

**PHIL WEISER**  
Attorney General  
**NATALIE HANLON LEH**  
Chief Deputy Attorney General

**ERIC R. OLSON**  
Solicitor General

**ERIC T. MEYER**  
Chief Operating Officer



**RALPH L. CARR**  
**COLORADO JUDICIAL CENTER**  
1300 Broadway, 10th Floor  
Denver, Colorado 80203  
Phone (720) 508-6000

**Peace Officer Standards and  
Training**

**STATE OF COLORADO  
DEPARTMENT OF LAW**

**POST BOARD WORK SESSION**  
**RECORD OF PROCEEDINGS**  
*Thursday, March 9, 2023*  
*10 A.M. – 4 P.M.*

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Ralph L. Carr Colorado Judicial Center -1300 N Broadway, Denver CO 80203

**BOARD MEMBERS PRESENT**

SENIOR INVESTIGATOR TONYA BARNES, Eighteenth Judicial District  
ASHLEY BECK, Public Member  
CHIEF GREGORY DALY, Avon Police Department  
LAURA DANIELS, Public Member  
CHIEF GEORGE DINGFELDER, Monte Vista Police Department  
OFFICER RACHEL ESTERS, City of Ouray  
CHIEF MARIS HEROLD, Boulder Police Department  
SCOTT LEVIN, Public Member  
SHERIFF DAVID LUCERO, Pueblo County Sheriff's Office  
SHERIFF DAVID MARTIN, Morgan County Sheriff's Office  
SHERIFF ANTHONY MAZZOLA, Rio Blanco County Sheriff's Office  
SPECIAL AGENT IN CHARGE MARK MICHALEK, FBI - Denver  
SHERIFF STEVE NOWLIN, Montezuma County Sheriff's Office  
SHERIFF SEAN SMITH, La Plata County Sheriff's Office  
ATTORNEY GENERAL PHIL WEISER, Colorado Department of Law

**BOARD MEMBERS EXCUSED**

DONALD ADDY, Public Member  
CHIEF TERRENCE GORDON, City of Thornton  
EXECUTIVE DIRECTOR STAN HILKEY, Colorado Department of Public Safety  
CHIEF DAVID KROUSE, Fruita Police Department  
DEPUTY SHANNON LOFLAND, Arapahoe County Sheriff's Office

**BOARD MEMBERS ABSENT**

SHARLETTA EVANS, Public Member  
SHERIFF SHAWN MOBLEY, Otero County Sheriff's Office  
CHIEF JEFFREY SWOBODA, Fort Collins Police Department  
COUNCILMEMBER WAYNE WILLIAMS, City of Colorado Springs

**BOARD COUNSEL**

TARA BUCHALTER, Asst. Attorney General II

**POST STAFF MEMBERS PRESENT**

ROBERT BAKER, Training Manager  
ERIK BOURGERIE, Director  
VICTORIA EDSTEDT, Administrative Coordinator  
NICOLA ERB, Training Coordinator  
KIMBERLY HERNANDEZ, Grant Manager  
KISHAWN LEUTHAUSER, Reginal Grant Coordinator  
MARIO NORIEGA, Administrative Coordinator  
DAN OSTRANDER, Training Coordinator  
CATHERINE RODRIGUEZ, Compliance Manager  
JARED TORSNEY, Training Specialist  
MARY VEKASY, Compliance Specialist

**ATTORNEY GENERAL'S OFFICE STAFF MEMBERS PRESENT**

JANET DRAKE, Deputy Attorney General, Criminal Justice Section  
SHALYN KETTERING, Counsel to the Attorney General

1. **Welcome** Attorney General Phil Weiser

During the welcome sequence Attorney General Phil Weiser encouraged all present POST Board members and POST staff to share their "My Why" along with their introductions.

2. **Academy Fee Proposal** Chief George Dingfelder

The academy subcommittee would like to propose an increase of fees for academies. The first proposal would be an additional fee of \$300.00 per recruit on top of the \$150.00 test fee along with a \$5,000.00 fee for any new academy. The second proposal would be a flat fee of \$450.00 paying for the recruit's application as well as the testing fee. This option would also include a \$5,000.00 fee for any new academy. An additional recertification fee may also be implemented. The decision from the board will be given at this September's board meeting.

3. **Lethality Assessment Program** Mark Deaton, HAGO LLC

Mark Deaton presented a PowerPoint on the lethality assessment program that focuses on connecting victims of domestic violence with community-based advocates in a timely manner. Mark shared some statistics, how the program works, and how to get involved. His contact information was given to the board.

4. **LE and Rising Hate with ADL** Public Member Scott Levin

Public member Scott Levin in partnership with ADL (Anti-Defamation League) presented a PowerPoint on the rise of hate-crimes committed against the Jewish, POC, and LGBTQIA+ communities. Scott shared some data and recourses from the ADL site as well as some information on another organization he partners with called Hate Free Colorado.

5. **EDMUS**

Director Erik Bourgerie

Director Bourgerie started by giving a in depth description of EDMUS (ethical decision making under stress). Director Bourgerie spoke about the different effects stress can have on decision making and gave a personal example of when this came into play during his career as an officer. POST has entered a contract with a vendor called F.O.R.C.E. Concept that has been developing the content for the course. The course focuses on keeping officers out of survival stress and making decisions based on the actions of the perpetrator instead of their physical appearance or what they happen to be saying. A beta course took place at Thornton PD and POST brought in a host of Subject Matter Experts to analyze and review. Overall, the beta course went well, and the SMEs were able to give feedback on improvements that could be made.

