

DISTRICT COURT
COUNTY OF DENVER
STATE OF COLORADO 23CR05657

SEP 27 2023

CLERK OF COURT

AFFIDAVIT OF PROBABLE CAUSE FOR ARREST WARRANT

1. Your affiant, Chris Byrne, a Criminal Investigator with the Special Prosecutions Unit of the Colorado Attorney General's Office, a peace officer, being duly sworn upon oath, says that the facts stated herein are true.
2. Your affiant is a criminal investigator and commissioned peace officer employed by the Colorado Attorney General, assigned to the Special Prosecutions Unit, Criminal Justice Section. Your affiant has been employed as a peace officer for 27 years, most recently as a Colorado Attorney General Criminal Investigator, investigating complex felony crimes, and other violations of the Colorado Revised Statutes.
3. Your affiant has probable cause to believe that:

RICHARD ALLEN REIGENBORN

[REDACTED]

[REDACTED] has committed the offenses outlined in the attached Felony Complaint and Information.

These offenses are:

- | | |
|---------------------|---|
| COUNT ONE: | ATTEMPT TO INFLUENCE A PUBLIC SERVANT
§ 18-8-306 C.R.S. (Class 4 Felony) [24051] |
| COUNT TWO: | FORGERY
§ 18-5-102 (1)(d) C.R.S. (Class 5 Felony) [1001D] |
| COUNT THREE: | CONSPIRACY TO ATTEMPT TO INFLUENCE A
PUBLIC SERVANT
§ 18-8-306 C.R.S.; § 18-2-201 C.R.S. (Class 5 Felony)
[24051C] |
| COUNT FOUR: | CONSPIRACY TO COMMIT FORGERY
§ 18-5-102 (1)(d) C.R.S.; § 18-2-201 C.R.S. (Class 6 Felony)
[1001DC] |

REASONS FOR MY BELIEF:

In January, 2023, I was assigned to assist then-Colorado Police Office Standards and Training (P.O.S.T.) Investigator Steven Eckelberry (now a Compliance Investigator with the Colorado Department of Local Affairs) with the investigation of allegations of misconduct by former executives of the Adams County Sheriff's Office (A.C.S.O.). I learned that A.C.S.O. Commander James "Jim" Hinrichs sent P.O.S.T. Director Erik "Bo" Bourgerie a letter reporting that in December, 2021, A.C.S.O. Division Chief Mickey Bethel sought Commander Hinrich's help to sign into A.C.S.O. Undersheriff Tommie McLallen's PoliceOne Academy account. McLallen was enrolled in the Northwestern Public Safety and Command course (Northwestern), so Bethel was going to complete training on McLallen's PoliceOne Academy account because McLallen was 4.5 hours short of being compliant with P.O.S.T. Rule 28 (regarding annually required law enforcement training hours). According to Commander Hinrich's letter, on 12/14/2021, Bethel gave three PoliceOne certificates bearing McLallen's name to A.C.S.O. Administrative Assistant Tomasita "Tomi" Galicia to enter into Benchmark; two were for Defensive Tactics and one was for Driving. On 12/16/2021, Bethel gave two more PoliceOne certificates in McLallen's name for Firearms to Galicia for entry into Benchmark. Commander Hinrichs also wrote that A.C.S.O. Sergeant Dan Cordova had reported he witnessed Bethel sign training rosters for training he did not attend.

This affidavit outlines the investigation of Commander Hinrich's complaint. It shows probable cause exists that McLallen, Bethel, and former A.C.S.O. Sheriff Richard Reigenborn were involved in a scheme to forge their names on A.C.S.O. training rosters for classes they did not attend in attempt to influence P.O.S.T. to count those fictitious trainings toward their 2021 P.O.S.T.-mandated annual training hours. As part of this investigation, I talked to Investigator Eckelberry and Colorado Bureau of Investigation Agent Francine Gonzales, who assisted him, and reviewed their reports and affidavits. I also conducted numerous interviews and gathered documents pertaining to this case.

