

Rule 1 –Definitions

Effective January 30, 2019

As used in these rules:

- (a) "Academy director" means that person responsible for the administration and operation of a POST-approved academy.
- (b) "Applicant" means any person formally seeking approval by the Board.
- (c) "Appointed" means sworn in and serving as a peace officer or reserve peace officer.
- (d) "Approved" means formally accepted or authorized by the Board.
- (e) "ACT" means Arrest Control Tactics, one of the skills training programs required for the basic, **refresher** and reserve training academies.
- (f) "Assistant skills instructor" means an individual who has successfully completed a relevant approved skills instructor training program and who may instruct the corresponding skills training program in arrest control, law enforcement driving, or firearms under the direction and in the presence of a full skills instructor, and assist in evaluating and coaching trainees at an approved basic, **refresher** or reserve training academy.
- (g) "Authorized emergency vehicle" means such vehicles, **per ~~identified in~~ § 42-1-102 C.R.S.**
- (h) "Board" means the Colorado Peace Officer Standards and Training Board.
- (i) "Bodily injury" means physical pain, illness, or any impairment of physical or mental condition, **per § 18-1-901(3)(c), C.R.S.**
- (j) "Certification examination" means the written test required, **per ~~under~~ § 24-31-305(1)(a)(III), C.R.S.**
- (k) "Certified peace officer" means any person who has successfully attained POST Certification, **per ~~as described in~~ § 24-31-305 and § 24-31-308, C.R.S.**
- (l) "Course" means a formal unit of instruction relating to a particular subject.
- (m) "C.R.S." means Colorado Revised Statutes, codified laws of the State of Colorado.
- (n) "Director" means the director of the POST Board staff.

- (o) “Disqualifying incident” means:
- a. A finding of guilt following either a verdict of guilty by the court or jury, or a plea of guilty, or a plea of nolo contendere. Any Colorado juvenile adjudication is not a conviction, per § 24-31-305 (1.5)(a), C.R.S.
 - b. Entering into a deferred judgment and sentencing agreement, a deferred prosecution agreement, or a pretrial diversion agreement of any disqualifying offense, whether pending or successfully completed, per § 24-31-305 (1.5)(b), C.R.S.
 - c. A finding of untruthfulness pursuant to § 24-31-305(2.5), C.R.S.
 - d. Making material false or misleading statements of omissions in the application for certification.
 - e. Otherwise failing to meet the certification requirements established by the board.
- (p) "Enroll" means that a person has applied to and been accepted for admission into an academy and is physically present at the academy to receive instruction.
- (q) "Enrollment date" means the first day of instruction at an approved basic, refresher or reserve training academy, and shall be synonymous with the first day of instruction as reflected on the approved academy schedule.
- ~~(r) "Fingerprint-based criminal history record check" means submittal of a POST fingerprint card to the Colorado Bureau of Investigation (CBI) for criminal history check in CCIC and NCIC, as required in § 24-31-304(3), C.R.S.~~
Fingerprint-based criminal history record check: a computerized search of a person's fingerprints that have been taken on a POST Applicant Fingerprint Card, or a Colorado Bureau of Investigation (CBI) authorized vendor and processed by the Colorado Bureau of Investigation (CBI) and Federal Bureau of Investigation (FBI) for the purpose of determining a person's eligibility for certification as a peace officer in the State of Colorado.
- (s) "Full skills instructor" means an individual who has successfully completed the minimum qualifications required by these Rules and who may develop, implement and evaluate a skills training program at an approved basic, refresher or reserve training academy.
- (t) “Incident” means a single, distinct event as determined by the POST Director or designee.

- (u) ~~"Lateral training academy" means an agency specific approved academy that instructs academic courses determined by the agency and all hours of the POST skills training programs in arrest control, law enforcement driving and firearms.~~
- (v) "Lead skills instructor" means a full skills instructor at a basic, **refresher** or reserve training academy who may be designated by the academy director to oversee or coordinate the administration of a specific skills program for a particular academy class.
- (w) "Lesson plan" means a document that specifically describes the material presented during a course of instruction, **pursuant to POST Rule 21.**
- (x) "Moving training" means training where the academy students are involved in movement with a loaded weapon. It is recognized that during square range drills, academy students may move 1-2 steps laterally or forward/backward. The 1:1 ratio is not required for this drill. For all other drills/exercises involving movement a 1:1 ratio is required.
- (y) "Operable firearm" means a firearm that is capable of discharging a bullet if loaded. This does not include firearms designed or modified to discharge marking cartridges or airsoft projectiles during academy **scenario/**reality-based training.
- (z) "Peace officer" means any person, **as** recognized in § 16-2.5, Part 1 C.R.S.
- (aa) "POST certified" means any person possessing a valid, numbered certificate issued by the Board authorizing such person to serve as a peace officer or reserve peace officer.
- (bb) "POST fingerprint card" means a fingerprint card provided by POST.
- (cc) "POST Identification Number" (PID) means a number assigned and unique to each active peace officer's certification **record file.** All inquiries and correspondence to POST should contain this number.
- (dd) "Practical Exercise" means role playing, table top exercises, or other **scenario/**reality-based training.
- (ee) "Program director" means **the** ~~that~~ person responsible for the administration and operation of a POST-approved training program.
- (ff) "Provisional certification" means a signed instrument issued by the POST Board that grants interim certification for qualified out-of-state peace officers seeking Colorado certification that enables the provisional applicant to obtain

appointment as a peace officer in Colorado while fulfilling the requirements for basic certification.

- (gg) "Recognized disciplines for arrest control training" mean those **arrest control/defensive tactics systems** that have been reviewed and approved by the Board, **or its designee**, in consultation with the Arrest Control Subject Matter Expert Committee **for use in an approved law enforcement academy**. Such systems may include, but are not limited to, Federal Bureau of Investigation (FBI) system, Koga system and Pressure Point Control Tactics (PPCT) system.
- (hh) "Refresher academy" means an approved training program that consists of a minimum of 96 hours of instruction and includes academics or a POST Board approved web-based distance learning program, arrest control, law enforcement driving and firearms.
- (ii) "Relevant approved skills instructor training program" means a basic, not advanced, instructor training program that contains a minimum of forty (40) hours of instruction and with instructional content that meets or exceeds the content of the respective instructor training programs for arrest control, law enforcement driving, or firearms, and **that** has been formally accepted or authorized by the Board.
- (jj) "Renewal applicant" means an applicant whose Colorado peace officer certificate has expired per § 24-31-305(1.7)(b), C.R.S., and who has applied to renew his/her Colorado peace officer certificate in accordance with § 24-31-305(1.7)(c), C.R.S. and POST Rule 13.
- (kk) "Reserve peace officer" means any person described in § 16-2.5-110, C.R.S., and includes any person authorized to carry a firearm, conduct arrests, and enforce the laws of the state of Colorado, **per pursuant to** § 16-2.5-110, C.R.S., but does not include any person appointed by a sheriff, **per pursuant to** § 30-10-506.
- (ll) "Serious bodily injury" means bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree, **per** § 18-1-901(3)(p), C.R.S.
- (mm) "Skills examination" means the approved practical test of an applicant's proficiency in arrest control, law enforcement driving, or firearms.
- (nn) "Skills training" means the required approved arrest control, law enforcement driving, and firearms courses.

- (oo) "State" means any State in the United States, the District of Columbia, and any territory or possession of the United States.
- (pp) "Subject Matter Expert" (SME) means an individual formally recognized by the **chair of the** Board for his or her extensive knowledge, expertise and/or experience in one of the skills areas or in academics.
- (qq) "Successful completion" means a ~~POST-approved academy or program~~ score of seventy (70) percent or greater, or a grade of "C" or better, or a rating of pass, if offered as pass/fail, **in a POST-approved academy or program**. For the certification examination passing score, see Rule 15.
- (rr) "Test out" means a POST-scheduled skills examination where proficiency is assessed by a POST Subject Matter Experts (SMEs) in all three perishable skills (Arrest Control, Law Enforcement Driving, and Firearms) and the written POST certification exam is administered.
- (ss) "Training academy" means a POST-approved school, agency or other entity that provides POST-approved training programs.
- (tt) "Training program" means a POST-approved course of instruction required by statute, or Rule, or for peace officer certification and other peace officer training programs as otherwise recognized and approved by the Board.

Rule 2 – Meetings

Effective March 8, 2004

- (a) The Attorney General, as chairperson, shall preside over all meetings of the Board. Should the chairperson be absent, the vice-chairperson shall preside over the meeting. In the absence of the chairperson and the vice-chairperson, the most senior member present shall preside.
- (b) A majority of the total positions of the Board, excluding vacancies, shall constitute a quorum for purposes of conducting official business. Should there be no quorum, ~~such~~ **the** members ~~as~~ **who** are present may conduct official business, subject to subsequent ratification by a quorum of the Board.
- (c) Should any member, other than those sitting ex officio, be absent without good cause from three consecutive meetings, the Director shall submit a resolution to the Board calling on the member to resign.
- (d) The Board may conduct its business on the basis of unanimous consent. However, any member of the Board may require separate consideration and disposition of any matter, including through a roll-call vote. When a quorum is present, a majority vote, that is a majority of the votes cast, ignoring abstentions, is sufficient for the adoption of any motion that is in order. On a tie vote the motion is lost.
- (e) Unless the Director determines otherwise, all requests from the public for Board consideration or action must be submitted in writing to the Director at least thirty (30) days prior to the next scheduled Board meeting.
- (f) Other than when a person comments with respect to matters of policy, the chairperson will request that the person do so under oath.

Rule 3 – Director’s Authority

Effective March 8, 2004

- (a) The Director’s authority shall include:
 - (I) Making the initial determination as to whether an applicant has met the requirements to sit for the certification examination, or to be certified;
 - (II) Approving or disapproving program applications;
 - (III) Issuing remedial action and compliance orders for non-compliance with POST rule;
 - ~~(III)~~(IV) Determining the equivalency of first aid and cardiopulmonary resuscitation training;
 - ~~(IV)~~(V) At the Director’s discretion, selecting qualified evaluators to administer the skills examinations described in Rule 16;
 - ~~(V)~~(VI) Determining the merit of challenges relating to the administration of examinations pursuant to Rules 15 and 16;
 - ~~(VI)~~(VII) Determining the merits of variance requests, consistent with the basic purposes and policies of § 24-31-301, et seq., C.R.S. and of the Board, in accordance with Rule 7 and Rule 8;
 - ~~(VII)~~(VIII) Discharging such other powers or duties as the Board or the Attorney General may direct.
- (b) If any action or determination made by the Director pursuant to this rule is not appealed by the applicant within thirty (30) days pursuant to Rule 5(c), such determination shall be deemed final agency action.

Rule 4 – Subject Matter Expert Committees

Effective January 31, 2016

- (a) The **Chair of the** Board or ~~its~~ **their** designee shall appoint committees of Subject Matter Experts to provide professional technical support in the areas of academic curriculum, arrest control, firearms, ~~and~~ law enforcement driving, **and other areas as needed.**
- (b) The number of members in each committee will be determined by the ~~Board~~ **POST Director. The committees shall** include the Director or the Director's designee, who shall serve as the chairperson, a vice-chairperson elected by the members, one member of the Board, and other Subject Matter Experts from the law enforcement community. If available, each subject matter committee shall include at least two non-law enforcement members who have law enforcement expertise or expertise in providing effective training through professional experience or subject matter training. § 24-31-303 C.R.S.
- (c) A majority of the total members of each committee shall constitute a quorum for purposes of conducting official business.
- (d) Any person wishing to be appointed, either active or retired peace officer or Subject Matter Expert from the law enforcement or non-law enforcement community, and who meets the minimum qualifications for membership, may apply for membership at any time throughout the calendar year. **Only one person per agency may serve on a single committee at any one time.**
- (e) Appointments will be made upon the applicant's merits and at the discretion of the **Chair of the Board or their designee** ~~Director~~ and each of the committee chairs.
- (f) Members serve for a term of up to one year that is automatically renewed in December of each year provided the member remains in good standing with the Board, and the member's agency or employer, as applicable, continues its support of the member. There is no maximum number of terms that a member may serve.
- (g) Members of the committees shall receive no compensation for their services, but may be reimbursed for actual and necessary expenses incurred in the performance of their official duties.
- (h) Duties of the Committees include, but are not limited to:
 - 1. Developing skills training programs, academic curricula and POST Board Rules;

2. Reviewing documents and providing recommendations to POST Board staff to approve or deny academy programs, lesson plans, training sites, instructor programs, skills instructors, and other courses or programs that pertain to the establishment and maintenance of standards for peace officer training; and
3. Assisting POST Board staff with academy and instructor program inspections and skills test-outs.

Rule 5 – Hearings
Effective January 31, 2016-30, 2020

(a) **Non-Revocation Hearings**

~~(a)~~(I) At any time, the Director may direct a respondent to appear at a hearing and show cause why the Board should not issue a remedial order. Not less than thirty (30) days prior to the date set for such hearing, the Director shall transmit to the respondent written notice of such hearing, which must include:

~~(I)~~(A) The date, time and place of such hearing; and

~~(II)~~(B) That the respondent has the right to appear and be heard at such hearing, either in person or through legal counsel; and

~~(III)~~(C) That the respondent has the burden of proving all of the facts relevant to **their** position; and

~~(IV)~~(D) A concise statement setting forth the subject of the hearing, all facts relevant to the matter, and the statute, rule, or order, to which the matter relates; and

~~(V)~~(E) Copies of all documents considered by the Board in setting the hearing; and

~~(VI)~~(F) The nature of the proposed remedial order.

~~(b)~~(II) Not less than ten (10) days prior to the date set for a hearing pursuant to **subsection (a)(I)** of this rule, the respondent shall file a response, including:

~~(I)~~(A) A concise statement setting forth the respondent's position; and

~~(II)~~(B) All facts relevant to the matter; and

~~(III)~~(C) Copies of all documents the respondent wishes the Board to consider in the matter.

~~(IV)~~(D) **NOTIFICATION IF THEY INTEND TO APPEAR AT THE HEARING. IF NO SUCH NOTIFICATION IS RECEIVED, THE HEARING WILL BE CANCELLED, AND THE DIRECTOR WILL MAKE A FINDING ON THE DOCUMENTS PRESENTED.**

~~(e)~~(III) Any person may request a formal hearing before the Board through the filing of a petition, which must include:

~~(I)~~(A) The name and address of the petitioner and whether the petitioner currently possesses ~~basic or reserve~~ Colorado POST certification; and

~~(II)~~(B) A concise statement setting forth the subject of the hearing, all facts necessary to the matter, and the statute, rule, or order, to which the petition relates; and

~~(III)~~(C) Copies of all documents the petitioner wishes the Board to consider in the matter; and

~~(IV)~~(D) What action the petitioner wishes the Board to take.