6. **Annual Report 2022**

Director Erik Bourgerie

Director Bourgerie gave the following POST stats to the board. POST is responsible for compliance for over 35 training academies in the state and annual training for 13,500+ officers spread across 249 agencies. Our grants team has awarded 3.2 million dollars of grant funding with an understaffed team. In 2022 POST certified 1121 new peace officers, out of those nearly 1000 were brand new basic certificates. 108 were provisional coming from out of state or federal entities. 27 were renewals which are officers that let their certification lapse and decided to return to the profession. Renewals could have also included people who gained their basic but weren't able to find work for three years. Seven reserve certifications were also issued. POST processed 124 variances and granted 77. The vast majority were for extending certifications. We denied 22 variances and after reviewing another 25 POST found they did not require a variance. We also suspended/revoked 43 certifications. Of those certifications 15 were felonies, nine were misdemeanors, and 18 were cases of untruthfulness. All the untruthfulness were for officers who chose not to take their cases to court. POST's SME committees had a total of 295 SME attending meetings. 78 new skill instructors were approved, and POST welcomed 11 new SME committee members. Three SME members departed and there were 32 committee meetings overall. A total of 22 academy inspections were completed by SME and POST staff. Six of which were firearm, four driving, and eight were ACT. POST conducted two different lesson plans audits. One record audit and one training set audit. Two appeals were denied after their appeal hearings, and one was granted by the appeal subcommittee. As for the grants team, 82,579 training hours were completed through PoliceOne. Grants funded 847 officers to go to training on scholarships and trained 1938 individual peace officers through the training grant. For fiscal year 2022 POST's budget generated through vehicle registration fees was

about 5,401,000. Lastly, 116,000 PoliceOne courses were completed over the course of that year.

7. **Rule 28 Report 2022** Training Manager Robert Baker

Training manager Robert Baker gave an update on Rule 28. Rule 28 started in 2015. Officers that are state certified and hold a position requiring POST certification must complete 24 hours of mandated training every year. 12 must be in perishable skills driving, firearms, and arrest control. The training team has worked extremely hard and sent out many notices to agencies on getting the training completed. After the final notice was sent out only one agency and one officer was found to be out of compliance. The one officer out of compliance was from Division of Parks and Wildlife. Out of the 13,005 officers for 2022, one officer is still out of compliance. The officer was suspended and is currently not working as a certified peace officer. The training team urges agencies to enter their training earlier rather than later since after December 31<sup>st</sup> officers are unable to make up their training. The training team also gave some information on training waivers and how and why they would apply. A total of 376 waivers were approved.

8. **RRCC Compliance Order** Director Erik Bourgerie

Director Bourgerie gave an update on a compliance order for Red Rocks Community College. RRCC is unable to hold a law enforcement academy due to compliance issues. Back in 2020 the RRCC director departed from his position, and it was discovered that there was a complete lack of lesson plans. Though they had good test scores, a great graduation rate, and no performance concerns, the lesson plans were required to be submitted by RRCC. They hired a new academy director in 2021 and a remediation plan was set up. They were given a year to come up with lesson plans but did not come into compliance by the end of the remediation plan. RRCC started making some progress and hired curriculum developers but then opted for the director to work on the curriculum. Currently they are indefinitely suspended until the curriculum committee can collect and approve their lesson plans.

9. **Rule 17 Report 2022** Compliance Manager Catherine Rodriguez

Compliance manger Catherine Rodriguez gave an update on Rule 17. Rule 17 is important for making sure each of the officers in the state remain eligible for certification. Rule 17 ensures that officers maintain good contact information with POST and agencies rosters are the most correct they can be. Each agency should be proving this information between November 1<sup>st</sup> and January 31<sup>st</sup> of each year. There was a bit of confusion about when Rule 17 was due but, the compliance team has since clarified. If you are submitting in November, the form would be for that year and if it's after December 31<sup>st</sup> it's for the previous year. Last year had its difficulties getting all our agencies into compliance but, this year due to the compliance and administrative teams' outreach and education POST has found more success. In

total we are at 99% compliance with a total of four agencies needing to complete their Rule 17.

10. **Credentialing Program** Compliance Manager Catherine Rodriguez

Compliance Manager Catherine Rodriguez provided an update regarding the status of the Independent Credentialing Program, EO 13929, that requires agencies receiving certain federal grants to attest they meet requirements in their use of force policies. To date, POST has audited half of the agencies and they have all been compliant. The new executive order 14074 has a lot of requirements and the US Attorney General was supposed to provide guidance and criteria by January 1, 2023, but to date POST has yet to receive any information. Because of this, in addition to staffing issues, POST has not moved forward with auditing more agencies.

11. **Academy Redesign Project** Director Erik Bourgerie

Director Bourgerie spent the remainder of the Work Session presenting a PowerPoint detailing the work that has been completed on the Academy Redesign Project. Since the board will possibly have to vote on some of these concepts, Director Bourgerie wanted to present and gather some feedback and ideas from the board. Along with Shalyn Kettering's help, Director Bourgerie presented the new concept, project goals, and timeline. One big section of the power point focused on the job analysis conducted by POST that assisted in providing a scientific basis to determine what the job requires today. The presentation closed with a discussion around the mindsets document.