

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

**2017**

**RULES CONCERNING VARIANCES, APPEAL PROCESS, REVOCATION  
HEARINGS, BASIC, PROVISIONAL AND RESERVE CERTIFICATIONS,  
RENEWAL OF CERTIFICATION, FINGERPRINT-BASED CRIMINAL  
HISTORY RECORD CHECK, CERTIFICATION AND SKILLS  
EXAMINATIONS, CERTIFICATION RECORDS, CERTIFICATION  
SUSPENSION AND REVOCATION, BASIC AND RESERVE TRAINING  
ACADEMIES AND IN-SERVICE TRAINING PROGRAM.**

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

Pursuant to sections §24-31-303 (1)(g), (l) and (m), C.R.S., the Colorado Peace Officer Standards and Training Board (POST) has the authority and duty to promulgate rules and regulations deemed necessary by such board for the certification of applicants to serve as peace officers or reserve officers in the state, to promulgate rules deemed necessary by such board concerning annual in-service training requirements, and to promulgate rules as the board may deem necessary or proper to carry out the provisions and purposes of article 4 of Title 24.

Amendments are proposed to Rule 7 – Variances, to clarify the process by which individuals may request a variance and appeal a decision, and the steps taken by the POST Director and Board upon receipt of requests.

Amendments are proposed to Rule 8 – Appeal Process for Peace Officer Applicants – Certification Denial as a Result of a Misdemeanor Conviction, to clarify the process by which individuals may appeal denial of POST certification for conviction of pertinent misdemeanors.

Amendments are proposed to Rule 9 – Revocation Hearings for Criminal Conduct, to clarify the process by which an individual may appeal revocation of their POST certification for conviction of any felony and pertinent misdemeanors.

Amendments are proposed to Rule 10 – Basic Peace Officer Certification, to expand the documentation for proof of high school completion, to outline the requirements for officers previously employed in other states, to specify a time limit for validity of skills exams, to clarify expiration circumstances for officers on military deployment, and to remove gender-specific language.

Amendments are proposed to Rule 11 – Provisional Certification, to specify how often provisional certifications may be issued to one individual, specify required forms, clarify status of prior service for Provisional candidates, expand the documentation for proof of high school completion, and to remove gender-specific language.

Amendments are proposed to Rule 12 – Reserve Certification, to expand the documentation for proof of high school completion, and to remove gender-specific language.

Amendments are proposed to Rule 13 – Renewal of Basic Certification, to specify requirements for officers who have worked as officers in other states prior to applying for renewal of their Colorado POST certification, and to remove gender-specific language.

Amendments are proposed to Rule 14 – Fingerprint-Based Criminal History Record Check, to clarify and revise time limit and format by which academy student information must be submitted by academy staff.

Amendments are proposed to Rule 15 – Certification Examination – Basic, Provisional, Renewal, to specify the time limit for validity of skills exams, and to remove gender-specific language.

Amendments are proposed to Rule 16 – Skills Examinations for Provisional and Renewal Applicants, to specify the time limit for validity of skills exams, and to require prepayment and prior POST approval for any individual skills exams with individual SME members after failure of skills exam(s).

Amendments are proposed to Rule 17 – Certification Records, to clarify the annual requirement for each agency to review their roster of certified officers is correct, and to require that all officers have a valid Colorado driver's license or ID.

Amendments are proposed to Rule 18 – Certification, Suspension, and Revocation – Basic, Provisional, Renewal, and Reserves, to specify that reinstatement of a peace officer certification shall be effective immediately upon approval by the POST Board.

Amendments are proposed to Rule 21 – Basic and Reserve Training Academies, to expand the documentation for proof of high school completion, and to clarify and revise time limit and format by which academy student information must be submitted by academy staff.

Amendments are proposed to Rule 28 – In-Service Training Program, to clarify the in-service training requirement minimum training in each perishable skill.

### Statutory Basis

The statutory basis for adoption of the proposed rules are §24-31-303(1)(g) C.R.S. §24-31-305(1.7)(c) C.R.S. and §24-31-303(1) C.R.S.

### Purpose

The purpose of the amended rules is to provide clarification to persons subject to POST peace officer certification requirements and provide updated information regarding items utilized in these rules.

### Contemplated Schedule for Adoption

Rules will likely be adopted on March 24, 2017, with an effective date of July 1, 2017, with the exception of Rule 28, which has an effective date of January 1, 2018.

