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POST Board Meeting Agenda

Friday, December 2, 2022

Peace Officer Standards and Training (POST) Board Meeting
10 a.m. – 12 p.m.
Department of Law
1300 Broadway, 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 Terrence Gordon
City of Thornton

Chief Maris Herold
City of Boulder

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

Sheriff Shawn Mobley
Otero County

Sheriff Steve Nowlin
Montezuma County

Special Agent in Charge Michael Schneider

Federal Bureau of Investigation

Chief Jeffrey Swoboda
City of Fort Collins

Councilmember Wayne Williams
City of Colorado Springs

POST Director
Erik J. Bourgerie

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. **Departing Board Members** Attorney General Phil Weiser
 - a. Sheriff Tony Spurlock, Douglas County Sheriff's Office
 - b. Chief Debra Funston, Town of Rifle
5. **Roll Call** Director Erik Bourgerie
6. **Approval of Work Session Minutes from September 8, 2022** Attorney General Phil Weiser
7. **Approval of Board Meeting Minutes From September 9, 2022** Attorney General Phil Weiser
8. **Subject Matter Expert Committee Reports**
 - a. **Arrest Control** Sergeant Ike Beers
(See supplemental materials) Chair
 - Skills Proficiency Manual
 - b. **Curriculum** Janet Larson
(See supplemental materials) Chair
 - Basic Academy

- Refresher Academy
 - c. Driving Commander Karl Smalley
(See supplemental materials) Chair
 - Skills Proficiency Manual Update – Block 3 (Lane Change)
 - d. Firearms Undersheriff Paul Gregory
Chair
9. **Request for Appeal - Rule 8 Variance: Zachary Abney** Director Erik Bourgerie
(See supplemental materials)
10. **Request for Appeal - Rule 8 Variance: Eric Ma** Director Erik Bourgerie
(See supplemental materials)
11. **Request for Appeal - Peace Officer Database Variance: Christopher Valko** Director Erik Bourgerie
(See supplemental materials)
12. **Request for Appeal – Rule 10 Variance: Aaron White** Director Erik Bourgerie
(See supplemental materials)
13. **Request for Appeal – Certification Eligibility: Kasope Sotinwa** Director Erik Bourgerie
(See supplemental materials)
14. **Request for Appeal – Test Out: Jeanne Assam** Director Erik Bourgerie
(See supplemental materials)
15. **Peace Officer Certification Revocation & Disciplinary Actions** Director Erik Bourgerie
(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. 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 recommended revocation of Adam Charles Hanna's Colorado Peace Officer Certification. During the POST Board Meeting on September 9, 2022, the Respondent requested an Appeal Hearing, which was granted by the Board, and a five-member Subcommittee was formed. During the appeal hearing on October 7, 2022, the Subcommittee upheld Director Bourgerie's recommendation to revoke Adam Charles Hanna's Colorado Peace Officer Certification, PID CO-140042.

*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. F22-08, Wesley Scott Dakan, Certification PID CO-9246-9207. On May 23, 2022, Respondent was sentenced after pleading guilty to one count of §18-3-206(1)(a)/(b) Menacing Felony-real/simulated Weapon - Attempt, a Felony, in Case No. 2021CR2607 in the Denver District Court. The respondent was employed as a peace officer on the date of the offense (Date of Offense: April 25, 2021, Colorado State Patrol, Separated June 1, 2021). The respondent has not complied with POST Show Cause Order No. F22-08 by failing to appear at the scheduled Show Cause Hearing on

August 17, 2022. POST Director Erik J. Bourgerie recommends revocation of Wesley Scott Dakan's Colorado Peace Officer Certification, PID CO-9246-9207.

