. The CACP award will be given to CSOC as fiscal manager for CACP. The total award to CSOC will be \$300,906.00. Unfunded grant requests amounted to approximately \$700,000. In the future the POST Bill will provide approximately \$400,000 in additional funding for training. The subcommittee opted to give a dollar value to the regions and let the regions and presenters determine what courses to provide instead of approving specific courses as in the previous year. Grant subcommittee members were Chief Camper, Chief Wohlers, Interim Director Sasak, Sheriff Taylor and Sheriff Weaver.

Approved unanimously

10. **Approval of Fiscal Year 2015 Grant Guidelines** Director Pet Dunbar
(See supplemental handout)

Changes to grant guidelines for fiscal year 2015 were made to more closely follow the state controller's rules and procedures. Nonprofits are now included as eligible grant recipients. More specific guidelines for required materials and procedures for course approval have been added. Academy Instructor training program approval guidelines have been added. Information regarding travel and backfill expenses now align with the controller's rules.

Approved unanimously

11. **Appointment of Board Vice Chairperson** Director Pete Dunbar

Chief John Camper was nominated as POST Board Vice-Chairperson

Approved unanimously

12. **Appointment of Firearms SME Committee Board Representative** Director Pete Dunbar

Sheriff Ron Bruce and Chief Dan Brennan volunteered for the position. Dep. Kafel stated that the meetings are held 11 times a year primarily at the Chatfield House in Littleton. Sheriff Bruce withdrew his request due to distance and difficulties in attending. Motion was made to appoint Chief Brennan to the Firearms committee.

Approved unanimously

13. **Schedule POST Board Work Session** Director Pete Dunbar

Director Dunbar proposed the possible need to have a work session to update the strategic plan and develop in-service training requirements. Creating a sub-committee for the proposed in-service training requirements may allow the Board to have a work session later on in the year instead of this summer. POST is accumulating information regarding other states' in-service training requirements. The board opted to create an in-service training subcommittee. Chief Dyer, Chief Phibbs, Officer Cruz-Giordano, Chief Collins, and Sgt. Chanza volunteered for the subcommittee.

The work session could potentially be held after the September Board meeting, or the strategic plan update could be a part of the regular Board meeting at that time.

14. **Peace Officer Certification Revocation Actions** Director Pete Dunbar
(See supplemental handout)

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 § 24-31-30 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. 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. 13-14, **Robert Frank Bankenstein**, Certification No. B183, (PID 117203), On September 26, 2013, 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 not employed as a peace officer on the date of the offense (Date of Offense: May 25, 2013, – Separated: May 25, 1990).* The Respondent has failed to comply with POST Show Cause Order 13-14 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Robert Frank Bankenstein's Colorado Peace Officer Certification No. B183, (PID 117203).

Approved unanimously

- 2) No 13-15, **Al K. Joyce**, Certification No. B3682 (PID 121685). On November 12, 2013, Respondent pled guilty to 1 count of Obstructing a Peace Officer; § 18-8-104(1)(a), C.R.S., a class 2 misdemeanor. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: October 14, 2013 – Separated:*

February 24, 2012). The Respondent has failed to comply with POST Show Cause Order 13-15 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Al K. Joyce's Colorado Peace Officer Certification No. B3682 (PID 121685).

Approved unanimously

- 3) No 14-01, **William Robert Metzler**, Certification No. B17080 (PID 137794). On January 16, 2014, Respondent was convicted of 2 counts 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: April 8, 2013 – Separated: June 15, 2013).* The Respondent has failed to comply with POST Show Cause Order 14-1 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of William Robert Metzler's Peace Officer Certification No. B17080 (PID137794).

Approved unanimously

- 4) No. 14-02, **Eric Alan Seymore**, Certification No. B10695 (PID 118507). On September 19, 2013, The Respondent pled guilty to 1 count of Harassment-repeat Telephone Calls § 18-9-111(f), 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: August 11, 2013 – Separated: July 25, 2013).* The Respondent has failed to comply with POST Show Cause Order 14-2 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Eric Alan Seymore's Peace Officer Certification No. B10695 (PID 118507).

Approved unanimously

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. 14-1, **John Jose Romero**, Certification Number 10873 (PID 123786). On July 1, 2013, Respondent pled guilty to and was convicted of one count of Burglary 3, §18-4.204(1) C.R.S., a class 5 felony. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: July 7, 2011, Separated February 2, 2012).* The Respondent has failed to comply with POST Show Cause Order 14-1 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar

recommends revocation of John Jose Romero's Colorado Peace Officer Certification No. 10873 (PID 123786).

Approved unanimously

2. No 14-2 **Robert Michael French**, Certification Number B2984 (PID 117092). On January 17, 2014, Respondent pled guilty to one count of Sexual Exploitation/child-poss Material, § 18-6-403 (3)(b.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 January 22, 2013, Separated February 11, 2013).* The Respondent has failed to comply with POST Show Cause Order 14-2 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Robert Michael French's Colorado Peace Officer Certification No. B2984 (PID 117092).

Approved unanimously

3. No 14-4, **Wendy Hansen**, Certification Number B4402 (PID 115471). On March 30, 2012, Respondent pled guilty to and was convicted of one count of Felony Menacing-real/simulated Weapon 3, § 18-3-206(1)(a)/(b) C.R.S., a class 5 felony. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense August 22, 2011, Separated December 2, 2011).* The Respondent has failed to comply with POST Show Cause Order 14-4 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Wendy Hansen's Colorado Peace Officer Certification No. B4402 (PID 115471).

Approved unanimously

4. No 14-5, **David Lee Russell**, Certification Number B00493 (PID 114251). On July 1, 2013, Respondent pled guilty to and was convicted of three counts of Contributing to the Delinquency of a Minor, §18-6-701 C.R.S., a class 4 felony. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense November 3, 2012, Separated January 31, 2003).* The Respondent has failed to comply with POST Show Cause Order 14-5 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of David Lee Russell's Colorado Peace Officer Certification No. B00493 (PID 114251).

Approved unanimously

5. No 14-6, **Roger Alan Pacheco**, Certification Number B10145 (PID 100259). On January 8, 2013, Respondent pled guilty to one count of Stalking–Emotional Distress, § 18-3-602 (1)(c) C.R.S., a class 5 felony. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense July 23, 2012, Never hired).* The Respondent has failed to comply with POST Show Cause Order 14-5 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Roger Alan Pacheco's Colorado Peace Officer Certification No. B10145 (PID 100259)

Approved unanimously

Informational Items:

15. Mandated Training Update

Director Pete Dunbar

Personal thanks to Matt Durkin and David Blake for their assistance with SB 123.

The last Elder Abuse training class is finishing up with a live/webinar class by the Denver Bar Association. There are still 48 agencies that are not in compliance. There will be another webinar for the non-compliant agencies. There is no consequence in the statute for non-compliance, however the failure to report elder abuse is a misdemeanor.

The School Resource Officer training curriculum has been out since the first of the year. Some organizations are holding training, but it may not be compliant with the mandated curriculum. We have provided the curriculum to these organizations. We can grandfather those who have attended the Basic School Resource Officer training. The National Association of School Resource Officers and Corbin & Associates have provided the basic courses.

The Dog Protection Act mandates attendance or viewing of a three-hour course for every peace officer employed by a municipal agency or sheriff's office. Chief Phibbs is a member of the task force. Agencies may provide their own three-hour training course meeting the curriculum set up by the Dog Protection task force or they may participate in the training provided via the internet. The task force has completed the curriculum and has hired a company to produce it. The hope is that it will go online July 1st, and grant funding has been provided to pay for the course development. Training must be completed by midnight on December 31, 2014. Every chief and sheriff must adopt a dog encounter policy. The task force will provide a model policy which can be amended by the chiefs and sheriffs. That policy must be in place by September 1, 2014.

16. Comments from others on POST Issues

It is the last day for intern Emily Gallagher, who has accepted full-time employment with Court Appointed Special Advocates (CASA). We thank her for her work.

Interim Director Kathy Sasak reports that Exec. Director Stan Hilkey will start at Colorado Dept. of Public Safety on Monday, June 16, 2014.

17. Adjournment

Attorney General John Suthers

Meeting end: 11:05 (1 hour 5 minutes)

Next POST Board Meeting

September 12, 2014

Ralph L. Carr Colorado Judicial Center
1300 Broadway
Denver CO

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

POST BOARD MEETING

RECORD OF PROCEEDINGS

September 12, 2014 10:00 am

The Peace Officer Standards and Training Board held its 388th Board meeting at the Ralph L. Carr Colorado Judicial Center, 1300 Broadway, Denver, Colorado, with the following in attendance:

BOARD MEMBERS

MR. RONALD BECKHAM
CHIEF DAN BRENNAN
SHERIFF RON BRUCE
SERGEANT RAFAEL CHANZA
CHIEF JOHN COLLINS (Teleconference)
DEPUTY AMANDA CRUZ-GIORDANO
SHERIFF CHAD DAY
COMMISSIONER DAVID DONALDSON
CHIEF JOHN DYER
SHERIFF JIM FAULL
SHERIFF SHAYNE HEAP
INVESTIGATOR GILBERT PERALES
CHIEF MICHAEL PHIBBS
SPECIAL AGENT IN CHARGE THOMAS RAVENELLE
ATTORNEY GENERAL JOHN SUTHERS
SHERIFF KIRK TAYLOR
CHIEF ROBERT C. WHITE

BOARD MEMBERS ABSENT

CHIEF JOHN CAMPER
EXECUTIVE DIRECTOR STAN HILKEY
SHERIFF FRED MCKEE

BOARD COUNSEL

JULIE SELSBERG, FIRST ASSISTANT ATTORNEY GENERAL

STAFF MEMBERS

PETE DUNBAR, POST Director
CRISTINE MACK, POST Investigator
TOM MULLEN, POST Compliance Officer
STEFANIE MACKKEY, POST Grant & Training Coordinator
LORI JENCKS, POST Administrative Assistant

MEMBERS OF THE PUBLIC IN ATTENDANCE

SERGEANT WILLIAM BAKER, Grand Junction Police Department

DIRECTOR SUE BEECHER, AIMS Community College
DIRECTOR MINER BLACKFORD, Otero Junior College
CAPTAIN ERIK J. BOURGERIE, Summit County Sheriff's Office
DIANE BRUCE, Hinsdale County Sheriff's Office
CORI BRUGGELN, AIMS Community College
SERGEANT MICHAEL CUMMINGS, Arapahoe County Sheriff's Office
GRAHAM DUNNE, Aurora Police Department
SERGEANT ERIC A. GONZALES, Pueblo Police Department
LIEUTENANT BRANDON GRABER, Fort Carson Police Department
TRAINING MANAGER JOHN HOOD, Colorado Parks and Wildlife
DIRECTOR DOYLE JONES, Weld County Sheriff's Office
DEPUTY EDWARD KAFEL, El Paso County Sheriff's Office
DIRECTOR RON KAMMERZELL, Department of Revenue
DIRECTOR CATHY LABRECQUE, Pikes Peak Community College
OFFICER STEPHEN LARSEN, Aurora Police Department
LIEUTENANT DAN MARK, Aurora Police Department
COMMANDER RICK MCNAIR, Adams County Sheriff's Office
COMMANDER IB MEYER, Weld County Sheriff's Office
CHIEF JOE ROBERTS, Fort Carson Police Department
DETECTIVE KENNY SHERMAN, Adams County Sheriff's Office
COMMANDER KARL SMALLEY, Adams County Sheriff's Office
INVESTIGATOR JOHN TUCKER, Weld County Sheriff's Office
OFFICER BRAD WANCHISEN, Aurora Police Department
SHERIFF DAVID WEAVER, Douglas County Sheriff's Office
RICHARD WEBB

The following Subject Matter Expert Committees met prior to the regular POST Board meeting on September 12, 2014.

Law Enforcement Driving Subject Matter Expert Committee

Introductions:

1. **Welcome** Attorney General John Suthers

General Suthers welcomed everyone to the Board meeting.

2. **Pledge of Allegiance** Attorney General John Suthers

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

4. **Welcome New Board Members**

General Suthers introduced new Board members Sheriff Chad Day, Yuma County Sheriff's Office; Executive Director Stan Hilkey, Colorado Department of Public Safety; and Sheriff Fred McKee of the Delta County Sheriff's Office.

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

General Suthers recognized departing Board members Sheriff Chris Johnson, Otero County Sheriff's Office; Chief Dan Oates, Aurora Police Department; Sheriff David Weaver, Douglas County Sheriff's Office; and Chief Dave Wohlers, Idaho Springs Police Department.

6. **Formal Board Recognition of** Attorney General John Suthers
Departing Subject Matter Expert Committee Members

General Suthers recognized departing SME committee members Manager Glenn Davis, Curriculum SME committee; Sgt. Darren O'Driscoll, Curriculum SME committee Chair; Chief Joel Shults, Curriculum SME committee; Lt. Dan Mark, Law Enforcement Driving SME committee.

7. **Roll Call** Director Pete Dunbar

Declaration of a Quorum (11)

8. **Approval of POST Minutes from June 13, 2014**

Approved Unanimously

Presentations:

9. **Subject Matter Expert (SME) Committee Reports:**

A. **Curriculum**

Sgt. Graham Dunne, Chair
Dir. Cathy LaBrecque, Vice-Chair
Dep. Amanda Cruz-Giordano
Board Member

Sgt. Dunne presented the report. The new POST test went live Aug 1st, and has been given to 71 people with an average score of 79%. There have been three people fail, two passed on the second attempt. The committee is continuing to review and revise the Basic curriculum. There have been many committee and subcommittee meetings, including one to go over the domestic violence portion. Approved Tactical Casualty Care to be incorporated into academy curriculum, and the committee is working on the outline, goals, objectives and resource materials at present.

B. **Arrest Control**

Capt. Erik Bourgerie, Chair
Inv. John Tucker, Vice-Chair
Inv. Gilbert Perales, Board Member

Capt. Bourgerie presented the report. ACT met on 8/22 and discussed the Delta Montrose Academy inspection, which went very well. The committee approved 4 full skills instructors and reviewed a report regarding a previous injury which resulted in some temporary paralysis. It was determined that the injury took place during a break and not as a result of the technique taught. The student recovered fully and graduated

with the class. The committee discussed the Arrest Control Training Program and the Arrest Control Tactic test-out and whether there may be a better methodology for performing the test-out. The committee is reviewing site safety plans from various sources to create an exemplar to assist academies in creating their site safety plans. During today's meeting the committee reviewed an injury report of a student with a torn ACL which will require surgery occurring during a take-down procedure during scenario-based training. Two full skills instructors were approved, and discussed a revision to Rule 23, specifically the 80 hour requirement for full skills instructors. It was suggested that a full skills instructor should go through two full academies, but it was felt that was not practical and the 80 hour requirement will remain. The committee finished revisions to the Arrest Control Training program to submit to the Board for the next meeting. There are three upcoming inspections at Otero Junior College, Pueblo PD, Arapahoe Community College. Next meeting is November 7 at Flatrock in Adams County.

C. Firearms

Dep. Ed Kafel, Chair
Training Mgr. John Hood, Vice-Chair
Chief Dan Brennan, Board Member

Dep. Kafel presented the report. The committee has met eight times this year. We have conducted 5 firearms inspections and 12 test-outs (four group test-outs and eight individual). We have approved 23 full instructors, reviewed and approved seven handgun instructor programs, one basic firearms program, one lateral firearms program, and three firearms courses. The committee discussed Rule 23 and determined no change in the 80-hour requirement is necessary.

D. Law Enforcement Driving

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

Cmdr. Smalley presented the report. The committee received an application for membership from Sgt. Robert Donels of El Paso County Sheriff's Office. He will attend the next meeting and they will determine membership at that time. Inspections were performed at the Aurora Police Department Academy and the Weld County Sheriff's Office Academy with good results. The committee approved an assistant instructor and three full instructors. The committee approved Denver Police Department's lateral academy after revisions were completed. The committee reviewed the safety plan for Weld County Sheriff's Office Academy to use the Flatrock facility in Adams County, and reviewed safety plan submission for El Paso County Sheriff's Office for their new site in Colorado Springs. The committee is working on revisions to the Law Enforcement Driving Instructor program, and is planning a special meeting for this purpose in Grand Junction. The committee reviewed the driving instructor program for Pueblo PD with no issues. Site safety plan guidelines have been updated. The committee is developing a sample safety plan for the academies. The committee tabled the decision regarding a prerequisite for the instructor class for further discussion. Rule 23 was discussed, and it was decided to keep the 80-hour requirement for full instructors. Inspections are scheduled in Durango and Adams County. The vehicle assessment event was held August 29th, and was very successful. Results are being

compiled and will be distributed by the end of the month. All products are very good, and choice is dependent on agency needs.

Action Items:

**10. Sunrise Review - Department of Revenue
Criminal Investigators of the Marijuana Enforcement Division**

Mr. Ron Beckham presented the report. Sunrise Review subcommittee met August 7, 2014. Ron Beckham acted as chair, with members Sheriff Kirk Taylor, Chief John Camper, Executive Director Stan Hilkey and Sergeant Rafael Chanza in attendance. Under statute in 2010 investigators with Marijuana Enforcement were granted peace officer status, but were required to submit the sunrise review application to obtain POST authority. Representatives from the Department of Revenue presented information consistent with statute, and the duties are consistent with requirements of law enforcement. The committee voted unanimously to present the application to the full POST Board for approval. Ron Kammerzell, Deputy Senior Director of Enforcement for Department of Revenue, addressed the Board and presented an overview of the Department. All investigators are presently POST certified. Director Kammerzell requests approval of the application to grant peace officer status to the Marijuana Enforcement Division's investigators. If approved the POST Board will notify the legislature of its recommendation.

Approved unanimously

**11. Fort Carson Waiver Request
for Lt. Brandon Graber**

Director Pete Dunbar

Lt. Brandon Graber is requesting that his training and in-service training as a civilian police officer at Fort Carson be considered adequate to allow him to apply for Provisional certification with POST. He is also requesting the same for 27 members of the Fort Carson Police Department. Director Dunbar reviewed the requirements for Provisional in Colorado, and discussed other states' policies for certifying people with civilian police or military police training. The Board can approve, deny, or request research of a "bridge" course for this purpose. At present there is no modular training in Colorado. The POST staff has not had the opportunity to review and compare the curriculum for the Fort Carson academy. The POST Board has authority to grant waivers for certification of this nature. There was discussion of allowing Fort Carson officers to attend the two/three week refresher course, though not POST certified. Fort Carson officers were given peace officer status through the Sunrise Review process, but are not POST certified. POST has made some comparisons of military training, such as the FLETC academy. Lt. Graber of Fort Carson Police Department presented information regarding the situation with officers at Fort Carson. They are undergoing a reduction in staffing, and if this Provisional certification option is approved, the officers may be able to obtain other law enforcement positions. Effective 2006-2007, the Department of the Army required that new officers go through an approved academy, which is a nine-week program. Officers employed prior to that were grandfathered and did not attend that academy, though they did attend an 88 hour refresher academy that was developed for those officers. Officers complete 40-hours

of in-service training twice a year. All skills instructors at the Fort Carson Academy are POST-certified. Fort Carson now requires their officers attend a Fort Carson Colorado-specific academy after they attend the Army-approved academy in Missouri. Lt. Graber states that adding Fort Carson as a POST agency would have benefits in regard to training, which Fort Carson now must pay for. The Board may choose to review and compare the Fort Carson program with the POST curriculum. It is expected to take approximately one month to review the program. POST does not compare specific states' POST curricula with the Colorado POST curriculum. Chief Joe Roberts gave an overview of the history and development of the academy program. Chief Roberts has been through the Fort Carson Academy, FLETC and Pikes Peak Community College Academy, and states that though each is a bit different, they are comparable. Fort Carson is not asking for certification across the board, but only the opportunity for Fort Carson officers to test out or to go through the refresher academy, especially for the seven officers who are losing their positions at Fort Carson. There was general discussion regarding other military agencies or other agencies which may be affected, in particular the possibility that Denver Sheriff's Department may fall under this same process. There is no urgency except for the seven officers who are unemployed 1/11/15. One concern is that grandfathered employees who did not go through the full Fort Carson academy should not be able to test-out or go through refresher. Motion was put forward for POST staff to review Lt. Graber's training and the Fort Carson Academy training to determine if comparable and what the ramifications may be if the POST academy requirement for Lt. Graber is waived, and/or for Fort Carson officers as a whole. Results of review and recommendation for Lt. Graber's waiver are to be presented at the next POST Board meeting.