### Listing of Persons and Parties Affected

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

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

## Rule 7 – Variances

*Effective January 31, 2016*

*Effective July 1, 2017*

- (a) The Board may, upon sufficient cause shown, authorize variances to persons who are otherwise required to meet the requirements of these rules.
- (b) To request a variance, an applicant must submit a written petition to the Director, fully explaining all relevant facts. Any person seeking a temporary or permanent variance has the burden of establishing that:
  - (I) The variance is consistent with the basic purposes and policies of § 24-31-301, et seq., C.R.S.; and
  - (II) Strict application of the statutes and rules pertaining to the certification process would present a practical difficulty or unnecessary hardship. Mere inconvenience or expense does not suffice.
- (c) The Director, in his discretion, may determine the merits of the request based upon the applicant's written submissions, or may request additional information, or may hold a meeting.
- (d) Any variance granted under this rule shall be subject to such limitations or conditions as the Director or Board deems necessary in order to conform to the basic purposes and policies of applicable law.
  - (I) *A variance is valid for six (6) months from the date of issue. One variance may be granted at the discretion of the Director per incident.*
- (e) If any determination made by the Director pursuant to this rule is not appealed by the applicant within thirty (30) days pursuant to Rule 5(c), such determination shall become final. If a determination is appealed by the applicant, the Board will decide whether to hear the appeal. *An appeal of the Director's decision must be made in writing and submitted to the POST Director. Upon receipt of the appeal, the POST Director will notify the POST Board members and request a decision be made.* 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~~ *If a majority of the POST Board Members do agree to hear the appeal, a five-member panel of Board members shall hear the appeal* the Board shall proceed to the merits of the matter. *The appeal hearing must be held within thirty (30) days from the date the Board agreed to hear the appeal.* Any summary affirmance or decision on the merits by the Board shall be deemed final agency action. *The applicant will be notified of the Board's action.*

- (f) In accordance with § 24-31-303(5)(a) and § 24-31-305(1)(a)(III), C.R.S., no person may, through a variance or otherwise, serve as a certified peace officer, as defined in § 16-2.5-102, C.R.S., without having first passed the required certification examination and become certified.

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

*Effective ~~March 1, 2006~~ July 1, 2017*

- (a) The Board has promulgated these rules to ensure orderly and fair treatment of all POST approved training academy, renewal and provisional peace officer applicants. § 24-31-305, C.R.S., requires the POST Board 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, until such time as the charges are dismissed. Any Colorado juvenile adjudication shall not be deemed a conviction.
  
- (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., the applicant must provide a fingerprint-based criminal history record check, through the submission of a POST 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 POST 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.; 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 POST Director, the applicant has thirty (30) days to appeal the decision to the POST 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. ***An appeal of the Director's decision must be made in writing and submitted to the POST Director. Upon receipt of the appeal, the POST Director will notify the POST Board members and request a decision be made.*** ~~If 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~~ ***If a majority of the POST Board members*** agree to hear the appeal, a ~~three~~ ***five***-member panel of Board members shall proceed to ***hear the Board appeal.*** ~~the merits of the matter.~~ ***The appeal hearing must be held within thirty (30) days from the date the Board agreed to hear the appeal.*** Any summary affirmance or decision on the merits by the sub-committee of the Board shall be deemed final agency action. ***The applicant will be notified of the Board's action.***
- (g) In accordance with § 24-31-303(5)(a) and § 24-31-305(1.6)(a)(b), C.R.S., no person may, through an exemption or otherwise, serve as a certified peace officer, as defined in § 16-2.5-102 or § 16-2.5-110, C.R.S., without having first passed the required certification requirements and become certified.

## Rule 9 – Revocation Hearings for Criminal Conduct

Effective ~~March 2, 2005~~ **July 1, 2017**

- (a) A Colorado peace officer certification issued pursuant to § 24-31-305, C.R.S., shall be suspended or revoked by the POST Board if the certificate holder has 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., 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.; 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 decisions. If a decision is appealed to the Board, the Board will decide whether to hear the appeal. ***An appeal of the Director’s decision must be made in writing and submitted to the POST Director. Upon receipt of the appeal, the POST Director will notify the POST Board members and request a decision be made.*** ~~If 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~~ ***If a majority of the POST Board members*** ~~do~~  
agree to hear the appeal, a five-member panel of Board members shall  
proceed to hear the Board appeal. ***The appeal hearing must be held  
within thirty (30) days from the date the Board agreed to hear the  
appeal.*** The certificate holder will be notified of the Board's action. This  
decision, whether summarily affirmed or decided by the board  
subcommittee, shall be deemed final board action. ***The applicant will be  
notified of the Board's action.***

