



Presidential Commission on Law Enforcement and the Administration of Justice

Written Testimony Erik J. Bourgerie, Director Colorado Peace Officer Standards and Training (POST)

It is an honor and a privilege to have been asked to provide testimony to the Commission on the very important topic of law enforcement training.

Before becoming the director for Colorado Peace Officer Standards and Training (POST) in November, 2017, I served in the Summit County Sheriff's Office for just over 20 years. Summit County is a smaller, more rural community located at the very top of Colorado's Rocky Mountains. During my tenure at the Sheriff's Office, I served as detention deputy, detention sergeant, patrol deputy, patrol sergeant, and detention division commander. At various times I was also the training sergeant, lead firearms instructor, and lead arrest control instructor, along with being assigned as a field training officer. I have been an arrest control tactics instructor for 22 years, and a firearms instructor for 21 years. For 14 years, I was a volunteer Subject Matter Expert on the Arrest Control Tactics Committee for Colorado POST, with four of those years serving as the committee chair. I also currently serve as the 2nd Vice President for the International Association of Directors of Law Enforcement Standards and Training (IADLEST). IADLEST is the premier organization for peace officer certification and basic training standards.

Colorado POST sets the minimum standards required for peace officer certification, including curriculum objectives, learning environment, and recruit/instructor safety for over 30 law enforcement training academies in the state, for basic, reserve, and refresher programs. POST also develops and delivers training for peace officers, as well as distributing approximately \$3.8 million annually to defined training regions and individual agencies to enhance law enforcement training across the state. What training is to be offered is up to the regional training boards, or the individual agencies. POST requires a training needs assessment be conducted every three years as a condition of receiving the grant funds and ensures that this needs assessment is being followed in subsequent grant years. These programs are made possible by a \$1.00 surcharge per motor vehicle registration, which has provided a relatively stable funding source. This surcharge is Colorado POST's only funding source, and we cannot accept any general fund monies, by statute.

Colorado, well as other states, have a variety of statutory peace officer positions, some of which do not require certification from their state POST, or POST-type, agency. For Colorado, these would include correctional officers that work in prisons, detention deputies that work in county jails, and district attorney investigators, as a few examples. For the purposes of this discussion, I will only be discussing those peace officers that require POST certification, which primarily include patrol officers and criminal investigators.

For POST certified peace officers, training begins at a basic law enforcement training academy. These academies are generally part of a law enforcement agency, local college system, or POST agency. After successful completion of the academy, training continues within the law enforcement agency where the new peace officer is paired with a senior training officer. There are numerous models for this type of on the job training, but the most common is the Field Training Officer program, or FTO. These training programs are generally 12 to 16 weeks long, and split up into phases. The trainee's responsibilities increase over the course of the training program, starting with observing the training officer to eventually growing to become the primary officer on calls for service. After graduating from the FTO program, these peace officers generally become solo patrol officers and continue their law enforcement education throughout the rest of their career through training offered by their employer or attending training outside the agency, commonly referred to as in-service training. In many states, there are annual or biennial continuing education requirements.

Many discussions around law enforcement training revolve around the in-service training peace officers receive but can ignore the training received at the law enforcement training academy. We must recognize, however, the importance of the basic academy training. The training received at an academy is the very foundation for that peace officer's entire career. As Lt. Col. (Ret.) Dave Grossman points out in this book *On Combat*, during critical incidents, we don't rise to the occasion, we fall to our level of training.

While on a motorcycle ride with a good friend of mine, who happened to be a hair salon owner, I was surprised to find the large discrepancy between the mandated minimum training for peace officers as compared to mandatory training minimums for other professions. In Colorado, we require a minimum of 556 hours of training at the basic law enforcement training academy. In order to become a licensed cosmetologist in Colorado, one must have a minimum of 1,500 hours of training. Compared nationally, Colorado is in the bottom third of hourly academy training requirements. However, even the states with the highest hourly training requirements top out at about 1,000 hours. There are a variety of pressures to limit the number of basic training hours. Among these are the desire to get recruits to their hiring agency quickly in order to fill needed positions, or to stay within timelines set up by the local college systems.

More important than the number of training hours required is the quality of training offered. Unfortunately, many academy and in-service training programs rely on lecture-based learning. We know that this teaching method is not as effective in teaching adult learners, but it is less expensive than the better alternatives. Improving the quality of this fundamental training will increase overall performance by peace officers.

While lecture based training may be appropriate for certain, limited topic areas, it vital for the law enforcement profession that we move away from this teaching methodology to embrace modern, evidence based adult learning concepts. These concepts should include a building block method in determining in what order to teach topic areas. As an example, before one can learn how to respond to an active shooter, they must first master the fundamental techniques of building clearing, tactical movements with and without partners, and firearms usage. Basic concepts should be instructed through facilitated discussions, allowing the adult learner to take ownership in discovering the knowledge, as well as creating a more in-depth understanding. These discussions can help develop critical thinking skills and can be the foundation for problem-based learning. After the general topic is learned, putting it in to practical application via scenario-based learning helps to engrain the knowledge.

