

Colorado Mounted Rangers Study Task Force

2016 Report to:

Members of the Senate Judiciary Committee
Colorado General Assembly

Members of the House Judiciary Committee
Colorado General Assembly

In accordance with SB 16-111:
Colorado Mounted Rangers Peace Officer Status

December 19, 2016

Table of Contents

Letter of Transmittal	2
Task Force Members and Stakeholders	3
Executive Summary	3
Statement of Purpose	4
Background of Colorado Mounted Rangers	5
Task Force Recommendations	5
Recommendation #1 – Create an Intergovernmental Agreement.....	6
Recommendation #2 – Establish a P.O.S.T. Certified Reserve Academy.....	7
<i>Establish a Reserve Academy</i>	7
<i>Transition Period for Existing Rangers</i>	8
<i>Variance Requests</i>	8
Recommendation #3 – Create a State Grant Program to Fund Start-up Costs of Reserve Academy.....	9
Conclusion	9
Appendix A	10

Colorado Mounted Rangers Study Task Force Report

December 19, 2016

To: Members of the Senate Judiciary Committee
 Colorado General Assembly

 Members of the House Judiciary Committee
 Colorado General Assembly

We, the members of the Colorado Mounted Rangers Study Task Force, are pleased to present this report pursuant to 24-33.5-116 C.R.S. The statute directs the Task Force to study and submit to the Senate and House Judiciary Committees recommendations regarding whether it is appropriate for the Colorado Mounted Rangers to receive Peace Officer Standards and Training (P.O.S.T.) certification.

The members of the Task Force recognize that the Colorado Mounted Rangers provide important support to the communities that utilize their volunteer services. The Rangers currently have MOU agreements with 56 law enforcement agencies across the state in order to be utilized as a public safety force multiplier during large-scale events, emergencies and natural disasters, and any other time of need.

The Task Force recognizes that, since Rangers serve in such a unique capacity under the purview of law enforcement agencies, they should all be P.O.S.T certified. The Task Force is confident that the three recommendations in this report will pave the way for Colorado to implement an innovative solution to help ensure that a P.O.S.T certified statewide shared peace officer reserve force is available when needed to assist law enforcement. The strategy and recommendations outlined in this report were approved unanimously by the Task Force.

We would like to extend our appreciation to the General Assembly and SB 16-111 prime sponsors, Senator Kent Lambert and Representative Paul Lundeen, for the opportunity to engage in these important discussions. The Task Force would like to acknowledge that its recommendations only reflect the opinions of the members of the Task Force and that no formal position has been taken by any outside organizations, including those with representatives on the Task Force. We look forward to remaining involved should the General Assembly choose to implement the Task Force's recommendations.

Sincerely,



Stan Hilkey
*Executive Director,
Department of Public Safety
Chair of the Task Force*

Kevin Klein
*Director of Division of Homeland
Security and Emergency Management,
Department of Public Safety*

Michael Rankin
*Director of Colorado Bureau
of Investigations,
Department of Public Safety*

Chief Scott Hernandez
*Colorado State Patrol,
Department of Public Safety*

Cory Amend
*Director of Peace Officer Standards
and Training,
Attorney General's Office*

Christian Malanka
*Police Chief,
Idaho Springs*

Justin Smith
*Sheriff,
Larimer County*

Ronald Abramson
*Colonel,
Colorado Mounted Rangers*

Task Force Members and Stakeholders:

The following is a list of the official members of the Colorado Mounted Rangers Study Task Force:

Name	Title	Department/Organization
Stan Hilkey	Executive Director	Colorado Department of Public Safety
Kevin Klein	Director, Division of Homeland Security and Emergency Management	Colorado Department of Public Safety
Michael Rankin	Director, Colorado Bureau of Investigation	Colorado Department of Public Safety
Scott Hernandez	Chief, Colorado State Patrol	Colorado Department of Public Safety
Cory Amend	Director of Peace Officer Standards and Training	Attorney General's Office
Christian Malanka	Police Chief	Colorado Association of Chiefs of Police
Justin Smith	Sheriff	County Sheriffs of Colorado
Ronald Abramson	Colonel	Colorado Mounted Rangers

In addition, the following individuals also participated in Task Force meetings:

Name	Department/Organization
Bill Tolbert	Colorado Mounted Rangers
Peg Ackerman	County Sheriffs of Colorado
Jesse Jensen	Colorado Association of Chiefs of Police
Scott Turner	Attorney General's Office
Carolyn Berry	Attorney General's Office
Jennifer Anderson	Attorney General's Office
David Hall	Colorado Department of Public Safety
Jana Locke	Colorado Department of Public Safety
Gabby Reed	Colorado Department of Public Safety

Executive Summary:

During the 2016 legislative session, SB 111 "Colorado Mounted Rangers Peace Officer Status" was introduced. Initially, the legislation created a new class of reserve peace officer for Colorado Mounted Rangers. Due to concerns from stakeholders, the bill was amended and enacted to create the Colorado Mounted Rangers Study Task Force. The Task Force is required to study and make recommendations regarding whether it is appropriate for Colorado Mounted Rangers (CMR) to receive P.O.S.T. certification and peace officer authority. The eight members of the Task Force, as well as other

stakeholders, met seven times to identify specific recommendations. The meetings took place on May 31st, June 16th, July 21st, September 15th, October 20th, November 17th and December 13th.

CMR currently has memoranda of understanding (MOUs) with 56 law enforcement agencies statewide. CMR provides their trained services, free of charge, to participating law enforcement agencies upon request. Although CMR is not a P.O.S.T. certified organization, they do provide 125 required hours of non-P.O.S.T. training to their recruits. CMR has attempted to obtain P.O.S.T. certification but has experienced difficulties since it is not a governmental agency.

After discussing the merits and pitfalls of several proposed solutions, the Task Force came up with the following three recommendations:

- *Recommendation #1* – CMR shall initiate the formation of an intergovernmental agreement (IGA) with law enforcement agencies that wish to participate. The IGA signatories will then act as the governmental oversight entity, thus making the Rangers eligible to apply for P.O.S.T. reserve officer certification under current law.¹
- *Recommendation #2* – Establish a P.O.S.T. certified Reserve Academy that is managed by the IGA and provides the mandatory 209 hours of P.O.S.T. certified training to Ranger recruits. There will be a transition period for current Rangers to also complete the training. Alternatively, the IGA could also form partnerships with existing reserve academies to train prospective Rangers.
- *Recommendation #3* - Create a state grant program to fund time-limited start-up costs of a P.O.S.T. certified reserve academy for the Rangers. Since the IGA will govern what is effectively a state-wide shared reserve force, it is an appropriate use of state resources to fund either one-time start-up costs of a new reserve academy or additional capacity in existing reserve academies with whom the IGA can partner to certify all Rangers.

Statement of Purpose:

SB 111 “Colorado Mounted Rangers Peace Officer Status” (Lambert/Lundeen) was introduced during the 2016 legislative session. As introduced, the bill placed the Colorado Mounted Rangers within the Division of Homeland Security and Emergency Management (DHSEM), which is housed in the Department of Public Safety (CDPS), as a volunteer law enforcement unit that provides support to local governments upon request. The bill also established a new P.O.S.T. certification specifically for volunteer reserve peace officers.

After discussions with relevant stakeholders, including CMR, CDPS, County Sheriffs of Colorado, Colorado Association of Chiefs of Police, and the P.O.S.T. board, the bill was amended into a Task Force to facilitate conversation among all impacted parties. As amended and signed into law, SB 16-111 requires the Colorado Mounted Rangers Study Task Force to study and make recommendations regarding whether it is appropriate for CMR to receive P.O.S.T. certification, and if so:

- The appropriate level of peace office certification including the appropriate amount of training and supervision.
- The appropriate agency to house the CMR.
- The appropriate level of peace office authority of the CMR.
- The status of a CMR when the Ranger is not on duty.

¹ C.R.S. 29-1-201 through C.R.S. 29-1-203.5

This purpose of this report is to outline and explain the recommendations made by the Colorado Mounted Rangers Study Task Force.