## Rule 10 – Basic Peace Officer Certification

Effective ~~January 31, 2016~~ **July 1, 2017**

- (a) The POST Board is authorized to issue POST Basic Peace Officer Certification to any applicant who meets the following requirements:
- (I) Possesses and submits a copy of ~~his/her~~ **their** high school diploma, ~~or~~ high school equivalency certificate, **or other evidence of successful completion of high school; and**
  - (II) Possesses and submits a copy of ~~his/her~~ **their** current first aid and cardiopulmonary resuscitation certification, or equivalents; and
  - (III) Truthfully completes and submits the POST Form 1 - *Application for Basic Peace Officer Certification*; and
    - (A) if previously certified as an officer in another state but is ineligible to apply as a provisional applicant, the applicant must be in good standing with the other certifying state and must complete and submit to POST a POST Form 3 – Application for Provisional Certification and a Release of Information Form within thirty (30) days of starting the academy.**
  - (IV) Successfully completes the fingerprint-based criminal history record check required under Rule 14; and
  - (V) If applicable, submits a copy of ~~his/her~~ **their** DD214 showing ~~he/she~~ **they** has **ve** 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
  - (VI) Successfully completes an approved basic training academy, including skills training, and passes the written certification examination within two years of the graduation date; and
    - [Skills testing is valid for two years from the date of completion, after this time has elapsed if full certification was not issued, the applicant must retest on all skills (driving, arrest control and firearms)].**
  - (VII) Submits a copy of ~~his/her~~ **their** academy certificate of completion; and

- (VIII) Possesses and submits a copy of ~~his/her~~ **their** current Colorado Driver's License or State-Issued Identification card.
- (b) POST Basic Peace Officer Certification qualifies the person to seek employment and serve as a fully authorized peace officer with any Colorado law enforcement agency recognized in Article 2.5 of Title 16, C.R.S.
- (c) If a basic or reserve certificate holder has not served as a peace officer or reserve peace officer for a total of at least six (6) months during any consecutive three-year period, the certification automatically expires at the end of such three-year period, unless the certificate holder is then serving as a peace officer or reserve peace officer.
- (I) If a basic or reserve certificate holder is deployed for military service, the certification automatically expires at the end of a three-year period from the date of certification or the date of separation from a Colorado law enforcement agency. If expired, the basic certificate holder is eligible to complete the certification renewal process. If employed at time of deployment, the certificate holder, at the agency's discretion, may remain on the employment roster and their certification will not expire.***
- (d) 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.
- (e) A certified reserve peace officer seeking regular basic peace officer certification may apply ~~his/her~~ **their** successfully completed skills training, obtained through the reserve peace officer certification program at a POST approved reserve academy, towards basic peace officer certification. Acceptance of the skills training is at the option of the director of the basic peace officer training academy to which the applicant is seeking enrollment.

## Rule 11 – Provisional Certification

*Effective ~~January 31, 2016~~ July 1, 2017*

- (a) The Board is authorized to issue a provisional certification letter to any applicant who is authorized to serve as a certified peace officer by any other state or federal jurisdiction, excluding the armed forces, which has established minimum law enforcement training standards that are equivalent to the standards established by Colorado as determined by the POST Director. The provisional applicant must be fully certified within the preceding three years and have served as a certified law enforcement officer ***in a full or part-time status*** in good standing in such other state or federal jurisdiction for more than one year. The applicant must additionally meet all of the following requirements:
- (I) Possess and submit a copy of his/~~her~~ ***their*** high school diploma, or high school equivalency certificate, ***or other evidence of successful completion of high school; and;***
  - (II) Possess and submit a copy of his/~~her~~ ***their*** current first aid and cardiopulmonary resuscitation certification, or equivalents;
  - (III) Truthfully complete and submit the POST Form 3 – *Application for Provisional Certification* ***and a notarized copy of the Release of Information Form;***
  - (IV) Successfully complete the fingerprint-based criminal history record check required under Rule 14; and
  - (V) Pass the certification examination or, if leaving active out-of-state (the state in which the individual is certified) or federal peace officer employment, pass the certification exam within six (6) months from the date of issuance of the provisional certification.
- (b) A provisional certification letter authorizes the holder to serve as a certified Colorado peace officer for not more than six (6) months. ***A provisional certification letter may only be issued one time per year, per person.***
- (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, satisfies any combination of the following skills proficiency requirements within six (6) months from the date of issuance of the provisional certification:

- (I) Successfully completes skills training at a POST-approved basic peace officer training academy;
  - (II) Successfully completes a POST-approved refresher academy, including the arrest control, law enforcement driving, and firearms skills training;
  - (III) Passes a skills examination pursuant to Rule 16 in each of the three (3) skills disciplines at a POST 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 includes: SME committee members or POST-approved designees who are not members of the applicant's employing agency;
  - (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 POST-approved lateral training academy that includes agency-specific academic courses and skills training in arrest control, law enforcement driving and firearms.
- (d) The POST-approved skills instructor must submit the completed *POST Skills Testing Grade Sheet* to POST.
- (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

Effective ~~January 31, 2016~~ **July 1, 2017**

- (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~~ **their** high school diploma, or high school equivalency certificate, **or other evidence of successful completion of high school**; and
  - (II) Possesses and submits a copy of ~~his/her~~ **their** current first aid and cardiopulmonary resuscitation certification, or equivalents; and
  - (III) Truthfully completes and submits the POST Form 2 – *Application for Reserve Certification*; and
  - (IV) Successfully completes the fingerprint-based criminal history record check required under Rule 14; and
  - (V) If applicable, submits a copy of ~~his/her~~ **their** DD214 showing ~~he/she~~ **they** has **ve** 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
  - (VI) Successfully completes an approved reserve academy including skills training within two (2) years of the graduation date; and
  - (VII) Submits a copy of ~~his/her~~ **their** certificate of completion; and
  - (VIII) Possesses and submits a copy of ~~his/her~~ **their** current Colorado driver's license or state-issued identification card.
- (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 certifications 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

~~Effective January 31, 2016~~ **July 1, 2017**

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

- (a) Has not served as a peace officer or reserve peace officer within the previous three (3) years; and
- (b) Possesses and submits a copy of his/~~her~~ **their** current first aid and cardiopulmonary resuscitation certification, or equivalents; and
- (c) Truthfully completes and submits the POST Form 4 – *Application for Renewal of Basic Certification*; and

***(I) If an applicant has worked in another state as a certified peace officer after being certified in Colorado, they must truthfully complete and submit the POST Form 3 – Application for Provisional Certification, and a notarized copy of the Release of Information Form; and***

- (d) Successfully completes the fingerprint-based criminal history record check required under Rule 14; and
- (e) Passes the certification examination pursuant to Rule 15; and
- (f) Satisfies any combination of the following skills proficiency requirements:
  - (I) Successfully completes skills training at a POST approved basic peace officer training academy;
  - (II) Successfully completes a POST approved refresher academy, including the arrest control, law enforcement driving, and firearms skills training;
  - (III) Passes a skills examination pursuant to Rule 16 in each of the three (3) skills disciplines at a POST 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 POST 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.



- (V) ~~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, pass the written certification exam.~~
- (g) The POST-approved skills instructor must submit the completed *POST Skills Testing Grade Sheet* to POST.
- (h) Individuals renewing their certification must complete physical and psychological examinations pursuant to § 24-31-303(5), C.R.S. prior to becoming employed.

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

*Effective ~~January 31, 2016~~ July 1, 2017*

- (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 **POST Director**. Notice of subsequent arrests and convictions **resulting in denial of certification** 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 ***and complete*** enrollment roster for each academy class is received at POST ***electronically*** ~~no later than 5:00 p.m. on the first business day following the first day of the academy~~ ***by the tenth (10) day after the academy commences***. The enrollment roster will be completed on the template provided by POST to the academy director. ~~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~~**A**) The enrollment roster ***must be fully completed with all personal information, education, military service, etc. and returned to POST staff.*** ~~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.