~~(e)~~(IV) Not less than thirty (30) days prior to the date set for a hearing on a petition, the Board shall provide a written response to the petitioner, including:

~~(I)~~(A) The date, time and place of such hearing; and

~~(II)~~(B) That the petitioner has the right to appear and be heard at such hearing, either in person or through legal counsel; and

~~(III)~~(C) That the petitioner has the burden of proving all of the facts relevant to ~~his or her~~ their petition; and

~~(IV)~~(D) A summary of the Director's recommendation to the Board; and

~~(V)~~(E) Copies of all documents submitted by the Director for the Board's consideration in the matter.

~~(e)~~(V) The Director and any petitioner or respondent may mutually agree to shorten or lengthen any of the time frames set forth in this rule.

~~(e)~~(VI) Any final order entered pursuant to this rule shall constitute final agency action subject to judicial review under § 24-4-106, C.R.S.

(B) REVOCATION HEARINGS FOR CONVICTIONS, DEFERRED JUDGMENT AND SENTENCE, DEFERRED PROSECUTION, OR PRETRIAL DIVERSION AGREEMENT:

- (I) CERTIFICATIONS MAY BE REVOKED BASED UPON CONVICTION OF CERTAIN OFFENSES; OR ENTRY INTO A DEFERRED JUDGMENT AND SENTENCE, DEFERRED PROSECUTION, OR PRETRIAL DIVERSION AGREEMENT FOR THOSE CERTAIN OFFENSES, PURSUANT TO §24-31-305 (1.5), C.R.S.
 - (II) WHEN THE POST DIRECTOR LEARNS THAT A CERTIFICATE HOLDER HAS BEEN CONVICTED OF THE ENUMERATED OFFENSES OR HAS ENTERED INTO ONE OF THE AGREEMENTS DESCRIBED IN PARAGRAPH (A), THE DIRECTOR SHALL ISSUE AN ORDER TO SHOW CAUSE WHY THE OFFICER'S CERTIFICATION SHOULD NOT BE REVOKED.
 - (A) AT THE SHOW CAUSE HEARING, THE COURT RECORD OF THE CONVICTION OR AGREEMENT SHALL BE SUFFICIENT EVIDENCE TO ESTABLISH THE CONVICTION OR AGREEMENT.
 - (B) THE CERTIFICATE HOLDER MAY BE REPRESENTED BY COUNSEL.
 - (C) THE CERTIFICATE HOLDER BEARS THE BURDEN OF PROVING THAT IT WOULD NOT BE IN THE PUBLIC INTEREST TO REVOKE THE CERTIFICATION.
 - (III) THE DIRECTOR WILL CONSIDER ALL INFORMATION PROVIDED AT THE SHOW CAUSE HEARING. IF THE DIRECTOR DETERMINES THAT REVOCATION IS NOT APPROPRIATE, NO FURTHER ACTION WILL BE TAKEN. IF THE DIRECTOR DETERMINES THAT REVOCATION IS APPROPRIATE, THEY WILL MAKE A REVOCATION RECOMMENDATION TO THE BOARD.
- (C) APPEALS FROM DIRECTOR DECISIONS:
- (I) A DECISION BY THE DIRECTOR ON ANY OF THE ABOVE MATTERS IS FINAL UNLESS APPEALED TO THE BOARD WITHIN THIRTY (30) DAYS OF THE DATE OF SUCH DECISIONS.
 - (II) IF A DECISION IS APPEALED TO THE BOARD, THE BOARD WILL DECIDE WHETHER TO HEAR THE APPEAL. AN APPEAL OF THE DIRECTOR'S DECISION MUST BE MADE IN WRITING AND SUBMITTED TO THE POST DIRECTOR. UPON RECEIPT OF THE APPEAL, THE POST DIRECTOR WILL NOTIFY THE POST

BOARD MEMBERS AND REQUEST A DECISION BE MADE. IF A MAJORITY OF THE POST BOARD MEMBERS AGREE TO HEAR THE APPEAL, A FIVE-MEMBER PANEL OF BOARD MEMBERS SHALL PROCEED TO HEAR THE BOARD APPEAL. THE APPEAL HEARING MUST COMMENCE WITHIN THIRTY (30) DAYS FROM THE DATE THE BOARD AGREED TO HEAR THE APPEAL. THE CERTIFICATE HOLDER WILL BE NOTIFIED OF THE BOARD'S ACTION. THIS DECISION, WHETHER SUMMARILY AFFIRMED OR DECIDED BY THE BOARD SUBCOMMITTEE, SHALL BE DEEMED FINAL BOARD ACTION. THE APPLICANT WILL BE NOTIFIED OF THE BOARD'S ACTION.

(D) REVOCATION HEARINGS FOR UNTRUTHFULNESS:

- (I) THIS PROCESS BEGINS WHEN A LAW ENFORCEMENT AGENCY (LEA) SUBMITS A POST FORM 13 CERTIFYING THAT IT COMPLETED AN ADMINISTRATIVE INVESTIGATION AND DISCIPLINARY PROCESS PURSUANT TO § 24-31-305(2.5), C.R.S., INCLUDING INTERNAL APPEAL RIGHTS, AND FOUND, BY CLEAR AND CONVINCING EVIDENCE, THAT A PEACE OFFICER IT EMPLOYS OR EMPLOYED KNOWINGLY MADE AN UNTRUTHFUL STATEMENT CONCERNING A MATERIAL FACT OR KNOWINGLY OMITTED A MATERIAL FACT ON AN OFFICIAL CRIMINAL JUSTICE RECORD, WHILE TESTIFYING UNDER OATH, OR DURING AN INTERNAL AFFAIRS INVESTIGATION OR COMPARABLE ADMINISTRATIVE INVESTIGATION.
- (II) THE POST DIRECTOR SHALL REVIEW THE FORM 13 TO DETERMINE WHETHER THE INFORMATION PROVIDED COMPLIES WITH THE STATUTORY REQUIREMENTS.
 - (A) IF THE POST DIRECTOR DETERMINES THAT THE INFORMATION PROVIDED ON THE FORM 13 DID NOT COMPLY WITH THE STATUTORY REQUIREMENTS, THE POST DIRECTOR SHALL NOTIFY THE LEA OF THAT DETERMINATION AND POST WILL TAKE NO FURTHER ACTION.
 - (B) IF THE POST DIRECTOR DETERMINES THAT THE INFORMATION PROVIDED ON THE FORM 13 DID COMPLY WITH THE STATUTORY REQUIREMENTS, THE POST DIRECTOR SHALL NOTIFY THE PEACE OFFICER OF THE RIGHT TO REQUEST A SHOW CAUSE HEARING TO

DETERMINE WHETHER THE CERTIFICATION SHOULD BE REVOKED. THE NOTICE MUST ALSO INFORM THE PEACE OFFICER THAT THEY MUST REQUEST THE SHOW CAUSE HEARING WITHIN 30 DAYS OF THE DATE OF THE NOTICE, WHICH MAY BE EXTENDED FOR GOOD CAUSE SHOWN.

- (C) IF THE PEACE OFFICER DOES NOT REQUEST A SHOW CAUSE HEARING WITHIN THE REQUIRED TIME FRAME, THE DIRECTOR WILL RECOMMEND REVOCATION AND THE POST BOARD WILL VOTE ON REVOKING THE CERTIFICATION AT ITS NEXT REGULAR MEETING.
- (III) IF THE PEACE OFFICER REQUESTS A SHOW CAUSE HEARING, THE DIRECTOR WILL REQUEST THE LEA TO PROVIDE DOCUMENTATION RELEVANT TO THE INFORMATION PROVIDED ON THE FORM 13. THE DIRECTOR WILL REVIEW THE DOCUMENTATION PROVIDED BY THE LEA AND CONDUCT ADDITIONAL INVESTIGATION, IF NECESSARY AND APPROPRIATE. UPON THE CONCLUSION OF THE DIRECTOR'S REVIEW AND INVESTIGATION, THE DIRECTOR WILL EITHER RECOMMEND NO ACTION OR REFER THE MATTER FOR HEARING.
- (IV) THE DIRECTOR SHALL APPOINT A HEARING OFFICER TO CONDUCT THE HEARING PURSUANT TO § 24-4-104 AND 105, C.R.S.
- (V) THE DIRECTOR SHALL NOTIFY THE LEA IN WRITING THAT THE MATTER HAS BEEN SET FOR HEARING AND THAT THE LEA MAY SUBMIT ANY DOCUMENTARY EVIDENCE OR ARGUMENT THAT IT WISHES TO PROVIDE TO THE HEARING OFFICER, BUT MAY NOT INTERVENE OR PARTICIPATE AS A PARTY TO THE HEARING. DOCUMENTARY EVIDENCE OR ARGUMENT MUST BE SUBMITTED ON OR BEFORE THE FIRST DAY OF THE HEARING.
- (VI) THE HEARING OFFICER SHALL CONFER WITH THE PARTIES TO SCHEDULE THE HEARING AND SHALL ISSUE A PREHEARING ORDER, WHICH SHALL BE SERVED BY FIRST-CLASS MAIL OR EMAIL TO THE CERTIFICATE HOLDER OR COUNSEL AND POST COUNSEL. THE PREHEARING ORDER SHALL INCLUDE THE FOLLOWING INFORMATION:

- (A) THE DATE, TIME, AND LOCATION OF THE HEARING AND THE LEGAL AUTHORITY AND JURISDICTION UNDER WHICH IT IS TO BE HELD;
 - (B) ANY ORDERS RELATING TO PREHEARING DISCOVERY, MOTIONS, OR BRIEFS;
 - (C) A PROTECTIVE ORDER MAINTAINING THE CONFIDENTIALITY OF INTERNAL AFFAIRS INVESTIGATION RECORDS;
 - (D) ANY OTHER ORDERS NECESSARY OR APPROPRIATE TO GUIDE THE HEARING EFFICIENTLY.
- (VII) POST WILL APPEAR AT THE SHOW CAUSE HEARING THROUGH ITS COUNSEL, AND WILL BEAR THE BURDEN OF PROVING BY A PREPONDERANCE OF THE EVIDENCE THAT THE CERTIFICATE HOLDER KNOWINGLY MADE AN UNTRUTHFUL STATEMENT OR KNOWINGLY OMITTED A MATERIAL FACT. THE PEACE OFFICER MAY BE REPRESENTED BY COUNSEL OF THEIR CHOICE.
- (VIII) THE SHOW CAUSE HEARING WILL BE RECORDED.
- (IX) THE HEARING OFFICER HAS THE AUTHORITY TO: ADMINISTER OATHS AND AFFIRMATIONS; SIGN AND ISSUE SUBPOENAS; RECEIVE EVIDENCE AND RULE UPON OFFERS OF PROOF; DISPOSE OF MOTIONS; REGULATE THE COURSE OF THE HEARING, SET THE TIME AND PLACE FOR HEARINGS, AND SET THE TIME FOR FILING BRIEFS AND OTHER DOCUMENTS; DIRECT THE PARTIES TO APPEAR AND CONFER TO CONSIDER SIMPLIFYING ISSUES; DIRECT THE PARTIES TO CONFER REGARDING STIPULATIONS OF FACT AND EXHIBITS; LIMIT THE NUMBER OF EXPERT WITNESSES; ISSUE ORDERS; REPRIMAND OR EXCLUDE FROM THE HEARING ANY PERSON FOR ANY IMPROPER CONDUCT IN THE HEARING OFFICER'S PRESENCE; AWARD ATTORNEY FEES OR IMPOSE SANCTIONS FOR ABUSE OF DISCOVERY PROCEDURES OR AS OTHERWISE PROVIDED UNDER THE COLORADO RULES OF CIVIL PROCEDURE; AND TAKE ANY OTHER ACTION AUTHORIZED BY AGENCY RULE CONSISTENT WITH THIS STATUTE OR IN ACCORDANCE, TO THE EXTENT PRACTICABLE, WITH THE PROCEDURE IN THE DISTRICT COURTS. THE HEARING OFFICER MAY DIRECT THE PARTIES TO CONFER ABOUT PRESENTING THEIR CASE BY DOCUMENTARY EVIDENCE IF

THAT WILL EXPEDITE THE HEARING WITHOUT SUBSTANTIALLY PREJUDICING ANY PARTY.

- (X) SUBPOENAS SHALL BE SERVED IN THE SAME MANNER AS A SUBPOENA ISSUED BY A DISTRICT COURT. THE PARTY SERVING THE SUBPOENA SHALL PROVIDE THE WITNESS THE FEES AND MILEAGE PROVIDED FOR A WITNESS IN A COURT OF RECORD.
- (XI) ALL PARTIES SHALL HAVE THE RIGHT TO EXAMINE AND CROSS-EXAMINE WITNESSES.
- (XII) THE RULES OF EVIDENCE AND REQUIREMENTS OF PROOF SHALL CONFORM, TO THE EXTENT PRACTICABLE, WITH THOSE IN CIVIL NONJURY CASES IN THE DISTRICT COURTS. HOWEVER, WHEN NECESSARY TO DO SO IN ORDER TO ASCERTAIN FACTS AFFECTING THE SUBSTANTIAL RIGHTS OF THE PARTIES TO THE PROCEEDING, THE HEARING OFFICER MAY RECEIVE AND CONSIDER EVIDENCE NOT ADMISSIBLE UNDER SUCH RULES IF SUCH EVIDENCE POSSESSES PROBATIVE VALUE COMMONLY ACCEPTED BY REASONABLE AND PRUDENT MEN IN THE CONDUCT OF THEIR AFFAIRS.
- (XIII) WITHIN 42 DAYS OF THE CONCLUSION OF THE HEARING, THE HEARING OFFICER SHALL PREPARE AND FILE AN INITIAL DECISION, WHICH THE AGENCY SHALL SERVE UPON THE PARTIES. EACH DECISION AND INITIAL DECISION MUST INCLUDE A STATEMENT OF FINDINGS AND CONCLUSIONS UPON ALL THE MATERIAL ISSUES OF FACT, LAW, OR DISCRETION PRESENTED BY THE RECORD AND THE APPROPRIATE ORDER, SANCTION, RELIEF, OR DENIAL. A NOTICE OF APPEAL RIGHTS SHALL BE ATTACHED TO THE INITIAL DECISION.
- (XIV) EITHER PARTY MAY FILE AN APPEAL OF THE INITIAL DECISION WITH THE POST BOARD BY FILING WRITTEN EXCEPTIONS AND DESIGNATION OF RECORD WITHIN 30 DAYS OF THE DATE OF SERVICE OF THE INITIAL DECISION. THIS DEADLINE IS JURISDICTIONAL AND WILL NOT BE EXTENDED. TIMELY FILING IS DETERMINED BY THE DATE THE POST BOARD RECEIVES THE APPEAL.
- (XV) IF NEITHER PARTY APPEALS, THE INITIAL DECISION OF THE HEARING OFFICER BECOMES THE FINAL DECISION OF THE

POST BOARD 30 DAYS AFTER THE DATE OF THE INITIAL DECISION.

