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**Peace Officer Standards
and Training**

**STATE OF COLORADO
DEPARTMENT OF LAW**

**POST BOARD MEETING
RECORD OF PROCEEDINGS**
Friday June 2, 2017
10:00 pm – 12:00 pm

The Peace Officer Standards and Training Board held its 399th 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 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
DEPUTY AMANDA CRUZ-GIORDANO, Arapahoe County Sheriff's Office
EXECUTIVE DIRECTOR STAN HILKEY, Colorado Department of Public Safety
PROFESSOR KARA HOOFNAGLE, Johnson & Wales University
SUSAN "ZEKE" KNOX, United States Attorney's Office
ROBERT LEES, Robert A. Lees and Associates
SHERIFF MICHAEL MCINTOSH, Adams County Sheriff's Office
SHERIFF FRED MCKEE, Delta 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

SERGEANT RAFAEL CHANZA, Colorado Springs Police Department
SHERIFF CHAD DAY, Yuma County Sheriff's Office
CHIEF ROBERT WHITE, Denver Police Department

BOARD COUNSEL

STACY WORTHINGTON

POST STAFF MEMBERS

CORY AMEND, Director
TAMRA ARP, Compliance Coordinator
BOB BAKER, In-Service Training Manager
CAROLYN BERRY, Compliance Manager
BECKY CALOMINO, Grant Manager
DAN GRIFFIN, Training Coordinator
KIM HERNANDEZ, Grant Specialist
LORI JENCKS, Administrative Assistant
CRISTINE MACK, Investigator
STEFANIE MACKAY, Grant Coordinator

MEMBERS OF THE PUBLIC IN ATTENDANCE

JENN ANDERSON, Colorado Department of Law
SERGEANT WILLIAM BAKER, Grand Junction Police Department
MINOR BLACKFORD, Otero Junior College Law Enforcement Training Academy
COMMANDER ERIK BOURGERIE, Summit County Sheriff's Office
ELIZABETH BRUMLEVE, Colorado Department of Law
SERGEANT DAVID CLARKE, Weld County Sheriff's Office
AGENT STACEY COLLIS, Lakewood Police Department
LIEUTENANT JOHN COPPEDGE, Denver Police Department
SERGEANT GRAHAM DUNNE, Aurora Police Department
DEPUTY JAMES ENGLERT, Arapahoe County Sheriff's Office
NICOLE FORZANO, Police One Academy
APRIL FOX, Arapahoe Community College
DEPUTY ED KAFEL, El Paso County Sheriff's Office
DIRECTOR CATHY LABRECQUE, Pikes Peak CC Law Enforcement Academy
JANET LARSON, County Sheriffs of Colorado
COMMANDER RICK MCNAIR, Adams County Sheriff's Office
COMMANDER JASON MOLLENDOR, Auraria Department of Public Safety
TOM PETERSON, Firearms SME Member
COMMANDER KARL SMALLEY, Adams County Sheriff's Office
SERGEANT ERIC THORNHILL, Commerce City Police Department
SERGEANT JEFF VANHOOK, Larimer County Sheriff's Office
SERGEANT RICH VIGIL, Auraria Department of Public Safety

Introductions:

1. **Welcome** Attorney General Cynthia Coffman
2. **Pledge of Allegiance**
3. **Introduction of New Board Member** Attorney General Cynthia Coffman

AG Coffman welcomed new Chief Cory Christensen, Steamboat Springs Police Department

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

5. **Formal Board Recognition of Departing Board Members** Attorney General Cynthia Coffman

AG Coffman recognized departing Board member Sheriff Fred McKee of Delta County Sheriff's Office.

6. **Recognition of Sergeant Rich Vigil, Chair of Greater Metro Training Region** Attorney General Cynthia Coffman

AG Coffman and POST recognized Sgt. Vigil for his service as Chair of the Greater Metro Training Region.

7. **Roll Call** Director Cory Amend

Declaration of a quorum (13)

8. **Subject Matter Expert Committee Reports**

A. **Arrest Control** Cmdr. Erik Bourgerie, Chair

At the May meeting two full skill instructors were approved, and lesson plans, site safety plan, and instructors for the new Front Range Community College. Updated wording on Arrest Control Instructor curriculum was approved. After some debate the FBI Instructor program was approved. The compliance order from Pueblo CC academy was reviewed and discussed. The serious bodily injury incident research was reviewed. The injury rate for students in the academies is .55%. The skills test out revision is in progress, and a new ground tactics program is under discussion.

There was discussion at today's meeting as to whether the Instructor course should mirror the Basic POST academy course. The question came up as to whether full skills instructors should be able to teach every facet of the program if they are running the entire program. It was determined that if a lead skills instructor was not certified in a specific skill, that they could bring in an instructor who is, to teach that aspect. CC Aurora's new site and safety plan at Denver Police academy was approved. One full instructor was approved. Skills test out revision was tabled for further discussion. One inspection is scheduled for June.

