

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

2019

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 1 – Definitions:

- Specify approved academies in definitions for “Assistant skills instructor” and “Full skills instructor.”
- Delete definition for “Conviction.”
- Delete definition for “Dimlight.”
- Add definition for “Disqualifying Incident” to include convictions; entry into deferred judgment and sentencing agreement, deferred prosecution agreement, or pretrial diversion agreement, whether pending or successfully completed; making false or misleading statements or omissions in the application for certification; and otherwise failing to meet the certification requirements established by the Board.
- Add definition for “Incident.”
- Clarify statute reference in definition for “Peace officer.”
- Clarify “Test out” requirements.

Amendments are proposed to Rule 8 – Process for Seeking Exemption from Statutory Certification Restrictions, to eliminate reference to POST fingerprint card, and to include “disqualifying incident” in place of “conviction” so as to include all disqualifying incidents which are not convictions.

Amendments are proposed to Rule 9 – Revocation Hearings for Criminal Conduct, to change the rule title to *Revocation Hearings*, to add disqualifying incident to verbiage, and to remove redundant language.

Amendments are proposed to Rule 10 – Basic Peace Officer Certification, to add college records as proof of high school completion, to remove specific military document form references to allow for multiple discharge forms, and to specify requirement for repeating a Basic academy if certification is not obtained within two years of the end of an academy completion.

Amendments are proposed to Rule 11 – Provisional Certification, to add college records as proof of high school completion, specify requirement for military discharge documentation, specify deadline for receiving Provisional certification, clarify test-out SME requirements, specify requirement to complete mandated § 24-31-315 within six months of appointment, and to change language regarding variance requests to align with language in other rules.

Amendments are proposed to Rule 12 – Reserve Certification, to add college records as proof of high school completion, specify requirement for military discharge documentation, and to specify deadline for receiving reserve certification.

Amendments are proposed to Rule 13 – Renewal of Basic Certification, to clarify test-out SME requirements, and to delete reference to remedial training for skills exams.

Amendments are proposed to Rule 14 – Fingerprint-Based Criminal History Record Check, to include reference to CBI approved vendors for fingerprinting.

Amendments are proposed to Rule 19, to remove fee for Vehicle Identification Number Inspector certification.

Amendments are proposed to Rule 24 – Skills Training Safety and Skills Program Requirements for Basic and Reserve Academies, to clarify timing for dimlight live-fire shooting exercises.

Removal of text of Rule 27 - Retired Law Enforcement Officer Authority to Carry Concealed Firearms. This rule was repealed February 7, 2014.

Amendments are proposed to Rule 28 - In-Service Training Program, to specify that firearms qualification does not meet mandated training requirements, to clarify requirement for agency to enter training for all officers employed at any time throughout the calendar year, to clarify prorated training requirements, to add a waiver requirement for officers on administrative leave, and to specify conditions

under which POST may declare an agency noncompliance after release of final report.

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(l) 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 be adopted on December 7, 2018, with an effective date of January 30, 2019.

Listing of Persons and Parties Affected

Peace officers, including those applying for certification and those currently employed as certified peace officers, and law enforcement academy staff 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 1 – Definitions
*Effective April ~~2018~~ **JANUARY 30, 2019***

As used in these rules:

- (a) "Academy director" means that person responsible for the administration and operation of a POST-approved academy.
- (b) "Applicant" means any person formally seeking approval by the Board.
- (c) "Appointed" means sworn in and serving as a peace officer or reserve peace officer.
- (d) "Approved" means formally accepted or authorized by the Board.
- (e) "ACT" means Arrest Control Tactics, one of the skills training programs required for the basic and reserve training academies.
- (f) "Assistant skills instructor" means an individual who has successfully completed a relevant approved skills instructor training program and who may instruct the corresponding skills training program in arrest control, law enforcement driving, or firearms under the direction and in the presence of a full skills instructor, and assist in evaluating and coaching trainees at a **N APPROVED** 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 POST Certification as described in § 24-31-305 and 24-31-308, C.R.S.
- ~~(l) "Conviction" means a finding of guilt following either a verdict of guilty by the court or jury, or a plea of guilty, or a plea of nolo contendere. Any Colorado juvenile adjudication is not a conviction.~~
- ~~(m)~~ "Course" means a formal unit of instruction relating to a particular subject.
- ~~(m)~~ "C.R.S." means Colorado Revised Statutes, codified laws of the State of Colorado.

