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Chief Deputy Attorney General  
**LEORA JOSEPH**  
Chief of Staff  
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**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**  
*Friday, December 7, 2018*  
*1:30 pm*

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The Peace Officer Standards and Training Board held its 405th Board meeting at the Ralph L. Carr Colorado Judicial Center, 1300 Broadway, Denver, Colorado, with the following in attendance:

**BOARD MEMBERS PRESENT**

SENIOR INVESTIGATOR TONYA BARNES, Eighteenth Judicial District  
DEPUTY DISTRICT ATTORNEY ASHLEY BECK, Denver District Attorney's Office  
CHIEF DAN BRENNAN, Wheat Ridge Police Department  
SERGEANT LONNIE CHAVEZ, Grand Junction Police Department  
CHIEF CORY CHRISTENSEN, Steamboat Springs Police Department  
ATTORNEY GENERAL CYNTHIA COFFMAN, Colorado Department of Law  
SHERIFF CHAD DAY, Yuma County Sheriff's Office  
CHIEF DEBRA FUNSTON, Palisade Police Department  
PROFESSOR KARA HOOFNAGLE, Johnson & Wales University  
SUSAN "ZEKE" KNOX, United States Attorney's Office  
CHIEF JOHN MINOR, Silverthorne Police Department  
SHERIFF SHAWN MOBLEY, Otero County Sheriff's Office  
SHERIFF STEVE NOWLIN, Montezuma County Sheriff's Office  
CHIEF MICHAEL PHIBBS, Auraria Department of Public Safety  
MAYOR RON RAKOWSKY, City of Greenwood Village  
SPECIAL AGENT IN CHARGE CALVIN SHIVERS, Federal Bureau of Investigation  
SHERIFF JUSTIN SMITH, Larimer County Sheriff's Office  
BRADLEY TAYLOR, Goetz Insurors

**BOARD MEMBERS ABSENT**

CHIEF JOHN COLLINS, Englewood Police Department  
DEPUTY AMANDA CRUZ-GIORDANO, Arapahoe County Sheriff's Office  
EXECUTIVE DIRECTOR STAN HILKEY, Colorado Department of Public Safety  
SHERIFF ANTHONY MAZZOLA, Rio Blanco County Sheriff's Office  
JANE QUIMBY  
SHERIFF ANTHONY SPURLOCK, Douglas County Sheriff's Office

**BOARD COUNSEL**

STACY WORTHINGTON

**POST STAFF MEMBERS PRESENT**

TIFFINY BLACK-MAJEKODUNMI, Compliance Specialist

ERIK BOURGERIE, Director

BOB BAKER, In-Service Training Manager

SUSAN CARTER, Grant Coordinator

DAN GRIFFIN, Training Coordinator

LORI JENCKS, Administrative Coordinator

CATHY RODRIGUEZ, Compliance Manager

DAVID SCHUETZ, Compliance Specialist

JARED TORSNEY, Marijuana Training Specialist

**MEMBERS OF THE PUBLIC IN ATTENDANCE**

AGENT IVAN BEERS, Lakewood Police Department

DIVISION CHIEF TERRANCE CARROLL, Colorado Rangers

LIEUTENANT JOHN COPPEDGE, Denver Police Department

DEPUTY CHIEF CODY COSPER, Avon Police Department

CHIEF GREG DALY, Avon Police Department

OFFICER KEN DAMMEN, Avon Police Department

PHIL DANIEL

GINNY DANIEL

BRENT DANIEL

BETH DANIEL

ALEXANDER KENNEDY

DIRECTOR CATHY LABRECQUE, Pikes Peak Community College LEA

STEPHEN LASSA

MICHAEL LOWE, Bruno, Colin & Lowe, P.C.

MAJOR JOHN MCFARLANE, Colorado Rangers

DIVISION CHIEF DAVID PICKET, Wheat Ridge Police Department

COMMANDER RONALD R SAUNIER, Denver Police Department

PATRICK F. WELSH, Elkus & Sisson, P.C.

