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**Peace Officer Standards and  
Training**

**STATE OF COLORADO  
DEPARTMENT OF LAW**

**POST BOARD MEETING  
RECORD OF PROCEEDINGS**

*Friday, December 3rd, 2021  
10:00 AM – 12:00 PM*

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The Peace Officer Standards and Training Board held its 416th Board Meeting via  
Zoom. Webinar ID: 893 5369 6771

**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  
SHARLETTA EVANS, Public Member  
SHERIFF ROBERT JACKSON, Alamosa County Sheriff's Office  
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  
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**

CHIEF DEBRA FUNSTON, Palisade Police Department  
CHIEF TERRENCE GORDON, City of Thornton  
EXECUTIVE DIRECTOR STAN HILKEY, Colorado Department of Public Safety  
CHIEF CLINTON NICHOLS, Commerce City Police Department

**BOARD COUNSEL**

COLLEEN MOREY, Sr. Asst. Attorney General

**POST STAFF MEMBERS PRESENT**

BOB BAKER, Training Manager  
ERIK BOURGERIE, Director  
MEGAN DIMPSEY, Compliance Coordinator  
STEVEN ECKELBERRY, Compliance Investigator  
VICTORIA EDSTEDT, Administrative Coordinator  
DAN GRIFFIN, Training Coordinator  
KIM HERNANDEZ, Grant Manager  
KISHAWN LEUTHAUSER, Regional Grant Coordinator  
MARIO NORIEGA, Administrative Coordinator  
DAN OSTRANDER, Training Coordinator  
CATHERINE RODRIGUEZ, Compliance Manager  
COURTNAY SHWARTZ, Law Enforcement Accountability Officer  
JARED TORSNEY, Marijuana Training Specialist  
MARY VEKASY, Compliance Specialist

**MEMBERS OF THE PUBLIC IN ATTENDANCE**

SERGEANT IKE BEERS, City of Lakewood, Chair of SME ACT Committee  
JANET LARSON, Chair of SME Curriculum Committee  
JANICE WORTHEM, Colorado State Patrol – Member of SME Curriculum Committee  
KEN KOCH, Northern Colorado Law Enforcement Training Center, Training Manager  
SERGEANT JEFF BREDEHOEFT, Douglas County, Vice Chair of SME Firearms Committee  
UNDERSHERIFF QUINN ARCHIBEQUE, Delta County, Member of SME Driving Committee  
TUESDAY BLACK, Court Project Monitoring Specialist, MAAD Colorado  
ELISE SCHMELZER Public Safety Reporter at The Denver Post  
COMMANDER KARL SMALLEY, Adams County Sheriff's Office, Chair of Driving SME  
JOSHUA WOOD, has appeal with the Board  
JANET DRAKE, Deputy Attorney General CJS  
SHERIFF SAM ZORDELL, Prowers County Sheriff's Office (Here for Appeal)  
DAMON EZPARZA, noncertified Detentions Deputy Prowers County Sheriff's Office (Here for Appeal)

1. **Welcome** Attorney General Phil Weiser
2. **Pledge of Allegiance** Attorney General Phil Weiser
3. **Introduction of New Board Members** Director Erik Bourgerie  
  
Donald Addy, Public Member  
Laura Daniels, Public Member  
Sharletta Evans, Public Member

Scott Levin, Public Member

4. **Roll Call**

Director Erik Bourgerie

Quorum of members present.

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

6. **Approval of POST Board Work Session  
Minutes from September 23<sup>rd</sup>, 2021**

Attorney General Phil Weiser

*Motion to approve – 1<sup>st</sup> Barnes, 2<sup>nd</sup> Mobley  
Approved unanimously*

**Approval of POST Board Meeting  
Minutes from September 24<sup>th</sup>, 2021**

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

7. **Subject Matter Expert Reports**

a. Arrest Control

Sergeant Ike Beers  
Chair

The Arrest Control Tactics (ACT) SME committee approved two full skills instructors for Denver and Colorado Springs which brings their total to 18. This year a few members have separated from the committee. Two were just appointed and two more are awaiting approval, which will bring their committee member total to 16. Anyone interested in joining the committee is urged to reach out to POST. The committee reported to the Board that they have received a variance request from Colorado Springs Police Department. The variance was to eliminate or put a moratorium on their POST-required four hours of training for impact weapons. After conducting research, Colorado Springs would like to allocate the four hours to another area of their program, so they could be at the forefront of the newly rewritten laws (SB 20-217). The committee is concerned with the importance of the impact weapons training, as well as the message this would send to the other academies. Colorado Springs stated that their impact weapon usage has been down the last several years. This decision would come down to a vote from the Board.

b. Curriculum

Janet Larson  
Chair

The Curriculum SME committee takes a moment to recognize Catherine Rodriguez for her excellent advice during the committee's meetings. This year

the committee has looked at several areas of change including source material, statues, learning goals, performance outcomes, current practices, duplicate lessons, cross connections within subjects, and real scenario application. The committee has also brought a proposal forward for the Board to vote on. This proposal includes a revision to separate marijuana and controlled substances since POST writes the marijuana lesson plan. Another revision would be to add an emphasis on reality-based/performance-based training to the Instructional Methodology Program, meaning instructors must add real scenario training instead of PowerPoint-based classes. Students in these courses must be developing training materials and presenting them. The student to instructor ratio would also be changed to 12 student per instructor so that hands-on learning can be monitored more closely.

