

**CYNTHIA H. COFFMAN**  
Attorney General

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**STATE OF COLORADO**  
**DEPARTMENT OF LAW**

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**Peace Officer Standards  
and Training**

**POST BOARD MEETING**  
**RECORD OF PROCEEDINGS**  
*Friday, September 18, 2015*

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The Peace Officer Standards and Training Board held its 392nd Board meeting at the Ralph L. Carr Colorado Judicial Center, 1300 Broadway, Denver, Colorado, with the following in attendance:

**BOARD MEMBERS PRESENT**

CHIEF DAN BRENNAN, Wheat Ridge Police Department  
SHERIFF RON BRUCE, Hinsdale County Sheriff's Office  
CHIEF JOHN CAMPER, Grand Junction Police Department  
SERGEANT RAFAEL CHANZA, Colorado Springs Police Department  
SERGEANT LONNIE CHAVEZ, Grand Junction Police Department  
ATTORNEY GENERAL CYNTHIA COFFMAN  
DEPUTY AMANDA CRUZ-GIORDANO, Arapahoe County Sheriff's Office  
SHERIFF CHAD DAY, Yuma County Sheriff's Office  
COMMISSIONER DAVE DONALDSON, Logan County  
CHIEF JOHN DYER, Rifle Police Department  
EXECUTIVE DIRECTOR STAN HILKEY, Colorado Department of Public Safety  
PROFESSOR KARA HOOFNAGLE, Johnson & Wales University  
SUSAN "ZEKE" KNOX, United States Attorney's Office  
ROBERT LEES, Robert A. Lees and Associates  
SHERIFF FRED MCKEE, Delta County Sheriff's Office  
SHERIFF JOHN MINOR, Summit County Sheriff's Office  
CHIEF MICHAEL PHIBBS, Auraria Department of Public Safety  
DIRECTOR JANE QUIMBY, Colorado Mesa University DPS  
SPECIAL AGENT IN CHARGE THOMAS RAVENELLE, Federal Bureau of Investigation  
BRADLEY TAYLOR, Goetz Insurors  
SHERIFF FRED WEGENER, Park County Sheriff's Office  
CHIEF ROBERT WHITE, Denver Police Department

**BOARD MEMBERS ABSENT**

CHIEF JOHN COLLINS, Englewood Police Department  
SHERIFF ANTHONY SPURLOCK, Douglas County Sheriff's Office

**BOARD COUNSEL**

STACY WORTHINGTON

**POST STAFF MEMBERS**

CORY AMEND, Director  
ROBERT A. BAKER, In-Service Training Manager  
CAROLYN BERRY, Marijuana Curriculum Coordinator  
ARIEL KISKIRAS, Administrative Assistant  
CRISTINE MACK, Investigator  
STEFANIE MACKEY, Grant Coordinator  
TOM MULLEN, Compliance Investigator

**MEMBERS OF THE PUBLIC IN ATTENDANCE**

COMMANDER BARBARA ARCHER, Denver Police Department  
DIRECTOR MINER BLACKFORD, Otero Junior College  
COMMANDER ERIK BOURGERIE, Summit County Sheriff's Office  
DIRECTOR CLIFF DAWSON, Red Rocks Community College Academy  
SERGEANT GRAHAM DUNNE, Aurora Police Department  
APRIL FOX, Arapahoe Community College  
CHIEF JERRY GARNER, Greeley Police Department  
STAFF SERGEANT BRIAN HILL, Federal Reserve Law Enforcement Unit  
DIRECTOR BYRON JONES, Arapahoe Community College Academy  
CAPTAIN RHONDA JONES, Denver Police Department  
DEPUTY TIM JUNGCLAUS, Adams County Sheriff's Office  
LIEUTENANT CHRIS JUUL, Aurora Police Department  
DEPUTY ED KAFEL, El Paso County Sheriff's Office  
DIRECTOR CATHY LABRECQUE, Pikes Peak Community College  
COMMANDER RICK McNAIR, Adams County Sheriff's Office Academy  
COMMANDER KARL SMALLEY, Adams County Sheriff's Office  
DEPUTY ATTORNEY GENERAL SCOTT TURNER, Attorney General's Office  
JANICE WORTHEM, Colorado State Patrol Academy

The following Subject Matter Expert Committees met prior to the regular POST Board meeting on September 18, 2015.