Background of Colorado Mounted Rangers:

According to the Colorado Mounted Rangers, CMR served as Colorado's only statewide law enforcement beginning in 1861, when the Colorado Territory was established, through the 1920s when CMR was disbanded. In 1941, CMR was reorganized into an all-volunteer unit. Since then, the Rangers have served as an unpaid auxiliary to any agency that requests their assistance. CMR's statewide services are particularly valuable to small and rural law enforcement agencies that have limited staffing and operating budgets, with no peace officer reserve programs in place when there is a large event, emergency or natural disaster taking place. In 2012, SB 12-072 "Colorado Mounted Rangers" (Lambert/Stephens) permitted CMR to enter into MOUs with a state agency, county sheriff, local government, or an emergency planning committee to provide assistance as required. The bill also established that any agency entering into an MOU with CMR is solely responsible for the performance of any Ranger operating under the agency's purview and will incur all liability for misconduct.

Currently, CMR has approximately 200 active members across the state. New members of CMR must complete 125 hours of law enforcement training before they can serve on duty. An additional 24 hours of shotgun and patrol rifle training is optional. Training includes a wide range of areas including first aid, CPR, arrest control procedures, tactical baton and qualification with firearms; however, none of this training is currently P.O.S.T. certified. For this training to be taken into consideration as meeting P.O.S.T. reserve certification requirements, each individual Ranger would have to apply for a variance which is explained in more detail on page 8. As an all-volunteer, non-governmental organization, the Rangers do not have access to traditional P.O.S.T. funding resources which means that individual Rangers bear the expense of training, equipment, and deployment.

56 agencies across the state have agreements with CMR.² CMR enters into an MOU with each law enforcement agency after which the Rangers are available to that agency upon request. According to

² Auraria Campus, University of CO Denver, Metro State University, Community College of Denver, Community College of Aurora, Adams County Sheriff's Office, Archuleta County Sheriff's Office, Crowley County Sheriff's Office, Douglas County Sheriff's Office, Eagle County Sheriff's Office, Fremont County Sheriff's Office, Gilpin County Sheriff's Office, Kiowa County Sheriff's Office, La Plata County Sheriff's Office, Weld County Sheriff's Office, Aguilar Marshal, Ault Police Department, Commerce City Police Department, Dacono Police Department, Dillon Police Department, Durango Police Department, Elizabeth Police Department, Empire Police Department, Evans Police Department, Fairplay Police Department, Firestone Police Department, Florence Police Department, Fort Lupton Police Department, Fowler Police Department, Frederick Police Department, Fountain Police Department, Georgetown Police Department, Glendale Police Department, Greeley Police Department, Haxtun Police Department, Idaho Springs Police Department, Johnstown Police Department, Kiowa Policy Department, LaSalle Police Department, Manitou Springs Police Department, Milliken Police Department, Nederland Police Department, Oak Creek Police Department, Rocky Ford Police Department, Salida Police Department, Vail Police Department, Windsor Police Department, Woodland Park Police Department, Adams County Office of Emergency Management, Teller County, Bayfield, Dillon, Elizabeth, Green Mountain Falls, Monument, Ordway, Palmer Lake, Ramah, Canon City Area Fire Protection District

CMR, the organization performs approximately 50,000 annual hours of service. In the past, Ranger duties have included common public safety functions, not limited to:

- Officer presence
- Crowd control
- Flow of people
- Checkpoint search
- Perimeter security
- Lost children
- Suspicious bags
- Event security
- V.I.P. Security Details
- Medical emergencies
- Search and rescue
- Disaster response
- Infrastructure protection

The IGA signatories will ultimately decide what range of law enforcement duties will be offered by the Rangers; however, final duties will be determined by each agency utilizing the Ranger's peace officer services.

In June of 2011, CMR participated in the sunrise review process and presented to the POST Board but was not granted peace officer status due to CMR not being a government agency.

Task Force Recommendations:

Recommendation #1 – Form an Intergovernmental Agreement (IGA):

The Task Force discussed a variety of ways to structure this proposal including whether CMR should be housed in an existing government agency, and if so, which government agency would be the most appropriate for that purpose. Ultimately, it was decided by the entire Task Force, including CMR, that the best course of action is to form an IGA. Reasons for this include:

- An IGA does not require a change in statute.
- An IGA permits law enforcement agencies to incorporate into the agreement what works best for them in relation to utilizing CMR services, including how to address liability concerns.
- An IGA ensures that participating government partners have oversight of the entity.
- An IGA demonstrates that agencies are driving the need for a statewide shared reserve force.

