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**Peace Officer Standards
and Training**

**STATE OF COLORADO
DEPARTMENT OF LAW**

**POST BOARD MEETING
RECORD OF PROCEEDINGS**

Friday September 8, 2017

10:00 am – 12:00 pm

The Peace Officer Standards and Training Board held its 400th Board meeting at the Ralph L. Carr Colorado Judicial Center, 1300 Broadway, Denver, Colorado, with the following in attendance:

BOARD MEMBERS PRESENT

CHIEF DAN BRENNAN, Wheat Ridge Police Department
SHERIFF RON BRUCE, Hinsdale County Sheriff's Office
SERGEANT RAFAEL CHANZA, Colorado Springs Police Department
SERGEANT LONNIE CHAVEZ, Grand Junction Police Department
CHIEF CORY CHRISTENSEN, Steamboat Springs Police Department
ATTORNEY GENERAL CYNTHIA COFFMAN, Colorado Department of Law
CHIEF JOHN COLLINS, Englewood Police Department
SHERIFF CHAD DAY, Yuma County Sheriff's Office
CHIEF DEBRA FUNSTON, Palisade Police Department
PROFESSOR KARA HOOFNAGLE, Johnson & Wales University
SUSAN "ZEKE" KNOX, United States Attorney's Office
SHERIFF MICHAEL MCINTOSH, Adams County Sheriff's Office
CHIEF JOHN MINOR, Silverthorne Police Department
CHIEF MICHAEL PHIBBS, Auraria Department of Public Safety
DIRECTOR JANE QUIMBY, Colorado Mesa University DPS
MAYOR RON RAKOWSKY, City of Greenwood Village
SPECIAL AGENT IN CHARGE CALVIN SHIVERS, Federal Bureau of Investigation
SHERIFF ANTHONY SPURLOCK, Douglas County Sheriff's Office
BRADLEY TAYLOR, Goetz Insurors
SHERIFF FRED WEGENER, Park County Sheriff's Office

BOARD MEMBERS ABSENT

DEPUTY AMANDA CRUZ-GIORDANO, Arapahoe County Sheriff's Office
EXECUTIVE DIRECTOR STAN HILKEY, Colorado Department of Public Safety CHIEF
ROBERT LEES, Robert A. Lees and Associates

BOARD COUNSEL

STACY WORTHINGTON

POST STAFF MEMBERS

DEPUTY ATTORNEY GENERAL SCOTT TURNER, Interim Director
BOB BAKER, In-Service Training Manager
CAROLYN BERRY, Compliance Manager
DAN GRIFFIN, Training Coordinator
KIM HERNANDEZ, Grant Specialist
LORI JENCKS, Administrative Assistant
CRISTINE MACK, Investigator

MEMBERS OF THE PUBLIC IN ATTENDANCE

INVESTIGATOR QUINN ARCHIBEQUE, Delta County Sheriff's Office
COMMANDER ERIK BOURGERIE, Summit County Sheriff's Office
SERGEANT GRAHAM DUNNE, Aurora Police Department
JOHN GOSSETT, State Court Administrator's Office
JOSE GURULE, Denver Sheriff's Department
DEPUTY ED KAFEL, El Paso County Sheriff's Office
LUCAS LORENZ
JOHN PUTBRESE, State Court Administrator's Office
CHRISTOPHER RYAN, State Court Administrator's Office
COMMANDER KARL SMALLEY, Adams County Sheriff's Office
CHIEF ROBERT WHITE, Denver Police Department

Introductions:

1. **Welcome** Attorney General Cynthia Coffman
2. **Pledge of Allegiance**
3. **Introduction of Board Members, SME Members, Staff and Guests**
4. **Formal Board Recognition Of Departing Board Member** Attorney General Cynthia Coffman

AG Coffman recognized departing Board member Chief Robert White, Denver Police Department.

5. **Formal Board Recognition of New Board Member** Attorney General Cynthia Coffman

AG Coffman introduced new Board member Chief Debra Funston, Palisade Police Department.

