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**Peace Officer Standards and
Training**

March 21, 2022

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

RE: POST Inspection – Basic Academy Arrest Control Tactics (ACT) Program

Dear Director Jacober:

On March 4th, 2022, Colorado Peace Officer Standards and Training (POST) Compliance Specialist Janelle Moore was reviewing documentation and recognized inconsistencies in the Arrest Control Tactics (ACT) training program at the Pueblo Police Department Law Enforcement Academy (PPDLEA). 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 63rd academy class on March 24, 2021, Sgt. Maldonado added numerous maneuvers outside of 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 Sgt. Maldonado met with representatives of the POST ACT SME committee a couple of years ago, specifically including the Chair, and asked to change to a hybrid program that included Gracie Survival Tactics (GST). At that time, Sgt. Maldonado was made aware of the requirements to make such a change, but has not yet 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 maneuvers, but several looked completely unrecognizable and were not found in the FBI manual or other training materials. As a result, POST determined that an unannounced inspection of PPDLEA's ACT program was appropriate.

On March 14th, 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.

This inspection was conducted at 200 S. Main Street Pueblo, CO 81003. This is an APPROVED site for the PPDLEA ACT program. 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. 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.

The conclusion reached from the inspection is PPDLEA has a **Hybrid ACT program**. Since PPDLEA was approved to teach the FBI system, as well as providing insufficient documentation for lesson plans, daily outlines, and hours of instruction, inspectors determined the program **DOES NOT MEET** published POST standards. This was evident by the detailed findings outlined below. Please note this information is for class 65, as the SME’s spent excessive time reviewing this class. It should be noted Academy Training Coordinator Smith indicated there was no curriculum information provided for class 63 or 64 until one week ago, well AFTER both classes were completed, which is a clear violation of POST Rule.

SECTION 1 - LESSON PLAN REVIEW	YES	NO
Lesson plan is complete and in compliance with the program requirements as of 01/01/19. The academy could not provide clear lesson plans, daily outlines or hours of instruction.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Manuals or support materials are consistent with the lesson plan. Due to a failure to provide a complete lesson plan, the manual, while informative, is unable to be consistent with the lesson plan.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Published daily schedule is consistent with observed activities. The academy was unable to provide a daily schedule.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Written scripts for individual drills are available.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If written test is used, it is available for review with answer key.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Practical tests and evaluation forms are available. No evaluation forms were available for inspection.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Students receive all applicable training materials.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ATTENDANCE REQUIREMENTS	YES	NO
Written attendance records are maintained for trainees and instructors.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Attendance records are up to date with a 1:10 ratio for every date.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
There is a clear understanding of the 100% attendance requirement. The manual indicates that, as punishment, students are removed from training.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If a trainee is absent, the hours made up in the following way: Instructors will schedule make-up training on days they have off.		
SECTION 1 – LESSON PLAN	Does Not Meet <input checked="" type="checkbox"/>	Meets <input type="checkbox"/> Exceeds <input type="checkbox"/>

All ACT SMEs in attendance evaluated this section and did not find all lesson plans provided thorough course materials. Included were the following:

- The overall lesson plans reviewed were vague and incomplete.
- Daily schedules did not include the proposed and actual/completed dates, topics of instruction, and the number of hours of lecture and lab per topics.
- The reported overall hours of the program were inconsistent. POST was told that the total number of training hours was 88; however, during this inspection the materials provided indicated that the total number of hours was 110. Some topics were not included, such as testing.
- The material reviewed appeared to have very little FBI tactics and was heavily influenced by GST and other disciplines.
- Lead instructor, Sgt. Maldonado, confirmed the ACT program is using FBI and GST techniques in this program though he continually stated that some maneuvers were “made up” and the others were influenced by FBI.
- There were appropriate written scripts of the individual training drill scenarios.
- Trainees did not receive an FBI manual but indicated that the manual may be provided in the PowerPoint slides they received.
- Trainees are removed from class as punishment/discipline, potentially jeopardizing the 100% attendance requirement.

The total number of hours for this academy’s ACT program is 110 hours, exceeding POST requirements of 62 hours. In final, the lesson plans were incomplete and disorganized, meeting few of the POST standards in content and time allocation.

