



City Manager's Office  
300 Hunt Avenue  
PO Box 419  
Alamosa, CO 81101  
Phone (719) 589-2593

December 11, 2026

Mr. Leo Sarmiento



(sent via email only)

Re: Appeal of Termination Determination

Dear Mr. Sarmiento,

On November 19, 2025, Chief Dingfelder notified you of his decision to terminate your employment based on several policy violations stemming from an off-duty incident on September 16, 2025. You appealed this decision to me and we met on December 3, 2025, where you shared information with me as it relates to the policy violations. Prior to the meeting, I notified you that I would review any materials relevant to the matter and that included the internal investigation and the videos from your home security cameras. Since you disputed the Chief's assertion that you admitted to the policy violations, I reviewed the recording of your November 3, 2025 meeting with Chief Dingfelder and include my findings below. I have listed each alleged policy violation below and included my thoughts and findings for each one.

**Policy 101(1) - Members will obey the law**

You were arrested for Harassment with a Domestic Violence enhancer on September 16, 2025. The charge of Harassment requires intent to annoy, harass, or alarm. After watching the video, it is my opinion that your only intent was to retrieve the letter. I watched the video several times and noted that all of your effort and movement was aimed at retrieving the letter. You did not shove, strike, kick, or exert any other type of movement that would have been unrelated to retrieving the letter. Additionally, since I am not an attorney and knowledgeable on the points of law that are needed for various charges, I put significant weight on an October 13, 2025 memo concerning what constitutes harassment provided by the City Attorney. While that memorandum is privileged, the Chief and I are waiving that privilege for the purpose of this determination and I have attached it for your reference. Finally, Chief Dingfelder noted several times that he does not think you had any intent to annoy, harass, or alarm. It is my understanding that without this intent, you in fact did not violate the law and therefore, did not violate this policy.

During your interview with Chief Dingfelder, you did at one point expressly admit to this violation. However, when I take the entire interview into consideration, you repeatedly noted that your only intent was to retrieve the letter. I find that your repeated assertions to this point combined with Chief Dingfelder saying multiple times that he agrees you did not have any intent beyond retrieving the letter override your technical admission to this point.

**Policy 101(6) - Members will avoid any conduct which may bring discredit upon, or undermine the credibility of themselves, the Alamosa Police Department, or the police profession**

During our meeting, you indicated that you do not feel that you violated this policy and that you should be treated like anyone else who has had their personal property taken. I do not agree and feel that your actions violated this policy.

I understand that the incident was initiated by your wife's actions, but you made the choice to physically engage with her in order to retrieve the letter. You could have walked away. As I explained in our meeting, law enforcement officers are held to a higher standard than the general public due to the amount of power and authority that is granted to them. Engaging in a physical altercation with your wife that can lead to charges of harassment and domestic violence brings discredit upon and undermines the credibility of you and the Alamosa Police Department. It is my opinion that it is only the existence of the video that enables you to demonstrate to me the lack of intent, and avoid the more serious policy violation of Policy 101(1) discussed above. However, the fact that the Deputy found enough to charge you, and the DA found enough to uphold and file those charges, is clear indication that your actions bring discredit upon you and by extension the Department.

During your interview with Chief Dingfelder, you admitted to this violation. In fact, you admitted that your behavior was not consistent with the expectations of the Police Department and that you should have walked away. I agree with these statements and wish that this sense of accountability would have carried through to our meeting.

**Policy 322.5.1(c) Laws, Rules and Orders - Violation of federal, state, local or administrative laws, rules and regulations**

Per the intent findings described above, I do not think you violated this policy. During your interview with Chief Dingfelder, you admitted that probable cause for arrest was established, but that intent was absent.

**Policy 322.5.9(d) - Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another**

Per the intent findings described above, I do not believe your actions were unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another. It is unclear to me what would qualify as unauthorized fighting. To the extent that I have determined your behavior violated Policy 101(6) and Policy 322.5.9(m), one could argue that your actions were unauthorized. I am not sure I would categorize your actions as fighting although it is clear you engaged in a physical altercation to secure the letter. I struggled with what the distinction is between altercation and fighting and have concluded that

while both words are forms of conflict, they differ in severity and intent. **Altercation** typically refers to a heated, often noisy, dispute or disagreement. It can involve verbal arguments and sometimes minor physical contact, a scuffle, or a brief struggle to gain control of an item. The emphasis is often on the loud and angry nature of the dispute rather than serious physical injury. **Fighting** implies a more serious, deliberate, and sustained physical struggle. It suggests a more violent engagement with the clear intent to physically harm, injure, or subdue the other person. It is considered a stronger, more severe term than altercation. Therefore, I do not feel that you violated this policy.

