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Letter of Reprimand

January 31, 2023

Corporal Bennie Villanueva,

You are hereby advised that the City of Pueblo has the authority to suspect, demote, discharge, or take other disciplinary action against employees for just cause. You are further advised that this document constitutes a formal Letter of Reprimand. The reasons for the reprimand are as follows:

22-2911 - On Monday, February 21, 2022, at approximately 10:50 a.m., near the intersection of Santa Fe Avenue and Mesa Avenue, you deployed your department-issued Taser on a 37- year-old female who was on foot after having been in a stolen vehicle. The body-worn camera footage of the incident shows the female cooperating with your verbal commands when you appeared to Taser her in the back for no apparent reason. Your use of your Taser in this incident was in violation of the following Department policy:

- Subsection 303.5.1 - Application of the TASER Device

The TASER device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- a) The subject is violent or is physically resisting.
- b) The subject has demonstrated, by words or by action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the TASER device to apprehend an individual.

██████████ - On Wednesday, April 13, 2022, at approximately 11:45 a.m., at 24 Outlook Boulevard, you assisted other officers in taking an auto theft suspect into custody. In that incident, while force was being applied to the suspect by you and other officers, you handled yourself professionally and the force you used was



within policy. It wasn't until the suspect was in custody and became uncooperative with medical personnel that you appeared to lose your temper and you threatened to use your Taser on the suspect. You also used profanity during the exchange, which can be seen on your body-worn camera video. Your behavior during this incident was in violation of the following City and Department policies:

- General Regulation #22 - Professional Workplace Conduct

All City employees are expected to consistently:

Demonstrate the job skills (including the training, experience, and physical and mental job skills) to perform their job responsibilities in a manner that meets the quality, service and productivity standards the City establishes.

- Perform all of their job responsibilities to meet the City's needs.
- Demonstrate their commitment to the City's goals.
- Conduct themselves as mature and cooperative professionals.

The standard for personal conduct includes treating all other employees of the City, City management, City officers, and the public with respect and cooperating with them in a professional manner.

- Subsection 321.5.9 - Conduct

- b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.

██████████ On Tuesday, April 26, 2022, at approximately 1:15 p.m., at 4001 N. Elizabeth Street, you investigated an in-progress burglary call at a local hotel. You contacted a female suspect and a 32-year-old male suspect. As you were running clearances on the two individuals, the male stood up from the ground and took off running. You gave chase and drew your Taser from its holster. As you chased the male, you made unprofessional comments and used profanity. You then shot the male in the back, lower leg area with two Taser darts and the male fell to the ground. After the male was on the ground, you depressed the reactivation button on the side of your Taser as you were warning the male that he would be Tasered again if he did not comply. It appeared that your intent was to conduct a warning arc to gain the male's voluntary compliance, and you didn't realize that the male was receiving a second Taser cycle. Your behavior in this incident was in violation of the following City and Department policies:



- General Regulation #22 - Professional Workplace Conduct

All City employees are expected to consistently:

Demonstrate the job skills (including the training, experience, and physical and mental job skills) to perform their job responsibilities in a manner that meets the quality, service and productivity standards the City establishes.

- Perform all of their job responsibilities to meet the City's needs.
- Demonstrate their commitment to the City's goals.
- Conduct themselves as mature and cooperative professionals.

The standard for personal conduct includes treating all other employees of the City, City management, City officers, and the public with respect and cooperating with them in a professional manner.

- Subsection 303.5.1 - Application of the TASER Device

The TASER device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- a) The subject is violent or is physically resisting.
- b) The subject has demonstrated, by words or by action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the TASER device to apprehend an individual.

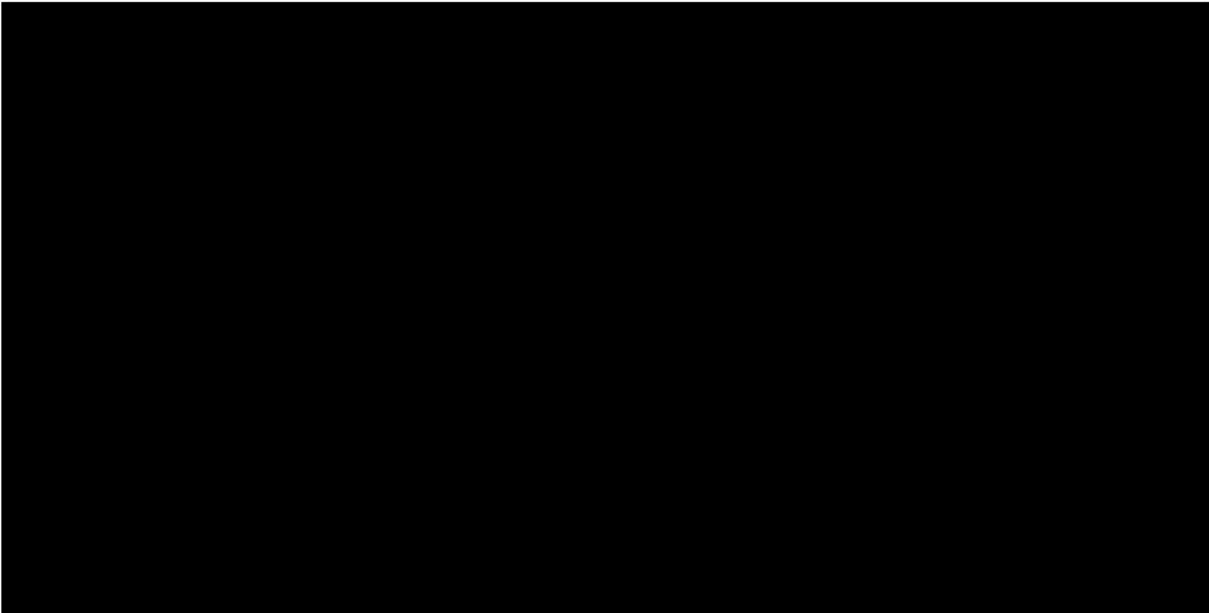
- Subsection 321.5.9 - Conduct

- b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
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- f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.

In first and last incident, case numbers [REDACTED] and [REDACTED] respectively, it appears that you did not use your Taser with the intent to cause harm or deliver punishment. Rather, it appears that your use of your Taser in the first incident was a result of your reaction to a highly stressful call for service after having been away from patrol duty work for several years. Likewise, it appears that your use of your Taser in the last incident was solely the result of your inexperience with the



weapon. Conversely, in the second incident where you yelled at the auto theft suspect and used profanity, it appeared that you lost your temper and acted unprofessionally. With that said, your misuse of your Taser is very serious. Additionally, your unprofessional conduct in the second incident in which you yelled profanities at the suspect and threatened him with your Taser is also very serious. You are therefore receiving this Letter of Reprimand for the incidents described herein.



Finally, you are also ordered to complete additional training on de-escalation and the operation of a Taser, which you have already completed as of the service of this Letter of Reprimand.

Your actions in these cases are unacceptable and violate not only our policies and procedures, but our values as an organization. Further violations of policy will result in progressive discipline up to and including termination from employment.

Chris Noeller
Chief of Police

Served by FEDEX-77117263⁹³²⁰ on 2/1/23 at _____ hrs

Received by _____ on _____ at _____ hrs

