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**Peace Officer Standards and
Training**

**POST BOARD MEETING
RECORD OF PROCEEDINGS**
Friday, March 1, 2019
10:00 am

The Peace Officer Standards and Training Board held its 406th 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 DA's Office
CHIEF DAN BRENNAN, Wheat Ridge Police Department
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
EXECUTIVE DIRECTOR STAN HILKEY, Colorado Department of Public Safety
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 (*by phone*)
CHIEF MICHAEL PHIBBS, Auraria Department of Public Safety
JANE QUIMBY, Citizen
MAYOR RON RAKOWSKY, City of Greenwood Village
SHERIFF JUSTIN SMITH, Larimer County Sheriff's Office
SHERIFF ANTHONY SPURLOCK, Douglas County Sheriff's Office
BRADLEY TAYLOR, Goetz Insurers
ATTORNEY GENERAL PHIL WEISER, Colorado Department of Law

BOARD MEMBERS ABSENT

PROFESSOR KARA HOOFNAGLE, Johnson & Wales University
SPECIAL AGENT IN CHARGE DEAN PHILLIPS, Federal Bureau of Investigation

BOARD COUNSEL

STACY WORTHINGTON

POST STAFF MEMBERS PRESENT

ERIK BOURGERIE, Director
BOB BAKER, In-Service Training Manager
SUSAN CARTER, Grant Coordinator
KIM HERNANDEZ, Grant Manager
LORI JENCKS, Administrative Coordinator
KISHAWN LEUTHAUSER, Grant Coordinator
CATHY RODRIGUEZ, Compliance Manager
DAVID SCHUETZ, Training Coordinator
JARED TORSNEY, Marijuana Training Specialist

MEMBERS OF THE PUBLIC IN ATTENDANCE

COMMANDER WILLIAM BAKER, Grand Junction Police Department
BRETT BENNETT
MAJOR GEORGE DINGFELDER, Colorado State Patrol
SERGEANT PAUL GREGORY, Adams County Sheriff's Office
STAFF SERGEANT BRIAN HILL, Federal Reserve Police Department
DEPUTY ED KAFEL, El Paso County Sheriff's Office
KIM KAFEL
DIRECTOR CATHY LABRECQUE, Pikes Peak Community College LEA
HARRISON LEE
ASST DIRECTOR ROBYN MCDONALD, Colorado Rangers Reserve Academy
MAJOR JOHN MCFARLANE, Colorado Rangers Reserve Academy
CHRIS RODRIGUEZ
COMMANDER KARL SMALLEY, Adams County Sheriff's Office
TROOPER CHRISTOPHER TREDWAY, Colorado State Patrol
JANICE WORTHEM, Colorado State Patrol

1. **Welcome** Attorney General Phil Weiser
2. **Pledge of Allegiance**

3. **Recognition of Departing SME Committee Members** Director Erik Bourgerie

AG Weiser presented the following SME members with plaques of appreciation:

Deputy Ed Kafel – Firearms SME Committee Chair
Commander William Baker – Firearms SME Committee
Daryl K. Hoffman – Firearms SME Committee

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

5. **Roll Call** Director Erik Bourgerie

Declaration of a quorum (13)

6. **Approval of POST Board Minutes from December 7, 2018** Attorney General Phil Weiser

Motion to approve minutes as presented by Mayor Rakowsky. Approved unanimously.

7. **Subject Matter Expert Committee Reports**

A. **Arrest Control** Staff Sergeant Brian Hill
Vice-Chair

There was no quorum present for voting purposes. SME application for Jerrod Hardy will be voted on at the next meeting. This was the first meeting for Board representative Sheriff Mobley.

B. **Curriculum** Director Cathy LaBrecque
Chair

New members Training Officer Heather Smith of Pueblo Police Department, Director Mark Beluscak of Red Rocks Community College LEA, Sergeant Clayton Blackwell of Colorado Springs Police Department, and Sergeant Troy Badberg of Larimer County Sheriff's Office were approved. A new program related to mental health of first responders was discussed. It is in the early stages, but it may be included in the stress and trauma section of the curriculum and presented by mental health professionals/first responders with the expertise in the pertinent areas. Director Beluscak and Jared Torsney will be working on specifics via subcommittee. A potential amendment

to Rule 21 adding two sections regarding site changes by academy directors was approved and will go to POST staff. Waivers for and possible program changes to the Instruction Methodology course were discussed. The committee chair will be reaching out to the skills SME chairs regarding which material may be contained in their instructor courses that could be utilized to meet the Instruction Methodology requirements. The committee is going to begin reviewing lesson plans as part of academy inspections starting immediately.

