

**COLORADO DEPARTMENT OF LAW  
PEACE OFFICER STANDARDS AND TRAINING BOARD**

**2020**

**RULES CONCERNING DEFINITIONS, DIRECTOR’S AUTHORITY, HEARINGS, BASIC PEACE OFFICER CERTIFICATION, RESERVE CERTIFICATION, RENEWAL OF BASIC CERTIFICATION, FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK, CERTIFICATION EXAMINATION BASIC, PROVISIONAL, RENEWAL, SKILLS EXAMINATIONS FOR PROVISIONAL AND RENEWAL APPLICANTS, CERTIFICATION RECORDS, CERTIFICATION, SUSPENSION, AND REVOCATION: BASIC, PROVISIONAL, RENEWAL, AND RESERVES, VEHICLE IDENTIFICATION NUMBER INSPECTORS, VEHICLE IDENTIFICATION NUMBER INSPECTOR PROGRAMS, BASIC, REFRESHER AND RESERVE TRAINING ACADEMIES, AND RESERVE TRAINING ACADEMIES, CONCERNING SUNRISE REVIEW OF PEACE OFFICER STATUS, IN-SERVICE TRAINING PROGRAM, PEACE OFFICER CONTINUING EDUCATION GRANT TRAINING PROGRAM, AND ADMINISTRATIVE SANCTIONS.**

**STATEMENT OF BASIS, STATUTORY AUTHORITY, AND PURPOSE**

Pursuant to sections §§ 24-31-303 (1)(g), (l) and (m), and 24-31-307(1), C.R.S., the Colorado Peace Officer Standards and Training Board (POST) has the authority and duty to promulgate and amend specific rules and regulations as further specified herein to further facilitate the requirements of SB 20-217 and related statutory provisions, to promote better notice about, and regulation of, the matters addressed, and to act pursuant to statutory grants of authority to enact rules to facilitate the peace officer continuing educating and training program and to provide for the issuance of administrative sanctions, including fines. Non-substantive amendments are proposed as housekeeping measures to promote consistency and restore inadvertent rule provision redactions. Amendments and new rules proposed are as further set forth herein, with statements of bases and purpose included:

Amendments are proposed to Rule 1 – Definitions, to:

- Replace “post” with “POST” and capitalize “Board” throughout to promote consistency within the rule and with other rules; and
- To revise the definition of “reserve peace officer” to conform to the statutory definition(s).

Amendments are proposed to Rule 3 – Director’s Authority, to

- Replace “post” with “POST” and capitalize “Board” throughout to promote consistency within the rule and with other rules.

Amendments are proposed to Rule 5 – Hearings, to:

- Capitalize “director” and “board” where necessary to promote consistency; and
- To amend the rule to add procedure for hearings corresponding to the administration of fines or other administrative sanctions.

Amendments are proposed to Rule 10- Basic Peace Officer Certification, to:

- Capitalize “director” where necessary to promote consistency.

Amendments are proposed to Rule 12 – Reserve Certification, to:

- Add a requirement that an applicant be in good standing with Colorado POST to qualify for a reserve certificate;
- Provide for the automatic expiration of a certification if a reserve certificate holder has not served as a reserve peace officer for a total of at least six (6) months during any consecutive three-year period, unless the certificate holder is then serving as a reserve peace officer; and
- To provide for the expiration of a certification after three (3) years if a reserve certificate holder is deployed for military service, except that if a reserve certificate holder is employed by a law enforcement agency at the time of deployment, the certificate holder’s certification will not expire.

Amendment are proposed to Rule 13 – Renewal of Basic Certification, to:

- Add a requirement that an applicant be in good standing with Colorado POST to qualify for renewal of a basic certification;
- Add a requirement that an applicant submit a copy of the applicant’s refresher academy certificate of completion if successfully completing a POST approved refresher academy for basic certification; and
- To provide for the submission of an applicant’s POST Skills Testing Grade Sheet to POST by the POST SME Committee Member or POST-approved designee.

Amendments are proposed to Rule 14 – Fingerprint-Based Criminal History Record Check, to:

- Remove the definitions for finger-based criminal history check, enrollment date, and enrollment as duplicative of other POST rule provisions;
- Use the term “disqualifying incident” as defined in POST Board Rule 1, rather than the entire statutory definition;
- Clearly set forth the required time for the submission of fingerprints to CBI for persons enrolling in training academies;

- Provide that all persons seeking to apply for provisional or renewal certification must submit fingerprints to CBI as part of the application process;
- Provide a recommendation that an applicant's fingerprints be submitted electronically, unless this is not possible, in which case the applicant may submit fingerprints using a POST fingerprint card;
- Require that applicants enrolling in a basic or reserve training academy be fingerprinted, and require the academy to submit such fingerprints to CBI; and
- To provide that fingerprint results shall be valid throughout the certification process and through the life of the certification.

Amendments are proposed to Rule 15 - Certification Examination Basic, Provisional, Renewal, to:

- Provide for the submission of office college transcripts or proof of college degree as evidence that an applicant for certification examination has met the high school completion requirement;
- Describe military discharge documents in a manner consistent with § 24-31-301(5), C.R.S.;
- Provide notice that additional certification exam dates will be offered periodically at POST for individuals sitting for the examination; and
- To clarify the requirements for passing the POST certification examination.

