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Chief Deputy Attorney General

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Chief Operating Officer

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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, June 14, 2019  
10:00 am- 12:00 pm*

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The Peace Officer Standards and Training Board held its 407th Board meeting at the Auraria Campus, Student Success Building Rm. 400, 890 Auraria Pkwy, Denver, CO 80204

**BOARD MEMBERS PRESENT**

SENIOR INVESTIGATOR TONYA BARNES, Eighteenth Judicial District  
DEPUTY DISTRICT ATTORNEY ASHLEY BECK, Denver DA's Office  
CHIEF DAN BRENNAN, Wheat Ridge Police Department  
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  
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  
JANE QUIMBY, Citizen  
MAYOR RON RAKOWSKY, City of Greenwood Village  
SHERIFF JUSTIN SMITH, Larimer County Sheriff's Office (*by phone*)  
SHERIFF ANTHONY SPURLOCK, Douglas County Sheriff's Office  
BRADLEY TAYLOR, Goetz Insurers  
ATTORNEY GENERAL PHIL WEISER, Colorado Department of Law

**BOARD MEMBERS ABSENT**

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

**BOARD COUNSEL**

STACY WORTHINGTON

**POST STAFF MEMBERS PRESENT**

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

**MEMBERS OF THE PUBLIC IN ATTENDANCE**

DIRECTOR CATHY LABRECQUE, Pikes Peak Community College LEA  
COMMANDER KARL SMALLEY, Adams County Sheriff's Office  
JANICE WORTHEM, Colorado State Patrol  
SERGEANT CLAYTON BLACKWELL, Colorado Springs Police  
ARPAD BALITY, Greeley Police Dept.  
DINO ROSS, Attorney o/b/o Adams County Fire, Ireland Stapleton PC  
AUSTIN PROCTOR-RANEY, Public Member  
LYNETTE WHITE, Public Member  
RENEE WHITE, Public Member  
JEFF WHITE, Public Member  
MARK BELUSAK, Red Rocks Community College  
DAVID W. CLARKE, Weld County Sheriff's Office  
MINER BLACKFORD, Otero Junior College  
STUART SUNDERLAND, Adams County Fire  
CLIFF AIMS, Aims Community College

1. **Welcome** Attorney General Phil Weiser
2. **Pledge of Allegiance** Attorney General Phil Weiser

3. **Recognition of Departing POST Board Member** Director Erik Bourgerie

AG Weiser presented the following POST Board member with plaques of appreciation:

Chief Daniel Brennan – City of Wheat Ridge

4. **Introduction of Board Members, SME Members, Staff and Guests**
5. **Roll Call** Director Erik Bourgerie

*Declaration of a quorum (22)*

6. **Approval of POST Board Minutes from March 1, 2019** Attorney General Phil Weiser

*Motion to approve minutes as presented by Mayor Ron Rakowsky, Second by Lonnie Chavez  
Approved Unanimously.*

7. **Appointment of Vice Chair** Attorney General Phil Weiser

*Motion to Nominate Douglas County Sheriff, Tony Spurlock by Chief John Minor, Second by Chief Daniel Brennan, Approved Unanimously.*

8. **Subject Matter Expert Committee Reports**

- A. **Arrest Control** Agent Ike Beers  
Chair

The committee was able to determine more of a direction, as Inspection and Test-out dates have been a challenge, the committee is trying to illicit more help from other committees. ACT Committee has a goal of 1 inspection per month, but the challenge has been coordinating people from the Western slope and southern regions together. ACT will work with Tiffiny Black-Majekodunmi specifically to help with this. ACT Committee approved 1 new committee member this month, and potentially one more next month for a total of 18

members, and also add on 3 more civilians. The committee is trying to collaborate more with members across the state to better represent ACT, and be more consistent throughout the academies. ACT has been using the 10 block format, although the POST Board will see more fails, ACT's intent is to put out a better product, make trainers/trainees more accountable and hold higher testing standards.

B. Curriculum

Director Cathy LaBrecque  
Chair

Committee discussed the research and implementation of a peer support program, Responder Strong, a new program related to the mental health of first responders. A subcommittee and framework have been built to add to the curriculum. Continued research of presenters and required source material is ongoing. A video made by officers and firefighters was made locally, and the committee is looking at endorsing the video for curriculum and possibly extend to other state agencies and entities. A plan to finalize lesson plan review for Otero Junior College Academy will be completed within the next month. Instructor methodology requirement will stay, committee is trying to increase the amount of classes, also developing a waiver for qualified people to become instructors, to train the trainers, to be waived from taking the instructor methodology class.

