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**Peace Officer Standards and  
Training**

**STATE OF COLORADO  
DEPARTMENT OF LAW**

**POST BOARD MEETING  
RECORD OF PROCEEDINGS**

*Friday, September 9, 2022  
10 A.M. – 12 P.M.*

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The Peace Officer Standards and Training Board held its 418th Board meeting at the Hampton Inn 205 Main Street, Grand Junction, CO 81501.

**BOARD MEMBERS PRESENT**

DONALD ADDY, Public Member  
SENIOR INVESTIGATOR TONYA BARNES, Eighteenth Judicial District  
DEPUTY DA ASHLEY BECK, Public Member  
CHIEF GREGORY DALY, Avon Police Department  
LAURA DANIELS, Public Member  
CHIEF GEORGE DINGFELDER, Monte Vista Police Department  
OFFICER RACHEL ESTERS, City of Ouray  
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 ANTHONY MAZZOLA, Rio Blanco County Sheriff's Office  
SHERIFF SHAWN MOBLEY, Otero County Sheriff's Office  
SHERIFF STEVE NOWLIN, Montezuma County Sheriff's Office  
SHERIFF ANTHONY SPURLOCK, Douglas County Sheriff's Office  
CHIEF JEFFREY SWOBODA, Fort Collins Police Services  
ATTORNEY GENERAL PHIL WEISER, Colorado Department of Law  
COUNCILMEMBER WAYNE WILLIAMS, City of Colorado Springs

**BOARD MEMBERS EXCUSED**

SHARLETTA EVANS, Public Member  
CHIEF TERENCE GORDON, City of Thornton  
CHIEF MARIS HEROLD, Boulder Police Department  
SHERIFF ROBERT JACKSON, Alamosa County Sheriff's Office  
SPECIAL AGENT IN CHARGE MICHAEL SCHNEIDER, FBI- Denver

## **BOARD COUNSEL**

TARA BUCHALTER, Asst. Attorney General

## **POST STAFF MEMBERS PRESENT**

ERIK BOURGERIE, Director  
JANET DRAKE, Deputy Attorney General, Criminal Justice Section  
STEVEN ECKELBERRY, Compliance Investigator  
VICTORIA EDSTEDT, Administrative Coordinator  
KISHAWN LEUTHAUSER, Regional Grant Coordinator  
MARIO NORIEGA, Administrative Coordinator  
DAN OSTRANDER, Training Specialist  
CATHERINE RODRIGUEZ, Compliance Manager  
JARED TORSNEY, Training Specialist  
MARY VEKASY, Compliance Specialist

## **MEMBERS OF THE PUBLIC IN ATTENDANCE**

PAUL GREGORY, Chair of Firearms SME Committee  
JANET LARSON, Chair of Curriculum SME Committee  
ADAM HANNA, Morrison Police Department  
BILL VINELLI, Chief of Morrison Police Department  
COMMANDER KARL SMALLEY, Chair of Driving SME Committee  
SERGEANT KEVIN SMYTH, Arrest Control Tactics SME Committee,  
TYKO COSTANDINE, Present for Hearing  
NADINE COSTANDINE, Public Member  
LAURA MACKENZIE, Public Member

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. **Introduction of New Board Members** Attorney General Phil Weiser
  - a. Maris Herold, Chief, Boulder Police Department
  - b. Jeff Swoboda, Chief, Fort Collins Police Services
5. **Departing Board Members** Attorney General Phil Weiser
  - a. John Minor, Chief, Silverthorne Police Department
  - b. Clinton Nichols, Chief, Commerce City Police Department

6. **Introduction of New Board Counsel** Attorney General Phil Weiser

a. Tara Buchalter

7. **Roll Call** Director Erik Bourgerie

Quorum of members present.

8. **Approval of POST Board Meeting Minutes From June 3, 2022** Attorney General Phil Weiser

*Motion to approve – 1<sup>st</sup> Levin, 2<sup>nd</sup> Martin/Hilkey  
Approved unanimously*