1. **Welcome** Attorney General Cynthia Coffman
2. **Pledge of Allegiance**
3. **Excellence in Law** Attorney General Cynthia Coffman  
**Enforcement Award Presentation**

AG Coffman presented the 2018 Excellence in Law Enforcement Awards to the following:

- 2018 Colorado Attorney General's Excellence in Law Enforcement Award  
Deputy Kraig Conger, Arapahoe County Sheriff's Office
- 2018 Colorado Attorney General's Excellence in Criminal Investigation Award  
Officer Derek Graham, Colorado Springs Police Department
- 2018 Colorado Attorney General's Law Enforcement Agency of Excellence Award  
Avon Police Department
- 2018 Colorado Attorney General's Crucial Support in Law Enforcement Award  
Beth Daniel, Wheat Ridge Police Department

4. **Recognition of Departing** Director Erik Bourgerie  
**Attorney General Cynthia Coffman**

Director Bourgerie presented AG Coffman with a commemorative award and photos signed by members of the Board, staff, and SME committees, and thanked her for her exemplary service.

5. **Introduction** Attorney General Cynthia Coffman  
**of New Board Member**

SAC Dean Phillips  
Federal Bureau of Investigation

Deputy DA Ashley Beck  
Denver DA's Office

6. **Recognition of Departing** Attorney General Cynthia Coffman  
**Board Member**

Sheriff Chad Day  
Yuma County Sheriff's Office

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

8. **Roll Call** Director Erik Bourgerie  
*Declaration of a quorum (13)*

9. **Approval of POST Board** Attorney General Cynthia Coffman  
**Minutes from September 14, 2018**  
*Motion to approve by Chief Brennan. Approved unanimously*

10. **2019 Proposed POST** Director Erik Bourgerie  
**Board Meeting Dates**

March 1, 2019  
June 21, 2019

September 20, 2019 (Work session September 19, 2019)  
December 6, 2019

*Motion to approve by Sgt Chavez. Approved unanimously.*

11. **Appointment of POST Board Vice-Chair for 2019** Attorney General Cynthia Coffman

As Chief Brennan's term ends June 30<sup>th</sup>, the Board discussed appointing a new Vice-Chair for the Board, but it was proposed that Brennan act as chair until the June Board meeting.

*Motion to retain Chief Brennan as Vice-Chair until June by Sgt Chavez. Approved unanimously.*

12. **Appointment of Arrest Control SME Board Representative** Attorney General Cynthia Coffman

AG Coffman requested a volunteer to act as Board representative to the Arrest Control SME committee to replace departing Board member Chad Day. Sheriff Shawn Mobley volunteered and will act in that capacity.

13. **Subject Matter Expert Committee Reports**

A. Arrest Control Agent Ike Beers  
Chair

The committee did not have a quorum at this meeting. Dir. Bourgerie addressed the committee regarding recruitment of new members. Skills status requirements for full skills instructors were discussed, and the possibility of waiving the requirement for the 40-hour Instruction Methodology course in certain cases. The ACT committee will wait for the Curriculum committee to determine their position prior to making decisions. Pros and cons of Rule 25-Academy Instructor Training Programs, were discussed. No vote was possible, but the committee would support retention of the rule, unless it is determined to be unnecessary. Meeting dates for 2019 were confirmed. The committee will be using new test out criteria in January and will report results. An email regarding changes will be sent to the academies for the applicants they may be sending to the test out for skills.

B. Curriculum Director Cathy LaBrecque  
Chair

Director Bourgerie addressed the committee regarding recruiting new members. New member Tim Railsback of the Aurora Police Department was confirmed. Lt. Dave Swavely was elected Vice-Chair of the committee. Waivers for the Instruction Methodology course in certain circumstances were discussed. Committee members will be working on a rule change to permit waivers. The Curriculum Bibliography update will be forwarded to POST soon. The committee

will be reviewing lesson plans in 2019, and bibliographies will be included in those updates. Cathy Rodriguez briefed the committee on the new SME inspection process for electronic records reviews with a goal of inspecting academies on a three-year rotation. There will be further discussion in March.

