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Peace Officer Standards and Training

March 21, 2022

Melissa Jacober  
Pueblo Police Department Law Enforcement Academy  
200 S. Main Street  
Pueblo, CO 81003

**RE: Compliance Order – Violation of POST Rule 21, 23, 24 pursuant to 24-31-303(1)(a), (b), (o)(I)(B), (C), C.R.S.**

Dear Ms. Jacober:

The Pueblo Police Department Law Enforcement Academy (PPDLEA) is currently noncompliant and in violation of the Peace Officer Standards and Training (POST) Board Rule(s). On March 4, 2022, POST Compliance Specialist Janelle Moore was reviewing documentation and recognized inconsistencies in the PPDLEA Arrest Control Tactics (ACT) training program. Upon further investigation, it appeared that PPDLEA was utilizing a non-POST approved arrest control discipline in their training with recruits.

The arrest control discipline PPDLEA is approved by POST to teach is FBI. It appeared that since lead instructor Sgt. Gabe Maldonado took over the ACT program with PPDLEA's 63<sup>rd</sup> academy class on March 24, 2021, Sgt. Maldonado added numerous maneuvers outside the scope of FBI tactics to PPDLEA's ACT curriculum. The ACT Subject Matter Expert (SME) Committee Chair, Ike Beers, was contacted about this issue and he asked for other SME's to help review the documentation at the next scheduled committee meeting.

On March 11, 2022, the POST ACT SME committee reviewed PPDLEA's ACT program documentation. It was noted that a couple years ago Sgt. Maldonado met with representatives of the POST ACT SME committee, specifically including the Chair, and asked to change to a hybrid ACT program including Gracie Survival Tactics (GST). At that time, Sgt. Maldonado was made aware of the requirements to make such a change, but he has not submitted a new program to POST.

At the committee meeting, three ACT SME's certified as instructors in the FBI discipline, Commander Suzette Freidenberger, Sergeant Levi Borst, and Officer Cassidy Harvell, provided initial feedback indicating there were several maneuvers listed in the program that were not part of the FBI discipline. The SME's wanted additional time to review the program content over the weekend and provided more detailed written feedback noting that *some* of the unrecognized maneuvers *could* be different name(s) for FBI techniques, but several looked completely

unrecognizable and were not found in the FBI manual or other training materials. As a result, POST determined an unannounced inspection of PPDLEA's ACT program was appropriate.

On March 14<sup>th</sup>, 2022, members on the POST ACT SME Committee, Sergeant Ivan Beers, Sergeant Kevin Smyth and Sergeant Marco Montez along with POST Compliance Manager Catherine Rodriguez and Compliance Specialist Janelle Moore, conducted an unannounced inspection of PPDLEA's ACT program. The Academy Director, Melissa Jacober, was not present during the inspection; however, the Academy Training Coordinator, Heather Smith, and the Training Director, Captain Zach Ballas, were both present and assisted in her absence.

At the time of evaluation, the ACT program for class 65 completed approximately 4 hours (first day) against the POST requirement of 62 hours of the scheduled classroom and practical exercise. Class 64 already completed the ACT portion of the academy and class 63 graduated in 2021.

The inspection was conducted over a six-hour period and included:

- observation of a use of force and verbal de-escalation lecture of class 65
- interview of an assistant instructor
- interviews of 3 cadets from class 65
- evaluation of ACT curriculum and documentation from class 65
- observation of the techniques being tested via video recording from class 64
- a live demonstration of techniques by two students from class 64

During the live demonstration, SME's asked the cadets which ACT discipline they used and both cadets indicated "FBI". The cadets were asked in their program what the ratio of ground techniques were in comparison to other maneuvers and they both stated it was 50 / 50. This ratio would be atypical of an FBI ACT course. The cadets were asked to demonstrate specific maneuvers from the test out sheet from their ACT program and provided explanations of some of the maneuvers for all three SME's.

Upon review of curriculum, SME's determined there was insufficient documentation provided for lesson plans, daily outlines, and hours of instruction. Please note the majority of data that was evaluated was from the current class (#65), as the SME's spent over six hours reviewing data and wanted to start with the most recent information. It should be noted Academy Training Coordinator Smith indicated there was no curriculum information or documentation provided for class 63 or 64 until one week prior to the inspection, well after both classes were completed, which is a clear violation of POST Rule(s). All ACT SME's in attendance found the PPDLEA's lesson plans not in compliance with POST Rule 21(e)(III), Rule 21(f)(I)(B)(3), Rule 21(f)(III), Rule 21(f)(IV), and Rule 21(g)(III)(A).

SME's also noticed there were no instructor evaluation forms. They did not expect them for the current class, since it was the first day of instruction; however, trainees advised they never received any for class 64 and it did not appear they were a part of the instruction, according to the other instructor interviewed and the Training Coordinator.

There was also concern that while Sgt. Maldonado is a POST Full Skills Instructor in the FBI discipline, he is not a POST Full Skills Instructor in the hybrid program he was instructing, per POST Rule 23(c)(II).

The SME Inspectors also noted the mats are being cleaned at the end of the day, which was **also noted as a violation** during the last inspection on December 16, 2016. Cleaning **must** switch to immediately before use, per POST Rule 24(b)(III).

The conclusion reached from the inspection is PPDLEA has an unapproved **Hybrid ACT program**. The PPDLEA program **DOES NOT MEET** published POST standards per Rule 24(b)(IV).

Of grave concern, the lack of program documentation for classes 63 and 64, along with the vague and nonsufficient documentation for class 65, and the conclusion that an unapproved hybrid program was being taught by nonqualified instructors, makes it impossible for POST to determine what ACT content was taught to classes 63 and 64.

Given the aforementioned information, POST is implementing the following sanctions effective immediately:

- **The PPDLEA ACT program (class 65) shall cease instruction effective immediately.**
- **The graduates from class 63 shall either agree to a temporary suspension of their POST certification effective immediately OR POST may take emergent action against their certificates through the Office of Administrative Courts. The suspension of the graduate's certificates will only be lifted by successfully completing a POST approved basic arrest control tactics program, or by successfully completing a POST ACT test out.**
- **The cadets in class 64 shall not graduate or be administered the written POST exam until they have successfully completed a POST approved basic arrest control tactics program, or by successfully completing a POST ACT test out.**
- **The lead instructor, Gabe Maldonado, is prohibited from instructing curriculum or skills at any POST academy until further notice.**
- **This program must be re-submitted with a POST approved course of study for the ACT discipline. This must be compliant with all POST Rules as outlined above.**
- **A new academy schedule must be resubmitted by March 29, 2022, to account for the change of schedule required by the pause of ACT training.**
- **The PPDLEA be placed on a probationary status until April 1, 2023, which will result in increased compliance monitoring by POST.**

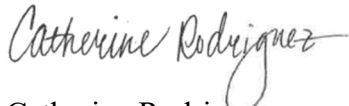
POST staff is available to directly assist with any questions or concerns.

Sincerely,

FOR THE ATTORNEY GENERAL



Janelle Moore  
Compliance Specialist  
Colorado Peace Officer Standards and Training



Catherine Rodriguez  
Compliance Manager  
Colorado Peace Officer Standards and Training



Erik J. Bourgerie  
POST Director  
Colorado Peace Officer Standards and Training

CC: Capt. Zach Ballas, Director of Training, PPDLEA  
Cpl. Heather Smith, Academy Training Coordinator, PPDLEA  
Chief Chris Noeller, Chief of Police, PPDLEA