~~(n)~~ "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.

~~(pn)~~ "Director" means the director of the POST Board staff.

~~(o)~~ ***"DISQUALIFYING INCIDENT" MEANS:***

a. A FINDING OF GUILT FOLLOWING EITHER A VERDICT OF GUILTY BY THE COURT OR JURY, OR A PLEA OF GUILTY, OR A PLEA OF NOLO CONTENDERE. Any Colorado juvenile adjudication is not a conviction.

b. ENTERING INTO A DEFERRED JUDGMENT AND SENTENCING AGREEMENT, A DEFERRED PROSECUTION AGREEMENT, OR A PRETRIAL DIVERSION AGREEMENT OF ANY DISQUALIFYING OFFENSE, WHETHER PENDING OR SUCCESSFULLY COMPLETED.

c. MAKING MATERIAL FALSE OR MISLEADING STATEMENTS OF OMISSIONS IN THE APPLICATION FOR CERTIFICATION.

d. OTHERWISE FAILING TO MEET THE CERTIFICATION REQUIREMENTS ESTABLISHED BY THE BOARD.

~~(pq)~~ "Enroll" means that a person has applied to and been accepted for admission into an academy and is physically present at the academy to receive instruction.

~~(q#)~~ "Enrollment date" means the first day of instruction at an approved basic or reserve training academy, and shall be synonymous with the first day of instruction as reflected on the approved academy schedule.

~~(rs)~~ "Fingerprint-based criminal history record check" means submittal of a POST fingerprint card to the Colorado Bureau of Investigation (CBI) for criminal history check in CCIC and NCIC, as required in § 24-31-304(3), C.R.S.

~~(st)~~ "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 ***N APPROVED*** basic or reserve training academy.

~~(tt)~~ ***"INCIDENT" MEANS A SINGLE, DISTINCT EVENT AS DETERMINED BY THE POST DIRECTOR OR DESIGNEE.***

- (u) "Lateral training academy" means an agency-specific approved academy that instructs academic courses determined by the agency and all hours of the POST skills training programs in arrest control, law enforcement driving and firearms.
- (v) "Lead skills instructor" means a full skills instructor at a basic or reserve training academy who may be designated by the academy director to oversee or coordinate the administration of a specific skills program for a particular academy class.
- (w) "Lesson plan" means a document that specifically describes the material presented during a course of instruction.
- (x) "Moving training" means training where the academy students are involved in movement with a loaded weapon. It is recognized that during square range drills, academy students may move 1-2 steps laterally or forward/backward. The 1:1 ratio is not required for this drill. For all other drills/exercises involving movement a 1:1 ratio is required.
- (y) "Operable firearm" means a firearm that is capable of discharging a bullet if loaded. This does not include firearms designed or modified to discharge marking cartridges or airsoft projectiles during academy reality-based training.
- (z) "Peace officer" means any person recognized in § 16-2.5-101, **PART 1**, C.R.S.
- (aa) "POST certified" means any person possessing a valid, numbered certificate issued by the Board authorizing such person to serve as a peace officer or reserve peace officer.
- (bb) "POST fingerprint card" means a fingerprint card provided by POST.
- (cc) "POST Identification Number" (PID) means a number assigned and unique to each active peace officer's certification file. All inquiries and correspondence to POST should contain this number.
- (dd) "Practical Exercise" means role playing, table top exercises, or other scenario-based training.
- (ee) "Program director" means that person responsible for the administration and operation of a POST-approved training program.
- (ff) "Provisional certification" means a signed instrument issued by the POST Board that grants interim certification for qualified out-of-state peace officers seeking Colorado certification that enables the provisional applicant to obtain

