



Department of Law
Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 9th Floor
Denver, CO 80203
(720) 508-6721
Fax: (866) 858-7486
Email: POST@coag.gov

POST Board Meeting Agenda

Friday, June 3, 2022

Peace Officer Standards and Training (POST) Board Meeting:
9 a.m. – 11 a.m.
State Services Building
1525 Sherman St #B15, Denver, CO 80203

Board Members

Philip J. Weiser
Attorney General
Chair

Sheriff Anthony Spurlock
Douglas County
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

Chief George Dingfelder
City of Monte Vista

Officer Rachel Esters
City of Ouray

Sharletta Evans
Public Member

Chief Debra Funston
Town of Palisade

Chief Terrence Gordon
City of Thornton

Executive Director Stan Hilkey
Department of Public Safety

Sheriff Robert Jackson
Alamosa County

Scott Levin
Public Member

Deputy Shannon Lofland
Arapahoe County

Sheriff David Martin
Morgan County

Sheriff Anthony Mazzola
Rio Blanco County

Chief John Minor
Town of Silverthorne

Sheriff Shawn Mobley
Otero County

Chief Clinton Nichols
City of Commerce City

Sheriff Steve Nowlin
Montezuma County

Special Agent in Charge Michael Schneider

Federal Bureau of Investigation
Councilmember Wayne Williams

City of Colorado Springs

POST Director

Erik J. Bourgerie

- Welcome** Attorney General Phil Weiser
- Pledge of Allegiance** Attorney General Phil Weiser
- Introduction of Board Members, SME Members, Staff and Guests**
- Roll Call** Director Erik Bourgerie
- Approval of Work Session Minutes From March 10, 2022 and POST Board Meeting Minutes From March 11, 2022** Attorney General Phil Weiser
- Request for Reconsideration - Variance Denial: Skyler Parks**
(See supplemental materials) Director Erik Bourgerie
- Request for Reconsideration - Variance Denial: Michael Pietrzak**
(See supplemental materials) Director Erik Bourgerie
- Request for Appeal of Show Cause Hearing Finding: Nikolaus Weldon**
(See supplemental materials) Director Erik Bourgerie
- Request for Appeal of Rule 11 Variance Decision: Keleka Alualu**
(See supplemental materials) Director Erik Bourgerie

10. **Request for Appeal of Rule 10 Variance Decision: Director Erik Bourgerie**
Vivian Villagrana-Perales
(See supplemental materials)
11. **Peace Officer Certification Director Erik Bourgerie**
Revocation & Disciplinary Actions
(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.

Felony Convictions:

1. No. F21-11, Nikolaus Orion Weldon, Certification PID CO-1265-2529. On September 29, 2021, Respondent was sentenced after pleading guilty to one count of §18-3-302(1), (2)(a), Kidnapping 2 – Seize/Carry Victim - Att, a class 5 felony, in Case No. 21CR13 in the District Court of Las Animas County. *The respondent was not employed as a peace officer on the date of the offense (Date of Offense: January 15, 2021).* The respondent has complied with POST Show Cause Order No. F21-11 by appearing at the scheduled Show Cause Hearing on January 18, 2022. POST Director Erik J. Bourgerie recommends revocation of Nikolaus Weldon's Colorado Peace Officer Certification, PID CO-1265-2529.

*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. F22-01, Diego Isaiah Archuleta, Certification PID CO-3239-9841. On January 6, 2022, Respondent was granted a Deferred Sentence plea agreement

after pleading guilty to one count of §18-3-203(1)(i) Assault 2 - Strangulation, a Felony, in Case No. 2021CR5257 in the Denver District Court. *The respondent was employed as a peace officer on the date of the offense (Date of Offense: September 1, 2021, Denver Police Department, Separated January 6, 2022).* The respondent has not complied with POST Show Cause Order No. F22-01 by failing to appear at the scheduled Show Cause Hearing on May 2, 2022. POST Director Erik J. Bourgerie recommends revocation of Diego Isaiah Archuleta's Colorado Peace Officer Certification, PID CO-3239-9841.

2. No. F22-02, Curtiss Howard Christensen, Certification PID CO-125769. On February 14, 2022, Respondent was sentenced after pleading guilty to one count of §18-12-111(1) Firearms – Straw Purchase, a Felony, in Case No. 2021CR518 in the Arapahoe District Court. *The respondent was not employed as a peace officer on the date of the offense (Date of Offense: September 21, 2020).* The respondent has not complied with POST Show Cause Order No. F22-02 by failing to appear at the scheduled Show Cause Hearing on May 2, 2022. POST Director Erik J. Bourgerie recommends revocation of Curtiss Howard Christensen's Colorado Peace Officer Certification, PID CO-125769.

