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**STATE OF COLORADO
DEPARTMENT OF LAW**

**POST BOARD MEETING
RECORD OF PROCEEDINGS**

Friday, December 16, 2016

1:00 pm – 3:00 pm

RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 9th Floor
Denver, Colorado 80203
Phone (720) 508-6000

**Peace Officer Standards
and Training**

The Peace Officer Standards and Training Board held its 397th 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
SERGEANT RAFAEL CHANZA, Colorado Springs Police Department
SERGEANT LONNIE CHAVEZ, Grand Junction Police Department
ATTORNEY GENERAL CYNTHIA COFFMAN, Colorado Department of Law
CHIEF JOHN COLLINS, Englewood Police Department
DEPUTY AMANDA CRUZ-GIORDANO, Arapahoe County Sheriff's Office
SHERIFF CHAD DAY, Yuma County Sheriff's Office
SUSAN "ZEKE" KNOX, United States Attorney's Office
ROBERT LEES, Robert A. Lees and Associates
CHIEF MICHAEL PHIBBS, Auraria Department of Public Safety
SPECIAL AGENT IN CHARGE CALVIN SHIVERS, Federal Bureau of Investigation
SHERIFF ANTHONY SPURLOCK, Douglas County Sheriff's Office
BRADLEY TAYLOR, Goetz Insurors

BOARD MEMBERS ABSENT

SHERIFF RON BRUCE, Hinsdale County Sheriff's Office
EXECUTIVE DIRECTOR STAN HILKEY, Colorado Department of Public Safety
PROFESSOR KARA HOOFNAGLE, Johnson & Wales University
SHERIFF MICHAEL MCINTOSH, Adams County Sheriff's Office
SHERIFF FRED MCKEE, Delta County Sheriff's Office
CHIEF JOHN MINOR, Silverthorne Police Department
DIRECTOR JANE QUIMBY, Colorado Mesa University DPS
MAYOR RON RAKOWSKY, City of Greenwood Village
SHERIFF FRED WEGENER, Park County Sheriff's Office
CHIEF ROBERT WHITE, Denver Police Department

BOARD COUNSEL

STACY WORTHINGTON

POST STAFF MEMBERS

CORY AMEND, Director
BOB BAKER, In-Service Training Manager
BECKY CALOMINO, Grant Manager
LORI JENCKS, Administrative Assistant
ARIEL KISKIRAS, Administrative Assistant
STEFANIE MACKEY, Grant Coordinator

MEMBERS OF THE PUBLIC IN ATTENDANCE

SERGEANT WILLIAM BAKER, Grand Junction Police Department
OFFICER COREY COMPTON, Colorado Springs Police Department
SERGEANT GRAHAM DUNNE, Aurora Police Department
DEPUTY ED KAFEL, El Paso County Sheriff's Office
COMMANDER RICK KYLE, Denver Police Department
COMMANDER KARL SMALLEY, Adams County Sheriff's Office
DEPUTY ATTORNEY GENERAL SCOTT TURNER, Attorney General's Office
SERGEANT JEFF VANHOOK, Larimer County Sheriff's Office

Introductions:

1. **Welcome** Attorney General Cynthia Coffman
2. **Pledge of Allegiance**
3. **Moment of Silence**

AG Coffman requested a moment of silence in honor of Trooper Cody Donahue, who was killed in the line of duty November 26, 2016.

4. **Introduction of Board Members, SME Members, Staff and Guests**
5. **Formal Board Recognition of New Board Members** Attorney General Cynthia Coffman

AG Coffman welcomed SAC Calvin Shivers, Federal Bureau of Investigations. New member Mayor Ron Rakowsky of Greenwood Village was unable to attend.

6. **Formal Board Recognition of Departing Subject Matter Expert Committee Member** Attorney General Cynthia Coffman

AG Coffman recognized departing Firearms SME committee member Range Master Corey Compton.