9. **Subject Matter Expert Reports**

a. Arrest Control Sergeant Kevin Smyth  
Vice Chair ACT Committee

The Arrest Control Tactics SME committee has had two meetings since the last POST Board meeting. During the two meetings the committee was able to approve six full skill instructors. Three were turned down but the committee is waiting on some information to hopefully get them approved. Arapahoe County's Arrest Control Program was approved. The committee also received a site approval that unfortunately did not go through because of some technology issues. There were also two injury reports that the committee was not concerned with. The committee also discussed the skills test outs and how they will be handled going forward. One issue mentioned was the lack of preparedness of the folks being sent to the test outs. The committee's discussion reinforced that it is the agency's responsibility to ensure the people being sent are trained and equipped to take the test. The committee will continue to maintain the standard that is expected. The committee wants to ensure that if a candidate fails any part of the ACT test out, they have to re-take the entire test on their next attempts and not only the blocks that were failed

b. Curriculum Janet Larson  
Chair

The Curriculum SME committee met the day before the Board Meeting. The committee interviewed two new applicants for membership on the board. One applicant (Stu Curry) was accepted and has a great deal of experience as an academy director. The second person was unfortunately not accepted. The committee was authorized to have up to 25 members and they currently sit at 14. Two more interviews are scheduled for next week but, the committee urges the board to recommend and encourage experienced candidates to put in applications. The committee reviewed Red Rocks, who is currently under a

remediation order and must send in their lesson plans by next Friday (September 16th, 2022). They have uploaded 17 out of the 50 lesson plans that must be reviewed and approved. It will be quite the load for the committee as well as the academy to get the review completed in a timely manner. The other three academies/curriculums that were reviewed have also not passed. It was discussed in the meeting that the committee would like to maintain their standards for what is required in Rule 21. The committee has also received two lesson plans for the renewal process and unfortunately neither of them passed. One requires some minor corrections and the other had no lesson plans – only cover sheets. The timeline for the renewal process will be two academies every quarter and how that will be handled was also discussed.

- c. Driving Commander Karl Smalley  
Chair

The Driving SME committee has welcomed back Don Gaskins from the Georgetown Police Department who has returned after resigning to move out of state. The committee has also completed a site approval for the southwest Regional Law Enforcement Academy. Seven new full skill instructors were approved and one more is awaiting a certificate. The committee discussed the upcoming test-outs for the rest of the year. They also discussed the change to the lane change maneuver, and they should have a written proposal ready for the next meeting in December. The concept of using electric cars was also brought up during the meeting and the committee will be attending a conference to learn more about this. The committee also hopes to put together some information for agencies on pursuit termination and TVI tactics.

- d. Firearms Undersheriff Paul Gregory  
Chair

The Firearms SME Committee has approved nine full skills instructors over the past quarter and conducted two test outs. There has also been a revitalization of inspection activity with Denver and Aurora with more coming up with Jeffco and Lakewood. The committee has requested a decision on the change to increase the number of hours for SMEs members that was recommended in the last board meeting. The numbers would increase from 250 hours to 288 hours. This change was also recommended for full skills instructors to have 288 hours. The committee has also discussed the red dot site training (RDS) and having it included as part of the curriculum at the academy level. The focus is making sure that the instructors have what they need to teach others. The recommendation most likely to be made by this December is to mandate full skill instructors to have a RDS certificate by January 1st of 2024 and all instructors to include assistance by January 1st, 2025. The committee will also work on including a RDS component into our POST approved handgun instructor program.

*Motion to approve increase of hours for SME membership – 1<sup>st</sup> Williams, 2<sup>nd</sup> Dingfelder*  
*Approved unanimously*

*Motion to approve increase of hours for Instructors– 1<sup>st</sup> Funston, 2<sup>nd</sup> Lofland*  
*Approved unanimously*

10. **Request for Appeal –** Director Erik Bourgerie  
**Rule 8 Variance: Tyko Costandine**

*No motion. Variance denial stands.*

11. **Request for Appeal of Show Cause** Director Erik Bourgerie  
**Hearing Finding: Adam Hanna**

*Motion to allow the appellant to an appeal hearing - 1st Nowlin, 2nd Hilkey*  
*Approved by majority vote*

*The subcommittee for the appeal hearing: Tonya Barnes, Jeff Swoboda, David Martin, Steve Nowlin, Ashley Beck*

12. **Request for Appeal –** Director Erik Bourgerie  
**Certification: Rick Myers**

*No appeal was required, as a variance had already been approved to allow for Provisional Certification eligibility.*

13. **Peace Officer Certification** Director Erik Bourgerie  
**Revocation Actions & Disciplinary 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 officer certification.

