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THE POST DISPATCH

THE LATEST NEWS AND UPDATES FROM
COLORADO POST

LETTER FROM THE DIRECTOR

In This Family, No One Should Fight Alone

No one needs me to tell them how challenging the last few months have been. Between COVID-19, the protests targeting our noble profession, and new legislation, law enforcement has experienced an unprecedented series of challenges. This has not been easy on us as a profession, or as individuals. The stress added to each of us, on top of an already stressful profession, can be overwhelming. But know that we struggle together, as a Blue Family, and together we shall make it through this time of turmoil.

September is National Suicide Prevention Month. September 26th is Law Enforcement Suicide Prevention Day. Here at the Attorney General's Office and POST, we have been taking time to reflect. We are losing more of our Blue Family (active, former, and retired) to suicide than to any other cause. We can no longer just accept these losses. There remains a stubborn stigma within our profession that seeking out help will end a peace officer's career. That seeking out help will inevitably result in being passed over for advancement. That seeking out help means one can no longer be a peace officer. How do we overcome this cultural belief and let our peace officers know, in no uncertain terms, that when we



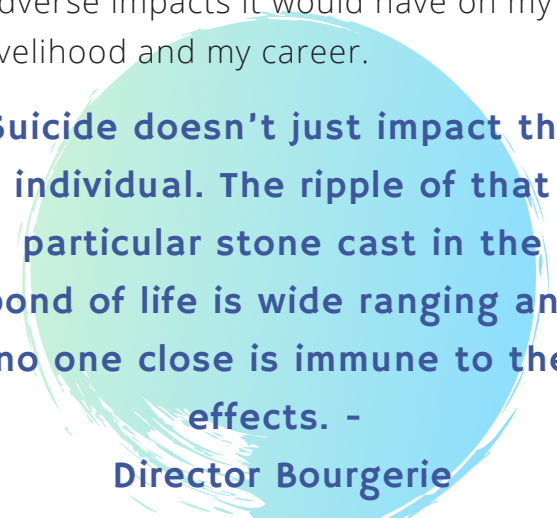
say it is safe for them to seek help, we aren't just speaking hollow words? Law enforcement leaders can give no greater gift to our peace officers than to be honest, forthcoming, and transparent with the challenges we have met. Leading by example in this arena by publicly speaking about our own struggles, and seeking help for those struggles, sends the message loud and clear that one can struggle, seek help, and still be successful in this profession. If the chief, sheriff, marshal, or command staff can seek help without repercussion, then so can the line staff. There is no greater way to break the stigma and be positive examples than to lead by our own example. I'll start:

Many people who know me don't know that I have skull tattoos covering the right side of my body, each one representing an influential friend or family member that I have lost. Twenty-five in total, all telling a story, with three more to add. A number of these I lost to suicide. The first skull represents my grandfather, who killed himself exactly one year to the day before I was born, with my birthday being the constant reminder to my family of his suicide. The second, my father, who completed suicide two weeks before my tenth birthday. A fellow Scout in my Troop. Another, a fellow deputy. A Probation Supervisor I worked closely with. These suicides greatly impacted me, and I can honestly say that not a day passes where I don't think of them. And I cannot possibly overstate their negative impact on my life, and mental health.

As friends have experienced surviving a loved one's suicide, I have tried to help them through the struggles that I have also endured. Each of them experiencing what I have come to think of as the "insidious contagion of suicidal ideation." The darkness enveloping them, drawing them in to suicidal ideation, depression, and despair. Suicide doesn't just impact the individual. The ripple of that particular stone cast in the pond of life is wide ranging and no one close is immune to the effects.

I have struggled and fought against this darkness, and its companion depression, for my entire life. Fighting against the draw of suicidal ideation has been a

consistent struggle for me. And I admit to a variety of unhealthy coping mechanisms over the years. But I found the strength to seek the help that I deserved. I didn't believe that I was deserving of help for much of my lifetime, but finally realized that I was. I started off using EAP, but kept it a secret from my agency, out of fear of the adverse impacts it would have on my livelihood and my career.