- C. Driving Commander Karl Smalley
Chair

December minutes were approved. New member Nathan Businger of Craig Police Department was approved. Five full skills instructors were approved. Inspections for CCA and CSPD academies were approved. Inspections are scheduled for Grand Junction and ACC academies. Adams County is hosting the ALERT conference September 30, 2019, through October 1, 2019.

- D. Firearms Commander Paul Gregory
Chair

Seven full skills instructors were approved. One new handgun instructor program was approved. New member applicant Deputy Mark Stevens of EPSO was approved. The committee recognized the three departing members and thanked them for their years of service. Inspections for Jeffco/Lakewood, ACC and Western Colorado POA are upcoming. The committee is revising the academy inspection checklist.

8. **Rule 28 Appeal Request-Adult Parole** Director Erik Bourgerie

Department of Corrections, Division of Adult Parole has requested a Rule 28 variance, which is the first request of its kind. Parole had one officer who did not comply with the Rule 28 requirements, which affects POST-funded training for the entire agency. A representative from Adult Parole stated that the agency did not have processes in place to monitor training compliance, and it was not tied to the annual employee reviews. They have changed that process so that training requirements are tied to midyear and annual reviews. A request for an appeal was submitted so as not to penalize the entire agency for one officer's non-compliance.

Motion to allow appeal hearing by Sheriff Smith. Approved unanimously.

9. **Request for Variance Appeal** Director Erik Bourgerie
Jennifer Cordova

Ms. Cordova requested a variance for POST certification, which was denied by the Director. She explained her situation and requested the Board hear her appeal for a Rule 8 variance to allow her to become certified. The Board asked several clarifying questions.

Motion to hear appeal by Sheriff Mazzola. Appeal hearing approved by vote of 14 to 8.

10. **Request for Variance Appeal** Director Erik Bourgerie
Harrison Lee

Mr. Lee presented his request for an appeal for his Rule 8 variance, which was denied by the POST Director. He presented information regarding his present situation and answered questions regarding his past offenses. Trooper Christopher Tredway spoke of his friendship with Mr. Lee and spoke to his character and commitment to his law enforcement goals.

Motion to deny appeal hearing by Chief Funston. Approved unanimously.

11. **Request for Variance Appeal** Director Erik Bourgerie
Brett Bennett

Deputy Bennett requested an appeal to be allowed to complete the Provisional process. Mr. Bennett worked approximately three weeks in Missouri after completion of a basic academy. He is presently working for Larimer County in detentions. Provisional certification requirements and Mr. Bennet's status were discussed.

Motion to hear appeal by Chief Christensen. Appeal hearing approved with one opposed. Sheriff Smith recused.

Attorney General Weiser and other members suggest POST review Provisional certification and consider whether the requirement for one year of experience should be revised.

As a result of the approval of appeal hearings, AG Weiser requested volunteers for an appeal subcommittee. Sr. Inv. Tonya Barnes, Chief Dan Brennan, Chief John Minor, Sheriff Shawn Mobley, and Ms. Jane Quimby were appointed to the subcommittee. Hearings will be scheduled by POST staff.

12. **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. M18-20, John Charles Rose, Certification B3270 (PID 115940). On October 23, 2018, Respondent was convicted of one count of Third Degree Assault-Knowingly/Recklessly Cause Injury §18-9-111(1)(a), a class 1 Misdemeanor in Case No. 2018CR791 in Jefferson County Court. The respondent was not employed as a peace officer on the date of the offense (Date of Offense: February 22, 2018 Separated December 7, 2010). The respondent has complied with POST Show Cause Order No. M18-21 by appearing at the scheduled Show Cause Hearing on December 12, 2018. Director Bourgerie recommends revocation of John Charles Rose's Colorado Peace Officer Certification B3270 (PID 115940).

Motion to revoke by Executive Director Hilkey. Approved unanimously.

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. F18-16, Christopher James Pape, Certification B17194 (PID 138002). On October 12, 2018, Respondent was convicted of one count of Tampering with Physical Evidence, §18-8-610(1)(a), a class 6 Felony and one count of Official Misconduct, a class 2 Misdemeanor, in Case No. 2018CR275 in Fremont County District Court. The respondent was employed as a peace officer on the date of the offense (Date of Offense: June 8, 2018) with the Fremont County Sheriff's Office, Date

of Separation June 14, 2018. The Respondent has failed to comply with POST Show Cause Order No. F18-16 by failing to appear at the scheduled Show Cause Hearing on December 12, 2018. Director Bourgerie recommends revocation of Christopher James Pape's Colorado Peace Officer Certification B17194 (PID 138002).