Approved unanimously

12. Decertifying Misdemeanors

Director Pete Dunbar

General Suthers reviewed the statutory requirement for decertification of officers for any felony conviction or for certain misdemeanor convictions. The misdemeanors listed generally involve moral turpitude. Decertification after misdemeanor conviction is not mandatory and a variance can be requested. Director Dunbar presented information regarding misdemeanors which the Board may wish to add to the list that are not presently included. This would require legislation to add additional misdemeanors to the list. POST has reviewed the misdemeanors and created a list of those which may be added. The objective was to add items where there was intent or deceit involved. This would affect whether a person could be certified, but a variance request would be considered, as it is at present with the existing misdemeanors. A sponsor would be required before the next legislative session to get these offenses into statute. If placed in statute revocations would not be retroactive. There was discussion by the Board regarding marijuana misdemeanor convictions, and the changes caused by legalization. Impaired driving is not included on the list, and has not been on the list in the past, but may require further discussion if Board members wish to add it to the list. It is suggested that POST staff reach out to County Sheriffs of Colorado (CSOC) and Colorado Association of Chiefs of Police (CACP) to request input.

Motion to expand the list of decertifying misdemeanors and request POST seek legislative sponsors for the bill, but remain open to amendments to the list as long as possible.

Approved unanimously

13. **Peace Officer Certification Revocation Actions** Director Pete Dunbar

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

§ 24-31-305, C.R.S.(2)(a) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section or 24-31-308 shall be suspended or revoked by the POST Board if the certificate holder ***has been convicted of a felony 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. 14-03, **David Hawkins**, Certification Number B8430 (PID 113559). On February 12, 2014, Respondent pled guilty to one count of Wire Fraud and Aiding and Abetting, in violation of 18 U.S.C. §1343 and 2, and Monetary Transactions in Property, Derived from Specified Unlawful Activity aiding and abetting (Money Laundering), U.S.C. §1957 and 2, both felonies. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: July 7, 2011, Separated December 22, 2011).* The Respondent has failed to comply with POST Show Cause Order 14-03 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of David Hawkins’ Colorado Peace Officer Certification No. B8430 (PID 113559).

Approved unanimously

2. No. 14-07 **Scott Black**, Certification Number B2294 (PID 114906). On February 13, 2014, Respondent pled guilty to two counts of Intentionally Gaining Unauthorized Access to a computer, § 18 U.S.C. 1030(a)(2)(B) & (C) a felony. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense September, 2010, Separated November 20, 2013).* The Respondent has failed to comply with POST Show Cause Order 14-7 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Scott Black’s Colorado Peace Officer Certification No. B2294 (PID 114906).

Approved unanimously

3. No. 14-8, **Robin William Atkins Cronk**, Certification Number B15266 (PID 133724). On March 20, 2014, Respondent pled guilty to one count of Embezzlement of Public Property, § 18-8-407 C.R.S., a class 5 felony. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense February 17, 2011, Separated June 24, 2013).* The Respondent has failed to comply with POST Show Cause Order 14-8 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Robin W. A. Cronk’s Colorado Peace Officer Certification No. B15266 (PID 133724).

Approved unanimously

4. No 14-9, **Jeffery Allan Johnston**, Certification Number 14534 (PID 119183). On October 24, 2013, Respondent pled guilty to one count of Unlawful Possession of Firearms and Ammunition by a Prohibited Person, in violation of 18 U.S.C. §922 (g)(3) and 924 (u)(2), and Possession with Intent to Distribute a Quantity of a Mixture and Substance Containing a Detectable Amount of MDMA (Ecstasy), 21 U.S.C. §841 (a)(1) and (b) (1)(C), both felonies. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense July 19, 2013, Date of Separation July 22, 2013).* The Respondent has failed to comply with POST Show Cause Order 14-9 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Jeffery Allan Johnston's Colorado Peace Officer Certification Number 14534 (PID 119183).

Approved unanimously

5. No 14-10, **Christopher Michael Martinchick**, Certification Number B8102 (PID 102212). On November 26, 2013, Respondent pled guilty to and was convicted of one count of Sexual Assault, Victim Incapable Of Appraising the nature of the victim's conduct §18-3-402 (1)(b) C.R.S., a class 5 felony. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense February 1, 2011, Date of Separation September 3, 2013).* The Respondent has failed to comply with POST Show Cause Order 14-10 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Christopher Michael Martinchick's Colorado Peace Officer Certification Number B8102 (PID 102212).

Approved unanimously

6. No. 14-11. **Samuel J. Carter**, Certification Number B18468 (PID 130358). On June 3, 2014, Respondent was convicted of one count of Public Servant-attempt To Influence § 18-8-306 C.R.S., a class 4 Felony; two counts Forgery-tokens/symbols, § 18-5-102(1)(f), a class 5 felony; Tampering W/ Physical Evidence-destroy, §18-8-610(1)(a), class 6 felonies; One count of First Degree Official Misconduct, § 18-8-404, a class 4 misdemeanor; *The Respondent was employed as a peace officer on the date of the offense (Date of Offense January 1, 2013, Date of Separation January 22, 2013).* The Respondent has failed to comply with POST Show Cause Order 14-11 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Samuel J. Carter's Peace Officer Certification Number B18468 (PID 130358).

Approved unanimously

B. 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 § 24-31-30 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. 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. M14-03, **Jason A. Jungmeyer**, Certification No. B09050, (PID 112294). On April 4, 2014, Respondent pled guilty to 1 count of Harassment-Repeat Phone Calls, §18-9-111(1)(f), C.R.S., a class 3 misdemeanor. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: January 27, 2014, – Separated: April 25, 2014).* The Respondent has failed to comply with POST Show Cause Order M14-03 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Jason A. Jungmeyer's Colorado Peace Officer Certification No. B09050, (PID 112294).

Approved unanimously

- 2) No. M14-04, **Kevin Leo Cundiff**, Certification No. B01455, (PID 119863). On March 11, 2014, Respondent was convicted of 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: January 1, 2008 – Separated: September 25, 2012).* The Respondent has failed to comply with POST Show Cause Order M14-04 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Kevin Leo Cundiff's Colorado Peace Officer Certification No. B01455, (PID 119863).

Approved unanimously

- 3) No. M14-05, **Jason Matthew Sutter**, Certification No. B11729, (PID 122332). On March 11, 2014, Respondent was convicted of 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: March 15, 2013 – Separated: May 18, 2013).* The Respondent has failed to comply with POST Show Cause Order M14-05 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Jason Matthew Sutter's Colorado Peace Officer Certification No. B11729, (PID 122332).

Approved unanimously

- 4) No M14-06, **Phillip Andrew Fry**, PID No. 135204. On March 14, 2014, Respondent pled guilty to one count of False Reporting – False Identification § 18-8-111(1)(d), 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: March 15, 2013 – never employed).* The Respondent has failed to comply with POST Show Cause Order M14-05 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Phillip Andrew Fry's Colorado Peace Officer Certification, PID No. 135204.

Approved unanimously

Informational Items:

14. Acadis Presentation

Cory Myers
Envisage Technologies Corp.

Envisage staff presented a brief overview and demonstration of the Acadis Readiness Suite, which is the data management system POST has purchased and is using for certification, testing, and training. Envisage has presented the system to academies and agencies as well, with customized applications. Agencies will be utilizing the system for appointments/separations and in-service training, registration for training courses, etc. and individual officers will be able to access their own records. POST will be creating a webinar or similar to assist agencies in fully utilizing the system.

15. Fiscal Year 2014 Grant Performance Report

Stefanie Mackey
POST Grant/Training Coordinator

Final reports for fiscal year 2014 were submitted. Regions were able to increase training as our grant fund increased to \$2.1 million. 97.5% of the funds were utilized by the training regions. 7847 hours of training were provided, with 8121 officers trained, working out to \$253.10 per officer or \$261.95 per hour. 70% of the officers participating were from rural and small agencies. The San Luis Valley utilized grant funds to purchase a range and range equipment. The Northeast region received a driving simulator with a trailer to provide mobility for the simulator. The goal is to obtain simulators for all regions to assist with the upcoming in-service training requirement. Some simulators are on the books for fiscal year 2015.

16. School Safety Officer Update

Director Pete Dunbar

Chief Camper raised this issue at the last POST Board meeting, regarding school safety officers (SSOs) maintaining their certification while employed by a school in that position. Coroner's office investigators would also like to maintain their POST certification while employed by a Coroner's office. POST researched the status of school safety officers in other states. Director Dunbar's concern is that if the certification is extended for school safety officers, we would have no knowledge of their skill base. The renewal process is in place and allows assessment of that skill base after certification expires. If an officer is a school safety officer for 10 years, and is then hired as an officer for a law enforcement agency, the concern is whether there would be validation of their skills. If the Board chooses to extend certification, we have a draft of Rule 10 with suggested language to bring before the Board for the December meeting. The schools are attempting to hire POST-certified officers and be able to retain them longer than three years. Coroners' office investigators may be a separate discussion. SSOs could possibly be required to complete the in-service training requirement, but should not be a separate program to avoid complicating training. The question was raised as to whether POST-certified security guards, hospital security, etc. would then be allowed to retain certification. As Chief Camper is not in attendance, a motion was forwarded to table the subject until he could advocate more directly.

Approved unanimously

17. In-Service Training Review

Director Pete Dunbar

The In-Service Training subcommittee met and drafted a new rule, Rule 28, outlining the in-service training requirement. The target date for implementation is January 1st. The draft Rule 28 should be vetted, and has been sent to CSOC and CACP. Director Dunbar would like to have comments received by a certain date and reconvene the subcommittee to vet the comments, with a Board conference call to discuss the draft if necessary depending on changes needed, and complete the rulemaking process at the next Board meeting. There is no deadline date outlined in statute.

18. Strategic Plan Update

Director Pete Dunbar

Tabled until next meeting

19. Marijuana Tax Revenue Funded Training Update

Director Pete Dunbar

POST has hired Carolyn Berry as the Marijuana Curriculum Specialist to begin in early October. We have begun to schedule impaired driving classes. ARIDE and DRE classes will be available for registration through the POST portal. We have put out a request for proposal for the Marijuana Law training. The Marijuana Cash Revenue Fund is providing the funding. \$1.1 million was given to POST to hire the curriculum specialist and to coordinate training.

20. Mandated Training Update

Director Pete Dunbar

Elder Abuse is mostly complete and POST has sent DVDs to agencies.

The School Resource Officer (SRO) training has received significant feedback, especially from small agencies who find it difficult to comply with the mandate for the 40-hour course. There have only been two presentations of the SRO course, and those did not meet the new curriculum standards. POST has purchased and scheduled 40-hour courses in Granby and La Junta, and has purchased Active Shooter and Active Shooter – Train-the-Trainer courses to be held in October and November. POST will also record the classroom presentation for agencies unable to attend the course, and then assist in finding Active Shooter courses to comply with the mandate. POST is attempting to assist all agencies to become compliant with the standards. Sheriff Chad Day states that the mandate for the SRO training requires that one officer from each agency must complete the training, but does not specify the training must be 40 hours. 70% of the agencies in Colorado have 15 or fewer officers. The majority of those have no school resource officers, or even schools, in their jurisdiction. Sheriff Day suggests that the Board consider an alternative, shorter course for those agencies without SROs. Director Dunbar states concerns regarding developing a different course and determining which agencies would be allowed to take the shorter course. The Board determined that agencies without an SRO should be allowed to take the short course. There may be feedback from agencies which have been required to send officers to the 40-hour training, and have already done so, though they have no SRO.

The goal of the mandate was to make sure someone in each agency had some training in law enforcement in schools. Director Dunbar will create a course for those non-SRO agencies to attend and will contact all agencies with the new information.

Chief Phibbs, who is a member of the Dog Protection task force, stated that the Dog Protection training is not yet completed and will be out in early October.

21. POST Certification Exam Update

Director Pete Dunbar

The POST online certification exam is going very well, the average score approximately 78%, with lots of positive feedback.

22. Comments from others on POST Issues

None

23. Adjournment

Attorney General John Suthers

Meeting end: 12:30 pm
(2 hours 30 minutes)

Next POST Board Meeting

To be determined

Ralph L. Carr Colorado Judicial Center
1300 Broadway
Denver CO

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

POST BOARD MEETING

RECORD OF PROCEEDINGS

November 21, 2014 10:00 am

The Peace Officer Standards and Training Board held its 389th Board meeting at the Ralph L. Carr Colorado Judicial Center, 1300 Broadway, Denver, Colorado, with the following in attendance:

BOARD MEMBERS PRESENT

MR. RONALD BECKHAM
CHIEF DAN BRENNAN
SHERIFF RON BRUCE
CHIEF JOHN CAMPER
SERGEANT RAFAEL CHANZA
CHIEF JOHN COLLINS
DEPUTY AMANDA CRUZ-GIORDANO
SHERIFF CHAD DAY
COMMISSIONER DAVID DONALDSON
CHIEF JOHN DYER
SHERIFF JIM FAULL
SHERIFF SHAYNE HEAP
EXECUTIVE DIRECTOR STAN HILKEY
SHERIFF FRED MCKEE
CHIEF MICHAEL PHIBBS
SPECIAL AGENT IN CHARGE THOMAS RAVENELLE
ATTORNEY GENERAL JOHN SUTHERS
SHERIFF KIRK TAYLOR
CHIEF ROBERT C. WHITE

BOARD MEMBERS ABSENT

INVESTIGATOR GILBERT PERALES

BOARD COUNSEL

JULIE SELSBERG, FIRST ASSISTANT ATTORNEY GENERAL

POST STAFF MEMBERS

ROBERT A. BAKER, In-Service Training Manager
CAROLYN BERRY, Marijuana Curriculum Coordinator
BECKY CALOMINO, Grant and Training Manager
PETE DUNBAR, Director
LORI JENCKS, Administrative Assistant
ARIEL KISKIRAS, Temporary Administrative Assistant
CRISTINE MACK, Investigator
STEFANIE MACKKEY, Grant & Training Coordinator
LAURA-JANE WEIMER, Program Assistant

MEMBERS OF THE PUBLIC IN ATTENDANCE

SERGEANT DARRELL AULSTON, Colorado State Patrol
CAPTAIN ERIK J. BOURGERIE, Summit County Sheriff's Office
DIANE BRUCE, Hinsdale County Sheriff's Office
TROOPER NATHAN BUSINGER, Colorado State Patrol
DIRECTOR CLIFF DAWSON, Red Rocks Community College
SERGEANT ROBERT DONELS, El Paso County Sheriff's Office
SERGEANT GRAHAM DUNNE, Aurora Police Department
DEPUTY ATTORNEY GENERAL MATT DURKIN, Colorado Department of Law
DIRECTOR DOYLE JONES, Weld County Sheriff's Office
DEPUTY EDWARD KAFEL, El Paso County Sheriff's Office
DIRECTOR CATHY LABRECQUE, Pikes Peak Community College
JANET LARSON, County Sheriffs of Colorado
COMMANDER IB MEYER, Weld County Sheriff's Office
LIEUTENANT ERNIE ORTIZ, Aurora Police Department
BREN D. ROGERS
COMMANDER KARL SMALLEY, Adams County Sheriff's Office
JANICE WORTHEM, Colorado State Patrol
INVESTIGATOR RICHARD WREN, Department of Corrections

The following Subject Matter Expert Committees met prior to the regular POST Board meeting on November 21, 2014.

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
2. **Pledge of Allegiance** Attorney General John Suthers
3. **Introduction of Board Members, SME Members, Staff and Guests**
4. **Formal Board Recognition of Departing Subject Matter Expert Committee Members** Attorney General John Suthers

General Suthers recognized departing Law Enforcement Driving SME Committee member Sergeant Darrell Aulston.

5. **Roll Call** Director Pete Dunbar

Declaration of a Quorum (11)

6. Approval of POST Minutes from September 12, 2014

Approved unanimously

Presentations:

7. Subject Matter Expert (SME) Committee Reports:

A. Curriculum

Sgt. Graham Dunne gave the report. The new POST exam is completely finished and in use. The committee is continuing to revise the Basic curriculum, including the addition of new classes, such as marijuana. The committee has reviewed and is recommending the addition of the Tactical Casualty Care (TCC) class to the Basic curriculum. The class has an eight-hour requirement: four hours of classroom and four hours of scenario-based training. If the scenario-based training is completed more quickly, the additional time may be utilized for CPR, first-aid, or other medical training. Some academies are already providing TCC, and none have expressed objections. This training and the eight required hours would be in addition to the existing curriculum. As the review of the Basic curriculum continues, hours will likely be reduced in other areas, and the entire program requirement may not change substantially with the addition of TCC. TCC instructors are required to be Colorado-certified EMTs or above who have attended a TCC class. Instructors are to follow the goals and objectives set forth by POST. Denver General Health (DGH) most commonly provides instructors in the metro area and is willing to send trainers to rural areas. Outlying agencies may utilize instructors who are willing to travel, or send a local EMT already teaching first aid/CPR to a 2-day TCC class. A motion was proposed to add the eight-hour TCC training to the Basic curriculum.

Approved unanimously

B. Arrest Control

Capt. Erik Bourgerie gave the report. The committee completed three inspections: Otero Junior College, Pueblo Community College and Arapahoe Community College. There were minor concerns which were addressed. The committee approved three full skills instructors, and approved two new sites and two site safety plans for Colorado Springs Police Department. A grant-funded course application submitted to the committee was not approved and a video with further explanation was requested. The committee is continuing revision of the Arrest Control Training program. Test-out requirements and sample site safety plans were tabled. Meeting dates for 2015 were scheduled. The committee requests approval for changes in the Arrest Control Instructor program. The last revision was in 1997. There are no major changes, but the verbiage has been updated. The requirements to teach the instructor course were changed to specify a POST-approved full skills instructor with 80 hours of relevant experience teaching arrest control in a lab setting and completion of a POST-approved instructor methodology course (or the equivalent), and authorization from the organization head (chief, sheriff or academy director) to

teach the instructor course. A motion was proposed to approve the revisions to the Arrest Control Instructor course.

Approved Unanimously

C. Firearms

Dep. Ed Kafel gave the report. Last December the POST Board made changes to the firearms qualification course. The target was standardized, the number of qualification attempts was increased to four attempts, and remediation was mandated. Since the requirements were set, 400 shooters have attempted to qualify. 79% passed on the first attempt, 92% passed on the second, 96% on the 3rd, and 99% passed on the 4th attempt. At the academy directors' meeting in October it was suggested that the remediation should be determined at the discretion of the academy director and firearms instructor. The committee will review and revise the remediation requirements and present their suggestions at the next Board meeting. There was general discussion regarding the 100% requirement, that there is improvement due to the changes, the history of the request for the change and that the course is fair, and the target generous. The liability associated with firearms is very high, and the standards for qualification should be high as well. General Suthers requested the Firearms committee present their recommendations in writing to the Board members prior to the next POST Board meeting.

D. Law Enforcement Driving

Cmdr. Karl Smalley presented the report. The committee accepted the resignation of member Sgt. Darrell Aulston, and reviewed the application for prospective member Sgt. Bob Daniels. Two assistant and four full instructors were approved. Inspections were completed at Southwest Community College in Durango and Adams County Sheriff's Office academy with satisfactory results. The committee is making progress on the revision of the Law Enforcement Driving Instructor program and will present the revisions at the next Board meeting. The next project will be revision of the Law Enforcement Driving program, to include instructional information regarding stability control and 4-wheel drive vehicles. The membership requirement for the Driving SME committee has been changed from five years to three years. Meeting dates were set for 2015.

Action Items:

8. Formal Rule Making Hearing

Attorney General John Suthers
Board Counsel Julie Selsberg
Director Pete Dunbar

Public Announcement of Formal Rule Making Hearing

Opened at 10:50 a.m.

A. Summary of Proposed POST Rule Change Director Pete Dunbar

10. **School Safety Officer/Coroner Certifications** Director Pete Dunbar

This issue was tabled from the previous meeting. The request was that school safety officers (not school resource officers) be allowed to retain their POST certification while employed by a school. In addition, it was requested that coroner's officer investigators be allowed to retain POST certification while employed by a coroner's office.

Chief Camper gave a brief history of the request. Various options were discussed, such as a minimum training requirement, requiring the 24-hours in-service training as for other employed officers, or a time limit on certification expiration, such as a 5-year expiration. Changing the pertinent rules or using the Sunrise Review process for school safety officers would be possibilities.

Board members expressed concern regarding the liability for school safety officers, and whether it would fall on the schools or on POST, and that monitoring quality control for those officers may be difficult. Would the schools be responsible for arranging training of their officers, and would they also fund training? The schools would have to be listed as a quasi-law enforcement agency. Would the schools track the employees and their training, and how would the schools be accountable to POST? There may be officers who sign on as school safety officers only in order to keep their certification. While the Board understands and supports the need for the schools to hire quality school safety officers, those officers could potentially maintain their certification by working as reserves for local existing law enforcement agencies.

It was determined that the definition of a school safety officer must be clarified. General Suthers states that the Board does have authority to specify a 5-year certification limit if we choose.

There was no motion. It was determined that there should be further discussion with the Board, and with the school boards in the state. Chief Camper withdrew his request pending further consideration.

The Board determined that further discussion was also required before determining whether coroner investigators should maintain certification.