Misdemeanor Convictions:

1. No. M21-10, David Wayne Cox, Certification PID CO-133618. On November 15, 2021, Respondent was sentenced after pleading guilty to one count of §18-3-404(1)(a), Sexual Contact – No Consent, a misdemeanor, in Case No. 20CR327 in the County Court of Montrose County. *The respondent was not employed as a peace officer on the date of the offense (Date of Offense: July 3, 2011).* The respondent has not complied with POST Show Cause Order No. M21-10 by failing to appear at the scheduled Show Cause Hearing on February 24, 2022. POST Director Erik J. Bourgerie recommends revocation of David Wayne Cox's Colorado Peace Officer Certification, PID CO-133618.
2. No. M21-11, Joshua Michael Cabello, Certification PID CO-1150-4011. On December 1, 2021, Respondent was granted a deferred sentence after pleading guilty to one count of §18-3-204(1)(a), Assault 3 – know/reckless cause injury, a misdemeanor, in Case No. 21CR1030 in the County Court of Pueblo County. *The respondent was employed as a peace officer on the date of the offense (Date of Offense: July 17, 2021, Crowley County Sheriff's Office, Separated July 19, 2021).* The respondent has not complied with POST Show Cause Order No. M21-11 by failing to appear at the scheduled Show Cause Hearing on March 2, 2022. POST Director Erik J. Bourgerie recommends revocation of Joshua Michael Cabello's Colorado Peace Officer Certification, PID CO-1150-4011.
3. No. M21-12, Jeffrey Wayne Miller, Certification PID CO-116566. On December 9, 2021, Respondent was granted a deferred sentence after pleading guilty to one count of §18-8-404, Official Misconduct I, a misdemeanor, in Case No. 21M18 in the County Court of Cheyenne County. *The respondent was employed as a peace officer on the date of the offense (Date of Offense: September 23, 2021, Cheyenne County Sheriff's Office, Separated December 9, 2021).* The respondent has not

complied with POST Show Cause Order No. M21-12 by failing to appear at the scheduled Show Cause Hearing on March 18, 2022. POST Director Erik J. Bourgerie recommends revocation of Jeffrey Wayne Miller's Colorado Peace Officer Certification, PID CO-116566.

4. No. M22-04, Billy Scott Carruth, Certification PID CO-5925-1077. On January 24, 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. 2021M631 in the Fremont County Court. *The respondent was not employed as a peace officer on the date of the offense (Date of Offense: October 24, 2021).* The respondent has not complied with POST Show Cause Order No. M22-04 by failing to appear at the scheduled Show Cause Hearing on May 2, 2022. POST Director Erik J. Bourgerie recommends revocation of Billy Scott Carruth's Colorado Peace Officer Certification, PID CO-5925-1077.
5. No. M22-06, Jeremiah E. Duran, Certification PID CO-129884. On May 21, 2021, Respondent was granted a deferred sentence after pleading guilty to one count of §18-8-104(1)(a) Obstructing a Peace Officer, a Misdemeanor, in Case No. 2021M42 in the Rio Grande County Court. *The respondent was employed as a peace officer on the date of the offense (Date of Offense: March 6, 2021, Rio Grande County Sheriff's Office, Separated February 28, 2022).* The respondent has not complied with POST Show Cause Order No. M22-06 by failing to appear at the scheduled Show Cause Hearing on May 2, 2022. POST Director Erik J. Bourgerie recommends revocation of Jeremiah E. Duran's Colorado Peace Officer Certification, PID CO-129884.

Untruthfulness:

1. No. U21-18, Hernan Samudio, Certification (PID CO-8907-9979). On October 5, 2021, Eagle 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, and during an administrative investigation and/or disciplinary process on April 3, 2021 (Date of Separation: August 23, 2021). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Hernan Samudio's Colorado Peace Officer Certification (PID CO-8907-9979).
2. No. U21-19, Aaron J. Sanchez, Certification (PID CO-100678). On October 11, 2021, 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 during an administrative investigation and/or disciplinary process on August 19, 2021 (Date of Separation: September 14, 2021). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Aaron J. Sanchez's Colorado Peace Officer Certification (PID CO-100678).

