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Peace Officer Standards and Training

**STATE OF COLORADO
DEPARTMENT OF LAW**

POST BOARD MEETING
RECORD OF PROCEEDINGS
Friday, March 27, 2020
10:00 am- 12:00 pm

The Peace Officer Standards and Training Board held its 408th Board meeting
Via Zoom Videoconference

<https://zoom.us/j/160932111>

BOARD MEMBERS PRESENT

SENIOR INVESTIGATOR TONYA BARNES, Eighteenth Judicial District
DEPUTY DISTRICT ATTORNEY ASHLEY BECK, Denver DA's Office
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
CHIEF DARIC HARVEY, Canon City Police Department
KARA HOOFNAGLE, Public Member
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
SPECIAL AGENT IN CHARGE DEAN PHILLIPS, FBI- Denver
JANE QUIMBY, Public Member
SHERIFF ANTHONY SPURLOCK, Douglas County Sheriff's Office
BRADLEY TAYLOR, Public Member
ATTORNEY GENERAL PHIL WEISER, Colorado Department of Law

BOARD MEMBERS EXCUSED

EXECUTIVE DIRECTOR STAN HILKEY, Colorado Department of Public Safety
SHERIFF ROBERT JACKSON, Alamosa County Sheriff's Office
SHERIFF JUSTIN SMITH, Larimer County Sheriff's Office

BOARD COUNSEL

BRENT KELLY

POST STAFF MEMBERS PRESENT

BOB BAKER, In-Service Training Manager
TIFFINY BLACK-MAJEKODUNMI, Compliance Specialist
ERIK BOURGERIE, Director
SUSAN CARTER, Grant Coordinator
VICTORIA EDSTEDT, Administrative Coordinator
DAN GRIFFIN, Training Coordinator
KIM HERNANDEZ, Grant Manager
ALEX MARTINEZ, Administrative Coordinator
DAN OSTRANDER, Training Coordinator
JOE PICCINETTI, Compliance Coordinator
CATHY RODRIGUEZ, Compliance Manager
DAVID SCHUETZ, Training Coordinator
JARED TORSNEY, Marijuana Training Specialist

MEMBERS OF THE PUBLIC IN ATTENDANCE

STEFANIA ADCOCK
QUINN ARCHIBEQUE, Weld County Sheriff's Office
IKE BEERS, Lakewood Police Department
MARK BELUCSAK, Red Rocks Community College
LEVI BORST, Pitkin County Sheriff's Office
DAVID W. CLARKE, Weld County Sheriff's Office
LIEUTENANT JOHN COPPEDGE, Denver Police Academy
JANET DRAKE, Chief Deputy Attorney General, Criminal Justice, Colorado
COMMANDER MIKE ENSMINGER, Jefferson County Sheriff's Office
VINCE FRAKER, Otero County Junior College
JON GEIGER, Public Member
JERRY GRAY, Mesa County Sheriff's Office
TYLER HINTON, Grand Junction Police Department
DAN KELLERMAN
DIRECTOR CATHY LABRECQUE, Pikes Peak Community College LEA
JANET LARSEN
DEPUTY SHANNON LOFLAND, Arapahoe County Sheriff's Office

DOUG PARKER, Pueblo Comm. College, SW
KAREN PENDERGRAFT, County Sheriffs of Colorado
LEE REEDY, Colorado Rangers
COMMANDER KARL SMALLEY, Adams County Sheriff's Office
CHIEF JERRY THOMPSON, Yuma Police Department
CHIEF TODD QUICK, La Junta Police Department
KIMBERLY SHEA, Technical College of the Rockies Police Academy
MIKE WALKER, Denver Police Department
JANICE WORTHEM, Colorado State Patrol

1. **Welcome** Attorney General Phil Weiser
2. **Pledge of Allegiance** Attorney General Phil Weiser
3. **Recognition of Departing
POST Board Members** Attorney General Phil Weiser

Mayor Ron Rakowsky, Greenwood Village
Special Agent in Charge Dean Phillips, F.B.I.
4. **Recognition of Departing
SME Committee Member** Attorney General Phil Weiser

Lieutenant David Swavely – Curriculum SME Committee
5. **Introduction of Board Members, SME Members, Staff and Guests**
6. **Roll Call** Director Erik Bourgerie

Declaration of a quorum (20)
7. **Approval of POST Board
Minutes from December 6, 2019** Attorney General Phil Weiser
(See supplemental handout – Red Tab)

*Motion to approve – 1st Beck, 2nd Taylor.
Approved Unanimously*
8. **Subject Matter Expert Committee Reports**

A. Arrest Control

Agent Ike Beers
Chair

Several full skills instructor applications were approved, two new program submissions (one Fort Collins PD - tabled, one Colorado Mountain College – under consideration).

B. Curriculum

Director Cathy LaBrecque
Chair

A discussion of ongoing review of lesson plans from requested academies. The committee is wrapping up the Colorado Mountain College review and are about to begin the Fort Collins PD Academy reviews. Voted to approve as amended to the Board the new Officer Wellness Proposal to get that training moving forward. The Officer Wellness Proposal will focus on officers' mental health.