11. **Request for Waiver: Reserve Sergeant Greg Maxwell** Director Pete Dunbar

Sgt. Maxwell submitted a request on November 17, 2014 that his reserve certification and subsequent training and work experience serve to allow him to go through the Provisional certification process and complete a test-out to obtain a Basic certification, instead of completing a full Basic academy. A Reserve certification is, at this time, not transferrable to a Basic certification in any way. He has worked for El Paso County Sheriff's Office for 11 years and has completed significant in-service training. The Board states this would be a dangerous precedent and that an officer with a Reserve certification should not be permitted to complete the test-out to obtain Basic certification.

Approved unanimously

12. **Peace Officer Certification Revocation Actions**

Director Pete Dunbar

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

§ 24-31-305, C.R.S.(2)(a) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section or 24-31-308 shall be suspended or revoked by the POST Board if the certificate holder *has been convicted of a felony 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. 14-16, **Keith Ray Barnhart**, Certification Number B7952 (PID 114891). On June 19, 2014, Respondent pled guilty to one count of Sexual Assault/Child. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: January 1, 2012, Separated: November 16, 2005)*. The Respondent has failed to comply with POST Show Cause Order 14-16 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Keith Ray Barnhart’s Colorado Peace Officer Certification Number B7952 (PID 114891).

Approved unanimously

2. No. 14-15, **Travis David Nowland**, Certification Number B17436 (PID 138287). On August 5, 2014, Respondent was convicted of one count of Stalking – Emotional Distress protection order, in violation of §18-3-602 (1)(c)(5), a class 4 felony *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: April 15, 2014, Never employed)*. The Respondent has failed to comply with POST Show Cause Order 14-15 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Travis David Nowland’s Colorado Peace Officer Certification Number B17436 (PID 138287).

Approved unanimously

B. 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 § 24-31-30 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. 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. M14-07, **Michael Scott Wiedmaier**, Certification Number B00726, (PID 107404). On April 4, 2014, Respondent pled guilty of 1 count of Harassment-Telephone –Threat/Obscene, § 18-9-111 (1)(e), 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: February 11, 2014, Separated: March 29, 1995).* The Respondent has failed to comply with POST Show Cause Order M14-03 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Michael Scott Wiedmaier Colorado Peace Officer Certification Number B00726, (PID 107404).

Approved unanimously

2. No. M14-08, **Allan Reed Holybee**, Certification Number B14368, (PID 133162). On May 28, 2014, Respondent was convicted of 1 count of Assault 3-know/reckless Cause Injury; § 18-3-204(1)(a), C.R.S., a class 1 misdemeanor. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: April 12, 2014 – Separated: May 22, 2012).* The Respondent has failed to comply with POST Show Cause Order M14-08 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Allan Reed Holybee's Colorado Peace Officer Certification Number B14368, (PID 133162).

Approved unanimously

3. No. M14-09, **Kevin Lee Johnson**, Certification Number B14899, (PID 133750). On April 15, 2014, 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 not employed as a peace officer on the date of the offense (Date of Offense: April 6, 2014, Separated: February 24, 2014).* The Respondent has failed to comply with POST Show Cause Order M14-09 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Kevin Lee Johnson's Colorado Peace Officer Certification Number B14899, (PID 133750).

Approved unanimously

4. No M14-10, **Charles Penn Lindsey**, Certificate No. 10193, (PID 119957). On July 15, 2014, Respondent pled guilty to 1 count of Obstructing a Police Officer; § 18-8-104(1)(a), C.R.S., a class 2 misdemeanor. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: November 19, 2013, Separated: June 1, 1993).* The Respondent has failed to comply with POST Show Cause Order M14-10 by failing to appear at the scheduled Show Cause Hearing. Director Dunbar recommends revocation of Charles Penn Lindsey's Colorado Peace Officer Certification, Number 10193, (PID 119957).

Approved unanimously

Informational Items:

13. Fort Carson Certification Update

Director Pete Dunbar

At the previous Board meeting Lt. Brandon Graber requested that his training with the Department of Army academy training for his employment as a Fort Carson police officer be considered adequate to allow him to go through the Provisional certification process. Fort Carson officers were previously granted peace officer status in the performance of their duties through the Sunrise review process. It has been difficult to obtain information from the Dept. of Army in regard to the curriculum. Lt. Graber has been very cooperative. Further comparison is necessary before a decision can be made.

14. Marijuana Curriculum Update

Director Dunbar introduced Carolyn Berry, POST Marijuana Curriculum Specialist, previously in law enforcement with Newport News, Virginia Police Department, and more recently a teacher with Boulder Valley School District. Her position was provided by the Marijuana Cash Fund, which gives POST \$1.168 to fund marijuana training for peace officers.

Ms. Berry stated that Attorney Michael Song and Program Assistant Alejandra Careveo are Department of Law employees working with her on the marijuana curriculum, and contract instructor Chris Halsor has joined the team. The team has put together a 4-hour Introduction to Marijuana Law for Law Enforcement training, and the first five classes have been scheduled with over 100 students enrolled so far. Some non-certified staff are wait-listed on the classes. The training curriculum the team has developed involves a great deal of hands-on, scenario-based training, samples of consumables packaging, child-resistant packaging, etc. Possession amounts and open-container information are also covered. There will be at least 22 trainings, at least one in each training district from January 2015 through June 2015. Webinars and online training will follow. The training courses should be marketed to Probation and Parole if at all possible, and School Resource Officers (SRO) are a priority. A Train-the-Trainer course is being developed. Determining what offenses district attorneys will prosecute for will be researched and covered. The goal is to train all 15,000 certified officers, but that will likely take longer than one year.

Ms. Berry related the numbers of licensed recreational and medical marijuana stores, cultivation sites, infusion facilities, and testing sites in Colorado. In 2012 & 2013 there were 1,451 DUID arrests, though the breakdown for marijuana DUID arrests was not available.

Director Dunbar stated that Drug Recognition Expert (DRE) courses are going forward, as are Advanced Roadside Impaired Driving Enforcement (ARIDE) courses, which require Standardized Field Sobriety Testing (SFST) training as a prerequisite. Enrollment has been sparse, and we are attempting to promote these classes to the agencies. There may be money available for backfill to allow smaller agencies to send officers to these courses.

Oral Fluid Devices are being researched for accuracy and ease of use. They are not allowable in a prosecution at this point, but POST would like to seek legislative support for their eventual use if the results can be relied upon.

15. **Mandated Training Update**

Director Pete Dunbar

Beginning January 1, 2015 mandated training in Elder Abuse, School Resource Officer, and Dog Protection is to be completed by agencies/officers.

SRO training has been developed and much has been completed, including an 8-hour short course for those agencies that do not have a designated SRO position. There are still 86 agencies that are not compliant with SRO training. Some agencies have not reported that they have officers who have completed the training, and once reported, they will be in compliance. We are scheduling further 40-hour and 8-hour courses in 2015.

Elder Abuse trainings have been presented and the webinar made available to those agencies that have not completed the training. There are 30 non-compliant agencies.

Dog Protection Act training came out in late September, developed and issued by the Dog Protection Task Force. We are disseminating and tracking the training for the agencies, and fielding questions regarding how the training is to be completed.

Director Dunbar stated that the POST certification test is going well with approximately a 95% pass rate. Laura-Jane Weimer has joined POST and is assisting Tom Mullen in administer and proctor the exam and assist with certification.

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

General Suthers presented the Attorney General's Award for Exceptional Performance to Director Pete Dunbar for his excellent work with Colorado POST over the past two years. Director Dunbar is retiring.

Deputy Attorney General Matt Durkin stated that the POST director position was posted and is now closed and applications are being reviewed. Interviews are tentatively scheduled for December 5th and it is hoped a new director will be in place by January 1, 2015.

Vice-Chair John Camper presented Attorney General John Suthers with a plaque in recognition of his 10 years of outstanding service to the POST board. General Suthers is termed out and will be replaced in January with Attorney General Elect Cynthia Coffman.

17. **Adjournment**

Meeting end: 12:10 p.m.
(2 hours, 10 minutes)

Next POST Board Meeting

March 6, 2015

Ralph L. Carr Colorado Judicial Center
1300 Broadway
Denver CO

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

CYNTHIA H. COFFMAN
Attorney General

DAVID C. BLAKE
Chief Deputy Attorney General

MELANIE J. SNYDER
Chief of Staff

DANIEL D. DOMENICO
Solicitor General



STATE OF COLORADO
DEPARTMENT OF LAW

RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 9th Floor
Denver, Colorado 80203
Phone (720) 508-6000

**Peace Officer Standards
and Training**

POST BOARD MEETING
RECORD OF PROCEEDINGS
March 6, 2015

The Peace Officer Standards and Training Board held its 390th Board meeting at the Ralph L. Carr Colorado Judicial Center, 1300 Broadway, Denver, Colorado, with the following in attendance:

BOARD MEMBERS PRESENT

MR. RON BECKHAM
CHIEF DAN BRENNAN
SHERIFF RON BRUCE
CHIEF JOHN CAMPER
SERGEANT RAFAEL CHANZA
ATTORNEY GENERAL CYNTHIA COFFMAN
CHIEF JOHN COLLINS
DEPUTY AMANDA CRUZ-GIORDANO
COMMISSIONER DAVE DONALDSON
CHIEF JOHN DYER
EXECUTIVE DIRECTOR STAN HILKEY
SHERIFF FRED MCKEE
INVESTIGATOR GILBERT PERALES
CHIEF MICHAEL PHIBBS
SPECIAL AGENT IN CHARGE THOMAS RAVENELLE
SHERIFF KIRK TAYLOR

BOARD MEMBERS ABSENT

SHERIFF CHAD DAY
SHERIFF SHAYNE HEAP
CHIEF ROBERT WHITE

BOARD COUNSEL

STACY WORTHINGTON

POST STAFF MEMBERS

LARRY ADKISSON, Interim Director
ROBERT A. BAKER, In-Service Training Manager
CAROLYN BERRY, Marijuana Curriculum Coordinator
BECKY CALOMINO, Grant and Training Manager
LORI JENCKS, Administrative Assistant
ARIEL KISKIRAS, Temporary Administrative Assistant
CRISTINE MACK, Investigator
STEFANIE MACKEY, Grant and Training Coordinator
TOM MULLEN, Compliance Investigator
LAURA-JANE WEIMER, Program Assistant

MEMBERS OF THE PUBLIC IN ATTENDANCE

SERGEANT WILLIAM BAKER, Grand Junction Police Department
AGENT IKE BEERS, Lakewood Police Department
SERGEANT TERRY BRIDGE, Mesa County Sheriff's Office
TECHNICIAN AARON BRILL, Denver Police Department
DIANE BRUCE, Hinsdale County Sheriff's Office
DAVE EVERETT
STAFF SERGEANT BRIAN HILL, Federal Reserve Police Department
DEPUTY DARYL HOFFMAN, Jefferson County Sheriff's Office
TRAINING MANAGER JOHN HOOD, Colorado Parks and Wildlife
DIRECTOR BYRON JONES, Arapahoe Community College Academy
TECHNICIAN BRAD McKIERNAN, Denver Police Department
COMMANDER RICK McNAIR, Adams County Sheriff's Office Academy
LIEUTENANT ERNIE ORTIZ, Aurora Police Department Academy
OFFICER STEPHEN OULLIBER, Aurora Police Department
OFFICER NATHAN PRUCE, Pueblo Police Department Academy
COMMANDER KARL SMALLEY, Adams County Sheriff's Office

The following Subject Matter Expert Committees met prior to the regular POST Board meeting on March 6, 2015.

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 Cynthia Coffman

2. **Pledge of Allegiance** Attorney General Cynthia Coffman

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

Attorney General Cynthia Coffman introduced herself, Interim Director Larry Adkisson, and new POST Board Counsel Stacy Worthington. AG Coffman then requested POST staff introduce themselves to all with a short description of their duties. General introductions followed.

4. **Roll Call** Interim Director Larry Adkisson

Declaration of a Quorum (11)

5. **Approval of POST Minutes from November 21, 2014**

Approved unanimously

Presentations:

6. **Subject Matter Expert (SME) Committee Reports:**

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

The revisions to the Basic curriculum are continuing. Traffic control, sexual assault, domestic violence, communications, and controlled substance sections have all been completed. There was a discrepancy between Reserve training and Basic training in regard to traffic control, which was resolved today. Subcommittees have been meeting monthly for revisions to the Basic curriculum. Sgt. Michael Holm was approved as a new member.

Board member Exec. Dir. Hilkey, chair of the Colorado Crime and Juvenile Justice Commission (CCJJ), had comments regarding pending police reform legislation. Hilkey is on the Minority Overrepresentation subcommittee of CCJJ. That subcommittee recommended last year that police officers, through POST, receive police community race relations training. Hilkey has obtained the existing Anti-Bias curriculum and training materials. To stay ahead of potential legislative changes, he would like to work with the Curriculum committee to determine whether the work the CCJJ subcommittee is doing could dovetail with or augment the existing Anti-Bias curriculum. Sgt. Dunne will provide his contact information to Exec. Dir. Hilkey to discuss further. AG Coffman recommends being proactive in this area as it is likely that reform legislation will be passed this year.

B. Arrest Control

Cmdr. Erik Bourgerie, Chair

One course was reviewed and approved, and five full skills instructors were approved. The committee discussed the vacant vice-chair position. The site safety plan for Jeffco/Lakewood Academy Highlands Ranch training facility was reviewed and approved, as well as a site safety plan for Jeffco/Lakewood facility in Golden. There was discussion of a hybrid Krav Maga system an academy is considering. The Arrest Control training program was approved and will be given to POST today. Test-out requirements were discussed, and whether Colorado test-out requirements meet the standards and original intent. Many states require only a written test with no physical component to assess an officer's skill set when an officer is requesting transfer of his/her certification from Colorado to another state. The committee is challenged to determine what can be assessed in a training environment to insure applicants from other states meet the highest standards.

C. Firearms

Trng. Mgr. John Hood, Vice-Chair

At the November 21, 2014, POST Board meeting, AG John Suthers directed the Firearms committee to develop alternate options for the remediation process and present them to the Board. It was felt by academy directors and staff that the requirements for remediation were unnecessarily stringent. Two options have been developed.

The first option allows four formal attempts with length of remediation between the first and second, and the third and fourth formal attempts to be determined at the discretion of the lead instructor/academy director, with four hours required remediation between the second and third formal attempts. Failure of a fourth formal attempt requires the student to successfully complete the full firearms training program at a Basic or Reserve academy.

The second option would allow three formal attempts, with remediation between the first and second formal attempts determined at the discretion of the lead instructor/academy director, and a minimum of four hours remediation between the second and third formals attempts. Failure of a third formal attempt requires the student to successfully complete the full firearms training program at a Basic or Reserve academy.

The SME committee would recommend option two, with three formal attempts, which would align the number of attempts with the other

Skills and written POST exams. The committee recommends an effective date of July 1, 2015. There were approximately 400 shooters last year, with a 95% pass rate at three attempts, and a 99% pass rate at four attempts. The question arose as to whether remediation at the discretion of the lead instructor/academy director would include dismissal of the student at that time. Trn. Mgr. Hood stated that it was not the intent to have lead instructors/academy directors determine whether a student would be allowed to continue, but only refers to the length of time for remediation. There was some discussion of the history of the request, the qualification course, and the benefits of each option. A motion to vote on the two attempts was offered.

Option number one, with four attempts, was passed with a majority vote.

D. Law Enforcement Driving Cmdr. Karl Smalley, Chair

Rob Evans has resigned his membership on the committee. The Driving committee is recruiting new members. The lesson plan and test questions for Highlands Ranch Public Safety Training Institute Basic academy were reviewed and approved. Seventeen assistant instructors for that academy were approved, and the site safety plan for Arapahoe County Sheriff's Office track was approved. A driving instructor program submitted by the Colorado Law Enforcement Driving Skills Association was reviewed and approved. Three courses were reviewed and two were approved. One was returned for further information. AG Coffman requested clarification on the process for recruiting new SME committee members. Cmdr. Smalley stated that it is primarily word of mouth.

Action Items:

7. **Grant Review Subcommittee** Becky Calomino
 Appointments Grant & Training Manager

Grant applications will be received March 31, 2015. Subcommittee members will review the grant applications and determine funding for fiscal year 2016. Expenses can be reimbursed, and lunch is provided. Chief Dan Brennan, Chief John Collins, Sheriff Chad Day, Chief John Dyer, and Chief Michael Phibbs have volunteered for the Grant subcommittee.

Approved unanimously

8. **Peace Officer Certification** Compliance Investigator Tom Mullen
Revocation Actions

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

§ 24-31-305, C.R.S.(2)(a) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section or 24-31-308 shall be suspended or revoked by the POST Board if the certificate holder ***has been convicted of a felony 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. F14-17, **Fidel Eugene Garcia**, Certification No. B4354 (PID 119991). On December 4, 2013, Respondent pled guilty to one count of Leaving Scene of Accident, Involving Death, § 42-4-1601 (1),(2)(C) C.R.S., a class 3 felony. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: June 19, 2013, Separated October 12, 2004.* The Respondent has failed to comply with POST Show Cause Order F14-17 by failing to appear at the scheduled Show Cause Hearing. Interim Director Adkisson recommends revocation of Fidel Eugene Garcia’s Colorado Peace Officer Certification No. B4354 (PID 119991).

Approved unanimously

2) No. F14-18, **Jeffrey Frank Warkocz**, Certification No. B8939 (PID 124120). On October 30, 2014 Respondent was convicted of one count of Controlled Substance-obtain By Fraud/deceit, §18-18-415(1)(a) C) C.R.S., a class 4 felony. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: April 12, 2014, Separated February 11, 2015.* The Respondent has failed to comply with POST Show Cause Order F14-18 by failing to appear at the scheduled Show Cause Hearing. Interim Director Adkisson recommends revocation of Jeffrey Frank Warkocz’s Colorado Peace Officer Certification No. B8939 (PID 124120). Please note the conviction is under first name of **Jeffery**, not **Jeffrey**.

Approved unanimously

B. 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 § 24-31-30 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. 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. M14-12, **Brian Keith Holland**, Certification No. B17644 (PID 138816). On April 4, 2014, Respondent pled guilty to 1 count of Harassment-Repeat Phone Calls, §18-9-111(1)(f), C.R.S., a class 3 misdemeanor. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: December 12, 2013, – Separated: December 17, 2013).* The Respondent has failed to comply with POST Show Cause Order M14-12 by failing to appear at the scheduled Show Cause Hearing. Interim Director Adkisson recommends revocation of Brian Keith Holland’s Colorado Peace Officer Certification No. B17644, (PID 138816).

Approved unanimously

2) No. M14-13, **Don Arthur Mendoza**, Certification No. B17199 (PID 136720). On September 22, 2014, Respondent pled guilty to one 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: January 4, 2014, – Separated: March 31, 2014).* The Respondent appeared at the scheduled Show Cause Hearing M14-13, and Director Dunbar recommended revocation of Don Arthur Mendoza’s Colorado Peace Officer Certification No. B17199 (PID 136720).

Approved unanimously

POST Compliance Investigator Tom Mullen stated Mr. Mendoza’s request to appeal his revocation to the Board at the next POST Board meeting June 12, 2015. Per Rule 9, six Board members must agree to hear the appeal, or the revocation will stand. The Board

was asked to vote on whether to hear his appeal.

Appeal denied unanimously

- 3) No. M14-14, **Robbie Lee Herzberger**, Certification No. 13041, (PID 117454). On September 30, 2014, Respondent was convicted of 1 count of Obstructing Government Operations, § 18-8-102, 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: January 22, 2014, – Separated: September 14, 2010).* The Respondent has failed to comply with POST Show Cause Order M14-14 by failing to appear at the scheduled Show Cause Hearing. Interim Director Adkisson recommends revocation of Robbie Lee Herzberger's Colorado Peace Officer Certification No. 13041, (PID 117454).

Approved unanimously

- 4) No. M14-15, **Ryan Hafner**, Certification No. B15027, (PID 134232). On October 21, 2014, Respondent pled guilty to 1 count of False Reporting, § 18-9-111(1)(c), C.R.S., a class 3 misdemeanor. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: August 17, 2014, – Separated: October 31, 2014).* The Respondent has failed to comply with POST Show Cause Order M14-15 by failing to appear at the scheduled Show Cause Hearing. Interim Director Adkisson recommends revocation of Ryan Hafner's Colorado Peace Officer Certification No. B15027, (PID 134232).

Approved unanimously

- 5) No. M14-16, **Elizabeth Ann Hafner (Simpson)**, Certification No. B15034, (PID 134242). On October 21, 2014, Respondent pled guilty to 1 count of False Reporting, § 18-9-111(1)(c), C.R.S., a class 3 misdemeanor. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: August 17, 2014, – Separated: November 17, 2014).* The Respondent has failed to comply with POST Show Cause Order M14-16 by failing to appear at the scheduled Show Cause Hearing. Interim Director Adkisson recommends revocation of Elizabeth Ann Hafner (Simpson's) Colorado Peace Officer Certification No. B15034, (PID 134242).