2. No. F18-17, Charles Albert Widup, Certification 9486 (PID 115853). On November 2, 2018, Respondent was convicted of one count of Attempt to Influence Public Servant, §18-8-306, a class 4 Felony and one count of Misuse of Official Information, §18-8-402, a class 6 Felony, in Case No. 2018CR15032 in Denver District Court. The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: May 25, 2018). The respondent has failed to comply with POST Show Cause Order No. F18-17 by failing to appear at the scheduled Show Cause Hearing on December 12, 2018. Director Bourgerie recommends revocation of Charles Albert Widup's Colorado Peace Officer Certification 9486 (PID 115853).
3. No. F18-18, Steven Pernel D'Agostino, Certification B139892 (PID 139892). On November 14, 2018, Respondent was convicted of one count of Introduce Contraband, §18-8-203, a class 4 Felony and one count of Bribery, §18-8-302(1)(b), a class 3 Felony, in Case No. 2018CR3447 in El Paso District Court. The Respondent was employed as a peace officer on the date of the offense (Date of Offense: June 12, 2018) with the El Paso County Sheriff's Office, Date of Separation June 13, 2018. The respondent has failed to comply with POST Show Cause Order No. F18-18 by failing to appear at the scheduled Show Cause Hearing on December 14, 2018. Director Bourgerie recommends revocation of Steven Pernel D'Agostino's Colorado Peace Officer Certification B139892 (PID 139892).

Misdemeanor Convictions:

1. No. M18-21, Chad Christopher Schneidewind, Certification B133605 (PID 133605). On March 18, 2015, Respondent was convicted of one count of Harassment-Telephone-Threat/Obscene §18-9-111(1)(e), a class 3 Misdemeanor in Case No. 2014M112 in Garfield County Court. The respondent was not employed as a peace officer on the date of the offense (Date of Offense: March 21, 2014). The respondent has failed to comply with POST Show Cause Order No. M18-21 by failing to appear at the scheduled Show Cause Hearing on December 12, 2018. Director Bourgerie recommends revocation of Chad Christopher Schneidewind's Colorado Peace Officer Certification B133605 (PID 133605).

2. No. M18-22, Ryan Clayborn Burke, Certification B4548 (PID 127226). On October 31, 2018, Respondent was convicted of one count of Harassment-Telephone-Threat/Obscene §18-9-111(1)(e), a class 3 Misdemeanor in Case No. 2017M8634 in Denver County Court. The respondent was employed as a peace officer on the date of the offense (Date of Offense: September 3, 2017, Denver Police Department, Separated October 16, 2017). The respondent has failed to comply with POST Show Cause Order No. M18-22 by failing to appear at the scheduled Show Cause Hearing on December 14, 2018. Director Bourgerie recommends revocation of Ryan Clayborn Burke's Colorado Peace Officer Certification B4548 (PID 127226).
3. No. M18-23, Walter Lawrence Glorius, Jr., Certification B139029 (PID 139029). On November 27, 2018, Respondent was convicted of one count of Harassment §18-9-111(1)(e), a class 3 Misdemeanor in Case No. 2018M1847 in Larimer County Court. The respondent was not employed as a peace officer on the date of the offense (Date of Offense: July 7, 2018). The respondent has failed to comply with POST Show Cause Order No. M18-23 by failing to appear at the scheduled Show Cause Hearing on October 24, 2018. Director Bourgerie recommends revocation of Walter Lawrence Glorius Jr.'s Colorado Peace Officer Certification B139029 (PID 139029).
4. No. M18-24, Curtis Lee Arganbright, Certification B11631 (PID 122264). On November 29, 2018, Respondent was convicted of one count of Sexual Contact-No Consent, §18-3-404(1)(a), a class 1 Misdemeanor and one count of Official Misconduct 1, a class 2 Misdemeanor, in Case No. 2017CR258 in Broomfield District Court. The respondent was employed as a peace officer on the date of the offense (Date of Offense: August 24, 2017, Westminster Police Department, Separated October 13, 2017). The respondent has failed to comply with POST Show Cause Order No. M18-24 by failing to appear at the scheduled Show Cause Hearing on January 4, 2019. Director Bourgerie recommends revocation of Curtis Lee Arganbright's Colorado Peace Officer Certification B11631 (PID 122264).

Motion to revoke, with correction of typographical error, by Executive Director Hilkey. Approved unanimously.

13. **POST Grant Subcommittee** Attorney General Phil Weiser

AG Weiser requested additional volunteers for the Grant Subcommittee. Chief Brennan, Chief Collins, Dep Cruz-Giordano, Chief Phibbs, Ms. Quimby, Sheriff Smith, Sheriff Spurlock and Mr. Taylor are appointed to the subcommittee.