BACKGROUND:

Colorado P.O.S.T. is a unit within the Criminal Justice Section of the Colorado Attorney General's Office that oversees the training and certification of all peace officers in Colorado. P.O.S.T. is located at 1300 Broadway, 9th Floor, City and County of Denver, State of Colorado. P.O.S.T. is authorized by Colorado Revised Statute (C.R.S.) 24-31-303(1)(l), "To promulgate rules deemed necessary by the board concerning annual in-service training requirements for certified peace officers, including but not limited to evaluation of the training program and processes to ensure substantial compliance by law enforcement agencies, departments, and individual officers." Colorado peace officers are required by P.O.S.T. Rule 28 to complete a minimum of 24 hours of in-service training annually between January 1 and December 31. This includes at least 12 hours of perishable skills training in the disciplines of Arrest Control, Driving, and Firearms. Hands-on and online training are both accepted forms of training to meet the perishable skills training requirement. Failure to meet the annual training requirements of Rule 28 can result in suspension of a peace officer's P.O.S.T. certification. Law enforcement agencies can also be found to be non-compliant with Rule 28 if they had an officer fail to complete their required annual training. In that case, the agency can lose access to P.O.S.T. grant funds the following year.

PoliceOne Academy (sometimes referred to as "PoliceOne") is an online law enforcement training platform that features online courses, training videos, and other services. PoliceOne Academy training is accepted by P.O.S.T. toward peace officer training requirements. P.O.S.T.

provides PoliceOne Academy access to every law enforcement agency in Colorado in order for agencies to have access to training.

P.O.S.T. utilizes an online portal called Benchmark to upload, track, and maintain the data of training courses taken by peace officers in Colorado, and is used to verify if peace officers are compliant with Rule 28. Colorado law enforcement agencies submit the training records of their peace officers to P.O.S.T. through Benchmark. P.O.S.T. Training Manager Robert "Bob" Baker is the Colorado public servant responsible for reviewing law enforcement agency submissions in Benchmark to ensure Colorado peace officers are Rule 28-compliant. Training Manager Baker served in this role in 2021 and 2022, and reviewed Benchmark records for any peace officers not compliant with Rule 28 in those time frames.

C.R.S. 24-31-307(3) authorizes the Attorney General to enforce violations of P.O.S.T. standards and, "may bring criminal charges for violations of this part 3 if the violation is knowingly or intentional, or impose fines, as set in P.O.S.T. board rule, upon any individual officer or agency for failure to comply with this part 3 or any rule promulgated under this part 3."

Investigators obtained copies of the oaths of offices for Reigenborn, McLallen, and Bethel from the Adams County Clerk & Recorder's Office. These records showed Reigenborn was sworn in as the Adams County Sheriff on 1/8/2019. I was aware he left office in January, 2023. McLallen was sworn in as Adams County Undersheriff on 1/8/2019 and was released on 2/28/2022. Bethel was appointed as a Commissioned Certified Special Deputy by Reigenborn effective 1/22/2019 and Bethel's employment was released on 3/1/2022.

I used Colorado Motor Vehicle records to identify Reigenborn as Richard "Rick" Allen Reigenborn, [REDACTED] Bethel as Michael Don Bethel, [REDACTED] and McLallen as Thomas Leroy McLallen III, [REDACTED]

PRELIMINARY INTERVIEWS:

Investigator Eckelberry and Agent Gonzales conducted a series of interviews of A.C.S.O. personnel in 2022 that are outlined below:

Commander Hinrichs was interviewed on 1/27/2022. Commander Hinrichs was assigned to the Flatrock Regional Training Center (Flatrock), 23600 E. 128th Ave., Commerce City, County of Adams, State of Colorado. Commander Hinrichs reported his concerns about the PoliceOne Academy matter. In addition, he had learned that Sergeant Cordova had seen Reigenborn, McLallen, and Bethel sign rosters for classes they did not attend and had Sergeant Cordova fill out paperwork for training they did not do.