- (XVI) IF A PARTY APPEALS THE INITIAL DECISION OF THE HEARING OFFICER, THE APPEAL MUST DESCRIBE IN DETAIL THE BASIS FOR THE APPEAL, THE SPECIFIC FINDINGS OF FACT AND/OR CONCLUSIONS OF LAW TO BE REVIEWED, AND THE REMEDY BEING SOUGHT.
- (XVII) THE RECORD SHALL BE CERTIFIED WITHIN 60 DAYS OF THE APPEAL. ANY PARTY THAT DESIGNATES A TRANSCRIPT AS PART OF THE RECORD IS RESPONSIBLE FOR OBTAINING AND PAYING A CERTIFIED COURT REPORTER WHO SHALL PREPARE THE TRANSCRIPT AND FILE IT WITH THE BOARD NO MORE THAN 59 DAYS AFTER THE DESIGNATION OF RECORD. IF NO TRANSCRIPT HAS BEEN FILED WITHIN THE TIME LIMIT, THE RECORD WILL BE CERTIFIED AND THE TRANSCRIPT WILL NOT BE INCLUDED IN THE RECORD OR CONSIDERED ON APPEAL. IN THE ABSENCE OF A TRANSCRIPT, THE POST BOARD IS BOUND BY THE HEARING OFFICER'S FINDINGS OF FACT.
- (XVIII) THE POST BOARD WILL NOTIFY THE PARTIES WHEN THE RECORD IS CERTIFIED. OPENING BRIEFS ARE DUE 10 DAYS AFTER THE NOTICE IS SERVED. ANSWER BRIEFS ARE DUE 10 DAYS AFTER THE OPENING BRIEF IS FILED. REPLY BRIEFS ARE DUE 10 DAYS AFTER THE ANSWER BRIEF IS FILED. THESE DEADLINES MAY BE EXTENDED BY THE POST BOARD OR DESIGNEE UPON MOTION FILED BEFORE THE DEADLINE UPON GOOD CAUSE SHOWN. NO BRIEF MAY EXCEED 10 PAGES WITHOUT LEAVE OF THE POST BOARD OR DESIGNEE, WHICH MUST BE REQUESTED BEFORE THE DUE DATE FOR THE BRIEF.
- (XIX) IN GENERAL, NO ORAL ARGUMENT WILL BE HEARD AND THE POST BOARD WILL DECIDE THE APPEAL BASED UPON THE BRIEFS. A REQUEST FOR ORAL ARGUMENT MUST BE MADE NO LATER THAN THE DATE THE REQUESTING PARTY'S BRIEF IS DUE. IF ORAL ARGUMENT IS GRANTED, THE PARTIES WILL BE GIVEN NOTICE OF THE TIME AND PLACE. IF GRANTED, ORAL ARGUMENT WILL BE LIMITED TO NO MORE THAN 10 MINUTES PER SIDE.

Rule 6 – Declaratory Orders

Effective March 8, 2004

Any person may petition the Board for a declaratory order regarding the application to the petitioner of any statutory provision or of any rule or order of the Board. All such petitions shall be considered in accordance with Rule 5.

Rule 7 – Variances

Effective July 1, 2017

- (a) The Board may, upon sufficient cause shown, authorize variances to persons who are otherwise required to meet the requirements of these rules.
- (b) To request a variance, an applicant must submit a written petition to the Director, fully explaining all relevant facts. Any person seeking a temporary or permanent variance has the burden of establishing that:
 - (I) The variance is consistent with the basic purposes and policies of § 24-31-301, et seq., C.R.S.; and
 - (II) Strict application of the statutes and rules pertaining to the certification process would present a practical difficulty or unnecessary hardship. Mere inconvenience or expense does not suffice.
- (c) The Director, in ~~his~~ **their** discretion, may determine the merits of the request based upon the applicant's written submissions, or may request additional information, or may hold a meeting.
- (d) Any variance granted under this rule shall be subject to such limitations or conditions as the Director or Board deems necessary in order to conform to the basic purposes and policies of applicable law.
 - (I) A variance is valid for six (6) months from the date of issue. One variance may be granted at the discretion of the Director per incident.
- (e) If any determination made by the Director pursuant to this rule is not appealed by the applicant within thirty (30) days pursuant to Rule 5(c), such determination shall become final. ~~If a determination is appealed by the applicant, the Board will decide whether to hear the appeal. An appeal of the Director's decision must be made in writing and submitted to the POST Director. Upon receipt of the appeal, the POST Director will notify the POST Board members and request a decision be made. If a majority of the POST Board Members agree to hear the appeal, a five-member panel of Board members shall hear the appeal. The appeal hearing must commence within thirty (30) days from the date the Board agreed to hear the appeal. Any summary affirmance or decision on the merits by the Board shall be deemed final agency action. The applicant will be notified of the Board's action.~~
- (f) ~~In accordance with~~ **Pursuant to** § 24-31-303(5)(a) and § 24-31-305(1)(a)(III), C.R.S., no person may, through a variance or otherwise, serve as a certified

peace officer, as defined in § 16-2.5-102, C.R.S., without having first passed the required certification examination and become certified.

Rule 8 –Process for Seeking Exemption from Statutory Certification Restrictions

Effective January 30, 2019

- (a) The Board has promulgated these rules to ensure orderly and fair treatment of all POST approved training academy, renewal and provisional peace officer applicants. § 24-31-305, C.R.S., requires the POST Board to deny or revoke certification of any person with a disqualifying incident.
- (b) If an applicant anticipates prior to the denial of certification that they will be denied certification on the ground that the applicant has a disqualifying incident, the applicant must provide a fingerprint-based criminal history record check, by submitting fingerprints to the Colorado Bureau of Investigation (CBI) and the Federal Bureau of Investigation (FBI), and request an exemption from denial of certification. When POST receives the criminal history and exemption request, it will process the exemption request using the process described in (c), below.
- (c) To appeal denial of Colorado certification, an applicant or the chief law enforcement officer, if any, of the potential employing agency must submit a written petition to the POST Director, notifying ~~the Board~~ of such disqualifying incident, and requesting the Director grant the applicant an exemption from denial of certification. The petition must fully explain all relevant facts. Any person appealing a denial of certification due to a disqualifying incident has the burden of establishing that:
 - (I) The exemption is consistent with the basic purposes and policies of § 24-31-305, et seq., C.R.S., including § 24-31-305(1.5)(b), if applicable; and
 - (II) Mitigating circumstances exist that warrant exemption; and
 - (III) Certification would be in the public interest; and
 - (IV) A true and accurate copy of the court record with disposition, law enforcement offense/case report from the disqualifying incident, and/or any other relevant documentation of a disqualifying incident, is attached to the petition. If the charging agency no longer has a copy of the report, a letter from the agency verifying that fact should be attached.
- The Director, at their discretion, may determine the merits of the request based upon the applicant's written submissions, or may request additional information, **OR MAY HOLD A MEETING**.

- (e) Any exemption granted under this rule shall be subject to such limitations or conditions as the Director or Board deems necessary in order to conform to the basic purposes and policies of applicable law.
- (f) The Director's decision may be appealed by following the process outlined in Rule 5 – Hearings.
- (g) In accordance with § 24-31-303(5)(a) and § 24-31-305(1.6)(a)(b), C.R.S., no person may, through an exemption or otherwise, serve as a certified peace officer, as defined in § 16-2.5-102 or § 16-2.5-110, C.R.S., without having first passed the required certification requirements and become certified.

Rule 9 – Revocation of Certification

Effective January 30, 2020

- (a) A Colorado peace officer certification issued pursuant to § 24-31-305, C.R.S., shall be suspended or revoked by the POST Board if the certificate holder has:
- (I) been convicted of a felony, or
 - (II) been convicted on or after July 1, 2001, of any misdemeanor described in subsection (1.5) of § 24-31-305, C.R.S., or,
 - (III) entered into a deferred judgment and sentencing agreement, deferred prosecution agreement, or pretrial diversion agreement for one of the offenses described above, regardless whether the agreement is pending or was successfully completed; or,
 - (IV) made material false or misleading statements or omissions in the application for certification, or
 - (V) **BEEN FOUND TO HAVE KNOWINGLY MADE AN UNTRUTHFUL STATEMENT CONCERNING A MATERIAL FACT OR KNOWINGLY OMITTED A MATERIAL FACT ON AN OFFICIAL CRIMINAL JUSTICE RECORD, WHILE TESTIFYING UNDER OATH, OR DURING AN INTERNAL AFFAIRS INVESTIGATION OR COMPARABLE ADMINISTRATIVE INVESTIGATION PURSUANT TO § 24-31-305(2.5), C.R.S., OR**
 - (VI) otherwise failed to meet the certification requirements established by the Board.
- (B) **FOR PURPOSES OF REVOCATIONS FOR THE REASONS SET FORTH IN (A)(I)-(III), ABOVE, A TRUE AND ACCURATE COPY OF THE COURT CONVICTION OR AGREEMENT SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF THE CONVICTION OR AGREEMENT.**
- (C) **THE CERTIFICATE HOLDER OR THE CHIEF LAW ENFORCEMENT OFFICER OF THE AGENCY EMPLOYING SUCH CERTIFICATE HOLDER MAY, WITHIN THIRTY (30) DAYS AFTER THE EFFECTIVE DATE OF THE DISQUALIFYING INCIDENT, PETITION THE BOARD FOR AN EXEMPTION BY FOLLOWING THE REQUIREMENTS OF RULE 8.**
- (D) **THE PROCEDURES SET FORTH IN RULE 5 SHALL BE UTILIZED FOR THE SHOW CAUSE HEARING.**

Rule 10 – Basic Peace Officer Certification

Effective January 30, 2019

- (a) The POST Board is authorized to issue POST Basic Peace Officer Certification to any applicant who meets the following requirements:
 - (I) Possesses and submits a copy of their high school diploma, high school equivalency certificate, or other evidence of successful completion of high school, including official college transcripts or degree; and
 - (II) Possesses and submits a copy of their current first aid and cardiopulmonary resuscitation certification, or equivalents; and
 - (III) Truthfully completes and submits the POST Form 1 - *Application for Basic Peace Officer Certification*; and
 - (A) If previously certified as an officer in another state but is ineligible to apply as a provisional applicant, the applicant must be in good standing with the other certifying state and must complete and submit to POST a POST Form 3 – Application for Provisional Certification and a Release of Information Form within thirty (30) days of starting the academy.
- (IV) IS IN GOOD STANDING WITH COLORADO POST AS DETERMINED BY THE POST DIRECTOR; AND***
- (V) Successfully completes the fingerprint-based criminal history record check required under Rule 14 and meets all of the following requirements:
 - (A) If applicable, submits a copy of their official military discharge documents showing character of service other than dishonorable conditions, per § 24-31-301(5), C.R.S.
 - (B) Successfully completes an approved basic training academy, including skills training, and passes the written certification examination within two years of the graduation date.
 - (C) Submits a copy of their academy certificate of completion.

- (D) Possesses and submits a copy of their current Colorado Driver's License or State-Issued Identification card.
- (V) Testing is valid for two years from the date of completion. After this time has elapsed, if full certification was not issued, the applicant must successfully complete an additional basic academy program.
- (b) POST Basic Peace Officer Certification qualifies the person to seek employment and serve as a fully authorized peace officer with any Colorado law enforcement agency recognized in Article 2.5 of Title 16, C.R.S.
- (c) Upon issuance of a basic certification, if all training requirements under § 24-31-315 C.R.S. have not previously been met, the individual must complete all requirements within six (6) months from date of appointment.
 - (I) Complete 2 hours of training in each of the following areas: anti-bias, community policing, situational de-escalation, and proper holds and restraints.
- (d) If a basic or reserve certificate holder has not served as a peace officer or reserve peace officer for a total of at least six (6) months during any consecutive three-year period, the certification automatically expires at the end of such three-year period, unless the certificate holder is then serving as a peace officer or reserve peace officer.
 - (I) If a basic or reserve certificate holder is deployed for military service, the certification automatically expires at the end of a three-year period from the date of certification or the date of separation from a Colorado law enforcement agency. If expired, the basic certificate holder is eligible to complete the certification renewal process. If employed at time of deployment, the certificate holder, at the agency's discretion, may remain on the employment roster and their certification will not expire.
- (e) A certified peace officer who has obtained basic certification may maintain current status as a certified peace officer while serving in a reserve peace officer position, recognized in § 16-2.5-110, C.R.S.
- (f) A certified reserve peace officer seeking regular basic peace officer certification may apply their successfully completed skills training, obtained through the reserve peace officer certification program at a POST approved reserve academy, towards basic peace officer certification. Acceptance of the skills training is at the option of the director of the basic peace officer training academy to which the applicant is seeking enrollment.