**Rule 15 – Certification Examination**  
**Basic, Provisional, Renewal**

*Effective ~~January 31, 2016~~ **July 1, 2017***

- (a) To be eligible to take the certification examination, an applicant must have completed and submitted to POST, as applicable, either:
- (I) Form 1 - Application for Basic Peace Officer Certification; or  
Form 3 - Application for Provisional Certification; or  
Form 4 - Application for Renewal of Basic Certification; and
  - (II) A copy of ~~his/her~~ **their** approved basic training academy diploma, **or other evidence of successful completion of high school; and**; and
  - (III) A copy of ~~his/her~~ **their** high school diploma, or high school equivalency certificate; and
  - (IV) A copy of ~~his/her~~ **their** current first aid and cardiopulmonary resuscitation certification, or equivalents; and
  - (V) A copy of ~~his/her~~ **their** current driver's license or state-issued identification card; and
  - (VI) If applicable, a copy of ~~his/her~~ **their** DD214 showing character of service
  - (VII) A law enforcement agency check, purchase order, certified check, money order, or electronic payment in the prescribed amount.
- (b) Certification examinations will be conducted by POST staff or POST approved designated proctor at academy locations. However, if the number of students sitting for the examination is four (4) or fewer, the students shall be required to take the examination at a location designated by POST
- (c) Refunds of certification examination fees shall not be provided unless the examination is postponed or canceled or under such other exceptional circumstances as determined by the Director. Otherwise, non-refunded fees may be credited to allow the applicant to take the next administration of the certification examination. Further credits or extensions shall not be permitted.
- (d) Any applicant failing perishable skill(s) in the academy has two years from their academy end date to retake and successfully complete the failed skill(s) and successfully complete the POST examination.

***(I) Any renewal or provisional applicant failing perishable skill(s) at a refresher academy and or/skill(s) examination has two (2) years from the date they last failed the skill(s) to successfully complete the failed skill(s) at a POST-approved Basic academy.***

- (e) An applicant has a maximum of three attempts to pass the POST certification examination. 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.
- (f) Any protest or challenge to an examination or its administration must be made in writing within ten (10) days of the examination. The Director shall issue his decision in writing within twenty (20) working days. The decisions of the Director shall be final, unless appealed to the Board in accordance with Rule 3(b).
- (g) POST sets a passing score that reflects the level of knowledge and skills required for minimally competent performance as an entry-level Peace Officer in the State of Colorado. POST uses national testing standards in setting the passing score which falls on a test score scale that ranges from 0 to 100.

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

Effective ~~January 31, 2016~~ **July 1, 2017**

- (a) To be eligible to take any of the skills examinations, an applicant must complete and submit POST Form 3 – *Application for Provisional Certification* or POST Form 4 – *Application for Renewal of Basic Certification* along with a law enforcement agency check, purchase order, certified check, or money order in the prescribed amount for each examination to be taken (prior to the day of the exam).
- (b) Refunds of skills examination fees shall be provided only if requested more than twenty (20) days prior to the scheduled examination, unless the examination is postponed or canceled, or under such other exceptional circumstances as may be determined by the Director.
- (c) Any applicant failing a skills examination may retake the examination, with the payment of an additional examination fee. ***If the retake of the skill(s) examination will be on an individual basis with an SME the skill(s) examination must be approved by POST prior to the individual test being administered (money received, and instructor confirmation). If the retake with an SME occurs prior to POST receiving payment for the skill(s) examination, certification will not be issued until POST has received payment.*** Any person failing any skill(s) examination three (3) times must successfully complete the skills training for that particular skill in a Colorado POST-approved Basic or Reserve academy before he or she may be certified.
- (d) ***Skills examination scores are valid for two (2) years from the date of the last registered score with POST. If an applicant does not complete the renewal or provisional certification process within two (2) years of taking the skill(s) examination, they must attend and successfully pass another skill(s) examination.***
- (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 decision of the Director shall be final, unless appealed to the Board in accordance with Rule 3(b).



## Rule 17 – Certification Records

Effective ~~January 31, 2016~~ **July 1, 2017**

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

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

*Effective ~~January 31, 2016~~ **July 1, 2017***

- (a) A suspension temporarily invalidates the subject certification until such time as the defect has been remedied. Any certification shall be suspended by the Board if the holder wrongfully obtained the certificate through misrepresentation, neglect or mistake.
- (b) The Board shall suspend a peace officer's certification if the peace officer fails to comply with the training requirements § 24-31-315, C.R.S. The Board shall reinstate a peace officer's certification that was suspended pursuant to this paragraph (a) upon completion of the training requirements in § 24-31-315, C.R.S.
- (c) A revocation permanently invalidates the subject certification. Any certification shall be revoked by the Board if the holder:
  - (I) Has been convicted of a felony or any misdemeanor as referenced in § 24-31-305(1.5), C.R.S. in any jurisdiction; or
  - (II) Wrongfully obtained certification through fraud or misrepresentation;  
or
  - (III) Has not met any other requirements imposed by the Board.
- (d) Upon Board approval of reinstatement of a Colorado basic peace officer Certification, the reinstatement will be effective immediately.***

## Rule 21 – Basic and Reserve Training Academies

*Effective ~~January 14, 2015~~ July 1, 2017*

- (a) Academy approval.
  - (I) All aspects of an academy must be in compliance with POST Rules and Program requirements before academy approval will be considered.
  - (II) Only an academy that is approved by the Board 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 POST 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 POST Form 7, *Application for Academy Approval*; and
    - (B) A completed “*Scheduling Request for POST Exam*” form (basic academies only); and
    - (C) A complete and accurate academy schedule with the following information clearly noted on the schedule.

