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**Peace Officer Standards and
Training**

**STATE OF COLORADO
DEPARTMENT OF LAW**

**POST BOARD MEETING
RECORD OF PROCEEDINGS
*Friday, September 18, 2020
10:00 am- 12:00 pm***

The Peace Officer Standards and Training Board held its 412th Board Meeting.

Via Zoom Videoconference

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 DEBRA FUNSTON, Palisade Police Department
EXECUTIVE DIRECTOR STAN HILKEY, Colorado Department of Public Safety
KARA HOOFNAGLE, Public Member
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
JANE QUIMBY, Public Member
SPECIAL AGENT IN CHARGE MICHAEL SCHNEIDER, FBI- Denver
SHERIFF ANTHONY SPURLOCK, Douglas County Sheriff's Office
BRADLEY TAYLOR, Public Member
ATTORNEY GENERAL PHIL WEISER, Colorado Department of Law

BOARD MEMBERS EXCUSED

SHERIFF JUSTIN SMITH, Larimer County Sheriff's Office

BOARD COUNSEL

C. BRENT KELLY

POST STAFF MEMBERS PRESENT

BOB BAKER, Training Manager
TIFFINY BLACK-MAJEKODUNMI, Compliance Specialist
ERIK BOURGERIE, Director
SUSAN CARTER, Grant Coordinator
STEVEN ECKELBERRY, Compliance Investigator
VICTORIA EDSTEDT, Administrative Coordinator
DAN GRIFFIN, Training Coordinator
KIM HERNANDEZ, Grant Manager
KISHAWN LEUTHAUSER, Grant Coordinator
ALEX MARTINEZ, Administrative Coordinator
DAN OSTRANDER, Training Coordinator
JOE PICCINETTI, Compliance Coordinator
CATHY RODRIGUEZ, Compliance Manager
JARED TORSNEY, Marijuana Training Specialist

MEMBERS OF THE PUBLIC IN ATTENDANCE

UNDERSHERIFF QUINN ARCHIBEQUE, Delta County Sheriff's Office
AGENT IKE BEERS, Lakewood Police Department
TUESDAY BLACK, MADD Colorado
SERGEANT FRED "LEVI" BORST, Pitkin County Sheriff's Office
SERGEANT ROBERT CHASE, Arapahoe County Sheriff's Office
SERGEANT DAVID CLARKE, Weld County Sheriff's Office
CHIEF GREGORY DALY, Avon Police Department
JANET DRAKE, Deputy Attorney General, Criminal Justice Sect., COAG
CHIEF GEORGE DINGFELDER, Monte Vita Police Department
COMMANDER PAUL GREGORY, Adams County Sheriff's Office
BRIAN HILL, POST ACT SME Committee
ED KAFEL, POST Curriculum SME Committee
CRAIG KLUKAS, Denver Police Department
DIRECTOR CATHY LABRECQUE, Pikes Peak Community College LETA
JANET LARSON, POST Curriculum SME Committee
DEPUTY SHANNON LOFLAND, Arapahoe County Sheriff's Office
KATHLEEN MITCHELL, Front Range Comm. College LETA
LIZ NEIDEL, Northwest Training Region
LUKE NORTHRUP
WENDY SEWELL, San Luis Valley Training Region
CAPTAIN SYLVIA SICH, Denver Police Training Academy
OFFICER STEPHANIE SIPES, Golden Police Department
COMMANDER KARL SMALLEY, Adams County Sheriff's Office
CORPORAL JASON SMITH, Pueblo Police Department
MICHAEL STEGER
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

Daric Harvey – Canon City Police Department

4. **Recognition of Departing SME Committee Member** Attorney General Phil Weiser

Jarrold Hardy – Arrest Control Tactics SME Committee

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

6. **Roll Call** Director Erik Bourgerie

7. **Approval of POST Board Minutes from May 29, 2020** Attorney General Phil Weiser

*Motion to Approve – 1st Chavez, 2nd Mobley
Approved Unanimously*

8. **Subject Matter Expert Committee Reports**

- A. Arrest Control Tactics Agent Ike Beers
Chair

Approved two new full-skills instructors, one each from Larimer CSO and JeffCo/Lakewood. Discussing with several different academies about hybrid ACT program instruction, including KOGA, PPCT, and FBI programs. ACT has seen a rise in people struggling with the Test-out and are asking the academies to advocate for the committee as they are holding their minimum standards to a higher level.

- Proposed Curriculum Change
SB20-217
Tabled for the December POST Board Meeting

- B. Curriculum Janet Larson
Chair

Reviewing curriculum lesson plans for two academies, Colorado Mountain College Academy and Ft. Collins PD Academy. Working on a waiver for Instructional Methodology Program. Drafting a “Best Practices” document for consistency and created a standardized lesson plan template.