During your interview with Chief Dingfelder, you agreed this conduct was unlawful or unauthorized, but not necessarily categorized as fighting.

**Policy 322.5.9(m) - Any other on or off duty conduct which any member knows of or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members**

My conclusion is the same for this policy as it is for Policy 101(6), thus I find that you violated the policy. During your interview with Chief Dingfelder, you also admitted to this policy violation.

**Criminal Statute 18-9-111 Harassment**

Per the intent findings described above, I have determined that you did not violate this policy. During your interview with Chief Dingfelder, you acknowledged the internal debate regarding violation of this statute but maintained an absence of intent to cause harm. You agreed that, by your own interpretation, the act of grabbing the individual could be construed as harassment.

As noted in Chief Dingfelder's letter and reaffirmed by you in our meeting, you have a positive work history with the City of Alamosa with positive evaluations and no prior discipline. I feel the severity of violating Policy 101(6) and Policy 322.5.9(m) warrants a written reprimand and corrective action. This letter can serve for the purpose of that written reprimand. In regards to the corrective action, you are required to attend the Ethical Decision Making Under Stress (EDMUS) training by July 1, 2026 and you must read Policy 101(6) and Policy 322.5.9(m) and write a memo indicating that you understand the policies and acknowledge any future violations will result in discipline. The review of the policies and subsequent memo must be completed by February 1, 2026. This is my final determination and there is no available appeal.

Since I am not supporting the recommendation for termination, you will be paid for the hours you were placed on unpaid leave. We also have to resolve the issue of your leave time. Upon the processing of your termination, you were compensated for your vacation leave and  $\frac{1}{3}$  of your sick leave. We will reinstate the  $\frac{2}{3}$  of your sick leave that was uncompensated, but the hours you were compensated for is a little more complicated. You can choose to keep the compensation for those hours or you can work with payroll to enter into an agreement to "buy back" those hours from your future paychecks within six months.

Unfortunately, having a pending domestic violence charge is too serious of a charge to allow you to perform any work in law enforcement. Therefore, until your criminal case is concluded, you will be assigned to other City departments. If you should lose the criminal case and be found guilty, you will effectively have lost your POST certification and can no longer be employed by the City of Alamosa as a peace officer. A guilty finding would also trigger the policy violations listed above that I noted at this point in time have not been violated. No further disciplinary action would ensue, but your employment would be terminated.

Please contact Jolene Webb no later than December 17th to arrange for your return to work. Her email is [jwebb@alamosa.gov](mailto:jwebb@alamosa.gov) and her phone number is (719) 587-2029.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Sanchez", written in a cursive style.

Heather Sanchez  
City Manager

cc: Chief Dingfelder  
Personnel File

## MEMORANDUM

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**TO:** Heather Brooks, City Manager; George Dingfelder, Police Chief, City of Alamosa

**RE:** PRIVILEGED AND CONFIDENTIAL Leo Sarmiento harassment charge in the context of disciplinary action

**FROM:** Erich Schwiesow, City Attorney

**DATE:** October 13, 2025

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PRIVILEGED AND CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION

**QUESTION PRESENTED:**

For purposes of considering discipline or discharge for Officer Leonel Sarmiento relating to an alleged incident of harassment with a domestic violence enhancer on September 16, 2025, did Officer Sarmiento's actions constitute harassment under C.R.S. 18-9-111(1)(a) ?

**BRIEF ANSWER:**

No. Harassment is a specific intent crime, meaning whatever actions form the basis for the charge must have been done with the intent to annoy, harass, or alarm. The domestic violence enhancer would simply result from the victim of harassment being an intimate partner. In this case, evidence I reviewed does not support the element of intent to annoy, harass, or alarm, and therefore does not support the charge of harassment.

**DISCUSSION:**

**a. Background**

Officer Sarmiento was involved in a tussle with his wife (they are separated and contemplating divorce) on September 16, 2025, that resulted in his arrest and a charge of harassment being filed by the Alamosa Sheriff's Office. As of this writing, the District Attorney is still evaluating that charge, and may or may not proceed with a criminal case. The purpose of this memo is to provide the City Attorney's analysis of the charges in the context of assisting the Police Chief and City Manager in the contemplation of any discipline relating to the incident. This analysis focuses solely on the charge of harassment, and not on any other aspect of the conduct that may form the subject of discipline. It also does not purport to address the appropriateness of any contrary conclusion the District Attorney may make in the context of determining whether to proceed with the criminal case. I do note that the IA investigation

completed by Captain Bertsch concludes that the charge of harassment is warranted. I respectfully disagree with that conclusion for the reasons set forth below. I believe that both the charging information presented by the Sheriff's Office and the analysis of harassment contained in the IA did not properly analyze the specific intent element of the crime of harassment, and instead focused solely on whether there was physical contact.