6. **Formal Board Recognition** Attorney General Cynthia Coffman

submitted at the December meeting with the update the Handgun Instructor program, which will mirror the Firearms program.

D. Law Enforcement Driving Cmdr. Karl Smalley, Chair

New member Quinn Archibeque, Delta County SO, was approved. Inspection of the Denver PD program was found to exceed POST standards. Five full instructors were approved. The new site for HRLETA was approved. The CSPD safety plan for the new facility at Pikes Peak International Raceway was approved. The committee reviewed the compliance order at the Tech College of the Rockies-Delta Academy. There may be a surprise inspection of that facility after their program is running. Jeffco inspection is coming up. The Instructor program is finalized, with high center of gravity vehicle dynamics and effects of stability control added to the program. The instructor requirements have also been adjusted. The committee is reviewing the programs for Front Range CC, Tech College of the Rockies-Delta, and Colorado Rangers LE Reserve academies today.

Motion to approve the Law Enforcement Driving Instructor program by Sheriff Day. Approved unanimously.

9. **Approval of POST Minutes from June 2, 2017** Attorney General Cynthia Coffman

Motion to approve by Chief Phibbs. Approved unanimously.

10. **Gurule Appeal** Carolyn Berry

Sgt. Jose Gurule of the Denver Sheriff's Department, and Attorney Lucas Lorenz spoke to the Board regarding an appeal for a variance for reserve POST certification for Sgt. Gurule who volunteers with the Colorado Mounted Rangers. The Colorado Mounted Rangers are in the process of forming an intergovernmental agreement and creating a reserve academy. Rangers will be required to attend the academy to be POST certified as reserve officers. Sgt. Gurule would like the Board to accept his existing training as adequate to permit reserve certification. His request for a variance was previously denied by POST. Mr. Lorenz reviewed the POST variance policy and reviewed the reasoning for the appeal. Ms. Berry presented information regarding the denial of the original variance. While Sgt. Gurule has substantial training, POST does not compare training on an ad hoc basis, but compares academy training only. The Denver Sheriff's Academy does not compare adequately with the minimum required Basic academy program.

AG Coffman stated that if a majority of Board members vote to hear the appeal, AG Coffman will ask for volunteers to review the appeal more fully. She reminded the Board that this is not the substantive appeal, but a discussion of whether to allow the appeal to move forward.

The Board asked several questions of Sgt. Gurule and Mr. Lorenz, and discussed repercussions and reasoning on the appeal, and the reasons for the method of review

of training. There was a brief mention of the history of the Mounted Rangers seeking reserve officer status over the last several years.

Motion to grant an appeal review by Sheriff Spurlock. A roll call vote was requested with 14 nays and 6 ayes. The motion fails.

11. **Peace Officer Certification Revocation Actions** Dep AG Scott Turner
Interim POST Director

A. **POST Rule 9 - Revocation of Peace Officer Certifications – Felony Convictions:** § 24-31-305, CRS(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, or has been convicted on or after July 1, 2001, of any misdemeanor described in subsection (1.5) of § 24-31-305 CRS, 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.

1. No. F17-05, Taylor-Lee Christian Nethken, Certification B5479-5192 (PID 5479-5192). On January 27, 2017, Respondent was convicted of one count of Assault in the second degree – reckless SBI W/deadly weapon §18-3-203(1)(d) CRS, a Class 4 Felony.. The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: May 5, 2016, Never employed). The Respondent has failed to comply with POST Show Cause Order No.F17-05 by failing to appear at the scheduled Show Cause Hearing on July 28, 2017. Interim Director Turner recommends revocation of Taylor-Lee Christian Nethken, Colorado Peace Officer Certification B5479-5192 (PID 5479-5192).

Motion to revoke. Approved unanimously.

AG Coffman was called away. Assistant Chair Chief Brennan chaired remainder of meeting.

12. **Sunrise Review Subcommittee Update** Chief Michael Phibbs
Auraria DPS

The Sunrise review subcommittee of Chief Collins, Chief Phibbs, and Sheriff Spurlock met to review the application for the Administrator of Judicial Security of the State Court Administrator’s Office. Sheriff McIntosh attended via conference call. After review of the application and discussion, the subcommittee members had recommendations which were addressed. The subcommittee recommends approval of the Sunrise review application for the Administrator of Judicial Security.

