

## **DEPARTMENT OF LAW**

### **Peace Officer Standards and Training Board**

#### **PEACE OFFICER TRAINING PROGRAMS AND PEACE OFFICER CERTIFICATION**

##### **4 CCR 901-1**

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

##### **Rule 1 – Definitions**

*Revised December 4, 2009 - Effective July 1, 2010*

As used in these rules:

- (a) "Academy director" means that person responsible for the administration and operation of a P.O.S.T. 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) "A.C.T." means Arrest Control Tactics, one of the skills training programs required for the basic and reserve training academies.
- (f) "Assistant Skills Instructor" means an individual who has successfully completed a relevant, approved skills 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 a basic or reserve training academy.
- (g) "Authorized emergency vehicle" means such vehicles 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. § 18-1-901(3)(c), C.R.S.
- (j) "Certification examination" means the written test required under § 24-31-305(1)(a)(III), C.R.S.
- (k) "Certified peace officer" means any person who has successfully attained P.O.S.T. Certification as described in § 24-31-305 and 24-31-308, C.R.S.
- (l) "Conditional peace officer authority" means a signed instrument issued by the P.O.S.T. Board that allows a graduate of a P.O.S.T. approved basic peace officer training program to serve as a fully authorized peace officer as described in § 24-31-301(3.5), C.R.S.
- (m) "Conviction" means an adjudication of guilt following either a verdict of guilty by the court or jury, or a plea of guilty, or a plea of nolo contendere. Conviction includes deferred judgments and deferred sentences.
- (n) "Course" means a formal unit of instruction relating to a particular subject.

- (o) "C.R.S." means Colorado Revised Statutes, codified laws of the State of Colorado.
- (p) "Dimlight" means from one-half hour after local sunset to one-half hour before local sunrise. For indoor ranges, artificial light must be reduced to the lowest level which still allows for target identification and threat assessment without additional illumination from a flashlight.
- (q) "Director" means the director of the P.O.S.T. Board staff.
- (r) "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.
- (s) "Enrollment date" means the first day of instruction at an approved basic or reserve training academy, and shall be synonymous with the first day of instruction as reflected on the approved academy schedule.
- (t) "Fingerprint-based criminal history record check" means submittal of a P.O.S.T. 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.
- (u) "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 a basic or reserve training academy.
- (v) "Lateral training academy" means an agency-specific approved academy that instructs academic courses determined by the agency and all hours of the P.O.S.T. skills training programs in arrest control, law enforcement driving and firearms.
- (w) "Lead skills instructor" means a full skills instructor at a basic 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.
- (x) "Lesson plan" means a document that specifically describes the material presented during a course of instruction.
- (y) "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.
- (z) "Operable firearm" means a firearm that is capable of discharging a projectile (bullet) if loaded.
- (aa) "Peace officer" means any person recognized in § 16-2.5-101, C.R.S.
- (bb) "P.O.S.T. 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.
- (cc) "P.O.S.T. fingerprint card" means a U.S. GPO: 2001 483-800/2-02321 FD-258 (Rev. 5-11-99) Applicant fingerprint card. The P.O.S.T. fingerprint card is stamped with the P.O.S.T. logo and address in the employer and address block, and stamped with "Law Enforcement Licensing (Must be submitted by a Law Enforcement Agency) § 24-31-303(1)(F), C.R.S." .
- (dd) "P.O.S.T. Identification Number" means a number assigned and unique to each active peace officer's certification file. All inquiries and correspondence to P.O.S.T. should contain this number.
- (ee) "P.O.S.T. ID Card" means an identification card with a unique identification number issued by the

P.O.S.T. Board to all active peace officers who are certified by P.O.S.T. under Article 16, Section 2.5 of the Colorado Revised Statutes. The P.O.S.T. ID Card contains personal information related to the officer's P.O.S.T. certification file and history.

- (ff) "Program director" means that person responsible for the administration and operation of a P.O.S.T. approved training program.
- (gg) "Provisional certification" means a signed instrument issued by the P.O.S.T. 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.
- (hh) "Recognized disciplines for arrest control training" mean those defensive tactics systems that have been reviewed and approved by the Board in consultation with the Arrest Control Subject Matter Expert Committee. Such systems may include, but are not limited to, Federal Bureau of Investigation (F.B.I.) system, Koga system and Pressure Point Control Tactics (P.P.C.T.) system.
- (ii) "Refresher academy" means an approved training program that consists of a minimum of 88 hours of instruction and includes academics or a P.O.S.T. Board approved web based distance learning program, law enforcement driving and firearms.
- (jj) "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.
- (kk) "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 P.O.S.T. Rule 13.
- (ll) "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, or enforce the laws of the state of Colorado pursuant to § 16-2.5-110, C.R.S., but does not include any person appointed by a sheriff limited to particular acts pursuant to § 30-10-506 and 510, C.R.S.
- (mm) "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. § 18-1-901(3)(p), C.R.S.
- (nn) "Skills examination" means the approved practical test of an applicant's proficiency in arrest control, law enforcement driving, or firearms.
- (oo) "Skills-only training academy" means an approved academy instructing arrest control, law enforcement driving, and firearms, which meets the skills requirements under the P.O.S.T. basic curriculum and these Rules.
- (pp) "Skills training" means the required approved arrest control, law enforcement driving, and firearms courses.
- (qq) "State" means any State in the United States, the District of Columbia, and any territory or possession of the United States.
- (rr) "Subject Matter Expert (S.M.E.)" means an individual formally recognized by the Board for his or her

extensive knowledge, expertise and/or experience in one of the skills areas or in academics.

(ss) "Successful completion" means a score of seventy (70) percent or greater, or a grade of "C" or better, or a rating of pass, if offered as pass/fail.

(tt) "Training academy" means a P.O.S.T. approved school, agency or other entity that provides P.O.S.T. approved training programs.