Amendments are proposed to Rule 16 - Skills Examinations for Provisional and Renewal Applicants, to:

- Clarify the requirements for passing the skills examinations for provisional and renewal applicants for POST certification;
- Provide a remedial process for applicants who fail to pass skills examinations; and
- To provide that all skills examinations must be taken and successfully completed within two (2) years of the initial application date and that skills examination scores are valid for two (2) years.

Amendments are proposed to Rule 17 – Certification Records, to:

- Replace “POST portal” with “POST Records Management System;”
- Provide for the submission of the POST 17 Form by law enforcement agencies as a formal process for notifying POST that peace officers in their employ have not experienced decertifying incidents over the past calendar year; and
- To provide notice that failure to adhere to the rule's requirements may subject individual certificate holders and law enforcement agencies to fines or other administrative sanctions.

Amendments are proposed to Rule 18 - Certification, Suspension, and Revocation; Basic, Provisional, Renewal, and Reserves, to:

- Provide for the suspension of the certification of a certificate holder who fails to meet the certification requirements of POST;
- Provide for revocation of a certificate holder's certification if the holder repeatedly fails to comply with POST training requirements; and
- To substitute the term "disqualifying incident" in place of a list of statutory requirements.

Amendments are proposed to Rule 19 - Vehicle Identification Number Inspectors, to:

- Replace "POST Training Portal" with "POST Records Management System;" and
- To cite to § 42-5-206(4), C.R.S., in a manner consistent with other rule statutory citations.

Amendments are proposed to Rule 20 - Vehicle Identification Number Inspector Programs, to:

- Require that vehicle identification number inspector program curriculum adhere to POST curriculum requirement; and
- To require that designated documentation be submitted to POST staff rather than to the POST Board directly.

Amendments are proposed to Rule 21 - Basic and Reserve Training Academies, to:

- Replace "the Board" with POST for consistency with other rules;
- Add "refresher" to the list of types of academies comprising continuing academies;
- Designate the start date for the three (3) year period referenced in the rule;
- Clarify the submission requirements that a continuing academy director must meet;
- Reintroduce text inadvertently removed from the rule during the last rulemaking session in August 2020;
- Re-designate college academies and private occupational school academies as "all academies not based at a law enforcement agency;"
- Require existing academies to petition the POST Board to renew their authority to operate an academy every five (5) years;
- Require entities interested in creating a new POST-approved academy to receive approve from the full POST Board;
- Require the academy director of a proposed new academy to contact POST at least twelve (12), rather than six (6) months prior to the anticipated start date of the new academy and to specify that completing the new academy approval process includes approval of site safety plans, lesson plans, and other associated documents;

- Require training sites to be clearly marked as law enforcement training sites, and to require written permission online/remote training;
- Supplement the list of academic and skills lesson information to include the date the lesson plan was prepared and date of last revision if applicable and the name and title of the lesson plan’s author and name and title of the person approving the lesson plan;
- Provide that daily schedules are to be submitted on the form provided by POST;
- Require academies to report injuries less severe than death, gunshot wounds or serious bodily injury caused by training activities, and other than bodily injuries to any person unaffiliated with an academy, in order to allow POST to track injury trends statewide to promote safe training environments; and
- To require trainee files to include trainee current contact information and a signed and dated acknowledgement of privacy and appeal rights form.

Amendments are proposed to Rule 22 - Concerning Sunrise Review of Peace Officer Status, to:

- Replace “P.O.S.T.” with “POST” to promote consistency throughout the rules.

Amendments are proposed to Rule 28 - In-Service Training Program, to:

- Provide that failure to complete training may result not only in suspension or revocation of certification, but also other administrative sanctions;
- Provide that an agency or individual found not complaint with training requirements may face an administrative sanction; and
- To replace “post” with “POST” to promote consistency throughout the rules.

A new Rule 30 - Peace Officer Continuing Education Grant Training Program, is proposed to establish and set forth the requirements for the continuing education grant training program, a program that provides funding for the training of Colorado Peace Officers through awards by the POST Board. The program especially provides for funding with related grant requirements for peace officer training in rural or smaller jurisdictions with limited resources.

A new Rule 31 – Administrative Sanctions, is proposed provide for the assessment of administrative fines or other sanctions by the POST Board against law enforcement agencies and individuals for violations of Title 24, Article 31, Part 3, where appropriate.

### Purpose

The purpose of the amended rules and new rules is to provide clarification to persons subject to POST peace officer certification requirements as well as agencies subject to the rules to provide updated information regarding items referenced in these rules as set forth herein.

Contemplated Schedule for Adoption

Rules will be adopted on December 18, 2020 with an effective date of January 30, 2021.

Listing of Persons and Parties Affected

Peace officers, including those applying for certification and those currently employed as certified peace officers, law enforcement academy staff, and law enforcement agencies will be affected by this anticipated rulemaking.

It has been declared by the General Assembly that certification and training standards of peace officers are matters of statewide concern. The absence of implementing rules to carry out the purpose of the statutes would be contrary to the public health, peace, safety and welfare of the state. For these reasons, it is imperatively necessary that these proposed amendments and new Rules 30 and 31 be adopted.