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POST Board Work Session

Colorado Department of Law

Record of Proceedings

Thursday, September 19, 2019

10:00 am – 4:00 pm

Board Members
Philip J. Weiser
Attorney General
Chair
Sheriff Anthony Spurlock
Douglas County
Vice Chair
Sr. Investigator Tonya Barnes
Eighteenth Judicial District
Ashley Beck
Public Member
Sergeant Lonnie Chavez
City of Grand Junction
Chief Cory Christensen
City of Steamboat Springs
Chief John Collins
City of Englewood
Deputy Amanda Cruz-Giordano
Arapahoe County
Chief Debra Funston
City of Palisade
Chief Daric Harvey
City of Canon City
Executive Director Stan Hilkey
Department of Public Safety
Kara Hoofnagle
Public Member
Sheriff Robert Jackson
Alamosa County
S. Zeke Knox
Public Member
Sheriff Anthony Mazzola
Rio Blanco County
Chief John Minor
City of Silverthorne
Sheriff Shawn Mobley
Otero County
Sheriff Steve Nowlin
Montezuma County
Chief Michael Phibbs
Auraria Dept. of Public Safety
Special Agent in Charge Dean Phillips
Federal Bureau of Investigation
Jane Quimby
Public Member
Mayor Ron Rakowsky
City of Greenwood Village
Sheriff Justin Smith
Larimer County
Bradley F. Taylor
Public Member

1. Welcome Attorney General Phil Weiser
2. Strategic Priorities and Planning AG Phil Weiser
 - Building Confidence in Law Enforcement
 - Mental Health Support for Law Enforcement
 - Recruitment/Retention of Law Enforcement in Collaboration with Law Enforcement Training Academies.
Find ways to encourage LE careers
Avoid cutting corners (i.e. taking people who are younger)
 - Rural Outreach and Support
Getting people from larger jurisdiction to assist/serve smaller jurisdictions to attend trainings elsewhere.
 - Supporting effectiveness, fairness and efficiency of the Criminal Justice System
More training opportunities
 - Support Opioid Epidemic Efforts
Attorney General's priority
2. HB 18-1198 Report Dir Erik Bourgerie
Stacy Worthington

Best practices for boards and commissions. Annual training is required on their codes of ethics and powers in regards to Colorado Sunshine Laws.

POST Director
Erik Bourgerie

3. Board Training Stacy Worthington

- Code of Ethics
- Open Government Requirements
- Statutes Regarding the POST Board
 1. Creation of the POST Board § 24-31-302
 2. Duties – Powers of the POST Board § 24-31-303
 3. Certification – Issuance – Renewal – Revocation § 24-31-305
 4. Enforcement § 24-31-307

4. Overview of Current POST Rule Compliance Manager
Cathy Rodriguez
Dir. Erik Bourgerie

Rule 1: Definitions

Rule 2: Meetings

- AG is chair
- Quorum Requirements

Rule 3: POST Director’s Authority

- Discretionary Authority
- Duties delegated from AG/ POST Board

Rule 4: Subject Matter Expert Committees

- Advisors for best practices
- SME “Best Practices” Policy will be introduced at 9/20 Board Mtg.

Rule 5: Hearings

- Show Cause Hearings for Decertifications and Revocations
- 10 day rule
- Formal Hearing Request

Rule 6: Declaratory Orders

Rule 7: Variances

- Director has discretion
- Decision can be appealed

Rule 8: Process for Seeking Exemption from Statutory Certification Restrictions

Rule 9: Revocation Hearings

- Convictions and Untruthfulness

Rule 10: Basic Certification

- Meeting criteria and employment requirements

Rule 11: Provisional Certificate

- Out-of-State equivalence
- 6 month temporary certification
- Must pass skills and written exam before 6 months expiration

Rule 12: Reserve Certification

- Cannot be renewed

Rule 13: Renewal Certification

- No limit on certification renewals, once you've previously been Colorado certified

Rule 14: Fingerprinting

Rule 15: POST Exam (written)

- POST staff goes to the academies to proctor this exam.
- Each applicant is emailed a link, where they can sign in to the POST Portal. POST has total control over the exam and can shut-off/on the test.
- Applicants can bring their own devices.
- 3 chances to pass written exam

Rule 16: Skills Examination for Provisional and Renewal Applicants

Rule 17: Certification Records

- Every year on the 31st of January, agencies are required to notify POST of an accurate employment record, and of any employees with disqualifying incidents.

Rule 18: Certification Suspension and Revocation - Basic, Provisional, Renewal, and Reserves

Rule 19: Vehicle Identification Number (VIN) Inspectors

Rule 20: Vehicle Identification Number (VIN) Inspectors Program

- Requirements

Rule 21: Basic and Reserve Training Academies

- Documentation
- Program requirements

Rule 22: Concerning Sunrise Review of Peace Officer Status

- Subcommittees to make recommendations to the legislature

Rule 23: Academy Skills Instructors

- Requirements

Rule 24: Skills Training Safety and Skills Program Requirements for Basic and Reserve Academies

Rule 25: Academy Instructor Training Program

Rule 26: Academy and Training Program Inspections

- SME led inspections

Rule 27: Retired Law Enforcement Officer Authority to Carry Concealed Firearms (Repealed)

Rule 28: In-Service Training Program

- 24 hours annually, 12 of which must be perishable skills
- If a PO is not in compliance POST cannot suspend their certification, but POST can withhold Grant funding to the agency.
- If there is non-compliance POST can name the agencies but not the individuals.