The program being taught at the Pueblo Police Department Law Enforcement Academy is a Hybrid program. Prior to continuing training, the Pueblo Police Department must submit a new program, a variance, and an Instructor Program for POST approval. This is to include a complete and accurate training manual, daily schedules, training hours, lesson plans, instructor certifications, and other

documents pursuant to all POST requirements as outlined in POST Rule 21. If outlined in the manual that trainees are removed from class as punishment, there must also be language indicating how that time will be made up by the trainee.

*All ACT SMEs in attendance found the Pueblo Police Department Law Enforcement Academy’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), Rule 21(g)(III)(A).*

SECTION 2 - INSTRUCTORS QUALIFICATIONS AND INFORMATION				
Number of Instructors	5	Number of trainees participating	6	
First Name	Last Name	Full/Lead	Assistant	
Gabe	Maldonado	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Monique	Mulder	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Erica	Norron	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Phillip	Vigil	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Richard	Romero	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	
INSTRUCTOR - GENERAL			YES	NO
Instructors are readily identifiable: Instructors were evident by their shirts.			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Class time is managed appropriately with breaks and limited downtime for students.			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Instructors demonstrate professionalism through appropriate communication, demonstration, and behavior.			<input checked="" type="checkbox"/>	<input type="checkbox"/>
INSTRUCTOR INTERVIEW			YES	NO
Instructors know what injuries must be reported to POST and under what circumstances training must cease. When asked, no instructors knew when training must cease nor what injuries must be reported to POST.			<input type="checkbox"/>	<input checked="" type="checkbox"/>
Students’ complete instructor evaluations. No instructor evaluation forms were provided for Class 64. It was only the first day of Class 65.			<input type="checkbox"/>	<input checked="" type="checkbox"/>
SECTION 2 – INSTRUCTORS	Does Not Meet <input checked="" type="checkbox"/>	Meets <input type="checkbox"/>	Exceeds <input type="checkbox"/>	

There was one Full Skills Instructor, four assistants, and 13 trainees present. The required instructor/trainee ratio, of 1:10, meets POST Standards.

All Instructor’s certifications for FBI were available onsite. There was no documentation indicating any instructors were certified in a discipline other than FBI.

The SME Inspectors noted that the instructors teaching the use of force lecture showed a professional demeanor and appeared to be knowledgeable about the subject. When asked by the SME's, the instructors failed to identify the specific circumstances when training must cease. There was no indication that instructor evaluations were completed in previous classes, nor that there was intent to provide instructor evaluations for the current class, but it was the first day of instruction.

The evaluators determined the Pueblo Police Department Law Enforcement Academy must familiarize all instructors on POST Rule 21(h) Duty to Report prior to continuing training. Additionally, this academy shall provide instructor evaluations to its students per POST Rule 21(g)(III)(A).

Overall, the SME Inspectors, upon evaluation of this area, concluded the instructors demonstrated their knowledge of the overall ACT discipline, but failed to demonstrate knowledge or awareness of POST requirements. In addition, while Sgt. Maldonado is a POST Full Skills Instructor in the FBI discipline, he is not a POST Full Skills Instructor in a POST recognized and approved hybrid program per POST Rule 23(c)(II).

