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**Peace Officer Standards and
Training**

**STATE OF COLORADO
DEPARTMENT OF LAW**

**POST BOARD MEETING
RECORD OF PROCEEDINGS**

*Friday, June 3, 2022
9 A.M. – 11 A.M.*

The Peace Officer Standards and Training Board held its 418th Board meeting at the State Services Building 1525 Sherman St #B15, Denver, CO 80203

BOARD MEMBERS PRESENT

SENIOR INVESTIGATOR TONYA BARNES, Eighteenth Judicial District
ASHLEY BECK, Public Member
CHIEF GREGORY DALY, Avon Police Department
LAURA DANIELS, Public Member
OFFICER RACHEL ESTERS, Ouray Police Department
SHARLETTA EVANS, Public Member
CHIEF DEBRA FUNSTON, Rifle Police Department
EXECUTIVE DIRECTOR STAN HILKEY, Colorado Department of Public Safety
SCOTT LEVIN, Public Member
DEPUTY SHANNON LOFLAND, Arapahoe County Sheriff's Office
SHERIFF DAVID MARTIN, Morgan County Sheriff's Office
SHERIFF ANTHONY MAZZOLA, Rio Blanco County Sheriff's Office
CHIEF JOHN MINOR, Silverthorne Police Department
SHERIFF SHAWN MOBLEY, Otero County Sheriff's Office
SHERIFF STEVE NOWLIN, Montezuma County Sheriff's Office
SPECIAL AGENT IN CHARGE MICHAEL SCHNEIDER, FBI-Denver
SHERIFF ANTHONY SPURLOCK, Douglas County Sheriff's Office
ATTORNEY GENERAL PHIL WEISER, Colorado Department of Law
COUNCILMEMBER WAYNE WILLIAMS, City of Colorado Springs

BOARD MEMBERS EXCUSED

DONALD ADDY, Public Member
CHIEF GEORGE DINGFELDER, Monte Vista Police Department
CHIEF TERRENCE GORDON, Thornton Police Department
CHIEF CLINTON NICHOLS, Commerce City Police Department

BOARD MEMBERS ABSENT

SHERIFF ROBERT JACKSON, Alamosa County Sheriff's Office

BOARD COUNSEL

COLLEEN MOREY, Sr. Asst. Attorney General

POST STAFF MEMBERS PRESENT

ERIK BOURGERIE, Director
MEGAN DIMPSEY, Compliance Coordinator
STEVEN ECKELBERRY, Compliance Investigator
VICTORIA EDSTEDT, Administrative Coordinator
KIM HERNANDEZ, Grant Manager
MARIO NORIEGA, Administrative Coordinator
DAN OSTRANDER, Training Coordinator
JARED TORSNEY, Marijuana Training Specialist
MARY VEKASY, Compliance Specialist

MEMBERS OF THE PUBLIC IN ATTENDANCE

KELEKA ALUALU, appeal of variance decision
JONATHON BELL, COAG
SERGEANT JEFF BREDEHOEFT, Douglas County, Vice Chair of SME Firearms
Committee
SOLEIL BULL VAN ZCE, COAG
JANET DRAKE, Deputy Attorney General CJS
ELLA JENAK, COAG
SHALYN KETTERING, Assistant Attorney General OAG
JANET LARSON, Chair of SME Curriculum Committee
SKYLER PARKS, request for reconsideration of variance denial
MICHAEL PIETRZAK, request for reconsideration of variance denial
COMMANDER KARL SMALLEY, Adams County Sheriff's Office, Chair of Driving SME
VIVIAN VILLAGRANA-PERALES, appeal of variance decision

1. **Welcome** Attorney General Phil Weiser
2. **Pledge of Allegiance** Attorney General Phil Weiser
3. **Saying Farewell to Chief John Minor and Coleen Morey**
4. **Introduction of Board Members, SME Members, Staff and Guests**
5. **Roll Call** Director Erik Bourgerie

Quorum of members present.

6. **Approval of Work Session Minutes
From March 10, 2022** Attorney General Phil Weiser
- Motion to approve – 1st Williams, 2nd Mobley
Approved unanimously*
- Approval of POST Board Meeting Minutes
From March 11th, 2022**
- Motion to approve – 1st Williams, 2nd Hilkey
Approved unanimously*
7. **Request for Reconsideration -
Variance Denial: Skyler Parks** Director Erik Bourgerie
- Motion to grant hearing – 1st Barnes, 2nd Williams
Approved by majority vote
The subcommittee for the appeal hearing: Tonya Barnes, Sharletta Evans, Anthony
Spurlock, Wayne Williams, Steve Nowlin*
8. **Request for Reconsideration -
Variance Denial: Michael Pietrzak** Director Erik Bourgerie
- No motion suggested
Initial ruling stands*
9. **Request for Appeal of Show Cause
Hearing Finding: Nikolaus Weldon** Director Erik Bourgerie
- No motion suggested
Initial ruling stands*
10. **Request for Appeal of Rule 11
Variance Decision: Keleka Alualu** Director Erik Bourgerie
- Motion to grant hearing – 1st Daly, 2nd Spurlock
Approved by majority vote
The subcommittee for the appeal hearing: Tonya Barnes, Sharletta Evans, Anthony
Spurlock, Wayne Williams, Steve Nowlin*
11. **Request for Appeal of Rule 10 Variance Decision:
Vivian Villagrana-Perales** Director Erik Bourgerie
- Motion to overturn variance decision – 1st Hilkey, 2nd Williams
Approved by majority vote*
12. **Peace Officer Certification
Revocation Actions** Director Erik Bourgerie

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. 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.

