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**Peace Officer Standards
and Training**

**POST BOARD MEETING
RECORD OF PROCEEDINGS**
Friday, December 11, 2020
10:00 am- 12:00 pm

The Peace Officer Standards and Training Board held its 412th Board Meeting.

Via Zoom Videoconference

BOARD MEMBERS PRESENT

SENIOR INVESTIGATOR TONYA BARNES, Eighteenth Judicial District
DEPUTY DISTRICT ATTORNEY ASHLEY BECK, Denver DA's Office
SERGEANT LONNIE CHAVEZ, Grand Junction Police Department
CHIEF CORY CHRISTENSEN, Steamboat Springs Police Department
CHIEF GREGORY DALY, Avon Police Department
CHIEF GEORGE DINGFELDER, Monte Vista Police Department
CHIEF DEBRA FUNSTON, Palisade Police Department
EXECUTIVE DIRECTOR STAN HILKEY, Colorado Department of Public Safety
KARA HOOFNAGLE, Public Member
SHERIFF ROBERT JACKSON, Alamosa County Sheriff's Office
SUSAN "ZEKE" KNOX, United States Attorney's Office
DEPUTY SHANNON LOFLAND, Arapahoe County Sheriff'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
CHIEF CLINTON NICHOLS, Commerce City Police Department
SHERIFF STEVE NOWLIN, Montezuma County Sheriff's Office
SPECIAL AGENT IN CHARGE MICHAEL SCHNEIDER, FBI- Denver
SHERIFF ANTHONY SPURLOCK, Douglas County Sheriff's Office
BRADLEY TAYLOR, Public Member
ATTORNEY GENERAL PHIL WEISER, Colorado Department of Law
SHERIFF JUSTIN SMITH, Larimer County Sheriff's Office
COUNCILMAN WAYNE WILLIAMS, City of Colorado Springs

BOARD MEMBERS EXCUSED

JANE QUIMBY, Public Member

BOARD COUNSEL

C. BRENT KELLY

POST STAFF MEMBERS PRESENT

ROBERT BAKER, Training Manager
TIFFINY BLACK-MAJEKODUNMI, Compliance Specialist
ERIK BOURGERIE, Director
SUSAN CARTER, Grant Coordinator
STEVEN ECKELBERRY, Compliance Investigator
VICTORIA EDSTEDT, Administrative Coordinator
KIMBERLY HERNANDEZ, Grant Manager
KISHAWN LEUTHAUSER, Grant Coordinator
ALEX MARTINEZ, Administrative Coordinator
DAN OSTRANDER, Training Coordinator
JARED TORSNEY, Marijuana Training Specialist

MEMBERS OF THE PUBLIC IN ATTENDANCE

AGENT IKE BEERS, Lakewood Police Department
TUESDAY BLACK, MADD Colorado
SERGEANT FRED "LEVI" BORST, Pitkin County Sheriff's Office
TROY BRADBERG, Public Member
SERGEANT JEFFREY BREDEHOEFT, Douglas County Sheriff's Office
JANET DRAKE, Deputy Attorney General, Criminal Justice Sect., COAG
COMMANDER MIKE ENSMINGER, Jefferson County Sheriff's Office
DIRECTOR VINCENT FRAKER, Otero Junior College Law Enforcement Training Academy
FRAN LANZER, MADD Colorado
JANET LARSON, POST Curriculum SME Committee
KURT MORRISON, Deputy Attorney General for Intergovernmental Affairs
JULIE PETERAL, MADD Colorado
ELISE SCHMELZER, The Denver Post
ALLISON SHERRY, CPR
KELSEY SHUMWAY, Public Member
COMMANDER KARL SMALLEY, Adams County Sheriff's Office
SERGEANT JEFF VANHOOK, Larimer County Sheriff's Office & POST Curriculum SME Committee
ROBBY WELIVER, CCA
VICE CHAIR BOB WELTZER, Curriculum SME Committee

1. **Welcome** Attorney General Phil Weiser
2. **Pledge of Allegiance** Attorney General Phil Weiser
3. **Introduction of New Board Members** Attorney General Phil Weiser

- Chief Gregory Daly, Avon Police Department
- Chief George Dingfelder, Monte Vista Police Department
- Deputy Shannon Lofland, Arapahoe County Sheriff's Officer
- Chief Clinton Nichols, Commerce City Police Department
- Councilman Wayne Williams, City of Colorado Springs

4. **Introduction of Board Members, SME Members, Staff and Guests**

5. **Roll Call** Director Erik Bourgerie

6. **Approval of POST Board Work Session Minutes from September 17, 2020** Attorney General Phil Weiser

7. **Approval of POST Board Meeting Minutes from September 18, 2020** Attorney General Phil Weiser

8. **Subject Matter Expert Committee Reports**

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

Reviewed one injury that appeared reasonable for ACT. Approved two new full-skills instructors. Discussed a test out location on the Western Slope. Tabled an ACT application for committee membership for January because we couldn't have a live discussion with the applicant on his background. Discussed approval of Fort Collins arrest control tactics for their upcoming academy.