C. Driving

Commander Karl Smalley  
Chair

Driving committee meeting was held the previous week, with 12 members in attendance. Driving approved 7 new instructors and talked about 2 recent inspections, at Western Colorado Peace Officers Assoc. and Arapahoe Community College, there were no issues and both are excellent programs. A new Test-Out form is being produced. Test-Out is fully staffed for the remainder of the year. Driving discussed making changes to the "Lane Change" block, the issue is with the 4 lane platform. The electronic stability control is intruding and scrubbing off speed in the 4<sup>th</sup> lane, preventing them from hitting the standard. A request to change from 4 to a 2 lane at 45 MPH was made, and will be up for a vote at a future meeting. Another request was made, to extend the turn-about radius to 2" in maneuver testing, due to various sizes of vehicles, approved by Chief John Minor.

D. Firearms

David Schuetz, POST  
On behalf of  
Comm. Paul Gregory- Chair

Firearms has held 3 meetings this year, approving 18 full skills instructors, and creating a firearms instructor school at Ft. Collins Police Department. Firearms has a goal of 1 inspection per month, this year they have visited Western Colorado P.O. Assoc., JeffCo-Lakewood and Arapahoe Community College. JeffCo was described as the state model, while ACC had a few curriculum issues, but were resolved this morning as David Bruce of ACC was present and will make corrections for the upcoming school year. Firearms is modifying the inspection worksheets for efficiency and conducted 2 test-outs and added 2 SME's, Mark Stevens and Craig Nelson.

*Motion for Cory Christensen by Chief John Minor, to replace Chief Daniel Brennan on the Firearms SME Committee. 2<sup>nd</sup> motion was indecipherable, but was unanimously approved.*

9. **Request for Variance Appeal  
Lynette White**

Director Erik Bourgerie

Ms. White requested a variance for POST certification, which was denied by the Director. She explained her situation and requested the Board hear her appeal for a Rule 8 variance to allow her to become certified. The Board asked several clarifying questions.

*Motion to hear appeal by Sheriff Spurlock. Second by Chief John Collins  
Appeal hearing denied by vote of 12 to 10.*

10. **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.

No. M19-02, Austin Alexander Proctor-Raney, Certification (PID 7081-4974). On January 11, 2019, Respondent was convicted of one count of Harassment, Telephone-Threat/Obscene §18-9-111(1)(e), a class 3 Misdemeanor and Official Misconduct 1 §18-8-404 in Case No. 2018CR233 in Las Animas District Court. The respondent was employed as a peace officer on the date of the offense (Date of Offense: May 1, 2018 to September 10, 2018) with Trinidad Police Department (Date of Separation: September 24, 2018). The respondent has complied with the POST Show Cause Order No. M19-02 by appearing at the scheduled Show Cause Hearing on February 25, 2019. Director Bourgerie recommends revocation of Austin Alexander Proctor-Raney's Colorado Peace Officer Certification (PID 7081- 4974).

*Motion to deny appeal by Chief Daniel Brennan, approved unanimously  
Motion to revoke by Ashley Beck, Second by Sheriff Mobley, revocation approved unanimously.*

***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. F19-01, Bianca Rebecca Roberts, (PID 6688-1417). On December 17, 2018, Respondent was convicted of one count of Firearms-Straw Purchase, §18-12- 111(1), a class 4 Felony, in Case No. 2017CR1062 and of one count of Violation of Bail Bond Conditions, §18-8-212(1), a class 6 Felony, in Case No. 2018CR639 in the District Court of Douglas County. The respondent was employed as a peace officer on the date of the offense (Date of Offense: February 9, 2017) with the Douglas County Sheriff's Office, Date of Separation May 18, 2017. The Respondent has failed to comply with a POST Show Cause Order No. F19-01 by failing to appear at the scheduled Show Cause Hearing on February 11, 2019. Director Bourgerie recommends revocation of Bianca Rebecca Robert's Colorado Peace Officer Certification (PID 6688-1417).
2. No. F19-02, David Oren Baker, Certification B2801 (PID 117096). On December 17, 2018, Respondent was convicted of one count of Second Degree Assault, §18-3-203(1)(g), a class 4 Felony, an act of domestic violence, in Case No. 2018CR32 in the District Court of Delta County. The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: February 1, 2018). The respondent has failed to comply with a POST Show Cause Order No. F19-02 by failing to appear at the scheduled Show Cause Hearing on March 25, 2019. Director Bourgerie recommends revocation of David Oren Baker's Colorado Peace Officer Certification B2801 (PID 117096).

