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POST Board Meeting Agenda

Friday, December 3, 2021

Via [Zoom](#)

Webinar ID: 892 0715 8262

Public Link: <https://us02web.zoom.us/j/89207158262>

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SME Committee Meetings: 8:00 am – 10:00 am

Peace Officer Standards and Training (POST) Board Meeting:
10:00 am - 12:00 pm

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| <p>Chief George Dingfelder
City of Monte Vista</p> <p>Officer Rachel Esters
City of Ouray</p> <p>Sharletta Evans
Public Member</p> <p>Chief Debra Funston
Town of Palisade</p> <p>Chief Terrence Gordon
City of Thornton</p> <p>Executive Director Stan Hilkey
Department of Public Safety</p> <p>Sheriff Robert Jackson
Alamosa County</p> <p>Scott Levin
Public Member</p> <p>Deputy Shannon Lofland
Arapahoe County</p> <p>Sheriff David Martin
Morgan County</p> <p>Sheriff Anthony Mazzola
Rio Blanco County</p> <p>Chief John Minor
Town of Silverthorne</p> <p>Sheriff Shawn Mobley
Otero County</p> <p>Chief Clinton Nichols
City of Commerce City</p> <p>Sheriff Steve Nowlin
Montezuma County</p> <p>Special Agent in Charge
Michael Schneider
Federal Bureau of Investigation</p> <p>Councilmember Wayne Williams
City of Colorado Springs</p> | <ol style="list-style-type: none">1. Welcome Attorney General Phil Weiser2. Pledge of Allegiance Attorney General Phil Weiser3. Introduction of New Board Members Attorney General Phil Weiser

Don Addy, Public Member
Laura Daniels, Public Member
Sharletta Evans, Public Member
Scott Levin, Public Member4. Introduction of Board Members, SME Members, Staff and Guests5. Roll Call Director Erik Bourgerie6. Approval of Work Session Minutes From September 23, 2021 and POST Board Minutes From September 24, 2021 Attorney General Phil Weiser |
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POST Director
Erik J. Bourgerie

7. **Subject Matter Expert Committee Reports**

- a. Arrest Control Sergeant Ike Beers
Chair

 - b. Curriculum Janet Larson
Chair
 - Curriculum Update Recommendations
(*See supplemental materials*)
 - Instructional Methodology Update Recommendation
(*See supplemental materials*)

 - c. Driving Commander Karl Smalley
Chair

 - d. Firearms Commander Paul Gregory
Chair
8. **Request for Appeal – Variance Denial:** Director Erik Bourgerie
Josh Wood
(*See supplemental materials*)
9. **Request for Reconsideration – Variance Denial:** Director Erik Bourgerie
Damien Esparza
(*See supplemental materials*)
10. **Peace Officer Certification** Director Erik Bourgerie
Revocation 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.

*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. F21-06, Joshua Robert Katz, Certification PID CO-7690-2934. On August 12, 2021, Respondent was sentenced after pleading guilty to one count of §18-3-203(1)(I), Assault 2 - Strangulation, a Class 4 Felony, in Case No. 21CR179 in the District Court of Morgan County. *The respondent was employed as a peace officer on the date of the offense (Date of Offense: May 15, 2021, Log Lane Village Police Department, Separated June 21, 2021).* The respondent has not complied with POST Show Cause Order No. F21-06 by failing to appear at the scheduled Show Cause Hearing on October 13, 2021. POST Director Erik J. Bourgerie recommends revocation of Joshua Robert Katz's Colorado Peace Officer Certification, PID CO-7690-2934.
2. No. F21-07, Jeremy John Ashton, Certification PID CO-116869. On August 11, 2021, Respondent was sentenced after pleading guilty to one count of 18-3-206(1)(a)/(b), Felony Menacing – Real / Simulated Weapon, a Class 5 Felony, in Case No. 21CR803 in the District Court of Adams County. *The respondent was employed as a peace officer on the date of the offense (Date of Offense: March 19, 2021, Seventeenth Judicial District, Separated April 14, 2021).* The respondent has not complied with POST Show Cause Order No. F21-07 by failing to appear at the scheduled Show Cause Hearing on October 13, 2021. POST Director Erik J. Bourgerie recommends revocation of Jeremy John Ashton's Colorado Peace Officer Certification, PID CO-116869.