- (1) 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) **The academy director shall ensure that an accurate and complete enrollment roster for each academy class is received at POST electronically by the 10<sup>th</sup> day after the academy commences. The enrollment roster will be completed on the template provided by POST to the academy director.** ~~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 POST.~~ See also POST Rule 14, *Fingerprint-Based Criminal History Record Check*.
- (VI) The academy director shall notify POST prior to the occurrence of any change of the academy's start date or end date, to include cancellation of the academy, as submitted to POST on the Form 7, *Application for Academy Approval*.
- (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 POST at least six (6) months prior to the anticipated start date of the new academy to ascertain application procedures and deadlines for submitting documents for new academy approval.
  - (III) The following types of academies are considered separate academies that must be individually approved:
    - (A) Basic and reserve academies even if operated by the same agency, organization or academic institution.
    - (B) Academies located either on a satellite campus, or at a different physical location than the primary academy.
  - (IV) The proposed formal name of an academy must neither misrepresent the status of the academy, nor mislead law enforcement or the public.
  - (V) Required documentation that must be submitted for new academy approval includes, but is not limited to, a video in a digital media format approved by POST of all proposed sites where academic instruction and skills training will take place, site safety plans, lesson plans for all academic courses and all skills training programs that are required by the Basic or Reserve Academic Training Program, resumes for all academic instructors, and documentation of qualifications for all skills instructors.
  - (VI) Once a proposed new academy begins the approval process by submitting any of the required documentation listed in the preceding paragraph (V) to POST, the proposed new academy shall have a maximum of twelve (12) months to complete the new academy approval process.
  - (VII) The director of a proposed new academy shall also ensure that the documents required to be submitted by continuing academies, as listed in paragraph (b)(IV) of this Rule, are received at POST at least thirty (30) days, but no more than sixty (60) days, prior to the start of instruction.
  - (VIII) Prior to approval, the proposed new academy must pass an on-site pre-approval inspection conducted by the Board or its designated representative(s).
- (d) Training sites, site safety plans and equipment.

- (I) An academy shall have the following training sites and facilities:
  - (A) For academics: A classroom with adequate heating, cooling, ventilation, lighting, acoustics and space, and a sufficient number of desks or tables and chairs in the classroom for each trainee; and
  - (B) For firearms: A firing range with adequate backstop and berms to ensure the safety of all persons at or near the range, and some type of visual notification (range flag, signs, lights, or other) whenever the range is being utilized for live fire; and
  - (C) For driving: A safe driving track for conducting law enforcement driving; and
  - (D) For arrest control: An indoor site for instructing arrest control training with sufficient space and mats to ensure trainee safety; and
  - (E) For practical exercises and wellness training: Appropriate and safe locations for conducting all practical exercises and wellness lab training.
- (II) Approval of training sites.
  - (A) All new training sites for academic classroom instruction and skills training must be approved by POST in consultation with the appropriate subject matter expert committee prior to conducting any training at the site.
  - (B) Each academy is responsible for obtaining approval for all of its training sites of academic instruction and skills training.
  - (C) Academy directors shall ensure that all sites for practical exercises and wellness lab training are safe and that appropriate training can be accomplished at the site to achieve the course objectives or performance outcomes.
  - (D) Presumed approval or use of a specific site by one academy does not extend to automatic approval of the site for use by other academies.
  - (E) If an approved site is not utilized during any consecutive three (3) year period by any academy for the type of training for which

the site was initially approved, then site approval expires. In order to resume training at an expired site, the site must be resubmitted for approval and approved.

- (F) The following items must be submitted to POST in order for approval of a new or expired training site to be considered:
  - (1) Video in a digital media format approved by POST that accurately depicts the site where instruction is to take place; and
  - (2) A detailed description of the site must be included, either as verbal narrative on the video or as a written supplement; and
  - (3) An up-to-date written site safety plan.
- (G) If an approved site has been in continuous use by at least one approved academy for at least the previous three (3) consecutive years and an additional academy seeks approval of the same site, then the director of the additional academy may submit a written request to POST that includes the location and/or description of the site, in lieu of the video, 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 POST Rules.
- (III) Records. The academy director shall be responsible for establishing and maintaining a records management system that includes, but is not limited to, enrollment rosters, POST Form 11-E's, trainee files, trainee manuals, attendance records, lesson plans, source material, instructor files, instructor/course evaluations and site safety plans.
- (IV) Change of director. The academy director or authorized representative of an academy shall notify POST as soon as practicable of any change of academy director or any change of the academy director's electronic mailing address.

