

## Rule 28 – In-Service Training Program

Effective **January 30, 2021** ~~November 15, 2020~~

The purpose of in-service training is to provide continuing education to certified peace officers to develop their knowledge and/or skills. The POST Board's duties relating to annual in-service training are addressed in Colorado Revised Statutes § 24-31-303(1). 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. Failure to satisfactorily complete training can result in suspension or revocation of an individual's **POST**~~post~~ certification.

### (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

(I) 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.

(II) Remedial training hours completed after January 1 to gain compliance for a prior calendar year shall not count towards the current year requirement.

### (c) Approved Training for POST Credit

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

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

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

(d) Perishable Skills Training

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

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

(e) Agency Maintenance of Training Records

The chief executive of each agency is responsible for the true, accurate and verifiable entry of training records into the POST database.

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

For in-person courses, agencies are required to keep records of sign-in sheets, topics covered, and lesson plans (if they exist).

(I) Waiver of In-Service Requirements

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

(A) Perishable Skills Waiver

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

(B) Partial Year Employment Waiver

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

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

If a certified peace officer is unable to complete the in-service annual hours due to long term disability, medical leave or

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

(D) Military Leave

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

(E) Administrative Leave

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

(II) Compliance

(A) Agencies and individual peace officers are required to be in compliance with the in-service training requirements.

(1) Agencies

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

(b) POST may declare an agency noncompliant after the final compliance report has been issued if new information is discovered.

(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.

- (d) 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.

(2) Individual peace officers

- (a) **POST** will send out a preliminary compliance report following each training period. The report will provide an individual peace officer's compliance status. Individuals shall have thirty (30) days from the date of the preliminary report to dispute the **POST** data and/or complete the training requirements.
- (b) Individual peace officers failing to satisfactorily complete the training requirements within the 30 day period shall have their **POST** certification suspended by **POST** staff, until such time as they come into compliance. If an individual peace officer is suspended, the peace officer may appeal the suspension within thirty (30) days, as provided in rule 5(c).
- (c) Failure to satisfactorily complete **POST** training requirements may result in a recommendation by the ~~post~~**D**irector to the ~~post~~**B**oard for revocation of the individual's **POST** certification.

(III) 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.