

**CYNTHIA H. COFFMAN**  
Attorney General

**MELANIE J. SNYDER**  
Chief Deputy Attorney General

**LEORA JOSEPH**  
Chief of Staff

**FREDERICK R. YARGER**  
Solicitor General



**STATE OF COLORADO**  
**DEPARTMENT OF LAW**

**RALPH L. CARR**  
**COLORADO JUDICIAL CENTER**  
1300 Broadway, 9th Floor  
Denver, Colorado 80203  
Phone (720) 508-6000

**Peace Officer Standards  
and Training**

## POST Board Work Session Minutes

Ralph L. Carr Colorado Judicial Center  
1300 Broadway  
Denver CO  
Thursday, September 13, 2018

### **In Attendance:**

Robert Baker, POST  
Senior Investigator Tonya Barnes, Eighteenth Judicial District  
Tiffany Black-Majekodunmi, POST  
Director Erik Bourgerie, POST  
Chief Dan Brennan, Wheat Ridge Police Department  
Sergeant Lonnie Chavez, Grand Junction Police Department  
Chief Cory Christensen, Steamboat Springs Police Department  
Attorney General Cynthia Coffman, Department of Law  
Chief John Collins, Englewood Police Department  
Deputy Amanda Cruz-Giordano, Arapahoe County Sheriff's Office  
Sheriff Chad Day, Yuma County Sheriff's Office  
Chief Debra Funston, Palisade Police Department  
Lori Jencks, POST  
Sheriff Anthony Mazzola, Rio Blanco County Sheriff's Office  
Chief John Minor, Silverthorne Police Department  
Sheriff Shawn Mobley, Otero Sheriff's Office  
Sheriff Steve Nowlin, Montezuma County Sheriff's Office  
Joe Piccinetti, POST  
Jane Quimby  
Mayor Ron Rakowsky, City of Greenwood Village  
Sheriff Justin Smith, Larimer County Sheriff's Office  
Sheriff Tony Spurlock, Douglas County Sheriff's Office  
Brad Taylor, Goetz Insurors  
Assistant Attorney General Stacy Worthington, Department of Law

1. Welcome Dir Erik Bourgerie

Director Bourgerie welcomed all, and attendees introduced themselves.

2. HB 18-1198 Report Stacy Worthington

Ms. Worthington gave an update on the requirements of HB 18-1198 which will become effective January 1, 2019. The bill requires training on best practices and management for Board and Commission members in Colorado. Training will be held for POST Board members annually, probably at the September work session.

3. Revocation Procedure Changes Stacy Worthington

At the June 1, 2018 Board meeting, the Board requested Ms. Worthington investigate whether we could revoke individual certifications as a group, rather than read the entire charge and other information for each revocation, requiring a motion for each individual revocation. She proposed a streamlined process for those revocations. After reading a short synopsis for each individual revocation, one motion will be made to revoke all who did not appear for show cause hearings or who did not request an appeal, and one vote by the Board members will finalize the revocations. If there is an appeal, or the individual did appear for the show cause hearing, the full synopsis will be read, and individual motions and votes to revoke will take place as previously.

4. Board Training Stacy Worthington

As there were no member of the public in attendance, the Board members determined that the Board training would take place in public session rather than executive session.

- A. Statutes Regarding the POST Board
  - a. Creation of the POST Board § 24-31-302
  - b. Duties – Powers of the POST Board § 24-31-303
  - c. Certification – Issuance – Renewal – Revocation § 24-31-305
  - d. Enforcement § 24-31-307

The statutes governing the POST Board were reviewed, and the powers of the Board were discussed. Day-to-day business is handled primarily by POST staff. The POST Board must approve any program changes and rule changes.

The three types of certification were reviewed, as well as disqualifying factors, including convictions, which include deferred/dismissed, pre-trial diversions, etc. The revocation authority and appeal process was also reviewed.

B. Code of Ethics

Stacy Worthington

The POST Code of Ethics, which was adopted last year, was reviewed. Conflicts of interest and options regarding recusal were discussed, as well as the Immunity Act, and the responsibilities and limitations of the Board counsel.

C. Open Government Requirements

Stacy Worthington

The regulations regarding public meetings and the requirements for announcing those meetings were reviewed. The Board was reminded of the repercussions of holding an unannounced meeting.

5. Possible Rule Changes

Dir Erik Bourgerie

Possible changes to Rules and the reason for the changes were reviewed.