Sergeant Cordova had been the Training sergeant at Flatrock. On 2/3/2022, Sergeant Cordova reported that Reigenborn, McLallen, and Bethel had not actually attended some of the trainings they got credit for. Sergeant Cordova provided investigators with a number of A.C.S.O. training records that he said included training that command staff had not attended. He said this had been going on for about four years. He remained silent because he thought that's how he could get promoted, but had previously made reports to what he called, "Red flag," which he described as an internal Adams County system for whistleblowing. Sergeant Cordova pointed out A.C.S.O. training rosters dated 6/9/2021 for Arrest Control and Driving which listed McLallen's name but the signature fields read "cordova signed for him" and "per Cordova." Sergeant Cordova said the rosters indicated McLallen attended those trainings, but McLallen was not

actually there. Sergeant Cordova told investigators that Bethel instructed him to fill out those rosters in that manner.

I talked with Sergeant Cordova on 5/4/2023, who said his memory was not clear on some details due to the time lapse, but he recalled multiple occasions when he was told, usually by Bethel, to get training rosters or Firearms Training Records (forms used by the A.C.S.O. Firearms Unit to track Firearms training) for them (Reigenborn, McLallen, and Bethel) to sign that they did not attend. Sergeant Cordova said he feared for his job daily. As far as the 6/9/2021 rosters that Sergeant Cordova wrote in McLallen's name, Sergeant Cordova did not recall exactly how long after the classes he filled in McLallen's name, but it was likely the same day. Sergeant Cordova said Bethel and Reigenborn were present when he was told to fill in McLallen's name on the 6/9/2021 rosters, but he did not recall in our conversation which one of them told him to do it. Sergeant Cordova saw Reigenborn and Bethel sign the 6/9/2021 rosters but knew they did not attend the classes. Sergeant Cordova saw Reigenborn and Bethel in Bethel's office that day, but never saw McLallen.

Galicia was also interviewed on 2/3/2022. Galicia was an administrative assistant at Flatrock whose duties included entering rosters for training into Benchmark. Her initial interview focused on the Police One Academy rosters. I talked to Galicia by phone on 1/26/2023. Galicia had suffered a stroke after her original interview, which had impacted her memory. She said she had no way of knowing if a certificate was false; she just entered whatever they gave her. During this investigation, I learned that Galicia was the primary person responsible for entering Flatrock-based in-service training data of A.C.S.O. personnel to Benchmark in 2021.

Flatrock Operations Supervisor Trace Yang was also contacted and asked about command staff signing training rosters for training they did not attend. Yang had never seen command staff come out and say they needed a roster for a training that they had not attended. She said that command staff members sometimes went to their scheduled training but met about pressing business instead of training. In that case, their training would be rescheduled, and they would not receive credit for the original training. Yang was asked if it was possible for command staff to intercept a training roster prior to it being turned in. She said that anyone could turn rosters in and they "float around" a bit prior to being submitted.

Yang later provided investigators with a spreadsheet dated 11/16/2021 that included information on A.C.S.O. personnel who were not compliant with Rule 28 so far that year. It showed McLallen had only completed 3.5 hours of the required 12 hours of perishable skills training for 2021, of which two hours of Driving appear to correspond to training from 6/9/2021. The spreadsheet also showed Reigenborn had 11 out of the 12 required hours at that point. This included two hours of Driving and two hours of Arrest Control that appeared to correspond to training from 6/9/2021.

ROSTER REVIEW:

I reviewed the A.C.S.O. training rosters Sergeant Cordova had provided investigators. I saw the 6/9/2021 Arrest Control and Driving rosters (both listed as 8:00 AM-5:00 PM) were for A.C.S.O. Professional Standards in-service training, which took place at Flatrock. McLallen's name was the last entry on both rosters. The Arrest Control roster signature line had "cordova signed for him" instead of a signature on McLallen's entry. McLallen's signature line on the Driving roster had "per Cordova" written instead of a signature. Reigenborn and Bethel were also listed on the rosters.