Suicide doesn't just impact the individual. The ripple of that particular stone cast in the pond of life is wide ranging and no one close is immune to the effects. -

Director Bourgerie

Later, as a division commander, I sought counseling again and decided not to hide it. Finding the strength to seek help was probably the best decision I ever made. And it is likely the only reason I can share my story today. Like many, or most, of you, I have always seen myself as a strong person. I have experienced innumerable challenges in my lifetime and didn't need anyone's help in confronting and overcoming them. Although afraid at times, I found the intestinal fortitude to put myself between danger and my community, just like what you all do daily. Yet, I know I only had so much internal strength to fight this battle and that it would eventually wear out, leaving me to the same fate as my father and grandfather.

There is honor in admitting that we can't always do it by ourselves and knowing when we need assistance.

We must all do better. We lose too many of our brothers and sisters to suicide. Agencies have a moral obligation to support their peace officers, especially when they struggle. What peace officers are expected to deal with daily would shock and horrify the members of our communities, yet, as a profession, we have historically told our peace officers the equivalent of "rub some dirt in it" and "walk it off." I am here to say that is no longer acceptable. When you see a fellow peace officer struggling, do something. Don't walk away and leave them to cope on their own. Talk to them. Confront them. Guide them towards resources. Report them to their chain of command if you must, but save their lives. If you need help, get it. If a buddy needs help, help them get it. No one in our family should have to fight this fight on their own.

It is ok to not be ok. But it's not ok to not seek the help you need and deserve.

LEGISLATIVE UPDATES

Attorney General Phil Weiser's Remarks on SB20-217

We can all agree that 2020 has been a challenging year, and especially for law enforcement professionals. First, we face a once-in-a-century pandemic, which calls on us to enforce public health orders and adapt to a challenging set of operational changes. Second, we face an economic crisis, with many individuals and families now struggling. Finally, we face an intense and important conversation around racial injustices, including concerns around law enforcement-community interactions. During these trying times, the acts and sacrifices of law enforcement professionals continue. I am deeply grateful for your dedication to public service, your commitment to your communities, and your courage.

Let's take a moment to recognize that the overwhelming majority of women and men in the law enforcement profession do their jobs with respect, compassion, and integrity. You are dedicated, brave people who are called to this profession to serve. Now more than ever, we need you to be there for our communities and for each another. This is a difficult moment for the law enforcement community – one that requires much reflection on what we do right and what we can improve. As our community goes through this process, I want to express my support and appreciation for you and your important work.

Mental Wellness, Resiliency, and Suicide Prevention

Information for Family and
Friends of Law Enforcement



Senate Bill 20-217

SB20-217 is a sweeping criminal justice reform bill that culminated quickly as a response to public demand for change.

A critical driver of SB20-217 was the societal challenge regarding racial inequities rooted in our nation's history. The long overdue attention of such inequities is now focused on a range of areas, including education, health care, employment, and our criminal justice system. I strongly support having this important conversation and taking appropriate action. By working together to critically evaluate our criminal justice system, we have an opportunity and an obligation to make lasting improvements.

Some of the concepts that are included in the legislation are ideas that have been negotiated as stand-alone bills in recent years. With the mounting public demand for action by the General Assembly and the need for the legislature to adjourn as soon as possible due to COVID-19, the typical legislative process for this bill was accelerated. A great number of law enforcement members spent a lot of time and energy on this important effort to reach the bill's final version. I recognize that the result is not perfect—and that we have new challenges in its implementation—but we ended up in a far better result due to their engagement and the constructive problem solving that took place. Let me discuss a few ways that the Peace Officer Standards and Training ("POST")

program will be involved in the implementation of the bill.

Accountability for Non-Compliance

The training responsibility of peace officers is part of how we will continue to work to elevate the standards and professionalism in Colorado law enforcement. Additionally, training provides tools and support to keep peace officers and community members safe. To that end, SB20-217 provides enhanced authority to both the POST Board and the Department of Law to encourage compliance with training requirements. Prior to SB20-217, only a law enforcement agency would be penalized for failure to comply with training, and that resulted in the loss of grant funding. Under the new law, individuals can also be held accountable, which should promote compliance.