Approved unanimously

Informational Items:

9. **Crisis Intervention Training (CIT)** Chief John Camper

Chief Camper would like to expand CIT programs statewide, having CSOC and CACP work together on a grant request to contract with a provider for an entire year. CIT training is an important officer/community safety measure, and many of the crisis situations officers may be called on involve a subject who has a mental disorder. If established, trainings could take place throughout the state. Chief Camper would like the Board's okay to pursue obtaining statewide training. Per Grant Manager Calomino, numerous requests have been received for this training. Boulder County has a crisis intervention team that provides training throughout their region. There was discussion that legislation will potentially mandate training of this type and it would be wise to be proactive to demonstrate that we are working toward this goal. POST can facilitate this training by setting aside a certain amount of money appropriated by the state in order to purchase specific CIT training, if the Board chooses to do so. Crisis Intervention Teams Association of Colorado (CITAC) is willing to provide a set curriculum. POST could solicit vendors, or provide training regions with the funds and the training regions could solicit vendors. Ms. Calomino recommends contracting with one vendor statewide to provide consistency. Board members expressed the need for this training not to be limited to law enforcement, but to allow non-certified staff to participate as well. The language in Colorado statute states that POST grant funding can be provided for peace officers, not all of whom are certified. However, no POST funding can be provided for any non-peace-officer support staff. Those people may attend the classes if they do not displace a peace officer, but POST funds cannot be used for their training. If the vendor provides training for a set fee regardless of number of students, support staff may be able to attend. If the vendor provides training at a per student rate, support staff would not be covered. The question arose as to whether POST can accept gifts, grants or donations. According to Ms. Calomino, POST can accept grants if the agency views POST as an eligible entity, but cannot accept gifts and donations. Exec. Dir. Hilkey states that the McArthur Foundation is releasing \$75 million in a grant-making program called the Safety and Justice Challenge. This Challenge is focused on reducing America's jail population. CIT has a direct connection in that 40% of the jail population in the state has been diagnosed with Axis 1 mental health disorders. If POST can accept grants they may be willing to fund this training. The grant deadline is March 31, 2015. Sometimes state and local government entities are not eligible, but Ms. Calomino will look into the guidelines for that grant. The Board would like to allow Ms. Calomino to

pursue the application if possible, and if the contract is awarded, the Board would review and vote on it prior to acceptance.

10. **Pending Police Reform Legislation** Jennifer Anderson
Legislative Liaison

Ms. Anderson reported on bills that may affect POST if passed, focusing on those that would most directly impact POST. A rough outline was provided with some bills that are being considered.

SB-58 has passed the Senate. It relates to Eyewitness Identifications policies and procedures. This bill would require POST to approve training in Eyewitness Identification procedures, but is discretionary based on available funding. The bill requires local law enforcement agencies to adopt written policies and procedures on or by July 1, 2016, to be updated every five years, and to make them available for the public at no cost. If an agency does not adopt their own policies and procedures, they must then adopt policies and procedures approved by the Attorney General's office or Colorado District Attorneys Council (CDAC).

SB-185 is the only Police Reform bill introduced to date. It has been assigned to the Senate Judiciary Committee and, as it includes a grant, to the Finance Committee. Stakeholder meetings are taking place. The bill creates an advisory committee to study policing best practices and publish the results, and creates a civilian and law enforcement relations grant program to award money to local law enforcement to implement best practices established by the committee. Grant money would be provided after the committee is convened. Law enforcement would apply for grant funds. The bill also requires law enforcement and the Department of Corrections to collect data relating to race, ethnicity and gender on stops and arrests. There is no funding for the data collection.

One bill being considered is an anti-discrimination bill and would require law enforcement to submit data collection to POST and to other entities, and would require POST to re-certify officers every three years after completion of a recertification course, developed and approved by POST.

The POST reform bill will probably be filed. This bill would require adding lay members who meet the diversity criteria to the POST Board, with the intent to diversify the Board. The lay members on the POST Board would be required to attend a Citizen's Academy prior to serving. The bill would also add citizen members to the SME committees, again, those who meet diversity criteria. The Arrest Control and the Curriculum committees are the particular focus for diversity. The bill would mandate a review of the Basic

Academy curriculum every five years, with community outreach and feedback. The focus on the curriculum would be on de-escalation and anti-bias training and similar. It would require that two hours of the required 24 hours of annual in-service training be Anti-bias training by July 1, 2017, to be repeated every five years thereafter. The Anti-bias training must be updated and available by July 1, 2016. Feedback on the feasibility of the dates is welcome. Two hours of community policing alternating with two hours of community partnerships training would be required every year, with the training curriculum to be provided by January 1, 2016 after stakeholder meetings are held in the community.

AG Coffman opened the subject for general discussion, stating that CSOC and CACP are involved and do have input. There is some frustration that the in-service training requirement was just made effective in January, and that four hours of the 12 hours allotted for non-perishable skills training is already being mandated. Originally the content of this 12 hours was to be discretionary by agency, to allow them to provide the training most appropriate for their specific needs.

Exec. Dir. Hilkey states that CCJJ has a recommendation that officers have ongoing in-service training in community policing and race relations. Rather than be mandated to do something different, attempt could be made to augment an existing curriculum rather than create something new.

Many departments do community policing training and anti-bias training already. If there is an opportunity to recruit for the Board and select for diversity, and possibly add citizen members to the Board and have training for those members and a process by which we add those members, as well as providing citizen outreach to provide information regarding the role of POST, that may be worthwhile. However, attempting to diversify the SME committees may be less effective as these are skills taught from a law enforcement perspective and in general citizens would not know what these skills involve.

Some legislation recommends the inclusion of race, gender and ethnicity of peace officers. This could conceivably be added to the Form 6 (Peace Officer Psychological/Physical Affidavit) but would possibly require an analysis by POST staff to determine feasibility. Should the Board capture that data? Mr. Mullen states that we can capture that data, and have entered ethnicity in the Acadis system for academy classes since we started using this system. CSOC legislative committee has discussed this at length. The legislation seems to attempt to draw POST into areas unrelated to its core mission. AG Coffman asked if this is cyclical legislation? When incidents occur, there is often a knee-jerk response for a one-size-fits-all statewide solution that may

not necessarily work for the outlying communities, where there has been no community involvement. POST must stay engaged, and help shape the legislation rather than refuse to engage in the process and ignore the issue. Board members feel that the issues could have been presented to the Board for investigation and discussion prior to legislation being proposed, and that may have avoided the sense by the POST Board that POST concerns are not being considered. Ms. Anderson will take the Board response back to the legislators. Can the Board work with the legislative liaison from the DOL, CSOC and CACP to craft more reasonable legislation? Data collection on arrests and traffic stops doesn't necessarily prove biased policing, and agencies tend to put more officers in high crime areas, but the research must look deeper in a social science perspective. Bias in rural and urban areas can be very different.

If different effective dates are suggested, that would be helpful, though the Board does not want a suggestion of different effective dates to indicate endorsement of any proposal. POST Board, through the legislative liaison, would like to work with the other law enforcement reps on this bill to craft workable legislation. The POST Board was not consulted on this bill and expresses that this bill is not workable.

11. **Marijuana Looking Forward** Carolyn Berry
Marijuana Curriculum Update Marijuana Curriculum Coordinator

Introduction to Marijuana classes have trained over 1000 officers throughout the state to date. Train-the-trainer classes are scheduled with the goal that trainers will be available in each region. There are new requirements for officers who wish to attend the train-the-trainer classes, with an eye toward high-quality trainers and a commitment to training in their regions. Numerous ARIDE classes, several DRE schools, a second DRE workshop and train-the-trainer classes have been scheduled. We have partnered with Colorado State Patrol (CSP) to test five different oral fluid testing devices after issuing an RFP and choosing five companies. The devices will be tested by a variety of officers to evaluate ease of use and reliability in comparison to blood draws. The devices include portable and non-portable devices, and some test for more than one drug. Training for the troopers taking part has been scheduled.

Ms. Berry is presently designing the curriculum for School Resource Officers (SROs), which will be ready by April 1, 2015. The course will be presented at the CASRO conference in June and it is the intent to provide the training to every SRO in Colorado. One area being considered is training of Division of Wildlife officers, who have considerable contact with marijuana users. Also under consideration is an organized crime class, geared to officers who have

been certified for under five years. Many newer officers are coming across non-traditional organized crime systems and not recognizing it as such. Federal statute (Racketeer Influenced and Corrupt Organizations (RICO) Act) can be utilized to curb illegal distribution if determined to be organized crime, including seizure of property and assets. The goal is to keep the regulated distribution in place and eliminate illegal distribution. One priority is purchase of a system to upload all classes to provide them online for use primarily by rural agencies.

Ms. Berry requests input from the Board as to what training they would like to see for FY 2016. We will have 277 DREs throughout the state, but they are not the entire answer to illegal marijuana and community safety.

Exec. Dir. Hilkey expressed thanks to Ms. Berry for her work on the Marijuana Law Enforcement Subcommittee. There has been little representation from District Attorney's offices on the Marijuana Subcommittee. Ms. Berry stated that they are notified along with all others, but response has been very limited. In order to establish case law, officers are encouraged to request district attorney's offices take marijuana cases. Ms. Berry is in contact with CDAC regarding providing a presentation at the CDAC conference in May 2015.

Coroners could be educated in Marijuana 101, to help determine whether marijuana may be involved in a death in which police agencies may not be involved.

12. **Proposed Decertifying Misdemeanors Update** Interim Director Larry Adkisson

There is no legislation going forward at this time. The misdemeanors may be presented for legislative action next session. Feedback on the listed or potential additional misdemeanors is welcome. Exec. Dir. Hilkey may present the misdemeanor list to DPS legislative liaison for a potential late bill this session. The addition of the list of misdemeanors was voted on by the Board at the September 12, 2014, meeting.

13. **In-Service Training Perishable Skills Waivers** Interim Director Larry Adkisson

Several calls have come in from command staff of several agencies requesting Interim Director Adkisson give perishable skills waivers to some command staff. It is the director's feeling that as the interim director he should not make a decision which could potentially disagree with the new POST

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

Lt. Ernie Ortiz with Aurora PD Training Academy states that Academy staff is working on complying with the mandated in-service training in Acadis, but there have been problems. Lt. Ortiz is asking for suggestions for making this process go more smoothly. Bob Baker has had meetings with larger agencies regarding entering training information into the system. Adams County, for instance, has assigned eight people to enter training, one in each major area (Detentions, Investigations, Patrol, Support, etc.). Mr. Baker had a seminar with those people to demonstrate how to enter the training most easily, and that appears to be working very well. He would be happy to work with Aurora PD on a training seminar, and would suggest having multiple people enter the training. Mr. Baker will contact Lt. Ortiz to set up training.

17. **Adjournment**

Meeting end: 12:28 p.m.
(2 hours, 28 minutes)

CYNTHIA H. COFFMAN
Attorney General
DAVID C. BLAKE
Chief Deputy Attorney General
MELANIE J. SNYDER
Chief of Staff
FREDERICK R. YARGER
Solicitor General



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**Peace Officer Standards
and Training**

**STATE OF COLORADO
DEPARTMENT OF LAW**

**POST BOARD MEETING
RECORD OF PROCEEDINGS
*Friday, June 12, 2015***

The Peace Officer Standards and Training Board held its 391st 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
ATTORNEY GENERAL CYNTHIA COFFMAN
DEPUTY AMANDA CRUZ-GIORDANO, Arapahoe County Sheriff's Office
SHERIFF CHAD DAY, Yuma County Sheriff's Office
COMMISSIONER DAVE DONALDSON, Logan County
SHERIFF SHAYNE HEAP, Elbert County Sheriff's Office
EXECUTIVE DIRECTOR STAN HILKEY, Colorado Department of Public Safety
SHERIFF FRED MCKEE, Delta County Sheriff's Office
INVESTIGATOR GILBERT PERALES, Southern Ute Indian Tribe Police Department
CHIEF MICHAEL PHIBBS, Auraria Department of Public Safety
SPECIAL AGENT IN CHARGE THOMAS RAVENELLE, Federal Bureau of Investigation
CHIEF ROBERT WHITE, Denver Police Department

BOARD MEMBERS ABSENT

MR. RON BECKHAM
SERGEANT RAFAEL CHANZA, Colorado Springs Police Department
CHIEF JOHN COLLINS, Englewood Police Department
CHIEF JOHN DYER, Rifle Police Department
SHERIFF KIRK TAYLOR, Pueblo County Sheriff's Office

BOARD COUNSEL

STACY WORTHINGTON

POST STAFF MEMBERS

CORY AMEND, Director
ROBERT A. BAKER, In-Service Training Manager
BECKY CALOMINO, Grant Manager
LORI JENCKS, Administrative Assistant
ARIEL KISKIRAS, Temporary Administrative Assistant
CRISTINE MACK, Investigator
STEFANIE MACKEY, Grant Coordinator
TOM MULLEN, Compliance Investigator

MEMBERS OF THE PUBLIC IN ATTENDANCE

JENN ANDERSON, Attorney General's Office
SERGEANT WILLIAM BAKER, Grand Junction Police Department
DIRECTOR MINER BLACKFORD, Otero Junior College
COMMANDER ERIK BOURGERIE, Summit County Sheriff's Office
DEPUTY CHRIS BROOKS, Mesa County Sheriff's Office
MEGHAN DOLLAR, Colorado Municipal League
JOHN FOECHTERLE, Montrose County Sheriff's Office
TERRI FOECHTERLE
ERIC GONZALES, Pueblo Police Department
STAFF SERGEANT BRIAN HILL, Federal Reserve Police Department
TRAINING MANAGER JOHN HOOD, Colorado Parks and Wildlife
ACADEMY COORDINATOR GARY HORTON, Pikes Peak Community College
DIRECTOR BYRON JONES, Arapahoe Community College Academy
DOYLE JONES, Weld County Sheriff's Office
DEPUTY ED KAFEL, El Paso County Sheriff's Office
DIRECTOR CATHY LABRECQUE, Pikes Peak Community College
OFFICER STEPHEN LARSEN, Aurora Police Department
JANET LARSON, County Sheriffs of Colorado
COMMANDER RICK McNAIR, Adams County Sheriff's Office Academy
SERGEANT IB MEYER, Weld County Sheriff's Office
SHERIFF JOHN MINOR, Summit County Sheriff's Office
SERGEANT MARCO MONTEZ, Mesa County Sheriff's Office
OFFICER STEPHEN OULLIBER, Aurora Police Department
DEPUTY ISAAC PETTERSON, El Paso County Sheriff's Office
RACHEL PIERSON
SEAN PIERSON, Morgan County Sheriff's Office
COMMANDER KARL SMALLEY, Adams County Sheriff's Office
OFFICER KEVIN SMYTH, Aurora Police Department
SHERIFF ANTHONY SPURLOCK, Douglas County Sheriff's Office
DEPUTY ATTORNEY GENERAL SCOTT TURNER, Attorney General's Office
ROBERT WELTZER
INVESTIGATOR RICHARD WREN, Office of the Inspector General, DOC

The following Subject Matter Expert Committees met prior to the regular POST Board meeting on June 12, 2015.

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 Cynthia Coffman
2. **Pledge of Allegiance** Attorney General Cynthia Coffman
3. **Introduction of POST Director Cory Amend** Attorney General Cynthia Coffman

General Coffman introduced new POST Director Cory Amend, and new Deputy Attorney General of the Criminal Justice Section, Scott Turner.

4. **Introduction of New Board Members** Attorney General Cynthia Coffman

General Coffman introduced new Board members Sheriff Tony Spurlock of Douglas County Sheriff's Office, and Sheriff John Minor of Summit County Sheriff's Office. Sheriff Frederick Wegener of Park County Sheriff's Office was also announced as a new member. Terms for these members will begin July 1, 2015.

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

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

General Coffman recognized departing Board members Mr. Ronald Beckham, Sheriff Shayne Heap, Inv. Gilbert Perales, and Sheriff Kirk Taylor.

7. **Formal Board Recognition of Departing Subject Matter Expert Committee Members** Attorney General Cynthia Coffman

General Coffman recognized departing SME committee members Sgt. David Blatner – Curriculum and Firearms, Inv. John Tucker – Arrest Control, and Dep. John Foechterle – Firearms.

8. **Roll Call** Director Cory Amend

Declaration of a Quorum (11)

9. **Approval of POST Minutes from March 6, 2015**

Approved unanimously

Presentations:

10. **Subject Matter Expert (SME) Committee Reports:**

A. Curriculum Dir. Cathy LaBrecque, Vice-Chair

The committee reviewed the lesson plans for the Highlands Ranch Public Safety Training Institute (HRPSTI). All were approved with minor issues to correct prior to the academy start date. The committee also reviewed HRPSTI instructors. Five Tactical Casualty Care (TCC) instructors were approved, and two of three academic instructors were approved. One will be resubmitted.

A subcommittee was created and will be working on community outreach over the summer. They will develop a survey to help determine the best way to relay SME committee information to the public and will report back at the September Board meeting.

Many sections of the Basic curriculum have been revised and approved by the committee, including Traffic Direction, Verbal Communication, Report Writing, Leadership, Area Searches & Perimeters, SWAT, Hostage Taking & Crisis Negotiations, and Rapid Emergency Deployment. There are 6-8 lesson plans still outstanding. The committee is hoping to have the curriculum revision complete for review and approval by the Board for the September Board meeting.

B. Arrest Control Cmdr. Erik Bourgerie, Chair

The committee did not have a quorum, but recommends that Matthew Ballard be approved as a full skills instructor. The Pikes Peak Community College arrest control instructor program was approved by present members. A quorum will be sought via email. The committee continued discussion of the arrest control training program, test-out requirements, and the sample safety plan.

C. Firearms Dep. Ed Kafel, Chair

An inspection of Pueblo Community College Academy firearms program was completed and was in compliance. Members participated in a test-out at Adams County, and several individual test-outs. The committee reviewed

the new statute requirement for lay members for the committee and would welcome the transparency and having public members involved.

Adding lead contamination to the firearms instructor program was discussed and options will be considered. Steel shooting considerations were discussed in light of the injury to an El Paso County Sheriff's Office (EPSO) deputy sustained during an EPSO range exercise. This will be addressed in safety considerations in the instructor program, and a protocol has been established.

The committee thanks departing member John Foechterle for his service.

D. Law Enforcement Driving Cmdr. Karl Smalley, Chair

Brad Wanchisen of Aurora Police Department has been reassigned and has submitted his resignation. Two new members have been approved: Sgt. Rick Baughman from the Jefferson County Sheriff's Office and Trooper Nathan Businger from the Colorado State Patrol Academy. The committee approved three full instructors: Angela Grubbs from Delta Montrose Technical College, James Lakomy from the HRPSTI, and Matthew Billadeau from the Colorado State Patrol Academy.

The committee reviewed the Colorado Mountain College (CMC) program and it was found to be in compliance. The instructor program at Mesa County Sheriff's Office was approved. The Central Mountain Training Foundation instructor program was reviewed and was not approved. There are minor issues that will be addressed before the September meeting. At the last meeting the driving refresher course submitted by Central Mountain Training Foundation (CMTF) was submitted but not approved. Issues were addressed and the program was resubmitted and was approved.

Proposed revisions to Rule 26 – Academy and Training Program Inspections were submitted to Cristine Mack.

HB15-1287 requirement for lay members was discussed. Committee members will participate in Colorado Springs PD academy inspection next month.

Revisions to the Driving Instructor program were presented for approval. The committee added specific learning objectives, and requests approval from the Board with a proposed effective date of July 1, 2015.

Approved unanimously

11. **Grant Funding Awards**

Becky Calomino, Grant Manager

Ms. Calomino stated that with the \$.40 increase in the amount paid to POST via vehicle registrations, POST has received \$1.5 million in additional funds for a total of \$3.9 million to distribute. These funds are for continuing education for law enforcement officers and to meet the mandatory in-service training requirements. The Grant subcommittee met in April to allocate funds. \$2.4 million (60%) is to be used for continuing education and \$1.5 million (40%) is allocated for training and equipment to law enforcement agencies in order to meet their in-service training requirements and for the implementation of HB15-1287. The subcommittee recommends that \$2.46 million (65%) of awarded funds go to small and rural agencies for continuing education. \$567,000 is to be utilized to purchase equipment, primarily simulators, though agencies are beginning to request funding for other equipment. The remaining approximately \$1 million will be available as a separate grant from POST directly to law enforcement agencies, and will not go through the training regions. POST will be soliciting grant applications from agencies for these funds. Ms. Calomino requests approval of the grant subcommittee's recommendations to distribute the grant awards.

Approved unanimously

12. **Critical Incident Training Implementation**

Janet Larson
Training Manager, CSOC

Ms. Calomino stated that at the last Board meeting, Chief Camper and the Board asked POST staff to identify trainers for the addition of Critical Incident Training (CIT) throughout the state. CSOC has developed a relationship with a training vendor, and effective July 1, 2015 CIT classes will be added. She introduced Janet Larson, Training Manager for County Sheriffs of Colorado (CSOC) to present implementation.

