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STATE OF COLORADO
DEPARTMENT OF LAW

**Peace Officer Standards and
Training**

POST BOARD MEETING
RECORD OF PROCEEDINGS
Friday, May 29, 2020
10:00 am - 12:00 pm

The Peace Officer Standards and Training Board held its 411th Board Meeting.

Via Zoom Videoconference

<https://zoom.us/j/92331684147>

BOARD MEMBERS PRESENT

DEPUTY DISTRICT ATTORNEY ASHLEY BECK, Denver DA's Office
SERGEANT LONNIE CHAVEZ, Grand Junction Police Department
CHIEF CORY CHRISTENSEN, Steamboat Springs Police Department
CHIEF JOHN COLLINS, Englewood Police Department
DEPUTY AMANDA CRUZ-GIORDANO, Arapahoe County Sheriff's Office
CHIEF DEBRA FUNSTON, Palisade Police Department
CHIEF DARIC HARVEY, Canon City Police Department
EXECUTIVE DIRECTOR STAN HILKEY, Colorado Department of Public Safety
KARA HOOFNAGLE, Public Member
SHERIFF ROBERT JACKSON, Alamosa County Sheriff's Office
SUSAN "ZEKE" KNOX, United States Attorney's Office
SHERIFF ANTHONY MAZZOLA, Rio Blanco County Sheriff'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
JANE QUIMBY, Public Member
SPECIAL AGENT IN CHARGE MICHAEL SCHNEIDER, FBI- Denver
SHERIFF JUSTIN SMITH, Larimer County Sheriff's Office
SHERIFF ANTHONY SPURLOCK, Douglas County Sheriff's Office
BRADLEY TAYLOR, Public Member
ATTORNEY GENERAL PHIL WEISER, Colorado Department of Law

BOARD MEMBERS EXCUSED

SENIOR INVESTIGATOR TONYA BARNES, Eighteenth Judicial District

BOARD COUNSEL

BRENT KELLY

POST STAFF MEMBERS PRESENT

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

MEMBERS OF THE PUBLIC IN ATTENDANCE

OFFICER SCOTT ACEY, Colorado Springs Police Department
UNDERSHERIFF QUINN ARCHIBEQUE, Delta County Sheriff's Office
MARK ASHBY
SERGEANT JEFF BREDEHOEFT, Douglas County Sheriff's Office
COMMANDER JOHN BITTERMAN, Adams County Sheriff's Office
NICK BRUCKNER, Lexipol
LIEUTENANT JOHN COPPEDGE, Denver Police Academy
SERGEANT BRIAN COUSINEAU, Englewood Police Department
MARCO DeLEON, PoliceOne
JANET DRAKE, Deputy Attorney General, Criminal Justice Section, Colorado Attorney General's Office
COMMANDER MIKE ENSMINGER, Jefferson County Sheriff's Office
JEFF SANCHEZ, Greater Metro Training Region
ROGER HARRINGTON, Colorado Dept. Of Corrections
BRIAN HILL, ACT SME
SEGREANT KOREY HUTCHISON, Colorado Springs Police Department

Declaration of a Quorum (22)

8. **Approval of POST Board Work Session Minutes from March 26, 2020** Attorney General Phil Weiser

*Motion to Approve – 1st Chavez, 2nd Nowlin
Approved Unanimously*

9. **Approval of POST Board Minutes from March 27, 2020** Attorney General Phil Weiser

*Motion to Approve – 1st Chavez, 2nd Beck
Approved Unanimously*

10. **Subject Matter Expert Committee Reports**

- A. Arrest Control Brian Hill

The ACT Committee approved March meeting minutes, as well as six full skills instructors from various agencies since January. The ACT Committee discussed program submissions from Aims Community College, Colorado Mountain College and Fort Collins PD. Fort Collins PD Arrest Control Program is under revision, it will probably be approved within the next month. The ACT Committee also discussed the upcoming test-outs and filled the slots with their SMEs to facilitate those test-outs. Currently working on a road map for better communication with agencies regarding full skills instructors and program submissions.

- B. Curriculum Director Cathy LaBrecque
Chair

The Curriculum Committee approved May meeting minutes. The discussion was around developing and implementing a lesson plan template for all academies to be used going forward. Timeline is 12 to 18 months.

- C. Driving Commander Karl Smalley
Chair

The Driving Committee approved March meeting minutes, as well as two new full skills instructors. Mike Walker, a committee member since 2018, is retiring. Patrick Hayden was approved to replace him.

Proposed a lane change test-out maneuver adjustment, where the speed will be lowered to prevent electronic stability control intrusion, by reducing the speed from 40 to 35 m/hour. A request for the Board to approve this change was submitted by Commander Smalley.

*Motion to approve the Change - 1st Smith, 2nd Mazzola
Approved Unanimously*

The Driving Committee established a policy around individual test-out. Three proposed test-out dates in June and July, the decision will be made sometime next week.