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

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

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

Rule 8 –Process for Seeking Exemption from Statutory Certification Restrictions

Effective April ~~JANUARY~~ 30, 2018~~9~~

- (a) The Board has promulgated these rules to ensure orderly and fair treatment of all POST approved training academy, renewal and provisional peace officer applicants. § 24-31-305, C.R.S., requires the POST Board to deny or revoke certification of any person **WITH A DISQUALIFYING INCIDENT**, ~~a felony or particular misdemeanors or who has entered into a deferred judgment and sentencing agreement, a deferred prosecution agreement, or a pretrial diversion agreement for any offense, regardless whether the agreement is pending or was successfully completed.~~
- (b) If an applicant anticipates prior to the denial of certification that **THEY** ~~he or she~~ will be denied certification on the ground that the applicant has **A DISQUALIFYING INCIDENT** ~~been convicted of any misdemeanor described in subsection 1.5 of § 24-31-305, C.R.S., or has entered into a deferred judgement and sentencing agreement, deferred prosecution agreement, or pretrial diversion agreement for a felony or misdemeanor described in that subsection,~~ the applicant must provide a fingerprint-based criminal history record check, by submitting a POST fingerprint **S**card to the Colorado Bureau of Investigation (CBI) and the Federal Bureau of Investigation (FBI), and requesting an exemption from denial of certification. When POST receives the criminal history and exemption request, it will process the exemption request using the process described in (c), below.
- (c) To appeal denial of Colorado certification, an applicant or the chief law enforcement officer, if any, of the potential employing agency must submit a written petition to the POST Director, notifying the Board of such **DISQUALIFYING INCIDENT** ~~conviction, deferred judgment and sentencing agreement, deferred prosecution agreement, or pretrial diversion agreement,~~ and requesting the Director to grant the applicant an exemption from denial of certification. The petition must fully explain all relevant facts. Any person appealing a denial of certification due to a **DISQUALIFYING INCIDENT** ~~misdemeanor conviction~~ or seeking an exemption allowing certification in spite of a **DISQUALIFYING INCIDENT** has the burden of establishing that:
- (I) The exemption is consistent with the basic purposes and policies of § 24-31-305, et seq., C.R.S., including § 24-31-305(1.5)(b), if applicable; and
 - (II) Mitigating circumstances exist that warrant exemption; and
 - (III) Certification would be in the public interest; and

- (IV) A true and accurate copy of the court record with disposition, **LAW ENFORCEMENT** and police offense/case report **FROM THE DISQUALIFYING INCIDENT, AND/OR ANY OTHER RELEVANT DOCUMENTATION OF A DISQUALIFYING INCIDENT**, 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 their 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) ***The Director's decision may be appealed by following the process outlined in Rule 5 - Hearings.*** 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. 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 place the appeal on the agenda for the next POST Board meeting. If a majority of the POST Board members present at the meeting agree to hear the appeal, a five-member subcommittee of Board members will be appointed by the Board Chair to hear the appeal. The appeal hearing must commence within thirty (30) days from the date the Board agreed to hear the appeal. The subcommittee may summarily affirm the Director's decision, request additional information, conduct a hearing, or take other action it deems necessary to reach a decision. The subcommittee's action 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 April ~~2018~~ **JANUARY 30, 2018**

- (a) A Colorado peace officer certification issued pursuant to § 24-31-305, C.R.S., shall be suspended or revoked by the POST Board if the certificate holder has:
 - (I) been convicted of a felony, or
 - (II) been convicted on or after July 1, 2001, of any misdemeanor described in subsection (1.5) of § 24-31-305, C.R.S., or,
 - (III) entered into a deferred judgment and sentencing agreement, deferred prosecution agreement, or pretrial diversion agreement for one of the offenses described above, regardless whether the agreement is pending or was successfully completed;
 - (IV) made material false or misleading statements or omissions in the application for certification, or
 - (V) otherwise failed to meet the certification requirements established by the Board.
- (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 **DISQUALIFYING INCIDENT** of such ~~misdemeanor or entrance into a deferred judgement and sentencing agreement, deferred prosecution agreement, or pretrial diversion agreement,~~ petition the Board for an exemption by following the requirements of Rule 8.
- (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 a majority of the POST Board members agree to hear the appeal, a five-member panel of

Board members shall proceed to hear the Board appeal. The appeal hearing must commence within thirty (30) days from the date the Board agreed to hear the appeal. The certificate holder will be notified of the Board's action. This decision, whether summarily affirmed or decided by the board subcommittee, shall be deemed final board action. The applicant will be notified of the Board's action.