Arrest Control Subject Matter Expert Committee  
Curriculum Subject Matter Expert Committee  
Firearms Subject Matter Expert Committee  
Law Enforcement Driving Subject Matter Expert Committee

**Introductions:**

1. **Welcome** Attorney General Cynthia Coffman
2. **Pledge of Allegiance** Attorney General Cynthia Coffman
3. **Welcome and Introduction of new Board Members** Attorney General Cynthia Coffman

AG Coffman introduced new Board members, filling lay member and sergeant or below positions.

Sgt. Lonnie Chavez – Grand Junction Police Department  
Kara Hoofnagle – Johnson & Wales University  
Susan “Zeke” Knox – United States Attorney’s Office  
Robert A. Lees – Robert A. Lees & Associates  
Jane Quimby – Western Colorado Community College DPS  
Bradley F. Taylor – Goetz Insurors

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

5. **Roll Call** Director Cory Amend

*Declaration of a Quorum (13)*

6. **Approval of POST Minutes from June 12, 2015**

*Approved unanimously*

**Presentations:**

7. **Subject Matter Expert (SME) Committee Reports:**

- A. **Curriculum** Sgt. Graham Dunne, Chair

Subcommittees have been working on cleaning up definitions, reviewing Rule changes, and revising the POST curriculum. The due date for the curriculum revision is December 1, 2015, with changes to take effect by July 1, 2016. Revisions to Traffic Stops, Crowd Control, Civil Disputes, SWAT, Negotiations, and others were approved today. Sexual Assault may be revised as a separate class as opposed to part of Major Crimes Considerations. The committee added two new members: Tim Jungclaus of Adams County Sheriff’s Office, and April Fox, of Arapahoe County Community College. Commander Jim Hinrichs of Adams County Sheriff’s Office has resigned from the committee.

**B. Arrest Control** Cmdr. Erik Bourgerie, Chair

The committee welcomed Sheriff Chad Day as the Board representative for Arrest Control. Vince Fraker, of La Junta Police Department, and Ryan Barba, of Colorado State Patrol, have resigned from the committee. Stephen Larsen has resigned from the Arrest Control committee and has transferred to the Law Enforcement Driving committee. Two site and safety plans were approved for the Western Colorado Peace Officer's Academy in Grand Junction. Three new skills instructors were approved: one for Highlands Ranch Public Safety Training Institute and two for Arapahoe Community College Academy. The committee made suggestions on changes for Rule 24 – Skills Training and Safety, and reviewed other Rule changes. Revision of the Basic Arrest Control program for the academies is ongoing, as well as revision of the test out procedure for out-of-state candidates.

**C. Firearms** Dep. Ed Kafel, Chair

The committee reviewed Rule changes and made minor suggestions. Adams County Sheriff's Office Firearms program was reviewed last week and found to exceed the POST standards. Suggestions for changes to the Basic Academy Firearms Program and Handgun Instructor Program have been made. The committee recommends inclusion of lead contamination considerations in both the Handgun Instructor and the Firearms programs, and safety considerations in shooting steel are to be included in the Handgun Instructor program. For the handgun qualification course the committee clarified and defined the Standby and Ready positions. De-escalation was discussed. The committee feels de-escalation should be ingrained throughout the entire curriculum, especially in the skills programs, and that use of force should not be taken lightly. Documentation should be required and de-escalation should be identified and defined in the Basic program. Sheriff Day requested further information regarding lead contamination. It is to be included for both indoor and outdoor courses. The effects of lead contamination are discussed, and use of general guidelines for handling lead, washing hands, etc.