- C. Driving Commander Karl Smalley  
Chair

New member Officer Tyler Hinton of Grand Junction PD was approved. Three full skills instructors were approved. Upcoming academy inspections and test outs were assigned. 2019 meeting dates were approved. Director Bourgerie addressed the committee regarding recruitment of new members.

- D. Firearms Chief Dan Brennan  
Board Representative

Committee Chair Deputy Ed Kafel is resigning from the SME Committee on January 10, 2019. Cmdr. Paul Gregory has been appointed Chair effective 1/11/19. Two full skills instructors were approved. Programs inspections were performed at Technical College of the Rockies and Eagle County Reserve Academy. Both were in compliance. Committee acknowledged the professionalism and work ethic of the POST staff, and thanked AG Coffman for her service.

14. **Request for Variance Appeal** Director Erik Bourgerie  
**Damian Esparza**

Director Bourgerie stated that Mr. Esparza pled guilty to 3<sup>rd</sup> Degree assault 2014, with a deferred sentence. Mr. Esparza requested an appeal to the denial of his variance request due to his maturation and employment at the Prowers County Sheriff's Office as a detentions deputy.

*Motion to allow appeal hearing by Sheriff Nowlin. Roll call vote was taken. Seven votes to allow hearing and nine to deny appeal hearing. Request denied.*

15. **Request for Variance Appeal** Director Erik Bourgerie  
**Alexander Kennedy**

Sheriff Steve Nowlin recused himself and left the room. Mr. Kennedy pled guilty to second degree Burglary, a class 4 felony and was granted a two-year deferred judgement in 2006, and currently works as non-certified detentions deputy. Mr. Kennedy requested an appeal to the denial of his variance request due to his military service and desire to serve the small community in which he lives. In December of last year he graduated from the Southwest Regional Law Enforcement Academy as class president.

*Motion to allow appeal hearing by Sheriff Chad Day. Majority voted to allow hearing, with one opposed.*

16. **Request for Variance Appeal** Director Erik Bourgerie  
**Stephen Lassa**

Chief John Minor recused himself and left the room. Mr. Lassa was convicted of Obstructing of Police Officer, a class two misdemeanor, in 2011. Mr. Kennedy's attorney requests an appeal to the denial of Mr. Lassa's variance request due to his excellent performance in both the Arapahoe Community College Academy and at Colorado State University where he obtained a Bachelor's degree. Mr. Lassa is 10 days from graduation from the academy, and is near the top of his class. Sheriff Smith requested an explanation of the charge. Mr. Lassa stated that at the time he received the charge he was on probation from a DUI when he was 17.

*Motion to allow appeal hearing by Sheriff Chad Day. Roll call vote was taken. Six votes to allow hearing and nine to deny appeal hearing. Request denied.*

17. **Request for Variance Appeal** Director Erik Bourgerie  
**Shanna Riley**

Ms. Riley was convicted of two counts of 3<sup>rd</sup> degree assault in 2010. Ms. Riley was not present.

*Motion to deny request for appeal by Chief Phibbs. Approved unanimously.*

18. **Request for Appeal of Revocation** Director Erik Bourgerie  
**Leland Silver**

Mr. Silver is scheduled for revocation at today's Board meeting. If the Board grants his request for an appeal, the revocation process will be halted.

Mr. Silver was convicted of first degree Official Misconduct, a class two misdemeanor, in 2018. He was granted a stay of execution and is appealing the case. Mr. Silver's attorney requested an appeal to stay the revocation as Mr. Silver is following legal process in his appeal. As the stay of execution has been granted, Mr. Silver is requesting that the appeal be heard to allow presentation of further information to the Board. The Board discussed other options. Ms. Worthington stated that the Board can table the revocation until the appeal is completed, or the Board may vote to revoke, and Mr. Silver may appeal the revocation if the conviction is set aside. The Board may also vote to suspend certification pending the outcome of the appeal. If the conviction is withdrawn, POST staff would be able to reinstate his certification without Board vote. There was further discussion regarding whether Mr. Silver should undergo the test out, if the appeal is not completed by the time he has been separated from Aurora PD for three years, and whether fees for that testing should be waived.