7. **Roll Call** Director Cory Amend

Declaration of a quorum (13)

8. **Subject Matter Expert Committee Reports**

A. Arrest Control Sheriff Chad Day
Board Representative

There were two SBI reports, but no recommended changes. A new Reserve academy in Jefferson County was approved. The committee is discussing the Arrest Control Instructor program requirements, and will continue review at the January meeting. Test out requirements are also under discussion. Sheriff Day proposed Board consideration of a disclaimer to differentiate those individuals who are coming from out of state, as opposed to those who have attended a Colorado academy. Some out-of-state arrest control disciplines are not clearly defined or may be mixed disciplines. Agencies hiring a candidate who has tested out make assumptions regarding that officer's arrest control discipline, which may vary from the discipline utilized by an agency. There was discussion of the issues for Colorado agencies, and some possible solutions were mentioned. Chief Brennan suggests SME committee work with staff on specifics, background on issues, and recommendations and present to the Board at a later meeting.

B. Curriculum Sgt. Graham Dunne, Chair

Instruction Methodology is still in progress, but will be completed within a month. Two new members were approved. The Jeffco Reserve academy was approved pending answers on two courses. Fifteen questions regarding marijuana have been created for the POST exam, and were finalized today. Review of the existing POST exam questions will begin in early 2017. A subcommittee will be created shortly to review and revise the Reserve Academic Training Program.

C. Firearms Dep. Ed Kafel, Chair

AG Coffman thanked Deputy Kafel for assisting with the simulator which was set up at the Capitol for experience in firearms training for legislators and staff. Channel 4 News presented a story on the event.

Approval is recommended for the Jeffco Reserve academy lesson plan. Otero Jr. College Academy was found to be in compliance after their November inspection. The committee thanked member Cory Compton for his service. Officer Mark Abbotts of CSPD was approved as a new member. Review and revision of the Firearms and Instructor programs continues. Dep. Kafel gave an overview of 2016 accomplishments with a total of 247 hours contributed by members. The committee thanked POST Director Amend and staff for their support and dedication.

D. Law Enforcement Driving Cmdr. Karl Smalley, Chair

The 2017 SME member forms were completed. Jeffco Reserve Academy was approved. Three full instructors were approved. The revised Law Enforcement Driving program was completed, and is presented to the Board for approval. The National Association of Professional Drivers (NAPD) instructor certificates previously had an expiration date of 3 years. The committee now recognizes the certificates as non-expiring. The Instructor program is being reviewed. Changes include instructor requirements and adding instruction on electronic stability control and high center of gravity vehicles. While high center of gravity vehicles are not covered in the Basic academy, they will be covered in the Instructor program. There are no upcoming inspections.

Motion to approve the revised Law Enforcement Driving program by Sheriff Day. Unanimously approved.

9. **Approval of POST Minutes from September 16, 2016** Attorney General Cynthia Coffman

Motion to approve by Chief Phibbs. Approved unanimously.

10. **Peace Officer Certification Revocation Actions** Director Cory Amend

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, 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.

1. No. F16-05, **James A. Ashby**, Certification B15244 (PID 133363). On June 23, 2016, Respondent was convicted of one count of Murder 2, §18-3-103(1) CRS, a Class 2 Felony. The Respondent was employed as a peace officer on the date of the offense (Date of Offense: October 12th 2014 – Separated November 14th, 2014). The Respondent has failed to comply with POST Show Cause Order F16-05 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of **James A. Ashby’s** Colorado Peace Officer Certification B15244 (PID 133363).

Motion to revoke by Sheriff Day. Approved unanimously.

2. No. F16-06, **Patrick Brandon Kreh**, Certification B131069 (PID 131069). On March 25th, 2016, Respondent was convicted of 5 counts of Sexual Assault/Child-Pattern of Abuse, §18-3-405(1),(2)(d) CRS, a Class 3 Felony. The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: February 1st 2013, never employed). The

Respondent has failed to comply with POST Show Cause Order F16-06 by failing to appear at the scheduled Show Cause Hearing. Director Amend recommends revocation of **Patrick Brandon Kreh's**, Colorado Peace Officer Certification B131069 (PID 131069).