Motion to approve Arrest Control Instructor Program by Sheriff Bruce. Approved unanimously.

B. **Curriculum** Sgt. Graham Dunne, Chair

Two new members, Sergeant David Clarke of Weld County Sheriff's Office, and Janet Larson of County Sheriffs of Colorado, were approved. The committee is beginning their review of the Curriculum Bibliography. A subcommittee for review of the Reserve Academy curriculum has been selected. The requirements for full skills instructor for Instruction Methodology have been reviewed and revised.

Motion to accept the revised Instruction Methodology Program by Mr. Lees. Approved unanimously.

C. Firearms Dep. Ed Kafel, Chair

Tom Peterson was approved as a civilian SME member. Roger Harrington, Dept of Corrections-Parole, was tentatively approved pending his attendance at an SME meeting. A letter was received from Director Amend regarding the IACP, NTOA and six other organizations proposal to allow warning shots as a reasonable means of de-escalation. The committee does not recommend that and feels it would increase danger to officers and citizens. Warning shots violate three of the four firearms safety rules, and other de-escalation tools should be utilized prior to use of deadly force. Agencies may set their own policies, but for the academy program, the committee does not recommend that this is taught as a de-escalation tool. The committee's position is that agencies and academies continue to teach legal application of deadly force and incorporate that into the arrest control and firearms training and combine it into reality-based training. The Board suggests the Firearms committee and Director Amend create a position paper in response to this recommendation. It would be presented to the Board prior to release.

D. Law Enforcement Driving Cmdr. Karl Smalley

Two members recently retired, and may be reapplying as public members. New member Officer Tracey Thompson of CSPD was approved. Four full instructors were approved. A student sent a recognition letter regarding Deputy Lofland of Arapahoe County SO. Site and safety plan were approved for Weld County SO academy. An accident at Pueblo PD academy was reported. There were no injuries. A video on caster steering was reviewed. The video is to be made available to any instructors who need clarification. Denver PD academy will have an inspection in August. The test out in August is covered.

9. **Legislative Update** Jenn Anderson

Ms. Anderson provided a packet of bills of interest to law enforcement, and highlighted those of particular interest to POST, and their present status, including the following:

- SB17-066, allowing municipalities to employ police officers without undergoing Sunrise review, has been signed by the governor.

- SB17-096, creating a statewide reserve peace officer academy grant program is expected to be signed shortly. This is in response to the task force created regarding the Colorado Mounted Rangers.
- SB17-120, which would have required peace officers to be US citizens, has been postponed indefinitely.

Chief Minor brought up the requirement for sheriffs to have 20 hours of in-service training. Discussion followed regarding the intent of HB17-1050 to avoid tracking of additional training by County Sheriffs of Colorado, as it is tracked by POST at this time. Sheriffs must still comply with the 24-hour training requirement for all certified and employed officers.

10. **Police One Presentation** Nicole Forzano
Police One

Ms. Forzano presented information on the partnership with Police One and the law enforcement agencies of Colorado. POST is providing two, one-year subscriptions to Police One for any agency in the state who applies for the service. She presented information regarding current users and hours of training provided, and discussed the various options available for existing courses, customization by agencies, reports available, credential tracking, training sharing, etc. POST will advise agencies of details of onboarding and will provide contact information. Police One will provide usage reports quarterly to determine whether it is meeting expectations, and whether adjustments may be needed for year two of the contract.

11. **Approval of POST Minutes from March 24, 2017** Attorney General Cynthia Coffman

Motion to approve by Chief Phibbs. Approved unanimously.

12. **Peace Officer Certification Revocation Actions** Director Cory Amend

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. F17-03, **Carlos Alberto Minguela Aviles**, Certification B16215 (PID 136881). On January 18, 2017, Respondent was convicted of one count of Sexual conduct in a correctional institution §18-7-701(1),(3) CRS, a Class 5 Felony.. The Respondent was employed as a peace officer on the date of the offense (Date of Offense: December 16, 2015 –

Separated December 23, 2015). The Respondent has failed to comply with POST Show Cause Order No.F17-03 by failing to appear at the scheduled Show Cause Hearing on April 26, 2017. Director Amend recommends revocation of Carlos Alberto Minguela Aviles' Colorado Peace Officer Certification B16215 (PID 136881).

Motion to revoke by Sgt. Chavez. Approved unanimously.