Rule 11 – Provisional Certification

Effective January 30, 2019

- (a) The Board is authorized to issue a provisional certification letter to any applicant who is authorized to serve as a certified peace officer by any other state or federal jurisdiction, excluding the armed forces, which has established minimum law enforcement training standards that are equivalent to the standards established by Colorado as determined by the POST Director. The provisional applicant must be fully certified within the preceding three years and have served as a certified law enforcement officer in a full or part-time status in good standing in such other state or federal jurisdiction for more than one year. The applicant must additionally meet all of the following requirements:
- (I) Possess and submit a copy of their high school diploma, or high school equivalency certificate, or other evidence of successful completion of high school, including official college transcripts or degree, and;
 - (II) Possess and submit a copy of their current first aid and cardiopulmonary resuscitation certification, or equivalents; **AND**
 - (III) Truthfully complete and submit the POST Form 3 – Application for Provisional Certification and a notarized copy of the Release of Information Form; **AND**
 - (IV) IS IN GOOD STANDING WITH COLORADO POST AS DETERMINED BY THE POST DIRECTOR; AND**
 - (V) Successfully complete the fingerprint-based criminal history record check required under Rule 14; and
 - (VI) If applicable, submits a copy of their official military discharge documents showing character of service other than dishonorable conditions; **and**
 - (VII) Pass the certification examination or, if leaving active out-of-state (the state in which the individual is certified) or federal peace officer employment, pass the certification exam within six (6) months from the date of issuance of the provisional certification; **and**

- (VIII) Must receive Provisional certification within one year of submitting application.
- (b) If an applicant becomes ineligible prior to receiving their provisional certification letter due to time-in-service requirements, the applicant must request and be granted a Rule 7 variance in order to move forward in the provisional process.
- (c) A provisional certification letter authorizes the holder to serve as a certified Colorado peace officer for not more than six (6) months. A provisional certification letter may only be issued one time per year, per person.
- (d) The Board shall issue a basic certificate to the holder of a provisional certification letter if such person satisfies any combination of the following skills proficiency requirements, or, if leaving active out-of-state (the state in which the individual is certified) or recognized federal peace officer employment, satisfies any combination of the following skills proficiency requirements within six (6) months from the date of issuance of the provisional certification:
- (I) Successfully completes skills training at a POST-approved basic peace officer training academy;
 - (II) Successfully completes a POST-approved refresher academy, including the arrest control, law enforcement driving, and firearms skills training;
 - (III) Passes a test out pursuant to Rule 16 with SME committee members or POST-approved designees who are not members of the applicant's employing agency.
- (e) Upon issuance of a provisional certification and appointment to an agency the individual must comply with training requirements outlined in § 24-31-315 C.R.S within six months of date of appointment.
- (I) Complete 2 hours of training in each of the following areas: anti-bias, community policing, situational de-escalation, and proper holds and restraints.
- (f) The POST-approved skills instructor must submit the completed *POST Skills Testing Grade Sheet* to POST.
- (g) Persons desiring additional time to complete the basic certification requirements beyond the initial six (6) months provided by the provisional

certification letter must submit a variance request to the Director and demonstrate good cause why such additional time should be granted.

Rule 12 – Reserve Certification

Effective January 30, 2019

- (a) The Board is authorized to issue a reserve certificate to any applicant who meets the following requirements:
 - (I) Possesses and submits a copy of their high school diploma, or high school equivalency certificate, or other evidence of successful completion of high school, including official college transcripts or degree; and
 - (II) Possesses and submits a copy of their current first aid and cardiopulmonary resuscitation certification, or equivalents; and
 - (III) Truthfully completes and submits the POST Form 2 – Application for Reserve Certification; and
 - (IV) IS IN GOOD STANDING WITH COLORADO POST AS DETERMINED BY THE POST DIRECTOR; AND**
 - (V) Successfully completes the fingerprint-based criminal history record check required under Rule 14 and meets all of the following requirements:
 - (A) If applicable, submits a copy of their official military discharge documents showing character of service other than dishonorable conditions, per § 24-31-301(5), C.R.S.
 - (B) Successfully completes an approved reserve academy including skills training within two (2) years of the graduation date.
 - (C) Submits a copy of their academy certificate of completion.
 - (D) Possesses and submits a copy of their current Colorado driver's license or state-issued identification card.
 - (VI) Testing is valid for two years from the date of completion. After this time has elapsed, if reserve certification was not issued, the applicant must successfully complete an additional reserve academy program.
- (b) Upon issuance of a reserve certification and appointment to an agency the individual must comply with training requirements outlined in § 24-31-315 C.R.S. within six (6) months.

- (l) Complete 2 hours of training in each of the following areas: anti-bias, community policing, situational de-escalation, and proper holds and restraints.
- (c) Any law enforcement agency assigning duties to a reserve peace officer beyond those included in the approved reserve training shall assume the responsibility for ensuring that such reserve peace officer is adequately trained for such duties.
- (d) A reserve certification shall expire automatically if the certificate holder is not serving and has not served as a reserve peace officer for at least six (6) months within the previous three (3) years.
- (e) Reserve certifications may not be renewed.
- (f) A certified peace officer may maintain current status as a certified peace officer while serving in a reserve peace officer position, recognized in § 16-2.5-110, C.R.S.

Rule 13 – Renewal of Basic Certification

Effective January 30, 2019

The Board is authorized to renew a basic certificate for any applicant who:

- (a) Has not served as a peace officer or reserve peace officer within the previous three (3) years; and
- (b) Possesses and submits a copy of their current first aid and cardiopulmonary resuscitation certification, or equivalents; and
- (c) Truthfully completes and submits the POST Form 4 – Application for Renewal of Basic Certification; and
 - (I) If an applicant has worked in another state as a certified peace officer after being certified in Colorado, they must truthfully complete and submit the POST Form 3 – Application for Provisional Certification, and a notarized copy of the Release of Information Form; and
- (D) IS IN GOOD STANDING WITH COLORADO POST AS DETERMINED BY THE POST DIRECTOR; AND**
- (e) Successfully completes the fingerprint-based criminal history record check required under Rule 14; and
- (f) Passes the certification examination pursuant to Rule 15; and
- (g) Satisfies any combination of the following skills proficiency requirements:
 - (I) Successfully completes skills training at a POST approved basic peace officer training academy;
 - (II) Successfully completes a POST approved refresher academy, including the arrest control, law enforcement driving, and firearms skills training;
 - (III) Passes a test out pursuant to Rule 16 with SME committee members or POST approved designees who are not members of the applicant's employing agency.
- (h) The POST-approved skills instructor must submit the completed *POST Skills Testing Grade Sheet* to POST.
- (i) Individuals renewing their certification must complete physical and psychological examinations pursuant to § 24-31-303(5), C.R.S. prior to becoming employed.

- (j) Upon renewal of a Colorado basic peace officer certification and appointment to an agency the individual must comply with training requirements outlined in C.R.S. §24-31-315 within six (6) months.
 - (I) Complete 2 hours of training in each of the following areas: anti-bias, community policing, situational de-escalation, and proper holds and restraints.

Rule 14 – Fingerprint-Based Criminal History Record Check

Effective July 1, 2017

- (a) ~~Definitions.~~
- (I) ~~The *Fingerprint*-based criminal history record check: a computerized search of a person's fingerprints that have been taken on a POST Applicant Fingerprint Card, or a Colorado Bureau of Investigation (CBI) authorized vendor and processed by the Colorado Bureau of Investigation (CBI) and Federal Bureau of Investigation (FBI) for the purpose of determining a person's eligibility for certification as a peace officer in the State of Colorado.~~
 - (II) ~~The *Enrollment* date: of a training academy is the first day of instruction at an approved basic or reserve training academy. The enrollment date shall be synonymous with the first day of instruction as reflected on the approved academy schedule.~~
 - (III) ~~Enrollment: As used in this Rule, to enroll in an academy means that A person has applied and been accepted for admission into an academy and is physically present at the academy to receive instruction.~~
- (b) ~~Eligibility for certification.~~ No person shall be eligible for certification as a Colorado peace officer if he or she has been convicted of a **DISQUALIFYING OFFENSE**, felony or any misdemeanor as referenced in § 24-31-305(1.5), C.R.S., or any misdemeanor in violation of federal law or the law of any state or any local municipal ordinance that is the equivalent of any of the offenses specified in § 24-31-305(1.5), C.R.S.
- (c) ~~Enrollment.~~ Pursuant to § 24-31-304, C.R.S. and POST Rules, all persons seeking to either enroll in a training academy or participate in the testing process as a provisional or renewal applicant shall submit their fingerprints to CBI **WITHIN 60 DAYS** prior to enrolling in the training academy or **within 60 days** prior to participating in the testing process as a provisional or renewal applicant **AND NOTIFY POST WHEN FINGERPRINTS ARE SUBMITTED**.
- (D) ALL PERSONS SEEKING TO APPLY FOR PROVISIONAL OR RENEWAL CERTIFICATION MUST SUBMIT FINGERPRINTS TO CBI AS PART OF THE APPLICATION PROCESS PURSUANT TO RULE 11 AND 13.**
- (e) POST Applicant Fingerprint Card.

- (I) The POST Applicant Fingerprint Card is the only authorized fingerprint card that shall be submitted for the fingerprint-based criminal history record check.
 - (II) The Board recommends that a person's fingerprints be taken on the POST Applicant Fingerprint Card at a law enforcement agency. Any fee that may be charged by the agency for this service is the responsibility of the applicant.
 - (III) Payment of a fee to cover the cost of processing the POST Applicant Fingerprint Card must be submitted to CBI with each completed POST Applicant Fingerprint Card. Remittance of this fee to CBI is the responsibility of the applicant.
 - (IV) For provisional and renewal applicants, the POST Applicant Fingerprint Card will be provided by POST. The applicant is responsible for having his or her fingerprints taken and for ensuring that the completed POST Applicant Fingerprint Card and fee are submitted to CBI prior to the applicant's participation in the testing process as a provisional or renewal applicant.
 - (V) For persons seeking to enroll in a basic or reserve training academy, the POST Applicant Fingerprint Card will be provided by the academy. The person's fingerprints shall be taken in accordance with the academy's policies and procedures. The academy is responsible for ensuring that the completed POST Applicant Fingerprint Card and fee are submitted to CBI prior to the person's enrollment in the academy.
 - (VI) Fingerprint returns are valid for one year. Individuals re-enrolling into an academy must be reprinted if the prior prints are older than one year.
- (e) Results from completed criminal history record checks.
- (I) The Board shall be the authorized agency to receive the results from all POST Applicant Fingerprint Cards that have been processed for the state and national fingerprint-based criminal history record checks.
 - (II) All results from the completed criminal history record checks will be provided to the POST Director. Notice of subsequent arrests and convictions resulting in denial of certification will be provided to the Board.

(f) Basic and reserve training academies.

- (I) A training academy shall not enroll any person who has been convicted of an offense that would result in the denial of certification pursuant to § 24-31-305(1.5), C.R.S. The only exception shall be if the Board has granted the person an exemption from denial of enrollment pursuant to § 24-31-304(4)(a), C.R.S. and POST Rule 7, *Variances*.
- (II) No person shall be enrolled in a training academy unless the person has been fingerprinted on a POST Applicant Fingerprint Card and an academy has submitted the person's completed POST Applicant Fingerprint Card and fee to CBI prior to enrolling the person in the academy.
- (III) A POST Form 11-E, *Enrollment Advisory Form*, shall be completed on the first day of the academy by both the person enrolled in the academy and the academy director or designee. The completed *Enrollment Advisory Form* shall be maintained at the academy.
- (IV) The academy director shall ensure that an accurate and complete enrollment roster for each academy class is received at POST electronically by the tenth (10) day after the academy commences. The enrollment roster will be completed on the template provided by POST to the academy director.
 - (A) The enrollment roster must be fully completed with all personal information, education, military service, etc. and returned to POST staff. After entry, the roster will be returned to the academy director with assigned PID numbers.
- (V) If the results of a criminal history record check reveal that a person currently enrolled in an academy is prohibited from enrolling pursuant to § 24-31-304(2), C.R.S., the Board or its designated representative(s) shall notify the academy. The academy shall take appropriate measures to immediately dismiss the person from the academy.

(g) Exemption from denial of enrollment.

- (I) If a person anticipates that he or she will be prohibited from either enrolling in a training academy or participating in the testing process as a provisional or renewal applicant because he or she has been convicted of any misdemeanor described in § 24-31-305(1.5), C.R.S., the person

may submit a request for exemption from denial of enrollment under POST Rule 8, *Appeal Process for Peace Officer Applicants - Certification Denial as a Result of a Misdemeanor Conviction*.

- (II) Only if the person has, in fact, submitted a request for exemption from denial of enrollment under POST Rule 8, *Appeal Process for Peace Officer Applicants - Certification Denial as a Result of a Misdemeanor Conviction*, and the request has been granted by the Board, will the person be permitted to either enroll in a training academy or participate in the testing process as a provisional or renewal applicant.
- (III) No person convicted of a felony may request an exemption from denial of enrollment.

Rule 15 – Certification Examination
Basic, Provisional, Renewal

Effective July 1, 2018

- (a) To be eligible to take the certification examination, an applicant must have completed and submitted to POST, as applicable, either:
- (I) Form 1 - Application for Basic Peace Officer Certification; or
Form 3 - Application for Provisional Certification; or
Form 4 - Application for Renewal of Basic Certification; and
 - (II) A copy of their approved basic training academy diploma, or other evidence of successful completion; and
 - (III) A copy of their high school diploma, high school equivalency certificate or other evidence of successful completion of high school, **INCLUDING OFFICIAL COLLEGE TRANSCRIPTS OR DEGREE;** and
 - (IV) A copy of their current first aid and cardiopulmonary resuscitation certification, or equivalents; and
 - (V) A copy of their current driver's license or state-issued identification card; and
 - (VI) If applicable, **A COPY OF THEIR OFFICIAL MILITARY DISCHARGE DOCUMENTS** ~~a copy of their DD214~~ **SHOWING CHARACTER OF SERVICE OTHER THAN DISHONORABLE CONDITIONS** ~~showing character of service~~
 - (VII) A law enforcement agency check, ~~purchase order~~, certified check, money order, or electronic payment in the prescribed amount.
- (b) Certification examinations will be conducted by POST staff or POST approved designated proctor at academy locations. However, if the number of students sitting for the examination is four (4) or fewer, the students shall be required to take the examination at a location designated by POST.
ADDITIONAL EXAM DATES WILL BE OFFERED PERIODICALLY AT POST FOR INDIVIDUALS.
- (c) Refunds of certification examination fees shall not be provided unless the examination is postponed or canceled or under such other exceptional circumstances as determined by the Director. Otherwise, non-refunded fees may be credited to allow the applicant to take the next administration of the certification examination. Further credits or extensions shall not be permitted.

- ~~(d) Any applicant failing perishable skill(s) in the academy has two years from their academy end date to retake and successfully complete the failed skill(s) and successfully complete the POST examination.~~
- ~~(I) Any renewal or provisional applicant failing perishable skill(s) at a refresher academy and or/skill(s) examination has two (2) years from the date they last failed the skill(s) to successfully complete the failed skill(s) at a POST approved Basic academy.~~
- (e) An applicant has a maximum of three attempts to pass the POST certification examination ***WITHIN TWO YEARS OF GRADUATING THE ACADEMY, OR WITHIN ONE YEAR OF BEGINNING THE PROVISIONAL OR RENEWAL PROCESS***. Applicants taking the examination for a second or third time must pay the fee for the additional examination, and such examination shall not be comprised of the same questions that comprised the prior examinations. If an applicant cannot pass the certification examination after three attempts, ~~he or she~~ ***they*** must retake and successfully complete ***THE ACADEMIC PORTION OF A*** basic ~~training~~ ***academy*** in accordance with Rule 10 at the discretion of the academy director and in coordination with POST.
- (f) Any protest or challenge to an examination or its administration must be made in writing within ten (10) days of the examination. The Director shall issue his decision in writing within twenty (20) working days. The decisions of the Director shall be final, unless appealed to the Board in accordance with Rule ~~3(b)~~ ***5(c)***.
- (g) POST sets a passing score that reflects the level of knowledge and skills required for minimally competent performance as an entry-level Peace Officer in the State of Colorado. POST uses national testing standards in setting the passing score which falls on a test score scale that ranges from 0 to 100.