Transparency

SB20-217 calls on the POST Board to develop a database that identifies peace officers that are: 1. decertified for untruthfulness; 2. repeatedly fail to follow training requirements; 3. decertified for other reasons; 4. terminated for cause. We are committed to developing this database and will soon reach out to law enforcement to discuss how it will operate, and how it can best serve as a resource for agency executives as they hire new officers. We will also seek input as we develop rules to spell out how the database will operate, the information it contains, and how the information is used.

Training Priorities

We already have a set of training priorities we are working on, building on our ongoing commitment to performance improvement. Last year, as required by state law, we developed guidance for officers and agencies on the use of the new Extreme Risk Protection Order (“ERPO”). We are now focused on developing new training modules on the investigation and documentation of hate crimes to support better prosecution, supporting training techniques that develop de-escalation strategies (including guidance on experiential learning such as programs like those used in Durango), revisiting and improving our anti-bias training, and providing guidance on how to manage witness identifications appropriately (working with Denver and Mesa County).

SB 20-217 changed our training priorities. In particular, the law’s new use of force guidelines rose to the top of our list. To that end, we quickly got to work developing guidance on how to implement this new law, in accordance with the bill’s effective dates. In the case of the ERPO law, by contrast, we had a six-month window to provide the new guidance. In this case, we had only several weeks to develop the relevant guidance and it is now available. We will continue to work on these materials and improve them over time.

I am sure you have many questions about how the new use of force statute impacts your training and policies.

We are charged with providing guidance to our state law enforcement partners as well. Some local agencies have asked whether we can provide a guidance document to assist local law enforcement. We are looking at whether and how we might do just that. To be clear, the information we would provide would not constitute a formal legal opinion, legal advice, or legal requirements, but rather would be intended to assist you and your agencies as you grapple with questions on how best to implement this new law.

SB20-217 Challenges

I recognize that this legislation was passed quickly and imposes a range of challenging requirements on local governments and law enforcement agencies. Most notably, the mandate to adopt body cameras, implement new reporting requirements, and adapt to a new system for state liability for unlawful actions by law enforcement will be challenging. Of particular concern to me is the requirement to adopt body cameras without any funding to do so. As you may recall from discussions around pre-trial reform, I am committed to moving from an ability to pay model of cash bail to a risk assessment model. But I don’t believe that the right path forward involves an unfunded mandate, which can be a formidable burden on our rural and smaller agencies. That same concern holds here; as such, I will continue working on providing funding for body cameras.

To that end, we have prioritized body camera funding as a valued and appropriate use of the funds our office has from criminal forfeitures.

Re-Imagining Peace Officer Training

This past spring, the General Assembly authorized us to develop a job task analysis (or “JTA”), specifying the set of core competencies that all peace officers need to be successful. By starting from first principles, we can evaluate what areas of competency today’s officers need and use that work to guide both the academy training and our ongoing training. After we develop this JTA, we will be in a position to start working on a curriculum built to develop those competencies, ideally, through experiential learning opportunities, with the ultimate goal of better preparing our recruits for the real life situations, and the decisions they will have to make, in the field. As you have thoughts or suggestions on this score, please be in touch with Bo Bourgerie, our POST Board Director, or one of our POST Board members.

Over the months and years ahead, we will explore options for how we might partner with a training academy to pilot and test new curricular innovations to develop critical competencies. Indeed, out of the conversation about how we improve police-community relations, the Colorado Community College System chancellor reached out to me, indicating his interest in elevating the quality of the academies housed at the community

colleges. We welcome this conversation and, indeed, would partner with him in making a commitment to excellence by such programs. Just recently, I enjoyed a visit out at Colorado Mesa University, which is partnering with local law enforcement in sponsoring a police academy in Grand Junction.

Finally, I want to spend a moment acknowledging the pressures and strains that officers face. Last year, as we all know, more officers died by suicide than on the job. In fact, many more died on account of their own struggles and at their own hands. This calls out for engagement, more mental health awareness, and support. This acute need is on our minds and will remain a priority in the years to come.