(uu) "Training program" means a P.O.S.T. 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**

- (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 members as 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 Date March 1, 2006*

(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) Determining the equivalency of first aid and cardiopulmonary resuscitation training;
- (IV) At the Director's discretion, selecting qualified evaluators to administer the skills examinations described in Rule 16;

- (V) Determining the merit of challenges relating to the administration of examinations pursuant to Rules 15 and 16;
  - (VI) Determining the merits of variance requests, consistent with the basic purposes and policies of § 24-31-301, et seq., C.R.S. (2005), and of the Board, in accordance with Rule 7 and Rule 8;
  - (VII) 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 Experts**

*Effective March 1, 2006*

- (a) Each year the Board 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. Each committee shall consist of the Director or the Director's designee who shall serve as the chairperson, one member of the Board, and other subject matter experts from the law enforcement community. Any person wishing to be appointed, either active law enforcement officer, law enforcement professional or retired peace officer, and who meets the minimum qualifications for membership, may apply for membership at any time throughout the calendar year. Appointments will be made upon the applicant's merits and at the discretion of the Director and each of the committee chairs.
- (b) The committees:
  - (I) Review and provide recommendations to the Board regarding skills training programs, academic curriculums, instructor training programs and other courses or programs that pertain to the establishment and maintenance of standards for peace officer training; and
  - (II) Participate in inspections of all P.O.S.T. approved programs and training academies; and
  - (III) Conduct skills examinations in accordance with Rules 11 and 16; and
  - (IV) Establish minimum qualifications for committee membership.

#### **Rule 5 – Hearings**

*Effective March 1, 2006*

- (a) 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) The date, time and place of such hearing; and
  - (II) That the respondent has the right to appear and be heard at such hearing, either in person or through legal counsel; and
  - (III) That the respondent has the burden of proving all of the facts relevant to his or her position; and
  - (IV) 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) Copies of all documents considered by the Board in setting the hearing; and
  - (VI) The nature of the proposed remedial order.
- (b) Not less than ten (10) days prior to the date set for a hearing pursuant to section (a) of this rule, the respondent shall file an original and twenty (20) copies of a response, including:
- (I) A concise statement setting forth the respondent's position; and
  - (II) All facts relevant to the matter; and
  - (III) Copies of all documents the respondent wishes the Board to consider in the matter.
- (c) Any person may request a formal hearing before the Board through the filing of an original and twenty (20) copies of a petition, which must include:
- (I) The name and address of the petitioner and whether the petitioner currently possesses basic or reserve certification; and
  - (II) 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) Copies of all documents the petitioner wishes the Board to consider in the matter; and
  - (IV) What action the petitioner wishes the Board to take.
- (d) 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) The date, time and place of such hearing; and
  - (II) That the petitioner has the right to appear and be heard at such hearing, either in person or through legal counsel; and
  - (III) That the petitioner has the burden of proving all of the facts relevant to his or her petition; and
  - (IV) A summary of the staff's recommendation to the Board; and
  - (V) Copies of all documents submitted by the staff for the Board's consideration in the matter.
- (e) The Director and any petitioner or respondent may mutually agree to shorten or lengthen any of the time frames set forth in this rule.
- (f) Any final order entered pursuant to this rule shall constitute final agency action subject to judicial review under § 24-4-106, C.R.S. (2005).

## **Rule 6 – Declaratory Orders**

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 March 1, 2006*

- (a) The Board has promulgated these rules to ensure orderly and fair treatment of all applicants. Therefore, variances are disfavored. However, 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. (2005), 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 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.
- (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 at its next regular meeting. If at least six (6) Board members do not agree to hear the appeal, the determination of the Director shall be deemed to be summarily affirmed. If at least six (6) members do agree to hear the appeal, the Board shall proceed to the merits of the matter. Any summary affirmance or decision on the merits by the Board shall be deemed final agency action.
- (f) In accordance with § 24-31-303(5)(a) and § 24-31-305(1)(a)(III), C.R.S. (2005), no person may, through a variance or otherwise, serve as a certified peace officer, as defined in § 16-2.5-102, C.R.S. (2005), without having first passed the required certification examination and become certified.

## **Rule 8 – Appeal Process for Peace Officer Applicants - Certification Denial as a Result of a Misdemeanor Conviction**

*Effective March 1, 2006*

- (a) The Board has promulgated these rules to ensure orderly and fair treatment of all P.O.S.T. approved training academy, renewal and provisional peace officer applicants. § 24-31-305, C.R.S. (2005) requires the P.O.S.T. Board deny or revoke certification of any person convicted of a felony or particular misdemeanors. For the purpose of this rule, the term “ conviction ” includes deferred judgments and deferred sentences imposed by a court or judge.
- (b) If an applicant anticipates prior to the denial of certification that he or she will be denied certification on the ground that the applicant has been convicted of any misdemeanor or misdemeanors described in subsection 1.5 of § 24-31-305, C.R.S. (2005), the applicant must provide a fingerprint-based criminal history record check, through the submission of a P.O.S.T. fingerprint card to the Colorado Bureau of Investigation (CBI) and the Federal Bureau of Investigation (FBI), and may request an exemption from denial of certification.

