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POST Board Meeting Agenda

Friday, September 13, 2024

Peace Officer Standards and Training (POST) Board Meeting 10 a.m. – 12 p.m.

Pueblo County Sheriff's Office Emergency Services Center
101 W. 10th St, Pueblo CO 81003

- Board Members**
Philip J. Weiser
Attorney General
Chair
Chief George Dingfelder
City of Alamosa
Vice Chair
Donald Addy
Public Member
Ashley Beck
Public Member
Chief Gregory Daly
Town of Avon
Commissioner Laura Daniels
County of Gunnison
Deputy Rachel DeFrancesco
Town of Ridgway
Sharletta Evans
Public Member
Executive Director Stan Hilkey
Department of Public Safety
Sheriff KC Hume
Moffat County
Chief David Krouse
City of Fruita
Scott Levin
Public Member
Deputy Shannon Lofland
Arapahoe County
Sheriff David Lucero
Pueblo County
Sheriff David Martin
Morgan County
Sergeant Devon Meyers
City of Lakewood
Special Agent in Charge Mark Michalek
Federal Bureau of Investigation
Sheriff Justin Perry
Ouray County
Sheriff Aaron Shiplett
Baca County
Jessica Shouse
Public Member
Sheriff Sean Smith
La Plata County
Chief Jeffrey Swoboda
City of Fort Collins
Chief Ron Thomas
City of Denver
- POST Director**
Erik J. Bourgerie
1. **Welcome** Attorney General Phil Weiser
 2. **Pledge of Allegiance** Attorney General Phil Weiser
 3. **Introduction of Board Members, SME Members, Staff and Guests**
 4. **Departing Board Member** Attorney General Phil Weiser
 - Chief Terrence Gordon
 5. **New Board Members**
 - Jessica Shouse, Johnstown, Lay Member
 - Sheriff Aaron Shiplett, Baca County
 - Sheriff Justin Perry, Ouray County
 6. **Departing SMEs** Attorney General Phil Weiser
 - Stephen Marino – Curriculum
 - Jerry Gray – Driving
 - Stephen Larsen – Driving
 7. **Roll Call** Director Erik Bourgerie
 8. **Approval of Board Meeting Minutes from June 7, 2024** Attorney General Phil Weiser
(See supplemental materials)

9. **Subject Matter Expert Committee Reports**

- a. Arrest Control Sergeant Ike Beers
Chair

- b. Curriculum Stu Curry
Vice Chair
 - Reserve Academy Training Program
(See supplemental materials)

- c. Driving Commander Karl Smalley
Chair

- d. Firearms Undersheriff Paul Gregory
Chair
 - Recommended new Integrated Handgun/Red Dot Sight Instructor Program
(See supplemental materials)
 - Recommended changes to the Handgun Instructor Program
(See supplemental materials)

10. **Request for Appeal: Christopher Whiteman** Deputy Director Ron Ryan
Rule 8 Variance
(See supplemental materials)

11. **Request for Appeal: Michael Quintana** Deputy Director Ron Ryan
Rule 8 Variance
(See supplemental materials)

12. **Peace Officer Certification** Director Erik Bourgerie
Revocation & Disciplinary Actions
(See supplemental materials)

POST Rule 9 - Revocation of Peace Officer Certification: Pursuant to § 24-31-305(2)(a), C.R.S., 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, C.R.S. For purposes of this Rule 9, a deferred judgment and sentencing agreement, deferred prosecution agreement, or pretrial diversion agreement concerning a felony or any misdemeanor described in (1.5) of § 24-31-305, whether pending or successfully completed, also support the suspension or revocation of a Colorado peace officer certification. A Colorado peace officer

certification may also be suspended or revoked if pursuant to § 24-31-305(2.5), C.R.S., a law enforcement agency has found, by clear and convincing evidence, that the certificate holder has knowingly made an untruthful statement concerning a material fact while testifying under oath, or during an internal affairs investigation or comparable administrative investigation; or knowingly omitted a material fact on an official criminal justice record, or has otherwise failed to meet the certification requirements established by the Board. A Colorado peace officer certification may also be surrendered pursuant to § 24-31-305.

