

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