- (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 P.O.S.T. Director, notifying the Board of such conviction or convictions, and request the Director to grant the applicant an exemption from denial of certification. The petition must fully explain all relevant facts. Any person seeking an exemption of a misdemeanor conviction and consideration of certification has the burden of establishing that:
- (I) The appeal is consistent with the basic purposes and policies of § 24-31-305, et seq., C.R.S. (2005); and
  - (II) Mitigating circumstances exist that warrant exemption; and
  - (III) A true and accurate copy of the court record with disposition and police offense/case report upon which the conviction resulted 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.
- (d) The Director, at his discretion, may determine the merits of the request based upon the applicant's written submissions, or may request additional information.
- (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) After a decision has been made by the P.O.S.T. Director, the applicant has thirty (30) days to appeal the decision to the P.O.S.T. Board. 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. If at least six (6) Board members do not agree to hear the appeal, the determination of the Director shall be deemed to be summarily affirmed. If at least six (6) members do agree to hear the appeal, a three-member panel of Board members shall proceed to the merits of the matter. Any summary affirmance or decision on the merits by the sub-committee of the Board shall be deemed final agency action.
- (g) In accordance with § 24-31-303(5)(a) and § 24-31-305(1.6)(a)(b), C.R.S. (2005), 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. (2005), without having first passed the required certification requirements and become certified.

## **Rule 9 – Revocation Hearings for Criminal Conduct**

*Effective March 1, 2006*

- (a) A Colorado peace officer certification issued pursuant to § 24-31-305, C.R.S. ( **2005** ), shall be suspended or revoked by the P.O.S.T. Board if the certificate holder has been convicted of a felony, or has been convicted on or after July 1, 2001, of any misdemeanor described in subsection (1.5) of § 24-31-305, C.R.S. (2005), or, has otherwise failed to meet the certification requirements established by the Board. For purposes of this rule, the term “ conviction ” includes any deferred judgments or deferred sentences imposed by a court or judge.
- (b) 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 conviction of such misdemeanor, petition the Board not to revoke the certificate. The petition must fully explain all relevant facts. The petitioner has the burden of establishing that:
- (I) The appeal is consistent with the basic purposes and policies of § 24-31-305, et seq. ,



C.R.S. (2005); and

(II) Mitigating circumstances exist and that the certificate should not be revoked; and

(III) A true and accurate copy of the court record with disposition, and police offense/case report upon which the conviction resulted shall be 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.

(c) The procedures set forth in Rule 5 shall be utilized with the Director making an initial determination.

(d) The Director, in his discretion, may determine the merits of the request based upon the applicant's written submissions, or may request additional information.

(e) A decision by the Director is final unless appealed to the Board within thirty (30) days of the date of such decision. If a decision is appealed to the Board, the Board will decide whether to hear the appeal. If at least six (6) Board members do not agree to hear the appeal, the determination of the Director shall be deemed to be summarily affirmed. If at least six (6) members do agree to hear the appeal, a five-member panel of Board members shall proceed to hear the Board appeal. The certificate holder will be notified of the Board's action. This decision, whether summarily affirmed or decided by this Board subcommittee, shall be deemed final Board action.

#### **Rule 10 – Conditional Peace Officer Authority and Basic Peace Officer Certification**

*Revised December 4, 2009 - Effective March 1, 2010*

(a) Conditional Peace Officer Authority

(I) The P.O.S.T. Board is authorized to issue a letter of conditional peace officer authority to any applicant who meets the following requirements:

(A) Possesses and submits a copy of his/her high school diploma, or high school equivalency certificate; and

(B) Possesses and submits a copy of his/her current first aid and cardiopulmonary resuscitation certification, or equivalents; and

(C) Truthfully completes and submits the P.O.S.T. Form 1A – *Application for Conditional Peace Officer Authority* ; and

(D) Successfully completes the fingerprint-based criminal history record check required under Rule 14 and has not been released or discharged from the Armed Forces of the United States under dishonorable conditions, per § 24-31-301(5), C.R.S.; and

(E) Successfully completes an approved basic training academy, including skills training, within the previous two years and submits a copy of his/her academy certificate of completion; and

(F) Passes the certification examination pursuant to Rule 15.

(II) A P.O.S.T. Letter of Conditional Peace Officer Authority 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 and § 24-31-301(3.5), C.R.S.

- (A) Sections described in § 24-31-301(3.5) include: § 16-2.5-102, § 16-2.5-103(1), § 16-2.5-105 to 16-2.5-114, § 16-2.5-116(1), § 16-2.5-117(1), § 16-2.5-120, § 16-2.5-121, § 16-2.5-123 to 16-2.5-126, § 16-2.5-128 to 16-2.5-130, § 16-2.5-132 to 16-2.5-136, § 16-2.5-139 to 16-2.5-142, § 16-2.5-145 and § 16-2.5-146.
- (IV) A Letter of Conditional Peace Officer Authority is valid for one year from date of issuance, but may be extended for a continuing period of not more than six months. Persons desiring an extension must petition the director, in writing, and demonstrate good cause why such additional time should be granted.
- (V) Upon full expiration of conditional peace officer authority (18-months), a person may renew the Letter of Conditional Peace Officer Authority through the successful completion of a P.O.S.T. approved refresher academy (academic and skills training) program.
- (VI) The P.O.S.T. Board may grant variances from the requirements of section (a)(II) through (IV) of this rule to any individual, including any individual called to active duty by the Armed Forces of the United States.
- (VII) A person holding P.O.S.T. Conditional Peace Officer Authority may submit a written petition to the Director requesting the Board issue a reserve peace officer certificate in accordance with P.O.S.T. Rule 12.
  - (A) A person holding P.O.S.T. Conditional Peace Officer Authority may submit a written petition, P.O.S.T. Form 2 – *Application for Reserve Certification*, and P.O.S.T. Form 6 – *Notice of Peace Officer Appointment/Separation*, to the Director requesting the Board issue a reserve peace officer certificate in accordance with P.O.S.T. Rule 12.