Felony Convictions:

1. No. F22-03, Adam Charles Hanna, Certification PID CO-140042. On January 25, 2022, Respondent was granted pretrial diversion after pleading guilty to one count of §18-5-102(1)(e) Forgery – Government issued Document, a Felony, and one count of §18-5-113(1)(b)(II) Criminal Impersonation – Gain Benefit, a Felony, and one count of §18-8-404 Official Misconduct I, a Misdemeanor, in Case No. 2021CR5 in the Cheyenne District Court. The respondent was employed as a peace officer on the date of the offense (Date of Offense: January 1, 2020, Cheyenne County Sheriff's Office, Separated January 31, 2020). The respondent has complied with POST Show Cause Order No. F22-03 by appearing at the scheduled Show Cause Hearing on May 3, 2022. POST Director Erik J. Bourgerie recommends revocation of Adam Charles Hanna's Colorado Peace Officer Certification, PID CO-140042.

*Tabled due to granting of appeal hearing challenging Director's recommendation for revocation.*

*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. F22-04, Brian Matthew Dominguez, Certification PID CO-137902. On March 24, 2022, Respondent was granted a deferred sentence after pleading guilty to one count of §18-3-206(1)(a)/(b) Felony Menacing – Real/Simulated weapon, a Felony, in Case No. 2020CR208 in the Garfield District Court. *The respondent was employed as a peace officer on the date of the offense (Date of Offense: April 23, 2020, Kersey Police Department, Separated April 24, 2020).* The respondent has not complied with POST Show Cause Order No. F22-04 by failing to appear at the scheduled Show Cause Hearing on July 11, 2022. POST Director Erik J. Bourgerie recommends revocation of Brian Matthew Dominguez's Colorado Peace Officer Certification, PID CO-137902.
2. No. F22-05, Michael R. Benson, Certification PID CO-134872. On April 7, 2022, Respondent was sentenced after being found guilty of one count of §18-3-402(1)(a) Sex Assault – overcome victim's will, a Felony, and two counts of §18-3-404(1)(a) Sexual Contact – no consent, a Misdemeanor, in Case No. 2019CR148 in the Adams District Court. The respondent was employed as a peace officer on the date of the offense (Date of Offense: February 11, 2018, Adams County Sheriff's Office, Separated January 16, 2019). The Respondent has not complied with POST Show Cause Order No. F22-05 by failing to

appear at the scheduled Show Cause Hearing on July 11, 2022. POST Director Erik J. Bourgerie recommends revocation of Michael R. Benson's Colorado Peace Officer Certification, PID CO-134872.

3. No. F22-06, Austin Scott Hopp, Certification PID CO-4769-0642. On May 5, 2022, Respondent was sentenced after being found guilty of one count of §18-3-203(1)(i) Assault 2 - Strangulation, a Felony, in Case No. 2021CR876 in the Larimer District Court. The respondent was employed as a peace officer on the date of the offense (Date of Offense: June 26, 2020, Loveland Police Department, Separated April 30, 2021). The Respondent has not complied with POST Show Cause Order No. F22-06 by failing to appear at the scheduled Show Cause Hearing on July 12, 2022. POST Director Erik J. Bourgerie recommends revocation of Austin Scott Hopp's Colorado Peace Officer Certification PID CO-4769-0642.
4. No. F22-07, Shawn Lee Sanchez, Certification PID CO-100081. On May 2, 2022, Respondent was sentenced after being found guilty of one count of §18-6-401(1)(a),(7)(a)(III) Child Abuse-know/reckless Cause SBI-att, a Felony, in Case No. 2021CR118 in the Delta District Court. The respondent was not employed as a peace officer on the date of the offense (Date of Offense: January 1, 2019). The Respondent has not complied with POST Show Cause Order No. F22-07 by failing to appear at the scheduled Show Cause Hearing on July 12, 2022. POST Director Erik J. Bourgerie recommends revocation of Shawn Lee Sanchez's Colorado Peace Officer Certification PID CO-100081.

Misdemeanor Convictions:

1. 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.

Untruthfulness:

1. No. U22-08, Jonathan Aaron Carrasco, Certification (PID CO-139778). On March 2, 2022, Douglas 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, and during an administrative investigation and/or disciplinary process between August

19, 2020, and February 18, 2022 (Date of Separation: February 19, 2022). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Jonathan Aaron Carrasco's Colorado Peace Officer Certification (PID CO-139778).