Rules 1-Definitions:

- Remove definition of Dim Light
- Define what is meant by “incident” regarding variances
- Change definitions regarding fingerprint cards to accommodate the new CABS fingerprinting process.

8-Process for Seeking Exemptions for Statutory Certifications Restrictions

- Change fingerprint card process to accommodate the new CABS fingerprinting process.

10-Basic Peace Officer Certification

- Clarify time limit for skills and written exam after academy completion

11-Provisional Certification

- Set time limit by which Provisional certification must be obtained after submission of application.

14-Fingerprint-Based Criminal History Record Check

- Changes to accommodate the new CABS fingerprinting process.

19-Vehicle Identification Number Inspectors

- Eliminate fee for certification
- Possible refresher requirement, possibly an online course, primarily to keep up with new forms.

21-Basic and Reserve Training Academies

- Require lesson plans to denote number of hours covered for each day, i.e. 3 hours of 8 hours, etc. Change timeline for submission of academy approval documents from at least thirty (30) days, but no more than sixty (60) days to no more than ninety (90) days, prior to the start of instruction.

24-Skills Training Safety and Skills Program Requirements for Basic and Reserve Academies

- Add time of day requirements for Dim Light live-fire exercises.

25-Academy Instructor Training Program

- Possible elimination of rule. Largely unnecessary and other rules cover academy instructors. Director Bourgerie will discuss with SME chairs.

28-In-Service Training Program

- Possibly eliminate the last sentence regarding agencies completing annual survey.
- Discussed annual evaluation of program, and what type of evaluation should be in place. Board determined that the annual compliance report should be adequate.

6. Rule Numbering/Configuration Dir Erik Bourgerie

Renumbering the existing rules and organizing them by category was discussed. One suggestion was to number them along the lines of statute numbers. The Board advised that they would like POST staff to determine whether renumbering/categories will work best, or if there are other options that will make the organization easier.

7. Domestic Violence Training Sgt. Lonnie Chavez

Sgt. Chavez is a member of the Colorado Domestic Violence Fatality Review Board. At this point there is an eight-hour requirement for Domestic Violence in the Basic Academic Training program, and officers need not take any further training. It was suggested that POST should be proactive in creating or directing additional DV training, before a legislative mandate is submitted and passed that may not be appropriate. Getting the classes to all officers is one issue. A partnership with PoliceOne, POST adoption of an existing program, or setting up a training similar to Marijuana 101 were possibilities discussed. Possible amendment to Rule 28 to add DV training is possible. Working with End Violence Against Women (EVAW) and other experts would be valuable. There is concern that while training must be consistent across state, there is also the need to teach to the specific agencies as there are dramatic differences in various areas of the state (urban/rural, etc.). If there is a legislative mandate there will be resistance.

8. PoliceOne Bob Baker

In 2017 POST had unused funds returned from grants over time that were utilized to purchase two, consecutive, one-year PoliceOne subscriptions for all

agencies in the state who requested to be included. At present the subscriptions are funded through 6/30/19. 86% of the 294 agencies have onboarded, and 93% of the eligible officers were onboarded with 67% active. The goal was to allow all agencies to comply with training mandates, and especially to allow small and rural agencies to obtain training. The Board discussed the fact that after a period of time many officers would be repeating the same classes, though there are some custom features agencies can utilize on the PoliceOne platform.

9. Discussion of Appeals Process Dir Erik Bourgerie

Director Bourgerie reviewed the existing appeals process with the Board members, which requires that an individual request a hearing from the full Board, and if the request is granted, the hearing takes place with a subcommittee of five Board members. The decision of that subcommittee is final. The process can be somewhat redundant, as there appears to be little new material presented at the hearing. The Board discussed the pros and cons of changing the process. It was the opinion of the majority of the Board that the existing process should remain in place, perhaps with stronger boundaries on presentation during the Board meeting request for an appeal.

10. Residency Requirements for POST-certified Officers

One Board member requested discussion of this issue as he has an officer who works for him four days a week and lives out of state the other three days. § 29-5-101 CRS states that no peace officer may be appointed who is not, at time of appointment, a bona fide resident of Colorado. The majority of the Board believes that officers should be allowed to live in one state and work in Colorado, as long as they meet our standards. There are several officers who do live across the state lines, though they were residents at time of appointment. The Board would like to see legislative action taken to eliminate this restrictions. AG Coffman will add the item to the list of actions for next session.