(b) Basic Peace Officer Certification

- (I) The P.O.S.T. Board is authorized to issue P.O.S.T. Basic Peace Officer Certification to persons holding Conditional Peace Officer Authority and who has been employed for at least one year in good standing with the same law enforcement agency as specified in § 24-31-301(3.5), C.R.S..
- (II) Sections described in § 24-31-301(3.5) include: § 16-2.5-102, § 16-2.5-103(1), § 16-2.5-105 to 16-2.5-114, § 16-2.5-116(1), § 16-2.5-117(1), § 16-2.5-120, § 16-2.5-121, § 16-2.5-123 to 16-2.5-126, § 16-2.5-128 to 16-2.5-130, § 16-2.5-132 to 16-2.5-136, § 16-2.5-139 to 16-2.5-142, § 16-2.5-145 and § 16-2.5-146.
- (III) Applicants for full basic peace officer certification must complete a P.O.S.T. Form 1 – *Application for Basic Peace Officer Certification*, with verification from the employing agency.
- (IV) A basic certification shall expire automatically if the holder is not serving and has not served as a peace officer or reserve peace officer for at least six (6) months within the previous three (3) years
- (V) 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.
- (VI) A certified reserve peace officer seeking regular basic peace officer certification may apply his/her successfully completed skills training, obtained through the reserve peace officer certification program at a P.O.S.T. 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**

- (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 P.O.S.T. Director. The provisional applicant must have been authorized to serve as a certified peace officer within the proceeding three (3) years, and have served in good standing for a period of not less than one (1) year. The applicant must additionally meet the following requirements:
  - (I) Possesses and submits a copy of his/her high school diploma, or high school equivalency certificate; and
  - (II) Possesses and submits a copy of his/her current first aid and cardiopulmonary resuscitation certification, or equivalents; and
  - (III) Truthfully completes and submits the P.O.S.T. Form 3 – *Application for Provisional Certification*; and
  - (IV) Successfully completes the fingerprint-based criminal history record check required under Rule 14; and
  - (V) Passes the certification examination pursuant to Rule 15 or, if leaving active out-of-state (the state in which the individual is certified) or federal peace officer employment, within six (6) months from the date of issuance of the provisional certification.
- (b) A provisional certification letter authorizes the holder to serve as a certified Colorado peace officer for not more than six (6) months.
- (c) 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, within six (6) months from the date of issuance of the provisional certification:
  - (I) Successfully completes skills training at a P.O.S.T. approved basic peace officer training academy; or
  - (II) Successfully completes a P.O.S.T. approved refresher academy, including the law enforcement driving and firearms skills training and later submits documentation from the employing agency that the applicant is proficient in the agency's arrest control component; or
  - (III) Passes a skills examination pursuant to Rule 16 in each of the three (3) skills disciplines at a P.O.S.T. test-out site, or passes all portions of the three (3) skills examinations at a regional test-out site, as documented by an approved skills instructor. Approved skills instructors include: SME committee members or P.O.S.T. approved designees who are not a member of the applicant's employing agency; or,
  - (IV) Passes only some portions of the examinations referred to in (III) and the applicant elects to complete prescribed remedial training with respect to those portions not passed and successfully passes the skills test-out examination following the remedial training; or

- (V) Passes a P.O.S.T. approved lateral training academy that includes agency-specific academic courses and skills training in arrest control, law enforcement driving and firearms.
- (d) The P.O.S.T. approved skills instructor must submit the completed *P.O.S.T. Skills Testing Grade Sheet* to P.O.S.T.
- (e) Persons desiring additional time to complete the basic certification requirements beyond the initial six (6) months provided by the provisional certification letter must petition the Director and demonstrate good cause why such additional time should be granted.

## **Rule 12 – Reserve Certification**

*Revised December 7, 2007 – Effective March 1, 2008*

- (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 his/her high school diploma, or high school equivalency certificate; and
  - (II) Possesses and submits a copy of his/her current first aid and cardiopulmonary resuscitation certification, or equivalents; and
  - (III) Truthfully completes and submits the P.O.S.T. Form 2 – *Application for Reserve Certification* ; and
  - (IV) Successfully completes the fingerprint-based criminal history record check required under Rule 14; , and has not been released or discharged from the Armed Forces of the United States under dishonorable conditions, per § 24-31-301(5), C.R.S.; and
  - (V) Successfully completes an approved reserve academy within the previous two (2) years and submits a copy of his/her certificate of completion.
  - (VI) A person holding P.O.S.T. Conditional Peace Officer Authority may submit a written petition, P.O.S.T. Form 2 – Application for Reserve Certification, and P.O.S.T. Form 6 – Notice of Peace Officer Appointment/Separation, to the Director requesting the Board issue a reserve peace officer certificate in accordance with P.O.S.T. Rule 12.
  - (VII) A person holding a reserve P.O.S.T. Rule 10 (a) (VI), and who wishes to pursue basic peace officer peace officer certificate, issued in accordance with certification, must renew their conditional peace officer authority through the successful completion of a P.O.S.T. approved refresher academy.
- (b) 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.
- (c) 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.
- (d) **Reserve certificates may not be renewed.**
- (e) 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**

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

- (a) Is not serving and has not served as a peace officer or reserve peace officer for at least six (6) months within the previous three (3) years; and
- (b) Possesses and submits a copy of his/her high school diploma, or high school equivalency certificate; and
- (c) Possesses and submits a copy of his/her current first aid and cardiopulmonary resuscitation certification, or equivalents; and
- (d) Truthfully completes and submits the P.O.S.T. Form 4-- *Application for Renewal of Basic Certification*; 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 P.O.S.T. approved basic peace officer training academy; or
  - (II) Successfully completes a P.O.S.T. approved refresher academy, including the law enforcement driving and firearms skills training and later submits documentation from the employing agency that the applicant is proficient in the agency's arrest control component; or
  - (III) Passes a skills examination pursuant to Rule 16 in each of the three (3) skills disciplines at a P.O.S.T. test-out site, or passes all portions of the three (3) skills examinations at a regional test-out site, as documented by an approved skills instructor. Approved skills instructors include: SME committee members or P.O.S.T. approved designees who are not a member of the applicant's employing agency; or,
  - (IV) Passes only some portions of the examinations referred to in (III) and the applicant elects to complete prescribed remedial training with respect to those portions not passed and successfully passes the skills test-out examination following the remedial training; and,
- (h) The P.O.S.T. approved skills instructor must submit the completed *P.O.S.T. Skills Testing Grade Sheet* to P.O.S.T.