2. No. F22-09, John Burnett East III, Certification PID CO-134793. On June 23, 2022, Respondent was granted a deferred sentence after pleading guilty to one count of §18-3-205(1)(a) Vehicular Assault - Reckless, a Felony, in Case No. 2021CR485 in the El Paso District Court. The respondent was not employed as a peace officer on the date of the offense (Date of Offense: January 19, 2021). The respondent has not complied with POST Show Cause Order No. F22-09 by failing to appear at the scheduled Show Cause Hearing on August 17, 2022. POST Director Erik J. Bourgerie recommends revocation of John Burnett East III's Colorado Peace Officer Certification, PID CO-134793.

Misdemeanor Convictions:

1. No. M22-03, James Casey Hawkins, Certification PID CO-6451-6129. On January 4, 2022, Respondent was sentenced after pleading guilty to one count of §18-3-204(1)(a), Assault 3 – Knowingly / Recklessly Causing Injury, a misdemeanor, in Case No. 2021M139 in the County Court of Adams County. *The respondent was not employed as a peace officer on the date of the offense (Date of Offense: January 8, 2021).* The respondent has not complied with POST Show Cause Order No. M22-03 by failing to appear at the scheduled Show Cause Hearing on May 3, 2022. POST Director Erik J. Bourgerie recommends revocation of James Casey Hawkins' Colorado Peace Officer Certification, PID CO-6451-6129.
2. No. M22-07, Steven Anthony Sanchez, Certification PID CO-134011. On June 28, 2022, 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. 2022M96 in the County Court of Delta County. *The respondent was not employed as a peace officer on the date of the offense (Date of Offense: March 13, 2022).* The respondent has not complied with POST Show Cause Order No. M22-07 by failing to appear at the scheduled Show Cause Hearing on August 17, 2022. POST Director Erik J. Bourgerie recommends revocation of Steven Anthony Sanchez's Colorado Peace Officer Certification, PID CO-134011.

Untruthfulness:

1. No. U22-19, Tiffany M. Yacuta, Certification (PID CO-138940). 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 between April 7, 2022 and April 23, 2022 (Date of Separation: May 18, 2022). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Tiffany M. Yacuta's Colorado Peace Officer Certification (PID CO-138940).
2. No. U22-20, John L. Chadbourne, Certification (PID CO-123889). On June 23, 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 and during an administrative investigation and/or disciplinary process on June 26, 2021 (Date of Separation: May 28, 2022). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of John L. Chadbourne's Colorado Peace Officer Certification (PID CO-123889).
3. No. U22-21, Joseph Tymon Watts-Johnson, Certification (PID CO-009-396). On July 13, 2022, Erie 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 July 13, 2022 (Date of Separation: July 13, 2022). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Joseph Tymon Watts-Johnson's Colorado Peace Officer Certification (PID CO-009-396).
4. No. U21-22, Joel B. Kern, Certification (PID CO-101393). On July 19, 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 and during an administrative investigation and/or disciplinary process on March 21, 2022 (Date of Separation: July 9, 2022). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Joel B. Kern's Colorado Peace Officer Certification (PID CO-101393).
5. No. U22-27, Mark Evan Nazaryk, Certification (PID CO-121620). On September 7, 2021, Arvada 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 July 14, 2022 and August 23, 2022 (Date of Separation: August 26, 2022). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Mark Evan Nazaryk's Colorado Peace Officer Certification (PID CO-121620).

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| 16. Rulemaking
<i>(See supplemental materials)</i> | Director Erik Bourgerie
Board Counsel Tara Buchalter |
| 17. New Vice Chair | Attorney General Phil Weiser |
| 18. Sheriff Terry Reeves, Crowley County:
Request to not attend the New Sheriff Institute.
<i>(See supplemental materials)</i> | Director Erik Bourgerie |
| 19. Course Approval for Missing and Murdered
Indigenous Relatives
<i>(See supplemental materials)</i> | Trng. Specialist Jared Torsney |
| 20. Academy Subcommittee | Sheriff Tony Spurlock |
| 21. Comments From Others on POST Issues | |
| 22. Adjournment | Attorney General Phil Weiser |

Upcoming Meetings

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