2. No. F17-04, **Jeremy Neal Yachik**, Certification B11086 (PID 119337). On January 26, 2017, Respondent was convicted of one count of Sex assault on a child by one in a position of trust §18-3-405.3(1),(2) CRS, a Class 3 Felony. The Respondent was employed as a peace officer on the date of the offense (Date of Offense: August 1, 2010 – Separated April 29, 2014). The Respondent has failed to comply with POST Show Cause Order F17-04 by failing to appear at the scheduled Show Cause Hearing on April 26, 2017. Director Amend recommends revocation of Jeremy Yachik's Colorado Peace Officer Certification B11086 (PID 119337).

Motion to revoke by Sgt. Chavez. Approved unanimously.

B. POST Rule 9 - Revocation of Peace Officer Certifications –

Misdemeanor 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 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 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. Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes are recognized in § 24-31-305(1.5) (b) thru (h), CRS

1. No. M17-03, **Edward J. Castaneda**, Certification B11050 (PID 119149). On January 25, 2017, Respondent was convicted of one count of Assault in the third degree §18-3-204(1)(a) CRS, a Class 1 Misdemeanor. The respondent was not employed as a peace officer on the date of the offense (Date of Offense: August 17, 2016 – Separated November 1, 2010). The Respondent has failed to comply with POST Show Cause Order M17-03 by failing to appear at the scheduled Show Cause Hearing on April 26, 2017. Director Amend recommends revocation of Edward J. Castaneda's Colorado Peace Officer Certification B11050 (PID 119149).

Motion to revoke by Sheriff Bruce. Approved unanimously.

2. No. M17-05, **Julian Archuleta**, Certification B2826 (PID 116758). On February 10, 2017, Respondent was convicted of one count of Official misconduct 1 §18-4-404 CRS, a Class 2 Misdemeanor. The respondent

was employed as a peace officer on the date of the offense (Date of Offense: October 7, 2016 – Separated: February 10, 2017). The Respondent has failed to comply with POST Show Cause Order M17-05 by failing to appear at the scheduled Show Cause Hearing on April 26, 2017. Director Amend recommends revocation of Julian Archuleta’s Colorado Peace Officer Certification B2826 (PID 116758).

Motion to revoke by Chief Minor. Approved unanimously.

13. **Grant Guidelines – FY 18** Director Cory Amend

Dir. Amend discussed changes in the grant guidelines. Changes are primarily for clarification purposes.

Motion to accept grant guidelines as written by Sheriff McIntosh. Approved unanimously.

14. **Grant Awards – FY 18** Director Cory Amend

The grant subcommittee (Chief Brennan, Chief Collins, Dep. Cruz-Giordano, Sheriff Day, Chief Phibbs, Ms. Jane Quimby and Mr. Brad Taylor) met on April 26, 2017, to determine the amount awarded to each training region. The group used a formula to distribute \$3.8 million, 80% (\$2.96 million) of which went to the grant program and 20% (\$740,000) to the in-service training program. Each region received a base award, and additional funds dependent on agency size and number of agencies in the region.

Motion to approve grant awards as written by Chief Phibbs. Approved unanimously.

15. **SRO Curriculum** Director Cory Amend

After the SRO discussion at the previous Board meeting, POST staff researched SRO best practices, primarily on a national level. Agt. Stacey Collis, Lakewood PD, and Dep. James Englert, Arapahoe County SO, were available to answer any questions as SRO experts. State requirements were compared. No states have an 8-hour course, nor is there any online option. There is no standard requirement for training, or length of training. The current 40-hour curriculum was presented, and compared to the NASRO 40-hour curriculum. Dir. Amend outlined the NASRO program and advocates transitioning to the NASRO program for Colorado’s SRO program. POST would be able to use funding for students to attend, but NASRO would pay for the instructors to teach.

Chief Minor brought up the fact that many municipalities do not have schools. A 40-hour course would be overly burdensome for those municipalities. AG Coffman said we can attempt to amend legislation, but we cannot grant waivers. Dir. Amend stated that SRO training has benefits in community partnerships beyond schools.

Motion that the SRO curriculum adopted by the POST Board is 40 hours in length and follows the model presented by NASRO. Approved unanimously.

Motion by Mayor Rakowsly that the chair appoint a committee to craft a legislative option to bring back to the Board to allow other curricula, primarily for municipalities without schools. Approved unanimously.

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

Sheriff Spurlock mentioned that the Douglas County EVOG facility's first stage should be operational in September. It will be used for Douglas County SO first, then open to other agencies, and to private entities on occasion. The second stage will include storage facilities for vehicles, etc.

Dir. Amend clarified wording for in-service requirements for sheriffs, as referenced earlier in the meeting.

\$225,000 was given to El Paso County SO last year for a turning target system. Sheriff Elder offered to return the money to the fund as they are unable to utilize the funds at this time. There is no investigation, contrary to media reports. The funds will be redistributed.

17. **Adjournment**

Attorney General Cynthia Coffman

Meeting adjourned at 12:08 pm