#### **Rule 14 – Fingerprint-Based Criminal History Record Check**

*Effective March 1, 2006*

- (a) Definitions.
  - (I) The fingerprint-based criminal history record check is a computerized search of a person's fingerprints that have been taken on a P.O.S.T. Applicant Fingerprint Card 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) 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 felony or any misdemeanor as referenced in § 24-31-305(1.5), C.R.S. (2005), or any misdemeanor in violation of federal law or the law of any state that is the equivalent of any of the offenses specified in § 24-31-305(1.5), C.R.S. (2005).
- (c) Enrollment. Pursuant to § 24-31-304, C.R.S. (2005) and P.O.S.T. 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 prior to enrolling in the training academy or prior to participating in the testing process as a provisional or renewal applicant.
- (d) P.O.S.T. Applicant Fingerprint Card.
  - (I) The P.O.S.T. Applicant Fingerprint Card, U.S. GPO: 2001, 483-800/2-02321, FD-258 (REV. 5-11-99) 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 P.O.S.T. 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 P.O.S.T. Applicant Fingerprint Card must be submitted to CBI with each completed P.O.S.T. Applicant Fingerprint Card. Remittance of this fee to CBI is the responsibility of the applicant.
  - (IV) For provisional and renewal applicants, the P.O.S.T. Applicant Fingerprint Card will be provided by P.O.S.T. The applicant is responsible for having his or her fingerprints taken and for ensuring that the completed P.O.S.T. 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 P.O.S.T. 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 P.O.S.T. Applicant Fingerprint Card and fee are submitted to CBI prior to the person's enrollment in the academy.
- (e) Results from completed criminal history record checks.
  - (I) The Board shall be the authorized agency to receive the results from all P.O.S.T. 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 Board. Notice of subsequent arrests and convictions will also 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. (2005).

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. (2005) and P.O.S.T. Rule 7, *Variances*.

- (II) No person shall be enrolled in a training academy unless the person has been fingerprinted on a P.O.S.T. Applicant Fingerprint Card and an academy has submitted the person's completed P.O.S.T. Applicant Fingerprint Card and fee to CBI prior to enrolling the person in the academy.
- (III) A P.O.S.T. 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. The completed *Enrollment Advisory Form* shall be maintained at the academy.
- (IV) The academy director shall ensure that an accurate enrollment roster for each academy class is received at P.O.S.T. no later than 5:00 p.m. on the next business day following the first day of the academy. Each enrollment roster shall contain the following information:
  - (A) Name of the academy; and
  - (B) Start and end dates of the academy; and
  - (C) Alphabetical list of the full names of all persons enrolled in the academy; and
  - (D) Date of birth for each person; and
  - (E) Social Security Number for each person.
- (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. (2005), 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. (2005), the person may submit a request for exemption from denial of enrollment under P.O.S.T. Rule 7, *Variances*.
- (II) Only if the person has, in fact, submitted a request for exemption from denial of enrollment under P.O.S.T. Rule 7, *Variances*, 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 – Conditional, Provisional, Renewal**

*Effective March 1, 2006*

- (a) To be eligible to take the certification examination, an applicant must complete and submit to P.O.S.T., as applicable, either:
  - (I) Form 1A – *Application for Conditional Peace Officer Certification*; or

Form 3 – *Application for Provisional Certification*; or

Form 4 – *Application for Renewal of Basic Certification*; and

- (II) A copy of his/her approved basic training academy diploma; and
  - (III) A copy of his/her high school diploma, or high school equivalency certificate; and
  - (IV) A copy of his/her current first aid and cardiopulmonary resuscitation certification, or equivalents; and
  - (V) A law enforcement agency check, purchase order, certified check, or money order in the prescribed amount.
- (b) Certification examinations will be conducted by P.O.S.T. staff 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 P.O.S.T.
  - (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) An applicant has a maximum of three attempts to pass the P.O.S.T. certification examination. The three attempts must be completed within two (2) years after completion of the academy. 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 must retake and successfully complete basic training in accordance with Rule 10(a)(l)(e).
  - (e) 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).

#### **Rule 16 – Skills Examinations for Provisional and Renewal Applicants**

- (a) To be eligible to take any of the skills examinations, an applicant must complete and submit P.O.S.T. Form 3 - *Application For Provisional Certification* or P.O.S.T. 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.
- (c) Any applicant failing a skills examination may retake the examination, with the payment of an additional examination fee. Any person failing any skills examination three (3) times must successfully complete the skills training for that particular skill before he or she may be certified.
- (d) 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 decision of the Director shall be final, unless appealed to the Board in accordance with Rule 3(b).

## **Rule 17 – Certification Records**

*Revised December 7, 2007, Effective March 1, 2008*

- (a) Every P.O.S.T. certificate holder shall submit a completed P.O.S.T. Form 5 - *Change of Name, Address or Telephone*, to the Board within thirty (30) days of any change of his or her name, home address, mailing address, or home telephone number.
- (b) Any P.O.S.T. certificate holder convicted in any jurisdiction of a felony or any misdemeanor contained in § 24-31-305(1.5)(a) thru (h), C.R.S., shall notify the P.O.S.T. Board in writing of such conviction within 5 business days.
- (c) When any person is appointed or separated as a certified peace officer, identified in § 16-2.5-102 and 16-2.5-110, C.R.S., such agency shall submit a completed Form 6 - *Notice of Peace Officer Appointment /Separation* to the Board within fifteen (15) days of such appointment or separation. Agencies not obligated by state statute to appoint certified peace officers pursuant to Title 16, Article 2.5, Part 1, C.R.S., may submit a completed Form 6 to continue peace officer certification.
- (d) During the month of January of each year, the P.O.S.T. Board will provide every law enforcement agency with an electronic report in pdf format of those certified peace officers, identified in Title 16, Article 2.5, Part 1, C.R.S., and currently listed in the P.O.S.T. electronic records as appointed by such agency. Every law enforcement agency will verify within fifteen (15) days the continuing appointment or separation of the certified peace officers associated with the law enforcement agency.

