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POST Board Meeting Agenda

Friday, December 1, 2023

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
Chief George Dingfelder
 City of Monte Vista
 Vice Chair
Donald Addy
 Public Member
Ashley Beck
 Public Member
Chief Gregory Daly
 Town of Avon
Commissioner Laura Daniels
 County of Gunnison
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 KC Hume
 Moffat County
Chief David Krouse
 City of Fruita
Scott Levin
 Public Member
Deputy Shannon Lofland
 Arapahoe County
Sheriff David Lucero
 Pueblo County
Sheriff David Martin
 Morgan County
Sheriff Anthony Mazzola
 Rio Blanco County
Special Agent in Charge Mark Michalek
 Federal Bureau of Investigation
Sheriff Shawn Mobley
 Otero County
Sheriff Sean Smith
 La Plata County
Chief Jeffrey Swoboda
 City of Fort Collins

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 SME's** Attorney General Phil Weiser
 - Bill Claspell(Curriculum)
 - Gina Seago(Curriculum)
 - John Reece(Curriculum)
 - Gwen Burke(Curriculum)
5. **Roll Call** Director Erik Bourgerie
6. **Approval of Work Session Meeting Minutes from September 7, 2023** Attorney General Phil Weiser
7. **Approval of Board Meeting Minutes From September 8, 2023** Attorney General Phil Weiser
8. **Subject Matter Expert Committee Reports**
 - a. **Arrest Control** Sergeant Ike Beers
(See supplemental materials) Chair
 - **Excited Delirium**
 - b. **Curriculum** Janet Larson
(See supplemental materials) Chair
 - **Basic Academy Curriculum Revision**

POST Director
 Erik J. Bourgerie

- Reserve Academy Curriculum Revision

- c. Driving Commander Karl Smalley
Chair
- d. Firearms Undersheriff Paul Gregory
Chair

- 9. **Request for Appeal: Trevon Perry
Disqualifying Incident Revocation**
(See supplemental materials) Director Erik Bourgerie
- 10. **Request for Appeal: Rogelio Pacheco
Peace Officer Database**
(See supplemental materials) Director Erik Bourgerie
- 11. **Request for Appeal: Michael Pietzrak
Rule 8 Variance**
(See supplemental materials) Director Erik Bourgerie
- 12. **Peace Officer Certification
Revocation & Disciplinary Actions**
(See supplemental materials) Director Erik Bourgerie

POST Rule 9 - Revocation of Peace Officer Certification: 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. 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. 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.

Misdemeanor Convictions:

1. M23-07, Nichole Gladkowski, Certification PID CO-0657-9084. On May 31, 2023, Respondent entered into a deferred sentence agreement to one count of § 18-9-111(1)(c) C.R.S. Harassment – follow person in public place, a Misdemeanor, in Adams County District Court case number 2023CR659. *The Respondent was not employed as a Peace Officer at the time of the offense (Dates of Offense: January 23, 2023-February 18, 2023).* The Respondent complied with the POST Order to Show Cause No. M23-07 by appearing at a rescheduled Show Cause Hearing on September 14, 2023. The POST Director Erik J. Bourgerie recommends revocation of Nichole Gladkowski's Colorado Peace Officer Certification, PID CO-0657-9084.

*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. F23-07, Trevon Perry, Certification PID CO-980-238. On March 9, 2023, Respondent entered into a pre-trial diversion agreement to one count of §205.0835.3 N.R.S. \$650-\$3500 Theft, a Felony, and two counts of §205.0835.4 N.R.S. \$3500+ Theft, Felonies, in Clark County Court, Nevada, case number 21-CR-038884. *The Respondent was not employed as a Peace Officer at the time of the offense (Dates of Offense: March 24, 2020-June 3, 2020).* The Respondent did not comply with POST Order to Show Cause No. F23-07 by failing to appear on August 17, 2023. POST Director Erik J. Bourgerie recommends revocation of Trevon Perry's Colorado Peace Officer Certification, PID CO-980-238.
2. F23-08, John Mayns, Certification PID CO-124539. On December 26, 2014, Respondent was sentenced after pleading guilty to one count of §18-3-205(1)(b) C.R.S. Vehicular Assault – DUI, a Felony, and one count of §18-8-404 C.R.S. Official Misconduct, a Misdemeanor, in Jefferson County District Court case number 2014CR1821. *The Respondent was employed as a Peace Officer at the time of the offense (Date of Offense: June 1, 2014, Jefferson County Sheriff's Office, Separation Date August 18, 2014).* The Respondent did not comply with POST Order to Show Cause No. F23-08 by failing to appear on August 15, 2023. POST Director Erik J. Bourgerie recommends

revocation of John Mayns' Colorado Peace Officer Certification, PID CO-124539.