Rule 29: Hiring Standards

- Psychological evaluations

5. Academy Metrics Presentation

Compliance Specialist
David Schuetz

POST has considered adding a performance ranking system, and making this information available on the POST website. POST will then also use this information to determine which academies to audit. These statistics are currently available on the website, www.Colorado.gov/post, click “Academy” and click “Colorado POST Academy Statistics”

Concerns about the shortage of officers was discussed. There were about 1200 POST academy graduates last year, 2 years ago 900, this year we’re on track for over 1200. There are 3,000 with active certificates that are not currently employed.

An issue that arose was about the psychological exams administered for potential new hires, and what standards psychological examiners have. Marijuana has been a setback for passing the psych of late, because it violates federal law, but does that fit in today’s world? There currently is not a standardized psychological exam, standards are set by the agencies. The applicants are required to take a psych exam administered by a state of Colorado licensed psychologist/psychiatrist, but there is no pass/fail definition.

Break for Lunch

6. Otero Junior College Update

Compliance Manager
Cathy Rodriguez

OJC had been ordered to Cease and Desist. Since then, Director Miner Blackford has retired, and Vincent Fraker has become the new OJC Director.

Reviewing OJC tomorrow at the 9/20/2019 Board Meeting.

7. Academy Curriculum Proposal

Dir Erik Bourgerie

Proposal to adequately prepare peace officers for the street while they're in the academy, by focusing on scenario/reality based training. What would Colorado POST building blocks/ scenarios be?

1. Police/Law Enforcement History (Honor, Integrity)
2. Scenarios, increasing in complexity over time.

A Job-Task Analysis (JTA) has been proposed. The cost is predicted to be \$250k for the JTA and a 3-4 year buildout for the curriculum. POST has about \$1.5 million in a fund, but POST doesn't have spending authority, unless the board approves to take this first step. We anticipate that the money would be available July 2020, and the JTA would be done by 2021. The benefit would be that instead of an a-la-carte academy, it would make each academy teach the same curriculum, housed by POST. POST would incorporate SME members, law enforcement professionals and the community.

Certification Stratification

Dir Erik Bourgerie

Advocacy for stratified Peace Officer (PO) certifications, in anticipation of POs gaining more training and to provide/set goals for individuals. Would also give them a chance to thrive within their agencies. These certifications could be tracked through a software program by POST staff. In order to make sure this isn't resource based, where larger agencies can pay for their PO's to gain training, POST can leverage the grants program to give rural agencies resources.

8. POST Exam Update

Compliance Manager
Cathy Rodriguez

9. Rule 28 Noncompliance

Stacy Worthington

10. Possible Statutory Changes

Dir Erik Bourgerie

- Age Requirement 24-31-305(1)(a), C.R.S.

Straw Poll: Yes to 21 – Majority Support

- Additional Misdemeanors for Denial/Revocation of Certification 24-31-305(1.5)(a), C.R.S.

1. Previously approved by Board
2. Addition of 18-9-202, C.R.S., Cruelty to Animals

Need to clarify intentional and reckless animal cruelty.
Propose to add false imprisonment and prohibited use of a firearm.

Unanimous in favor.

- Scholarship Grant Fund for Academy Attendance 24-31-310(3), C.R.S.

Recruits are prohibited from grant funding.

Proposition would modify the statute to say that POST may establish a scholarship fund to small rural agencies to send recruits to an academy, in return the smaller rural agencies would have more staff.

Straw Poll – Unanimous in Favor

- Reciprocity – Provisional Certification 24-31-308, C.R.S.

1 year within previous 3 to gain POST Cert in CO for out of state recruits.
POST has discretion to compare training to previous state.

Straw Poll – Unanimous in favor

- School Resource Officer Training 24-31-312, C.R.S.

Local Sheriff is required to have 1 PO to serve as a SRO.

Modification – K-12 public.

Only if you have a school in your primary jurisdiction you should have a SRO, if it does not impose undue hardship.

Straw Poll – Unanimous in Favor

- Peace Officers Must Be Residents – Exception 29-5-101, C.R.S.

Modification – No residency whatsoever

Straw Poll – Majority in Favor

- Hiring of Peace Officers 24-33.5-115, C.R.S.

Modification – Previous Employment Waiver signed upon conditional employment, includes files, IA, Sex Harassment.

1. Due 21 days prior to hire date.
2. Agency should notify POST 15 days prior to appointment

Straw Poll – Unanimous in Favor

11. Tactical Emergency Medical Services (TEMS) Dir Erik Bourgerie
- TEMS have previously served a “deputy status”, and are being sent to Reserve academies. The issue is that insurance companies won’t cover TEMS if they are not law enforcement employees.
- Proposal to create resolve - All in Favor
12. Use of Lethal Force Report Review Dir Erik Bourgerie
- Review the agencies for ways to improve and educate. Firearms committee has proposed a way to receive a report on cases of lethal force. Provisions/Protective order on cases that are going to court/ becoming a lawsuit. Propose a law that POST can guarantee that information will not be released.
13. Cross Border Teams 29-1-206, C.R.S. Dir Erik Bourgerie
- Across border agencies to have an agreement to combine and create a SWAT team.
- Out-of-State Officers meet CO POST standards but waive the fee.
- Straw Poll – Unanimous in Favor
14. Reciprocity for Federal Agencies Dir Erik Bourgerie
- Proposal: Refresher Academy and gain POST Cert to bridge the gap. Consider changing MP statute and review their curriculum

Adjourn