14. **Legislative Update** Attorney General Phil Weiser

Sheriff Spurlock spoke regarding mental health legislation, HB19-1177, known as the “red flag” bill, allowing courts/law enforcement to remove firearms from high risk individuals if they meet specific criteria. The bill is going through revisions at this time.

Chief Phibbs related information regarding SB19-166, which would allow decertification of officers for untruthfulness. The bill (HB18-1076) was presented last session and was unsuccessful.

HB19-1130, which would require that a candidate for Sheriff be POST-certified at the time of the election, was mentioned. The present requirement states that Sheriff-elect has one year to complete POST certification. This is more relevant for small counties where the sheriffs are working officers.

A bill regarding bail reform will likely be introduced this session. Exec. Dir. Hilkey stated that the Commission on Crime and Juvenile Justice has made nine recommendations which will be fashioned into two bills.

Chief Phibbs mentioned HB19-1235, which would prohibit radio encryption, except for tactical or investigative communication.

15. **PoliceOne/Budget Ramifications** Training Manager Bob Baker
Grant Manager Kim Hernandez

POST Training Manager, Bob Baker, gave background information regarding funding of PoliceOne for subscriptions for all agencies requesting it. He gave data regarding utilization of PoliceOne by agencies, as well as costs of PoliceOne vs. other classroom training options. The two-year contract expires June 31st. Several scenarios for continuing funding for PoliceOne for all requesting agencies were discussed. POST Grant Manager, Kim Hernandez, presented scenarios and budget information and options. POST is hoping to receive permission to take several big dollar items including PoliceOne, off the top of the budget before distributing grant funds to grantees. POST is looking for direction from the Board. The Grant subcommittee will be responsible for distribution of the grant funds. The new PoliceOne contract will need to be negotiated. Discussion of scenarios pros and cons resulted in a request by the Board to choose scenario one, with all items funded, with the exception of capital improvements.

16. **Rule 28 Report** Training Manager Bob Baker

There are eight agencies out of compliance of the 255 agencies required to comply, with 17 officers out of compliance of the 13,456 officers required to comply. Three of the five sheriff's offices out of compliance were due to outgoing sheriffs not completing training requirements. 400+ waivers were issued for officers for partial year employment, and for military, medical, or administrative leave. There has been some discussion whether reserve officers should have the same training requirements as paid officers. Rule 28 could potentially be revised to avoid penalizing entire agency for one officer's non-compliance.

17. **VIN Inspector Revocations** Director Erik Bourgerie

Item tabled

18. **Federal Law Enforcement Provisional Certification** Director Erik Bourgerie

Item tabled

19. **Cross Border Teams** Director Erik Bourgerie

Item tabled

20. **Decertifying Misdemeanors** Director Erik Bourgerie

Item tabled

21. **Minimum Age Limit for Certification** Director Erik Bourgerie

Item tabled

22. **POST Exam Update** Director Erik Bourgerie

The POST exam is due for a major revision. POST staff is requesting direction as to whether POST staff should revise alone, or should have additional oversight, possibly a subcommittee of the Board. If the SME committees are reviewing the revision, they may require a confidentiality waiver for security. Including POST staff, Board members, and members of skills SME committee members may be valuable.

23. **Governor's Signature on POST Certificates** Director Erik Bourgerie

Governor's office requires that Governor Polis' signature be monitored closely. They would require a letter stating the types of certificates the

signature will appear on and quarterly numbers of certificates issued. POST is suggesting an alternative of the AG's and POST Director's signatures on the certificate. There is no statutory requirement to put the Governor's signature on the certificates. Board is in agreement.

24. **Law Enforcement Suicide** Staff Sergeant Brian Hill

Mr. Hill presented statistics regarding officer suicide and the requirement to change the culture surrounding suicide in our law enforcement agencies and communities. There are more officers who have died from suicide than have died in the line of duty. There are resources available and getting the information to officers is crucial, and the POST Board can be instrumental in assisting to change the culture.

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

Attorney General Weiser mentioned his work as chair of the Substance Abuse Trend and Response Task Force to develop guidance regarding opioid and other substance abuse.

Executive Director Hilkey requested information regarding individuals with Governor's pardons who wish to become POST certified. Director Bourgerie stated that the offense for which an individual receives a Governor's pardon cannot be counted as a bar to POST certification.

Mr. Taylor requested that the Board members be advised of the results of appeal hearings.

26. **Adjournment** Attorney General Phil Weiser

Meeting adjourned at 12:18 pm

Next POST Board Meeting

June 21, 2019

Ralph L. Carr Colorado Judicial Center
1300 Broadway
Denver CO

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