*The certificate holders in the following matters did **not** appear at the show cause hearing or indicate any intent to oppose the revocation. Unless any member objects and asks to consider one or all of these matters separately, they will all be presented to this Board as a group.*

Felony Convictions:

1. F24-04, George Ibarra, Certification PID CO-122400. On April 4, 2024, Respondent was sentenced after pleading guilty to one count of §18-8-610(1)(a),(3)(a) C.R.S. – Tampering with Physical Evidence, a felony, in Otero County District Court case number 2023CR115. *The Respondent was employed as a Peace Officer at the time of offense (Dates of Offense: April 30, 2022 – August 22, 2023, Rocky Ford Police Department, Separation Date: September 14, 2022).* The Responded did not comply with POST Order to Show Cause No. F24-04 by failing to appear at a Show Cause Hearing on July 24, 2024. POST Director Erik J. Bourgerie recommends revocation of George Ibarra’s Colorado Peace Officer Certification, PID CO-122400.
2. F24-05, Darin Poole, Certification PID CO-116424. On April 26, 2024, Respondent entered into a deferred sentence agreement for one count of §18-3-203(1)(i) C.R.S. – Assault in the Second Degree - Strangulation, a felony, and one count of §18-9-111(1)(e) C.R.S. – Harassment – telephone, a misdemeanor, in Adams County District Court case number 2023CR3667. *The Respondent was not employed as a Peace Officer at the time of offense (Date of Offense: November 26, 2023).* The Responded did not comply with POST Order to Show Cause No. F24-05 by failing to appear at a Show Cause Hearing on July 24, 2024. POST Director Erik J. Bourgerie recommends revocation of Darin Poole’s Colorado Peace Officer Certification, PID CO-116424.
3. F24-08, Malee Lor, Certification PID CO-126678. On May 6, 2024, Respondent was sentenced after pleading guilty to one count of § 18-5-211(1),(4) Insurance Fraud, a felony, in Arapahoe County District Court case

number 2023CR2482. *The Respondent was employed as a Peace Officer at the time of offense (Date of Offense: October 3, 2018, Thornton Police Department, Separation Date February 2, 2019).* The Respondent did not comply with POST Order to Show Cause No. F24-08 by failing to appear at a Show Cause Hearing on July 31, 2024. POST Director Erik J. Bourgerie recommends revocation of Malee Lor's Colorado Peace Officer Certification, PID CO-126678.

4. F24-09, Ryan Cito, Certification PID CO-138559. On May 21, 2024, Respondent entered into a deferred sentence agreement for one count of §18-4-502(1)(a) C.R.S. – 1st Degree Trespass, a felony, in Jefferson County District Court case number 2023CR1085. *The Respondent was not employed as a Peace Officer at the time of offense (Date of Offense: May 3, 2023).* The Respondent did not comply with POST Order to Show Cause No. F24-09 by failing to appear at a Show Cause Hearing on July 31, 2024. POST Director Erik J. Bourgerie recommends revocation of Ryan Cito's Colorado Peace Officer Certification, PID CO-138559.

Misdemeanor Convictions:

5. M24-06, Arman Akbulut, Certification PID CO-202-335. On April 15, 2024, Respondent entered into a deferred sentence agreement for one count of §18-9-111(1)(g) C.R.S – Harassment – Inconvenient Hours, a misdemeanor, in Denver County Court case number 23M07266. *The Respondent was employed as a Peace Officer at the time of offense (Date of Offense: November 1, 2023, Wheat Ridge Police Department, Separation Date: January 18, 2024).* The Respondent did not comply with POST Order to Show Cause No. M24-06 by failing to appear at a Show Cause Hearing on July 24, 2024. POST Director Erik J. Bourgerie recommends revocation of Arman Akbulut's Colorado Peace Officer Certification, PID CO-202-335.

Untruthfulness:

1. U24-19, Noah Howard, Certification PID CO-0088-4460. On May 13, 2024, the Colorado Springs Police Department notified Colorado Peace Officer Standards & Training the Respondent knowingly made an untruthful statement concerning a material fact or omitted a material fact during an internal affairs investigation and during an administrative investigation and/or disciplinary process on November 07, 2023 (*Date of Separation: March 30, 2024*). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Noah Howard's Colorado Peace Officer Certification, PID CO-0088-4460.