D. Firearms

Jeff Bredehoeft

The Firearms Committee approved April meeting minutes, as well as two new full skills firearms instructors, three in total for this quarter. The Firearms Committee did not have any inspections or test-outs due to COVID-19. They are planning to resume in July. The Firearms Committee approved a training program for Fort Collins and is looking at the handgun instructor school to make sure firearms curriculum is aligned with academy curriculum.

11. **Request for Rule 8 Variance Appeal** Director Erik Bourgerie
Cody Peterson

Mr. Peterson was convicted of assault as an incident of domestic violence in Utah. He voluntarily relinquished his POST Certification in Utah and would like to apply for POST certification in Colorado. Since the denial of his variance request, Mr. Peterson was able to get a class of the charge reduced from class A misdemeanor to a class B misdemeanor, which is similar to a third-degree assault statute in Colorado.

Motion to Grant Variance Appeal Hearing – 1st Phibbs, 2nd Collins

Grant Variance Appeal Hearing approved by a vote of 18 - 3

Appeal Hearing Members: Beck, Chavez, Hilkey, Hoofnagle, Spurlock

12. **Peace Officer Certification** Director Erik Bourgerie
Revocation Actions

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. F20-01, David Scott Delaney, Certification (PID 6121-1045). On February 14, 2020, Respondent plead guilty of one count of §2252A(a)(5)(B) and (b)(2), Possession of Child Pornography, a Felony, in Case No. 19CR244 in the United States District Court of Colorado. The respondent was employed as a peace officer on the date of the offense (Date of Offense: June 5, 2018) with Red Rocks Community College Police (Date of Separation: October 18, 2018). The respondent has failed to comply with POST Show Cause Order No. F20-01 by failing to appear at the scheduled Show Cause Hearing on April 6, 2020. Director Bourgerie recommends revocation of David Scott Delaney's Colorado Peace Officer Certification (PID 6121-1045).

*Motion to Revoke Peace Officer Certification – 1st Mobley, 2nd Smith
Approved Unanimously*

13. **Legislative Update**

Director Erik Bourgerie

- Rural scholarship bill has passed. It will allow the POST Board to create a scholarship fund for small rural agencies to pay for the tuition of recruits to go to the academy. There is no extra spending authority with that.
- A request for extra spending authority of POST cash fund to complete the Job Task Analysis is moving forward. It should be approved in the near future.
- Proposed changes to Rule 28 in regard to individual responsibility for training mandates are questionable at this point. Does not seem likely it will pass.
- Court ruling affirmed that extreme risk protection order (ERPO) legislation was constitutional.
- Update from Chief Michael Phibbs on In-State Tuition in Community Colleges: currently research is in progress in pursuing flat rates for agency sponsored out-of-state and in-state cadets within community college system.

14. **Grants Discussion**

Grants Mgr. Kimberly Hernandez

- Grant Working Guidelines

Reviewed and approved by Grants Sub-Committee on 4/28/2020.

*Motion to Approve Grant Guidelines – 1st Chavez, 2nd Nowlin
Approved Unanimously*

- Subcommittee Openings (3)

Kara Hoofnagle, Steve Nowlin volunteered to join. One vacancy remains.

- PoliceOne Presentation Marco DeLeon, PoliceOne
- Grant Subcommittee Meeting Recap
- FY 2021 POST Budget Options

*Motion to Approve Budget Option #5 – 1st Hilkey, 2nd Nowlin
Approved Unanimously*

15. **Appeal Outcome** Sheriff Tony Spurlock

Mr. Geiger was revoked on December 2018 for a conviction on a harassment charge. He appealed in 2019, raising concerns regarding notification. The POST Board granted an appeal hearing at the March meeting. The appeal hearing was held via Zoom on April 15, 2020. Based on the additional information provided by Mr. Geiger and his council, the Board found that there was an exemption to the Rule and after a thorough discussion awarded Mr. Geiger his certification back.

16. **SFST Instruction in Academies** Director Erik Bourgerie

Postponed until September meeting.

17. **POST Board Vacancies** Attorney General Phil Weiser

Application deadline closes today. The Board is looking to fill in positions with a local government person, an active peace officer rank Sergeant and below and two police chiefs.

Zeke Knox, Lonnie Chavez and Shawn Mobley volunteered to help conduct interviews.

18. **Rule 28 and COVID-19 Pandemic** Director Erik Bourgerie

No motion was made. Requirement remains.

19. **Academies and COVID-19** Director Erik Bourgerie

POST staff made their best effort to keep Colorado academies running during COVID-19. According to Public Health Order, gathering of more than 10 people shall be avoided, so the class sizes have to be kept at that number until further notice.

20. **Working as Peace Officer w/o Certification** Director Erik Bourgerie

Postponed until September meeting.

21. **Adjournment at 12:05pm** Attorney General Phil Weiser

*Motions to Adjourn – 1st Smith, 2nd Hilkey
Approved Unanimously*

Next POST Board Work Session
Sept. 17, 2020

10:00 am – 4pm

Next POST Board Meeting
Sept. 18, 2020

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