Janet Larson stated that as result of a phone conference held in February, it was evident that there exists a strong, effective CIT training cadre in front range agencies that has been providing training since the inception of CIT in Colorado. CSOC offered to facilitate the grant request and coordinate scheduling of the classes. CSOC met with members of Crisis Intervention Teams Association of Colorado (CITAC) in March, who provided input on cost factors and outlined the necessary criteria for outlying training locations to maintain the high quality of the existing training. Ms. Larson created a budget which was included in the grant request. The planning group will meet June 30th to create the schedule of five classes for this year, which will be posted on the CSOC website. The role players are crucial, and are the most expensive portion of the training. CSOC has been in contact with the two acting companies who provide role players, and a contract with one or both should be in place in early July. The first class will likely be in early September, and then evenly spaced throughout the year. Five widely dispersed agencies have contacted CSOC regarding hosting the class. The

challenge will be to provide the classes in locations large enough to provide the mental health resources required for visits by the students, and to be able to fill the classes, but still push it to outlying areas. The class maximum is 36. The class is hands-on and involves six students rotating through six scenarios, with at least six role players and coaches every day. Concern was expressed that it may be difficult to reach the maximum number in the outlying areas, but it must be cost-effective. The planning group will be discussing whether the class can be scaled to as few as 20 students, while still providing exposure to specific types of mental illness with which they may be confronted. After this year we will have a better sense of demand and whether the budget is appropriate. CSOC would like to provide other aspects in future years, such as coaching and training. Chief Camper thanked those involved for their prompt and enthusiastic efforts in pursuing this training.

Ms. Calomino stated that although CSOC is presenting five trainings, the training regions have also set up an additional five trainings outside of this partnership. The process to train as many officers as may be necessary will be a three- to five-year process.

13. **In-Service Training Update**

Bob Baker
In-Service Training Manager

Mr. Baker presented an update on the program which began in January, 2015. The grant provided \$400,000 to provide law enforcement agencies with necessary equipment, backfill, etc. to provide in-service training to their officers. To date the amount spent is \$399,800. The in-service program started with \$1.5 million, and for the next fiscal year will have \$600,000 to distribute. The number may grow. \$340,000 has been set aside for HB15-1287 implementation. It is uncertain how much that implementation will require. POST is continuing to address web-based training. Word is getting out that POST has the funds to provide subscriptions to services such as PoliceOne, and is also funding ammo, mats, CPR equipment, etc. There are 260 agencies required to comply with the in-service training mandate. Of those, 80 agencies (30%) have not entered any training in the POST portal. Mr. Baker is contacting those agencies to determine any issues. For the most part, training is taking place, but has not been entered. Mr. Baker is providing training to agency coordinators on the process as needed, either by phone, or occasionally on-site. Mr. Baker reiterates that he is happy to provide on-site training for agencies as needed. All agencies contacted at this point are aware of the mandate. POST has implemented the Learning Management System (LMS) module of the Acadis system with the intent to create web-based classes which would be accessible via the portal. Carolyn Berry, POST Marijuana Curriculum Coordinator, and Mr. Baker have attended classes regarding platforms, and have looked at Adobe Captivate and will be looking at Trivantis Lectora. Implementing a two-hour class can take two months to create. The LMS will hold the classes created with the platforms.

14. **Arrest Control SME Committee** Director Cory Amend
Board Representative Appointment

Director Amend requested a Board member volunteer as representative to the Arrest Control SME Committee, replacing departing member Inv. Gilbert Perales. Sheriff Chad Day offered to fill the position.

Approved unanimously

15. **Revocation Appeal – Sean Pierson** Director Cory Amend

Director Amend stated that Sean Pierson, a former officer whose certification had been revoked after a conviction which was later vacated, had written requesting he be allowed to appeal his revocation before the Board. He introduced Mr. Pierson.

Mr. Pierson was an officer with Denver PD for 6 ½ years, was accused of domestic violence, and was convicted and revoked. The charges were later dismissed and the case sealed after the accuser admitted it was a false accusation. He will be starting with Morgan County Sheriff's Office in their corrections facility on Monday, June 15, 2015 as a non-certified officer, but wants to regain his POST certification in order to eventually move to patrol.

The Board requested further information of Director Amend and Board Counsel Stacy Worthington regarding background check and options for moving ahead. Director Amend stated that Compliance Investigator Tom Mullen had spoken with Adams County District Attorney's Office and received a verbal confirmation that the charges were reversed and the case sealed, and later received written confirmation that the charges were reversed in 2012. Ms. Worthington was consulted and states that he may be reinstated if the Board chooses. POST certification was revoked in June of 2012. Inv. Tom Mullen reviewed past cases with the Board, and stated that if the Board chooses to reinstate, that could be effective immediately, or the Board could require he go through the test-out process, or attend a refresher or full academy. Test-out is on Tuesday, June 16th, if the Board wishes him to require that of him.

The Board discussed the options. A certification is valid for three years from date of separation, normally. It is approaching three years since he was revoked and worked patrol. The fees are \$525 for the test-out. Mr. Pierson requests the fees be waived. Motion was made that if Mr. Pierson's separation was less than three years ago, his certification be reinstated. If longer than three years, that he be required to complete the test-out. An amendment to the motion was proposed to waive the fees associated with the test-out.

Approved unanimously

16. **Peace Officer Certification Revocation** Tom Mullen
Actions Compliance Investigator
(See supplemental handout)

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

§ 24-31-305, C.R.S.(2)(a) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section or 24-31-308 shall be suspended or revoked by the POST Board if the certificate holder ***has been convicted of a felony 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. 15-01, **Steven Allen King**, Certification No. 9398 (PID 125734). On January 23, 2015, Respondent pled guilty to one count of Embezzlement of Public Property, in violation of §18-8-407, a class 5 felony, and Official Misconduct, §18-8-404, a class 2 misdemeanor. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: July 1, 2013, Separated June 6, 2014.* The Respondent has failed to comply with POST Show Cause Order 15-01 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of Steven Allen King’s Colorado Peace Officer Certification No. 9398 (PID 125734).

Approved unanimously

2. No.15-02, **Gloria Evangeline Suazo**, Certification No. B17185 (PID 137977). On January 23, 2015, Respondent pled guilty to one count of Aiding and abetting in possession with intent to distribute a controlled substance, §21 U.S.C. 841(a)(1) and 18.U.S.C. 2, both felonies. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: April 2013, Separated April 16, 2014.* The Respondent has failed to comply with POST Show Cause Order F15-02 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of Gloria Evangeline Suazo’s Colorado Peace Officer Certification No. B17185 (PID 137977).

Approved unanimously

B. **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 § 24-31-30 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. 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. M14-17, **Michael D. Ryan**, Certification No. B4455 (PID 123617). On December 5, 2014, Respondent was convicted on one count of Soliciting for Prostitution, § 9.4.030 (A) (3) Lakewood Municipal Code, and one count of Patronizing a prostitute, §9.45.060 (A) Lakewood Municipal Code. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: August 18, 2014, – Separated December 11, 2014).* The Respondent has failed to comply with POST Show Cause Order M14-17 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of Michael D. Ryan’s Colorado Peace Officer Certification No. B4455 (PID 123617).

Approved unanimously

2. No. M15-01, **Fred D. Ramsey**, Certification No. B09895 (PID 100186). On January 15, 2015, Respondent was convicted of one count of Assault 3-know/reckless Cause Injury- Status: Attempt § 18-3-204(1)(a), C.R.S., a class 2 misdemeanor. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: August 18, 2014, – Never Employed).* The Respondent has failed to comply with POST Show Cause Order M15-01 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of Fred D. Ramsey’s Colorado Peace Officer Certification No. B09895, (PID 100186).

Approved unanimously

3. No. M15-02, **Kecia Lynn Ortega**, Certification No. B139768 (PID 139768). On February 11, 2015, Respondent pled guilty to one 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: January 24, 2015, – Separated: February 6, 2015).* The Respondent has failed to comply with POST Show Cause Order M15-02 by failing to appear at the scheduled Show Cause Hearing. Director

Amend recommends revocation of Kecia Lynn Ortega's Colorado Peace Officer Certification No. B139768 (PID 139768).

Approved unanimously

4. No. M15-03, **Michael Allen North**, Certification No. B136427, (PID 136427). On February 02, 2015 Respondent was convicted of one count Harassment-insults/taunts/challenges § 18-9-111(1)(h) 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: November 27, 2014, – Never Employed)*. The Respondent has failed to comply with POST Show Cause Order M15-03 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of Michael Allen North's Colorado Peace Officer Certification No. B136427, (PID 136427).

Approved unanimously

5. No. M15-04, **Delman Laroi Roberts**, Certification, B10272, (PID 116293). On February 02, 2015 Respondent was convicted of one count Assault 3-Know/reckless Cause Injury § 18-3-204(1)(a) C.R.S., a class 1 misdemeanor. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: November 1, 2012, – Separated: September 8, 2011)* The Respondent has failed to comply with POST Show Cause Order M15-04 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of Delman Laroi Roberts' Colorado Peace Officer certification, B10272, (PID 116293).

Approved unanimously

6. No. M15-05, **Daniel DiazDeleon**, Certification No. B11547, (PID 100917). On October 21, 2014, Respondent pled guilty to one count of False Reporting, § 18-9-111(1)(c), C.R.S., a class 3 misdemeanor. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: August 17, 2014, – Separated: November 17, 2014)*. The Respondent has failed to comply with POST Show Cause Order M15-05 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of Daniel DiazDeleon's Colorado Peace Officer Certification No. B11547, (PID 100917).

It was pointed out that the charge listed for the C.R.S. section is incorrect. The charge was actually Harassment-Repeated phone calls, not False Reporting. A typographical error was made and the wrong charge was listed in the Board meeting agenda, but is correct on the Order to Show Cause.

Approved unanimously

Discussion Items:

17. Legislative Update

Jenn Anderson
Legislative Liaison, DOL

Ms. Anderson presented an update of bills passed in the last legislative session which affect POST. Copies of all bills which passed are included in the packets.

Three bills mentioned previously did not pass: HB15-1291 Prohibiting peace officer use of chokeholds; HB15-1288, Updates to racial profiling; and HB15-1286, Required prosecution of police officer in officer-involved shootings.

The bills that passed are:

- SB15-013 – Dog protection training completion extension
- SB15-185 – Requires law enforcement to report data to the Division of Criminal Justice for compilation in a report to the House and Senate Judiciary Committees annually
- SB15-217 – Requires all local law enforcement agencies employing an officer involved in a shooting to report information to the Division of Criminal Justice which will provide a report to the House and Senate Judiciary Committees annually and make the report available on their website
- SB15-218 – Requires agencies employing peace officers to disclose whether a peace officer’s employment record indicates a history of knowingly making misrepresentations to agencies potentially hiring an officer
- SB15-219 – Requires law enforcement agencies to develop protocol for participating with other law enforcement agencies in investigation of officer-involved shootings. It also requires district attorneys who decline to prosecute a peace officer involved in a shooting to make a public report of those findings.
- HB15-1285 – Creates a grant program and study group for use of body-worn cameras by peace officers
- HB15-1290 – Allows parties to recover limited damages from a law enforcement agency when a peace officer destroys a lawful recording or device or prohibits a lawful recording.
- HB15-1287 – Requires appointment of four additional non-law enforcement members to the POST Board. The bill requires the governor to consider age, gender, race, professional experience and geographic location when appointing members in an attempt to add diversity to the POST Board. Though there is no set timeline, it was indicated that requesting applications within the next 2-4 weeks would be advisable. Applications are to be submitted online to the Governor’s Office of Boards and Commissions. Non-law enforcement members would be required to attend a Citizen’s Academy within a year of appointment.

The bill also requires that, if available, two non-law enforcement members with appropriate expertise be appointed to each SME committee, and that the age,

gender, race, professional experience and geographic location be considered in those appointments.

Three community outreach and engagement components are included in the bill.

- Increased community outreach in developing the basic curriculum. A complete revision is to be completed by July 1, 2016
- Development of a community outreach program that informs the public of the role and duties of the POST Board.
- Development of a recruiting program to encourage diversity both in the POST Board and the SME committees.

No definitions were included, nor is there any appropriation of funding for these developments.

The bill contains additional training requirements, and actions the POST Board must take if officers do not comply with the training requirements. Training requirement language is not clear and is open to some interpretation especially regarding the timeline for training. The annual in-service training requirements will include proper restraint and holds training, a two-hour anti-bias training program, and in alternating years, either a two-hour community policing and community partnership training program, or a two-hour situation de-escalation training program, to be completed every five years thereafter. Compliance is required by July 1, 2017. It could be interpreted to mean that every five years an officer must do the one course not previously completed, that the officer completes both courses in consecutive years and then five years later repeats both. The POST Board must temporarily suspend a peace officer who does not comply with these training requirements, and must reinstate the peace officer once they complete the training requirements, and must provide due process, which, after discussion with Director Amend, would be similar to the hearing process in place for Rule 28. If a peace officer is not serving full time they are exempt from the suspension, but if they return to full-time status, they must complete the training within six months.

18. **House Bill 15-1287/Rule 28**

Director Cory Amend

Director Amend asks for direction from the Board in interpretation and implementation of the requirements of HB15-1287. We will be seeking applications for the additional lay members, and the language regarding consideration of age, gender, race, professional experience and geographic location has been added to the application information. There are several citizen's academies in the state, and Director Amend would like to see Board members attend an academy near their location. The POST Board may determine whether we provide grant funding for expenses associated with attendance. \$340,000 has been set aside at this time for implementation of this bill's requirements, per Ms. Calomino. There is no definition of citizen's academy in the statute. It is the Board's responsibility to show a good faith effort to comply, though technically

membership could not be approved or denied based on attendance of a citizen's academy as it is not defined. The question was also raised as to repercussions of not attending the academy.

Regarding community outreach, staff has created a list of over 60 various organizations throughout the state (clergy, minorities, educators, victim groups, etc.) to receive an email request for applications to the POST Board.

The curriculum committee discussed the completion of their review of the Basic curriculum, which has been ongoing, and is a requirement of 1287. We are considering a feedback area on the webpage, and/or creating a survey to determine what may be needed.

The mandated in-service training requirement is two-tiered. We have until July 1, 2016 to create the curriculum. Director Amend would like to have agencies responsible for development of pertinent curriculum so they may determine the best curriculum for their agencies. POST could provide a list of available options such as web-based training or specific trainers. There is already training available for de-escalation, community policing, restraints and holds, and anti-bias. Most agencies are already training in these areas, and proper documentation may fulfill the mandate. After development of curriculum by July 1, 2016, there is one year to complete training in the first aspect, then the second year an officer would complete the alternating training. The first date on which an officer would be non-compliant would be July 2, 2018, by our interpretation. The statute states that the curriculum must be made available to the agencies by July 1, 2016, not that POST must develop the training curriculum. It is Director Amend's interpretation that it can include existing training. After the first completion of the alternating training, officers would have five years and then would be required to complete the training again. The Board discussed proper documentation of the training most agencies are already doing. The question arose as to whether POST has enough staff to track all the training, etc. for the existing 14,000 officers. Ms. Calomino states that POST staff is not adequate for those needs, and as a result, effective July 1, 2015, POST will be requiring agencies to enter all training for their officers and will no longer enter class rosters for POST-approved classes, due to liability issues as well as staff availability. Providing due process for even 400 officers who are not in compliance is burdensome, and Director Amend suggests that the due process for suspension mirror the existing due process for revocations and allow him, as director, to have the responsibility to reinstate an officer who comes into compliance and avoid waiting for the quarterly meeting of the POST Board to reinstate officers.

Director Amend went over the requirements of Rule 28, which requires 12 hours of perishable skills training, however, it is up to each agency head to determine what the training will consist of.

19. **POST Board Member Openings** Director Cory Amend

Director Amend stated that we have three sheriff openings that have just been filled, one sergeant or below opening, and five lay member openings for which we would like to pursue applications, with the process to be completed by July if possible. Director Amend reviewed the process of posting new Board members.

Approved unanimously

20. **POST September Board Meeting and Work Session** Director Cory Amend

Director Amend proposed a work session be held the day before the next Board meeting or the development of a smaller working group to develop a plan for the mandates and review of the strategic plan. The preference by the Board is to have a 4-6 hour work session the day before the Board meeting with all members who are able to attend. A quorum is not necessary. POST is able to reimburse expenses as needed.

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

Sheriff Day said that the Grant Review subcommittee discussed investigating the possibility of splitting the training regions further to better track that POST funds are being appropriately distributed to small and rural agencies. Staff indicated it was challenging to ensure the funds were going to the small and rural agencies. The subcommittee and staff determined to bring it to the Board whether we should investigate those possibilities further. The training regions mirror the old “hazard” region areas. One challenge is to find a fiscal agent in the region, especially for the smaller, rural agencies. There is concern that more training is made available to the larger agencies. Major difficulties include getting smaller agency personnel to the trainings, and class cancelations due to low registration. There are complaints that the metro agencies receive more funding, but there are 23 agencies in the Greater Metro region which have 25 or fewer officers. Investigating the feasibility of realigning the training regions is worth pursuing, but there will be pushback from agencies. It would be worthwhile in order to determine whether the smaller and rural agencies are actually receiving the funds as originally designed. There is definitely inconsistency between the regions as far as class registration requirements, etc. POST should survey the needs of the regions, whether they are working well. Valuable information would be gained even if no changes are made.

Ms. Coffman attended the Jeffco/Lakewood Combined Academy graduation, and the memorial service for Cadet Taylor Thyfault of Colorado State Patrol.

22. **Adjournment**

Attorney General Cynthia H. Coffman adjourned the meeting at 12:10 pm.

CYNTHIA H. COFFMAN
Attorney General

DAVID C. BLAKE
Chief Deputy Attorney General

MELANIE J. SNYDER
Chief of Staff

DANIEL D. DOMENICO
Solicitor General



STATE OF COLORADO
DEPARTMENT OF LAW

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**Peace Officer Standards
and Training**

POST BOARD WORK SESSION
September 17, 2015

• In Attendance:

DIRECTOR CORY AMEND, POST
IN-SERVICE TRAINING MANAGER ROBERT A. BAKER, POST
CHIEF DAN BRENNAN, Wheat Ridge Police Department
GRANT MANAGER BECKY CALOMINO, POST
CHIEF JOHN CAMPER, Grand Junction Police Department
SERGEANT RAFAEL CHANZA, Colorado Springs Police Department
SERGEANT LONNIE CHAVEZ, Grand Junction Police Department
ATTORNEY GENERAL CYNTHIA COFFMAN
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
CHIEF JOHN DYER, Rifle Police Department
EXECUTIVE DIRECTOR STAN HILKEY, Colorado Department of Public
Safety
KARA HOOFNAGLE, Public Board Member
ADMINISTRATIVE ASSISTANT ARIEL KISKIRAS, POST
SUSAN KNOX, Public Board Member
ROBERT LEES, Public Board Member
GRANT COORDINATOR STEFANIE MACKEY, POST
SHERIFF FRED MCKEE, Delta County Sheriff's Office
SHERIFF JOHN MINOR, Summit County Sheriff's Office
PROFESSOR JANE QUIMBY, WCPOA Basic Academy
SPECIAL AGENT IN CHARGE THOMAS RAVENELLE, Federal Bureau of
Investigation
SHERIFF ANTHONY SPURLOCK, Douglas County Sheriff's Office
BRAD TAYLOR, Public Board Member
DEPUTY ATTORNEY GENERAL SCOTT TURNER, Attorney Generals Office
SHERIFF FRED WEGENER, Park County Sheriff's Office
STACY WORTHINGTON, Board Council

1. Introductions

Recognition of new POST Board Lay Members:

PROFESSOR JANE QUIMBY, WCPOA Basic Academy
KARA HOOFNAGLE, Public Board Member
ROBERT LEES, Public Board Member
BRAD TAYLOR, Public Board Member
SUSAN KNOX, Public Board Member

2. Informational Updates

a. New Board Member Selection Process Director Cory Amend

POST staff created a recruitment list consisting of 60+ email addresses to which the POST application would be sent in an effort to diversify the POST Board. The email went out June 23, 2015, and application requests closed on July 10th, 2015. Twenty applications across the state were received. A panel consisting of Special Agent in Charge Tom Ravenelle, POST Counsel Stacy Worthington, Director Amend, and Deputy Amanda Cruz, reviewed the applications and Governor Hickenlooper signed the executive order on August 17th. An outline of the efforts taken to fulfill this legislation has been compiled and will be sent out to Board members. Board members are welcome to submit any suggestions for diversification.

b. Rulemaking Update Director Cory Amend

Rulemaking instructions were sent out to POST Staff and SME Chairs. Some Rules have contradictory wording or conflicts, some need more thorough revisions. POST staff will be revising and sending strikethrough copies once they have been drafted. Proposed Rule changes will be discussed at the Academy Director's meeting on October 6, 2015, finalized at the December 4, 2015 POST Board meeting, adopted by December 11th and if approved will be effective on January 30th.