Yang was very familiar with Reigenborn's signature because she saw his signatures on purchase paperwork and on hundreds of certificates issued at Flatrock training certificates. Yang was shown copies of the 6/9/2021 rosters and verified signatures for Reigenborn on them.

Starting in March, 2023, Agent Gonzales and I interviewed the instructors and students on the 6/9/2021 rosters in attempt to verify if Reigenborn, McLallen, and Bethel attended those trainings. None of the instructors or students said definitively that Reigenborn, McLallen, or Bethel were at any of the trainings reviewed. The following people reported pertinent information about this case:

6/9/2021 TRAINING:

A.C.S.O. Senior Deputy Sheriff Joshua Kennedy, one of the 6/9/2021 instructors for Arrest Control and Driving, distinctly remembered the 6/9/2021 training day. That was because it involved high level command staff, and it stood out to Deputy Kennedy that some of them were not there. At the end of the day on 6/9/2021, Deputy Kennedy got a phone call, possibly from Bethel, that the Sheriff (Reigenborn) and Undersheriff (McLallen) were waiting for the rosters at the main Flatrock building, and Deputy Kennedy was to meet Reigenborn with the rosters. Deputy Kennedy took the rosters to the main Flatrock building, where Bethel and Reigenborn were waiting. Deputy Kennedy saw Reigenborn write on the rosters, and seemed to recall watching Bethel write on them, even though they did not attend those trainings. Deputy Kennedy recalled Reigenborn called McLallen by phone and told McLallen the rosters would be at the front desk for him, even though McLallen did not attend the trainings, either. Deputy Kennedy believed everyone else who signed the rosters that day attended the trainings. Deputy Kennedy later advised that the 6/9/2021 training day started at about 8:00 am and was done by 1:30 PM or 2:00 PM. The facility had been reserved for training until 5:00 PM, but the training did not last that long.

A.C.S.O. Senior Deputy Sheriff Derek Dummar did not see Reigenborn, McLallen, or Bethel in any of the training courses on 6/9/2021. He recalled Reigenborn was at Flatrock's front desk at the end of the day, but he did not see Reigenborn sign the rosters.

A.C.S.O. Division Chief (DC) Bill Dunning was also on the training rosters for 6/9/2021. DC Dunning did not think Reigenborn, McLallen, or Bethel were at any of the 6/9/2021 trainings. DC Dunning was certain he never had a defensive tactics (Arrest Control) class with McLallen. DC Dunning later recalled one of the instructors, A.C.S.O. Deputy Sheriff Joshua Kennedy got a phone call about rosters during the 6/9/2021 Arrest Control class, but did not recall more than that.

A.C.S.O. Sergeant Adam Sherman was on the 6/9/2021 rosters. He recalled a day that he thought was 6/9/2021 when the instructor, Deputy Kennedy, got a phone call from someone at Flatrock, and Deputy Kennedy was told to take the rosters to the main building (at Flatrock). Reigenborn, McLallen, and Bethel were not in Arrest Control the day that call occurred. Sergeant Sherman did not recall ever having Driving training with Reigenborn (as sheriff), McLallen, or Bethel. Sergeant Sherman was certain that McLallen and Bethel were not in Arrest Control the day that call occurred, and did not recall ever being in Arrest Control or Driving with them.

A.C.S.O. Senior Deputy Sheriff Amanda Overton was also on the 6/9/2021 rosters. She recalled that neither Reigenborn, McLallen, nor Bethel were at training on 6/9/2021 and that was a topic

of conversation in class. Deputy Overton said she had never trained with McLallen or Bethel. Deputy Overton recalled Deputy Kennedy got a phone call from someone at Flatrock on 6/9/2021 during Arrest Control. Deputy Kennedy said that he was told to add the Sheriff, Undersheriff, and Chief to the training roster despite them not being there.

