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**Peace Officer Standards and
Training**

**STATE OF COLORADO
DEPARTMENT OF LAW**

**POST BOARD MEETING
RECORD OF PROCEEDINGS**

*Friday, December 2, 2022
10 A.M. – 12 P.M.*

The Peace Officer Standards and Training Board held its 419th Board meeting at the Department of Law, 1300 Broadway, Denver, CO 80203.

BOARD MEMBERS PRESENT

DONALD ADDY, Public Member, attended virtually
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, attended virtually
CHIEF TERRENCE GORDON, City of Thornton
CHIEF MARIS HEROLD, Boulder 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, attended virtually
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 ABSENT

SHARLETTA EVANS, Public Member

BOARD COUNSEL

TARA BUCHALTER, Asst. Attorney General

POST STAFF MEMBERS PRESENT

ROBERT BAKER, Training Manager
ERIK BOURGERIE, Director
MEGAN DIMPSEY, Compliance Coordinator
JANET DRAKE, Deputy Attorney General, Criminal Justice Section
STEVEN ECKELBERRY, Compliance Investigator
VICTORIA EDSTEDT, Administrative Coordinator
MARIO NORIEGA, Administrative Coordinator
DAN OSTRANDER, Training Specialist
JANELLE RASMUSSEN, Compliance Specialist
CATHERINE RODRIGUEZ, Compliance Manager
COURTNAY SHWARTZ, Law Enforcement Accountability Officer
JARED TORSNEY, Training Specialist
MARY VEKASY, Compliance Specialist

MEMBERS OF THE PUBLIC IN ATTENDANCE

ZACHARY ABNEY, appeal of variance decision
BRAD ABNEY, Public Member
GAIL ABNEY, Public Member
DIEGO ARCHULETA, appeal of variance decision
CHANTELL ARCHULETA, Public Member
UNDERSHERRIF QUINN ARCHIBEQUE, Delta County, Member of SME Driving Committee
SERGEANT IKE BEERS, City of Lakewood, Chair of SME ACT Committee
RYAN BRACKLEY, Public Member
SERGEANT JEFF BREDEHOEFT, Douglas County, Vice Chair of SME Firearms Committee
JENNIFER JACOBSON, Denver City Attorney's Office
DOUG JEWELL, Attorney for Valko
SOTINWA KASOPE, appeal of variance decision
JANET LARSON, Chair of Curriculum SME Committee
ERIC MA, appeal of variance decision
JAMES PELLONI, Lakeside Police Department
MALLORY REVEL, Attorney for Adam Hanna
COMMANDER KARL SMALLEY, Adams County Sheriff's Office, Chair of Driving SME
CHRISTOPHER VALKO, Sheridan Police Department, appeal of variance decision
ANDREW VAN BIBBER, Denver Police Department
THOMAS H. WILLIAMS, Red Rocks Community College Law Enforcement Training Academy

1. **Welcome** Attorney General Phil Weiser
2. **Departing Board Members** Attorney General Phil Weiser
 - a. Chief Debra Funston, Town of Rifle
 - b. Sheriff Robert Jackson, Alamosa County Sheriff's Office

c. Sheriff Tony Spurlock, Douglas County Sheriff's Office

3. **Pledge of Allegiance** Attorney General Phil Weiser

4. **Introduction of Board Members, SME Members, Staff and Guests**

5. **Roll Call** Director Erik Bourgerie

Quorum of members present.

6. **POST Board Vice Chair Nomination** Attorney General Phil Weiser

*Motion to nominate Chief Dingfelder by acclamation – 1st Williams, 2nd All
Approved unanimously*

7. **Approval of Work Session
Minutes from September 8, 2022** Attorney General Phil Weiser

*Motion to approve – 1st Dingfelder, 2nd Daly
Approved unanimously*

8. **Approval of Board Meeting
Minutes From September 9, 2022** Attorney General Phil Weiser

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

9. **Subject Matter Expert Reports**

a. Arrest Control Sergeant Ike Beers
Chair ACT Committee

The Arrest Control Tactics SME committee proposed edits to testing requirements section of the Skills Proficiency Manual, so the participants are required to retest in all areas of the ACT skills examination if they were unsuccessful in one. The committee also discussed the change in language to Rule 21.

*Motion to approve changes to the testing requirements section of the Skills Proficiency Manual – 1st Spurlock, 2nd Barnes
Approved unanimously*

b. Curriculum Janet Larson
Chair

The Curriculum SME committee is staying busy with additional curriculum revisions. They talked about improving consistency in reviews, new timeline for bringing revisions to the Board and a recently created list of courses that

need a more in-depth assessment. The committee plans to interview two people at their January meeting, which will bring the committee to 18 members. Authorized for 25, they are still short on staff and need help. The committee presented changes to Refresher Academic Training Program and Basic Academic Training Program. Mostly stylistic, these changes include updating references, making the verbs more active and adding language to ensure clarity across the board.