- Proposed Curriculum Change
SB20-217

Reviewed suggestions for word changes in two areas in the curriculum: one on use of force, one on section 9. Proposing a revision to continue to teach defenses against neck restraints for officers. Word changes are in red and advise academies that teaching neck restraints is defensive, not tactical.

Motion to Approve
Approve Unanimously

Developed revisions to use of force considerations, specifically to allow use of force as recourse for bodily injury. Also added a duty to intervene, not just document and report.

Motion to Approve
Approve Unanimously

B. Curriculum Janet Larson
Chair

Approved all but two of the courses for the Fort Collins academy and are on target for reviewing Aims academy curriculum by the end of January. Working on a process for selection of a new member to fill the opening in the committee.

C. Driving Commander Karl Smalley
Chair

Approved two new skills instructors, reviewed and approved with minor notations the driving program for Western Colorado law enforcement academy. Reviewed the 2021 test-out dates. Seeking committee's endorsement for a program with vehicle manufacturers.

Chief John Minor offers to step down from the driving committee in favor of Deputy Shannon Lofland. Attorney General Phil Weiser and Deputy Lofland agree.

D. Firearms Commander Paul Gregory
Chair

Sgt. Jeff Bredehoeft steps in for Commander Paul Gregory. Approved 24 full-skills instructors, a new handgun program for Arapahoe Community College, a new academy program in Fort Collins, and site approvals for the Rocky Mountain Gun Club, Fort Collins, Front Range Community College, and Western Colorado Academy. Conducted 11 test-outs. Submitted a video detailing POST qualifications to assist members in the test-out process. Made revisions to SB20-217 for firearms training. Plan in 2021 to revise handgun instructor program and to assist curriculum committee with a review of the instructor methodology program.

- Proposed Curriculum Change
SB20-217

Reviewed curriculum changes for justifiable use of lethal force from ability, opportunity, and jeopardy to ability, opportunity, and intent. Reviewed other changes to awareness, readiness, use of reasonable force based on circumstances, de-escalation, unnecessary compressing of time and distance, and less intrusive force. Under medical considerations, added a requirement that officers should render first aid to the extent of their training.

Tabled approval until end of meeting to allow time for Board Counsel Kelly to make wording changes proposed by Deputy District Attorney Beck and Attorney General Weiser.

9. **Request for Variance Appeal**
Kelsey Shumway
(See supplemental handout)

Director Erik Bourgerie

Ms. Shumway requests a 6-month extension of a provisional license because of failure to pass the firearms skills test.

Motion to consider Ms. Shumway's appeal directly on the merits without going to appeals hearing

Approved Unanimously

Motion to allow the extension

Approved Unanimously

10. **Peace Officer Certification**
Revocation Actions
(See supplemental handout)

Director Erik Bourgerie

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.

*The certificate holder in the following matter did **not** appear at the show cause hearing or indicate any intent to oppose the revocation.*

Felony Convictions:

1. No. F20-03, Sara Marie Strickland, Certification (PID 8694-5471). On June 15, 2020, Respondent was granted a deferred sentence after a guilty plea for one count of §18- 4-203 (1) 2nd Degree Burglary, a Felony, in Case No. 20CR524 in the Denver County Court. The respondent was employed as a peace officer on the date of the offense (Date of Offense: January 18, 2020) with Park County Sheriff's Office (Date of Separation: January 20, 2020). The respondent has failed to comply with POST Show Cause Order No. F20-03 by failing to appear at the scheduled Show Cause Hearing on August 18, 2020. POST Director Erik J. Bourgerie recommends revocation of Sara Marie Strickland's Colorado Peace Officer Certification (PID 8694-5471).

Misdemeanor Convictions:

2. No. M20-04, Justin D. Moore, Certification (PID 135484). On July 24, 2020, Respondent accepted a pretrial diversion plea agreement for one count of §18-3-204 (1)(a) Third Degree Assault-know/reckless cause injury, a misdemeanor, and one count of §18-9-111 (1)(a) Harassment-strike/shove/kick, a misdemeanor, in Case No. 19M627 in the La Plata County Court. The respondent was employed as a peace officer on the date of the offense (Date of Offense: December 01, 2019) with the Durango Police Department (Date of Separation: December 10, 2019). The respondent has failed to comply with POST Show Cause Order No. M20-04 by failing to appear at the scheduled Show Cause Hearing on September 22, 2020. POST Director Erik J. Bourgerie recommends revocation of Justin D. Moore's Colorado Peace Officer Certification (PID 135484).

