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POST Board Meeting Agenda

Friday, March 10, 2023

Peace Officer Standards and Training (POST) Board Meeting
10 a.m. – 12 p.m.
Department of Law
1300 Broadway, Denver, CO 80203

Board Members

Philip J. Weiser
Attorney General
Chair

Chief George Dingfelder
City of Monte Vista
Vice Chair

Donald Addy
Public Member

Sr. Investigator Tonya Barnes
Eighteenth Judicial District

Ashley Beck
Public Member

Chief Gregory Daly
Town of Avon

Laura Daniels
Public Member

Officer Rachel Esters
City of Ouray

Sharletta Evans
Public Member

Chief Terrence Gordon
City of Thornton

Chief Maris Herold
City of Boulder

Executive Director Stan Hilkey
Department of Public Safety

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

Sheriff Anthony Mazzola
Rio Blanco County

Special Agent in Charge Mark Michalek
Federal Bureau of Investigation

Sheriff Shawn Mobley
Otero County

Sheriff Steve Nowlin
Montezuma County

Sheriff Sean Smith
La Plata County

Chief Jeffrey Swoboda
City of Fort Collins

Councilmember Wayne Williams
City of Colorado Springs

POST Director

Erik J. Bourgerie

1. **Welcome** Attorney General Phil Weiser
2. **Pledge of Allegiance** Attorney General Phil Weiser
3. **Introduction of New Board Members** Attorney General Phil Weiser
 - a. Chief David Krouse, City of Fruita
 - b. Sheriff David Lucero, Pueblo County
 - c. Sheriff Sean Smith, La Plata County
 - d. Special Agent in Charge Mark Michalek, FBI
4. **Departing SME Members** Attorney General Phil Weiser
 - a. Tom Peterson, Firearms SME, 2017-2022
 - b. Master Trooper Pete Lawrence, Firearms SME, 2015-2022
 - c. Master Sergeant Robert Rabson, ACT SME, 2016-2023
5. **Introduction of Board Members, SME Members, Staff and Guests**
6. **Roll Call** Director Erik Bourgerie
7. **Approval of Minutes From December 2, 2022** Attorney General Phil Weiser

8. **Subject Matter Expert Committee Reports**

- a. Arrest Control Sergeant Ike Beers
Chair

- b. Curriculum Janet Larson
Chair
 - Recommended Reserve Academy Revision
(See supplemental materials)

- c. Driving Commander Karl Smalley
Chair

- d. Firearms Div. Chief Paul Gregory
Chair

9. **Request for Appeal -
Rule 8 Variance: Eric Martinez** Director Erik Bourgerie
(See supplemental materials)

10. **Peace Officer Certification
Revocation Actions** Director Erik Bourgerie
(See supplemental materials)

POST Rule 9 - Revocation of Peace Officer Certifications: 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. 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. 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.

*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. No. F22-11, Vincent Ryan Potter, Certification PID CO-128539. On August 22, 2022, Respondent was sentenced after pleading guilty to one count of §18:2251(a)/(e), U.S.C. – Employ, Use, Persuade, Induce, Entice, and Coerce any Minor to Engage in Sexually Explicit Conduct for the Purpose of Producing Child Pornography, a Felony, in Case No. DNCW321CR000204-001 in the United States District Court, Western District of North Carolina. The respondent was employed as a peace officer on the date of the offense (Date of Offense: March 18, 2021, Adams County Sheriff's Office, Separated June 18, 2021). The respondent has not complied with POST Show Cause Order No. F22-11 by failing to appear at the scheduled Show Cause Hearing on November 8, 2022. POST Director Erik J. Bourgerie recommends revocation of Vincent Ryan Potter's Colorado Peace Officer Certification, PID CO-128539.
2. No. F22-12, Rickey Lee Jackson, Certification PID CO-126517. On June 23, 2022, Respondent was granted a deferred sentence after pleading guilty to one count of §18-8-306, Public Servant – Attempt to Influence, a Felony, and one count of §18-8-503, Perjury in the Second Degree, a Misdemeanor, in Case No. 2022CR1145 in the Jefferson District Court. The respondent was employed as a peace officer on the date of the offense (Date of Offense: June 2, 2021, Nunn Police Department, Separated November 29, 2021). The respondent has not complied with POST Show Cause Order No. F22-12 by failing to appear at the scheduled Show Cause Hearing on November 8, 2022. POST Director Erik J. Bourgerie recommends revocation of Rickey Lee Jackson's Colorado Peace Officer Certification, PID CO-126517.
3. No. F22-13, Joseph Nguyen, Certification PID CO-9666-4010. On October 31, 2022, Respondent was granted a deferred sentence after pleading guilty to one count of §18-3-206(1)(a)/(b), Menacing - real/simulated Weapon, a Felony, in Case No. 2022CR529 in the Jefferson District Court. The respondent was employed as a peace officer on the date of the offense (Date of Offense: February 5, 2022, Department of Revenue - Gaming, Separated October 7, 2022). The respondent has not complied with POST Show Cause Order No. F22-13 by failing to appear at the scheduled Show Cause Hearing on January 25, 2023. POST Director Erik J. Bourgerie

recommends revocation of Joseph Nguyen's Colorado Peace Officer Certification, PID CO-9666-4010.