Misdemeanor Convictions:

1. No. M21-07, Paul Andrew Saunders, Certification PID CO-7910-7977. On March 10, 2021, Respondent was granted a deferred sentence after pleading guilty to one count of §18-3-204(1)(a), Third Degree Assault - Knowingly/Recklessly Causing Injury, a Misdemeanor, in Case No. 19M3305 in the County Court of Weld County. *The respondent was employed as a peace officer on the date of the offense (Date of Offense: October 18, 2019, Weld County Sheriff's Office, Separated October 22, 2019).* The respondent has not complied with POST Show Cause Order No. M21-07 by failing to appear at the scheduled Show Cause Hearing on August 17, 2021. POST Director Erik J. Bourgerie recommends revocation of Paul Andrew Saunders' Colorado Peace Officer Certification, PID CO-7910-7977.

Untruthfulness:

1. No. U20-20, Benjamin Sadler, Certification (PID CO-7247-6367). On December 3, 2020, Arapahoe 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 on June 18, 2020 (Date of Separation: October 20, 2020). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Benjamin Sadler's Colorado Peace Officer Certification (PID CO-7247-6367).
2. No. U21-12, Victor Simental, Certification (PID CO-1421-2284). On June 6, 2021, Auraria Campus 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 March 22, 2021 and May 5, 2021 (Date of Separation: June 18, 2021). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Victor Simental's Colorado Peace Officer Certification (PID CO-1421-2284).
3. No. U21-13, Brandon R. Barry, Certification (PID 133834). On August 3, 2021, Mesa 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 March 22, 2021 (Date of Separation: May 28, 2021). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Brandon R. Barry's Colorado Peace Officer Certification (PID 133834).
4. No. U21-14, Brian S. Therrien, Certification (PID 119151). On September 1, 2021, Crowley 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 or disciplinary process on March 14, 2021 (Date of Separation: July 16, 2021). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Brian S. Therrien's Colorado Peace Officer Certification (PID 119151).
5. No. U21-17, Samuel B. Berkeland, Certification (PID CO-5824-1968). On September 13, 2021, Fountain 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 June 23, 2021 (Date of Separation: September 1, 2021). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie

recommends revocation of Samuel B. Berkeland's Colorado Peace Officer Certification (PID CO-5824-1968).

Excessive Use of Force & Failure to Intervene:

1. No. E21-01, Nicholas A. Hanning, Certification (PID 135239). On July 8, 2021, Idaho Springs Police Department notified Colorado Peace Officer Standards & Training that the Respondent was found in an internal affairs investigation to have used unlawful physical force on May 30, 2021. On October 20, 2021, Mr. Hanning voluntarily relinquished his Colorado Peace Officer Certification.

12. **Voluntary Relinquishment of Certification:** Director Erik Bourgerie
Nicholas Hanning
(See supplemental materials)

13. **Rulemaking** Director Erik Bourgerie
(See supplemental materials) Board Counsel Colleen Morey

14. **SME Member Policy Update** Compliance Mgr. Cathy Rodriguez
(See supplemental materials)

15. **Project Updates** Director Erik Bourgerie
 - a. ICAT
 - b. Job Task Analysis
 - c. Academy Redesign Advisory Committee
 - d. EDMUS
 - e. ABLE

16. **Grant Plaque Samples** Grants Mgr. Kim Hernandez

17. **Legislative Session Update** Attorney General Phil Weiser

18. **Academy Fee Proposal** Director Erik Bourgerie
(See supplemental materials)

19. **Academy Review Subcommittee Update** Sheriff Tony Spurlock

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

21. **Questions on Board Manual Summary** Compliance Mgr. Cathy Rodriguez
(See supplemental materials)

22. **Questions on Annual Board Ethics Training** Board Counsel Colleen Morey
(See supplemental materials)

23. **Executive Session** Attorney General Phil Weiser
(Legal Questions on Board Rule Summary)
(Legal Questions on Annual Board Ethics Training)
(Pending Pattern and Practice Investigation)
(Legal Advice and Discussion on Statutory Authority Related to Use of Safety Patrol Officers)
24. **Adjournment** Attorney General Phil Weiser

Next POST Work Session

Friday, March 10, 2022 – 10 a.m. to 4 p.m.

Next POST Board Meeting

Friday, March 11, 2022

SME Meetings – 8 a.m. to 10 a.m.
POST Board Meeting – 10 a.m. to 12 p.m.