3. F23-09, Melissa Reynolds, Certification PID CO-124059. On April 6, 2023, Respondent was sentenced after pleading guilty to one count of §18-3-205(1)(b)(I) C.R.S. – Vehicular Assault – DUI, a Felony, in El Paso County District Court case number 2022CR3784. *The Respondent was employed as a Peace Officer at the time of the offense (Date of Offense: December 10, 2021, Fountain Police Department, Separation Date May 5, 2022).* The Respondent did not comply with POST Order to Show Cause No. F23-09 by failing to appear on October 10, 2023. POST Director Erik J. Bourgerie recommends revocation of Melissa Reynolds' Colorado Peace Officer Certification, PID CO-124059.
4. F23-10, Quinten Stump, Certification PID CO-5541-6378. On July 31, 2023, Respondent was sentenced after being found guilty in a jury trial to one count of §18-3-104(1)(a) C.R.S. – Attempted Manslaughter – reckless, a Felony, in Kiowa County District Court case number 2021CR1. *The Respondent was employed as a Peace Officer at the time of the offense (Date of Offense: April 9, 2020, Kiowa County Sheriff's Office, Separation Date November 20, 2020).* The Respondent did not comply with POST Order to Show Cause No. F23-10 by failing to appear on October 10, 2023. POST Director Erik J. Bourgerie recommends revocation of Quinten Stump's Colorado Peace Officer Certification, PID CO-5541-6378.
5. F23-11, Alexander Kenoyer, Certification PID CO-134563. On August 14, 2023, Respondent was sentenced after pleading guilty to one count of §18-8-306 C.R.S. – Attempt to Influence a Public Servant, a Felony, in Teller County District Court case number 2022CR271. *The Respondent was employed as a Peace Officer at the time of the offense (Date of Offense: October 30, 2021, Cripple Creek Police Department, Separation Date October 25, 2022).* The Respondent did not comply with POST Order to Show Cause No. F23-11 by failing to appear on October 18, 2023. POST Director Erik J. Bourgerie recommends revocation of Alexander Kenoyer's Colorado Peace Officer Certification, PID CO-134563.
6. F23-12, William Schwartz, Certification PID CO-4747-0820. On August 18, 2023, Respondent was sentenced after being found guilty in a jury trial to one count of §18-4-401(1),(2)(j) C.R.S. – Theft – \$1,000,000 or More, a Felony, and one count §18-4-401(1),(2)(i) C.R.S. – Theft-\$100,000-\$1,000,000, a Felony, in Denver County District Court case number 2022CR15064. *The Respondent was employed as a Peace Officer at the time of the offense (Dates of Offense: November 12, 2014-July 31, 2019, Colorado Rangers, Separation Date April 22, 2022).* The Respondent did not comply with POST Order to Show Cause

No. F23-12 by failing to appear on October 19, 2023. POST Director Erik J. Bourgerie recommends revocation of William Schwartz's Colorado Peace Officer Certification, PID CO-4747-0820.

Misdemeanor Convictions:

1. M23-09, Brian Saltzman, Certification PID CO-113221. On June 30, 2023, Respondent was sentenced after being found guilty at a jury trial of one count of §18-3-204(1)(a) C.R.S. – 3rd Degree Assault – Negligent – deadly weapon, a Misdemeanor, in Douglas County District Court case number 2020CR556. *The Respondent was employed as a Peace Officer at the time of the offense (Date of Offense: May 24, 2020, Palmer Lake Police Department, Separation Date August 10, 2020).* The Respondent did not comply with POST Order to Show Cause No. M23-09 by failing to appear on August 30, 2023. POST Director Erik J. Bourgerie recommends revocation of Brian Saltzman's Colorado Peace Officer Certification, PID CO-113221.
2. M23-10, Donald Teschner, Certification PID CO-9085-8862. On July 21, 2023, Respondent entered into a deferred sentence agreement for one count of §18-9-111(1)(a) C.R.S. – Harassment-strike/shove/kick, a Misdemeanor, in Pueblo County Court case number 2022M2232 and one count of §18-3-204(1)(a) C.R.S. 3rd Degree Assault- knowingly or recklessly causes injury, a Misdemeanor, in Pueblo County Court case number 2023M724. *The Respondent was employed as a Peace Officer at the time of the offenses (Dates of Offense: December 20, 2022 and April 21, 2023, Pueblo County Sheriff's Office, Separation Date April 21, 2023).* The Respondent did not comply with POST Order to Show Cause No. M23-10 by failing to appear on October 11, 2023. POST Director Erik J. Bourgerie recommends revocation of Donald Teschner's Colorado Peace Officer Certification, PID CO-9085-8862.