**Misdemeanor Convictions:**

1. No. M19-03, Donna Marie Parker, Certification (PID 135881). On January 18, 2019, Respondent was convicted of one count of Third Degree Assault §18-3- 204(1)(a), a class 3 Misdemeanor in Case No. 2018CR404 in Garfield District Court. She was granted a deferred judgment and sentence for one year. The respondent was not employed as a peace officer on the date of the offense (Date of Offense: August 5, 2018). The respondent has failed to comply with POST Show Cause Order No. M19-03 by failing to appear at the scheduled Show Cause Hearing on February 25, 2019. Director Bourgerie recommends revocation of Donna Marie Parker’s Colorado Peace Officer Certification (PID 135881).

*Motion to revoke by Chief Funston, Second Sheriff Mazzola. Approved unanimously.*

**12. Sunrise Review – Adams County** Director Erik Bourgerie  
**Fire Protection**

*Created Subcommittee – Chiefs: Phibbs and Collins, Sheriffs: Mobley and Spurlock, and Senior Investigator Barnes.*

**13. Needle Stick Required Testing Officer** Arpad Bality, Greeley PD

*Board has advised Mr. Bality that this issue is not in regards to standards or training, and it is recommended he speak with a local representative/legislator or house judiciary committee.*

**14. Decertification for Untruthfulness** Director Erik Bourgerie  
(See supplemental handout-Lime tab)

*Vote postponed for upcoming September session.*

**15. ERPO Policy and Training** Training Specialist, Dan Ostrander

*Vote postponed for upcoming September session.*

**16. Grant Awards** Grants Manager, Kim Hernandez  
(See supplemental handout-Orange tab) 4

*Motion to authorize grant subcommittee to proceed by Chief Brennan, Second by T. Barnes, unanimously approved.*

**17. Revised Grant Guidelines** Grants Manager, Kim Hernandez  
(See supplemental handout-White tab)

*Motion to approve changes by Sheriff Spurlock, Second by Sheriff Mobley, unanimously approved.*

**18. Grants Subcommittee Opening**

Attorney General Phil Weiser

*Sheriff Mobley has volunteered to join.*

**19. Minimum Age Limit for Certification**

(See supplemental handout-Green stripe tab)

Director Erik Bourgerie

*Vote postponed for upcoming September session.*

**20. Appeal Subcommittee 2019.04.01 Update**

(See supplemental handout-Blue stripe tab)

Sheriff Shawn Mobley

*Based on C.R.S. 24-31-305, Jennifer Cordova has been denied variance.*

*An exemption per POST Rule 11 is hereby granted with the condition that Brett Bennett complete a Refresher Course within 12 months from the Date of Appeal (4/1/2020)*

**21. Rule 28 Noncompliance**

Director Erik Bourgerie  
Senior AG Stacy Worthington

*Vote postponed for upcoming September session.*

**22. POST Exam Update**

Compliance Manager,  
Cathy Rodriguez

*Postponed for upcoming September session.*

**23. Academy Metrics**

(See supplemental handout-Red stripe tab)

Compliance Specialist,  
David Schuetz

*Postponed for upcoming September session.*

**24. Otero Junior College**

Compliance Manager  
Cathy Rodriguez

*Compliance Order issued for 30 days from 6/14/2019.*



**25. POST Priorities for Upcoming Year**

Attorney General Phil Weiser

1. Recruiting law enforcement, how can we celebrate the great important work of law enforcement, get the word out and create more “best practices” around the pipeline?
2. Mental health issues for law enforcement, how do we provide support, and training?
3. Supporting the rural parts of our state effectively.

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

“Last Word” from Chief Dan Brennan

**27. Adjournment**

Attorney General Phil Weiser

*Meeting adjourned at 12:15pm*

**POST Board Work Session  
September 19, 2019  
10:30 am – 5:00 pm**

**Next POST Board Meeting  
September 20, 2019**

Ralph L. Carr Colorado Judicial Center  
1300 Broadway Denver CO

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