c. Failed Bids Becky Calomino/Grant Manager

The Marijuana Working Group is headed by Chief John Jackson and provides direction to POST towards the use of the 1.1 million dollars in marijuana sales tax money that was allocated this year. Last year marijuana sales tax funds went out to different training regions to conduct ARIDE, SFST, and other training relating to marijuana. The

direction of the working group this year was to use the funds to create DUID Checkpoint Training and a course on Courtroom Testimony specific to DUID and instructed by a police officer. A formal request for proposal had only a few bids, of which two failed. One had a conflict of interest with the Attorney General's office and one had insufficient experience. In an effort to avoid a third failed bid, POST reached out to the Department of Public Safety to make the bid using POST's funds. If the same capable vendor provides a bid through DPS the bid could potentially succeed. POST is interested in creating a course balanced by the Marijuana Curriculum team, an attorney, and the addition of a police perspective.

d. Upcoming Academy Directors' Meeting

The last Academy Directors' Meeting was held in October of 2014. The next Academy Director's Meeting will be held at the Ralph Carr Judicial building on October 06, 2015. Discussion items of concern put forth by the POST Board include an increased focus on discipline, critical thinking components and problem solving skills in academies. The possibility of a state-run program like CLETA, following the model of the community college academies, was discussed in an effort to improve screening capabilities for the academies in accordance with the hiring standards of agencies. Community college programs typically have a more extensive and thorough screening process including drug history vetting and background checks. State-run programs or central academies that modeled the community college programs historically have a much larger fiscal component. Board members put forth the possibility of a public rating system or monitoring of placement statistics compared to passing rates for academies to determine performance objectives and standards and establish some oversight beyond the 548 credit hours required. Scenario-based training and specific curriculum standards for instructors with an emphasis on critical thinking, knowledge, offender management, missed opportunities, tactical withdrawal, and value-based policing were discussed. The possibility of increasing hours to improve these scenario-based portions was brought forth, perhaps by cutting hours elsewhere. The fiscal model that community college academies follow in order to receive federal funding is D135, which requires placement tracking after graduation.

e. CORA Update

Director Cory Amend

A CORA request was granted in 2004 seeking the entire database of law enforcement officers maintained by Colorado POST. The Denver

Post has made several recent requests for information in varying capacities including most recently the names of all 14,000 Colorado officers. Several CORA requests have been granted since the first inquiry. After copious discussions with the Attorney General and the requesting party, a report was sent out by Deputy Attorney General Scott Turner on 9/16/15 including the PIDs (POST Identification numbers) of all officers in the Acadis record-keeping database. If an officer was currently employed by an agency at the time of the report, the name was redacted to protect undercover and employed officers. The decision was made to maintain compliance with the Colorado Open Records Act and maintain the safety and protection of officers. Concerning recent Brady letters, a letter has just gone out to law enforcement asking for a list of officers who have been convicted of offenses which could be used to impeach them when they testify on the stand, a list considerably longer than the list of offenses that bar an individual from becoming or continuing to be an officer in Colorado according to POST. DAs will be asking agencies to inform defense council when an officer or non-sworn individual who could testify is convicted of a crime that is on a three-page list of offenses.

f. Rule 28 In-Service Robert Baker / In-Service Training Manager

Fifty-eight agencies have entered no training in accordance with Rule 28. Forty-four have responded and are in the process of entering training, and 14 agencies have not responded and therefore are not compliant with Rule 28. A report will go out in December which will give 30 days for compliance and a second report will follow. Mr. Baker has given out \$140,000 to 55 agencies in 2.5 months. The majority of the funding is for online training to help agencies meet in-service requirements. Variances for the rule have been requested and were denied because they did not prove a hardship. Variances for the rule cannot be granted for convenience or financial reasons. DNA and Anti-bias, Community Policing, and De-Escalation of Force are included mandated training.

g. DNA/ Anti-Bias courses Robert Baker/ Carolyn Berry

POST was previously utilizing the Knowledge Factor platform to distribute these e-learning courses. POST can now create e-learning courses without using Knowledge Factor. The first online course created by POST was the DNA course originally set up on Captivate, but now on Lectora. POST purchased the LMS module from Acadis allowing training to be added immediately to LE records. Curriculum provided will be Intro to MJ (4-hours), Intro to MJ for SROs (2-hours),

De-escalation of Force, Community Policing, Anti-bias and DNA. HB 15-1287 requires that the entire curriculum be created by July 1st, 2016. E-learning courses will be created to benefit the state but especially the small agencies. POST will be reaching out to agencies in the future as a resource to create interactive course content through videos.

h. Marijuana Conference 2016

Carolyn Berry

CACP put on a MJ conference and had been asked to put on another. POST will reimburse all CO LE for travel costs. CDOT is on Board and has contributed \$50,000 to this conference. Unlike CACP, there are 4 different learning tracks; DUI, Enforcement, Administrative, and General Sessions. LE can choose which tracks they are interested in learning about. The three-day conference (21st- 23rd) will be at the end of January at the Omni in Broomfield.

3. HB15-1287

a. Community Policing- Outreach

Carolyn Berry

A school outreach program regarding children and their knowledge of marijuana has launched. It is the first of its kind as part of the community outreach component of HB 15-1287. It involves a 7-step process with a pre-curriculum and post-curriculum survey of 4th grade, 7th grade, and 10th grade students. Control sites will only get pre- and post-surveys. Experiment sites will get the whole program. POST will have the results from this project by June/July of 2016. It is a fact-based campaign. CDOT, CDPHE, CDE, and S2T, are partnering with POST. The experiment is at no cost to schools and there is curriculum being created for teachers in the schools that participate. The Think Fast outside program component will be fully funded as well.

4. Past & Future POST audits

Becky Calomino

In 2011, there was an internal Department of Law audit done of POST. It was found that turnover at POST was a concern, there was a need for a grant program overhaul, the deputy director position not necessary, and there was a need for a fulltime exam proctor. Becky Calomino has taken over the Grant program. In 2011, POST had \$1.9 million in grant funds. This has grown to \$5 million in 2015. POST is funded by a fee on vehicle registrations. That \$2.4 million is used to provide training and help agencies meet Rule 28 requirements. \$1.2 million comes from Marijuana sales tax funds. The Grant program also

trains the regions to be good fiscal agents. The state has purchased a new grant management database. Statute states that LE agencies and universities can receive grant funds. Currently only peace officers can use grant funds in LE agencies. The possibility of opening up statute to allow other non-certified employees to receive grant funds was discussed. Board members expressed interest in attending the grant subcommittee meeting. The grantee workshop occurs prior to grantees receiving funds in July.

5. Discussion Items

Cory Amend

a. New website & new POST logo

POST now has its own URL. The site will be going live as soon as possible. The Board approves POST staff's design for the new site. Attorney General Coffman has decided to feature positive stories relating to LE on her website. Attorney General Coffman requests that Board members contribute stories they hear about, highlighting local LE going above and beyond in their positions.

b. Training Region Reorganization

Allowing agencies to re-align with different regions than presently assigned was discussed. The training regions were assigned using the judicial district divisions. Travel challenges exist for certain agencies to participate in regional training in the region to which they are assigned. If agencies realign, it will affect the funding of the region. The possibility of allowing the regions to reorganize themselves was discussed. The training attendance roster was changed to require officers to report their employing agency to track the use of grant funds. The grant program relies on regions to distribute the funds. POST will reach out with a survey to determine which agencies are utilizing the funds.

c. Dog Protection training video

The owner of the Dog Protection training is unclear. The Association of Animal Welfare is paying the hosting fee for three years, but it is not known what will happen to the training after that term expires. The contract that was signed to create the training rested with the Dog Protection Task Force which has disbanded. POST is interested in acquiring the training.

d. Multiple SMEs from same agency

It is the feeling of the Board that if there are multiple SME members from the same agency attending SME Committee meetings, each agency represented may still only carry one vote.

e. Human trafficking added to Basic Academy curriculum

POST has been approached about the possibility of adding Human Trafficking to the basic academy curriculum. There is a possibility that legislation will be introduced to mandate training.

f. Blue Courage / Tactical Disengagement / Impartial Policing / National Decision Model

Blue Courage is a training approach that says there is more to being a peace officer than a “Warrior” mindset and asks that the “Guardian” mindset be considered. It is the feeling of POST Director Amend that the approach could be useful to officers in Colorado and could be seen as an example of being proactive to legislators and the community.

CYNTHIA H. COFFMAN
Attorney General

DAVID C. BLAKE
Chief Deputy Attorney General

MELANIE J. SNYDER
Chief of Staff

FREDERICK R. YARGER
Solicitor General



STATE OF COLORADO
DEPARTMENT OF LAW

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**Peace Officer Standards
and Training**

POST BOARD MEETING
RECORD OF PROCEEDINGS
Friday, September 18, 2015

The Peace Officer Standards and Training Board held its 392nd 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
ATTORNEY GENERAL CYNTHIA COFFMAN
DEPUTY AMANDA CRUZ-GIORDANO, Arapahoe County Sheriff's Office
SHERIFF CHAD DAY, Yuma County Sheriff's Office
COMMISSIONER DAVE DONALDSON, Logan County
CHIEF JOHN DYER, Rifle Police Department
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
SHERIFF JOHN MINOR, Summit County Sheriff's Office
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
BRADLEY TAYLOR, Goetz Insurors
SHERIFF FRED WEGENER, Park County Sheriff's Office
CHIEF ROBERT WHITE, Denver Police Department

BOARD MEMBERS ABSENT

CHIEF JOHN COLLINS, Englewood Police Department
SHERIFF ANTHONY SPURLOCK, Douglas County Sheriff's Office

BOARD COUNSEL

STACY WORTHINGTON

POST STAFF MEMBERS

CORY AMEND, Director
ROBERT A. BAKER, In-Service Training Manager
CAROLYN BERRY, Marijuana Curriculum Coordinator
ARIEL KISKIRAS, Administrative Assistant
CRISTINE MACK, Investigator
STEFANIE MACKEY, Grant Coordinator
TOM MULLEN, Compliance Investigator

MEMBERS OF THE PUBLIC IN ATTENDANCE

COMMANDER BARBARA ARCHER, Denver Police Department
DIRECTOR MINER BLACKFORD, Otero Junior College
COMMANDER ERIK BOURGERIE, Summit County Sheriff's Office
DIRECTOR CLIFF DAWSON, Red Rocks Community College Academy
SERGEANT GRAHAM DUNNE, Aurora Police Department
APRIL FOX, Arapahoe Community College
CHIEF JERRY GARNER, Greeley Police Department
STAFF SERGEANT BRIAN HILL, Federal Reserve Law Enforcement Unit
DIRECTOR BYRON JONES, Arapahoe Community College Academy
CAPTAIN RHONDA JONES, Denver Police Department
DEPUTY TIM JUNGCLAUS, Adams County Sheriff's Office
LIEUTENANT CHRIS JUUL, Aurora Police Department
DEPUTY ED KAFEL, El Paso County Sheriff's Office
DIRECTOR CATHY LABRECQUE, Pikes Peak Community College
COMMANDER RICK McNAIR, Adams County Sheriff's Office Academy
COMMANDER KARL SMALLEY, Adams County Sheriff's Office
DEPUTY ATTORNEY GENERAL SCOTT TURNER, Attorney General's Office
JANICE WORTHEM, Colorado State Patrol Academy

The following Subject Matter Expert Committees met prior to the regular POST Board meeting on September 18, 2015.

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 Cynthia Coffman
2. **Pledge of Allegiance** Attorney General Cynthia Coffman
3. **Welcome and Introduction of new Board Members** Attorney General Cynthia Coffman

AG Coffman introduced new Board members, filling lay member and sergeant or below positions.

Sgt. Lonnie Chavez – Grand Junction Police Department
Kara Hoofnagle – Johnson & Wales University
Susan “Zeke” Knox – United States Attorney’s Office
Robert A. Lees – Robert A. Lees & Associates
Jane Quimby – Western Colorado Community College DPS
Bradley F. Taylor – Goetz Insurors

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

5. **Roll Call** Director Cory Amend

Declaration of a Quorum (13)

6. **Approval of POST Minutes from June 12, 2015**

Approved unanimously

Presentations:

7. **Subject Matter Expert (SME) Committee Reports:**

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

Subcommittees have been working on cleaning up definitions, reviewing Rule changes, and revising the POST curriculum. The due date for the curriculum revision is December 1, 2015, with changes to take effect by July 1, 2016. Revisions to Traffic Stops, Crowd Control, Civil Disputes, SWAT, Negotiations, and others were approved today. Sexual Assault may be revised as a separate class as opposed to part of Major Crimes Considerations. The committee added two new members: Tim Jungclaus of Adams County Sheriff’s Office, and April Fox, of Arapahoe County Community College. Commander Jim Hinrichs of Adams County Sheriff’s Office has resigned from the committee.

B. Arrest Control Cmdr. Erik Bourgerie, Chair

The committee welcomed Sheriff Chad Day as the Board representative for Arrest Control. Vince Fraker, of La Junta Police Department, and Ryan Barba, of Colorado State Patrol, have resigned from the committee. Stephen Larsen has resigned from the Arrest Control committee and has transferred to the Law Enforcement Driving committee. Two site and safety plans were approved for the Western Colorado Peace Officer's Academy in Grand Junction. Three new skills instructors were approved: one for Highlands Ranch Public Safety Training Institute and two for Arapahoe Community College Academy. The committee made suggestions on changes for Rule 24 – Skills Training and Safety, and reviewed other Rule changes. Revision of the Basic Arrest Control program for the academies is ongoing, as well as revision of the test out procedure for out-of-state candidates.

C. Firearms Dep. Ed Kafel, Chair

The committee reviewed Rule changes and made minor suggestions. Adams County Sheriff's Office Firearms program was reviewed last week and found to exceed the POST standards. Suggestions for changes to the Basic Academy Firearms Program and Handgun Instructor Program have been made. The committee recommends inclusion of lead contamination considerations in both the Handgun Instructor and the Firearms programs, and safety considerations in shooting steel are to be included in the Handgun Instructor program. For the handgun qualification course the committee clarified and defined the Standby and Ready positions. De-escalation was discussed. The committee feels de-escalation should be ingrained throughout the entire curriculum, especially in the skills programs, and that use of force should not be taken lightly. Documentation should be required and de-escalation should be identified and defined in the Basic program. Sheriff Day requested further information regarding lead contamination. It is to be included for both indoor and outdoor courses. The effects of lead contamination are discussed, and use of general guidelines for handling lead, washing hands, etc.

D. Law Enforcement Driving Cmdr. Karl Smalley, Chair

Stephen Larsen of Aurora Police Department was added as a new member. The committee performed a full inspection at Colorado Springs Police Department Academy, which was in compliance. The academy will be moving their driving site. The committee approved five full skills instructors: Kevin Smyth, Aurora PD; Kathryn Mora, Pueblo Community

College; Ryan Bechert, HRPSTI; Tyrone Campbell and Craig Klukas, Denver PD. The committee reviewed and approved one new driving instructor program from Central Mountain Training Foundation, and performed a five-year review and approval of the Colorado State Patrol instructor program. Another program review will take place at the December meeting. The committee reviewed instructor qualifications for the driving instructor program, and Cmdr. Smalley would like to meet with the other SME chairs prior to making decisions on revisions in order to be consistent with other committee's programs. The committee reviewed proposed Rule changes with no additional suggestions. The proposed plan for a new driving track at HRPSTI was reviewed and construction has begun. Otero Junior College inspection is coming up on October 3rd.

Action Items:

8. **Peace Officer Certification Revocation** Tom Mullen
Actions Compliance Investigator

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

§ 24-31-305, C.R.S.(2)(a) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section or 24-31-308 shall be suspended or revoked by the POST Board if the certificate holder ***has been convicted of a felony 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. F15-03, **Garrett Michael Holmes**, Certification No. B139948 (PID 139948). On January 23, 2015, Respondent pled guilty to one count of Theft -\$2000-\$5000, §18-4-401(1),(2)(f), a class 6 felony. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: August 31, 2014, Never employed)*. The Respondent has failed to comply with POST Show Cause Order F15-03 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of Garrett Michael Holmes' Colorado Peace Officer Certification No.B13998 (PID 139948).

Approved unanimously

2. No. F15-04, **Jarret Branson**, Certification No. B139874 (PID 139874). On January 30, 2015, Respondent pled guilty to one count of Stalking – Emotional Distress, §18-3-602 (1)(c), a class 5 felony, and one count of Official Misconduct 1, §18-8-404, a class 2 misdemeanor. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: August 14, 2014, separated September 16, 2014).* The Respondent has failed to comply with POST Show Cause Order F15-04 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of Jarrett Branson’s Colorado Peace Officer Certification No. B139874 (PID 139874).

Approved unanimously

3. No. F15-05 **Michael James Lorsung**, Certification No. B2263 (PID 115334). On June 2, 2015, Respondent was convicted of one count of Embezzlement of Public Property §18-8-407 CRS, a class 5 felony, and Official Misconduct I, § 18-8-404 CRS, a class 2 misdemeanor *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: February 18, 2014, separated April 8, 2015).* The Respondent has failed to comply with POST Show Cause Order F15-05 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of Michael James Lorsung’s Colorado Peace Officer Certification No. B2263 (PID 115334).

Approved unanimously

4. No. F15-07, **Johnny Ray Haney**, Certification No. B7370 (PID 113543). On May 14, 2015, Respondent was convicted of one count of Theft \$2000-5000 §18-4-401(1)(2)(f) CRS, a class 6 felony. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: December 2, 2014, separated March 16, 2001).* The Respondent has failed to comply with POST Show Cause Order F15-07 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of Johnny Ray Haney’s Colorado Peace Officer Certification No. B7370 (PID 113543).

Approved unanimously

5. No. F15-08, **William Steven Berry**, Certification No. B16363 (PID 136529). On May 14, 2015, Respondent was convicted of one count of Embezzlement of Public Property §18-8-407 CRS, a class 5 felony, and Official Misconduct I, §18-8-404 CRS, a class 2 misdemeanor. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: January 17, 2014, separated April 9, 2014).* The Respondent has failed to comply with POST Show Cause Order F15-08

by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of William Steven Berry's Colorado Peace Officer Certification No. B16363 (PID 136529).

Approved unanimously

B. 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 § 24-31-30 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. 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. M15-07, **Dale Michael Jordan**, Certification No. B11223, (PID 120348). On April 1, 2015, Respondent was convicted of one count of Sexual Contact – Victim in Custody – Attempt, § 18-3-404(1)(f) C.R.S., a class 2 misdemeanor, and Official Misconduct, § 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: May 15, 2013, – Separated August 27, 2013).* The Respondent has failed to comply with POST Show Cause Order M15-07 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of Dale Michael Jordan's Colorado Peace Officer Certification No. B11223, (PID 120348).

Approved unanimously

2. No. M15-08, **Carl David Anderson**, Conditional Certification (PID 130488). On June 2, 2015, Respondent was convicted of one count of Obstructing a Police Officer, § 18-8-104(1)(a), C.R.S., a class 2 misdemeanor *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: August 14, 2014, – Separated October 05, 2007).* The Respondent has failed to comply with POST Show Cause Order M15-08 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of Carl David Anderson's Colorado Peace Officer Conditional Certification (PID 130488).

Approved unanimously

3. No. M15-09, **Shawn Henry Miller**, Certification No. B17880, (PID 138821). On June 19, 2015, Respondent was convicted of one count of Harassment - insults/taunts/challenges § 18-9-111(1)(h), 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: May 4, 2015, – Separated: January 16, 2014).* The Respondent has failed to comply with POST Show Cause Order M15-09 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of Shawn Henry Miller’s Colorado Peace Officer Certification No. B17880, (PID 138821).

Approved unanimously

4. No. M15-10, **Mark Gerald Magness**, Certification No. B09502 (PID 100086). On June 17, 2015, Respondent was convicted of one count of Assault 3 – Knowing Recklessly causing injury - attempt, 18-3-204(1)(a), C.R.S., a class 2 misdemeanor *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: December 06, 2014, – Separated December 29, 2014).* The Respondent has failed to comply with POST Show Cause Order M15-10 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of Mark Gerald Magness’ Colorado Peace Officer Certification No.B09502 (PID 100086).

Approved unanimously

AG Coffman commented that many of the revoked officers have a very short tenure with their agencies. Is there something that POST should be doing on the front end to help people be successful? There was some discussion that adequate background checks should be performed by a hiring agency, whether the acceptance process at academies needs to be considered, and whether there is a correlation between the types of academies attended and later revocations. A good number of the revoked officers were either never employed or employed for a very short time, which is an indication that inadequate officers are being filtered out quickly. AG Coffman would like to discuss data points further with Dir. Amend at a later date.