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

*Effective March 1, 2006*

- (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.
- (b) 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. (2005) in any jurisdiction; or
  - (II) Wrongfully obtained certification through fraud or misrepresentation; or
  - (III) Has not met any other requirements imposed by the Board.

## **Rule 19 – Vehicle Identification Number Inspectors**

*Effective February 1, 2011*

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

- (a) 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

- (b) Successfully completes and submits his/her certificate of completion from an approved Vehicle Identification Number course; and
- (c) Pay to the P.O.S.T. Board a certification fee of twenty-five dollars (\$25.00) in the form of a certified check, money order or agency check; and
- (d) Completes and submits the P.O.S.T. Form 9 – *Application for VIN Inspector Certification* ; and
- (e) Be certified by the P.O.S.T. Board as a VIN inspector.

#### **Rule 20 – Vehicle Identification Number Inspector Programs**

- (a) Every vehicle identification number (VIN) inspector program must contain a minimum of seventeen (17) hours, and be approved prior to the start of instruction,
- (b) The program director must submit 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); and
  - (II) A list of courses to be taught and the time allocated for each course (new programs only); and
  - (III) Submit a completed P.O.S.T. Form 8, *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 at least the following:
  - (I) Legal aspects of VIN inspection; and
  - (II) Use of the National Auto Theft Bureau manual; and
  - (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 the following to the Board within thirty (30) days of the end of the program:
  - (I) The score of each trainee and a statement whether each trainee passed or failed the course.

#### **Rule 21 – Basic and Reserve Training Academies**

*Revised December 3, 2010 Effective March 1, 2011*

- (a) Academy approval.
  - (I) All aspects of an academy must be in compliance with P.O.S.T. Rules and Program requirements before academy approval will be considered.
  - (II) Only an academy that is approved by the Board 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 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 its status is surrendered, suspended or revoked.

(IV) The academy director must ensure that the following documents are received at P.O.S.T. at least thirty (30) days, but no more than sixty (60) days, prior to the start of instruction for each scheduled academy class:

(A) A completed P.O.S.T. Form 7, *Application for Academy Approval* ; and

(B) A completed "*Scheduling Request for P.O.S.T. Exam*" form (basic academies only); and

(C) A complete and accurate academy schedule with the following information clearly noted on the schedule.

(1) All courses, dates and times in chronological order for each course, major exams and the name of the primary instructor for each course; and

(2) All dates and times when arrest control drill training, night driving and dim light shooting will be instructed; and

(3) 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

(4) 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.

(V) No later than 5:00 p.m. on the next business day following the first day of each approved academy class, the academy director shall ensure that an accurate enrollment roster is received at P.O.S.T. See also P.O.S.T. Rule 14, *Fingerprint-Based Criminal History Record Check* .

(VI) The academy director shall notify P.O.S.T. 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 P.O.S.T. on the Form 7, *Application for Academy Approval* .

(VII) 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 shall contact P.O.S.T. 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 videotape or DVD 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 P.O.S.T., 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 P.O.S.T. 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: Appropriate and safe locations for all practical exercises.

(II) Training sites.

- (A) All new training sites for academic classroom instruction and skills training must be approved by P.O.S.T. 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 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 P.O.S.T. in order for approval of a new or expired training site to be considered:
  - (1) A VHS-format videotape (or DVD video on a DVD-R disk that will play through a set-top DVD player to a TV) 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 videotape or DVD, 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, then the director of the additional academy may submit a written request to P.O.S.T. that includes the location and/or description of the site, in lieu of the VHS or DVD, along with an up-to-date written site safety plan.

(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 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.

(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 P.O.S.T. 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, P.O.S.T. 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 P.O.S.T. 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 except as specified in Rule 24(b)(VIII).
- (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.

(III) Lesson plans.

- (A) All basic and reserve training academies shall develop and maintain up-to-date formal written lesson plans that are on file for each academic course of instruction and for each of the skills training programs.
- (B) Each lesson plan and/or an accompanying lesson plan cover sheet must include at least the following information, as applicable:
  - (1) Course title; and
  - (2) Number of hours for the course required by the P.O.S.T. 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.

(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 P.O.S.T. 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) The time allotted for academic 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.

(VII) 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) The academy director shall not issue a certificate of completion to any trainee who has not attended and successfully completed 100% of all required skills training.
- (C) Each 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 record or file that contains at least the following information shall be maintained for each instructor who teaches any portion of an academic class or skills training class:
  - (1) A resume or certificates of completion and/or other documentation that substantiates the instructor's qualifications.
  - (2) Current contact information for the instructor that includes a work, home or cellular telephone number, and a work, home or electronic mailing address.
- (B) 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 P.O.S.T. 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 P.O.S.T. 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 P.O.S.T. 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 file. 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 or high school equivalency certificate; 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) All academy records must be retained for at least the three (3) year period as required by the Uniform Records Retention Act, § 6-17-101, et seq. , C.R.S.

## **Rule 22 – Concerning Sunrise Review of Peace Officer Status**

The Colorado General Assembly and Colorado Peace Officer Standards and Training Board (P.O.S.T.) 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 P.O.S.T. 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 P.O.S.T. Board review any group seeking peace officer status, either for a group or a specific position. These P.O.S.T. Board actions are to be accomplished prior to the group seeking authorization from the General Assembly.

