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DEPARTMENT OF LAW

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**Peace Officer Standards
and Training**

POST BOARD MEETING
RECORD OF PROCEEDINGS

Friday, September 14, 2018
10:00 am – 12:00 pm

The Peace Officer Standards and Training Board held its 404th 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
CHIEF DAN BRENNAN, Wheat Ridge Police Department
SERGEANT LONNIE CHAVEZ, Grand Junction Police Department
CHIEF CORY CHRISTENSEN, Steamboat Springs 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
CHIEF DEBRA FUNSTON, Palisade Police Department
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
CHIEF MICHAEL PHIBBS, Auraria Department of Public Safety
DIRECTOR JANE QUIMBY, Colorado Mesa University DPS
MAYOR RON RAKOWSKY, City of Greenwood Village
SPECIAL AGENT IN CHARGE CALVIN SHIVERS, Federal Bureau of Investigation
SHERIFF JUSTIN SMITH, Larimer County Sheriff's Office
SHERIFF ANTHONY SPURLOCK, Douglas County Sheriff's Office
BRADLEY TAYLOR, Goetz Insurors

BOARD MEMBERS ABSENT

DEPUTY DISTRICT ATTORNEY ASHLEY BECK, Denver District Attorney'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

BOARD COUNSEL

STACY WORTHINGTON

POST STAFF MEMBERS PRESENT

TIFFINY BLACK-MEJEKODUNMI, Compliance Specialist

ERIK BOURGERIE, Director

BOB BAKER, In-Service Training Manager

SUSAN CARTER, Training Coordinator

DAN GRIFFIN, Training Coordinator

KIM HERNANDEZ, Grant Specialist

LORI JENCKS, Administrative Coordinator

JOE PICCINETTI, Compliance Assistant

JARED TORSNEY, Marijuana Training Specialist

MEMBERS OF THE PUBLIC IN ATTENDANCE

AGENT IVAN BEERS, Lakewood Police Department

DIRECTOR MINER BLACKFORD, Otero Junior College LETA

CAPTAIN SVEN BONNELYCKE, Park County Sheriff's Office

SERGEANT DAVID CLARKE, Weld County Sheriff's Office

SERGEANT GRAHAM DUNNE, Aurora Police Department

DEPUTY JERRY GRAY, Mesa County Sheriff's Office

TRAINING MANAGER JOHN HOOD, Colorado Parks and Wildlife

INTERIM DEPUTY ATTORNEY GENERAL CYNTHIA KOWERT, Department of Law

DIRECTOR CATHY LABRECQUE, Pikes Peak Community College Academy

JANET LARSON, County Sheriffs of Colorado

CURTIS MARTINDALE, Pueblo County Sheriff's Office

KATHERINE NOWLIN

CAPTAIN DEAN PAXTON, Colorado State Patrol

ROBERT WELTZER, PhD

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

Deputy District Attorney Ashley Beck - Lay Member
Denver District Attorney's Office

Sheriff Anthony Mazzola - Active Sheriff
Rio Blanco County

Sheriff Shawn Mobley – Active Sheriff
Otero County

Sheriff Justin Smith – Active Sheriff
Larimer County

4. **Recognition of Departing Board Member** Attorney General Cynthia Coffman

Special Agent in Charge Calvin Shivers
Federal Bureau of Investigations

5. **Recognition of Departing SME Member** Attorney General Cynthia Coffman

Sgt. Graham Dunne – Curriculum Committee Chair

6. **Introduction of New POST Staff** Director Erik Bourgerie

Compliance Manager Cathy Rodriguez
Compliance Specialist Tiffany Black-Majekodunmi

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

8. **Roll Call** Director Erik Bourgerie
Declaration of a quorum (13)

9. **Approval of POST Board Minutes from June 1, 2018** Attorney General Cynthia Coffman
Approved unanimously

10. **Subject Matter Expert Committee Reports**

- A. Arrest Control Agent Ike Beers, Chair

Three full skills instructors, two from CSP and one from Aurora PD, were approved. Jeffco and La Junta academy sites were approved, and the arrest control program for Aurora PD was approved. The committee is

developing a new test out platform to be effective January 2019. Dan Griffin will send a letter to all agencies.

B. Curriculum Sgt. Graham Dunne, Chair

This is Sgt. Dunne's last meeting as he has rotated to different duties. The new chair is Cathy LaBrecque, provided she accepts. She was unable to attend the meeting today. If she does not accept, Lt. Dave Swavely will accept the position. The review and revision of the Curriculum Bibliography is 95% complete. A classroom at FRCC was approved. The committee will be submitting changes to Rule 21 regarding facility approval, allowing 1-2 SME members to review and approve the facility, instead of requiring a vote from the entire committee. The possibility of waivers for the required Instruction Methodology class have come up recently, and standards are being written to allow for other experience in lieu of the one-week course.

C. Driving Chief John Minor, Board Rep

The Driving committee met in Silverthorne on September 5, 2018. Nine full instructors were approved, and the members to attend the October 16th test out were arranged.

D. Firearms Deputy Ed Kafel

Four full skills instructors were approved for CSPD. The change to the Firearms program, Rule 1, and Rule 24 regarding dim light shooting were discussed. The Firearms program change will be effective January 1, 2019. The associated rule changes will be presented for approval at the December 7, 2018, Board meeting, and if approved, will be effective January 30, 2019.

