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POST Board Meeting Agenda

Friday, March 26, 2021

Via [Zoom](#)

Meeting ID: 894 7089 1580

Passcode: 917481

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SME Committee Meetings: 8:00 am – 10:00 am

Peace Officer Standards and Training (POST) Board Meeting:
10:00 am – 12:00 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 Gregory Daly
City of Avon
Chief George Dingfelder
City of Monte Vista
Chief Debra Funston
City of Palisade
Executive Director Stan Hilkey
Department of Public Safety
Kara Hoofnagle
Public Member
Sheriff Robert Jackson
Alamosa County
S. Zeke Knox
Public Member
Deputy Shannon Lofland
Arapahoe County
Sheriff Anthony Mazzola
Rio Blanco County
Chief John Minor
City of Silverthorne
Sheriff Shawn Mobley
Otero County
Chief Clinton Nichols
City of Commerce City
Sheriff Steve Nowlin
Montezuma County
Jane Quimby
Public Member
Special Agent in Charge Michael Schneider
Federal Bureau of Investigation
Sheriff Justin Smith
Larimer County
Bradley F. Taylor
Public Member
Councilman Wayne Williams
City of Colorado Springs

1. **Welcome** Attorney General Phil Weiser
2. **Pledge of Allegiance** Attorney General Phil Weiser
4. **Introduction of Board Members, SME Members, Staff and Guests**
5. **Roll Call** Director Erik Bourgerie
6. **Approval of POST Board Minutes from Dec. 11, 2020** Attorney General Phil Weiser
7. **Election of Vice Chair** Attorney General Phil Weiser
8. **Subject Matter Expert Committee Reports**
 - a. **Arrest Control** Agent Ike Beers
Chair
 - b. **Curriculum** Janet Larson
Chair

POST Director
Erik J. Bourgerie

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| c. | Driving | Commander Karl Smalley
Chair |
| | • Al Padilla Tribute | |
| d. | Firearms | Commander Paul Gregory
Chair |
| 9. | Request for Revocation Appeal
Bradley Viner
(See supplemental handout) | Director Erik Bourgerie |
| 10. | Peace Officer Certification
Revocation Actions
(See supplemental handout) | Director Erik Bourgerie |

POST Rule 9 - Revocation of Peace Officer Certifications: Pursuant to § 24-31-305(2)(a), C.R.S., 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. A Colorado peace officer certification may also be suspended or revoked if pursuant to § 24-31-305(2.5), C.R.S., a law enforcement agency has found, by clear and convincing evidence, that the certificate holder has knowingly made an untruthful statement concerning a material fact while testifying under oath, or during an internal affairs investigation or comparable administrative investigation; or knowingly omitted a material fact on an official criminal justice record, or has otherwise failed to meet the certification requirements established by the Board. For purposes of this Rule 9, a deferred judgment and sentencing agreement, deferred prosecution agreement, or pretrial diversion agreement concerning a felony or any misdemeanor described in (1.5) of § 24-31-305, whether pending or successfully completed, also support the suspension or revocation of a Colorado peace office certification.

Felony Convictions:

1. No. F20-04, Bradley S. Viner, Certification B10461 (PID 100390). On June 29, 2020, Respondent was granted a deferred judgement after pleading guilty to one count of §18-8-407, Embezzlement of Public Property, a Felony, in Case No. 19CR222 in the County Court of Otero County. The respondent was employed as a peace officer on the date of the offense (Dates of Offense: October 1, 2017 through September 1, 2018, Bent County Sheriff's Office, Separated January 7, 2019). The respondent has complied with POST Show Cause Order No. F20-04 by appearing at the scheduled Show Cause Hearing on September 1, 2020. Director Bourgerie recommends revocation of Bradley S. Viner's Colorado Peace Officer Certification B10461 (PID 100390).

*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.*

Misdemeanor Convictions:

1. No. M20-05, Billy J. Calder, Certification (PID 138254). On September 2, 2020, Respondent accepted a deferred sentence plea agreement after pleading guilty to one count of §18-3-204 (1)(a) Third Degree Assault-know/reckless cause injury, a misdemeanor, in Case No. 20M163 in the Alamosa County Court. The respondent was not employed as a peace officer on the date of the offense (Date of Offense: June 03, 2020). The respondent has failed to comply with POST Show Cause Order No. M20-05 by failing to appear at the scheduled Show Cause Hearing on November 9, 2020. POST Director Erik J. Bourgerie recommends revocation of Billy J. Calder's Colorado Peace Officer Certification (PID 138254).