*Motion by Mr. Taylor to table the appeal and suspension pending outcome of the criminal appeal for no more than one year. Roll call vote was taken. Thirteen votes against motion, three votes for motion. Motion denied.*

*Motion to deny the application for variance. Majority approved with one opposed.*

19. **Peace Officer Certification  
Revocation Actions**

Director Erik Bourgerie

**POST Rule 9 - Revocation of Peace Officer Certifications:**

§ 24-31-305, C.R.S.(2)(a) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section or 24-31-308 shall be suspended or revoked by the POST Board if the certificate holder has been convicted of a felony at any time, or has been convicted on or after July 1, 2001, of any misdemeanor described in subsection (1.5) of § 24-31-305 C.R.S., or has otherwise failed to meet the certification requirements established by the Board. For purposes of this rule, the term ‘conviction’ includes any deferred judgments or deferred sentences imposed by a court. Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes are recognized in § 24-31-305(1.5) (b) thru (h), C.R.S.

1. No. M18-13, Leland Silver, Certification B09124 (PID 112350). On July 27, 2018, Respondent was convicted of one count of Official Misconduct I §18-8-404 a class 2 Misdemeanor. The respondent was employed as a peace officer on the date of the offense (Date of Offense: May 8, 2015, Aurora Police Department, Separated February 28, 2018). The respondent has complied with POST Show Cause Order No. M18-13 by appearing at the scheduled Show Cause Hearing on October 5, 2018. Director Bourgerie recommends revocation of Leland Silver’s Colorado Peace Officer Certification B09124 (PID 112350).

*Motion to revoke by Mr. Taylor. Approved by majority. Sheriff Day voted not to revoke.*

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

**Felony Convictions:**

1. No. F18-08, Donald L. Fair, Certification B12147 (PID 123803). On July 24, 2018, Respondent was convicted of Sex Assault of Child - Position of Trust – Victim Age 15 – 18, §18-3-405.3(1), a class 4 Felony. The respondent was employed as a peace officer on the date of the offense (Date of Offense: April 1, 2017 – August 31, 2017, Fourth Judicial District, Separated September 1, 2017). The Respondent has failed to comply with POST Show Cause Order No. F18-08 by failing to appear at the scheduled Show Cause Hearing on October 24, 2018. Director Bourgerie recommends revocation of Donald L. Fair’s Colorado Peace Officer Certification B12147 (PID 123803).
2. No. F18-09, Kevin Gerald Vallejos, Certification B01318 (PID 119095). On June 7, 2018, Respondent was convicted of one count of Attempted Sex Assault – Overcome Victim’s Will, §18-3-402(1)(a), a class 5 Felony. The Respondent was employed as a peace officer on the date of the offense (Date of Offense: September 30, 1998 - October 6, 1998, Walsenburg Police Department,

Separated October 22, 1998). The respondent has failed to comply with POST Show Cause Order No. F18-09 by failing to appear at the scheduled Show Cause Hearing on October 24, 2018. Director Bourgerie recommends revocation of Kevin Gerald Vallejos' Colorado Peace Officer Certification B01318 (PID 119095).