- Board Member Vacancy
 - Kara Hoofnagle volunteered to serve as Chair.

C. Driving Commander Karl Smalley
Chair

There were 14 SME members in attendance at today's SME Committee Meeting. Approved eight new driving instructors, reviewed the Instructional Methodology Waiver, and agreed with the recommendations. Performed a review of their Aims Academy inspection, no problems identified.

D. Firearms Commander Paul Gregory
Chair

Approved six new full-skills instructors, performed four Test-Outs and approved four site plans at Front Range Community College Liberty Firearms Facility, Western Colorado Academy, Pitkin County and Glenwood Police Department. Created a video for guiding applicants on how the shooting portion of the Test-Out is performed, awaiting approval from Director Bourgerie.

- Proposed Curriculum Change
SB20-217
Tabled for the December POST Board Meeting

9. **Request for Variance Appeal** Director Erik Bourgerie
Michael Steger
(See supplemental handout)

Mr. Steger pled guilty to a disqualifying incident of Harassment Annoy/Alarm, a Class III Misdemeanor as a result of a domestic violence incident. The charge prevents Mr. Steger of possessing a firearm.

The Board did not move to grant Mr. Steger's request. The determination stands.

10. **Request for Variance Appeal** Director Erik Bourgerie
Luke Northrup
(See supplemental handout)

Mr. Northrup pled guilty to a California Felony charge of Sexual Penetration, Foreign Object, Etc., Victim Under the Age of 18. Substantially equivalent to Colorado § 18-3-402, C.R.S. Sexual Assault, a disqualifying crime. Sentencing agreement is equivalent to a deferred judgement/sentencing agreement under Colorado statute.

The Board did not move to grant Mr. Northrup's request. The determination stands.

11. **Peace Officer Certification
Revocation Actions**
(See supplemental handout)

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. F20-02, James Michael Daugherty, Certification (PID 1701-5654). On April 30, 2020, Respondent was granted a deferred judgement after pleading guilty to one count of §18-3-203(1)(g), Second Degree Assault – Cause Serious Bodily Injury, a Felony, and one count of §18-3-204(1)(a) Third Degree Assault, a Misdemeanor, in Case No. 19CR188 in Summit County District Court. The respondent was employed as a peace officer on the date of the offense (Date of Offense: July 13, 2019) with Adams County Sheriff’s Office (Date of Separation: May 21, 2020). The respondent ***has*** complied with POST Show Cause Order No. F20-02 by appearing at the scheduled Show Cause Hearing on June 16, 2020. POST Director Erik J. Bourgerie recommends revocation of James Michael Daugherty’s Colorado Peace Officer Certification (PID 1701-5654).

*Motion to Revoke Peace Officer Certification –1st Christensen, 2nd Chavez
Approved Unanimously*

2. No. M20-01, Richard Allen Herman, Certification B7201 (PID 113577). On March 9, 2020, Respondent plead guilty to one count of §18-9-111(1)(c) Harassment-follow person in public place, a Misdemeanor, and one count of §18-9-111(1)(h) Harassment-insults/taunts/challenges, a Misdemeanor, in Case No. 19CR311 in the District Court of Montrose County. The respondent was employed as a peace officer on the date of the offense (Date of Offense: March 28, 2018) with Ouray County Sheriff’s Office (Date of Separation: July 1, 2019). The respondent ***has*** complied with POST Show Cause Order No. M20-01 by appearing at the scheduled Show Cause Hearing on June 01, 2020. POST Director Erik J. Bourgerie recommends revocation of Richard Allen Herman’s Colorado Peace Officer Certification B7201 (PID 113577).

*Motion to Revoke Peace Officer Certification – 1st Chavez, 2nd Nowlin
Approved Unanimously*

The certificate holder in the following matter did **not** appear at the show cause hearing or indicate any intent to oppose the revocation.

Misdemeanor Convictions:

1. No. M20-03, Anna Whitney McCain, Certification (PID 1961-7374). On June 9, 2020, Respondent pled guilty to one count of §18-3-404 (1)(a) Unlawful Sexual Contact, a Misdemeanor, in Case No. 19CR465 in the County Court of Douglas County. The respondent was employed as a peace officer on the date of the offense (Date of Offense: March 21, 2019) with Englewood Police Department (Date of Separation: May 14, 2019). The respondent has failed to comply with POST Show Cause Order No. M20-03 by failing to appear at the scheduled Show Cause Hearing on August 4, 2020. POST Director Erik J. Bourgerie recommends revocation of Anna Whitney McCain's Colorado Peace Officer Certification (PID 1961-7374).