Done correctly, scenario-based learning will consist of non-law enforcement actors that follow a predetermined script, along with a grader to give feedback on what the student did well, and areas in which they could improve. Making these scenarios as realistic as possible is essential in preparing our peace officers for what they will encounter on the job. As the academy progresses, the complexity of these scenarios should increase. For example, at the beginning of the academy, the learning topics and accompanying scenarios would focus on property crimes with cooperative subjects. As the academy progresses, scenarios should become more complex, such as domestic violence calls. Our current training method fails both our peace officers and our domestic violence victims. The first time new peace officers encounter the complexity, emotions, and dangers inherent in a domestic violence call is when they are in the field and lives are truly on the line. How do we expect our peace officers to treat these victims with the compassion and dignity they deserve when this is their first exposure to this type of situation, and they have been told for hours during training how dangerous these types of calls are? Being exposed to these factors in a safe and realistic training environment, while armed with training weapons and where the use of force may or may not be required during resolution of the scenario, allows the trainees to make mistakes and receive any needed guidance, including on how they interact with victims.

Over time, these scenarios should be as realistic as can happen in a training environment, including writing reports; identifying, documenting, and collecting evidence; verbal communication, and piecing together knowledge learned over various courses. Realistic scenario-based learning, and the subsequent feedback from the observer, can increase the trainee's emotional intelligence. While this type of training is much more resource intensive, graduates will likely be more "street ready" than today's trainees. This can result in less required training time in the FTO program, due to trainers being able to focus on agency specific items, such as radio usage, geography, agency policy, and form completion, as opposed to trying to teach them communication skills and call handling.

Currently, testing primarily consists of completing a written, knowledge-based exam. However, this testing method tends to only measure "book knowledge", which is one small part of what a peace officer needs to be successful. While we should not do away with the current written testing, we should add in testing of the "soft skills", such as verbal communication, de-escalation, and decision making.

I recommend the Commission create national guidance on the use of modern adult learning concepts to increase the core competencies required for law enforcement, including critical thinking, emotional intelligence, and decision making under stress, by using problem-based learning and realistic scenarios, to name a few. This guidance should contain a blueprint on how to develop and implement these types of courses, as well as examples of possible scenarios, grading forms, actor scripts, and other associated documents.

Along with lack of awareness around these evidence based adult learning concepts, the main stumbling block for implementation is resources. Many agencies, and especially law enforcement training academies, do not have the resources to hire actors or to create realistic training environments. **I recommend the creation of a national training grant available to law enforcement training academies to implement and deliver these training concepts, as well as to improve and/or create training facilities.** This funding could also assist law enforcement agencies, especially the small and rural agencies, by decreasing the cost of sending a recruit to an academy. Additionally, any training infrastructure created at academies through this program could be used by local law enforcement for their in-service training. While Hogan's Alley at the FBI Academy is the gold standard in law enforcement training facilities, there are parts of Colorado where we have no choice but to rent out a restaurant in order to host a training course.

While we know these concepts are effective in teaching adult learners, we do not yet have any studies documenting the effects these training concepts have in a law enforcement environment. It is important to scientifically validate these training methods for law enforcement, to ensure that the results match the expectations. And if not, we need to learn that in order to reassess our training methods. **Therefore, I recommend that the Commission direct that a scientific based study be conducted to assess the effectiveness of these instructional methodologies and their impact on uses of force, complaints leveled on peace officers, internal affair investigations, retention, and termination rates.**

The basis for any academy curriculum is a job task analysis, in order to ensure a scientific basis for the covered topics. Out of necessity, the majority of these topics are of local concern and should be determined by a local job task analysis. However, there are certain topics that overlap for the entire nation. **I recommend the Commission direct a national job task analysis be completed in order to ascertain these topics of common interest for law enforcement training academies across the nation.** Once the topics of common interest are identified, lesson plans and other instructional items can be developed and distributed to academies and POST organizations nationwide. This would allow for standardization of training on certain topics, such as dealing with developmental disabilities, racial bias, and other areas of national concern.

Lastly, it is also vitally important that only qualified individuals attend the law enforcement training academies, and work as peace officers. In Colorado, we recently discovered, via notification by potential hiring agencies, that two certified peace officers who were actively working for law enforcement agencies had potentially disqualifying criminal histories. Due to the limitations of the verbiage and interpretation on CJIS records in 28 CFR 20.3(b), Colorado POST was unable to receive information on these prior offenses. These two peace officers

worked for over three years each, before POST became aware of their criminal histories. This situation plays out daily across the nation, and in nearly every state. **I recommend a change in the verbiage of 28 CFR 20.3(b) to include the certification of peace officers as part of the definition of Administration of criminal justice.** Allowing POST organizations access to this vital information would prevent ineligible individuals from attending a law enforcement training academy, leaving space for only qualified individuals, as well as ensuring only qualified individuals serve our communities as peace officers.