A.C.S.O. Detective Michael Drumright did not think Reigenborn, McLallen, or Bethel were at Arrest Control or Driving on 6/9/2021. He did not recall ever doing Arrest Control, or Driving training with McLallen or Bethel. Detective Drumright did not recall having Arrest Control or Driving training with Reigenborn as sheriff prior to the allegations of this case coming out. Detective Drumright recalled an Arrest Control class where one of the instructors, Deputy Kennedy, got a phone call during class, but Detective Drumright did not know what the call was about or what date it was.

Retired A.C.S.O. Sergeant Brent Miller retired from A.C.S.O. in 2014 but returned in 2021-2022 to work as a Special Deputy Sheriff assigned to background investigations. Miller was on the 6/9/2021 training rosters. Miller did not recall ever having attended training with McLallen or Bethel. Miller vaguely recalled Deputy Kennedy getting a phone call during Arrest Control.

A.C.S.O. Senior Deputy Sheriff Jason Humphrey did not recall having Driving training with Reigenborn, but had done Arrest Control with Reigenborn at some point. Deputy Humphrey said he had not done Arrest Control or Driving training with McLallen or Bethel. Deputy Humphrey did not remember Deputy Kennedy getting a phone call during the 6/9/2021 Arrest Control class. I cross-referenced the training records of Deputy Humphrey and Reigenborn and saw they had both been on training rosters for Arrest Control on 2/23/2022.

The other A.C.S.O. personnel on the 6/9/2021 rosters interviewed for this case did not recall whether or not Reigenborn was present at these trainings.

ADDITIONAL RECORDS:

I obtained P.O.S.T. training transcripts for Reigenborn and McLallen from P.O.S.T. Director Bourgerie. They showed that Reigenborn got P.O.S.T. training credit for the 6/9/2021 Arrest Control (2 hours) and Driving (2 hours). They indicated McLallen got P.O.S.T. training credit for 6/9/2021 Driving (two hours), but not for Arrest Control.

Colorado Open Records Act (C.O.R.A.) requests were sent to A.C.S.O. on 3/2/2023 and 3/31/2023. Records obtained from those requests included Outlook calendars, A.C.S.O. keycard usage data, and training records for Reigenborn, McLallen, and Bethel. Those records indicated the following:

- Reigenborn's A.C.S.O. keycard was used at A.C.S.O. headquarters on 6/9/2021 around 9:31 AM and 9:32 AM. His Outlook calendar showed Perishable Skills Training from 8:00 AM to 5:00 PM.
- McLallen had a doctor appointment listed on his 6/9/2021 Outlook calendar from 12:30 PM to 5:00 PM. Perishable Skills Training was also listed on his Outlook calendar that day from 8:00 AM to 5:00 PM.

P.O.S.T. TRAINING INFORMATION:

Training Manager Baker told investigators that law enforcement agencies are responsible for entering truthful and accurate data into Benchmark. In the first week of each year, Training Manager Baker runs non-compliance reports in Benchmark to check for anyone who was not compliant with Rule 28 the prior year. For the 2021 training year, Training Manager Baker and his staff started sending out preliminary non-compliance notices to agencies and their personnel who failed to comply with Rule 28 on 1/12/2022. Training Manager Baker told me A.C.S.O. and all of their personnel were considered compliant with Rule 28 for 2021. In the cases of Reigenborn and McLallen, Training Manager Baker indicated he would not have had any reason to doubt the accuracy of those training hours had he not been notified they were false.

Training Manager Baker checked Benchmark and determined that Galicia entered the 6/9/2021 trainings for Reigenborn, McLallen, and Bethel into Benchmark on 7/20/2021. Galicia would have made those entries from Flatrock, 23600 E. 128th Ave., Commerce City, County of Adams, State of Colorado.