**D. Law Enforcement Driving** Cmdr. Karl Smalley, Chair

Stephen Larsen of Aurora Police Department was added as a new member. The committee performed a full inspection at Colorado Springs Police Department Academy, which was in compliance. The academy will be moving their driving site. The committee approved five full skills instructors: Kevin Smyth, Aurora PD; Kathryn Mora, Pueblo Community

College; Ryan Bechert, HRPSTI; Tyrone Campbell and Craig Klukas, Denver PD. The committee reviewed and approved one new driving instructor program from Central Mountain Training Foundation, and performed a five-year review and approval of the Colorado State Patrol instructor program. Another program review will take place at the December meeting. The committee reviewed instructor qualifications for the driving instructor program, and Cmdr. Smalley would like to meet with the other SME chairs prior to making decisions on revisions in order to be consistent with other committee's programs. The committee reviewed proposed Rule changes with no additional suggestions. The proposed plan for a new driving track at HRPSTI was reviewed and construction has begun. Otero Junior College inspection is coming up on October 3<sup>rd</sup>.

**Action Items:**

8. **Peace Officer Certification Revocation** Tom Mullen  
**Actions** Compliance Investigator

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. F15-03, **Garrett Michael Holmes**, Certification No. B139948 (PID 139948). On January 23, 2015, Respondent pled guilty to one count of Theft -\$2000-\$5000, §18-4-401(1),(2)(f), a class 6 felony. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: August 31, 2014, Never employed)*. The Respondent has failed to comply with POST Show Cause Order F15-03 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of Garrett Michael Holmes' Colorado Peace Officer Certification No.B13998 (PID 139948).

*Approved unanimously*

2. No. F15-04, **Jarret Branson**, Certification No. B139874 (PID 139874). On January 30, 2015, Respondent pled guilty to one count of Stalking – Emotional Distress, §18-3-602 (1)(c), a class 5 felony, and one count of Official Misconduct 1, §18-8-404, a class 2 misdemeanor. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: August 14, 2014, separated September 16, 2014).* The Respondent has failed to comply with POST Show Cause Order F15-04 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of Jarrett Branson’s Colorado Peace Officer Certification No. B139874 (PID 139874).

*Approved unanimously*

3. No. F15-05 **Michael James Lorsung**, Certification No. B2263 (PID 115334). On June 2, 2015, Respondent was convicted of one count of Embezzlement of Public Property §18-8-407 CRS, a class 5 felony, and Official Misconduct I, § 18-8-404 CRS, a class 2 misdemeanor *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: February 18, 2014, separated April 8, 2015).* The Respondent has failed to comply with POST Show Cause Order F15-05 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of Michael James Lorsung’s Colorado Peace Officer Certification No. B2263 (PID 115334).

*Approved unanimously*

4. No. F15-07, **Johnny Ray Haney**, Certification No. B7370 (PID 113543). On May 14, 2015, Respondent was convicted of one count of Theft \$2000-5000 §18-4-401(1)(2)(f) CRS, a class 6 felony. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: December 2, 2014, separated March 16, 2001).* The Respondent has failed to comply with POST Show Cause Order F15-07 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of Johnny Ray Haney’s Colorado Peace Officer Certification No. B7370 (PID 113543).

*Approved unanimously*

5. No. F15-08, **William Steven Berry**, Certification No. B16363 (PID 136529). On May 14, 2015, Respondent was convicted of one count of Embezzlement of Public Property §18-8-407 CRS, a class 5 felony, and Official Misconduct I, §18-8-404 CRS, a class 2 misdemeanor. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: January 17, 2014, separated April 9, 2014).* The Respondent has failed to comply with POST Show Cause Order F15-08

by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of William Steven Berry's Colorado Peace Officer Certification No. B16363 (PID 136529).