Untruthfulness:

1. No. U19-03, Troy Morgan, Certification (PID 138286). On November 21, 2019, Town of Springfield Department notified Colorado Peace Officer Standards & Training that the Respondent knowingly made an untruthful statement concerning a material fact or omitted a material fact during an administrative investigation or disciplinary process on September 6, 2019 (Date of Separation: September 13, 2019). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Troy Morgan's Peace Officer Certification (PID 138286).
2. No. U20-12, Juan Garcia, Certification (PID 7415-7911). On October 20, 2020, Louisville Police Department notified Colorado Peace Officer Standards & Training that the Respondent knowingly made an untruthful statement concerning a material fact OR knowingly omitted a material fact during an internal affairs investigation and during an administrative investigation or disciplinary process on August 17, 2020 and August 20, 2020 (Date of Separation: August 28, 2020). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Juan Garcia's Peace Officer Certification (PID 7415-7911).
3. No. U20-14, Gary Wyberg, Certification (PID 128501). On November 16, 2020, Pueblo Police Department notified Colorado Peace Officer Standards & Training that the Respondent knowingly made an untruthful statement concerning a material fact OR knowingly omitted a material fact on an official criminal justice record, during an internal affairs investigation and

during an administrative investigation or disciplinary process on April 19, 2020 and April 24, 2020 (Date of Separation: August 19, 2020). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Gary Wyberg’s Peace Officer Certification (PID 128501).

4. No. U20-17, Todd Hauck, Certification (PID 138951). On December 4, 2020, El Paso County Sheriff’s Office notified Colorado Peace Officer Standards & Training that the Respondent knowingly made an untruthful statement concerning a material fact OR knowingly omitted a material fact on an official criminal justice record between February 01, 2020 and October 18, 2020 (Date of Separation: November 5, 2020). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Todd Hauck’s Peace Officer Certification (PID 138951).
5. No. U20-18, Mark Smock, Certification (PID 3417-9997). On December 15, 2020, Grand Junction Police Department notified Colorado Peace Officer Standards & Training that the Respondent knowingly made an untruthful statement concerning a material fact OR knowingly omitted a material fact during an internal affairs investigation between September 19, 2019 and May 13, 2020 (Date of Separation: August 27, 2020). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Mark Smock’s Peace Officer Certification (PID 3417-9997).

11. **Rule Making** POST Counsel Colleen Morey
Director Erik Bourgerie

12. **Legislative Update** Deputy Attorney General
Kurt Morrison

- SB20-217 Updates/Pending Legislation
- Domestic Violence Firearms

13. **Proposed POST Board Mtg. Dates 2022** Director Erik Bourgerie

March 10	10 am – 4 pm	Work Session
March 11	10 am – 12 pm	Board Meeting
June 3	10 am – 12 pm	Board Meeting
September 22	10 am – 4 pm	Work Session

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| | September 23 | 10 am – 12 pm | Board Meeting |
| | December 2 | 10 am – 12 pm | Board Meeting |
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14. **Standing subcommittees**
(Appeals, sanctions, etc.) Director Erik Bourgerie

 15. **Handling of Complaints/Concerns** Attorney General Phil Weiser

 16. **Academy Innovations Project**
(IADLEST/COPS Office) Director Erik Bourgerie

 17. **Updates**
 - a) Mental Health Curriculum Training Specialist
Jared Torsney

 - b) Database Creation,
per SB20-217 Director Erik Bourgerie

 - c) Benchmark Transition Director Erik Bourgerie

 - d) “My Why” Project Director Erik Bourgerie

 - e) Job Task Analysis Update Director Erik Bourgerie

 - f) RFP for De-escalation/implicit bias Director Erik Bourgerie

 - g) ICAT Director Erik Bourgerie

 - h) Independent Credentialing
Body Program Director Erik Bourgerie

 18. **Annual report**
(See supplemental handout) POST Staff

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

 18. **Adjournment** Attorney General Phil Weiser

Next POST Board Meeting

Friday June 4, 2021

*SME Meetings – 8 a.m.
POST Board Meeting – 10 a.m.*