



Department of Law
 Ralph L. Carr
 Colorado Judicial Center
 1300 Broadway, 9th Floor
 Denver, CO 80203
 (720) 508-6721
 Fax: (866) 858-7486
 Email: POST@state.co.us

Board Members

Cynthia H. Coffman
 Attorney General
 Chair
Chief John S. Camper
 City of Grand Junction
 Vice Chair
Chief Dan Brennan
 City of Wheat Ridge
Sheriff Ron Bruce
 Hinsdale County
Sergeant Rafael Chanza
 City of Colorado Springs
Sergeant Lonnie Chavez
 City of Grand Junction
Chief John Collins
 City of Englewood
Deputy Amanda Cruz-Giordano
 Arapahoe County Sheriff's Office
Sheriff Chad Day
 Yuma County
David Donaldson
 Logan County Commissioner
Chief John Dyer
 City of Rifle
Executive Director Stan Hilkey
 Department of Public Safety
Kara Hoofnagle
 Public Member
S. Zeke Knox
 Public Member
Robert A. Lees
 Public Member
Sheriff Fred McKee
 Delta County
Sheriff John Minor
 Summit County
Chief Michael Phibbs
 Auraria Dept. of Public Safety
Jane Quimby
 Public Member
SAC Thomas Ravenelle
 Federal Bureau of Investigation
Sheriff Anthony Spurlock
 Douglas County
Bradley F. Taylor
 Public Member
Sheriff Frederick Wegener
 Park County
Chief Robert C. White
 City of Denver

POST Director
 Cory Amend

POST Board Meeting

Colorado Department of Law

Monday, December 14, 2015

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

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

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**
4. **Roll Call** Director Cory Amend
 Declaration of a Quorum (13)
5. **Approval of POST Minutes from September 18, 2015**
 (See supplemental handout)

Presentations:

6. **Subject Matter Expert (SME) Committee Reports:**
 - A. **Curriculum** Sgt. Graham Dunne, Chair
 - B. **Arrest Control** Cmdr. Erik Bourgerie, Chair
 - C. **Firearms** Dep. Ed Kafel, Chair
 (See supplemental handout)
 - D. **Law Enforcement Driving** Cmdr. Karl Smalley, Chair

Action Items:

7. **Peace Officer Certification Revocation Actions** Tom Mullen
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. 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).
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).
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).

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).
2. No M15-12, **James T. 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 T. Underwood II’s Colorado Peace Officer Certification No. B01368 (PID 126671).
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.
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).

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 not employed as a peace officer on the date of the offense (Date of Offense January 6, 2014, - Date of Separation September 13, 2012).* 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).

8. **Proposed POST Board Meeting Dates for 2016** Director Cory Amend

March 11, 2016
June 3, 2016
September 16, 2016
December 2, 2016

9. **Formal Rulemaking Hearing** Attorney General Cynthia Coffman
(See Supplemental handout) Board Counsel Stacy Worthington
Director Cory Amend

Informational Items:

10. **Continuing Education Awards** Bob Baker
11. **Comments from others on POST Issues**
12. **Adjournment** Attorney General Cynthia Coffman

Next POST Board Meeting

Date to be announced

Ralph L. Carr Colorado Judicial Center
1300 Broadway
Denver CO

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