More Work to Come

Like all legislation, we are going to discover problems and challenges that require fixing and improvement. To that end, my team is already engaging in conversations with the General Assembly on what needs to be corrected, refined, fixed, or improved with this bill. And if you have suggestions on how we might do that, I want to hear your ideas. Whether on law enforcement accountability, pre-trial reform, the opioid epidemic, or any other topics, I can assure you that I will also be open to listening and discussing issues, looking for ways we can work together to serve the people of Colorado.



This moment is, indeed, a challenge to our law enforcement community. I am confident that, together, we will build a future of more trust and collaboration across law enforcement and all communities. I am grateful to all of you who serve our communities as peace officers; I value each of you; and I appreciate the work you do every day on behalf of the people of Colorado. Your dedication to protecting public safety, supporting crime victims, and improving our criminal justice system is a tribute to our state. I look forward to working with you as we advance this mission. -
Attorney General Phil Weiser

POST RULES

Rule 28

POST Rule 28 mandates certified peace officers to complete 24 hours of annual in-service training every calendar year (January 01 — December 31), with at least 12 of those hours in the perishable skills of firearms, arrest control, and driving. At a minimum, an officer must train one hour in each skill and all three skills must add to 12 hours. Note that firearms qualification on its own is not sufficient to meet this mandate as there must be a training component.

Rule 28 only applies to certified peace officers who, per 16-2.5 part 100, "shall" be POST certified. Certified peace officers who do not perform a certain perishable skill, like driving, or who are not able to complete the training hours due to partial year employment, military service, medical reasons, or administrative leave may

apply for a waiver. All waivers must be submitted by January 31 for the preceding year. All training must be completed by December 31.

With the additional authority added to the POST Board duties statute during the 2020 legislative session, individual peace officers may now be held accountable for not completing the mandated annual training. After January 1 of each year, POST will notify any certified peace officers who did not meet the training requirement. Those peace officers will have 30 days to complete the missing training. If the peace officer does not come back into compliance within that period, their POST certification is subject to suspension and, eventually, decertification. During the September 18, 2020, POST Board meeting, the Board voted to allow law enforcement agencies who were unable to complete

all of the Rule 28 mandated training due to COVID-19 or the civil disturbances to submit a waiver request to POST. Please be on the lookout for future communications from POST on those programs.

POST strongly encourages agencies to enter Rule 28 training into Acadis as the classes occur. It will help us assist you in achieving compliance. A single non-compliant peace officer can cost the entire agency training grant funding, including PoliceOne, for six months. Don't risk it! POST will also be switching software vendors in January 2021, so getting training entered in early will help us all!

Rule 17

As a reminder, POST Rule 17 requires each agency to verify the accuracy of their certified peace officers' records by January 31 of each year via the [POST Rule 17 Form](#), and to verify none have a disqualifying incident. Any potential disqualifying incidents must be reported to POST. Appointments and separations must be completed within 15 days of their occurrence.

GRANTS

Grants – FY2021 Funding Allocations

Regional Grant Program - \$1,614,114

Ten training regions have been established throughout the state that are responsible for applying for funds on behalf of the law enforcement agencies within their geographical location. Eligible applicants must be a local government, college, university, or not-for-profit for the purpose of funding peace officer training programs to law enforcement agencies throughout the state.

TRAINING

Reallocation of Marijuana Funds

Due to the impacts of COVID-19, the State of Colorado has reallocated POST appropriations from the Marijuana Tax Cash Fund (MTCF) effective immediately. It directly impacts reimbursement for SFST training, Colorado Drug Investigators Association training seminars, and any other training with a nexus of marijuana. Agencies or certified peace officers seeking reimbursement information on the above mentioned or others are strongly encouraged to contact their Training region and grants contact. That information can be found on the POST website under grants.



The Regional Grant Program year begins July 1st and ends June 30th.

This year funding will be covering the ten training regions and two training providers.

Please visit the POST [website](#) to view the Training Regions and Grant Contacts for each region.