*Motion to Revoke Peace Officer Certification – 1st Hilkey, 2nd Nowlin
Approved Unanimously. Sheriff Spurlock recused.*

12. **Work Session Recap** Director Erik Bourgerie

Update of COVID and the impacts on law enforcement training academies, which are operating with COVID restrictions. There has been a decrease of 315 students from last year's enrollment. Untruthfulness bill cases are moving forward with the Office of Administrative Courts. Mental Health Curriculum Subcommittee is making progress and have added four hours to the program. Grant funding was set aside for the Rural Scholarship Program by the POST Board. Discussed issues of non-compliance involving Huerfano and Summit County Sheriff's Offices. New enforcement authority for POST under § 24-31-307, C.R.S. was discussed to help create rules for that authority. Statement of Work is being reviewed for the Job Task Analysis of the academy revamp. A Community College System Program Committee has been set up to review curriculum issues, and also a limitation on the Number of Academies Subcommittee was formed and in need of volunteers. Discussed leveraging Grant funds to encourage agency collaboration, also discussed launching a "My Why" project to reinforce officer morale, retention, recruitment and public education on law enforcement and the POST Board.

- Number of Academies Subcommittee volunteers:
 - DDA Ashley Beck

13. **Grant Guidelines Modification** Grant Manager Kim Hernandez

Language was added to page 151, which explains the grants that are available and deadlines to apply for the grants.

The process to apply for the Rural Scholarship Program was presented. Agency submits application to POST, then reviewed by POST staff and the Grants Subcommittee. Upon approval, the agency will receive a Purchase Order for signature and agencies will then be eligible to submit for reimbursement once

the student has completed the academy. POST will track the scholarship recipient for three years. Agencies will be required to create an agreement between the agency and the recruit to meet criteria for POST reimbursement and legislative requirements.

*Motion to Approve Grant Guideline Modifications – 1st Barnes, 2nd Nowlin
Approved Unanimously*

*Motion to Approve Rural Scholarship Grant Process – 1st Mobley, 2nd Nowlin
Approved Unanimously*

14. **Academy SFST Instruction** Director Erik Bourgerie

IACP Technical Advisory Panel has decided to make SFST instruction virtual, retroactively, and highlights a concern that SFST curriculum is the only portion contingent upon an outside agency. The concern is that retroactive decisions could, if it's a required part of POST academy curriculum, impact the academies from graduating future students.

Request for the Board to consider removing SFST instruction as a requirement of academy curriculum. Academies can still teach SFST, but will no longer be a barrier for graduation, if there are any future issues. Agencies are required to perform a SFST refresher course every 2 years for peace officers, required by CDOT.

*Motion to Deny Request for to Remove SFST From Academy Curriculum
– 1st Christensen, 2nd Mazzola
Approved Unanimously*

15. **Number of Academies** Director Erik Bourgerie

Topic was discussed in the Work Session, and Number of Academies Subcommittee was created. There is a temporary hold on the certifications of new academies.

16. **Rule 28 and COVID-19** Director Erik Bourgerie

Agencies are awaiting a decision from the Board in regard to annual In-Service Training required by POST and the impacts COVID-19 has had on time constraints due to short staff. Proposals to lower the requirement or waive penalties due to Rule 28 non-compliance.

*Motion to Approve Agency Based Waiver of Training Requirements with
Automatic Approval – 1st Taylor, 2nd Spurlock
Approved Unanimously*

17. **Rule Making**

Director Erik Bourgerie

POST Administrative Coordinator, Alex Martinez, has confirmed audio recording of the POST Board Rule Making Hearing at 11:40am on Friday, September 18, 2020.

*The Board voted to approve each of the rules as proposed.
Rules Approved Unanimously*

18. **Legislative Update**

Director Erik Bourgerie

Refinements to SB20-217, and addressing issues related to the database and those who were fired for cause.

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

No comments from the public.

20. **Executive Session**

Director Erik Bourgerie

*Motion to Enter Executive Session for Discussion and to Receive Legal Advice on Matters Related to Dustin Rust and his Applications for POST Certification
– 1st Chavez, 2nd Spurlock
Approved Unanimously
Commenced at 11:55pm
Following Executive Session, there was no Motion or Vote Required of the Board.*

21. **Adjournment**

Attorney General Phil Weiser

*Motion to Adjourn – 1st Spurlock, 2nd Beck
Approved Unanimously
Meeting Adjourned at 12:11pm*

Next POST Board Meeting

**December 11, 2020
Via Zoom**

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