Rule 16 – Skills Examinations for Provisional and Renewal Applicants

Effective July 1, 2018

- (a) To be eligible to take any of the skills examinations, an applicant must complete and submit POST Form 3 – *Application for Provisional Certification* or POST Form 4 – *Application for Renewal of Basic Certification* along with a law enforcement agency check, ~~purchase order~~, certified check, or money order in the prescribed amount for each examination to be taken (prior to the day of the exam).
- (b) Refunds of skills examination fees shall be provided only if requested more than twenty (20) days prior to the scheduled examination, unless the examination is postponed or canceled, or under such other exceptional circumstances as may be determined by the Director.
- ~~(a) Any applicant failing a skills examination may retake the examination, with the payment of an additional examination fee. If the retake of the skill(s) examination will be on an individual basis with an SME the skill(s) examination must be approved by POST prior to the individual test being administered (money received, and instructor confirmation). If the retake with an SME occurs prior to POST receiving payment for the skill(s) examination, certification will not be issued until POST has received payment. Any person failing any skill(s) examination three (3) times must successfully complete the skills training for that particular skill in a Colorado POST-approved Basic or Reserve academy before he or she may be certified.~~

C. AN APPLICANT WILL BE PERMITTED THREE FORMAL ATTEMPTS TO SUCCESSFULLY COMPLETE EACH SKILLS EXAM.

- (1) STARTING ANY SKILLS EXAM IS CONSIDERED ONE ATTEMPT.***
- (2) ADDITIONAL ATTEMPTS MUST BE COORDINATED BY POST STAFF WITH AN SME COMMITTEE MEMBER.***
- (3) PAYMENT FOR EACH ATTEMPT MUST BE SUBMITTED PRIOR TO THE EXAM.***
- (4) MULTIPLE ATTEMPTS MAY BE PERMITTED AT THE DISCRETION OF THE SME MEMBER ADMINISTERING THE TEST OUT. POST MAY OR MAY NOT ASSESS AN ADDITIONAL EXAM FEE.***

- (d) If an applicant has failed a skills examination on three (3) ~~consecutive~~ **formal** attempts, the applicant then has two (2) years to complete the **BASIC ACADEMY TRAINING PROGRAM** training for that skill at a Colorado POST-approved basic or reserve academy **AT THE DISCRETION OF THE ACADEMY DIRECTOR AND IN COORDINATION WITH POST**. If the applicant does not complete the required training within the two (2) years following their last skills examination attempt, they must **COMPLETE A FULL BASIC ACADEMY**. ~~reapply as a new applicant and must be eligible under Rule 11 (Provisional Certification) or Rule 13 (Renewal of Basic Certification) at the time the new application is submitted.~~
- ~~(e) Skills examination scores are valid for two (2) years from the date of the last registered score with POST. If an applicant does not complete the renewal or provisional certification process within two (2) years of taking the skill(s) examination, they must attend and successfully pass another skill(s) examination.~~
- (f) Any protest or challenge to an examination or its administration must be made in writing within ten (10) days of the examination. The Director shall issue ~~his~~ **their** decision in writing within twenty (20) working days. The decision of the Director shall be final, unless appealed to the Board in accordance with Rule 5 ~~3(b)~~.

Rule 17 – Certification Records

Effective July 1, 2017

- (a) Every POST certificate holder shall keep current his or her name, home address, mailing address, email address, home telephone number, or cell phone number through the POST portal.
- (b) When any person is appointed or separated as a certified peace officer, ~~as per Rules 10, 11 and 12, such~~ **the** agency shall submit an update through the POST portal within fifteen (15) days of such appointment or separation.
- (c) Employment in the state of Colorado as a Basic peace officer, Provisional peace officer, or Reserve peace officer as defined in section § 16-2.5-102, § 24-31-308 and § 16-2.5-110, C.R.S. requires submission of physical and psychological examinations affirmation (Form 6).
- (d) By the 31st of January of each year, each agency shall verify the accuracy of the certified peace officers associated with the law enforcement agency listed on the POST portal by submitting ~~the~~ **an email Rule 17 Form** to POST. By submitting the **form**, ~~this email~~ each agency is certifying that the agency has confirmed all certified peace officers associated with their law enforcement agency have no convictions that would prevent the individual from being a certified peace officer in Colorado, and that each certified peace officer has a valid Colorado Driver's License or Colorado ID.

Rule 18 – Certification, Suspension, and Revocation Basic, Provisional, Renewal, and Reserves

Effective July 1, 2017

- (a) A suspension temporarily invalidates the subject certification until such time as the defect has been remedied. Any certification shall be suspended by the Board if the holder wrongfully obtained the certificate through misrepresentation, neglect, ~~or~~ mistake ***or otherwise failed to meet the certification requirements established by the Board.***

- (b) The Board shall suspend a peace officer's certification if the peace officer fails to comply with the training requirements § 24-31-315, C.R.S. The POST Director shall reinstate a peace officer's certification that was suspended pursuant to this paragraph (a) upon completion of the training requirements in § 24-31-315, C.R.S. The reinstatement will be effective immediately.

- (c) A revocation permanently invalidates the subject certification. Any certification shall be revoked by the Board if the holder:
 - (I) ~~Has been convicted of a felony or any misdemeanor as referenced in § 24-31-305(1.5), C.R.S. in any jurisdiction; or~~

 - (II) ~~Wrongfully obtained certification through fraud or misrepresentation; or~~

 - ~~(III) Has not met any other requirements imposed by the Board.~~

 - (I) ***been convicted of a felony, or***

 - (II) ***been convicted on or after July 1, 2001, of any misdemeanor described in subsection (1.5) of § 24-31-305, C.R.S., or,***

 - (III) ***entered into a deferred judgment and sentencing agreement, deferred prosecution agreement, or pretrial diversion agreement for one of the offenses described above, regardless whether the agreement is pending or was successfully completed;***

 - (IV) ***made material false or misleading statements or omissions in the application for certification.***

Rule 19 – Vehicle Identification Number Inspectors

Proposed Update

(a) Any person seeking certification as a Vehicle Identification Number Inspector must meet each of the following requirements:

- (I) Currently serving as a peace officer recognized in Title 16, Article 2.5 of the Colorado Revised Statutes or as “Inspector” defined in Title 42 Article 5 of the Colorado Revised Statutes; and
- (II) Successfully completes and submits his/her certificate of completion from an approved Vehicle Identification Number course; and
- (III) Completes and submits the POST Form 9 – *Application for VIN Inspector Certification*.
- (IV) VIN Inspector certifications are valid for three (3) years from the date of issue or from the most recent renewal date.

(b) The following are requirements for renewing a VIN Inspector certification:

- (I) The VIN Inspector must successfully complete the approved POST VIN Inspector renewal training either on-line or in-person (if available).
- (II) The renewal training must be completed prior to the inspector’s current expiration date.
- (III) The training must be reported to POST through the POST training portal. This may occur automatically in the case of POST on-line training.
- (IV) Once renewal training is successfully completed and submitted to POST, the VIN Inspector certification will be renewed and given an expiration date of three (3) years from the training completion date.
- (V) Any inspector who fails to successfully complete the renewal training prior to their expiration date must complete the full VIN Inspector training in order to be re-certified.
- (VI) All VIN Inspectors who were certified prior to August 2, 2019 (the effective date of C.R.S. §42-5-206(4)) will have until June 30, 2020 to complete the renewal training for the first time.

Rule 20 – Vehicle Identification Number Inspector Programs

Effective January 14, 2015

- (a) Every vehicle identification number (VIN) inspector program must contain a minimum of seventeen (17) hours, ***adhere to POST curriculum requirements*** and be approved prior to the start of instruction.
- (b) The program director must submit all of the following documentation to the Board at least sixty (60) days prior to the start of instruction:
 - (I) A narrative of performance objectives for the program (new programs only);
 - (II) A list of courses to be taught and the time allocated for each course (new programs only); and
 - (III) A completed POST Form 9A, *Application for VIN Inspector Training Program Approval*, and a list of instructors and their qualifications. Instructors shall be approved only for a specific program under this rule (all programs).
- (c) To be approved, a program must include all of the following:
 - (I) Legal aspects of VIN inspection;
 - (II) Use of the National Insurance Crime Bureau (NICB) *Passenger and Commercial Vehicle Identification Manuals*;
 - (III) How to conduct a VIN inspection; and
 - (IV) How to meet the reporting requirements of a VIN inspection.
- (d) The program director must submit a roster of passing students to POST within thirty (30) days of the end of the program.

Rule 21 – ~~Basic and Reserve~~ Training Academies

Effective July 1, 2018

- (a) Academy approval
 - (I) All aspects of an academy must be in compliance with POST Rules and Program requirements before academy approval will be considered.
 - (II) Only an academy that is approved by ~~the Board~~ **POST staff** may provide training required for certified peace officer status; and
 - (III) Each scheduled academy class of an approved training academy must be approved prior to the start of instruction.

- (b) Continuing academies
 - (I) A continuing academy is an approved Basic, ~~or~~ Reserve **or Refresher** academy that conducts and completes at least one approved academy class every three (3) years and operates in compliance with these rules.
 - (II) If a continuing academy does not complete at least one approved academy class in any consecutive three (3) year period, approval of the academy shall expire. An expired academy must reapply for approval as a new academy and be approved prior to providing any academy instruction.
 - (III) Other than as referenced in the preceding paragraph (II), a continuing academy may remain approved ~~until~~ **unless** its status is surrendered, suspended or revoked.
 - (IV) The academy director must ensure that the following three items are submitted electronically to POST at the same time and are received at POST at least thirty (30) days, but no more than ~~sixty (60)~~ **ninety (90)** days, prior to the start of instruction for each scheduled academy class of the approved training academy:
 - (A) A completed POST Form 7, *Application for Academy Approval*; and
 - (B) A completed “*Scheduling Request for POST Exam*” form (basic academies only); and

- (C) A complete and accurate academy schedule with the following information clearly noted on the schedule.
 - (1) Name of the academy and academy class number (if any) as listed on the POST form 7, application for academy approval; and
 - (2) All courses, dates and times in chronological order for each course, major exams and the name of the primary instructor for each course; and
 - (3) All dates and times when arrest control drill training, night driving and dim light shooting will be instructed; and
 - (4) For arrest control and firearms training, if the schedule shows more than eight (8) hours of instruction in any one day, then the schedule must denote lab or lecture hours, as appropriate; and
 - (5) If multiple courses are listed within the same block of time on the schedule, then either the schedule itself or accompanying documents must specify the amount of time that will be instructed for each course.
 - (6) All courses required by the basic academic training program must be scheduled and completed prior to administration of the POST certification examination.
- (V) ***ALL SKILLS, LAB AND CLASSROOM, SCHEDULE CHANGES MUST BE APPROVED BY POST STAFF IN ADVANCE AND ALL ACADEMIC CHANGES MORE THAN ONE WEEK IN DURATION MUST BE APPROVED BY POST STAFF.***
- (VI) The academy director shall ensure that an accurate and complete enrollment roster for each academy class is received at POST electronically by the 10th business day after the academy commences. The enrollment roster will be completed on the template provided by POST to the academy director. See also POST Rule 14, *Fingerprint-Based Criminal History Record Check*.
- (VII) The academy director shall notify POST prior to the occurrence of any change of the academy's start date or end date, to include cancellation

of the academy, as submitted to POST on the Form 7, *Application for Academy Approval*.

(VIII) Each college academy and private occupational school academy shall establish an advisory committee that consists of law enforcement officials and administrators to assist with providing logistical support and validation of training.

(c) New academies

(I) A new academy is either a basic or reserve academy that has never conducted approved training, or a basic or reserve academy that has not conducted approved training within the previous three (3) years.

(II) The academy director of a proposed new academy is advised to contact POST at least six (6) months prior to the anticipated start date of the new academy to ascertain application procedures and deadlines for submitting documents for new academy approval.

(III) The following types of academies are considered separate academies that must be individually approved:

(A) Basic and reserve academies even if operated by the same agency, organization or academic institution.

(B) Academies located either on a satellite campus, or at a different physical location than the primary academy.

(IV) The proposed formal name of an academy must neither misrepresent the status of the academy, nor mislead law enforcement or the public.

(V) Required documentation that must be submitted for new academy approval includes, but is not limited to, a video in a digital media format approved by POST of all proposed sites where academic instruction and skills training will take place, site safety plans, lesson plans for all academic courses and all skills training programs that are required by the Basic or Reserve Academic Training Program, resumes for all academic instructors, and documentation of qualifications for all skills instructors.

(VI) Once a proposed new academy begins the approval process by submitting any of the required documentation listed in the preceding paragraph (V) to POST, the proposed new academy shall have a

maximum of twelve (12) months to complete the new academy approval process.

(VII) The director of a proposed new academy shall also ensure that the documents required to be submitted by continuing academies, as listed in paragraph (b)(IV) of this Rule, are received at POST at least thirty (30) days, but no more than sixty (60) days, prior to the start of instruction.

(VIII) Prior to approval, the proposed new academy must pass an on-site pre-approval inspection conducted by the Board or its designated representative(s).

(d) Training sites, site safety plans and equipment

(I) An academy shall have the following training sites and facilities:

(A) For academics: A classroom with adequate heating, cooling, ventilation, lighting, acoustics and space, and a sufficient number of desks or tables and chairs in the classroom for each trainee; and

(B) For firearms: A firing range with adequate backstop and berms to ensure the safety of all persons at or near the range, and some type of visual notification (range flag, signs, lights, or other) whenever the range is being utilized for live fire; and

(C) For driving: A safe driving track for conducting law enforcement driving; and

(D) For arrest control: An indoor site for instructing arrest control training with sufficient space and mats to ensure trainee safety; and

(E) For practical exercises and wellness training: Appropriate and safe locations for conducting all practical exercises and wellness lab training.

(II) Approval of training sites.

