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**Peace Officer Standards and
Training**

**STATE OF COLORADO
DEPARTMENT OF LAW**

**POST BOARD MEETING
RECORD OF PROCEEDINGS**

*Friday, March 10, 2023
10 A.M. – 12 P.M.*

The Peace Officer Standards and Training Board held its 420th Board meeting at the Department of Law, 1300 Broadway, Denver, CO 80203.

BOARD MEMBERS PRESENT

DONALD ADDY, Public Member
SENIOR INVESTIGATOR TONYA BARNES, Eighteenth Judicial District
ASHLEY BECK, Public Member, attended virtually
CHIEF GREGORY DALY, Avon Police Department
LAURA DANIELS, Public Member
CHIEF GEORGE DINGFELDER, Monte Vista Police Department
OFFICER RACHEL ESTERS, City of Ouray, attended virtually
CHIEF TERRENCE GORDON, City of Thornton
CHIEF MARIS HEROLD, Boulder Police Department, attended virtually
SCOTT LEVIN, Public Member
DEPUTY SHANNON LOFLAND, Arapahoe County Sheriff's Office
SHERIFF DAVID LUCERO, Pueblo County Sheriff's Office
SHERIFF DAVID MARTIN, Morgan County Sheriff's Office
SHERIFF ANTHONY MAZZOLA, Rio Blanco County Sheriff's Office, attended virtually
SAC MARK MICHALEK, FBI
SHERIFF SHAWN MOBLEY, Otero County Sheriff's Office, attended virtually
SHERIFF STEVE NOWLIN, Montezuma County Sheriff's Office
SHERIFF SEAN SMITH, La Plata County Sheriff's Office
ATTORNEY GENERAL PHIL WEISER, Colorado Department of Law

BOARD MEMBERS EXCUSED

EXECUTIVE DIRECTOR STAN HILKEY, Colorado Department of Public Safety
CHIEF DAVE KROUSE, City of Fruita Police Department

BOARD MEMBERS ABSENT

SHARLETTA EVANS, Public Member
CHIEF JEFFREY SWOBODA, Fort Collins Police Services
COUNCILMEMBER WAYNE WILLIAMS, City of Colorado Springs

BOARD COUNSEL

TARA BUCHALTER, Asst. Attorney General

POST STAFF MEMBERS PRESENT

ROBERT BAKER, Training Manager
ERIK BOURGERIE, Director
JANET DRAKE, Deputy Attorney General, Criminal Justice Section
VICTORIA EDSTEDT, Administrative Coordinator
NICOLA ERB, Training Specialist
KISHAWN LEUTHAUSER, Grants Specialist
MARIO NORIEGA, Administrative Coordinator
DAN OSTRANDER, Training Specialist
JANELLE RASMUSSEN, Compliance Specialist
CATHERINE RODRIGUEZ, Compliance Manager
MEGAN SERENA, Compliance Coordinator
COURTNAY SCHWARTZ, Law Enforcement Accountability Officer
JARED TORSNEY, Training Specialist

MEMBERS OF THE PUBLIC IN ATTENDANCE

UNDERSHERIFF QUINN ARCHIBEQUE, Delta County Sheriff's Office, Member of SME Driving Committee
SERGEANT IKE BEERS, City of Lakewood, Chair of SME ACT Committee
REGAN BENSON, Public Member
SERGEANT JEFF BREDEHOEFT, Douglas County, Vice Chair of SME Firearms Committee, attended virtually
JANET LARSON, Chair of Curriculum SME Committee
COMMANDER KARL SMALLEY, Adams County Sheriff's Office, Chair of Driving SME
TWO UNKNOWN PUBLIC MEMBERS

1. **Welcome** Attorney General Phil Weiser
2. **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

3. **Pledge of Allegiance** Attorney General Phil Weiser

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

Quorum of members present.