3. No. F18-10, Daniel Scott Sullivan, Certification B14708 (PID 114522). On February 24, 2017, Respondent was convicted of one count of Securities – Make Untrue Statement, §11-51-501(1)(b), a class 3 Felony. The Respondent was employed as a peace officer on the date of the offense (Date of Offense: November 22, 2011 - February 21, 2013, Jefferson County Sheriff's Office, Separated April 4, 2014). The respondent has failed to comply with POST Show Cause Order No. F18-10 by failing to appear at the scheduled Show Cause Hearing on October 24, 2018. Director Bourgerie recommends revocation of Daniel Scott Sullivan's Colorado Peace Officer Certification B14708 (PID 114522).
4. No. F18-11, Tyler Eugene Richards, Certification B8999-0024 (PID 8999-0024). On June 14, 2018, Respondent was convicted of one count of First Degree Murder – After Deliberation, §18-3-102(1)(a), a class 1 Felony, one count of First Degree Murder – Felony Murder, §18-3-102(1)(b), a class 1 Felony, one count of Second Degree Kidnapping – Seize/Carry Victim, §18-3-302(1), a class 4 Felony, and one count of Second Degree Assault – Strangulation, §18-3-203(1)(i), a class 4 Felony. The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: December 9, 2016, Never employed). The Respondent has failed to comply with POST Show Cause Order No. F18-11 by failing to appear at the scheduled Show Cause Hearing on October 24, 2018. Director Bourgerie recommends revocation of Tyler Eugene Richard's Colorado Peace Officer Certification B8999-0024 (PID 8999-0024).
5. No. F18-13, Felicia Roxann Bradfield, Certification B00073 (PID 106104). On August 30, 2018, Respondent was convicted of one count of Tampering with Physical Evidence - Destroy, §18-8-601(1)(a), a class 6 Felony. The respondent was not employed as a peace officer on the date of the offense (Date of Offense: July 25, 2018, Never employed). The Respondent has failed to comply with POST Show Cause Order No. F18-13 by failing to appear at the scheduled Show Cause Hearing on November 5, 2018. Director Bourgerie recommends revocation of Felicia Roxann Bradfield's Colorado Peace Officer Certification B00073 (PID 106104).
6. No. F18-14, Todd Eric Cope, Certification B14240 (PID 133120). On July 9, 2018, Respondent was convicted of one count of Attempt to Influence Public Servant, §18-8-306, a class 4 Felony and one count of Official Misconduct 1, §18-8-404, a class 2 Misdemeanor. The respondent was not employed as a peace officer on the date of the offense (Date of Offense: September 8, 2017, Lamar Police Department, Separated May 4, 2016). The Respondent has failed to comply with POST Show Cause Order No. F18-14 by failing to appear at the scheduled Show Cause Hearing on November 5, 2018. Director Bourgerie recommends revocation of Todd Eric Cope's Colorado Peace Officer Certification



B14240 (PID 133120).

7. No. F18-15, Dean Alan Harris, Certification B15055 (PID 134268). On October 1, 2018, Respondent was convicted of one count of Impersonating a Peace Officer, §18-8-112, a class 6 Felony. The respondent was not employed as a peace officer on the date of the offense (Date of Offense: July 21, 2018, Douglas County Sheriff's Office, Separated April 26, 2017). The Respondent has failed to comply with POST Show Cause Order No. F18-15 by failing to appear at the scheduled Show Cause Hearing on November 5, 2018. Director Bourgerie recommends revocation of Dean Alan Harris' Colorado Peace Officer Certification B15055 (PID 134268).

**Misdemeanor Convictions:**

1. No. M18-12, Matthew Hinkley, Certification B17414 (PID 138258). On July 9, 2018, Respondent was convicted of one count of Official Misconduct I §18-8-404 a class 2 Misdemeanor. The respondent was employed as a peace officer on the date of the offense (Date of Offense: January 29, 2017, Conejos County Sheriff's Office, Separated November 16, 2017). The respondent has failed to comply with POST Show Cause Order No. M18-12 by failing to appear at the scheduled Show Cause Hearing on October 24, 2018. Director Bourgerie recommends revocation of Matthew Hinkley's Colorado Peace Officer Certification B17414 (PID 138258).
2. No. M18-14, Jason L. Brown, Certification B135234 (PID 135234). On November 1, 2017, Respondent was convicted of one count of Attempted Third Degree Assault §18-3-204(1)(a), a class 2 Misdemeanor. The respondent was not employed as a peace officer on the date of the offense (Date of Offense: September 22, 2015, Never employed). The respondent has failed to comply with POST Show Cause Order No. M18-14 by failing to appear at the scheduled Show Cause Hearing on October 24, 2018. Director Bourgerie recommends revocation of Jason L. Brown's Colorado Peace Officer Certification B135234 (PID 135234).
3. No. M18-15, Robert Eugene Dodd, Certification 14530 (PID 122600). On June 28, 2018, Respondent was convicted of one count of Abuse of Public Records - Alter §18-8-114(1)(d), a class 1 Misdemeanor and two counts of Official Misconduct §18-8-405, a class 2 Misdemeanor. The respondent was employed as a peace officer on the date of the offense (Date of Offense: August 15, 2006, Fremont County Sheriff's Office, Separated April 22, 2017). The respondent has failed to comply with POST Show Cause Order No. M18-15 by failing to appear at the scheduled Show Cause Hearing on October 24, 2018. Director Bourgerie recommends revocation of Robert Eugene Dodd's Colorado Peace Officer Certification 14530 (PID 122600).
4. No. M18-16, Jon Russell Geiger, Certification B14789 (PID 133761). On July 10, 2018, Respondent was convicted of one count of Harassment – Strike/Shove/Kick §18-9-111(1)(a), a class 3 Misdemeanor. The respondent was employed as a peace officer on the date of the offense (Date of Offense: October 29, 2016, Georgetown Marshal's Office, Separated April 1, 2017). The respondent was subsequently appointed to Del Norte Police Department from October 1, 2017 to