*Motion to adopt the recommended curriculum updates – 1<sup>st</sup> Spurlock, 2<sup>nd</sup> Mobley  
Approved unanimously*

*Motion to adopt changes to the Instructional Methodology Program – 1<sup>st</sup> Mazzola,  
2<sup>nd</sup> Martin  
Approved unanimously*

- c. Driving Commander Karl Smalley  
Chair

The Driving SME Committee is pleased to welcome one new committee member from the Denver Police Academy, Mark Smith. The committee approved six new driving instructors, as well as has taken a look and approved of the modifications to the track at the Highlands Ranch Law Enforcement Training Academy. A change in Rule 28 is being considered to include assistant instructors' hours at Refresher Academies to possibly be counted toward full instructor hours. The committee is also interested in following the 80-hour assistant training requirement within the past five years in order to be considered a full instructor like their fellow Firearms SME Committee. Another item discussed was to develop a best practice for a remedial training available to agencies for problem drivers. Lastly, the committee has scheduled their test outs and bidding dates for 2022.

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

The Firearms SME Committee approved 24 full skill instructors during the course of 2021 and has conducted 10 test outs. The committee also approved two new site plans and welcomed one new member, as well as accepted an application for another. Previously approved handgun instructor program revisions will be going into effect online starting January 1<sup>st</sup>, 2022.

- 8. **Request for Variance Denial Appeal:** Director Erik Bourgerie

## Joshua Wood

Mr. Wood requested a Rule 11 variance (Provisional Certification) and was denied by Director Bourgerie. Mr. Wood comes now before the Board to request an appeal hearing regarding the Director's decision.

*Motion to allow the appellant to an appeal hearing - 1<sup>st</sup> Dingfelder, 2<sup>nd</sup> Nowlin  
Approved by majority vote  
The subcommittee for the appeal hearing: Tonya Barnes, George Dingfelder,  
Sharletta Evans, Rachel Esters, Ashley Beck*

9. **Reconsideration of Previous Board Decision:** Director Erik Bourgerie  
**Damon Esparza**

In 2018 Mr. Esparza requested a Rule 8 (to gain certification despite having a deniable offense) and was denied by Director Bourgerie and the Board. Mr. Esparza and Sheriff Zordell now come before the Board to request a reconsideration for the previous appeal's denial.

*Motion to allow the appellant to an appeal hearing - 1<sup>st</sup> Williams, 2<sup>nd</sup> Mazzola  
Approved by majority vote  
The subcommittee previously appointed to hear Mr. Wood's appeal will also hear Mr. Esparza's appeal.*

10. **Peace Officer Certification** Director Erik Bourgerie  
**Revocation 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. 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 office 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. F21-07, 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)

*Motion to revoke – 1<sup>st</sup> Martin, 2<sup>nd</sup> Barnes  
Approved unanimously*

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

Felony:

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.

*Sheriff Martin recused on Case No. F21-06, Joshua Robert Katz, Certification PID 7690-2934*

*Motion to revoke – 1<sup>st</sup> Barnes, 2<sup>nd</sup> Nowlin*

*Approved unanimously*

11. **Voluntary Relinquishment of Certification: Director Erik Bourgerie**  
**Nicholas Hanning**

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

*No motion required*

12. **Rulemaking Director Erik Bourgerie**  
**Board Counsel Colleen Morey**

POST Administrative Coordinator, Victoria Edstedt, has confirmed audio recording of the POST Board Rule Making Hearing at 11:32 a.m. on Friday, December 3rd, 2021.

*No comments from the Board or the Public*

Director Bourgerie noted that the only written comment received was from Jeremy Boies about statutory changes and inclusion of use of physical force.

*Motion to approve changes to rules as proposed – 1<sup>st</sup> Spurlock 2<sup>nd</sup> Moblely*

*Approved unanimously*

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

- The Board is working on lengthening the statutorily required 180 day time limit for disposition of revocation and suspension for certain disqualifying incidences. 180 days is a very short amount of time for these dispositions, given all of the processes that need to happen.
- Attorney General Weiser has proposed \$10 million in additional funding for peace officer recruitment and retention to help with staffing shortages, as well as peace officer mental health. Law enforcement has been experiencing the consequences of “the great resignation.” It is important to evaluate how recruitment and retention is being conducted. One way POST is doing it is through the “My Why” project. Providing psychological support to officers has



proven to help among those agencies that can offer it. Attorney General Weiser announced that a grant has been requested to make this a possibility in every agency in Colorado.

14. **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)

*Motion to move into Executive Session – 1<sup>st</sup> Dingfelder, 2<sup>nd</sup> Nowlin/Mobley  
Approved unanimously*

15. **Adjournment** Attorney General Phil Weiser

*Motion to adjourn – 1<sup>st</sup> Mazzola, 2<sup>nd</sup> Spurlock  
Approved unanimously*