- (A) All new training sites for academic classroom instruction and skills training must be approved by POST in consultation with the appropriate subject matter expert committee prior to conducting any training at the site.
- (B) Each academy is responsible for obtaining approval for all of its training sites of academic instruction and skills training.
- (C) Academy directors shall ensure that all sites for practical exercises and wellness lab training are safe and that appropriate training can be accomplished at the site to achieve the course objectives or performance outcomes.
- (D) Presumed approval or use of a specific site by one academy does not extend to automatic approval of the site for use by other academies.
- (E) If an approved site is not utilized during any consecutive three (3) year period by any academy for the type of training for which the site was initially approved, then site approval expires. In order to resume training at an expired site, the site must be resubmitted for approval and approved.
- (F) The following items must be submitted to POST in order for approval of a new or expired training site to be considered:
 - (1) Video in a digital media format approved by POST that accurately depicts the site where instruction is to take place; and
 - (2) A detailed description of the site must be included, either as verbal narrative on the video or as a written supplement; and
 - (3) An up-to-date written site safety plan.
- (G) If an approved site has been in continuous use by at least one approved academy for at least the previous three (3) consecutive years and an additional academy seeks approval of the same site:
 - (1) The director of the additional academy may submit a written request to POST that includes the location and/or description of the site, in lieu of the video; and

- (2) An up-to-date written site safety plan must be submitted to POST that is specific to the site and to the additional academy; and
- (3) Both the site and the safety plan must be approved by POST in consultation with the appropriate subject matter expert committee prior to conducting any training at the site.

(III) Site safety plans.

- (A) Each site of skills training and academic or classroom instruction must have an up-to-date and approved written site safety plan present on site during any academy training at the site; and
- (B) Copies of all site safety plans must also be on file at the academy at all times; and
- (C) Each site safety plan shall include procedures for managing medical emergencies, injuries, or accidents that are probable or likely to occur at the site; and
- (D) All site safety plans must include the information contained in POST rule 21(h), Duty to report.
- (E) All academy staff members, instructors and trainees shall be familiar with the content of each site safety plan as it pertains to the nature and scope of their involvement with the academy.

(IV) Equipment.

- (A) An academy shall have and maintain the necessary equipment and instructional aids in sufficient quantities for conducting all aspects of the required academy training program; and
- (B) All training sites and facilities, equipment, books, supplies, materials and the like shall be maintained in good condition.

(C) The following items shall be present at each training site during any academy training at the site:

- (1) An effective means of summoning emergency medical assistance; and
- (2) A first aid kit that contains appropriate supplies to treat medical emergencies or injuries that are likely to be sustained at the site.

(D) Operable firearms as defined in POST Rule 1 shall not be utilized during any practical training, such as vehicle stops, in-progress calls, rapid emergency deployment or building searches.

(e) Academy directors

(I) Qualifications. Each academy shall designate an on-site academy director whose qualifications, based upon education, experience and training, demonstrate his or her ability to manage the academy.

(II) Compliance. The academy director shall ensure that the academy operates in compliance with all POST Rules.

(III) Records. The academy director shall be responsible for establishing and maintaining a records management system that includes, but is not limited to, enrollment rosters, POST Form 11-E's, trainee files, trainee manuals, attendance records, lesson plans, source material, instructor files, instructor/course evaluations and site safety plans.

(IV) Change of director. The academy director or authorized representative of an academy shall notify POST as soon as practicable of any change of academy director or any change of the academy director's electronic mailing address.

(f) Curriculum requirements

(I) Academic standards.

(A) All training academies shall meet or exceed the required course content and minimum number of hours for each academic course of instruction and for each of the skills programs as required by the Basic Academic Training Program or Reserve Academic Training Program.

(B) Successful completion required.

- (1) Trainees must successfully complete the Basic Academic Training Program or Reserve Academic Training Program with a minimum score of seventy percent (70%); and
- (2) Trainees must successfully complete all skills training as required by the Arrest Control Training Program, Law Enforcement Driving Program and Firearms Training Program.
- (3) If an academy applies a higher standard than what is required by the preceding paragraphs (1) and (2), the higher standard must be described in the Trainee Manual and in the respective skills lesson plans or course materials, as applicable.

(II) Attendance.

- (A) For all hours of all skills training programs, 100% attendance and participation are required.
- (B) Attendance is required for all hours of all academic classes. Any trainee who is absent for any portion of an academic class shall make up the missed class content in accordance with the academy's rules and regulations.
- (C) Written attendance records are required.
 - (1) For trainees: Written daily attendance records that are accurate and up-to-date shall be kept for all trainees enrolled in all academic classes and all skills training classes.
 - (2) For skills instructors: Written attendance records that are accurate and up-to-date shall be kept for all instructors who teach any portion of a skills training program.
 - (3) For skills training, the format of the attendance records must clearly substantiate that the minimum ratios required by Rule 24, *Skills Training Safety and Skills*

Program Requirements for Basic and Reserve Academies,
have been met.

(III) Lesson plans.

- (A) All basic and reserve training academies shall develop and maintain up-to-date lesson plans ~~that are on file~~ for each academic course of instruction and for each of the skills training programs.
- (B) Academic lesson plans shall be organized and readily accessible, and may be maintained either electronically or as hard copies.
- (C) Each academic and skills lesson plan must include at least the following information, as applicable:
 - (1) Course title as specified in the POST Academic Training Program (Basic or Reserve) or the POST skills training program; and
 - (2) Number of hours for the course required by the POST Academic Training Program and the number of actual course hours that will be instructed; and
 - (3) Learning goals, course objectives and/or performance outcomes for the course; and
 - (4) Method of instruction; and
 - (5) Instructional content of the course that substantiates the stated goals, objectives and/or outcomes of the course; and
 - (6) A copy of any handouts, multimedia and/or PowerPoint presentations that will be used during the instruction; and
 - (7) A list of source material utilized for the course; **and**
 - (8) Testing and/or assessment methods, such as test questions and answers, that will be utilized to measure the objectives and/or performance outcomes.
- (D) Skills lesson plans must additionally include the program-specific documentation referenced within the applicable POST skills training program.

- (IV) Daily schedules.
 - (A) For all skills training programs, daily schedules are required that contain the information referenced in each of the skills training programs.
 - (B) The format, number of pages and organization of information on the daily schedules shall be at the discretion of the primary skills instructor and/or academy director.

- (V) Source material.
 - (A) For source material identified as required source material in the current POST Curriculum Bibliography, at least one (1) copy of each of the publications or sources must be maintained at the place of academic instruction. For those sources that are referenced with a website address, providing the trainees with readily available Internet access is acceptable in lieu of maintaining at least one (1) copy of each of the publications or sources.

- (VI) Academy examinations.
 - (A) All academies shall administer written, oral or practical examinations periodically during each academy in order to measure the attainment of course objectives or performance outcomes as specified in the Basic Academic Training Program or Reserve Academic Training Program.
 - (B) The academy director shall prescribe the manner, method of administration, frequency and length of academy examinations.
 - (C) For academic courses, the time allotted for examinations shall be in addition to the number of Required Minimum Hours for each course as specified in the Basic Academic Training Program or Reserve Academic Training Program.
 - (D) For skills training programs, the time allotted for examinations or testing is included within the total program hours of each program.

- (VII) Academy certificates of completion.

- (A) The academy director shall issue a certificate of completion to each trainee who successfully completes all requirements of the approved academy within two (2) years of enrollment.
- (B) Only a trainee who has attended and successfully completed all academic classes and all required skills training programs shall be issued an academy certificate of completion.
- (C) Each academy certificate of completion shall contain the following information:
 - (1) Trainee's name; and
 - (2) Name of the approved academy; and
 - (3) Type of academy (Basic or Reserve); and
 - (4) Date of academy completion (month, day, year); and
 - (5) Total number of hours of the completed academy; and
 - (6) Signature of the academy director and/or agency or academic representative.
 - (7) Reserve academy certificates of completion shall additionally state whether the total number of academy hours does or does not include the approved law enforcement driving program.

(g) Instructors

- (I) Minimum qualifications.
 - (A) Academic instructors shall possess the requisite education, experience and/or training necessary, as determined by the academy director, to competently instruct specific academic courses or blocks of instruction.
 - (B) Skills instructors shall meet the minimum qualifications as described in Rule 23, *Academy Skills Instructors*.
- (II) Instructor files.

- (A) A file (electronic or hard copy) shall be maintained for each instructor who teaches any portion of an academic class or skills training class.
 - (1) For academic instructors, the file must contain a current resume and may contain additional documentation that substantiates the instructor's qualifications.
 - (2) For skills instructors, the file must contain copies of the relevant certificates of completion referenced in Rule 23, *Academy Skills Instructors*, and/or a copy of the applicable skills instructor approval letter issued by POST.
- (B) The academy shall maintain current contact information for each instructor.
- (C) Exception. Licensed attorneys from the same office or firm may be included in one instructor file, as long as the file contains the names of all attorneys from that office or firm who provide instruction at the academy.

(III) Instructor/course evaluations.

- (A) Trainees shall complete written evaluations for each instructor and/or course of instruction for all academic courses and skills training programs of the approved academy.
- (B) Either the POST Form 10, *Instructor / Course Evaluation*, or comparable academy forms and/or documents may be used for this purpose.
- (C) The academy director shall determine the most meaningful format and method of administration of the instructor/course evaluations in order to monitor instructor quality and course content and to meet the needs of the individual academy.

(h) Duty to report

- (I) In addition to any notifications that may be required administratively or under federal, state or local law, it shall be the duty of every academy director or the academy director's designee to report the following events to POST immediately or as soon as practicable after the event:

- (A) Any death, gunshot wound or serious bodily injury that occurs to any person whose death, gunshot wound or serious bodily injury was either caused by, or may have been caused by, any training or activity associated with the academy; or
 - (B) Any bodily injury that occurs to any person who is not affiliated with the academy, i.e., an innocent bystander, whose bodily injury was either caused by, or may have been caused by, any training or activity associated with the academy.
- (II) Training to cease.
- (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.
 - (B) Training may resume only after the Board or its designated representative(s) have ensured that the program is operating in compliance with POST Rules.
- (III) Serious bodily injury means those injuries as defined in § 18-1-901(3)(p), C.R.S.
- (IV) Bodily injury means those injuries as defined in § 18-1-901(3)(c), C.R.S.
- (V) All instructors shall be familiar with the information contained in this Section (h) as it pertains to the nature and scope of their involvement with the academy.
- (i) Academy records requirements
- (I) Trainee files. During the academy, a file shall be maintained for each trainee or a systematic filing system must exist that contains at least the following records:
 - (A) Trainee's full legal name and date of birth; and

- (B) Photocopy of the trainee's high school diploma, high school equivalency certificate or other evidence of successful completion of high school; and
 - (C) Photocopy of the trainee's valid driver's license; and
 - (D) Form 11-E, *Enrollment Advisory Form*.
- (II) Trainee manual.
- (A) Each academy shall maintain an up-to-date trainee manual that contains relevant and accurate information. At a minimum, the trainee manual shall contain the academy's rules and regulations, academic requirements, attendance policies and site safety plans.
 - (B) Upon entry into the academy, each trainee should be issued a copy of the trainee manual and acknowledge receipt of the manual in writing.
- (III) The following records shall be maintained at the academy and shall be readily available for inspection at any reasonable time by the Board or its designated representative(s).
- (A) A completed Form 11-E, *Enrollment Advisory Form*, for each trainee enrolled in the academy in progress; and
 - (B) Current trainee manual; and
 - (C) Current lesson plans; and
 - (D) Current source material; and
 - (E) Instructor files for current instructors; and
 - (F) Copies of all site safety plans; and
 - (G) Trainee files for the academy in progress and the previously completed academy; and
 - (H) Attendance records for the academy in progress and the previously completed academy; and

- (I) Instructor/course evaluations for the academy in progress and the previously completed academy.
- (IV) Academy records must be retained for at least the three (3) year period as referenced in the Uniform Records Retention Act, § 6-17-101, et seq., C.R.S.

Rule 22 – Concerning Sunrise Review of Peace Officer Status

Effective March 2, 2005

The Colorado General Assembly and Colorado Peace Officer Standards and Training Board (POST) find that it is necessary to ensure that clear standards exist for obtaining peace officer status in the state of Colorado. The General Assembly and POST Board, during the 2003 legislative session, made statutory changes to end the stratification of peace officers and to ensure that all peace officers receive a consistent level of statutory protection. During the 2004 legislative session, SB04-224 required that the POST Board review any group seeking peace officer status, either for a group or a specific position. These POST Board actions are to be accomplished prior to the group seeking authorization from the General Assembly.

(a) Proposal Submission to POST

- (I)** No later than July 1 of any year, a group or political subdivision of the state that seeks peace officer status, either for the group or a specific position, shall submit to the POST Board for its review, a completed POST Form 12 and proposal containing the following information.
 - (A)** A complete description of the group or specific position, its enforcement responsibilities and purpose for seeking peace officer status.
 - (B)** An estimate of the number of persons who hold the position or are in the group affected.
 - (C)** A description of the specific need for the authority and protections required for the group or specific position.
 - (D)** The direct benefit to the public that would result from granting the peace officer status to the group or specific position.
 - (E)** The costs associated with granting the status to the applicant group or specific position.
 - (F)** A resolution or letter of support for the proposed change in status from the chief executive officer of the unit of government or political subdivision employing the applicant group or overseeing the proposed position.
 - (G)** All other information requested or required by the POST Director or POST Board Sub-committee for Peace Officer status.

- (II) The Director of POST will review item (A) through (G) and will coordinate with the group or specific position on additional information needed for POST Board review. A date will then be set for POST Board Sub-committee hearing.
- (b) POST Board Sub-committee Hearing
- (I) POST Board Sub-committee for peace officer status
- (A) The Sub-committee shall include the following POST Board members – 2 Police Chiefs, 2 Sheriffs, and 1 additional Board member. The Director of POST shall staff the Sub-committee.
- (II) After receiving the required information specified in subsections (a)(I) and (II) of this rule, the POST Board sub-committee for Peace Officer status shall conduct a hearing with the group’s representatives seeking peace officer status for the group or position.
- (III) At the hearing a determination as to whether Peace Officer status is needed shall be based upon the following criteria:
- (A) Sufficient need for one or more of the “primary” Peace Officer powers:
- Authority to enforce all laws in the State of Colorado.
 - Authority to arrest (PC, warrant, restraining order, court order).
 - Authority to use force in effecting arrest or preventing escape.
 - Authority to “stop and frisk”.
 - Authority to execute search warrants.
 - Authority to carry concealed without Sheriff’s permit.
- (B) Employment by a government entity or a political subdivision thereof.
- (C) Endorsement by the governing body or bodies of every group or position that the proposed legislation would include.
- (D) Copies of letters of notification from the group seeking status to the affected law enforcement agencies with concurrent jurisdiction.
- (E) "Draft" copy of the position/group's proposed bill language. The draft shall be completed through the use of a POST provided bill

language template. Any specific limitations to Peace Officer authority need to be clearly delineated in the language of the proposed legislation.