Proposed Curriculum Change

Peace Officer Wellness Program

This proposal is to have POST work with a sub-committee and experts in the field to develop a program that trains people to become trainers, "Train the Trainer" model. The sub-committee will consist of Academies, police chiefs, academy directors, and mental health experts throughout the state of Colorado.

Board Action: Approved, all in favor.

C. Driving

Commander Karl Smalley
Chair

Approved 6 new full skills instructors. At today's meeting, Fort Collins Police Services Academy was reviewed and approved. Test outs and inspections are currently on hold due to COVID-19.

D. Firearms

Commander Paul Gregory
Chair

Firearms SME Committee completed one test out, two inspections (Aurora, Aims Community College), site plan approvals (Fort Collins, Grand Junction, and Hampden Instructor Program for the Aurora Community College).

Proposed Curriculum Change

Firearms Training Program: Red Dot Sights

We have proposed curriculum changes to the Firearms Curriculum: 1. Red Dot Sight additions 2. Weapon Mounted Light additions and one omission 3. Tactical Situations omissions

Board Action: Approved, all in favor.

9. **Request for Variance Appeal** Director Erik Bourgerie
Nicholas Evers
(See supplemental handout – Green Tab)

Convicted in Minnesota in 2012 for giving a peace officer a false name (a decertifying offence in Colorado), also pled guilty to one count of drugs (marijuana mixture) in 2013, which is a disqualifying incident as well.

Motion to Deny Variance Appeal by vote of 12-8

10. **Request for Revocation Appeal** Director Erik Bourgerie
Jon Geiger

POST Director Bourgerie has recused himself from this matter.

Motion to approve an appeal hearing by vote of 15-5. 1st Taylor, 2nd Funston.

Creation of Appeal Hearing Sub-Committee: Taylor, Hoofnagle, Christensen, Barnes, Spurlock.

11. **Peace Officer Certification** Director Erik Bourgerie
Revocation Actions
(See supplemental handout – Yellow Tab)

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. M18-16, Jon Russell Geiger, Certification B14789 (PID 133761). On July 10, 2018, Respondent pled guilty to one count of Harassment-Strike/Shove/Kick, §18-9-111(1)(a), a Misdemeanor, in Case No. 18M43 in the County Court of Clear Creek County. The respondent was employed as a peace officer on the date of the offense (Date of Offense: October 29, 2016) with Georgetown Marshal's Office (Date of Separation: April 1, 2017). The respondent *has* complied with POST Show Cause Order No. M18-16 by appearing at the scheduled Show Cause Hearing on January 17, 2020. **Deputy Attorney General Drake** recommends revocation of Jon Russell Geiger's Colorado Peace Officer Certification B14789 (PID 133761).

No vote was taken due to granting of an appeal hearing.

*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. M19-12, Robert Alan Beall, Certification B10525 (PID 100471). On September 27, 2019, Respondent was convicted of one count of §18-3-402(1)(a),(4), Sex Assault – Submit – Force/Threat/Other, a class 3 Felony, in Case No. 18CR3273 in the District Court of Jefferson County. The respondent was not employed as a peace officer on the date of the offense (Date of Offense: April 24, 2018). The respondent has failed to comply with POST Show Cause Order No. M19-12 by failing to appear at the scheduled Show Cause Hearing on November 18, 2019. Director Bourgerie recommends revocation of Robert Alan Beall's Colorado Peace Officer Certification B10525 (PID 100471).
2. No. M19-13, Ryan Joseph Walker, Certification (PID 134977). On October 11, 2019, Respondent was granted a deferred sentence for one count of §18-4-203(1),(2)(a), Second Degree Burglary of Dwelling, a class 3 Felony and one count of §18-5.5-102(1)(a), Cybercrime – Unauthorized Access, a class 2 Misdemeanor, in Case No. 19CR1446 in the District Court of Weld County. The respondent was not employed as a peace officer on the date of the offense (Date of Offense: June 17, 2019). The respondent has failed to comply with POST Show Cause Order No. M19-13 by failing to appear at the scheduled Show Cause Hearing on November 25, 2019. Director Bourgerie recommends revocation of Ryan Joseph Walker's Colorado Peace Officer Certification (PID 134977).