Informational Items:

9. ***Re-engineering Training on Police Use of Force*** Chief Jerry Garner
Greeley Police Department

Chief Garner is representing the Colorado Association of Chiefs of Police (CACP). The law enforcement community is concerned with citizens and law enforcement officers being injured or killed in high profile incidents nationwide. There is much public discussion and criticism focused on law enforcement's use of force. Since the Ferguson incident, the Police Executive Research Forum (PERF) has held three conferences, the biggest in May 2015, with some 300 chiefs, sheriffs, DAs and attorneys in attendance to review how we train use of force, and how that training might be improved. Much of the focus was on de-escalation tactics, and findings are included in the booklet Chief Garner provided (*Re-engineering Training on Police Use of Force*), also available on the PERF website. PERF states that though there will always be the need to use force, law enforcement officers must be given the tools necessary to make use-of-force, and especially lethal force, very rare. There are many different pilot programs for de-escalation in use around the country, but we have expertise in Colorado to customize our training. CACP is asking for POST's help in advancing training, especially regarding police culture and supervision, and establishing the sanctity of other lives, not just officer's lives. The next step is to review what we're teaching and how we're teaching it, and whether connections can be made in teaching all aspects as a whole instead of separately teaching communication, arrest control, firearms, de-escalation, etc.

10. **Workshop Recap**

Director Cory Amend

Dir. Amend thanked all Board members and staff for their time and energy during Sept. 17th's work session.

In discussing the SME committees, it was recommended that though each committee may have multiple members from a single agency, that each agency should be allowed only one vote.

The realignment of training regions was discussed. POST will be contacting the training regions to determine whether they feel the need to realign the regions. POST staff has presented the training regions' inquiry as to whether POST-funded training may be expanded to include non-certified personnel. Expanding the funding to include non-certified staff would require legislation and a change in statutory language. (Please see further discussion under 11. Comments from Others)

Board members suggested POST consider training region networking for all agencies within the regions to advise agencies more completely about POST priorities for the Grant cycle, the Grant process, what funds are available and what type of expenses are allowable. Ms. Calomino will pursue networking for the agencies.

The Board discussed CORA requests and issues regarding recent requests for database information on Colorado officers.

Members discussed the possibility of POST mandating background checks for agencies for law enforcement personnel and volunteers. This would probably be mandated not through legislation, but by creating a POST rule. No final decision was made, but Dir. Amend will create a rule draft and ask for further Board direction.

The Board discussed the possibility of bringing back a single, CLETA-style academy rather than the 22 different Basic academies. There are many models in other states, from a one academy system, to multiple academies as Colorado has at present. POST staff will investigate returning to the one academy model, and may form a subcommittee to research.

There will be a Marijuana conference held in the Denver area in January, 2016, with a theme of “Lessons Learned” and will provide some excellent training for law enforcement in Colorado regarding what has been experienced and what might be improved with enforcement. The first conference was held in January of 2015.

POST is considering acquiring the Dog Protection Act video that was produced by the Dog Protection task force. Dir. Amend will investigate the possibility.

There was considerable discussion of the misconception that POST provides training and regulates the training provided to law enforcement. While POST is the overseeing Board for training in general, most training requirements are left up to each agency and the agency head. While there is some policing that must be standardized, there are differences in the requirements for different agencies, and training requirement should be left to each agency to determine what is important for their region.

Most law enforcement acts are positive, however the media tends to portray only the negative acts. Some agencies are actively trying to positively promote law enforcement, and POST will do what we can to show the positive aspects of law enforcement.

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

Sheriff Day opened a discussion regarding providing POST funding for non-certified staff. The stance is that funding was for certified officers only, but that non-certified staff could be included if they were not displacing a certified officer. Dir. Amend stated that the wording at present states that funding can only be provided for law enforcement officers, but it does not say “certified” officers. The Board would like to specify more clearly what would be allowable, and fund

training for non-certified staff if possible. POST may not have the revenue source to extend funding to non-certified, and we must limit who may be trained using grant funds. It was suggested that allowing agency volunteers to attend training may help fulfill the legislative mandate for community outreach. Cmdr. Erik Bourgerie stated that many detentions officers do not receive any kind of arrest control or de-escalation training, and if not for grant-funded courses, they would not be able to receive that training. Non-certified staff have been asked to take on more duties that were previously considered certified staff duties. Detention officers are considered peace officers by statute, and are permitted to register for training. Sheriff Day stated that some detentions officers have been denied a space in a class in favor of certified officers. Military officers, records clerks, etc. are denied in favor of certified officers. AG Coffman states that POST will make sure detention officers are not inadvertently denied access to training in the future.

AG Coffman spoke regarding her concern that the societal perception of peace officers across the country is having a negative impact on morale and officer safety. She would like to be advised of any actions the Board and the Attorney General can take to further positive recognition of what law enforcement is doing, and would like to help create a positive view of law enforcement in our communities.

12. **Adjournment**

Attorney General Cynthia Coffman

Attorney General Coffman adjourned the meeting at 11:16 a.m.

Next POST Board Meeting

December 4, 2015

Ralph L. Carr Colorado Judicial Center
1300 Broadway
Denver CO

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

CYNTHIA H. COFFMAN
Attorney General

DAVID C. BLAKE
Chief Deputy Attorney General

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RECORD OF PROCEEDINGS**
Monday, December 14, 2015

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BOARD MEMBERS PRESENT

CHIEF DAN BRENNAN, Wheat Ridge Police Department
CHIEF JOHN CAMPER, Grand Junction Police Department
SERGEANT RAFAEL CHANZA, Colorado Springs Police Department
ATTORNEY GENERAL CYNTHIA COFFMAN
CHIEF JOHN COLLINS, Englewood Police Department
DEPUTY AMANDA CRUZ-GIORDANO, Arapahoe County Sheriff's Office
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SHERIFF FRED MCKEE, Delta County Sheriff's Office
SHERIFF JOHN MINOR, Summit County Sheriff's Office
CHIEF MICHAEL PHIBBS, Auraria Department of Public Safety
SPECIAL AGENT IN CHARGE THOMAS RAVENELLE, Federal Bureau of Investigation
SHERIFF ANTHONY SPURLOCK, Douglas County Sheriff's Office
BRADLEY TAYLOR, Goetz Insurors

BOARD MEMBERS ABSENT

SHERIFF RON BRUCE, Hinsdale County Sheriff's Office
SERGEANT LONNIE CHAVEZ, Grand Junction Police Department
CHIEF JOHN DYER, Rifle Police Department
EXECUTIVE DIRECTOR STAN HILKEY, Colorado Department of Public Safety
DIRECTOR JANE QUIMBY, Colorado Mesa University DPS
SHERIFF FRED WEGENER, Park County Sheriff's Office
CHIEF ROBERT WHITE, Denver Police Department

BOARD COUNSEL

STACY WORTHINGTON

POST STAFF MEMBERS

CORY AMEND, Director
ROBERT A. BAKER, In-Service Training Manager
CAROLYN BERRY, Marijuana Curriculum Coordinator
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
SERGEANT GRAHAM DUNNE, Aurora Police Department
APRIL FOX, Arapahoe Community College
FRANCINE GONZALEZ, Department of Revenue, Motor Vehicle Investigations
TRAINING MANAGER JOHN HOOD, Colorado Parks and Wildlife
ROGER HUDSON, Public Information Officer
DARIN ICARDI, Department of Revenue, Motor Vehicle Investigations
CAPTAIN RHONDA JONES, Denver Police Department
DEPUTY TIM JUNGCLAUS, Adams County Sheriff's Office
LIEUTENANT CHRIS JUUL, Aurora Police Department
INVESTIGATOR KEN KING, Colorado Attorney General's Office
DIRECTOR CATHY LABRECQUE, Pikes Peak Community College
COMMANDER RICK McNAIR, Adams County Sheriff's Office Academy
JO MCGUIRE, Better Way Colorado
JEANNIE MILLER
ELIZABETH O'DONNELL
CHRIS OSHER, The Denver Post
COMMANDER KARL SMALLEY, Adams County Sheriff's Office
DEPUTY ATTORNEY GENERAL SCOTT TURNER, Attorney General's Office

The following Subject Matter Expert Committees met prior to the regular POST Board meeting on December 14, 2015.

- 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 Cynthia Coffman
2. **Pledge of Allegiance** Attorney General Cynthia Coffman
3. **Moment of Silence**

AG Coffman requested a moment of silence for Colorado State Trooper Jaimie Jursevics and University of Colorado-Colorado Springs Officer Garrett Swasey who were killed in the line of duty. The AG expressed her respect and gratitude for the difficult and dangerous job police officers perform.

4. **Introduction of Board Members, SME Members, Staff and Guests**
5. **Roll Call** Director Cory Amend

Declaration of a Quorum (13)

6. **Approval of POST Minutes from September 18, 2015**

Approved unanimously

Presentations:

7. **Subject Matter Expert (SME) Committee Reports:**

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

The Curriculum committee has completed the preliminary revision of the Basic curriculum. Sexual assault has been separated from Major Case Considerations and will be presented as a separate class. Recently included is a condensed version of Combat Tactical Casualty Care into the Reserve academy curriculum. The committee is currently reviewing the Instructor Methodology program

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

The review of the Arrest Control Training program has been completed and the changes will go to the academies for their feedback. Kevin Smyth of Aurora PD was added as a new member. Meeting dates for 2016 were approved. A satisfactory inspection was completed at Highlands Ranch Public Safety Training Institute. The Committee is investigating whether a ringworm test HRPSTI is using on their mats is something that could or should be distributed to all academies. A new site safety

plan was approved for Adams County Sheriff's Office FLATROCK facility supplemental arrest control room. The site safety plan for the new Aurora PD facility was denied as it is still under construction. The academy is to begin in February and will be approved if construction-related issues are corrected. Four new full skills instructors were approved: Grant Heyneman, Aurora PD; Rob Pavletic, Aurora PD; Justin Calkins, Larimer County SO; and Andrew Weber, Larimer County SO. The committee is continuing discussion of test out procedures and requirements, and the skills instructor program.

C. **Firearms** Trng. Mgr John Hood, Vice-Chair

The committee approved 2016 monthly meeting dates. An unintentional discharge worksheet was recently developed for use at the academies. Several full skills instructors were approved since the last Board meeting. Lesson plans have been reviewed and approved for a firearms skills development course. Expectations have been added to the Firearms Instructor program. Member Master Trooper Fred Currier has retired and will be replaced by Master Trooper Pete Lawrence.

A vote was requested for Firearms curriculum changes.

Approved unanimously

D. **Law Enforcement Driving** Cmdr. Karl Smalley, Chair

An inspection was completed on Otero Jr. College LETA and program was approved. Safety plan for Colorado Springs PD Academy was approved. New site safety plan for Aurora PD was reviewed, but was tabled as the site is still under construction. Cmdr. Smalley will view the site and should be able to approve prior to their academy start date. Instructor programs were reviewed and are up to date, with the exception of Denver PD. Denver will be submitting their instructor program and should be approved at March meeting. Driving curriculum additions were discussed and Electronic Stability Control high center of gravity vehicle will be added. Total program hours will remain the same. The SME committee chairs met to discuss instructor requirements and expectations.

Action Items:

8. **Peace Officer Certification** Tom Mullen
Revocation Actions Compliance Investigator

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

§ 24-31-305, C.R.S.(2)(a) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section or 24-31-308 shall be suspended or revoked by the POST Board if the certificate holder ***has been convicted of a felony 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. F15-09, **Jefferson Leroy Kiser**, Certification B01736 (PID 122539). On March 25, 2015, respondent pled guilty to and was convicted of 1 count of Assault I-SBI with Deadly Weapon § 18-3-202(1)(a), C.R.S., a class 3 felony. *The respondent was not employed as a peace officer on the date of the offense (Date of Offense: August 1, 2013 –Separated: May 16, 2005).* The respondent has failed to comply with POST Show Cause Order F15-09 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of Jefferson Leroy Kiser’s Colorado Peace Officer Certification B01736 (PID 122539).

Approved unanimously

2. No. F15-10, **David Newall Hayhurst**, Certification 1295 (PID 108057). On March 27, 2015 respondent pled guilty to and was convicted of 1 count of Sexual Exploitation/child-poss Material, § 18-6-403(3)(b.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: January 23, 2014 –Separated: January 10, 1993).* The respondent has failed to comply with POST Show Cause Order F15-10 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of David Newall Hayhurst’s Colorado Peace Officer Certification 1295 (PID 108057).

Approved unanimously

3. No. F15-11, **John William Japp**, Certification B6311 (PID 119517). On May 21, 2015, respondent pled guilty to one count of Sexual Assault/Victim incapable of appraising nature of conduct-attempt, §18-3-402 (1)(b), a class 5 felony. *The respondent was employed as a peace officer on the date of the offense (Date of Offense: September 18,*

2014–Separated: September 29, 2014). The respondent has failed to comply with POST Show Cause Order F15-11 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of John William Japp’s Colorado Peace Officer Certification B6311 (PID 119517).

Approved unanimously

B. 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 § 24-31-30 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. 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. M15-11, **Robert M. Raskiewicz**, Certification B7273 (PID 119415). On April 4, 2004 respondent was convicted of one count of Official Misconduct, §18-8-104 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 21, 2003, – Separated December 31, 2008)*. The respondent has failed to comply with POST Show Cause Order M15-11 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of Robert M. Raskiewicz’s Colorado Peace Officer Certification No. B7273 (PID 119415).

Delay in revocation was due to our not receiving notice from the courts of the conviction, which was recently discovered in a search of the court database.

Approved unanimously

2. No M15-12, **James L. Underwood II**, Certification B01368 (PID 126671). On June 30, 2015, the respondent was convicted of one count of Harassment-Obscene Language/Gesture Domestic Violence § 18-9-111 (1)(b) 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: April 27, 2015, – Separated September 15, 2007)*. The respondent has failed to comply with POST Show Cause Order M15-12 by failing to

appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of James L. Underwood II's Colorado Peace Officer Certification No. B01368 (PID 126671).

Middle initial was listed incorrectly in agenda as James T. Underwood.

Approved unanimously

3. No. M15-13, **Lyndreth Wall Jr.**, Conditional Certification PID 130243. On April 13, 2010, respondent was convicted of one 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 November 22, 2009, – Not employed).* The Respondent has failed to comply with POST Show Cause Order M15-13 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of Lyndreth Wall Jr.'s Colorado Peace Officer Certification PID 130243.

Approved unanimously

4. No M15-14, **Christopher Avila**, Certification B01299 (PID 116972). On August 4, 2015, Respondent was convicted of one count of Harassment-Follow Person in a Public Place § 18-9-111(1)(c) 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 February 6, 2015, – Date of Separation September 24, 2012).* The Respondent has failed to comply with POST Show Cause Order M15-14 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of Christopher Avila's Colorado Peace Officer Certification B01299 (PID 116972).

Approved unanimously

5. No M15-15, **Mico Malinzak-Fernandez**, Certification B16524 (PID 136425). On June 16, 2015, Respondent was convicted of one count of Official Misconduct, § 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 January 6, 2014, - Date of Separation February 17, 2014).* The Respondent has failed to comply with POST Show Cause Order M15-15 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of Mico Malinzak-Fernandez's Colorado Peace Officer Certification B16524 (PID 136425).

Status as not employed and date of separation were listed incorrectly in agenda. Date of separation was listed as September 13, 2012, and Mr. Milinzak-Fernandez was employed as an officer at the time of the offense.

Approved unanimously

9. **Formal Rulemaking Hearing** Attorney General Cynthia Coffman
Board Counsel Stacy Worthington
Director Cory Amend

The formal rulemaking session was initiated at 10:38 am. Introductory information and instructions were presented by AG Coffman. All in attendance were asked to introduce themselves.

Director Amend read the Statement of Basis and Purpose for all Rule changes.

Rule 1 – Definitions

There was extensive discussion and clarification of the definition of “Conviction” as regards deferred sentences and juvenile adjudication. The legal definitions were clarified by Ms. Worthington, as well as POST’s options in revocation and denial of certification. It was suggested that we consider legislative options to address revocation or denial of certification due to deferred sentences and juvenile adjudication.

It was suggested that the change to Rule 1 paragraph (l) be stricken, as well as the reference to deferred sentences and juvenile adjudication in Rule 8 - Appeal Process for Peace Officer Applicants – Certification Denial as a Result of a Misdemeanor Conviction, Rule 9 – Revocation Hearings for Criminal Conduct, and Rule 14 – Fingerprint-Based Criminal History Record Check.

Rules 1 approved unanimously after deletion of reference to deferred sentences and juvenile adjudication. There are no changes to Rules 8, 9 and 14 after removal of these references.

Rule 4 – Subject Matter Expert Committees

Rule 5 – Hearings

Rule 7 – Variances

Rule 10 – Basic Peace Officer Certification

Rule 11 – Provisional Certification

Rule 12 – Reserve Certification

Rule 13 – Renewal of Basic Certification

Rule 15 – Certification Examination - Basic, Provisional, Renewal

Rule 16 – Skills Examinations for Provisional and Renewal Applicants

Rule 17 – Certification Records

Rule 18 – Certifications, Suspensions, and Revocation – Basic, Provisional, Renewal, and Reserves.

Rule 24 – Skills Training Safety and Skills Program Requirements for Basic and Reserve Academies

Rule 25 – Academy Instructor Training Programs

Rule 26 – Academy and Academy Instructor Training Program Inspections

Approved Unanimously

Rule 28 – In-Service Training Program

There was discussion of the requirement for perishable skills training to include all three skills every year, and that it should be up to each agency head to determine whether all perishable skills should be required, or if all 12 hours of perishable skills could be in one or two skills alone. The difficulties of providing certain training and expenses incurred were mentioned as factors. POST is continuing to fund driving and firearms simulators for each training region to help allay these concerns. Skills waivers are available for agencies which do not need training in one or more specific skills.

Motion to accept Rule 28 as amended.

Roll call vote was requested.

Yea – 10

Nay – 5

Approved

Rule 29 – Hiring Standards

There was discussion regarding the requirement for psychological/physical evaluations and whether that should be mandated by POST. It was also requested that clarifying language be added to the citizenship verification sentence. A roll call vote was requested to strike paragraph (f), the requirement for psych/physical evaluation.

Nay – 10 votes

Yea - 7 votes

Motion failed

It was suggested that a psych/physical done within the past three years would be acceptable, and language was added to the rule, as well as the language to

the citizenship verification.

Yea – 16 votes

Nay – 1 vote

Approved

Formal rulemaking session ended at 1:16 pm, with a break from 12:08 pm to 12:18 pm. Two Board members left, but quorum still in effect.

10. **Proposed POST Board Meeting Dates for 2016**

March 11, 2016

June 3, 2016,

September 16, 2016

December 2, 2016

Approved Unanimously

Informational Items:

11. **Continuing Education Awards** Bob Baker
In-Service Training Manager

POST had in-service continuing education funds of 1.5 million for this fiscal cycle. Eighty-one agencies have utilized the funding, double the number for last fiscal cycle. There is presently \$310,000 remaining. Another notification will be issued and agencies will be encouraged to utilize those funds for training-related items.

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

Jo McGuire, co-chair of Better Way Colorado, spoke regarding the new Marijuana curriculum being presented to 4th, 7th and 10th grade students, and a petition presented by concerned parent groups across Colorado to AG Coffman. The groups feel the curriculum does not have a science/medical basis, utilize best practices, contains conflicting information, sends the wrong message to the students and does not stress harm to students strongly enough. They request more transparency and review of the curriculum by parents.

Elizabeth O'Donnell, concerned citizen and mother, spoke of her concerns that Denver Public Schools does not have any curriculum addressing the science of marijuana's harm to students. She requested we help by producing an appropriate curriculum.

Sue Anderson, concerned citizen, discussed the large number of dispensaries in Boulder indicates that there is huge “gray” market with marijuana going to students and others, and she feels that something must be done.

AG Coffman expressed appreciation for the interest and the petition, which she will read. She feels strongly that the education is well behind where it needs to be, one reason for creation of the curriculum.

Director Amend stated that the goal of the school outreach program is to get the correct, fact-based information to the student population, as there are at present no programs addressing these concerns. Utilizing School Resource Officers as marijuana experts for their schools is the ideal. POST is mandated by HB15-1287 to provide community outreach. This is one way we are fulfilling that mandate.

Carolyn Berry stated that we have piloted this program in four school districts across the state, with two control districts and two experimental districts that receive the full services of the program. Countering the impression that marijuana can’t harm adolescents is the express goal. She briefly discussed the medical and financial ramifications of marijuana use for adolescents. She explained the curriculum and the surveys further as well as the reasoning behind the chosen age groups. She also stated the primary makeup of the Board, which includes members from Colorado Department of Public Health and Education, Colorado Department of Education, Colorado Department of Transportation, Safe2tell, University of Colorado-Denver, and other educators, attorneys and medical personnel.

Dr. Kara Hoofnagle, POST Board member and head of Criminal Justice at Johnson & Wales University, specializes in marijuana and how legalization affects police officers. Officers are very clear that they want to educate adolescents in the realities of marijuana use and its potential harm.

13. **Adjournment**

Attorney General Cynthia Coffman

Attorney General Coffman adjourned the meeting at 1:50 p.m.