CMR will initiate the formation of an IGA³ that provides governmental oversight. Initially, CMR will work with five to ten partner law enforcement agencies to facilitate implementation of the IGA. Once the IGA is effectively established and more law enforcement agencies wish to join the IGA, the document will be amended to reflect the additions. The IGA also ensures that liability remains with the law enforcement agency that requests Ranger services as is the case, currently, with the MOU process.

³ C.R.S. 29-1-201 through C.R.S. 29-1-203.5

CMR has already drafted a model IGA. Moving forward, they will work with select law enforcement agencies to review the document and identify and remedy key legal, financial, and operational disconnects. Once the document is finalized, an initial group of law enforcement agencies will sign the agreement, formally creating the IGA. The IGA will set Ranger selection criteria, create a vetting process, and establish a P.O.S.T. certified reserve academy. The existing CMR 501(c)(3) organization will remain as a fundraising and advocacy organization.

Currently, it is unclear in statute whether a new entity that has the power to appoint peace officers is required to go through the sunrise review process. Although it is anticipated that this will be resolved through legislation during the 2017 Legislative Session, the Task Force wants to clarify that the IGA will complete the sunrise review process if deemed necessary.

Recommendation #2 – Establish a P.O.S.T. Certified Reserve Academy:

Establishment of the Reserve Academy:

The IGA shall follow the P.O.S.T. Rule 21 process, including obtaining P.O.S.T. approval for facilities, instructors, and courses, to create a new reserve academy. As a point of reference, there are currently only five reserve academies in the state:

- El Paso County Sheriff's Office Reserve Academy
- Highlands Ranch Law Enforcement Training Academy
- Jefferson County Sheriff's Office Reserve Academy
- La Junta Police Department Reserve Academy
- Larimer County Sheriff's Office Reserve Academy

Reserve academies require at least 209 hours of training (not including a driving module which is not required). Specifically, 83 hours of academic training, 62 hours of arrest control training, and 64 hours of firearms training are required. P.O.S.T. certified instructors are required for skills training programs which include firearms, arrest control, and driving (driving is an optional skills training program).

The Academy Director of the proposed reserve academy must contact P.O.S.T. at least six months prior to the anticipated start date of the new academy. The following documentation must be submitted to P.O.S.T. for approval:

- A video in a digital media format approved by POST of all proposed sites where academic instruction and skills training will take place
- Site safety plans
- Lesson plans for all academic courses and all skills training program that are required by the Basic or Reserve Academic Training Program
- Resumes for all academic instructors
- Documentation of qualifications for all skills instructors

CMR plans on working with existing academies to use their facilities when the facilities are available. It is understood that this will likely come at a cost. The reserve academy must obtain P.O.S.T. certification with 12 months from the time any of the above mentioned documents are received by P.O.S.T.

Colorado Mounted Rangers Study Task Force Report

Additionally, the IGA will reach out to existing reserve academies for assistance in putting together course outlines and other required materials to ensure that they comply with P.O.S.T. requirements.

Upon application by the IGA and approval by the P.O.S.T. Board of the reserve academy, all Rangers will be required to complete 209 hours of the reserve academy before being eligible to respond to requests for assistance from participating law enforcement agencies. CMR estimates that 75-100 new candidates will come through the reserve academy each year. More information about how existing Rangers will comply with this requirement is discussed in the "Transition Period for Existing Rangers" section below.

In lieu of establishing a new P.O.S.T. certified reserve academy, the Task Force recognizes that another possibility is for the IGA to form partnerships with existing reserve academies. These partnerships could allow prospective Rangers to go through an existing academy instead of forming a new one.

Transition Period for Existing Rangers:

Until the reserve academy is formally established, existing Rangers (who have completed their non-P.O.S.T. certified CMR training) will continue to serve in their current capacity and structure under the existing MOUs with law enforcement agencies. Additionally, new Ranger candidates will continue to be vetted and trained in accordance with the current CMR training program.

The approximately 200 Rangers who are in service as of the official start date of the first reserve academy will be given up to 36 months to fulfill the new reserve academy requirements, regardless of their previous training. After 36 months have passed from the start date of the reserve academy, no Ranger shall serve without being P.O.S.T. reserve certified. Any Ranger candidate that begins after the start date of the first reserve academy must be P.O.S.T. reserve certified before serving on duty.