Untruthfulness

3. No. U20-01, Christopher Goble, Certification (PID 2383-3503). On January 3, 2020, City of Lone Tree 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 11, 2019 and December 20, 2019 (Date of Separation: January 2, 2020). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Christopher Goble's Peace Officer Certification (PID 2383-3503).
4. No. U20-02, Richard Jones, Certification (PID 118977). On January 7, 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 while testifying under oath on October 16, 2019 (Date of Separation: January 3, 2020). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Richard Jones' Peace Officer Certification (PID 118977).
5. No. U20-05, Christopher Tonge, Certification (PID 138380). On February 11, 2020, Bayfield Marshal'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 during an administrative investigation and/or disciplinary process on January 9, 2020 (Date of Separation: January 19, 2020). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Christopher Tonge's Peace Officer Certification (PID 138380).

6. No. U20-06, Russell Smith, Certification (PID 2659-3626). On February 26, 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 November 28, 2019 and February 3, 2020 (Date of Separation: February 21, 2020). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Russell Smith's Peace Officer Certification (PID 2659-3626).
7. No. U20-07, Jeremy Gay, Certification (PID 113201). On April 22, 2020, Delta Police Department notified Colorado Peace Officer Standards & Training that the Respondent knowingly made an untruthful statement concerning a Page 5 material fact or knowingly omitted a material fact on an official criminal justice record on March 19, 2020 (Date of Separation: April 2, 2020). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Jeremy Gay's Peace Officer Certification (PID 113201).
8. No. U20-08, Lara Dreiling, Certification (PID 118499). On August 7, 2020, Arapahoe 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 and during an internal affairs investigation on October 23, 2019 (Date of Separation: November 20, 2019). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Lara Dreiling's Peace Officer Certification (PID 118499).

Motion to Revoke

Approved Unanimously

Sheriff Spurlok recused on Case No. U20-01, Christopher Goble, Certification (PID 2383-3503)

11. **Rule Making**

Director Erik Bourgerie

POST Administrative Coordinator, Alex Martinez, has confirmed audio recording of the POST Board Rule Making Hearing at 11:40 am on Friday, December 11, 2020.

The Board voted to approve each of the rules as proposed

Rules Approved Unanimously.

12. **Legislative Update**

Deputy Attorney General Kurt Morrison

Refinements to SB20-217, and addressing domestic violence firearms, safe gun storage, and hiring database changes., 2020.

13. **Tabled Regulatory Curriculum Language**

Board Counsel C. Brent Kelly

Changes to the curriculum's language clarified conditions for justifiable use of deadly physical force to make an arrest in the curriculum's language.

*Motion to Approve
Approved Unanimously.*

12. **Legislative Updates**

- a. Decertification Database Director Erik Bourgerie
Reviewed database, which includes 450 revocations in our record management system.
- b. Job Task Analysis Update Director Erik Bourgerie
Anticipate the request for proposals for the company doing job task analysis will be released in January.
- c. Rural and Small Scholarship Grant Grants Manager Update Kimberly Hernandez
The grant subcommittee and POST met. 27 agencies applied for grant funding, for a total of \$311,757. Of those, 19 agencies were approved for a scholarship, for a total of \$103,364. Discussed recovering those funds in other areas.
- d. Credentialing for LE Agencies Grants Manager Update Kimberly Hernandez
Worked with Chief's Association to ensure communication and compliance. Agencies are currently submitting applications. We have approved 18 and denied 3 because of missing information.
- e. My Why Project Update Director Erik Bourgerie
Set up a meeting with representatives from the Metro Chief's Association to answer questions, and set up a virtual statewide town hall.
Discussed sharing stories of law enforcement members to educate the public on why law enforcement officers choose to serve.
- f. Benchmark Transition Director Erik Bourgerie
Reviewed the transition to the new Benchmark software to improve operability with agencies.
- g. Mental Health and Wellness Training Specialist Subcommittee Jared Torsney
The Subcommittee on Mental Health met this week and introduced our new chairperson, and discussed learning objectives and set weekly meetings.
- h. Safe Gun Storage PSA's Attorney General Phil Weiser
Previously covered by Attorney General Weiser.

March 25 10 am – 4 pm Work Session
March 26 10 am – 12 pm Board Meeting
June 18 10 am – 12 pm Board Meeting
September 23 10 am – 4 pm Work Session
September 24 10 am – 12 pm Board Meeting
December 3 10 am – 12 pm Board Meeting

Motion to Approve
Approved Unanimously

14. Comments From Others on POST Issues

No comments from public.

15. Ethics Training

Brent Kelly POST Board
Counsel

Requested individuals with questions reach out to Director Bourgerie or refer to the memo. Recommended recusing yourself from a vote to which you have a personal connection.

16. Executive Session

Director Erik Bourgerie

17. Adjournment

Attorney General Phil
Weiser

Motion to Adjourn
Approved Unanimously