SECTION 3 - SAFETY CONSIDERATIONS	YES	NO
There is an appropriate safety plan on site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
First aid kit is on site, with appropriate contents. <i>Including an AED.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Emergency phones/radios on site are in working order.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pre-existing medical conditions are reported and documented.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Safety rules and class conduct is discussed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Trainees and/or instructors wear protective equipment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Warm-ups are being performed prior to training.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
All injuries are reported immediately.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Duty to report.</i> Has there been any serious bodily injury (or bodily injury to an innocent bystander) during the arrest control program for the past 2 years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SITE AND EQUIPMENT	YES	NO
The practice area meets POST requirements (14 X 14 per pair) Mat dimensions: <i>Not observed</i>	<input type="checkbox"/>	<input type="checkbox"/>
Mats are cleaned before use with an appropriate disinfectant. The trainees interviewed stated they only clean mats after training. This is also indicated in the student manual. This was also a concern noted in the last ACT inspection on 12/16/16.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Equipment (red guns, batons, pads, etc.) are in good condition and sufficient in quantity for the class size.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Restrooms are available with soap for hand washing.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Drinking water is available.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Acceptable lighting and acoustics of the training area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Acceptable controlled access and privacy of the training area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is this the primary drill facility?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are any other facilities used for ACT exercises?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If so, list any additional sites currently utilized for the ACT program or drill training. There are two classrooms and a community room used for ACT depending on schedules.			
TRAINEE INTERVIEWS		YES	NO
Students are familiar with the safety plan published for this activity.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are there any safety concerns?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
SECTION 3 – SAFETY			
Does Not Meet <input checked="" type="checkbox"/>		Meets <input type="checkbox"/>	Exceeds <input type="checkbox"/>

The site safety plan contained sufficient detail to communicate a response of methodology for emergencies and a subsequent reporting process. The site safety plan is posted, and hard copies were distributed to the recruits. The site safety plan/general safety practices are taught and reviewed before drill training.

*The SME Inspectors interviewed two recruits from Class 64 who had recently completed the ACT program and three students from class 65 who were in their first day of ACT. The recruits stated that approximately **half** of what was taught had been ground fighting tactics. The recruits stated that they are all designated “safety officers” during training, and that safety checks were done regularly, but without a structured system in place. The recruits were confident that if they had missed any class time, they would be able to make up the hours with an instructor.*

During the demonstration of techniques, the SME’s concluded that the tactics being demonstrated, many were not part of the FBI discipline and the program should instead be considered a Hybrid program.

*The SME Inspectors stated that mat cleaning must switch to immediately before use, per POST Rule 24(b)(III). Furthermore, this was noted in the previous inspection conducted on December 16, 2016. Due to the nature of this academy’s Hybrid program, it was found that this academy is **not in compliance** with POST Rule 24(b)(IV) Arrest Control Training.*

*The SME Inspectors, upon evaluation of this area, concluded the Pueblo Police Department Law Enforcement Academy, **does not meet** the POST Standards.*

Overall Assessment	Does Not Meet Standards <input checked="" type="checkbox"/>	Meets Standards <input type="checkbox"/>	Exceeds Standards <input type="checkbox"/>
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Highlights:

The ACT SME Committee Members conducting this evaluation observed the following positive aspects of Pueblo Police Department’s Law Enforcement Academy:

- The availability of audio and video recording is beneficial to the training process.
- Video usage in class helps to illustrate teaching points.
- The program appeared to have good time management, utilizing adequate breaks and downtime.

- The instructors efficiently use the team-teaching approach.

*The ACT SME Committee Members conducting this evaluation noted, they have found the Pueblo Police Department Law Enforcement Academy **does not meet** the POST Standards. In the ACT SME Inspectors professional opinion, this conclusion is evident by:*

- *Insufficient documentation to include: manual, lesson plans, daily outlines, hours of instruction and instructor evaluations.*
- *Failure to teach the approved ACT discipline of FBI.*
- *Failure to report a change in curriculum to POST and get authorization and approval to teach PRIOR to instruction as required by RULE.*
- *Improper mat cleaning practices.*
- *Failure to ensure Academy instructors are aware of POST requirements.*

Recommendations for program improvement:

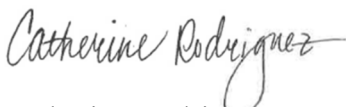
- ***Must use an Arrest Control Tactics program approved by Colorado POST.***
- ***Ensure all instructors are educated and familiar with what injuries are reported to POST and when to cease training until POST approval. Per Rule 21 (h)(II)(A) “in the event of any death or gunshot wound as described in paragraph (h)(I)(A) of this section, all training shall immediately cease at the training site where the death or gunshot wound occurred.”***
- ***Clean mats at the beginning of class prior to the occurrence of any training.***
- ***Provide instructor evaluation forms to students.***

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

A handwritten signature in black ink, consisting of a large, stylized initial 'E' followed by a horizontal line extending to the right.

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