January 9, 2018. The respondent has failed to comply with POST Show Cause Order No. M18-16 by failing to appear at the scheduled Show Cause Hearing on October 24, 2018. Director Bourgerie recommends revocation of Jon Russell Geiger's Colorado Peace Officer Certification B14789 (PID 133761).

5. No. M18-17, Jon Patrick Gonzales, Certification B1258-8255 (PID 1258-8255). On August 29, 2018, Respondent was convicted of one count of Third Degree Assault §18-3-204(1)(a), a class 1 Misdemeanor. The respondent was not employed as a peace officer on the date of the offense (Date of Offense: November 16, 2017 – November 27, 2017, Fountain Police Department, Separated February 1, 2017). The respondent has failed to comply with POST Show Cause Order No. M18-17 by failing to appear at the scheduled Show Cause Hearing on November 5, 2018. Director Bourgerie recommends revocation of Jon Patrick Gonzales' Colorado Peace Officer Certification B1258-8255 (PID 1258-8255).
6. No. M18-18, Kenneth Nathan Cortinez, Certification B7398-8036 (PID 7398-8036). On September 5, 2018, Respondent was convicted of one count of Official Misconduct 1 §18-8-404, a class 2 Misdemeanor. The respondent was not employed as a peace officer on the date of the offense (Date of Offense: April 26, 2018, Never employed). The respondent has failed to comply with POST Show Cause Order No. M18-18 by failing to appear at the scheduled Show Cause Hearing on November 5, 2018. Director Bourgerie recommends revocation of Kenneth Nathan Cortinez' Colorado Peace Officer Certification B7398-8036 (PID 7398-8036).
7. No. M18-19, Martin Morales, Certification B14097 (PID 130908). On September 19, 2018, Respondent was convicted of one count of Harassment §18-9-111(1)(f), a class 3 Misdemeanor. The respondent was not employed as a peace officer on the date of the offense (Date of Offense: June 30, 2017, Adams County Sheriff's Office, Separated November 16, 2015). The respondent has failed to comply with POST Show Cause Order No. M18-19 by failing to appear at the scheduled Show Cause Hearing on November 5, 2018. Director Bourgerie recommends revocation of Martin Morales' Colorado Peace Officer Certification B14097 (PID 130908).

*Motion to revoke all by Sgt. Chavez. Approved unanimously.*

20. **Formal Rulemaking Session**

Attorney General Cynthia Coffman  
Director Erik Bourgerie  
Board Counsel Stacy Worthington

Rulemaking session began at 3:44 pm. Director Bourgerie summarized rule changes.