*Approved unanimously*

**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. M15-07, **Dale Michael Jordan**, Certification No. B11223, (PID 120348). On April 1, 2015, Respondent was convicted of one count of Sexual Contact – Victim in Custody – Attempt, § 18-3-404(1)(f) C.R.S., a class 2 misdemeanor, and Official Misconduct, § 18-8-404, C.R.S., a class 2 misdemeanor. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: May 15, 2013, – Separated August 27, 2013).* The Respondent has failed to comply with POST Show Cause Order M15-07 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of Dale Michael Jordan's Colorado Peace Officer Certification No. B11223, (PID 120348).

*Approved unanimously*

2. No. M15-08, **Carl David Anderson**, Conditional Certification (PID 130488). On June 2, 2015, Respondent was convicted of one count of Obstructing a Police 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: August 14, 2014, – Separated October 05, 2007).* The Respondent has failed to comply with POST Show Cause Order M15-08 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of Carl David Anderson's Colorado Peace Officer Conditional Certification (PID 130488).

*Approved unanimously*

3. No. M15-09, **Shawn Henry Miller**, Certification No. B17880, (PID 138821). On June 19, 2015, Respondent was convicted of one count of Harassment - insults/taunts/challenges § 18-9-111(1)(h), 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 4, 2015, – Separated: January 16, 2014).* The Respondent has failed to comply with POST Show Cause Order M15-09 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of Shawn Henry Miller’s Colorado Peace Officer Certification No. B17880, (PID 138821).

*Approved unanimously*

4. No. M15-10, **Mark Gerald Magness**, Certification No. B09502 (PID 100086). On June 17, 2015, Respondent was convicted of one count of Assault 3 – Knowing Recklessly causing injury - attempt, 18-3-204(1)(a), C.R.S., a class 2 misdemeanor *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: December 06, 2014, – Separated December 29, 2014).* The Respondent has failed to comply with POST Show Cause Order M15-10 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of Mark Gerald Magness’ Colorado Peace Officer Certification No.B09502 (PID 100086).

*Approved unanimously*

AG Coffman commented that many of the revoked officers have a very short tenure with their agencies. Is there something that POST should be doing on the front end to help people be successful? There was some discussion that adequate background checks should be performed by a hiring agency, whether the acceptance process at academies needs to be considered, and whether there is a correlation between the types of academies attended and later revocations. A good number of the revoked officers were either never employed or employed for a very short time, which is an indication that inadequate officers are being filtered out quickly. AG Coffman would like to discuss data points further with Dir. Amend at a later date.

**Informational Items:**

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| 9. <b><i>Re-engineering Training on Police Use of Force</i></b> | Chief Jerry Garner<br>Greeley Police Department |
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Chief Garner is representing the Colorado Association of Chiefs of Police (CACP). The law enforcement community is concerned with citizens and law enforcement officers being injured or killed in high profile incidents nationwide. There is much public discussion and criticism focused on law enforcement's use of force. Since the Ferguson incident, the Police Executive Research Forum (PERF) has held three conferences, the biggest in May 2015, with some 300 chiefs, sheriffs, DAs and attorneys in attendance to review how we train use of force, and how that training might be improved. Much of the focus was on de-escalation tactics, and findings are included in the booklet Chief Garner provided (*Re-engineering Training on Police Use of Force*), also available on the PERF website. PERF states that though there will always be the need to use force, law enforcement officers must be given the tools necessary to make use-of-force, and especially lethal force, very rare. There are many different pilot programs for de-escalation in use around the country, but we have expertise in Colorado to customize our training. CACP is asking for POST's help in advancing training, especially regarding police culture and supervision, and establishing the sanctity of other lives, not just officer's lives. The next step is to review what we're teaching and how we're teaching it, and whether connections can be made in teaching all aspects as a whole instead of separately teaching communication, arrest control, firearms, de-escalation, etc.