*Motion to approve changes to Refresher Academic Training Program – 1st Williams, 2nd Dingfelder
Approved unanimously*

*Motion to approve changes to Basic Academic Training Program – 1st Mazzola, 2nd Barnes/Martin
Approved unanimously*

- c. Driving Commander Karl Smalley
Chair

The Driving SME committee would like to recognize the departing member Stu Curry, who is moving to serve on the Curriculum committee. The committee reported a driving-related concussion incident, approved two new full skills instructors, discussed 2023 inspections and determined test out dates. In addition, they are considering creating a repository of materials for driving instructors around the state. The committee updated Block 3 of Skills Proficiency Manual in relation to lane change maneuver and presented it to the Board.

*Motion to approve changes to Block 3 of Skills Proficiency Manual – 1st Spurlock, 2nd Mazzola
Approved unanimously*

- d. Firearms Sergeant Jeff Bredehoeft
Vice Chair

The Firearms SME committee has approved six full skills instructors, completed three test outs and one academy inspection. Pete Lawrence and Tom Peterson are leaving the committee due to their retirement. The biggest thing the committee has been working on is adapting to new technology, specifically the red dot site (RDS) systems. It's an ongoing conversation, where they are trying to determine what level of training is needed in the field and how to provide it effectively, so instructors are qualified to teach RDS. The committee hopes to have tools in place by 2024-2025.

10. **Request for Appeal -** Director Erik Bourgerie
Rule 8 Variance: Zachary Abney

No motion suggested

Initial ruling stands

11. **Request for Appeal - Rule 8 Variance: Eric Ma** Director Erik Bourgerie

Motion to grant hearing – 1st Williams, 2nd Levin

Approved 10 votes yes, 9 votes no

The subcommittee for the appeal hearing: Barnes, Williams, Daly, Gordon, Daniels

12. **Request for Appeal – Peace Officer Database Variance: Christopher Valko** Director Erik Bourgerie

Motion to grant hearing – 1st Dingfelder, 2nd Mazzola

Approved unanimously

The subcommittee for the appeal hearing: Barnes, Williams, Daly, Gordon, Daniels

13. **Request for Appeal – Rule 10 Variance: Aaron White** Director Erik Bourgerie

No motion suggested

Initial ruling stands

14. **Request for Appeal – Certification Eligibility: Kasope Sotinwa** Director Erik Bourgerie

POST holds no authority or legal basis.

No motion suggested

15. **Request for Appeal – Test Out: Jeanne Assam** Director Erik Bourgerie

Motion to grant 4th attempt of test out – 1st Williams, 2nd Daly

Approved unanimously

16. **Peace Officer Certification Revocation Actions & Disciplinary 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. 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.

*Motion to revoke – 1st Dingfelder, 2nd Swoboda
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 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).

*Motion to revoke – 1st Williams, 2nd Dingfelder
Approved unanimously*

Due to board member conflicts, the following matter will be addressed separately to allow for necessary recusals.

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).

Director Hilkey recused on Case No. U22-27, Mark Evan Nazaryk, Certification PID CO-121620

Motion to revoke – 1st Williams, 2nd Martin

Approved unanimously

17. **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 11:58 a.m. on Friday, December 2nd, 2022.

No comments from the Board or the Public

Motion to approve proposed changes to rules as proposed – 1st Dingfelder, 2nd Daly

Approved unanimously

18. **Course Approval for Missing and Murdered Indigenous Relatives**

Trng. Specialist Jared Torsney

The training team has been working with the missing indigenous task force to gain knowledge to build the curriculum and recently conducted a pilot course at the Pueblo Community College Law Enforcement Academy. A few revisions were made, and the course is set to begin January 2023 upon approval from the Board.

Motion to approve Missing and Murdered Indigenous Relatives course – 1st Beck, 2nd Hilkey

Approved unanimously

19. **Comments From Others**

Director Erik Bourgerie

Diego Archuleta attempted to request an appeal, but POST holds no authority or legal basis.

No motion suggested

20. **Sheriff Terry Reeves, Crowley County:
Request to not attend the New Sheriff Institute.**

Director Erik Bourgerie

No motion suggested

Initial ruling stands

21. **Executive Session**

Director Erik Bourgerie

(Legal advice regarding the exemption of Sheriff Diggins from attending the New Sheriff Institute)

Motion to disperse into Executive Session – 1st Williams, 2nd Beck

Approved unanimously

Motion to adjourn Executive Session – 1st Dingfelder, 2nd Beck

Approved unanimously

22. **Denver Sheriff Elias Diggins:** Director Erik Bourgerie
Request to not attend the New Sheriff Institute.

The Denver City Attorney addressed the Board on behalf of Sheriff Diggins requesting an exemption from CRS 30-10-501.6; the Board discussed the issue in executive session with Counsel; in open session, no further motion was suggested and the initial decision of the Director stands.

No motion suggested

23. **Adjournment** Attorney General Phil Weiser

Motion to adjourn - 1st Beck, 2nd Swoboda

Approved unanimously