- (IV) Identification and assessment of the range and scope of authority, limits on authority, and the availability of Peace Officers with concurrent jurisdiction will be considered by the sub-committee regarding POST recommendations and training standards for each group.
 - (V) The preferred standards for any group or position requesting Peace Officer status are full POST certification (including background standards), and 40 hours annual continuing education.
 - (VI) The POST Board sub-committee for Peace Officer status shall submit a report and recommendation to the full POST Board for review and action. The applicant group or position will receive a copy of the report and recommendation.
- (c) POST Board Review
- (I) Upon receipt of the POST Board sub-committee report and recommendation, the POST Board shall review the sub-committee recommendations at a scheduled POST Board meeting.
 - (II) At the scheduled meeting, the POST Board shall review the report, recommendation(s) and the information submitted by the sub-committee, and shall grant the groups' or positions' representatives a hearing to address the report and recommendations of the sub-committee. The POST Board can approve the recommendations or return the application to the POST sub-committee requiring additional information, requirements, and/or further review. Should the POST Board require the sub-committee to conduct a further review of the Positions' or Groups' application, the sub-committee's final report and recommendations shall be presented to the full Board at a scheduled POST Board Meeting. The affected group/position will be notified of the meeting at which the final report and recommendations will be considered by the Board.
 - (III) Upon completion of sections (c)(I) and (II) of this rule, the POST Board shall submit a final report and recommendations to the group seeking Peace Officer status for the group or for a specific position and to the Judiciary Committees of the Senate and House of Representatives. The report will be submitted no later than October 15 of the year

following the year in which the proposal was submitted. The report may include legislative recommendations.

(d) Limitations – § 16-2.5-201(6)

- (I) The group seeking Peace Officer status for the group or specific position may request members of the General Assembly to present appropriate legislation to the General Assembly during each of the two regular sessions that immediately succeed the date of the report required pursuant to subsection (c)(III) without having to comply again with the provisions of this rule.
- (II) Bills introduced pursuant to the statute and this rule shall count against the number of bills to which members of the General Assembly are limited by joint rule of the Senate and House of Representatives. The General Assembly shall not consider Peace Officer status of more than five positions or groups in any one session of the General Assembly.

Rule 23 – Academy Skills Instructors

Effective January 1, 2012

- (a) Recognition of academy skills instructors.
 - (I) A skills instructor may be recognized to teach at an approved academy as either an assistant skills instructor or a full skills instructor in each of the three (3) required skills training programs: arrest control, law enforcement driving, and firearms.
 - (II) All skills instructors who teach any portion of a skills training program at a POST approved basic or reserve training academy shall be qualified and approved as required by this Rule.
 - (III) Each academy shall maintain the applicable certificates of completion and/or documentation for all skills instructors.
 - (IV) New academies requesting POST approval and POST approved academies that have not conducted an academy within the previous three (3) years shall submit the appropriate documentation to POST and obtain approval for all assistant skills instructors and all full skills instructors.
- (b) Assistant skills instructors.
 - (I) An assistant skills instructor may instruct under the direction and in the presence of a full skills instructor and assist in evaluating and coaching trainees.
 - (II) Minimum qualifications for an assistant skills instructor:
 - (A) In order to begin serving or to serve as an assistant skills instructor, a person must have successfully completed the relevant approved skills instructor training program (See Rule 1, *Definitions*); and
 - (B) For arrest control skills instructors, the relevant approved skills instructor training program shall be the same recognized discipline for arrest control training in which the person will be instructing.
 - (III) Approval of assistant skills instructors.
 - (A) Effective March 1, 2011, assistant skills instructors for firearms, arrest control and driving do not need to have certificates of

completion reviewed by POST if the academy director or new assistant skills instructor is certain that the instructor has completed the relevant approved skills instructor training program.

- (B) POST will review certificates of completion and/or documentation for assistant firearms, arrest control, and driving assistant skills instructors if an academy director or new assistant skills instructor applicant is not certain that a particular instructor training program qualifies as the relevant approved skills instructor training program.
- (C) Either the academy director or the assistant skills instructor applicant may submit the certificates of completion and/or documentation to POST for review.

(c) Full skills instructors.

- (I) A full skills instructor may develop, implement, and evaluate a skills training program. In order to begin serving or to serve as a full skills instructor, a person must have satisfied the three (3) minimum qualifications listed in the following paragraph (II).
- (II) Minimum qualifications for a full skills instructor.
 - (A) Successful completion of the relevant approved skills instructor training program (See Rule 1, *Definitions*); and
 - (B) Successful completion of an approved forty (40) hour instruction methodology training program; and
 - (C) Completion of a minimum of eighty (80) hours of instructional experience as an assistant skills instructor at a Colorado POST approved academy in the corresponding skills training program: arrest control, law enforcement driving, or firearms. For arrest control training, the eighty (80) hours may be completed in any recognized discipline(s) for arrest control training in which the instructor has completed the relevant approved skills instructor training program. For firearms training, the eighty (80) hours as an assistant skills instructor shall be completed within the previous five (5) years prior to application.
- (III) Approval of full skills instructors.

- (A) All new full skills instructors must be approved by the Board in consultation with the corresponding subject matter expert committee(s) for arrest control, law enforcement driving or firearms prior to serving as a full skills instructor.
- (B) To apply for approval as a full skills instructor, either the academy director or the full skills instructor applicant, if the applicant has no current academy affiliation, may submit the appropriate documentation to POST to substantiate that the minimum qualifications have been satisfied.
- (C) A written statement from the director of the academy where the applicant served as an assistant skills instructor is acceptable documentation as it applies to the eighty (80) hour requirement. The statement must include the applicant's full name, the dates that the applicant instructed and number of hours on each of those dates showing the applicant's instructional experience.
- (D) Instructional experience completed at other than a Colorado POST approved academy may be considered as part of the eighty (80) hour requirement. However, the full skills instructor applicant must request a variance in accordance with POST Rule 7, *Variances*, and the applicant may be required to appear in person before the appropriate subject matter expert committee to demonstrate skills instructional proficiency.
- (E) The completed documents received at POST will be reviewed by POST in consultation with the appropriate subject matter expert committee during the committee's next regularly scheduled meeting.
- (F) POST will provide written notification to the academy director or the full skills instructor applicant who submitted the documents as to whether the applicant was approved or denied approval as a full skills instructor.

(d) Lead skills instructors.

- (I) A lead skills instructor is a full skills instructor who may be designated by the academy director to oversee or coordinate the administration of a specific skills program of a particular academy class.

- (II) Lead skills instructors require no additional approval by POST beyond approval as a full skills instructor.
 - (III) POST will review certificates of completion and/or documentation for lead skills instructors only as such documentation pertains to approval as a full skills instructor.
- (e) Any applicant denied approval under section (b) or (c) of this Rule may appeal such denial in writing to the Director within ten days of notification of denial.

**Rule 24 – Skills Training Safety and Skills Program
Requirements for Basic and Reserve Academies**

Effective January 30, 2019

- (a) For ALL skills training programs: arrest control, law enforcement driving and firearms
 - (I) A daily schedule is required.
 - (A) The daily schedule shall be in addition to the lesson plan requirement of Rule 21, *Basic and Reserve Training Academies*.
 - (B) The daily schedule shall contain the information described in each of the skills training programs: Arrest Control Training Program, Law Enforcement Driving Program, and Firearms Training Program.
 - (C) The format, number of pages and organization of information on the daily schedule(s) shall be at the discretion of the primary skills instructor and/or academy director.
 - (II) Written daily attendance records are required.
 - (A) Written attendance records for all dates of skills training shall be maintained for all trainees enrolled in the skills training program AND for all skills instructors who teach any portion of the skills training program; and
 - (B) Attendance records shall be accurate and up-to-date and must be available during POST inspections of the skills program in progress.
 - (III) Site safety plans are required.
 - (A) Each site of skills training must have an up-to-date and approved written site safety plan present on site during any academy training at the site; and
 - (B) All academy staff members, instructors and trainees shall be familiar with the content of each site safety plan as it pertains to the nature and scope of their involvement with the academy.
 - (IV) For all hours of all skills training programs, 100% attendance and participation are mandatory.

- (V) There must be at least one full skills instructor present at the site of instruction for each skills training session, excluding lecture-only sessions conducted in a classroom setting.
- (VI) Successful completion is required.
 - (A) For the Arrest Control Training Program and the Law Enforcement Driving Program, the minimum requirement for successful completion is seventy percent (70%); and
 - (1) Each academy may apply a higher standard for successful completion of any portion of the skills training program that is greater than seventy percent (70%); and
 - (2) If such a higher standard is applied, the higher standard must be described in the respective skills lesson plan and in the Trainee Manual.
 - (B) For the Firearms Training Program, the mandatory requirement for successful completion of the Handgun Qualification Course is to fire the course exactly as prescribed in the Firearms Training Program with all rounds being on the silhouette.
- (b) Arrest control training
 - (I) There must be at least one arrest control instructor for every ten (10) trainees (*i.e.*, 1:10 ratio) during any practicum or lab session.
 - (II) No practicum or lab session may exceed eight (8) hours in any one-day.
 - (III) Mats or mat coverings must be serviceable and cleaned on a regular basis and immediately before use with an appropriate cleansing agent and/or disinfectant.
 - (IV) Only those arrest control disciplines that have been reviewed and approved as recognized disciplines for arrest control training are acceptable instruction for the Arrest Control Training Program.
 - (V) Each academy shall ensure that all arrest control instructors maintain current certification for the academy's arrest control discipline in accordance with the standards for recertification, if any, of the recognized discipline for arrest control training.

- (VI) All trainees must successfully complete a skills test out and written examination in accordance with the discipline being taught. If the program does not have a test out, then each trainee at a minimum must successfully complete the arrest control skills test as used in the POST provisional/renewal of certification process.
 - (VII) All academy Arrest Control Training programs must be comprised of at least 60% lab hours. Lab hours are defined as any hands-on skills training.
 - (VIII) Operable firearms, as defined in POST Rule 1, shall not be utilized during any arrest control training.
- (c) Law enforcement driving training
- (I) There must be at least one driving track vehicle and one law enforcement driving instructor for every six (6) trainees (*i.e.*, 1:6 ratio) during any instruction at the track.
 - (II) No track exercise and/or practicum may exceed twelve (12) hours in any 24-hour period.
 - (III) Academy directors shall ensure that no trainee be permitted to participate in a law enforcement driving program unless the trainee possesses a valid driver's license.
 - (IV) There must be at least one (1) fully charged five (5) pound size or larger, dry chemical, Class ABC fire extinguisher on site during any instruction at the track.
 - (V) Prior to receiving any nighttime Law Enforcement Driving Program instruction at the track, each trainee shall receive a minimum of twelve (12) hours of daylight driving instruction at the track.
 - (VI) Night driving shall start no earlier than thirty (30) minutes prior to sunset.
 - (VII) Operable firearms, as defined in POST Rule 1, shall not be utilized during any law enforcement driving training.
- (d) Firearms training
- (I) There must be at least one firearms instructor for every four (4) trainees enrolled in the academy program (*i.e.*, 1:4 ratio) anytime a

trainee is handling an operable firearm, whether loaded or unloaded, at any location, including in the classroom and at the range, except as noted in the following paragraph (III). This 1:4 instructor to trainee ratio shall not include the instructor running the range exercise. For live fire tactical exercises, drills, and dim light shooting that requires movement, the instructor to trainee ratio shall be 1:4 with an emphasis on the four (4) rules of firearms safety.

- (II) No range exercise and/or lab session may exceed eight (8) hours in any one day.
- (III) For all decisional shooting scenarios, there must be an instructor to trainee ratio of 1:1.
- (IV) Only POST approved firearms instructors and not agency trained safety officers may be utilized to satisfy the minimum ratios of firearms instructors to trainees.
- (V) Prior to receiving any dim light firearms instruction at the range, each trainee shall receive a minimum of forty (40) hours of Firearms Training Program instruction, to include at least eight (8) hours of classroom lecture and thirty-two (32) hours of daylight live range instruction.
- (VI) Dim light live-fire shooting shall start no earlier than thirty (30) minutes prior to sunset. Indoor ranges are exempt from sunset requirement.
- (VII) Only high-visibility, fluorescent colored “dummy” ammunition may be used for any weapons handling other than actual live fire shooting.
- (VIII) Trainees must be provided written and oral reminders over the course of the training of the four (4) rules of firearms safety:
 - (A) All weapons must be treated as if they are always loaded; and
 - (B) Never let the muzzle of a weapon point at anything you are not willing to destroy; and
 - (C) Keep your finger off the trigger and out of the trigger guard until the sights are on the target and you are prepared to shoot; and

- (D) Always be certain of the target and beyond.
- (IX) All trainees must be familiar with the four (4) rules of firearms safety prior to handling any operable firearm.
- (X) Firearms ranges must display some type of visual notification (range flag, signs, lights, or other) whenever the range is being utilized for live fire.
- (XI) Each trainee must fire the minimum number of live rounds of handgun ammunition in a single weapons system, revolver or semi-automatic, as stipulated in the current POST firearms training program, before completing the program.

Rule 25 – Academy Instructor Training Programs

Effective July 1, 2016

- (a) Only the following four (4) Colorado POST academy instructor training programs (Instructor Program/s) shall be recognized under this Rule:
 - (I) Instruction Methodology Program; or
 - (II) Arrest Control Instructor Program; or
 - (III) Handgun Instructor Program; or
 - (IV) Law Enforcement Driving Instructor Program.
- (b) Each scheduled training class of a recognized Instructor Program must:
 - (I) Contain a minimum of forty (40) hours of instruction; and
 - (II) Be approved prior to the start of instruction.
- (c) Continuing Instructor Programs
 - (I) A continuing Instructor Program is one that has been approved, conducts and completes at least one approved training class every five (5) years and operates in compliance with this Rule. If a continuing program does not complete at least one approved training class in any consecutive five (5) year period, approval of the program shall expire. An expired program must be submitted to POST for approval as a new program and be approved prior to providing any instruction.
 - (II) The program director must ensure that the following documents are received at POST at least thirty (30) days but no more than sixty (60) days prior to the start of instruction for each scheduled training class.
 - (A) A completed POST Form 8, *Application for Academy Instructor Training Program Approval*; and
 - (B) If instruction will take place outside of normal weekday business hours, a schedule that accurately displays the dates and times when instruction will be conducted must be provided.
 - (III) The program director shall notify POST prior to the occurrence of any of the following:
 - (A) The program is cancelled for any reason; or

(B) There is any change of the program's start date or end date; or

(C) There is any change of training site.