Motion to recommend that POST status be granted. Approved unanimously.

13. **Compliance Orders** Dep AG Scott Turner
(See supplemental handout) Interim POST Director

There have been two compliance orders within the last several months. The last order was in 2009. Pueblo Community College academy had issues requiring students to retake classes. The program is now in compliance. An inspection of the Delta-Montrose academy driving program revealed deficiencies in the program, as well as an incident that had not been properly reported. Cadets were retested in the driving program and passed. The director was removed, Delta-Montrose academy was suspended, and required to submit documentation for a new academy program, which is being reviewed by the SME committees today. Compliance orders are public record and subject to CORA requests.

The Board has concerns that inspections are not as frequent as may be optimal. The director will be discussing the possibility of additional staff with Department of Law Human Resources, to allow for more thorough or more frequent inspections.

14. **§ 24-31-315 CRS Final Compliance Report** Bob Baker
In-Service Training Manager

Mr. Baker briefly outlined the requirements of § 24-31-315. Of the over 13,000 officers presently required to fulfill the mandates, 13 officers were out of compliance. None were working police officers/deputies, but were reserves, arson investigators, or DOC officers. DOC officers are not required to complete the training. One officer came into compliance one day late. The certifications of the 12 officers still out of compliance were suspended until they complete the requirements

15. **Review of Work Session** Dep AG Scott Turner
Interim POST Director

The Board reviewed issues and POST policies regarding decertification issues and the recent changes in statute, regarding non-citizen applicants as well as deferred/dismissed charges.

The compliance orders for Pueblo Police Department academy and Delta-Montrose academy were reviewed.

The Sunrise review subcommittee meeting was reviewed.

There was extensive discussion of the distribution of in-service grant funds, and the possible creation of a formula for equitable distribution, similar to the POST grant formula, to be developed by the grant subcommittee at a later meeting. There was discussion of the possibility of bringing the distribution of grant funds into POST to provide more consistency, as well as to increase efficiency by centralization of the fund administration. This may require the addition of a full-time employee for POST. Administrative fees are already distributed, and centralization would not require any change in budget or fund distribution.

An SRO subcommittee was created to facilitate legislative change to the curriculum requirements for the SRO curriculum, to accommodate the development of a second, shorter curriculum for those jurisdictions without SROs. Sheriff Day, Chief Minor, and Mayor Rakowsky volunteered for this duty, with the assistance of legislative liaison Jenn Anderson

Leadership in Police Organizations (LPO) classes, and other potential leadership class options, especially for smaller, rural agencies, were discussed. The number of seats supplied for the hosting agencies at LPO classes was discussed. Previously the hosting agency was limited to 25% of the available seats, and has been changed to 33%.

Nancy Lewis, COVA, presented to the Board at the work session regarding COVA funding and scholarships. COVA scholarships were previously directly funded by the grant. At this time the funds are given to the training regions, resulting in confusion and a decrease in enrollment for the COVA conference. The training regions priorities may differ. The funding of COVA scholarships will be discussed at the grant subcommittee meeting in November.

Englewood Police Department is presently the fiscal agent for Greater Metro training region. They will be discontinuing that role July 1, 2019, and GMTR will require a new fiscal agent. Sheriff Spurlock stated that if necessary, Douglas County Sheriff's Office may consider acting as fiscal agent. There were other options discussed at the work session, such as centralization within POST, that will be investigated more fully.

16. Comments from Others on POST Issues

Sheriff Day mentioned the difficulty of reimbursement for classes that are held late in June, due to deadlines. This results in unspent grant funds, which are then deducted from the next year's award to the region. POST financial services office required the June 30th deadline. POST can be flexible on a case-by-case basis if notified ahead of time and can make allowances to accommodate June classes. POST can discuss a policy change more fully with financial services controller.

17. Adjournment

Chief Dan Brennan

Meeting adjourned at 12:04 pm