Motion to revoke by Sheriff Spurlock. 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. M16-01, **Jason Robert Lombard**, Certification 133372, (PID 133372). On July 14, 2016, Respondent was convicted of one count of Harassment-Strike/Shove/Kick, §18-9-111(1)(a) CRS, a Class 3 Misdemeanor. The respondent was employed as a peace officer on the date of the offense (Date of Offense: September 15, 2015, - Separated September 22, 2015). The respondent appeared at the scheduled Show Cause Hearing No. M16-01 on September 21st, 2016. Director Amend recommends revocation of **Jason Robert Lombard's** Colorado Peace Officer Certification 133372, PID 133372.

Motion to revoke by Chief Brennan. Approved unanimously.

2. No. M16-02, **Arthur Lee Freeman Jr**, Certification B138812 (PID 138812). On June 29, 2016, Respondent was convicted of one count of 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 1st, 2014 – December 31st, 2015 - Separated January 1st, 2016). The respondent appeared at the scheduled Show Cause Hearing No. M16-02 on September 23rd, 2016. Director Amend recommends revocation of **Arthur Lee Freeman's** Colorado Peace Officer Certification B138812, PID 138812.

Motion to revoke. Approved unanimously.

11. **Sunrise Review**

Director Cory Amend

Fraser/Winter Park Police Department and Mead Police Department submitted applications for Sunrise review. The Sunrise review subcommittee, consisting of Sgt. Chavez, Chief Collins, Sheriff Day, Chief Phibbs, and Sheriff Spurlock, met earlier

today and reviewed the applications and appended materials. Approval without restriction for both departments is recommended by the subcommittee. Sheriff Day recused himself from the subcommittee vote due to a conflict of interest.

Motion to approve full status without restriction or limitation to Fraser/Winter Park Police Department and Mead Police Department by Chief Phibbs. Per Board Counsel Worthington, Sheriff Day is permitted to vote per Rule of Necessity as his vote was needed to fulfill a quorum. Passed unanimously.

12. **Strategic Plan** Director Cory Amend

The draft of the Strategic Plan was summarized, to include six categories. Specific questions by the Board members regarding some aspects were addressed. There was discussion of previously proposed contract positions for the training regions. Director Amend has since learned that the proposed position cannot be a contract position. Future handling of legislation that may affect POST was discussed.

13. **Code of Ethics** Stacy Worthington

At the September POST Board meeting Ms. Worthington presented a draft of a formal Code of Ethics for the POST Board. The Board requested revisions, which have been completed. She presented the revised draft to the Board. At the time of this presentation, there was no longer a quorum of members. Approval of the proposed Code of Ethics is tabled until the March, 2017 meeting.

14. **2017 POST Board Meeting Dates** Attorney General Cynthia Coffman

March 24, 2017
June 2, 2017
September 8, 2017 (Work Session September 7, 2017)
December 1, 2017

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

CSOC requested that Sheriff Day advise the Board and ask for their consideration of CSOC's attempt to find a sponsor for potential amendment of § 30-10-501.6(2) – Training, specifically regarding training for sheriffs. The amendment would eliminate the 20-hour in-service training requirement, since sheriffs are required, under Rule 28, to complete 24 hours of in-service training. It would eliminate one more tracking issue, and would be the only change to the statute.

Sheriff Spurlock stated that the budget has been obtained for a new driving track for the Highlands Ranch LETA with construction to begin in March.

Director Amend informally summarized the Rule 28 compliance at time of meeting. Last year 27 agencies were out of compliance, and many are now in compliance. The report should be much better this year.

AG Coffman thanked all the POST Board members and staff for the hard work and accomplishments this year.

16. **Adjournment**

Attorney General Cynthia Coffman

Meeting adjourned at 2:23 pm.