Reigenborn's P.O.S.T. training transcript reflected 15 hours of perishable skills training in 2021, which included four hours of training from 6/9/2021 for Arrest Control and Driving. When those four hours of fraudulent training are removed, that left Reigenborn with 11 hours of perishable skills training in 2021. That would render Reigenborn non-compliant with Rule 28 for 2021, which would have also rendered A.C.S.O. non-compliant as an agency. In addition, Reigenborn made the 6/9/2021 training rosters available for McLallen, which generated two hours of unearned Driving training for McLallen. It has not been determined why the Arrest Control class was not also reflected on McLallen's P.O.S.T. training record. This investigation revealed that when McLallen's total number of fraudulent training hours are removed from his P.O.S.T. training transcript, McLallen would also be non-compliant with Rule 28 for 2021.

Reigenborn declined to be interviewed for this case through his attorney.

VIOLATIONS:

Based on the above information, I believe there is probable cause to show that Reigenborn, McLallen, and Bethel did not attend A.C.S.O. Arrest Control or Driving in-service training on 6/9/2021. Reigenborn signed the rosters after the training was over on 6/9/2021 at Flatrock, 23600 E. 128th Ave., Commerce City, County of Adams, State of Colorado.

Reigenborn was also involved in a conspiracy with McLallen to obtain training credit McLallen did not earn when Reigenborn made the 6/9/2021 Arrest Control and Driving rosters available for McLallen to sign at Flatrock, 23600 E. 128th Ave., Commerce City, County of Adams, State of Colorado on 6/9/2021. McLallen never did, so Bethel likely directed Sergeant Cordova to put McLallen's name on the 6/9/2021 rosters between 6/9/2021 and 7/20/2021 at Flatrock, 23600 E. 128th Ave., Commerce City, County of Adams, State of Colorado. The totality of these actions generated credit for P.O.S.T. training of two hours each for Arrest Control (Reigenborn) and Driving (Reigenborn and McLallen) that were not actually earned.

The A.C.S.O. training roster data were instruments fileable with the public office of P.O.S.T. The actions noted above constituted C.R.S. 18-5-102 (1)(d), Forgery and Conspiracy to Commit Forgery.

The fraudulent 6/9/2021 A.C.S.O. training hours for Arrest Control and Driving were submitted to P.O.S.T. via the Benchmark system on 7/20/2021 in attempt to influence P.O.S.T. to reflect that Reigenborn had sufficient training hours in order to show his compliance with P.O.S.T. Rule 28.

The conspiracy between Reigenborn and McLallen was designed to generate fraudulent 6/9/2021 A.C.S.O. training hours for Driving that were submitted to P.O.S.T. via the Benchmark system on 7/20/2021 in attempt to influence P.O.S.T. to reflect that McLallen had sufficient training hours in order to show his compliance with P.O.S.T. Rule 28.

P.O.S.T. Training Manager Baker was the Colorado public servant responsible for reviewing law enforcement agency submissions in Benchmark to verify Colorado peace officers were Rule 28 compliant in 2021-2022. Training Manager Baker's assessment of 2021 Rule 28 compliance was completed by 1/12/2022. A.C.S.O.'s submissions of Reigenborn and McLallen's forged training records led Training Manager Baker to believe Reigenborn and McLallen's records were accurate and that Reigenborn, McLallen, and A.C.S.O. were compliant with P.O.S.T. Rule 28 for 2021. Training Manager Baker's office is located at P.O.S.T., 1300 Broadway, 9th Floor, City and County of Denver, State of Colorado.

Based upon the above information, your affiant requests the court issue an arrest warrant for Richard Allen Reigenborn, [REDACTED] for violation of C.R.S. 18-8-306, Attempt to Influence a Public Servant; C.R.S. 18-8-306, 18-2-201, Conspiracy to Attempt to Influence a Public Servant; C.R.S. 18-5-102 (1)(d), Forgery; and C.R.S. 18-5-102 (1)(d), 18-2-201, Conspiracy to Commit Forgery.

Affiant Ce By
Investigator Chris Byrne

Subscribed and sworn before me this 26th day of September, 2023

12-2-25
Commission Expires

Danielle Zambrano
Notary Public

DANIELLE ZAMBRANO
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20134069940
MY COMMISSION EXPIRES DECEMBER 2, 2025

Andy Ha Dang
Judge