Rule 10 – Basic Peace Officer Certification

Effective July 1, 2017-**JANUARY 30, 2019**

- (a) The POST Board is authorized to issue POST Basic Peace Officer Certification to any applicant who meets the following requirements:
- (I) Possesses and submits a copy of their high school diploma, high school equivalency certificate, or other evidence of successful completion of high school, **INCLUDING OFFICIAL COLLEGE TRANSCRIPTS OR DEGREE**; and
 - (II) Possesses and submits a copy of their current first aid and cardiopulmonary resuscitation certification, or equivalents; and
 - (III) Truthfully completes and submits the POST Form 1 - *Application for Basic Peace Officer Certification*; and
 - (A) If previously certified as an officer in another state but is ineligible to apply as a provisional applicant, the applicant must be in good standing with the other certifying state and must complete and submit to POST a POST Form 3 – Application for Provisional Certification and a Release of Information Form within thirty (30) days of starting the academy.
 - (IV) Successfully completes the fingerprint-based criminal history record check required under Rule 14 **AND MEETS ALL OF THE FOLLOWING REQUIREMENTS**; ~~and~~
 - (V) (A) If applicable, submits a copy of their **OFFICIAL MILITARY DISCHARGE DOCUMENTS DD214 or NGB-22** showing they ~~have not been released or discharged from the Armed Forces of the United States under~~ **SHOWING CHARACTER OF SERVICE OTHER THAN** dishonorable conditions, per § 24-31-301(5), C.R.S.; ~~and~~
 - (VI) (B) 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)~~ (C) Submits a copy of their academy certificate of completion; ~~and~~

~~(VIII)~~ (D) Possesses and submits a copy of their current Colorado Driver's License or State-Issued Identification card.

(V) **TESTING IS VALID FOR TWO YEARS FROM THE DATE OF COMPLETION. AFTER THIS TIME HAS ELAPSED, IF FULL CERTIFICATION WAS NOT ISSUED, THE APPLICANT MUST SUCCESSFULLY COMPLETE AN ADDITIONAL BASIC ACADEMY PROGRAM.**

(b) POST Basic Peace Officer Certification qualifies the person to seek employment and serve as a fully authorized peace officer with any Colorado law enforcement agency recognized in Article 2.5 of Title 16, C.R.S.

(c) Upon issuance of a basic certification, if all training requirements under § 24-31-315 C.R.S. have not previously been met, the individual must complete all requirements within six (6) months from date of appointment.

(I) Complete 2 hours of training in each of the following areas: anti-bias, community policing, situational de-escalation, and proper holds and restraints.

(d) If a basic or reserve certificate holder has not served as a peace officer or reserve peace officer for a total of at least six (6) months during any consecutive three-year period, the certification automatically expires at the end of such three-year period, unless the certificate holder is then serving as a peace officer or reserve peace officer.

(I) If a basic or reserve certificate holder is deployed for military service, the certification automatically expires at the end of a three-year period from the date of certification or the date of separation from a Colorado law enforcement agency. If expired, the basic certificate holder is eligible to complete the certification renewal process. If employed at time of deployment, the certificate holder, at the agency's discretion, may remain on the employment roster and their certification will not expire.

(e) A certified peace officer who has obtained basic certification may maintain current status as a certified peace officer while serving in a reserve peace officer position, recognized in § 16-2.5-110, C.R.S.

- (f) A certified reserve peace officer seeking regular basic peace officer certification may apply their successfully completed skills training, obtained through the reserve peace officer certification program at a POST approved reserve academy, towards basic peace officer certification. Acceptance of the skills training is at the option of the director of the basic peace officer training academy to which the applicant is seeking enrollment.

