

Rule 14 – Fingerprint-Based Criminal History Record Check

Effective January 31, 2016

- (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 POST 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., or any misdemeanor in violation of federal law or the law of any state or any local municipal ordinance that is the equivalent of any of the offenses specified in § 24-31-305(1.5), C.R.S.
- (c) Enrollment. Pursuant to § 24-31-304, C.R.S. and POST Rules, all persons seeking to either enroll in a training academy or participate in the testing process as a provisional or renewal applicant shall submit their fingerprints to CBI prior to enrolling in the training academy or prior to participating in the testing process as a provisional or renewal applicant.
- (d) POST Applicant Fingerprint Card.
 - (I) The POST Applicant Fingerprint Card is the only authorized fingerprint card that shall be submitted for the fingerprint-based criminal history record check.
 - (II) The Board recommends that a person's fingerprints be taken on the POST Applicant Fingerprint Card at a law enforcement agency. Any

fee that may be charged by the agency for this service is the responsibility of the applicant.

- (III) Payment of a fee to cover the cost of processing the POST Applicant Fingerprint Card must be submitted to CBI with each completed POST Applicant Fingerprint Card. Remittance of this fee to CBI is the responsibility of the applicant.
 - (IV) For provisional and renewal applicants, the POST Applicant Fingerprint Card will be provided by POST. The applicant is responsible for having his or her fingerprints taken and for ensuring that the completed POST Applicant Fingerprint Card and fee are submitted to CBI prior to the applicant's participation in the testing process as a provisional or renewal applicant.
 - (V) For persons seeking to enroll in a basic or reserve training academy, the POST Applicant Fingerprint Card will be provided by the academy. The person's fingerprints shall be taken in accordance with the academy's policies and procedures. The academy is responsible for ensuring that the completed POST Applicant Fingerprint Card and fee are submitted to CBI prior to the person's enrollment in the academy.
 - (VI) Fingerprint returns are valid for one year. Individuals re-enrolling into an academy must be reprinted if the prior prints are older than one year.
- (e) Results from completed criminal history record checks.
- (I) The Board shall be the authorized agency to receive the results from all POST Applicant Fingerprint Cards that have been processed for the state and national fingerprint-based criminal history record checks.
 - (II) All results from the completed criminal history record checks will be provided to the 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. The only exception shall be if the Board has granted the person an exemption from denial of enrollment pursuant to § 24-31-304(4)(a), C.R.S. and POST Rule 7, *Variances*.

- (II) No person shall be enrolled in a training academy unless the person has been fingerprinted on a POST Applicant Fingerprint Card and an academy has submitted the person's completed POST Applicant Fingerprint Card and fee to CBI prior to enrolling the person in the academy.
 - (III) A POST Form 11-E, *Enrollment Advisory Form*, shall be completed on the first day of the academy by both the person enrolled in the academy and the academy director or designee. The completed *Enrollment Advisory Form* shall be maintained at the academy.
 - (IV) The academy director shall ensure that an accurate enrollment roster for each academy class is received at POST no later than 5:00 p.m. on the first business day following the first day of the academy. The enrollment roster will be completed on the template provided by POST to the academy director. Each roster shall contain at minimum the following information:
 - (A) Alphabetical list of the full names of all persons enrolled in the academy; and
 - (B) Date of birth for each person; and
 - (C) Social Security Number for each person
 - (D) The enrollment roster will be submitted to POST for entry into the POST database. After entry, the roster will be returned to the academy director with assigned PID numbers. Within 30 days the roster must be fully completed with all personal information, education, military service, etc. (if not previously provided) and returned to POST staff.
 - (V) If the results of a criminal history record check reveal that a person currently enrolled in an academy is prohibited from enrolling pursuant to § 24-31-304(2), C.R.S., the Board or its designated representative(s) shall notify the academy. The academy shall take appropriate measures to immediately dismiss the person from the academy.
- (g) Exemption from denial of enrollment.
- (I) If a person anticipates that he or she will be prohibited from either enrolling in a training academy or participating in the testing process as a provisional or renewal applicant because he or she has been convicted of any misdemeanor described in § 24-31-305(1.5), C.R.S., the person

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

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