In-Service Grant Program - \$403,529

Eligible applicants are law enforcement agencies. Funds may only be utilized by employed certified Colorado peace officers. The In-Service grant program year begins July 1st and ends March 31st. FY2021 funds are being allocated to 141 law enforcement agencies in Colorado, ranging from \$179.98 to \$3,022.

Regional and In-Service Grant funds are available to acquire training, conduct training and attend training for Colorado peace officers who are currently employed by a law enforcement agency. Examples of allowable costs are: tuition, lodging, travel costs, instructor fees, class supplies, travel costs, backfill, and overtime. In- or out-of-state travel is permissible using POST funds. Training equipment is also an allowable expense. Examples of allowable costs are: simulators, simunitions, training ammunition, targets, arrest control training gear, driver training equipment, range and driving track improvements.

Capital Improvement Training Grant - \$253,350

The Capital Improvement Training Grant

Program is designed to improve law enforcement training facilities in Colorado. Eligible applicants are law enforcement agencies as well as the POST training regions. Projects benefitting region wide training initiatives will be prioritized.

For FY2021, seven law enforcement agencies were awarded Capital Improvement Grants. These awards will support various projects ranging from shooting range improvements to the construction of a training facility. If your agency/region would like to apply for this funding opportunity for FY2022, the application will be open March 1st through March 31, 2021. The application is located on the POST [website](#).

Very Small Agency Backfill Grant Program - \$16,650

The Very Small Agency Backfill Program is meant specifically for agencies with 10 or fewer peace officer. The program can be used to backfill for certified officers as well as sworn detention officers. Larger agencies will be given consideration on a case by case basis. This program is designed to assist “very small agencies” with schedule coverage so their staff can attend law enforcement training. POST will reimburse the providing agency up to \$50/hr. for each hour their staff works under this program, which includes benefit costs. Additional funds may be requested in order to cover travel time, lodging costs and mileage for officers

providing the backfill.

Agencies wanting to reimburse their own employees' overtime for coverage should request funding from the In-Service Grant Program or submit a request to their training region.

Law enforcement agencies interested in applying for grant funding must complete an application for funding at least 30 days in advance of the training. Applications for the program can be located on the [POST website](#).


Public Safety Leadership Development Grant Program - \$55,500

POST will be providing grant funding in the form of scholarships to 30 certified peace officers for the purpose of attending one of the Public Safety Leadership Development Programs hosted by the Daniels College of Business. Priority will be given to small and rural law enforcement agencies. POST has created an application for agencies to submit for approval. The application must be submitted to POST at least 30 days in advance of the class to be considered. The application is available on the [POST website](#).

Academy Scholarship Grant Program - \$100,000

HB20-1229 – Rural and Small Academy Scholarship Program – POST has received the approval to establish a scholarship program for law enforcement agencies with limited resources to assist such agencies with

the payment of basic law enforcement academy tuition costs for peace officer candidates. POST will be working with the POST Board on the approval process for applicants and will have an application available for law enforcement agencies to complete by the first part of October 2020. More details to come.



Grant awards are not provided to individuals. If you have any questions about the POST Grant Programs, please contact Grant Manager Kimberly Hernandez at 720-508-6682 or via e-mail at Kimberly.hernandez@coag.gov

POST BOARD UPDATES

September 17 & 18 Sessions

The POST Board held a Work Session on September 17, and a Board Meeting on September 18.

During these meetings, the Board formed a working group to look at the total number of academies in the state and discussed how to appropriately manage the increasing number of new academy applications and approval of new academies.

The working group will also focus on academy admission standards. The Board approved the structure of a new legislatively approved scholarship program for small and rural agencies, along with corresponding Grant Guidelines.

There was also a discussion regarding how POST will implement the new enforcement authority for violation of the POST §24-31 part 3 statutes, as well as ideas around the newly required database, both of which are a result of SB20-217.

Three peace officer certifications were revoked due to criminal convictions, and two requests for appeal hearings to reverse the POST Director's decision to deny requests for variances due to previous criminal histories were denied by the Board.

The Board also approved multiple changes to POST Rules to account for legislative changes in SB20-217, as well as generally updating and simplifying the Rules.

That's it for this quarter!



Have ideas on how to improve
this newsletter? Contact
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