Misdemeanor Convictions:

1. No. M22-08, Kevin Eugene Gates, Certification PID CO-3312-9668. On August 5, 2022, Respondent was granted a deferred sentence after pleading guilty to one count of §18-9-111(1)(c) Harassment-follow Person In Public Place, a Misdemeanor, in Case No. 2022M3142 in the Adams County Court. *The respondent was employed as a peace officer on the date of the offense (Date of Offense: July 28, 2022, Adams County Sheriff's Office, separated August 2, 2022).* The respondent has not complied with POST Show Cause Order No. M22-08 by failing to appear at the scheduled Show Cause Hearing on October 5, 2022. POST Director Erik J. Bourgerie recommends revocation of Kevin Eugene Gates' Colorado Peace Officer Certification, PID CO-3312-9668.
2. No. M22-09, Daria Jalali, Certification PID CO-7785-5025. On August 5, 2022, Respondent was sentenced to probation after pleading guilty to one count of §18-8-802(1.5), Peace Officer – Fail to Intervene, a misdemeanor, in Case No. 2021M1071 in the Larimer County Court. *The respondent was employed as a peace officer on the date of the offense (Date of Offense: April 15, 2021, Loveland Police Department, separated April 30, 2021).* The respondent has not complied with POST Show Cause Order No. M22-09 by failing to appear at the scheduled Show Cause Hearing on October 5, 2022. POST Director Erik J. Bourgerie recommends revocation of Daria Jalali's Colorado Peace Officer Certification, PID CO-7785-5025.
3. No. M22-10, Seth Franklin Reavis, Certification PID CO-135002. On August 5, 2022, Respondent was granted a deferred sentence after pleading guilty to one count of §18-9-111(1)(c), Harassment – Follow person in public, a misdemeanor, in Case No. 2019CR121 in the Archuleta County Court. *The respondent was not employed as a peace officer on the date of the offense (Date of Offense: March 26, 2019).* The respondent has not complied with POST Show Cause Order No. M22-10 by failing to appear at the scheduled Show Cause Hearing on December 12, 2022. POST Director Erik J. Bourgerie recommends revocation of Seth Franklin Reavis' Colorado Peace Officer Certification, PID CO-135002.
4. No. M22-12, Joshua Ryan Brown, Certification PID CO-7034-3500. On October 14, 2022, Respondent was granted a deferred sentence after pleading guilty to one count of §18-3-204(1)(a), Assault – Know/reckless cause injury, a misdemeanor, in Case No. 2022CR179 in the Delta County

Court. *The respondent was not employed as a peace officer on the date of the offense (Date of Offense: October 14, 2022).* The respondent has not complied with POST Show Cause Order No. M22-12 by failing to appear at the scheduled Show Cause Hearing on January 23, 2023. POST Director Erik J. Bourgerie recommends revocation of Joshua Ryan Brown's Colorado Peace Officer Certification, PID CO-7034-3500.

5. No. M22-14, David Michael Cornell, Certification PID CO-122274. On August 29, 2022, Respondent was granted a deferred sentence after pleading guilty to one count of § 18-9-111(1)(a) Harassment-strike/shove/kick, a Misdemeanor, in Case No. 2021CR2490 in the Douglas County Court. *The respondent was not employed as a peace officer on the date of the offense (Date of Offense: October 19, 2021).* The respondent has not complied with POST Show Cause Order No. M22-14 by failing to appear at the scheduled Show Cause Hearing on January 24, 2023. POST Director Erik J. Bourgerie recommends revocation of David Michael Cornell's Colorado Peace Officer Certification, PID CO-122274.

Untruthfulness:

1. No. U22-01, Brian K. Uebelhoer, Certification (PID CO-101405). On January 4, 2022, Colorado Springs Police Department notified Colorado Peace Officer Standards & Training that the Respondent knowingly made an untruthful statement concerning a material fact or omitted a material fact during an internal affairs investigation on September 28, 2021 (Date of Separation: December 17, 2021). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Brian K. Uebelhoer's Colorado Peace Officer Certification (PID CO-101405).
2. No. U22-12, Jacob Blackburn, Certification (PID CO-2751-3644). On March 31, 2022, Johnstown Police Department notified Colorado Peace Officer Standards & Training that the Respondent knowingly made an untruthful statement concerning a material fact or omitted a material fact on an official criminal justice record and during an internal affairs investigation on December 25, 2021 (Date of Separation: March 3, 2022). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Jacob Blackburn's Colorado Peace Officer Certification (PID CO-2751-3644).
3. No. U22-35, Victoria Louise Raine, Certification (PID CO-857-631). On December 20, 2022, La Plata County Sheriff's Office notified Colorado Peace Officer Standards & Training that the Respondent knowingly made

an untruthful statement concerning a material fact or omitted a material fact during an internal affairs investigation between August 2022 and December 2022 (Date of Separation: December 15, 2022). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Victoria Raine's Colorado Peace Officer Certification (PID CO-857-631).

11. **Grants Subcommittee Opening** Grants Mgr. Kim Hernandez
12. **Appeal Subcommittee Findings** Councilmember Wayne Williams
 - a. Eric Ma
(See supplemental materials)
 - b. Christopher Valko
(See supplemental materials)
13. **Approval of 2024 Meeting Dates** Director Erik Bourgerie

March 14	Work Session
March 15	Board Meeting
June 7	Board Meeting
September 12	Work Session
September 13	Board Meeting
December 6	Board Meeting
14. **Comments From Others on POST Issues**
15. **Adjournment** Attorney General Phil Weiser

Upcoming Meetings

POST Board Meeting: Friday, June 2 from 10 a.m. to 12 p.m.

State Services Building
1525 Sherman St
Denver, CO 80203