*Motion to approve revisions to Rule 1-Definitions by Sgt Chavez. Approved unanimously*

*Motion to approve revisions to Rule 8-Process for Seeking Exemption from Statutory Certification Restrictions by Chief Phibbs. Approved unanimously.*

*Motion to approve revisions to Rule 9-Revocation Hearings by Sheriff Smith. Approved unanimously.*

*Motion to approve revisions to Rule 10-Basic Peace Officer Certification by Chief Phibbs. Approved unanimously.*

*Motion to approve revisions to Rule 11-Provisonal Certification by Sheriff Mobley. Approved unanimously.*

*Motion to approve revisions to Rule 12-Reserve Certification by Chief Phibbs. Approved unanimously.*

*Motion to approve revisions to Rule 13-Renewal of Basic Certification by Sheriff Day. Approved unanimously.*

*Motion to approve revisions to Rule 14-Fingerprint Based Criminal History Record Check by Chief Phibbs, with one typographical correction. Approved unanimously.*

*Motion to approve revisions to Rule 19-Vehicle Identification Number Inspectors by Chief Phibbs. Approved unanimously.*

*Motion to approve revisions to Rule 24-Skills Training Safety and Skills Program Requirements for Basic and Reserve Academies by Chief Phibbs. Approved unanimously.*

*Motion to remove Rule 27-Retired Law Enforcement Officer Authority to Carry Concealed Firearms by Chief Phibbs. Approved unanimously.*

*Motion to approve revisions to Rule 28-In-service Training Program by Chief Phibbs. Approved by majority, one opposed.*

Rulemaking session concluded at 3:54 pm.

21. **Decertifying Misdemeanors** Director Erik Bourgerie

At the September 5, 2014 POST Board meeting a list of additional proposed decertifying misdemeanors were proposed and accepted by the Board to recommend for legislative change. Legislation was not adopted for these misdemeanors. Does the Board wish to support adding the listed misdemeanors as decertifying offenses? The list could also be revised if necessary and discussed at the next Board meeting.

*Motion to pursue legislation to add listed misdemeanors to the list of decertifying misdemeanors by Mayor Rakowsky. Approved unanimously.*

22. **Revocation – Bar to Future Certification** Director Erik Bourgerie

An individual's certification was revoked under Rule 9 for obtaining his certification under less than truthful circumstances. There is at present no statute or rule stating that revocation is a bar to any future certification. There was discussion of Brady letters, but at present there is no statewide standard for issuance of Brady letters, and POST is not necessarily notified of issuance nor can certification be revoked for receiving a Brady letter. POST staff is requesting direction from the Board to determine whether there should be rule or legislative change to address this situation. Options were considered and POST will pursue changing rules to indicate that an individual must be in good standing with Colorado POST in order to pursue any certification.

23. **Lateral Academies** Director Erik Bourgerie

Out-of-state Provisional applicants may either go through a full Basic academy, go through the Refresher academy, or go through the test out process. Lateral academies are not specified. At test-outs, SME members may not test members of their own agency, but with Basic and lateral academies, academy staff may be from the same agency. At present only a couple of large agencies hold lateral academies. POST staff would like direction as to whether lateral academies should be treated similarly to a test out, or alternately, as a refresher academy.

Cmdr. Ron Saunier and Lt. John Coppedge of Denver PD addressed the Board regarding DPD lateral academies. DPD would like to use DPD staff to test individuals at their lateral academies, as they presently do at their Basic academies. At present the DPD lateral academy far exceeds the Refresher academy curriculum, and the skills portions meet the full Basic academy requirements.

DPD may use the Refresher curriculum as a minimum and may add additional curriculum as they choose and submit for approval. They may use academy staff to test recruits.

24. **Approval of Law Enforcement Academies by Board** Director Erik Bourgerie

At present Rule 21 requires POST Board to approve academies, when POST staff is primarily responsible for that approval. The POST Board is advised that revising Rule 21 will be proposed at the next rulemaking hearing.

25. **SME Committee Membership Numbers** Director Erik Bourgerie

At present Rule 4 requires POST Board to approve the number of SME members on a committee. The POST Board is advised that revising Rule 4 to change to POST staff rather than POST Board will be proposed at the next rulemaking hearing.

26. **Comments from Others on POST Issues**

There were no additional comments.

27. **Adjournment** Attorney General Cynthia Coffman

*Meeting adjourned 4:36 pm*