Rule 11 – Provisional Certification

*Effective July 1, 2018 **JANUARY 30, 2019***

- (a) The Board is authorized to issue a provisional certification letter to any applicant who is authorized to serve as a certified peace officer by any other state or federal jurisdiction, excluding the armed forces, which has established minimum law enforcement training standards that are equivalent to the standards established by Colorado as determined by the POST Director. The provisional applicant must be fully certified within the preceding three years and have served as a certified law enforcement officer in a full or part-time status in good standing in such other state or federal jurisdiction for more than one year. The applicant must additionally meet all of the following requirements:
- (I) Possess and submit a copy of their high school diploma, or high school equivalency certificate, or other evidence of successful completion of high school ***INCLUDING OFFICIAL COLLEGE TRANSCRIPTS OR DEGREE***, and;
 - (II) Possess and submit a copy of their current first aid and cardiopulmonary resuscitation certification, or equivalents;
 - (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) ***IF APPLICABLE, SUBMITS A COPY OF THEIR OFFICIAL MILITARY DISCHARGE DOCUMENTS SHOWING CHARACTER OF SERVICE OTHER THAN DISHONORABLE CONDITIONS***
 - (VI) 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.
 - (VII) ***MUST RECEIVE PROVISIONAL CERTIFICATION WITHIN ONE YEAR OF SUBMITTING APPLICATION.***
- (b) If an applicant becomes ineligible prior to receiving their provisional certification letter due to time-in-service requirements, the applicant must request and be granted a Rule 7 variance in order to move forward in the provisional process.

- (c) A provisional certification letter authorizes the holder to serve as a certified Colorado peace officer for not more than six (6) months. A provisional certification letter may only be issued one time per year, per person.
- (d) The Board shall issue a basic certificate to the holder of a provisional certification letter if such person satisfies any combination of the following skills proficiency requirements, or, if leaving active out-of-state (the state in which the individual is certified) or recognized federal peace officer employment, satisfies any combination of the following skills proficiency requirements within six (6) months from the date of issuance of the provisional certification:
- (I) Successfully completes skills training at a POST-approved basic peace officer training academy;
 - (II) Successfully completes a POST-approved refresher academy, including the arrest control, law enforcement driving, and firearms skills training;
 - (III) Passes a skills examination **test out** 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:~~ **WITH** 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.~~
- (e) Upon issuance of a provisional certification and appointment to an agency the individual must comply with training requirements outlined in § 24-31-315 C.R.S **WITHIN SIX MONTHS OF DATE OF APPOINTMENT.**
- (I) Complete 2 hours of training in each of the following areas: anti-bias, community policing, situational de-escalation, and proper holds and restraints.

- (f) The POST-approved skills instructor must submit the completed *POST Skills Testing Grade Sheet* to POST.
- (g) Persons desiring additional time to complete the basic certification requirements beyond the initial six (6) months provided by the provisional certification letter must ~~petition~~ ***SUBMIT A VARIANCE REQUEST TO*** the Director and demonstrate good cause why such additional time should be granted.

Rule 12 – Reserve Certification

Effective ~~July 1, 2017~~ **January 30, 2019**

- (a) The Board is authorized to issue a reserve certificate to any applicant who meets the following requirements:
- (I) Possesses and submits a copy of their high school diploma, or high school equivalency certificate, or other evidence of successful completion of high school, **INCLUDING OFFICIAL COLLEGE TRANSCRIPTS OR DEGREE**; and
 - (II) Possesses and submits a copy of their current first aid and cardiopulmonary resuscitation certification, or equivalents; and
 - (III) Truthfully completes and submits the POST Form 2 – Application for Reserve Certification; and
 - (IV) Successfully completes the fingerprint-based criminal history record check required under Rule 14 **AND MEETS ALL OF THE FOLLOWING REQUIREMENTS**; and
 - ~~(V)~~ **(A)** If applicable, submits a copy of their **OFFICIAL MILITARY DISCHARGE DOCUMENTS** DD214 showing **CHARACTER OF SERVICE OTHER THAN** they have 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)~~ **(B)** Successfully completes an approved reserve academy including skills training within two (2) years of the graduation date.; and
 - ~~(VII)~~ **(C)** Submits a copy of their **ACADEMY** certificate of completion.; and
 - ~~(VIII)~~ **(D)** Possesses and submits a copy of their current Colorado driver's license or state-issued identification card.
- (V) TESTING IS VALID FOR TWO YEARS FROM THE DATE OF COMPLETION. AFTER THIS TIME HAS ELAPSED, IF RESERVE CERTIFICATION WAS NOT ISSUED, THE APPLICANT MUST SUCCESSFULLY COMPLETE AN ADDITIONAL RESERVE ACADEMY PROGRAM.]**