10. **Workshop Recap**

Director Cory Amend

Dir. Amend thanked all Board members and staff for their time and energy during Sept. 17<sup>th</sup>'s work session.

In discussing the SME committees, it was recommended that though each committee may have multiple members from a single agency, that each agency should be allowed only one vote.

The realignment of training regions was discussed. POST will be contacting the training regions to determine whether they feel the need to realign the regions. POST staff has presented the training regions' inquiry as to whether POST-funded training may be expanded to include non-certified personnel. Expanding the funding to include non-certified staff would require legislation and a change in statutory language. (Please see further discussion under 11. Comments from Others)

Board members suggested POST consider training region networking for all agencies within the regions to advise agencies more completely about POST priorities for the Grant cycle, the Grant process, what funds are available and what type of expenses are allowable. Ms. Calomino will pursue networking for the agencies.

The Board discussed CORA requests and issues regarding recent requests for database information on Colorado officers.

Members discussed the possibility of POST mandating background checks for agencies for law enforcement personnel and volunteers. This would probably be mandated not through legislation, but by creating a POST rule. No final decision was made, but Dir. Amend will create a rule draft and ask for further Board direction.

The Board discussed the possibility of bringing back a single, CLETA-style academy rather than the 22 different Basic academies. There are many models in other states, from a one academy system, to multiple academies as Colorado has at present. POST staff will investigate returning to the one academy model, and may form a subcommittee to research.

There will be a Marijuana conference held in the Denver area in January, 2016, with a theme of “Lessons Learned” and will provide some excellent training for law enforcement in Colorado regarding what has been experienced and what might be improved with enforcement. The first conference was held in January of 2015.

POST is considering acquiring the Dog Protection Act video that was produced by the Dog Protection task force. Dir. Amend will investigate the possibility.

There was considerable discussion of the misconception that POST provides training and regulates the training provided to law enforcement. While POST is the overseeing Board for training in general, most training requirements are left up to each agency and the agency head. While there is some policing that must be standardized, there are differences in the requirements for different agencies, and training requirement should be left to each agency to determine what is important for their region.

Most law enforcement acts are positive, however the media tends to portray only the negative acts. Some agencies are actively trying to positively promote law enforcement, and POST will do what we can to show the positive aspects of law enforcement.

#### **11. Comments from others on POST Issues**

Sheriff Day opened a discussion regarding providing POST funding for non-certified staff. The stance is that funding was for certified officers only, but that non-certified staff could be included if they were not displacing a certified officer. Dir. Amend stated that the wording at present states that funding can only be provided for law enforcement officers, but it does not say “certified” officers. The Board would like to specify more clearly what would be allowable, and fund

training for non-certified staff if possible. POST may not have the revenue source to extend funding to non-certified, and we must limit who may be trained using grant funds. It was suggested that allowing agency volunteers to attend training may help fulfill the legislative mandate for community outreach. Cmdr. Erik Bourgerie stated that many detentions officers do not receive any kind of arrest control or de-escalation training, and if not for grant-funded courses, they would not be able to receive that training. Non-certified staff have been asked to take on more duties that were previously considered certified staff duties. Detention officers are considered peace officers by statute, and are permitted to register for training. Sheriff Day stated that some detentions officers have been denied a space in a class in favor of certified officers. Military officers, records clerks, etc. are denied in favor of certified officers. AG Coffman states that POST will make sure detention officers are not inadvertently denied access to training in the future.

AG Coffman spoke regarding her concern that the societal perception of peace officers across the country is having a negative impact on morale and officer safety. She would like to be advised of any actions the Board and the Attorney General can take to further positive recognition of what law enforcement is doing, and would like to help create a positive view of law enforcement in our communities.

12. **Adjournment**

Attorney General Cynthia Coffman

Attorney General Coffman adjourned the meeting at 11:16 a.m.

**Next POST Board Meeting**

December 4, 2015

Ralph L. Carr Colorado Judicial Center  
1300 Broadway  
Denver CO

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