3. No. U21-21, Joseph Feldman, Certification (PID CO-5920-2996). On October 14, 2021, El Paso 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 on an official criminal justice record between August 1, 2021 and September 13, 2021 (Date of Separation: September 13, 2021). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Joseph Feldman's Colorado Peace Officer Certification (PID CO-5920-2996).
4. No. U21-23, Susan Elizabeth Daigle, Certification (PID CO-124172). On November 9, 2021, Eaton 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 on September 26, 2021 (Date of Separation: October 27, 2021). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Susan Elizabeth Daigle's Colorado Peace Officer Certification (PID CO-124172).
5. No. U21-27, Rebecca R. Buttermore, Certification (PID CO-3741-8386). On November 22, 2021, Steamboat 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 and during an administrative investigation and/or disciplinary process on August 25, 2021 (Date of Separation: September 27, 2021). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Rebecca R. Buttermore's Colorado Peace Officer Certification (PID CO-3741-8386).
6. No. U21-28, Ruben Modesto Trujillo, Certification (PID CO-6743-5118). On December 7, 2021, Montrose 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, during an internal affairs investigation, and during an administrative investigation and/or disciplinary process between September 22, 2021 and November 8, 2021 (Date of Separation: November 8, 2021). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Ruben Modesto Trujillo's Colorado Peace Officer Certification (PID CO-6743-5118).
7. No. U21-30, Manuel A. Pedraza, Certification (PID CO-136149). On December 27, 2021, Pueblo 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 and during an administrative investigation and/or disciplinary process on January 11, 2021 (Date of Separation: September 3, 2021). The respondent did not request a Show Cause Hearing regarding this matter. POST

Director Erik J. Bourgerie recommends revocation of Manuel A. Pedraza's Colorado Peace Officer Certification (PID CO-136149).

12. **Revised Grant Guidelines**
(See supplemental materials) Grants Mgr. Kim Hernandez
13. **Grant Awards**
(See supplemental materials) Grants Mgr. Kim Hernandez
14. **Subject Matter Expert Committee Reports**
 - a. Arrest Control Sergeant Ike Beers
Chair
 - b. Curriculum Janet Larson
Chair
 - c. Driving Commander Karl Smalley
Chair
 - d. Firearms Undersheriff Paul Gregory
Chair
15. **Vetting of Grant Sponsored Trainings**
(See supplemental materials) Director Erik Bourgerie

IADLEST National Certification Program (NCP).
16. **Approval of 2022 Meeting Dates in Grand Junction** Director Erik Bourgerie

September 8 - Work Session
September 9 - Board Meeting
17. **Rule 29 Modifications** Director Erik Bourgerie
 - a. Noncertified psychological and physical exams
 - b. Rehire psychological and physical exams
18. **Academy Redesign Project** Director Erik Bourgerie
 - a. Final Curriculum Format (IKEA vs AFW)
 - b. Academy Instructor Certification
19. **Comments From Others on POST Issues**

20. **Emergency Suspension Due to Training Issue** Director Erik Bourgerie
(See supplemental materials) Board Counsel Colleen Morey

Daniel Carpio, Certification (PID CO-984-798). On March 4, 2022, POST Board Staff reviewed documentation and recognized inconsistencies in the Arrest Control Tactics training program at the Pueblo Police Department Law Enforcement Academy (“PPDLEA”) and found that PPDLEA was using a non-POST approved arrest control discipline in their training with recruits. Respondent attended PPDLEA and received this inadequate training. As such, Respondent was not qualified to be a certified peace officer in the state of Colorado. POST sent a letter to Respondent on March 24, 2022, stating that POST may take emergency action pursuant to §24-4-104(4)(a), C.R.S. to ensure that appropriate training requirements are met. Respondent has failed to respond to this letter as well as multiple attempts to reach him by phone. POST Director Erik J. Bourgerie recommends emergent action to immediately suspend Daniel Carpio’s Colorado Peace Officer Certification (PID CO-984-798) until such time as Mr. Carpio successfully completes a POST approved basic arrest control tactics curriculum at a law enforcement training academy, or demonstrates physical proficiency by successfully completing a POST arrest control tactics Test Out.

Once the Test Out or approved academy curriculum is complete, the Board may provide additional guidance that Board staff may lift the suspension and reinstate certification. If Mr. Carpio fails to complete the necessary training, the Board may request Board staff and the Office of the Attorney General pursue revocation of the certification pursuant to statute.

21. **Executive Session** Attorney General Phil Weiser
(Legal advice and discussion on statutory authority related to use of safety patrol officers)
(Legal advice on active criminal investigation)
(Legal advice on pattern and practice investigation)
22. **Adjournment** Attorney General Phil Weiser

Upcoming Meetings

POST Work Session: Thursday, September 8 from 10 a.m. to 4 p.m.
POST Board Meeting: Friday, September 9 from 10 a.m. to 12 p.m.