*Motion to revoke – 1st Mazzola, 2nd Mobley
Approved unanimously*

*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 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. M21-12, 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.
3. 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.

4. 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).

*Motion to revoke – 1st Williams, 2nd Hilkey/Levin
Approved unanimously*

13. **Revised Grant Guidelines** Grants Mgr. Kim Hernandez

The POST grants team met with the Grant's subcommittee in April. They are suggesting the following changes to grant guidelines for the upcoming fiscal year:

- Section 2.1. To add language regarding registration fees allowable for those paid prior to the grant year in which a class is held. The intent of this exception is to accommodate officers who may need to register early to avoid full classes. The exception is for the Regional Grant Program only.

- Section 2.2. To remove the reference of A state agency as an applicant agency, because per statute they are not an eligible grant recipient of POST grant funds.
- Section 13. To add language that clarifies POST's recommendation on when to cancel or postpone a class.
- Section 13.8 and Section 13.9. To add language that provides more information regarding the Rule 25 review and Form 8 requirements for Academy Instructor related courses.

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

14. **Grant Awards**

Grants Mgr. Kim Hernandez

The POST grants team and the Grant's Subcommittee have also presented a proposed budget for fiscal year 2023. POST has an estimated 3.4 million available to award, requesting:

- \$373,435 to fund PoliceOne for all the Colorado law enforcement agencies.
- \$25,000 to cover the needs assessment for the regional grantees who are required to submit it every three years.
- \$150,00 for the marijuana lead contract for the SFST ARIDE trainings.
- \$15,000 for the Very Small Agency Backfill Program.
- \$50,000 for the DU leadership program. There will be three trainings and the funding will provide 25 scholarships for rural and small agencies.
- \$233,615 to fund six eligible requests for Capital Improvement grant.
- \$125,723 for the Rural and Small Agency Academy Scholarship Grant Program, where 12 agencies applied.
- \$2,428,481 for the In-Service and Regional Grant Programs. In-Service would receive \$485,696. There are five funding options for the Regional Grant Program for a total award of \$1,942,785. Many different factors were taken into consideration and the subcommittee voted on using the fourth option for 3 years to see what impact it will have on training regions.

*Motion to approve FY23 budget recommendation – 1st Daly, 2nd Mobley
Approved unanimously*

15. **Subject Matter Expert Reports**

a. Curriculum

Janet Larson
Chair

The Curriculum SME committee has met two times and is working toward the final approval of the Arapahoe Academy. The committee will not be meeting every month this summer and is taking a much-deserved break. However, the committee will be receiving a compliance order very soon.

- b. Driving Commander Karl Smalley
Chair

The Driving SME committee thanked Chief Minor and Sheriff Martin for their service. The committee met on June 2 and discussed the following:

- The hours requirement for the Refresher academies.
- Possible written proposals to bring to the Board.
- Best practices.

Lastly, there was an approval of six new full skill instructors, test outs are going well and are staying on schedule.

- c. Firearms *Filling in for Chair Commander Paul Gregory:
Sergeant Bredehoeft*

The Firearms SME Committee approved five full skill instructors and completed two inspections at Pueblo County Sheriff's Office and Western Colorado with no issues or concerns. The committee has about five more inspections scheduled for the fall. They are attempting to catch up from the delays caused by COVID-19. The committee had a discussion on changes in the firearms program with technology that used red dot systems. A formal proposal will be drafted to decide whether the RDS certification should be included in the handgun instructor's school or be a stand-alone certificate. The number of hours required for RDS training is also up for debate. The committee is also working on a proposal to increase number of hours that would recognize instructors as experts in their field.

16. **Academy Redesign Project** Director Erik Bourgerie

- a. Academy Instructor Certification

The Board discussed how the curriculum redesign can help ensure that instructors are equipped to teach by obtaining support for their certification.

*Motion to have some training support in concept for certification of instructors –
1st Beck, 2nd Daly
Approved unanimously*

- b. Final Curriculum Format (IKEA vs AFW)

The Board discussed the two curriculum redesign options. A base model, nicknamed the "IKEA" model, that mirrors the current learning objective requirements and would need to be assembled by the academy by creating lesson plans, and a fully established curriculum with lesson plans and instructional methodology provided by POST that would be ready for use, nicknamed the "AFW" model.

Motion to support the concept of the AFW model for curriculum – 1st Esters, 2nd Barnes
Approved unanimously

17. **Approval of 2022 Meeting Dates in Grand Junction** Director Erik Bourgerie

September 8 - Work Session
September 9 - Board Meeting

Motion to approve September meeting dates – 1st Hilkey, 2nd Williams
Approved unanimously

18. **Emergency Suspension Due to Training Issue** Director Erik Bourgerie
Board Counsel Colleen Morey

Respondent 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”). 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 reply 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.

Motion to suspend the certification of Daniel Carpio – 1st Hilkey, 2nd Levin
Approved unanimously

Attorney General Weiser and Sheriff Spurlock left the meeting, Executive Director Stan Hilkey was designated as the acting Chair.

19. **Rule 29 Modifications** Director Erik Bourgerie

a. Noncertified psychological and physical exams

The Board discussed the topic of non-certified peace officers undergoing psychological and physical exams. The Board indicated support for the examinations continuing through the course of employment.

b. Rehire psychological and physical exams

The Board also discussed the rules for when an officer is rehired by the same agency and whether another psychological and physical exam must be completed if one has not been conducted in the last three years. No conclusion was made, but the Board may be coming to more concrete decisions in the future.

20. **Adjournment**

Executive Director Stan Hilkey