Untruthfulness:

1. No. U23-19, Chad E. Mason, Certification (PID CO-136097). On August 2, 2023, 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 administrative investigation and/or disciplinary process on June 18, 2023 (Date of Separation: July 31, 2023). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Chad E. Mason's Colorado Peace Officer Certification (PID CO-136097).

2. No. U23-20, David C. Conway, Certification (PID CO-127903). On August 1, 2023, Colorado State Patrol 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 August 18, 2022 (Date of Separation: January 13, 2023). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of David C. Conway's Colorado Peace Officer Certification (PID CO-127903).
3. No. U23-24, Timothy J. Miller, Certification (PID CO-033-160). On August 30, 2023, Parker 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 and internal affairs investigation and during an administrative investigation and/or disciplinary process between May 2023 and August 2023 (Date of Separation: August 16, 2023). The respondent did not request a Show Cause Hearing regarding this matter. POST Director Erik J. Bourgerie recommends revocation of Timothy J. Miller's Colorado Peace Officer Certification (PID CO-033-160).

POST Suspension of Peace Officer Certification: Pursuant to §24-31-904(2)(a)(I) C.R.S. a Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of §24-31-305 C.R.S. or §24-31-308 C.R.S. shall be suspended by the POST Board if the certificate holder has been convicted of or pleads guilty or nolo contendere to a crime involving the unlawful use or threatened use of physical force or a crime involving the failure to intervene in the use of unlawful force and the incident did not result in serious bodily injury or death to another person. For purposes of this Rule 5, pursuant to §24-31-904(4) a deferred judgement deferred prosecution agreement, or pretrial diversion agreement for a crime involving the use of physical force or a crime involving the failure to intervene in the unlawful use of force also support the suspension of a Colorado peace officer certification.

1. M23-08, Francine Martinez, Failure to Intervene: Certification PID CO-3367-5475. On June 2, 2023, Respondent was sentenced after being found guilty at a jury trial of one count of §18-8-802(1.5) C.R.S. – Peace Officer – Failure to Intervene, a Misdemeanor, in Arapahoe County Court case number 2021M2303. *The Respondent was employed as a peace officer at the time of the offense (Date of Offense: July 23, 2021, Aurora Police Department, Separation Date August 12, 2021).* The Respondent complied with the POST Order to Show Cause No. M23-08 by appearing at a rescheduled Show Cause Hearing on September 13, 2023. The POST Director Erik J. Bourgerie recommends a five (5) year suspension of Francine Martinez's Colorado Peace Officer Certification, PID CO-3367-5475.

13. **Suspension Matrix/Rubric Subcommittee** Director Erik Bourgerie
14. **Delegation of Exception Authority to Director** Board Counsel Tara Buchalter
15. **New Vice Chair** Attorney General Phil Weiser
16. **Rule 21 – Hazing** Compliance Specialist Mary Vekasy
(*See supplemental materials*)
 - a. FAQ
 - b. Policy
 - c. Training
17. **Academy Renewal Policy Update** Compliance Manager Catherine Rodriguez
(*See supplemental materials*)
18. **Grants Subcommittee Opening** Grants Mgr. Kim Hernandez
19. **Academy Redesign Model Module** Curriculum Developer Gwen Burke
20. **Academy Redesign Project Plan Update** Curriculum Developer Gwen Burke
21. **DMVA – MP Reciprocity** Lt. Parker White
(*See supplemental materials*)
22. **Academy Application Subcommittee** Sheriff Anthony Mazzola
23. **Appeal Hearing Findings** Commissioner Laura Daniels
24. **Comments From Others on POST Issues**
25. **Adjournment** Attorney General Phil Weiser

Upcoming Meetings

POST Work Session: Thursday, March 14 from 10 a.m. to 4 p.m.
POST Board Meeting: Friday, March 15 from 10 a.m. to 12 p.m.

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SME Meetings – 8:15 am