This transition period gives current Rangers a reasonable amount of time to complete the new training requirements to become POST certified. For a period of 36 months after the start of the reserve academy, existing MOUs with law enforcement agencies and the new IGA will co-exist. After 36 months have passed, the MOUs will expire and only the IGA will govern Ranger activity for reserve peace officer functions.

Variance Requests:

The Task Force foresees that current Rangers and CMR instructors may have previously been P.O.S.T. certified in Colorado. Under Colorado law, P.O.S.T. certifications remain active as long as an individual is employed as a Colorado Peace Officer, and for up to three years after leaving a law enforcement position. After three years, certification expires. In order to become certified the individual must pass the three skills tests and the P.O.S.T. written exam. Reserve certification, once expired, may not be renewed (Rule 12). Additionally, there are a number of current Rangers who were P.O.S.T. certified officers in other states before moving to Colorado. There is also a process for officers moving to Colorado from other states.

The P.O.S.T. Board already has a process called a variance request to address individuals who are otherwise required to meet the requirement of P.O.S.T. rules. Anyone can apply to the P.O.S.T. Board for a variance. The applicant must submit relevant credentials and training to P.O.S.T. for inspection. Based on these materials, P.O.S.T. may determine that the applicant does not need to complete, in this

case, the full 209 hours of required reserve academy training. There is also a full appeals process that is already in place for variance request applicants as well.

CMR could encourage their existing members to individually apply for variance requests for reserve certification in an effort to reduce their new required training.

Additionally, P.O.S.T. indicated that this same process could apply to non-P.O.S.T. certified instructors. Although P.O.S.T. has never had such a request before, the current variance process would work for this purpose as well.

Recommendation #3 - Create a State Grant Program to Fund Start-up Costs of Reserve Academy:

A new reserve academy will have initial start-up costs. The Task Force recognizes that securing funding for the new reserve academy is a necessary precondition to achieving the recommendations laid out in the report.

P.O.S.T. training funds are only available for Colorado law enforcement. Thus, initially the new reserve academy would not be eligible for those funds to assist in start-up costs. CMR reached out to other reserve academies as well as available training facilities to estimate start-up costs of the proposed reserve academy. Cost estimates are included in Appendix A.

Since the new reserve academy will be dedicated to training the equivalent of a statewide reserve that can be called upon for assistance by law enforcement agencies, the Task Force recommends that the General Assembly create a one-time grant program to help fund start-up and administrative costs of the reserve academy. The grant program should be managed and distributed by the Division of Homeland Security and Emergency Management (DHSEM) based on specified criteria. The department will establish and post eligibility criteria for selection of the entity or entities to receive the grant which may include, but is not limited to:

- Existing access to start-up capital.
- The capacity to serve communities statewide.
- The ability to assist law enforcement agencies in times of need.

Alternatively, if CMR decides to form partnerships with existing reserve academies in lieu of establishing a new reserve academy, the grant could then be used to increase capacity and obtain necessary resources for the new Ranger participants in existing reserve academies.

Conclusion:

CMR has a long history of assisting law enforcement agencies across the state in Colorado. In particular, small and rural law enforcement agencies depend on CMR when there is a large event, emergency or natural disaster taking place. The Task Force recognizes this as a unique opportunity to create a P.O.S.T. certified state-wide shared reserve peace officer force that is available to all participating law enforcement and government agencies as well as any agency in the State under existing mutual aid agreements. This innovative approach would be unlike any other reserve program in the nation and would help ensure that a shared-reserve peace officer force is available when needed. These recommendations recognize the service that the CMR provides to certain law enforcement agencies, while also ensuring that all individuals – professional or volunteer – who serve in a law enforcement capacity are appropriately trained and certified.

Appendix A:

Colorado Mounted Rangers reached out to existing P.O.S.T. certified academies in an effort to estimate the start-up costs of a new reserve academy. Using information provided by Flatrock Regional Training Center, the Task Force estimated the following start-up costs:

Cost per ranger to complete the academy (not including ammunition): \$3,300

Cost per ranger to complete the academy (including ammunition): \$4,000

Since CMR has 200 Rangers who would need to complete the academy, start-up costs would likely cost between \$660,000 and \$800,000. However, this estimate also assumes that each of the 200 Rangers would choose to complete this process.