



Department of Law
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BOARD MEMBERS

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- Chief Heather A. Coogan**
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- Chief Mark R. Beckner**
City of Boulder
- Sheriff Ron Bruce**
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- Chief John S. Camper**
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- Sheriff James F. Faull**
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Board Counsel
Diane Marie Dash

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Director
Cristine S. Mack
POST Investigator
Becky Calomino
Grant/Training Manager
Stefanie Mackey
Grant/Training Coordinator
Tom Mullen
Compliance Officer
Lori Jencks
Administrative Assistant

POST Board Meeting

Colorado Department of Law
 1525 Sherman Street, Room 243
 Denver, CO 80203
 303-866-5692

Friday, December 7, 2012

SME Committee Meetings: 8:00 am – 10:00 am

Peace Officers Standards and Training (POST) Board Meeting: 10:00 a.m.

Introductions:

1. **Welcome** Attorney General John Suthers
2. **Introduction of POST Board Director**
3. **Introduction of new POST Board Members**
4. **Introduction of Board Members, SME Members, Staff and Guests**
5. **Formal Board Recognition of Departing Board Members** Attorney General John Suthers
6. **Roll Call** Director Pete Dunbar
Declaration of a Quorum (11)
7. **Approval of POST Minutes from September 28, 2012**
(See supplemental handout)

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

- b. **Arrest Control** Sgt. Richard Webb, Chairman
Chief Dan Oates, Board Member
- c. **Firearms** Deputy Ed Kafel, Chairman
Trng. Mgr. John Hood, Vice-Chairman
SAC James F. Yacone, Board Member
- d. **Law Enforcement Driving** Lt. Karl Smalley, Chairman
Al Padilla, Vice-Chairman
Chief Heather Coogan, Board Member

Action Items:

9. Formal Board Recognition of the Members of the 2013 Subject Matter Expert (SME) Committees

- a. Committee Rosters – Curriculum SME, Firearms SME, Arrest Control SME, and Driving SME

10. Peace Officer Certification Revocation Actions

(See supplemental handout)

Attorney General John Suthers
Director Pete Dunbar
Board Counsel Diane 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. 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 P.O.S.T. 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).
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 P.O.S.T. 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).

11. 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.

12. 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.

13. Formal Rule Making Hearing
(See supplemental handout)

Attorney General John Suthers
Board Counsel Diane Dash

Public Announcement of Formal Rule Making Hearing

- a. Summary of Proposed POST Rule Change
Colorado Department of Regulatory Affairs Review/Response

a. Rule 10 – Basic Peace Officer Certification

b. Public Comment on Rule Making

c. Board Vote

14. POST Peace Officer Training Project Program Report

Grant Manager Becky Calomino

(See supplemental handout)

a. Recipient Eligibility of POST Grant Funds

a. C.R.S. 24-31-303 (3) – 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.

b. Fiscal year 2014 application process

c. Fiscal year 2013 Report

d. Update on possible request for Spending Authority

15. Proposed Supplemental Grant Funding Requests

Director Pete Dunbar

16. Selection of the 2013 POST Vice-Chairperson

Attorney General John Suthers

17. Appointment of the 2013 POST Sunrise Review Sub-Committee

Attorney General John Suthers
Director Pete Dunbar

18. 2013 POST Board Meeting – Proposed Schedule

Director Pete Dunbar

March 1, 2013

June 14, 2013

September 27, 2013

December 6, 2013

Informational Items:

19. POST Online Test Update

Director Pete Dunbar

20. 2013 POST Manual Update

Director Pete Dunbar

21. Recognition of Intern Sara Schoder

Director Pete Dunbar

22. Comments from others on POST Issues

23. Adjournment

Next POST Board Meeting

Colorado Department of Law
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 1st Floor
Denver, Colorado 80203

March 1, 2013

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