(f) Curriculum requirements.

- (I) Academic standards.
  - (A) All training academies shall meet or exceed the required course content and minimum number of hours for each academic course



of instruction and for each of the skills programs as required by the Basic Academic Training Program or Reserve Academic Training Program.

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

(II) Attendance.

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

- (3) For skills training, the format of the attendance records must clearly substantiate that the minimum ratios required by Rule 24, *Skills Training Safety and Skills Program Requirements for Basic and Reserve Academies*, have been met.

(III) Lesson plans.

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

(IV) Daily schedules.

- (A) For all skills training programs, daily schedules are required that contain the information referenced in each of the skills training programs.
  - (B) The format, number of pages and organization of information on the daily schedules shall be at the discretion of the primary skills instructor and/or academy director.
- (V) Source material.
- (A) For source material identified as required source material in the current POST Curriculum Bibliography, at least one (1) copy of each of the publications or sources must be maintained at the place of academic instruction. For those sources that are referenced with a website address, providing the trainees with readily available Internet access is acceptable in lieu of maintaining at least one (1) copy of each of the publications or sources.
- (VI) Academy examinations.
- (A) All academies shall administer written, oral or practical examinations periodically during each academy in order to measure the attainment of course objectives or performance outcomes as specified in the Basic Academic Training Program or Reserve Academic Training Program.
  - (B) The academy director shall prescribe the manner, method of administration, frequency and length of academy examinations.
  - (C) 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) Academy certificates of completion.
- (A) The academy director shall issue a certificate of completion to each trainee who successfully completes all requirements of the approved academy within two (2) years of enrollment.
  - (B) Only a trainee who has attended and successfully completed all academic classes and all three (3) skills training programs shall be issued an academy certificate of completion.

- (C) Each academy certificate of completion shall contain the following information:
  - (1) Trainee's name; and
  - (2) Name of the approved academy; and
  - (3) Type of academy (Basic or Reserve); and
  - (4) Date of academy completion (month, day, year); and
  - (5) Total number of hours of the completed academy; and
  - (6) Signature of the academy director and/or agency or academic representative.
  - (7) Reserve academy certificates of completion shall additionally state whether the total number of academy hours does or does not include the approved law enforcement driving program.

(g) Instructors.

(I) Minimum qualifications.

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

(II) Instructor files.

- (A) A file shall be maintained for each instructor who teaches any portion of an academic class or skills training class.
  - (1) For academic instructors, the file must contain a current resume and/or other documentation that substantiates the instructor's qualifications.

- (2) For skills instructors, the file must contain copies of the relevant certificates of completion referenced in Rule 23, *Academy Skills Instructors*, and/or a copy of the applicable skills instructor approval letter issued by POST.
  - (B) The academy shall maintain current contact information for each instructor.
  - (C) Exception. Licensed attorneys from the same office or firm may be included in one instructor file, as long as the file contains the names of all attorneys from that office or firm who provide instruction at the academy.
- (III) Instructor/course evaluations.
- (A) Trainees shall complete written evaluations for each instructor and/or course of instruction for all academic courses and skills training programs of the approved academy.
  - (B) Either the POST Form 10, *Instructor/Course Evaluation*, or comparable academy forms and/or documents may be used for this purpose.
  - (C) The academy director shall determine the most meaningful format and method of administration of the instructor/course evaluations in order to monitor instructor quality and course content and to meet the needs of the individual academy.
- (h) Duty to report.
- (I) In addition to any notifications that may be required administratively or under federal, state or local law, it shall be the duty of every academy director or the academy director's designee to report the following events to POST immediately or as soon as practicable after the event:
    - (A) Any death, gunshot wound or serious bodily injury that occurs to any person whose death, gunshot wound or serious bodily injury was either caused by, or may have been caused by, any training or activity associated with the academy; or
    - (B) Any bodily injury that occurs to any person who is not affiliated with the academy, i.e., an innocent bystander, whose bodily

injury was either caused by, or may have been caused by, any training or activity associated with the academy.