- (b) Upon issuance of a reserve certification and appointment to an agency the individual must comply with training requirements outlined in § 24-31-315 C.R.S. within six (6) months.
 - (I) Complete 2 hours of training in each of the following areas: anti-bias, community policing, situational de-escalation, and proper holds and restraints.
- (c) Any law enforcement agency assigning duties to a reserve peace officer beyond those included in the approved reserve training shall assume the responsibility for ensuring that such reserve peace officer is adequately trained for such duties.
- (d) A reserve certification shall expire automatically if the certificate holder is not serving and has not served as a reserve peace officer for at least six (6) months within the previous three (3) years.
- (e) Reserve certifications may not be renewed.
- (f) A certified peace officer may maintain current status as a certified peace officer while serving in a reserve peace officer position, recognized in § 16-2.5-110, C.R.S.

Rule 13 – Renewal of Basic Certification

Effective **January 30, 2018** ~~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 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 **TEST OUT** ~~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: WITH SME committee members or POST-approved designees who are not a member~~ **S** 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.~~

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

Rule 14 – Fingerprint-Based Criminal History Record Check

Effective July 1, 2017

- (a) Definitions.
- (I) The fingerprint-based criminal history record check is a computerized search of a person's fingerprints that have been taken on a POST Applicant Fingerprint Card, **OR BY A COLORADO BUREAU OF INVESTIGATIONS (CBI) AUTHORIZED VENDOR**, and processed by ~~the Colorado Bureau of Investigation (CBI)~~ and the 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, **OR**

SUBMITTED ELECTRONICALLY BY A CBI-AUTHORIZED VENDOR. Any fee that may be charged by the agency ***OR VENDOR*** 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, ***OR WITH SUBMISSION BY A CBI-AUTHORIZED VENDOR.*** 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~~ ***THEIR*** fingerprints taken and for ensuring that the completed POST Applicant Fingerprint Card and fee are submitted to CBI, ***OR THAT FINGERPRINTS ARE SUBMITTED TO CBI BY A CBI-AUTHORIZED VENDOR,*** 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, ***OR THAT FINGERPRINTS ARE SUBMITTED TO CBI BY A CBI-AUTHORIZED VENDOR,*** 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 fingerprints 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/***SUBMISSIONS*** that have been processed for the state and national fingerprint-based criminal history record checks.
 - (II) All results from the completed criminal history record checks will be provided to the POST Director. Notice of subsequent arrests and convictions resulting in denial of certification will be provided to the Board.

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

POST Rule 8, Appeal Process for Peace Officer Applicants - Certification Denial as a Result of a Misdemeanor Conviction.

- (II) Only if the person has, in fact, submitted a request for exemption from denial of enrollment under POST Rule 8, *Appeal Process for Peace Officer Applicants - Certification Denial as a Result of a Misdemeanor Conviction*, and the request has been granted by the Board, will the person be permitted to either enroll in a training academy or participate in the testing process as a provisional or renewal applicant.

- (III) No person convicted of a felony may request an exemption from denial of enrollment.

Rule 19 – Vehicle Identification Number Inspectors

Effective January 30, 2019 ~~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 POST 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 POST Form 9 – *Application for VIN Inspector Certification*.

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

Effective July 1, 2018 ~~JANUARY 30, 2019~~

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

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

- (VI) All trainees must successfully complete a skills test out and written examination in accordance with the discipline being taught. If the program does not have a test out, then each trainee at a minimum must successfully complete the arrest control skills test as used in the POST provisional/renewal of certification process.
- (VII) All academy Arrest Control Training programs must be comprised of at least 60% lab hours. Lab hours are defined as any hands-on skills training.
- (VIII) Operable firearms, as defined in POST Rule 1, shall not be utilized during any arrest control training.