2. No. U22-14, William R. Hodge, Certification (PID CO-135649). On April 25, 2022, Weld 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 administrative investigation and/or disciplinary process on March 24, 2022 (Date of Separation: April 15, 2022). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of William R. Hodge's Colorado Peace Officer Certification (PID CO-135649).
3. No. U22-15, Robert W. Mesch, Certification (PID CO-116085). On May 5, 2022, Adams 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 on November 9, 2021 (Date of Separation: April 21, 2022). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Robert W. Mesch's Colorado Peace Officer Certification (PID CO-116085).
4. No. U22-16, David S. Woods, Certification (PID CO-119059). On May 18, 2022, 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 October 12, 2021 (Date of Separation: May 3, 2022). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of David S. Woods' Colorado Peace Officer Certification (PID CO-119059).
5. No. U22-17, Jennifer K. Chase, Certification (PID CO-7727-7800). On May 18, 2022, Sheridan 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 February 28, 2022 (Date of Separation: June 1, 2022). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Jennifer K. Chase's Colorado Peace Officer Certification (PID CO-7727-7800).



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

14. **Rule Making**

Director Erik Bourgerie  
Board Counsel Tara Buchalter

POST Administrative Coordinator, Mario Noriega, has confirmed audio recording of the POST Board Rule Making Hearing at 11:37 a.m. on Friday, September 9th, 2022.

*No comments from the Board or the Public*

*Motion to approve proposed changes to Rule 3 – 1st Dingfelder, 2nd Daly  
Approved unanimously*

*Motion to proposed amendments to Rule 10 – 1st Dingfelder, 2nd Martin  
Approved Unanimously*

*Motion to approve proposed changes to Rule 12 – 1st Spurlock, 2nd Hilkey  
Approved Unanimously*

*Motion to approve proposed changes to Rule 14 – 1st Nowlin, 2nd Esters  
Approved Unanimously*

*Motion to approve proposed changes to Rule 17 – 1st Martin, 2nd Daly  
Approved Unanimously*

*Motion to approve proposed changes to Rule 21 – 1st Mazzola, 2nd Dingfelder  
Approved Unanimously*

*Motion to Adopt recommended change strike out specific verbiage regarding number of hours to Rule 23 – 1st Williams, 2nd Dingfelder  
Approved Unanimously*

*Motion to approve proposed changes to Rule 28 – 1st Barnes, 2nd Beck  
Approved Unanimously*

*Motion to approve proposed changes to Rule 29 – 1st Nowlin, 2nd Dingfelder  
Approved Unanimously*

15. **Assurance of Discontinuation Agreements**

Attorney General Phil Weiser  
Board Counsel Tara Buchalter

[\*Briefing on the AOD entered into regarding statutory authority related to use of safety patrol officers.\*](#)

16. **Comments From Others on POST Issues**

17. **Emergency Suspension Due to Training Issue**

Director Erik Bourgerie  
Board Counsel Tara Buchalter

§ 24-31-315, C.R.S. Compliance

Department of Corrections: Diane Currington, PID 116329,

Department of Corrections: Troy Daniels, PID 107235,

Department of Corrections: Michael Denzler, PID 139935,

Department of Corrections: Jonathon Hutchison, PID 113629,

Department of Corrections: Eric Johnson, PID 137949,

Department of Corrections: Loren Masters, PID 100158,  
Department of Corrections: Sandra Newhouse, PID 124614,  
Department of Corrections: Janine Olson, PID 117807,  
Department of Corrections: Sheryl Trujillo, PID 116180,  
Department of Corrections: Andrew Weaver, PID 114697,  
Department of Corrections: Joshua Wegner, PID 104609,  
Huerfano County Sheriff's Office: Charles Biggins, PID 0373-0907,  
Huerfano County Sheriff's Office: Raymond Walsh, PID 100729,

The named individuals failed to comply with the training requirements contained in § 24-31-315, C.R.S. The requirements for § 24-31-315, C.R.S. were due between June 30 and August 8, 2022. Each person was provided a 30-day compliance notice between August 1 and August 5, 2022, expiring between September 1 and September 8, 2022. None of the named individuals completed all of the training requirements as of September 9, 2022 and are still out of compliance.

Pursuant to § 24-31-315(2)(a), C.R.S., the POST Board shall suspend a peace officer's certification if the peace officer fails to comply with the training requirements in this section. The POST Board shall reinstate a peace officer's certification that was suspended upon completion of the training requirements.

*Motion to suspend certifications until the proper training requirements are fulfilled -  
1<sup>st</sup> Daly, 2<sup>nd</sup> Dingfelder  
Approved unanimously*

18. **Adjournment**

Attorney General Phil Weiser