### **(a) Proposal Submission to P.O.S.T.**

- (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 P.O.S.T. Board for its review, a completed P.O.S.T. 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 P.O.S.T. Director or P.O.S.T. Board Sub-committee for Peace Officer status.

- (II) The Director of P.O.S.T. will review item (A) through (G) and will coordinate with the group or specific position on additional information needed for P.O.S.T. Board review. A date will then be set for P.O.S.T. Board Sub-committee hearing.

(b) P.O.S.T. Board Sub-committee Hearing

(I) P.O.S.T. Board Sub-committee for Peace Officer status

- (A) The Sub-committee shall include the following P.O.S.T. Board members - 2 Police Chiefs, 2 Sheriffs, and 1 additional Board member. The Director of P.O.S.T shall staff the Sub-committee.
- (II) After receiving the required information specified in subsections (a)(I) and (II) of this rule, the P.O.S.T. 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 P.O.S.T. 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 P.O.S.T. recommendations and training standards for each group.
- (V) The preferred standards for any group or position requesting Peace Officer status are full P.O.S.T. certification (including background standards), and 40 hours annual continuing education.
- (VI) The P.O.S.T. Board sub-committee for Peace Officer status shall submit a report and

recommendation to the full P.O.S.T. Board for review and action. The applicant group or position will receive a copy of the report and recommendation.

(c) P.O.S.T. Board Review

- (I) Upon receipt of the P.O.S.T. Board sub-committee report and recommendation, the P.O.S.T. Board shall review the sub-committee recommendations at a scheduled P.O.S.T. Board meeting.
- (II) At the scheduled meeting, the P.O.S.T. 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 P.O.S.T. Board can approve the recommendations or return the application to the P.O.S.T. sub-committee requiring additional information, requirements, and/or further review. Should the P.O.S.T. 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 P.O.S.T. 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 P.O.S.T. 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**

*Revised December 3, 2010 - Effective July 1, 2011*

(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 P.O.S.T. 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 P.O.S.T. approval and P.O.S.T. approved academies that have not conducted an academy within the previous three (3) years shall submit the appropriate documentation to P.O.S.T. 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 P.O.S.T. if the academy director or new assistant skills instructor is certain that the instructor has completed the relevant approved skills instructor training program.
- (B) P.O.S.T. 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 P.O.S.T. 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 or possession of a Colorado Career and Technical Education Credential; and
- (C) Completion of a minimum of eighty (80) hours of instructional experience as an assistant skills instructor at a Colorado P.O.S.T. 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 P.O.S.T. 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 P.O.S.T. 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 P.O.S.T. 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 P.O.S.T. will be reviewed by P.O.S.T. in consultation with the appropriate subject matter expert committee during the committee's next regularly scheduled meeting.
- (F) P.O.S.T. 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 P.O.S.T. beyond approval as a full skills instructor.
  - (III) P.O.S.T. 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**

*Revised December 3, 2010 - Effective July 1, 2011*

(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 P.O.S.T. 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, except as specified in (b)(VII), 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, effective July 1, 2010 , the mandatory minimum requirement for successful completion shall be one hundred percent (100%).

(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 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 students must successfully complete a skills test out and written examination in accordance with the discipline being taught. If the program does not have a student test out then each student at a minimum must successfully complete the arrest control skills test as used in the provisional/renewal of certification process.
- (VII) All students must attend 100% of the required sixty-two (62) hours of Arrest Control Training and no less than 95% of the hours of any course exceeding the established sixty-two hour requirement.
- (VIII) All academy Arrest Control Training programs must be comprised of at least 60% lab hours.

(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 a 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.

(d) Firearms training.

- (I) There must be at least one firearms instructor for every four (4) trainees enrolled in the 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 student 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 student 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 student ratio of 1:1.
- (IV) Only P.O.S.T. 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) Only high-visibility, fluorescent colored “dummy” ammunition may be used for any weapons handling other than actual live fire shooting.
- (VII) 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.
- (VIII) All trainees must be familiar with the four (4) rules of firearms safety prior to handling any operable firearm.
- (IX) Firearms ranges must display some type of visual notification (range flag, signs, lights, or other) whenever the range is being utilized for live fire.
- (X) Each trainee must fire a minimum of one thousand and five hundred (1,500) live rounds of handgun ammunition in a single weapons system, revolver or semi-automatic, before completing the program.

## **Rule 25 – Academy Instructor Training Programs**

*Revised December 3, 2010 - Effective March 1, 2011*

- (a) Only the following four (4) Colorado P.O.S.T. academy instructor training programs 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 academy instructor training program must:

- (I) Contain a minimum of forty (40) hours of instruction; and
- (II) Be approved prior to the start of instruction.

(c) Continuing academy instructor training programs.

- (I) A continuing academy instructor training program is one that has been approved, conducts and completes at least one approved program every five (5) years, and operates in compliance with this Rule.
- (II) The program director of a continuing academy instructor training program must ensure that the following documents are received at P.O.S.T. at least thirty (30) days but no more than sixty (60) days prior to the start of instruction for each scheduled training class of the approved continuing academy instructor training program:
  - (A) A completed P.O.S.T. Form 8, *Application for Academy Instructor Training Program Approval* ; and
  - (B) If instruction will take place other than during normal weekday business hours, a schedule that accurately displays the dates and times when instruction will be conducted.

(d) New academy instructor training programs.