11. **Approval of Revocations as a Group** Stacy Worthington
Board Counsel

It was suggested at the last Board meeting that the Board consider revoking certifications as a group, rather than reading each and voting on individual revocations. After discussion in the work session, it was decided that the Board would revoke individuals who had appeared for their show cause hearing, or any individual any Board member requested to hear and revoke individually. For all others a short synopsis would be read and a vote taken after all were read.

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.

Failing to Comply with Certification Requirements:

1. David Bruce, Certification B10171 (PID 100137). On January 26, 2018, an internal investigation was concluded based on documents Mr. Bruce submitted to Colorado POST in 2003, 2009, and 2017. The internal investigation was to determine if the documents Mr. Bruce submitted January 28, 2003 in 2003, 2009, and 2017 were true, accurate, and complete as stated on the form, or whether those documents included false statements that, constituted misrepresentation, neglect or mistake as outline in POST Rules 9 and 18(a) as grounds for revocation. It was determined that Mr. Bruce did provide information on his applications and supporting documents in which he misrepresented his employment history and certification history. The false information resulted in Mr. Bruce obtaining a Colorado Basic Peace Officer Certification on August 26, 2003. The Respondent has complied with POST Show Cause Order and appeared on July 25, 2018. Director Bourgerie recommends revocation of David Bruce’s Colorado Peace Officer Certification B10171 (PID 100137).

Approved unanimously

The certificate holders in the following matters did not appear at the show cause hearing or oppose the revocation. These revocations were presented to this Board as a group.

Felony Convictions:

1. No. F18-07, Benjamin Candelaria, Certification B5955 (PID 126222). On December 8, 2017, Respondent was convicted of one count of Sex Assault-overcome victim will-att §18-3-402(1)(a), a class 5 Felony and one count of Official Misconduct I §18-8-404, a class 2 Misdemeanor. The Respondent was employed as a peace officer on the date of the offense (Date of Offense: November 3, 2016, Pueblo Police Department, Date of Separation December 26, 2016). The Respondent has failed to comply with POST Show Cause Order No. F18-07 by failing to appear at the scheduled Show Cause Hearing on July 18, 2018. Director Bourgerie recommends revocation of Benjamin Candelaria's Colorado Peace Officer Certification B5955 (PID 126222).

Misdemeanor Convictions:

1. No. M18-02, Mark Thornton, Certification B6106 (PID 121935). On November 15, 2017, Respondent was convicted of one count of Assault 3-Know/reckless cause injury §18-3-204(1)(a) CRS, a Class 1 Misdemeanor. The respondent was not employed as a peace officer on the date of the offense (Date of Offense: April 5, 2016). The Respondent has failed to comply with POST Show Cause Order No. M18-02 by failing to appear at the scheduled Show Cause Hearing on July 18, 2018. Director Bourgerie recommends revocation of Mark Thornton's Colorado Peace Officer Certification B6106 (PID 121935).
2. No. M18-10, Thomas Hanna, Certification B11656 (PID 122291). On May 8, 2018, 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: August 10, 2016, Sedgwick County Sheriff's Office, Separated August 30, 2016). The Respondent has failed to comply with POST Show Cause Order No. M18-10 by failing to appear at the scheduled Show Cause Hearing on July 24, 2018. Director Bourgerie recommends revocation of Thomas Hanna's Colorado Peace Officer Certification B11656 (PID 122291).
3. No. M18-11, Michael Dodson, Certification B00859 (PID 117583). On May 14, 2018, 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 25,

2017, University of Colorado Boulder Police Department,). The Respondent has failed to comply with POST Show Cause Order No. M18-11 by failing to appear at the scheduled Show Cause Hearing on July 27, 2018. Director Bourgerie recommends revocation of Michael Dodson's Colorado Peace Officer Certification B00859 (PID 117583).

All revocations in group approved unanimously

13. **Work Session Update**

Director Erik Bourgerie

The members of the Board attending the work session on September 13, 2018, reviewed the training requirements outlined by HB 18-1198, and Board Counsel Stacy Worthington instructed the Board regarding POST Board statutes, Code of Ethics, and Open Government requirements.

Potential rule changes were discussed and proposed details determined. Possible renumbering of rules into "chapters" for better organization was discussed.

In-service Training Manager Bob Baker gave a synopsis of the PoliceOne program use for its first year of two as a POST-funded subscription for agencies.

Sgt. Chavez presented information as a member of the Domestic Violence Fatality Review Board and requested the Board consider options for further education. POST staff will be looking into developing an online domestic violence course.

The Board appeal process was discussed to determine whether it should be changed. The Board determined that the process will remain the same at this time.

The requirement that officers be residents of Colorado at time of appointment was discussed. The Board requested the Department of Law consider legislative change to § 29-5-101 CRS to allow officers to become certified in Colorado though they live in another state, as long as they meet our standards.

14. **Legislative Update**

Stacy Worthington
Board Counsel

HB 18-1198 (§ 24-3.7-102 CRS) requires annual education in best practices for Boards and Commissions. Though not effective until January 2019, training was completed at the Board work session September 13, 2018.

§ 16-2.5-152 - Administrator of Judicial Security was added, effective March 22, 2018.

HB 18-1076, regarding revocation of POST certification for untruthfulness, did not pass.

SB 18-142, regarding allowing certain deputy sheriffs to serve without POST certification, did not pass.

All proposed legislative agenda items should be submitted as soon as possible.

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

Mayor Rakowsky mentioned the Eighteenth Judicial District ruling on the definition of wanton conduct.

16. **Adjournment**

Attorney General Cynthia Coffman

Adjourned 11:00 am