(c) Law enforcement driving training

- (I) There must be at least one driving track vehicle and one law enforcement driving instructor for every six (6) trainees (*i.e.*, 1:6 ratio) during any instruction at the track.
- (II) No track exercise and/or practicum may exceed twelve (12) hours in any 24-hour period.
- (III) Academy directors shall ensure that no trainee be permitted to participate in a law enforcement driving program unless the trainee possesses a valid driver's license.
- (IV) There must be at least one (1) fully charged five (5) pound size or larger, dry chemical, Class ABC fire extinguisher on site during any instruction at the track.
- (V) Prior to receiving any nighttime Law Enforcement Driving Program instruction at the track, each trainee shall receive a minimum of twelve (12) hours of daylight driving instruction at the track.
- (VI) Night driving shall start no earlier than thirty (30) minutes prior to sunset.
- (VII) Operable firearms, as defined in POST Rule 1, shall not be utilized during any law enforcement driving training.

(d) Firearms training

- (I) There must be at least one firearms instructor for every four (4) trainees enrolled in the academy program (*i.e.*, 1:4 ratio) anytime a

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

- (II) No range exercise and/or lab session may exceed eight (8) hours in any one day.
- (III) For all decisional shooting scenarios, there must be an instructor to trainee ratio of 1:1.
- (IV) Only POST approved firearms instructors and not agency trained safety officers may be utilized to satisfy the minimum ratios of firearms instructors to trainees.
- (IV) 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.
- (V) ***DIMLIGHT LIVE-FIRE SHOOTING SHALL START NO EARLIER THAN THIRTY (30) MINUTES PRIOR TO SUNSET. INDOOR RANGES ARE EXEMPT FROM SUNSET REQUIREMENT.***
- (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 the minimum number of live rounds of handgun ammunition in a single weapons system, revolver or semi-automatic, as stipulated in the current POST firearms training program, before completing the program.

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

Effective July 11, 2011

Federal Law Effective October 12, 2010

Repealed February 7, 2014

~~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 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.~~

~~Repealed February 7, 2014~~

Rule 28 – In-Service Training Program

*Effective ~~July 1, 2018~~ **JANUARY 30, 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 required 12 hours must include a minimum of one hour of training in each of the three perishable skills (Arrest Control, Driving, and Firearms) each calendar year. Examples of perishable skills training could include:

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

(e) Agency Maintenance of Training Records

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

AGENCIES ARE ENCOURAGED TO ENTER TRAINING AS IT OCCURS, BUT SHALL ENTER TRAINING NO LATER THAN At the end of each calendar year ***FOR THE CERTIFIED PEACE OFFICERS EMPLOYED AT ANY TIME DURING THAT 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 by January 31st of the following year.

(A) Perishable Skills Waiver

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

(B) Partial Year Employment Waiver

The 24 hours of in-service training is required if a certified peace officer is employed for the entire calendar year. Certified peace officers who are employed after the start of the calendar year only need to complete a prorated number of training hours. Therefore, ~~one hour per month of regular~~ **TWO HOURS OF TRAINING PER MONTH, WITH A MINIMUM OF ONE HOUR** training and ~~one hour a month~~ of perishable skills training shall be required. (Example: If a certified peace officer is hired in July, ~~six~~ **TWELVE** hours of regular training and **WITH A MINIMUM OF** six hours of perishable skills training ~~should~~ **MUST** be completed for that calendar year).

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

If a certified peace officer is unable to complete the in-service annual hours due to long term disability, medical leave or restricted duty, the agency must obtain a letter from a physician stating that participation in any type of training including audiovisual or online training would be detrimental to the officer's health. The letter should define the time that the officer is unable to attend any training. Those granted a waiver

will be on a prorated basis for the time stated in the physician's letter. The agency does not need to forward the physician's letter to POST but only reference it in a waiver request.

(D) Military Leave

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

(E) ADMINISTRATIVE LEAVE

IF A CERTIFIED PEACE OFFICER IS UNABLE TO COMPLETE THE IN-SERVICE ANNUAL HOURS DUE TO PLACEMENT ON ADMINISTRATIVE LEAVE, THE OFFICER MUST COMPLETE A PRORATED NUMBER OF TRAINING HOURS.

(II) Compliance

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

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

(C) ***POST MAY DECLARE AN AGENCY NONCOMPLIANT AFTER THE FINAL COMPLIANCE REPORT HAS BEEN ISSUED IF NEW INFORMATION IS DISCOVERED.***

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

to that agency will be suspended from July 1st through December 31st of the same calendar year.

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