- (I) A new academy instructor training program is a recognized instructor training program that has either never conducted approved training, or a previously approved academy instructor training program that has not conducted approved training within the previous five (5) years.
- (II) The program director of a proposed new academy instructor training program shall submit the following items to P.O.S.T. at least ninety (90) days prior to the anticipated start date of the program:
  - (A) A comprehensive lesson plan that details the course material to be instructed as required by the applicable academy instructor training program; and
  - (B) Any handout materials, publications and multimedia, such as PowerPoint presentations, that will be utilized during instruction; and
  - (C) A detailed explanation of the pass-fail or grading criteria; and
  - (D) A list of all instructors and documentation to substantiate compliance with the minimum instructor qualifications identified in the applicable academy instructor training program; and
  - (E) For skills training sites, a VHS-format videotape (or DVD video on a DVD-R disk that will play through a set-top DVD player to a TV) that accurately depicts the site where instruction will take place along with an up-to-date written safety plan, if the site has not been utilized for P.O.S.T. approved training within the previous three (3) years.
- (III) The program director of a proposed new academy instructor training program shall also ensure that the documents listed in paragraph (c)(II) of this Rule are received at P.O.S.T.

at least thirty (30) days prior to the start of instruction.

(e) Instructors.

(I) Instructors for new academy instructor training programs shall be approved in accordance with the minimum instructor qualifications identified in the applicable academy instructor training program.

(II) For continuing academy instructor training 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 training program.

(f) The program director of any new or continuing academy instructor training program shall notify P.O.S.T. prior to the occurrence of any of the following:

(I) The program is cancelled for any reason; or

(II) Any change of the program's start date or end date; or

(III) Any change of training site.

(g) Certificates of completion.

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

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

(A) The exact name of the academy instructor training program as it appears in Section (a) of this Rule:

(1) Instruction Methodology Program; or

(2) Arrest Control Instructor Program; or

(3) Handgun Instructor Program; or

(4) Law Enforcement Driving Instructor Program; and

(B) The exact words "P.O.S.T. 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) For arrest control academy instructor training programs, the certificate of completion shall also contain the name of the arrest control discipline.

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

- (a) Members of the Board, or its designated representative(s) may at any reasonable time inspect any approved academy or training program, or any academy or training program believed to be operating contrary to these Rules.
- (b) An academy or training 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) Should the P.O.S.T. Director determine that an academy or training program is not in compliance with P.O.S.T. Rules, he shall notify the academy director or program director in writing of the specific deficiencies, and order remedial action.
- (d) The academy director or program director may appeal the P.O.S.T. Director's order to the Board within thirty (30) days in accordance with Rule 5(c).
- (e) Failure to comply with the P.O.S.T. Director's order shall result in the immediate suspension of the academy or training program, pending review by the Board at its next regular meeting.

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

*FEDERAL LAW EFFECTIVE OCTOBER 12, 2010*

Pursuant to Chapter 44 of Title 18, United States Code, § 926C, the "Law Enforcement Officer Safety Act Improvement Act of 2010", and notwithstanding any other provision of the laws of the State of Colorado or any political subdivision thereof, an individual who is a qualified retired law enforcement officer, who is carrying the identification required may carry a concealed firearm.

### **I Colorado Concealed Weapons Permit.**

- (A) Nothing in this rule will prohibit a retired law enforcement officer from seeking and obtaining a concealed weapons permit pursuant to Title 18, Article 12, Section 2, C.R.S.

### **II Federal Eligibility Requirements for qualified Retired Law Enforcement Officers.**

- (A) It will be the responsibility of the retired peace officer to determine if he/she meets the criteria of being a "qualified retired law enforcement officer." As used in this rule, the term "qualified retired law enforcement officer" means an individual who:
  - (1) Separated in good standing from service with a public agency as a law enforcement officer; and
  - (2) Before such separation, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for any violation of law and had statutory powers of arrest; and
  - (3) (a) Before such separation served as a law enforcement officer for an aggregate of 10 years or more; or
    - (b) Separated from service with such agency after completing any applicable probationary period of such service, due to a service-connected disability as determined by such agency; and
  - (4) During the most recent 12-month period has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers, as determined by;

- (a) The former agency of the individual; or
  - (b) A law enforcement agency within the state in which the individual resides; or
  - (c) The standards used by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within the state; and
- (5) (a) Has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health and as a result of this finding will not be issued the required photographic identification; or
- (b) Has not entered into an agreement with the agency from which the individual is separating from service in which that individual acknowledges he or she is not qualified under this section for reasons relating to mental health and for those reasons will not receive or accept the required photographic identification;
- (6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- (7) Is not prohibited by Federal law from receiving a firearm.

### **III The identification required by Federal law and this rule is:**

- (A) (1) Photographic identification issued by the agency from which the individual separated from service as a law enforcement officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the active duty standards for qualification in firearms training as established by the agency to carry a firearm of the same type as the concealed firearm; or
- (2) Photographic identification issued by the agency from which the individual separated from service as a law enforcement officer; and
- (B) A certification issued by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that state that indicates that the individual has, not less than 1 year before the date the individual is carrying the concealed firearm, been tested or otherwise found by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that state to have met the active duty standards for qualifications in firearms training, set by any law enforcement agency, within the state to carry a firearm of the same type as the concealed firearm.

### **IV Renewal of the Authority to Carry Concealed Firearms**

- (A) Pursuant to the Law Enforcement Officer Safety Act Improvements Act of 2010, the authority to carry concealed weapons must be renewed annually, at the expense of the individual, through the successful completion of an approved active duty firearms qualification course. Failure to successfully complete the course will cause the authority to carry concealed firearms to be rescinded.

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#### **Editor's Notes**

#### **History**

Rules 1; 10; 12; 17; 24 eff. 3/1/2008.

Rules 21; 23; 24 eff. 03/01/2009.

Rules 10, 21 eff. 03/01/2010.

Rules 1, 23, 24 eff. 07/01/2010.

Rules 19, 21, 23 – 25 eff. 02/01/2011.

Rule 27 eff. 07/30/2011.