CYNTHIA H. COFFMAN
Attorney General

DAVID C. BLAKE
Chief Deputy Attorney General

MELANIE J. SNYDER
Chief of Staff

FREDERICK R. YARGER
Solicitor General



**STATE OF COLORADO
DEPARTMENT OF LAW**

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**Peace Officer Standards
and Training**

**POST BOARD MEETING
RECORD OF PROCEEDINGS**
Friday, March 11, 2016

The Peace Officer Standards and Training Board held its 394th Board meeting at the Ralph L. Carr Colorado Judicial Center, 1300 Broadway, Denver, Colorado, with the following in attendance:

BOARD MEMBERS PRESENT

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
ATTORNEY GENERAL CYNTHIA COFFMAN
CHIEF JOHN COLLINS, Englewood Police Department
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
SHERIFF JOHN MINOR, Summit County Sheriff's Office
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
BRADLEY TAYLOR, Goetz Insurors
SHERIFF FRED WEGENER, Park County Sheriff's Office

BOARD MEMBERS ABSENT

CHIEF DAN BRENNAN, Wheat Ridge Police Department
DEPUTY AMANDA CRUZ-GIORDANO, Arapahoe County Sheriff's Office
CHIEF JOHN DYER, Rifle Police Department
SHERIFF ANTHONY SPURLOCK, Douglas County Sheriff's Office
CHIEF ROBERT WHITE, Denver Police Department

BOARD COUNSEL

STACY WORTHINGTON

POST STAFF MEMBERS

CORY AMEND, Director
ROBERT A. BAKER, In-Service Training Manager
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

CHIEF DEPUTY ATTORNEY GENERAL DAVID BLAKE, Attorney General's Office
COMMANDER ERIK BOURGERIE, Summit County Sheriff's Office
DIRECTOR MICHAEL CARTER, Community College of Aurora
SERGEANT GRAHAM DUNNE, Aurora Police Department
APRIL FOX, Arapahoe Community College
TRAINING MANAGER JOHN HOOD, Colorado Parks and Wildlife
ROGER HUDSON, Public Information Officer
CAPTAIN RHONDA JONES, Denver Police Department
DEPUTY TIM JUNGCLAUS, Adams County Sheriff's Office
LIEUTENANT CHRIS JUUL, Aurora Police Department
INVESTIGATOR KEN KING, Colorado Attorney General's Office
DIRECTOR CATHY LABRECQUE, Pikes Peak Community College
COMMANDER RICK McNAIR, 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** Attorney General Cynthia Coffman
2. **Pledge of Allegiance** Attorney General Cynthia Coffman
3. **Moment of Silence**

AG Coffman requested a moment of silence for Deputy Derek Geer of Mesa County Sheriff's Office, Deputy Travis Russell of Las Animas County Sheriff's Office, and Deputy Nathaniel Carrigan of Park County Sheriff's Office, who were killed in the line of duty.

4. **Introduction of Board Members, SME Members, Staff and Guests**
5. **Roll Call** Director Cory Amend

Declaration of a quorum (13)

6. **Approval of POST Minutes from September 18, 2015**

Motion to approve by Chief Phibbs. Approved unanimously.

Action Items:

7. **Peace Officer Certification** Tom Mullen
Revocation Actions Compliance Investigator

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

§ 24-31-305, C.R.S.(2)(a) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section or 24-31-308 shall be suspended or revoked by the POST Board if the certificate holder ***has been convicted of a felony 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. F15-06, **Timothy Joseph Kelley**, Certification B01376, PID 125320. On April 2, 2015, Respondent pled guilty to and was convicted of 1 count of Sexual Exploitation child/video 20+ items § 18-6-403 (3)(b.5)(5)(b)(II), C.R.S., a class 4 felony. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: January 6, 2014 – Separated: May 31, 2014).* The Respondent has failed to comply with POST Show Cause Order F15-06 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of **Timothy Joseph Kelley’s** Colorado Peace Officer Certification B01376, PID 125320.

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

2. No. F15-13, **Kisha Pricilla Aristide**, Certification B0038-2865, PID 0038-2865. On August 24, 2015 Respondent pled guilty to and was convicted of 1 count of Computer Crime – Commit Theft 1,000-20,000 § 18-5.5-102(1)(d), C.R.S., a class 4 felony. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: March 8, 2014 – Never employed).* The Respondent has failed to comply with POST Show Cause Order F15-13 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of **Kisha Pricilla Aristide’s** Colorado Peace Officer Certification B0038-2865, PID 0038-2865.

Motion to approve by Sheriff McKee. Approved unanimously.

3. No. F15-14, **James Allen Klein**, Certification B8034, PID 121919. On August 3, 2015, Respondent pled guilty to one count of Forgery – Check/Commercial Instrument, §18-5-102 (1)(c) C.R.S, a class 5 felony. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: December 28, 2013 –Separated: November 17, 2010).* The Respondent has failed to comply with POST Show Cause Order F15-14 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of **James Allen Klein’s** Colorado Peace Officer Certification B8034, PID 121919.

Motion to approve by Chief Camper. Approved unanimously.

4. No.F15-15, **Jack Miller Gardner**, Certification B5082, PID 123097. On September 18, 2015, Respondent pled guilty to one count of Accessory to Crime-F3, F4,F5, Internet Luring, §18-8-105 (1)(5) C.R.S. a class 5 felony, one count of Official Misconduct 1, §18-8-404 C.R.S., a class 2 misdemeanor, and one count of Obstructing a Peace officer, §18-8-104 (1)(a) C.R.S., a class 2 misdemeanor. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: May 29, 2014 – Separated: October 8, 2014).* The Respondent has failed to comply with POST Show Cause Order F15-15 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of **Jack Miller Gardner’s** Colorado Peace Officer Certification B5082 (PID 123097).

Motion to approve by Sheriff Day. Approved unanimously.

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 § 24-31-30 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. 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. M15-16, **Timothy Joseph Hay**, Certification B13127, PID 128993. On June 30, 2015, Respondent was convicted of one 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 18, 2014, - Separated October 4, 2014).* The Respondent has failed to comply with POST Show Cause Order M15-16 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of **Timothy Joseph Hay’s** Colorado Peace Officer Certification B13127, PID 128993.

Motion to approve by Sheriff Bruce. Approved unanimously.

2. No. M15-17, **Aaron Alexander Johnsen**, Certification B16876, PID 136859. On September 24, 2015, Respondent was convicted of one count of Harassment – Following Person in Public Place § 18-9-111 (1)(c) C.R.S., a class 3 misdemeanor. *The Respondent was employed a peace officer on the date of the offense (Date of Offense: September 14, 2015, - Separated September 22, 2015).* Respondent has failed to comply with POST Show Cause Order M15-17 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of **Aaron Alexander Johnsen's** Colorado Peace Officer Certification B16876, PID 136859.

Motion to approve by Chief Camper. Approved unanimously.

3. No. M15-18, **Steven Leon Davis**, Certification B10229, PID 115818. On April 1, 2015, Respondent was convicted of one count of False Reporting – False Information § 18-8-111 (1)(c) C.R.S., a class 3 misdemeanor. *The Respondent was employed a peace officer on the date of the offense (Date of Offense: May 07, 2014, - Separated May 19, 2014).* Respondent has failed to comply with POST Show Cause Order M15-18 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of **Steven Leon Davis' Colorado Peace Officer Certification, B10229, PID 115818.**

Motion to approve by Sheriff McKee. Approved unanimously.

4. No. M15-19, **Evan Kelly Mead**, Certification B11070, PID 119021. On November 18, 2015, the Respondent was convicted of one count of Harassment – Strike/Shove/Kick, § 18-9-111(1)(a) C.R.S., a class 3 misdemeanor. *The Respondent was not employed a peace officer on the date of the offense (Date of Offense: September 30, 2015 - Separated December 23, 2006).* Respondent has failed to comply with POST Show Cause Order M15-19 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of **Evan Kelly Mead's Colorado Peace Officer Certification B11070, PID 119021.**

Motion to approve by Sheriff Bruce. Approved unanimously.

Presentations:

The following Subject Matter Expert Committees met prior to the regular POST Board meeting on March 11, 2016.

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

8. **Subject Matter Expert (SME) Committee Reports:**

A. Curriculum Sgt. Graham Dunne, Chair

Last year a revised controlled substance class was approved. Today instructor requirements for the class were discussed, and, per POST's request, the committee approved a 16-hour (2-day) Train-the-Trainer course to be created by POST which will be required for all instructors of the course. The possibility of a test-out process for some people with extensive experience was discussed. Instructor requirements for Standard Field Sobriety Testing (SFST) were discussed and added to the upcoming Basic curriculum revision. Requirements will follow the existing state manual. Changes to the Instructor Methodology course, which is taken by those who wish to become full skills instructors, were discussed. Presentation times were expanded and verbiage was edited. New member Joe Frabbiele of Colorado Springs PD was approved.

B. Arrest Control Cmdr. Erik Bourgerie, Chair

The committee has had two meetings since the last Board meeting. At the January meeting the site safety plan for Aurora PD was approved, and qualifications for the Arrest Control Instructor program were discussed. The "21 foot rule" regarding defense against edged weapons was discussed. Today Robert Rabson of Loveland PD was approved both as a new committee member and as an assistant instructor. The committee completed an inspection at Larimer County SO. Larimer County issues an emergency contact card with student's named emergency contacts listed, which students keep with them at all times. The committee considers that a good idea for any academy. Ten new full skills instructors were approved. A new class, Proper Holds and Restraints, was submitted for approval, but was denied due to significant curriculum issues. Discussion followed regarding the types of classes the committee is expected to review and the qualifications that should be established for these classes in the future. Members will be creating objective criteria to offer guidance to not only committee members, but to those submitting courses for approval. The Basic Arrest Control Training program was reviewed and modified due to an issue in the case law section. A test out is scheduled for April.

C. Firearms Dep. Ed Kafel, Chair

Steve Oulliber of Aurora PD has resigned as a member. The committee approved new member Jason Petrucelli of Aurora PD. We have performed one group test out and one individual test out, and have approved six full skills instructors. Committee members will be performing a program inspection on March 26th at Alamosa. Today the committee discussed modifications to the curriculum, reallocating more hours to decisional shooting rather than equipment selection and weapon maintenance. The committee will submit their proposed revised curriculum at the April Academy Directors' meeting, and then present it for approval at the next POST Board meeting. The committee discussed the loss of officers in Colorado and determined that there is no mechanism in Colorado to provide "lessons learned" from these incidents. While the integrity of investigations must be protected, can a relatively generic mechanism be put in place to provide information to improve officer safety in

the state? The Board suggests contacting other states to determine whether we can mimic an already existing program. It was also suggested that a less formal contact with the affected agencies by SME members may be more helpful and avoid a detrimental impact on the investigation. It was mentioned that a DA decision letter may be a good resource as they usually go into some detail on shootings and are generally open-source.

D. Law Enforcement Driving Cmdr. Karl Smalley, Chair

Three new members were approved: Lt. Dave Clements of Pueblo County Sheriff's Office, Dep. Shannon Lofland of Arapahoe County Sheriff's Office, and Capt. Dean Paxton of Colorado State Patrol. Mike Cummings was presented as a non-law enforcement member, but was tabled for further information. A new site safety plan was approved for El Paso County Sheriff's Office use of the Pikes Peak International Raceway. Colorado Springs PD submitted a safety plan for that facility as well, which was approved. Arapahoe County submitted a driving instructor training program, which was approved. Aurora PD submitted a site safety plan for their new facility, which was approved. The committee approved one full skills instructor for Aurora PD. A 4-hour driving refresher course was submitted by CMTF and was approved. The committee is still revising the academy driving program as well as completing revisions to the driving instructor program. There is an inspection coming up in May.

9. **Legislative Update** Jenn Anderson

There have been six bills introduced that are most pertinent to POST.

HB 1254 – This bill requires POST to provide training curriculum on abuse and exploitation of persons 18 years and older who have intellectual and developmental disabilities (IDD). The training is to be implemented prior to June 30, 2016. No appropriation is attached to this bill. This has passed and been signed by the governor, and was effective 3/9/16. POST has begun work on that curriculum.

HB 1262 – The bill would require peace officers going from one Colorado law enforcement agency to another to provide a waiver allowing their hiring agency to have access to their personnel files from the previous agency. The bill grants immunity from liability to the agency providing the personnel files. There are several amendments that have been added to this bill. One requires that the POST Board deny certification to anyone who has entered into a deferred judgement or deferred prosecution for any felony or the misdemeanors listed that affect certification, if it is not in the public interest.

Board members believe that all persons defined as peace officer by statute should be included in this bill, instead of selecting only certain agencies.

There was discussion regarding deferred judgements and deferred prosecution, with POST Counsel Stacy Worthington outlining legality. The bill would require POST to review individuals in these situations to determine whether an individual should be certified, even if the deferred judgement or prosecution has been completed and the case has been dismissed. Some discretion is allowed with the "public interest" inclusion. At present individuals appeal to the Director, and can appeal that decision to the

Board. The Board believes the appeal procedure should remain the same. In this version of the bill, any individual with a juvenile adjudication could not be denied certification.

In regard to the personnel files, if an agency requests files from the previous agency, the previous agency must comply and provide them to the hiring agency. The hiring agency may need to travel to the previous agency to view them, rather than providing them via email or other means.

Deputy AG David Blake discussed juvenile adjudications, that they cannot be considered convictions. Ms. Worthington outlined that hiring parties can consider other factors in their hiring decisions, as long as they are not discriminatory. Advice from legal counsel should be utilized in hiring decisions.

There appears to be considerable work yet to do on the bill as there are many questions. House judiciary committee passed this bill and it will likely go forward. AG Coffman suggests a meeting with Senator Cook and sponsors to relay the issues, and to request clarification of some details.

HB 1263 – Updates the existing statute prohibiting profiling by peace officers by updating the definition of profiling and describing additional prohibited activities related to profiling.

HB 1264 – This bill prohibits a peace officer from intentionally using a chokehold against another person. The bill makes an exception if the officer believes he or she or another person is in imminent danger of death or bodily injury. Passed House Judiciary Committee.

SB 063 – This bill authorizes counties or municipalities to provide emergency services to counties/municipalities in bordering states, and assigns liability under the “Colorado Governmental Immunity Act.” Passed House and Senate, awaiting Governor’s signature.

SB 111 – The bill would create Reserve Peace Officer Category II status and confer that status to Colorado Mounted Rangers. The bill had significant opposition and a study was suggested. The matter will be studied over the interim.

10. **Triad**

Chief Pete Carey, CSPD
Sheriff Bill Elder, EPSO
Chief Dep. Todd Evans, EPSO
Chief Chris Heberer, Fountain PD
Dep. Chief Ron Reeves, Fountain PD

In November 2015 POST was asked to provide funding to build a police and fire training facility on Pikes Peak International Raceway property. The current range is used by 1500 officers from El Paso SO, CSPD, Fountain, and others, and will cease to exist in November, 2016. The organization was requesting \$750,000. Ms. Calomino and Director Amend discussed the issue extensively with Central Mountain Training Foundation (CMTF), the region in which the facility would be located. The issue has not previously been brought to the Board due to continuing concerns regarding other

funding, property/land issues, lack of staff for grant administration, and other issues. Approximately five weeks ago, Sheriff Elder of El Paso County Sheriff's Office discussed options with Director Amend and requested a presentation to the Board by Triad.

Chief Deputy Todd Evans presented history of the Triad, which was formed in 1993. The current range (which includes four ranges) has been operating since 1996. Funds for the range are administered by El Paso County, though operational decisions are made through monthly board meetings. Fifteen agencies use the range. The urgent need for a new facility in the area is due to the fact that the area is no longer in a remote location, but has I-25, Fort Carson, and retail stores nearby, making it potentially unsafe. In addition, drainage is causing deterioration of the existing facility and will make sections unusable in the near future. Existing ranges cannot accommodate 1500 officers.

Triad is requesting \$225,000 to begin development of a new facility. The Board discussed what grant funds might be used, what the funds could be used for, whether small agencies should have access to these funds, and suggested the establishment of a process for these types of large grant requests in the future. Providing these funds will open the door for future requests of this nature. Per Ms. Calomino, POST has set aside \$225,000 from the FY 2016 remaining funds, but cannot commit FY 2017 funds yet. Land ownership must change by May 30, 2016. If that does not take place, POST would still have time to spend that money by June 30, 2016. Ms. Calomino stated that the Board could make a motion to approve \$225,000 next year should the funds exist. There was discussion regarding reviewing next year's request in the grant application process as per the usual process.

Chief Phibbs made the motion to provide an emergency award of \$225,000 this year to Triad, contingent upon conditions, requirements, and procedures for future awards set by Director Amend.

Motion passed with Robert Lees abstaining and Sheriff Day opposed.

11. **Rule 28 – Update Report** Dir. Cory Amend

Director Amend thanked POST staff for their hard work in reaching out to each agency to attempt to achieve compliance for as many agencies as possible. Out of 254 agencies that were required to meet Rule 28 training requirements, 227 (89%) were in compliance. There were 13,202 officers required to meet training goals, with 13,081 (99%) in compliance with the rule. Only 121 officers did not meet the training requirements. Those agencies that were not in compliance will be unable to utilize POST funding this year. Some agencies had issues with the reserve officer requirement being the same as paid officers. There were some waivers issued, primarily for military or medical leave. POST has clarified Rule 28, and is streamlining procedures to make the process go more smoothly next year.

12. **POST Audit Update** Dir. Cory Amend

Director Amend has requested an audit of the POST organization to be performed by representatives of the International Association of Directors of Law Enforcement Standards and Training (IADLEST). They have reviewed POST rules and statutes,

and will be sending remote surveys to academy directors, agency heads, and POST staff, then will do on-site interviews with staff the third week of April. They hope to have a final report ready by the next Board meeting on June 3, 2016.

Informational Items:

13. **Non-Resident Certification** Stacy Worthington
Board Counsel

POST has historically denied certification for non-citizen applicants who did not have legal permanent resident status. Statute does not require permanent legal residency, but only that the applicant is in the US legally and is permitted to work. Many other states surveyed spell out in rule and/or statute that officers must be citizens. It was determined that POST should change Form 1 to remove the word “permanent” and that POST confirm that applicants have a visa and a work permit/employment authorization card and are in the state legally. We may specify this in rule at some point, but not at present.

14. **Alternative POST Funding** Dir. Cory Amend

POST staff is requesting direction on the use of POST grant funds for non-traditional requests, such as construction, Simunitions houses, training vehicles, etc. Historically, POST has received \$1.2 million, which has been used primarily to fund law enforcement training in traditional classroom settings. Due to the increased amount POST receives from vehicle registrations, POST received \$4 million for training last year. Several agencies have requested funds for non-traditional training needs. The Board suggests the Grant subcommittee, with Director Amend and staff, could identify criteria and processes for this type of request. Ms. Calomino suggests a separate meeting for this purpose. Director Amend states that this committee may meet more often than the annual Grant review meeting, and will discuss that with the members and staff.

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

No comments

16. **Adjournment** Attorney General Cynthia Coffman

AG Coffman adjourned the meeting at 12:47 pm.

CYNTHIA H. COFFMAN
Attorney General

DAVID C. BLAKE
Chief Deputy Attorney General

MELANIE J. SNYDER
Chief of Staff

FREDERICK R. YARGER
Solicitor General



**STATE OF COLORADO
DEPARTMENT OF LAW**

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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.

CYNTHIA H. COFFMAN
Attorney General

DAVID C. BLAKE
Chief Deputy Attorney General

MELANIE J. SNYDER
Chief of Staff

FREDERICK R. YARGER
Solicitor General



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**Peace Officer Standards
and Training**

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

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

BOARD MEMBERS PRESENT

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

BOARD MEMBERS ABSENT

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

BOARD COUNSEL

STACY WORTHINGTON

POST STAFF MEMBERS

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

MEMBERS OF THE PUBLIC IN ATTENDANCE

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

Introductions:

1. **Welcome** Attorney General Cynthia Coffman
AG Coffman called the meeting to order at 10:02.
2. **Pledge of Allegiance**
3. **Introduction of Board Members, SME Members, Staff and Guests**
4. **Formal Board** Attorney General Cynthia Coffman
Recognition of Departing Board Members
AG Coffman recognized Chief John Dyer, Rifle Police Department, and Special Agent in Charge Thomas Ravenelle, FBI.
5. **Formal Board** Attorney General Cynthia Coffman

Recognition of New Board Member

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

6. **Roll Call** Director Cory Amend

Declaration of a quorum (13)

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

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

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

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

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

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

10. **Subject Matter Expert Committee Reports**

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

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

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

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

C. Firearms Dep. Ed Kafel, Chair

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

D. Law Enforcement Driving Cmdr. Karl Smalley, Chair

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

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

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

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

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

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

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

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

Motion to revoke by Sheriff Day. Approved unanimously.

12. **Sunrise Review Subcommittee Report**

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

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

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

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

13. Strategic Plan Recap

Director Cory Amend

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

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

In addition:

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

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

14. Reserve Fund Access

Chief Michael Phibbs

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

Motion passed unanimously.

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

15. **Code of Ethics**

Stacy Worthington

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

16. **Grant Subcommittee Recap**

Director Cory Amend

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

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

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

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

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

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

18. **Adjournment**

Attorney General Cynthia Coffman

AG Coffman adjourned the meeting at 11:54 am.