2. U24-24, Jeffrey Toback, Certification PID CO-6723-8370. On July 17, 2024, the Douglas County Sheriff's Office notified Colorado Peace Officer Standards & Training the Respondent knowingly made an untruthful statement concerning a material fact or omitted a material fact on an official criminal justice record on May 13, 2024 (*Date of Separation: July 17, 2024*). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Jeffrey Toback's Colorado Peace Officer Certification, PID CO-6723-8370.

Recusals

1. U24-17, Michael McGregor, Certification PID CO-130701. On April 15, 2024, Fort Collins Police Services notified Colorado Peace Officer Standards & Training the Respondent knowingly made an untruthful statement concerning a material fact or omitted a material fact during an administrative investigation and/or disciplinary process on October 10, 2023 (*Date of Separation: December 13, 2023*). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Michael McGregor's Colorado Peace Officer Certification, PID CO-130701.
2. F24-06, Jareh Dalke, Certification PID CO-6383-6807. On May 2, 2024, Respondent was sentenced after pleading guilty to six (6) counts of §794(a) 18 U.S.C., Attempt to Transmit National Defense Information to an Officer or Agent of a Foreign Government, felonies, in U.S. District Court – District of Colorado case number 1:22CR00313RM. *The Respondent was employed as a Peace Officer at the time of offense (Dates of Offense: August 1, 2022 - September 26, 2022, Colorado Rangers, Separation Date: December 2, 2022)*. The Respondent did not comply with POST Order to Show Cause No. F24-06 by failing to appear at a Show Cause Hearing on July 29, 2024. POST Director Erik J. Bourgerie recommends revocation of Jareh Dalke's Colorado Peace Officer Certification, PID CO-6383-6807.

Voluntary Relinquishments:

1. VR24-09, David Guest, Certification PID CO-128490. On May 23, 2024, the 4th Judicial District Attorney's Office notified Colorado Peace Officer Standards and Training the Respondent knowingly made an untruthful statement concerning a material fact or omitted a material fact during an administrative investigation and/or disciplinary process between May 3 – May 22, 2024. Prior to a hearing in this matter, Colorado Peace Officer Standards and Training received a voluntary relinquishment of David Guest's Colorado Peace Officer Certificate on July 18, 2024.

Administrative Hearing Officer Decisions:

1. U22-25, Laura Stengle, Certification PID CO-2020-3760. On August 25, 2022, the El Paso County Sheriff's Office notified Colorado Peace Officer Standards & Training the Respondent knowingly made an untruthful statement concerning a material fact or omitted a material fact on an official criminal justice record on July 14, 2022 (*Date of Separation: August 4, 2022*). The respondent requested a Show Cause Hearing, however, the Respondent failed to answer the Notice of Charges and an Entry of Default was entered. An initial decision imposing revocation was issued on June 19, 2024, by an Administrative Hearing Officer. Neither party objected to the disciplinary action, resulting in a final order of revocation being issued on September 6, 2024.

13. **Rule Making**
(*See supplemental materials*) Director Erik Bourgerie
Board Counsel Tara Buchalter

14. **2025 Meeting Dates** Attorney General Phil Weiser

March 13, 2025	Work Session
March 14, 2025	Board Meeting
June 2, 2025	Board Meeting
September 11, 2025	Work Session
September 12, 2025	Board Meeting
December 5, 2025	Board Meeting

15. **Suspension Matrix**
(*See supplemental materials*) Director Erik Bourgerie

16. **Legislative Updates** Legal Initiatives Jeff Riester

17. **Instructor Methodology Course**
(*See supplemental materials*) Director Erik Bourgerie

18. **Sunrise Review Subcommittee**
(*See supplemental materials*) Director Erik Bourgerie
Sheriff KC Hume

19. **Duplicative Appeals Policy**
(*See supplemental materials*) Director Erik Bourgerie
Tara Buchalter

20. **Appeal Hearing Findings** Ms. Ashley Beck
Joseph Harris
Clark Hutchinson
(See supplemental materials)
21. **IADLEST National Certification Program** Director Erik Bourgerie
22. **Comments From Others on POST Issues**
23. **Adjournment** Attorney General Phil Weiser

Upcoming Meetings

POST Board Meeting: Friday, December 6 from 10 a.m. to 12 p.m.

TBD

SME Meetings – 8:15 am