(d) New Instructor Programs

(I) A new Instructor Program is a recognized program that has either never conducted approved training, or a previously approved program that has not conducted approved training within the previous five (5) years.

(II) The program director of a proposed new Instructor Program is advised to contact POST at least ninety (90) days prior to the anticipated start date to ascertain application procedures and deadlines for submitting the required documentation to POST for approval.

(III) Required documentation for a new Instructor Program may include, but is not limited to, the program's lesson plan, instructor documents and site video.

(IV) The program director must also ensure that the documents listed in paragraph (c)(II) of this Rule are received at POST at least thirty (30) days but no more than sixty (60) days prior to the start of instruction.

(e) Lesson Plans

(I) Each lesson plan of a recognized Instructor Program must include the following information, as applicable:

(A) Program provider's name or agency; and

(B) Program title as specified in the applicable POST Instructor Program; and

(C) Most recent date the lesson plan was created or revised, and name(s) of the person(s) who created or revised it; and

(D) Number of actual hours the program will be instructed, and the number of hours required by the POST Instructor Program; and

(E) Learning goals, course objectives and/or performance outcomes; and

- (F) Instructional content of the course that substantiates the stated goals, objectives and/or performance outcomes meet the POST requirements; and
 - (G) Testing and/or assessment methods utilized to measure the objectives and/or performance outcomes; and
 - (H) A copy of any handouts, multimedia and/or PowerPoint presentations that will be used during the instruction.
- (II) The program director shall ensure that each lesson plan is updated, as necessary, to confirm the content complies with current POST program requirements and POST Rules.
 - (III) The current lesson plan must be present at the site of instruction whenever training for the Instructor Program is being conducted.
 - (IV) If a provider seeks to utilize a substantially different lesson plan than the one initially approved, the lesson plan must be resubmitted to POST for approval.
 - (V) The program director shall ensure that all instructors who teach any portion of an Instructor Program for a particular provider utilize only the lesson plan specific to that provider.
- (f) Attendance
- (I) For all hours of an approved Instructor Program for arrest control, handgun, or law enforcement driving, 100% attendance and participation are required.
 - (II) For Instruction Methodology Programs, enrollees are expected to attend and participate in all required hours of the approved program.
- (g) Training Sites
- (I) Upon the effective date of this Rule, only POST approved sites shall be utilized to conduct any *practical skills training* of the Instructor Programs for arrest control, handgun, or law enforcement driving.
 - (II) Sites for *lecture portions* of the skills Instructor Programs as well as sites for Instruction Methodology Programs do not require POST

approval. However, such sites must be safe and appropriate for the nature and scope of lecture provided.

- (III) Sites that are currently approved for skills training at POST approved Basic, Reserve or Refresher academies may be utilized for conducting the same nature of practical skills training for Instructor Programs.
 - (IV) The program director is responsible for confirming with POST that all of its sites for practical skills training are currently approved.
 - (V) If an approved site is not utilized during any consecutive three (3) year period for the type of training for which the site was approved, site approval expires. Before training can resume at an expired site, the site must be submitted for approval and approved by POST in consultation with the appropriate Subject Matter Expert (SME) Committee.
 - (VI) To request approval of a new or expired site of *practical skills training*, the following items must be submitted to POST:
 - (A) Video in a digital media format approved by POST that accurately depicts the site where instruction is to take place; and
 - (B) A detailed description of the site must be included, either as verbal narrative on the video or as a written supplement.
- (h) Duty to Report
- (I) The program director shall ensure that all instructors who teach any portion of an Instructor Program are familiar with this Section (h), Duty to report.
 - (II) In addition to any notifications that may be required administratively or under federal, state or local law, it shall be the duty of every program director or his designee to report the following events to POST as soon as practicable after the event:
 - (A) Any death, gunshot wound or serious bodily injury (SBI) that occurs to any person whose death, gunshot wound or serious bodily injury was either caused by, or may have been caused by, any training or activity associated with the program; or

(B) Any bodily injury that occurs to any person who is not affiliated with the program, i.e., an innocent bystander, whose bodily injury was either caused by, or may have been caused by, any training or activity associated with the program.

(III) Training to Cease

(A) In the event of any death or gunshot wound as described in paragraph (h)(II)(A) of this section, all training shall immediately cease at the training site where the death or gunshot wound occurred.

(B) Training may resume only after the Board or its designated representative(s) have ensured that the program is operating in compliance with POST Rules.

(IV) Serious bodily injury means those injuries as defined in §18-1-901(3)(p), C.R.S.

(V) Bodily injury means those injuries as defined in §18-1-901(3)(c), C.R.S.

(i) Instructors

(I) For new Instructor Programs, all instructors shall be approved by POST in accordance with the minimum instructor qualifications identified in the applicable Instructor Program.

(II) For continuing Instructor Programs, the program director shall ensure that all instructors who instruct any portion of the program meet the minimum instructor qualifications identified in the applicable Instructor Program.

(j) Certificates of Completion

(I) The program director shall issue a certificate of completion to each individual who successfully completes all requirements of the approved Instructor Program.

(II) Each certificate of completion shall contain at least the following information:

(A) The exact name of the Instructor Program as it appears in Section (a) of this Rule; and

(B) The exact words "POST Approved"; and

- (C) Name of the individual who completed the program; and
- (D) Program provider's name or agency; and
- (E) Dates of the program; and
- (F) Total number of hours of the completed program; and
- (G) Signature of the program director and/or agency or academic representative; and
- (H) Arrest control Instructor Program certificates of completion shall also contain the name of the arrest control discipline.

(k) POST Grant Funds

- (I) In order to be eligible to receive POST grant funds for an Instructor Program, the program must comply with the current "*Peace Officer Standards and Training Law Enforcement Continuing Education Program Guidelines for Colorado POST Award Recipients*" (i.e., Grant Guidelines).
- (II) For purposes of this Rule, current Grant Guidelines are considered to be those in effect on the start date of the program.

**Rule 26 – Academy and Academy Instructor Training
Program Inspections**

Effective January 31, 2016

- (a) Members of the Board, or its designated representative(s) may at any reasonable time inspect any approved academy or academy Instructor Training Program (Instructor Program), or any Academy or Instructor Program believed to be operating contrary to these Rules.
- (b) An academy or Instructor Program inspection may include, but is not limited to, a review of any records required to be maintained under these Rules, examination of the academy's facilities, training sites and equipment, observation of classroom instruction and skills training, and interviews with trainees, staff and instructors.
- (c) Training that is not required by POST but is incorporated within the approved academy or Instructor Program *may* be inspected to the extent necessary to ensure it is legitimate (i.e., in accordance with established or accepted patterns and standards) and safe (i.e., secure from danger, harm or injury).
- (d) The POST Director shall be informed of all inspection results.
- (e) Should the POST Director determine, in consultation with the appropriate Subject Matter Expert committee(s), as applicable, that an academy or Instructor Program is not in compliance with POST Rules or is providing training that is not legitimate or safe, he/she shall notify the academy director or program director in writing of the specific deficiencies or findings and order remedial action.
- (f) The academy director or program director may appeal the POST Director's order to the Board within thirty (30) days in accordance with Rule 5(c).
- (g) Failure to comply with the POST Director's order shall result in the immediate suspension of the academy or Instructor Program, pending review by the Board at its next regular meeting.

**Rule 27 – Retired Law Enforcement Officer Authority to
Carry Concealed Firearms**

Repealed February 7, 2014

Rule 28 – In-Service Training Program

Effective January 30, 2019

The purpose of in-service training is to provide continuing education to certified peace officers to develop their knowledge and/or skills. The annual in-service training program is defined in Colorado Revised Statutes §24-31-303 (l) and states that the POST Board can “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 and departments.” In-service training is mandatory for certified peace officers who are currently employed in positions requiring certified peace officers as defined in Colorado Revised Statutes section 16-2.5-102. This includes certified fulltime, part-time and reserve peace officers.

(a) Annual Hour Requirement

The in-service training program requires certified peace officers to complete a minimum of 24 hours of in-service training annually. Of the 24 hours, a minimum of 12 hours shall be perishable skills training as specified below.

(b) Training Period

The training period shall be the calendar year, from January 1 to December 31, of each year. In-service training in excess of 24 hours each year shall not be credited towards any future or prior training period.

(c) Approved Training for POST Credit

The authority and responsibility for training shall be with the chief executive of each law enforcement agency. The chief executive accepts responsibility and liability for the course content and instructor qualification. Legislatively mandated training may also be used for credit towards the training requirement.

The following are examples of training that would qualify for in-service credit:

- (I) Training received during the Basic Academic Training Program (Basic Academy).
- (II) Computer or web-based courses that have been approved by the chief executive may be used for in-service credit.

- (III) The viewing of law enforcement related audiovisual material (DVD, video, etc.) or material related to the viewer's position or rank can be used in conjunction with a facilitated discussion or other presentation. This could include roll call or lineup briefings where the session is dedicated to training and not for the purpose of information exchange.
- (IV) For each class hour attended at an accredited college or university in any course related to law enforcement or criminal justice that is required to earn a degree, one hour of in-service credit may be awarded.

(d) Perishable Skills Training

Perishable skills training shall consist of a minimum of 12 hours. The required 12 hours must include a minimum of one hour of training in each of the three perishable skills (Arrest Control, Driving, and Firearms) each calendar year. Examples of perishable skills training could include:

- (I) Arrest Control-live or simulator exercises and scenarios, classroom discussion followed by interactive scenario events. Arrest control fundamentals, agency policies and/or legal issues.
- (II) Driving-behind-the-wheel or simulator training, classroom discussion regarding judgment/decision making in driving, agency policies and/or legal issues.
- (III) Firearms-live or simulator exercises and scenarios, firearms fundamentals, use of force training or discussions, classroom training requiring student interaction and/or decision making, classroom discussion on agency policies and/or legal issue. Firearms qualification alone is insufficient to meet this mandate.

(e) Agency Maintenance of Training Records

The chief executive of each agency is responsible for the accurate tracking of training attendance into the POST records management system.

Agencies are encouraged to enter training as it occurs, but shall enter training no later than the end of each calendar year for the certified peace officers employed at any time during that year regardless of current employment status. This information shall be entered into the POST records management system.

(I) Waiver of In-Service Requirements

All certified peace officers shall meet the minimum annual hours. However, under circumstances listed below, an agency may request a waiver for a portion of the annual in-service training requirement. Any waiver of the annual training request must be made in writing to the POST Director by January 31st of the following year.

(A) Perishable Skills Waiver

Agency executives may request an exemption from the perishable skills training requirement. This request shall be in writing to the POST Director. This request shall state that either their certified peace officers do not carry firearms, or they infrequently interact with or effect physical arrests, or they do not utilize marked or unmarked emergency vehicles as part of their normal duties.

(B) Partial Year Employment Waiver

The 24 hours of in-service training is required if a certified peace officer is employed for the entire calendar year. Certified peace officers who are employed after the start of the calendar year only need to complete a prorated number of training hours. Therefore, two hours of training per month, with a minimum of one hour of perishable skills training shall be required. (Example: If a certified peace officer is hired in July, 12 hours of training with a minimum of six hours of perishable skills training must be completed for that calendar year).

(C) Long Term Disability, Medical Leave or Restricted Duty

If a certified peace officer is unable to complete the in-service annual hours due to long term disability, medical leave or restricted duty, the agency must obtain a letter from a physician stating that participation in any type of training including audiovisual or online training would be detrimental to the officer's health. The letter should define the time that the officer is unable to attend any training. Those granted a waiver will be on a prorated basis for the time stated in the physician's letter. The agency does not need to forward the physician's letter to POST but only reference it in a waiver request.

(D) Military Leave

Those certified peace officers deployed in military service only need to complete a prorated number of training hours.

- (E) Administrative Leave
If a certified peace officer is unable to complete the in-service annual hours due to placement on administrative leave, the officer must complete a prorated number of training hours.

(II) Compliance

- (A) Agencies are required to be in compliance with the in-service program.
- (B) POST will send out a preliminary compliance report following each training period. The report will provide the compliance status of each agency and its certified peace officers. Agencies shall have thirty (30) days from the date of the preliminary report to dispute the POST data and provide additional training information. Following the thirty-day period, POST will distribute the final compliance reports to all agencies.
- (C) POST may declare an agency noncompliant after the final compliance report has been issued if new information is discovered.
- (D) Once the final compliance report has been sent to all agencies; an agency seeking to appeal the POST data must do so within thirty (30) days of being notified of failure to comply with Rule 28. Agencies may appeal this by following the process outlined in Rule 5, *Hearings*. Upon conclusion of all appeal hearings POST will issue a final report indicating whether the agency was found in compliance. If upon the final decision by POST the agency was found not compliant, all POST funding (region grant funds, continuing education funds, and marijuana funds) to that agency will be suspended from July 1st through December 31st of the same calendar year.
- (E) The POST Board shall evaluate the program annually following the release of the final compliance reports. Such evaluation will include a review and evaluation of the program. The evaluation may be based on the compliance rate, agency survey and other performance metrics.

Rule 29- Hiring Standards

Effective January 31, 2016

Each agency hiring a Basic certified peace officer, Provisionally certified peace officer, or Reserve certified peace officer should first ensure that they meet the POST minimum standards of employment:

- (a) Individuals must hold current Basic, Provisional or Reserve certification in the state of Colorado. Hiring agency will confirm certification with POST or utilize this [weblink](#) to verify current POST certifications.
- (b) Each agency should complete a comprehensive agency background investigation, which may include:
 - (I) Criminal record checks - local, state, and national
 - (II) Employment history checks
 - (III) Driving record check
 - (IV) Polygraph
 - (V) Citizenship or legal residency verification
 - (VI) Personal history statements
 - (VII) Neighborhood checks
 - (VIII) Relatives/personal references checks
 - (IX) Credit records check
 - (X) Any other investigative measures that the agency finds appropriate
- (c) Employment in the state of Colorado as a Basic peace officer, Provisional peace officer, or Reserve peace officer as defined in § 16-2.5-102, § 24-31-308 and § 16-2.5-110, C.R.S. requires completion of a physical and psychological evaluation within one year prior to the date of appointment.
- (d) Any person renewing their Colorado Basic certification must complete a physical and psychological evaluation within one year prior to the date of appointment.
- (e) The physical and psychological evaluation affirmation must be submitted to POST.
- (f) Any person separating from one agency and appointed by another agency must complete a physical and psychological evaluation if one has not been conducted within the preceding three years and made available to the

receiving agency.

- (g) Each agency shall comply with the requirements for physical and psychological evaluations pursuant to § 24-31-303(5), C.R.S.