3. No. M19-14, Myriah Lynn Lovato, Certification (PID 5903-2612). On November 7, 2019, Respondent plead guilty to one count of §18-8-203(1)(a), Introduction of Contraband 1, a class 4 Felony and one count of §18-8-404, Official Misconduct 1, a class 2 Misdemeanor in Case No. 19CR215 in the District Court of Jefferson County. The respondent was employed as a peace officer on the date of the offense (Date of Offense: October 1, 2018) with Jefferson County Sheriff's Office (Date of Separation: January 2, 2019). The respondent has failed to comply with POST Show Cause Order No. M19-14 by failing to appear at the scheduled Show Cause Hearing on December 11, 2019. Director Bourgerie recommends revocation of Myriah Lynn Lovato's Colorado Peace Officer Certification (PID 5903-2612).
4. No. M19-15, Roland Thomas Albert, Certification B14495 (PID 129340). On December 16, 2019, Respondent was convicted of one count of §18-4-401(1),(2)(h), Theft-\$20,000-\$100,000, a class 4 Felony, in Case No. 19CR600 in the District Court of Arapahoe County. The respondent was employed as a peace officer on the date of the offense (Date of Offense: May 15, 2017) with Aurora Police Department (Date of Separation: December 12, 2018). The respondent has failed to comply with POST Show Cause Order No. M19-15 by failing to appear at the scheduled Show Cause Hearing on January 20, 2020. Director Bourgerie recommends revocation of Roland Thomas Albert's Colorado Peace Officer Certification B14495 (PID 129340).

Misdemeanor Convictions:

5. No. M19-13, Anthony Marcel Watson, Certification (PID 2766-9889). On September 20, 2019, Respondent was convicted of one count of Harassment/DV – Repeat Telephone Calls, §18-9-111(1)(f), a Third Degree Misdemeanor, in Case No. 19M2737 in the County Court of El Paso County. The respondent was not employed as a peace officer on the date of the offense (Date of Offense: May 4, 2019). The respondent has failed to comply with POST Show Cause Order No. M19-13 by failing to appear at the scheduled Show Cause Hearing on November 18, 2019. Director Bourgerie recommends revocation of Anthony Marcel Watson's Colorado Peace Officer Certification (PID 2766-9889).
6. No. M19-14, Jon Carlo Hart, Certification (PID 7075-2486). On December 16, 2019, Respondent pled guilty and was sentenced for one count of §18-8-404, Official Misconduct 1, a class 2 Misdemeanor, and one count of §18-3-402(1)(e), Sexual Assault-10 Year Age Difference, a class 1 Misdemeanor, in Case No. 18CR25 in the District Court of Washington County. The respondent was employed as a peace officer on the date of the

offense (Date of Offense: December 13, 2016) with Washington County Sheriff's Office (Date of Separation: October 7, 2018). The respondent has failed to comply with POST Show Cause Order No. M19-14 by failing to appear at the scheduled Show Cause Hearing on January 20, 2020. Director Bourgerie recommends revocation of Jon Carlo Hart's Colorado Peace Officer Certification (PID 7075-2486).

7. No. M19-15, Keith O'Neal Hood, Certification B11694 (PID 122289). On December 20, 2019, Respondent pled guilty and was sentenced for one count of Harassment, §18-9-111, a Misdemeanor, in Case No. 19CR30 in the District Court of Rio Blanco County. The respondent was not employed as a peace officer on the date of the offense (Date of Offense: July 30, 2019). The respondent has failed to comply with POST Show Cause Order No. M19-15 by failing to appear at the scheduled Show Cause Hearing on January 31, 2020. Director Bourgerie recommends revocation of Keith O'Neal Hood's Colorado Peace Officer Certification B11694 (PID 122289).

Board Action: Approved, all in favor.

12. **Work Session Recap** Attorney General Weiser
Director Erik Bourgerie

Discussion on the academies and how to handle them during the COVID-19 pandemic. Also discussed the strategic planning process and encouraging regional collaboration in the grants process.

13. **Legislative Update** Director Erik Bourgerie

Update on proposed bills: 1. Personal accountability bill. Decertification for those not keeping up with their training. Would allow us to suspend the certification until they come into compliance, like it works with 24-31-315, Approved 2. Getting money to support Job Task Analysis, Approved. 3. Rural scholarship bill is still making its way forward.

14. **Rule 17 Compliance Report** Director Erik Bourgerie

By January 31st every agency has a requirement to file a report with POST stating that they have verified their roster in Acadis to make sure it is accurate and that none of their certified peace officers have been convicted or have any disqualifying incidents. There is no enforcement that we can do on that bill.

15. **Rule 28 Report** Bob Baker

16. **Rule 28 Modification** Director Erik Bourgerie

Discussion and decision postponed for the May Board Meeting.

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

18. **Executive Session** Director Erik Bourgerie

Compliance with Training Requirements: Huerfano County

A motion was made, seconded, and carried to refer the case to executive session for discussion of disputes that are the subject of pending action and to receive legal advice on specific legal questions; pursuant to § 24-6-402(3)(a)(II), C.R.S.

1st Weiser 2nd Beck, at 11:46 a.m.

Conclusion of Executive Session at 12:09 p.m.

The executive session resulted in a motion that was seconded and carried to refer the matter to the appropriate law enforcement agency for further action.

Vote on referral of the matter to Denver District Attorney's Office for investigation.

19. **Adjournment** Attorney General Phil Weiser

12:13 p.m.

Next POST Board Meeting

May 29, 2020

Zoom Videoconferencing

<https://zoom.us/j/92331684147>

Meeting ID: 923 3168 4147

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SME Meetings – 8:00 a.m.

POST Board Meeting – 10:00 a.m.