The basic facts underlying the charge of harassment are the following: while off duty, Officer Sarmiento, who is staying in Blanca during his separation from his wife, [REDACTED], came by the family home where she resides to pick up the kids to take them to school. They were running late. [REDACTED] attempted to initiate a conversation with Leo about divorce, but he didn't want to have it. So she entered his truck and accompanied the trip to the school. That trip was uneventful. While there are conflicting reports by [REDACTED] and Leo about what happened after Leo brought [REDACTED] back to the family home, a review of the security footage from the home's surveillance camera in conjunction with the statements from both Leo and [REDACTED] that are congruent with each other supports the following facts: After they returned, [REDACTED] began rummaging in Leo's glove compartment, and found a love letter from another woman. She began to read it, he reached to take it back, and she jumped from the truck to avoid him, slipping and falling in the process. He climbed over the center console and exited the truck, grappling with her for the letter while she was still on the ground or just getting up from it. He was unable to retrieve the letter, and gave up the attempt. The entire episode, from [REDACTED] finding of the letter to Leo's abandonment of the attempt to retrieve it, lasted about 30 seconds.

There are many other aspects to the encounter that may be in dispute (such as one or both parties throwing things from the truck to the ground at various times, and taunting and name calling by [REDACTED]) that I don't try to sort out, as I don't consider them germane to the issue of whether a charge of harassment is supported by the facts. They may add more color to the incident, but a resolution of the disputed facts would not change my conclusion that the facts do not support the charge of harassment.

#### **b. Legal analysis**

The statute under which Officer Sarmiento was charged describes harassment in relevant part as when, "with the intent to harass, annoy, or alarm another," a person "strikes, shoves, kicks, or otherwise touches a person or subjects them to physical contact." C.R.S. § 18-9-111(1)(a). To be convicted of harassment, a defendant must have the specific intent to harass, annoy, or alarm. *Pearson v. People*, 502 P.3d 1003, 1008 (Colo. 2022), citing C.R.S. § 18-1-501(5) ("All offenses defined in this code in which the mental culpability requirement is expressed as 'intentionally' or 'with intent' are declared to be specific intent offenses.").

When analyzing the specific intent to annoy, harass, or alarm, it is important to note that the intent to annoy, harass, or alarm need not be the sole (or even primary) motivation for the action supporting the charge. Evidence of an additional motivation (trying to retrieve a love letter

from another woman, for instance) does not in and of itself mean Officer Sarmiento lacked any intent to harass. *People v. Trujillo*, 568 P.3d 435, 443 (Colo. App. 2025).

My review of the evidence in this case, and primarily of the video footage, does not show any intent on the part of Officer Sarmiento to harass, annoy, or alarm his wife. The physical contact that occurred during the scuffle all related to the attempt to retrieve the letter, including Leo restraining [REDACTED] while attempting to reach the letter, which she strives (successfully) to prevent him from doing. The video does not show any contact whatsoever beyond contact that occurred in the attempt to retrieve the letter - no tackling her to the ground (as she alleged), no striking, shoving, or kicking, just wrestling for the letter, which is indisputably his personal (and personal also in the sense of private and sensitive) property that she has taken. As such, I don't believe that there is any evidence to support the specific intent needed as an element of the charge of harassment.

### **c. Implications for disciplinary action**

Because I don't believe the evidence supports a charge of harassment, I would be nervous about disciplinary action predicated on that charge prior to a conviction entering. There may be other aspects of the incident that would support discipline (although from my review of the file I am sceptical of that), but those are beyond the scope of this memo. Of course, if the DA successfully prosecutes the charge of harassment, or there is a plea agreement that results in a conviction on some charge that implicates POST certification or is otherwise applicable to disciplinary action (including, in the case of loss of POST certification, termination for failure to meet job requirements), then appropriate disciplinary action could and should be taken. That also means that whatever disciplinary action (if any) is imposed while the charges are pending should make clear that the issue remains open for further action pending final resolution of the criminal case.