- (II) Training to cease.
  - (A) In the event of any death or gunshot wound as described in paragraph (h)(I)(A) of this section, all training shall immediately cease at the training site where the death or gunshot wound occurred.
  - (B) Training may resume only after the Board or its designated representative(s) have ensured that the program is operating in compliance with POST Rules.
- (III) Serious bodily injury means those injuries as defined in § 18-1-901(3)(p), C.R.S.
- (IV) Bodily injury means those injuries as defined in § 18-1-901(3)(c), C.R.S.
  - 1. All instructors shall be familiar with the information contained in this Section (h) as it pertains to the nature and scope of their involvement with the academy.
- (i) Academy records requirements.
  - (I) Trainee files. During the academy, a file shall be maintained for each trainee or a systematic filing system must exist that contains at least the following records:
    - (A) Trainee's full legal name and date of birth; and
    - (B) Photocopy of the trainee's high school diploma, ~~or~~ high school equivalency certificate **or other evidence of successful completion of high school**; and
    - (C) Photocopy of the trainee's valid driver's license; and
    - (D) Form 11-E, *Enrollment Advisory Form*.
  - (II) Trainee manual.
    - (A) Each academy shall maintain an up-to-date trainee manual that contains relevant and accurate information. At a minimum, the trainee manual shall contain the academy's rules and

regulations, academic requirements, attendance policies and site safety plans.

- (B) Upon entry into the academy, each trainee should be issued a copy of the trainee manual and acknowledge receipt of the manual in writing.
- (III) The following records shall be maintained at the academy and shall be readily available for inspection at any reasonable time by the Board or its designated representative(s).
- (A) A completed Form 11-E, *Enrollment Advisory Form*, for each trainee enrolled in the academy in progress; and
  - (B) Current trainee manual; and
  - (C) Current lesson plans; and
  - (D) Current source material; and
  - (E) Instructor files for current instructors; and
  - (F) Copies of all site safety plans; and
  - (G) Trainee files for the academy in progress and the previously completed academy; and
  - (H) Attendance records for the academy in progress and the previously completed academy; and
  - (I) Instructor/course evaluations for the academy in progress and the previously completed academy.
- (IV) Academy records must be retained for at least the three (3) year period as referenced in the Uniform Records Retention Act, § 6-17-101, et seq., C.R.S.

## **Rule 28-In-Service Training Program**

*Effective ~~January 31, 2016~~ **January 1, 2018***

The purpose of in-service training is to provide continuing education to certified peace officers to develop their knowledge and/or skills. The annual in-service training program is defined in Colorado Revised Statutes §24-31-303 (l) and states that the POST Board can “promulgate rules deemed necessary by the Board concerning annual in-service training requirements for certified peace officers, including but not limited to evaluation of the training program and processes to ensure substantial compliance by law enforcement agencies and departments.” In-service training is mandatory for certified peace officers who are currently employed in positions requiring certified peace officers as defined in Colorado Revised Statutes section 16-2.5-102. This includes certified fulltime, part-time and reserve peace officers.

### (a) Annual Hour Requirement

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

### (b) Training Period

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

### (c) Approved Training for POST Credit

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

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

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



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

(d) Perishable Skills Training

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

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

(e) Agency Maintenance of Training Records

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

At the end of each calendar year, agencies shall have accurately entered all training for the certified peace officers employed at any time during the year regardless of current employment status. This information shall be entered into the POST records management system.

(I) Waiver of In-Service Requirements

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

(A) Perishable Skills Waiver

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

(B) Partial Year Employment Waiver

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

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

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

(D) Military Leave

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

(II) Compliance

(A) Agencies are required to be in compliance with the in-service program.

(B) POST will send out a preliminary compliance report following each training period. The report will provide the compliance status of each agency and its certified peace officers. Agencies shall have thirty (30) days from the date of the preliminary report to dispute the POST data and provide additional training information. Following the thirty (30) day period, POST will distribute the final compliance reports to all agencies.

(C) Once the final compliance report has been sent to all agencies; an agency seeking to appeal the POST data must do so within thirty (30) days of being notified of failure to comply with Rule 28. Agencies may appeal this by following the process outlined in Rule 5-*Hearings*. Upon conclusion of all appeal hearings POST will issue a final report indicating whether the agency was found in compliance. If upon the final decision by POST the agency was found not compliant, all POST funding (region grant funds, continuing education funds, and marijuana funds) to that agency will be suspended from July 1st through December 31st of the same calendar year.

(D) The POST Board shall evaluate the program annually following the release of the final compliance reports. Such evaluation will include a review and evaluation of the program. The evaluation may be based on the compliance rate, agency survey and other performance metrics. Agencies shall complete an annual training evaluation survey as part of the substantial compliance measurement by February 1 of each year.