7. **Approval of Board Meeting Minutes From December 2, 2022** Attorney General Phil Weiser

*Motion to approve – 1st Levin, 2nd Nowlin
Approved unanimously*

8. **Subject Matter Expert Reports**

a. Arrest Control Sergeant Ike Beers
Chair ACT Committee

The Arrest Control Tactics (ACT) SME committee recognized departing member Robert Rabson. With his departure and a few other openings, they are seeking new members. The ACT committee approved three full skills instructors and are trying to keep up with inspections as weather permits. The committee discussed and agreed to send a language change request to Rule 21 for the Board's review and approval.

b. Curriculum Janet Larson
Chair

The Curriculum SME committee met every month this quarter. They welcomed four new members and are working on the curriculum revisions that will be presented at the September Board meeting. Significant changes were made to the Reserve Academy to make the learning process more effective. For example, hours of interactions with special populations were increased among other things as outlined in the proposal.

*Motion to approve Reserve Academy Revision – 1st Daly, 2nd Levin
Approved unanimously*

- c. Firearms Sergeant Jeff Bredehoeft
Vice Chair

The Firearms SME committee meets every month. They approved six full skills instructors, completed two test outs as scheduled and did one academy inspection. The committee continues its work around the red dot site (RDS) systems, making sure that the instructors can successfully teach it on the academy level. Right now, most of the academies have the adequate number of qualified RDS instructors.

- d. Driving Commander Karl Smalley
Chair

The Driving SME committee approved Arapahoe County Sheriff's Office Training Academy site and four full skills instructors. They discussed implementation of the Instructor Program Inspections and test out schedule.

9. **Request for Appeal -** Director Erik Bourgerie
Rule 8 Variance: Eric Martinez

Tabled until June 2023 to allow Eric Martinez attend in person.

10. **Peace Officer Certification** Director Erik Bourgerie
Revocation Actions

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 office 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).

*Motion to revoke – 1st Nowlin, 2nd Martin
Approved unanimously*

Due to Board member conflicts, the following matter will be addressed separately to allow for necessary recusals.

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).

Sheriff Smith recused on Case No. U22-35, Victoria Louise Raine, Certification PID CO-857-631

*Motion to revoke – 1st Nowlin, 2nd Dingfelder
Approved unanimously*

11. **Appeal Subcommittee Findings** Chief Greg Daly

- a. Eric Ma

After a considerable discussion the subcommittee members made the decision to grant Eric Ma a variance.

- b. Christopher Valko

The denial of Christopher Valko's variance request was withdrawn by Director Bourgerie.

12. **Grants Subcommittee Opening** Grants Mgr. Kim Hernandez

Sheriff Lucero was nominated to fill the Grants Subcommittee Sheriff vacancy.

13. **Approval of 2024 Meeting Dates** Director Erik Bourgerie

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|--------------|---------------|
| March 14 | Work Session |
| March 15 | Board Meeting |
| June 7 | Board Meeting |
| September 12 | Work Session |
| September 13 | Board Meeting |
| December 6 | Board Meeting |

*Motion to approve 2024 meeting dates – 1st Barnes, 2nd Dingfelder
Approved unanimously*

14. **Academy Redesign Project** Attorney General Phil Weiser

Attorney General Weiser shared updates on Academy Redesign. One of the main goals to accomplish by the end of 2024 is to pilot a new curriculum model. To have a

better management capacity in this project, POST will be hiring a Deputy Director, a curriculum specialist dedicated solely to curriculum development and a vendor to help construct the curriculum, making learning more situational-based and interactive. The Board expressed support and discussed their experiences with law enforcement training, as well as ways to transition into a proposed model.

15. **Comments From Others**

Director Erik Bourgerie

Regan Benson expressed a concern about not having a process for the public to have thorough investigations done on law enforcement. She is hoping for more transparency in government operations and advocates to have something in place, where citizens get a better response.

16. **Adjournment**

Attorney General Phil Weiser

Motion to adjourn - 1st Martin, 2nd Nowlin
Approved unanimously