

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

2020

**RULES CONCERNING DEFINITIONS, DIRECTOR'S AUTHORITY,
SUBJECT MATTER EXPERTS, HEARINGS, VARIANCES, PROCESSES
FOR SEEKING EXEMPTION FROM STATUTORY CERTIFICATION
RESTRICTIONS, REVOCATION OF CERTIFICATIONS,
BASIC, PROVISIONAL AND RESERVE CERTIFICATIONS, BASIC AND
RESERVE TRAINING ACADEMIES, AND
IN-SERVICE TRAINING.**

STATEMENT OF BASIS, STATUTORY AUTHORITY, AND PURPOSE

Pursuant to sections §§ 24-31-303 (1)(g), (l) and (m), and 24-31-307(1), C.R.S., the Colorado Peace Officer Standards and Training Board (POST) has the authority and duty to promulgate and amend specific rules and regulations as further specified herein to facilitate the requirements of SB 20-217 and related statutory provisions. In addition to non-substantive amendments proposed, the following substantive amendments are intended.

Amendments are proposed to Rule 1 – Definitions:

- Add “refresher” to the types of training academies where training academies are specifically referenced within the definitions.
- Utilize the term “per” where appropriate to promote consistency.
- Supplement the list of “disqualifying incidents” to account for new legislation incorporated within SB 20-217, as follows:
 - Add a finding of untruthfulness;
 - Add conviction, etc., for a crime involving unlawful use or threatened use of force;
 - Add conviction, etc., for a crime involving the failure to intervene in the use of unlawful force;
 - Add if found civilly liable for the use of unlawful force and for the failure to intervene in the use of unlawful force;
 - Add if a finding by an administrative body for failure to intervene in the use of unlawful force for an incident that resulted in serious bodily injury or death; and
 - Add for failure to satisfactorily complete peace officer training
- Modify the definition of “fingerprint based criminal history record check.”
- Modify the definition of “operable firearm” and “practical exercise” to promote uniformity of terms used.

- Modify the definition of “POST Identification” without substantively altering its meaning.
- Modify the definition of “recognized disciplines for arrest control training” without substantively altering its meaning.
- Modify the definition of “refresher academy” without substantively altering its meaning.
- Modify the definition of “reserve peace officer” without significantly altering its meaning.
- Modify the definition of “subject matter expert” to clarify that the Chair of the POST Board has the authority to formally recognize the expert.
- Modify the definition of “successful completion” without substantively altering its meaning.

An amendment is proposed to Rule 2 – Meetings, to make a minor, non-substantive change.

Amendments are proposed to Rule 3 – Director’s Authority, to supplement the authority delineated to include authority to issue remedial action and compliance order for non-compliance with POST rules and to approve eyewitness identification training and other statutorily mandated training.

Amendment are proposed to Rule 4 – Subject Matter Expert Committees to substitute "Chair of the Board” for “Board, to clarify that only one person per agency may serve on single committee at one time, and to clarify that members of committees shall not participate in subject matter expert committee functions relate to their respective organization or organization employees.

Amendments are proposed to Rule 5 – Hearings, to provide for forty (40) rather than thirty (30) days of notice for the hearing set, and to clarify the process for revocation hearings for criminal convictions and disqualifying incidents.

An amendment is proposed to Rule 7 – Variances, to clarify that a temporary variance is valid for six (6) months from the date of issue.

An amendment is proposed to Rule 8 – Process for Seeking Exemption from Statutory Certification Restrictions, to clarify that the POST Director may hold a meeting to address the merits of an applicant’s request for exemption from statutory certification restrictions.

Amendments are proposed to Rule 9 – Revocation of Certification re-stating the POST Board’s authority to suspend or revoke peace officer certification, but to remove the recitation of the specific bases therefor already set forth in § 24-31-305, C.R.S.

Amendments are proposed to Rule 10- Basic Peace Officer Certification, to state that the POST Board is authorized to issue POST Basic Peace Officer Certification to any applicant who is in good standing with POST, to state that certification documentation must be submitted to POST via the law enforcement training academy where applicable, and to remove references to reserve certificate holders.

Amendments are proposed to Rule 11 – Provisional Certification, to allow for substantial equivalence for provisional certification, to provide that an applicant must be in good standing with POST, to state that provisional certification applications are valid for one year from date of submission, to allow for a one-time variance extension of six (6) months for provisional certification, and to allow an applicant to complete the provisional certification process while their application is valid, regardless whether their certification letter has expired.

Amendments are proposed to Rule 21 – Basic and Reserve Training Academies, to specify that Academy Directors have discretion to utilize other classroom facilities as necessary for academic programs, provided those facilities are appropriate, safe and adhere substantially to the statements set forth in part (d) of the rule, and to provide for an Academy Director to notify POST in the event a primary classroom facility is rendered unusable for twenty-one (21) or more days.

Amendments are proposed to Rule 28 - In-Service Training Program, to state that failure to satisfactorily complete training can result in suspension or revocation of POST certification, to specify that remedial training hours completed after January 1 to gain compliance for a prior calendar year shall not count towards the current year requirement, to specify that the onus is on the chief executive of each law enforcement agency for the true, accurate and verifiable entry of training records into the POST Database, to require agencies to keep and enter into the POST Database records pertaining to in-person courses, including sign-in sheets, topics covered, and existing lesson plans. Amendments proposed to Rule 28 also specify that compliance with in-service training programs is required of agencies AND individual peace officers, that concerning individual peace officers, POST will send our preliminary compliance reports for each training period, and that POST staff shall suspend and perhaps revoke peace officer certifications for failure to complete training requirements.

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 referenced in these rules as set forth herein.

Contemplated Schedule for Adoption

Rules will be adopted on September 18, 2020, with an effective date of November 15, 2020.

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 21 – Basic and Reserve Training Academies

Effective November 15, 2020

- (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*;
 - (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;
 - (2) All dates and times when arrest control drill training, night driving and dim light shooting will be instructed;
 - (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 10th day after the academy commences. The enrollment roster will be completed on the template provided by POST to the academy director. 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;
 - (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;
 - (C) For driving: A safe driving track for conducting law enforcement driving;
 - (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;
 - (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.
 - (H) Academy Directors have discretion to utilize other classroom facilities as necessary for academic programs, provided those facilities are appropriate, safe and adhere substantially to the statements set forth in this part (d). This section is intended to allow such use of other facilities due to a facility emergency or for unique situations where a primary facility is not available or it is not desirable for the intended academic class.
 - (1) In such cases where a primary classroom facility is rendered unusable for a period reasonably anticipated to exceed 21 continuous days, the Academy Director shall notify POST and submit an alternative training site plan for approval.
- (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.
 - (B) Copies of all site safety plans must also be on file at the academy at all times.
 - (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.
 - (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;
 - (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;
 - (3) Learning goals, course objectives and/or performance outcomes for the course;
 - (4) Method of instruction;
 - (5) Instructional content of the course that substantiates the stated goals, objectives and/or outcomes of the course;
 - (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;
 - (2) Name of the approved academy;
 - (3) Type of academy (Basic or Reserve);
 - (4) Date of academy completion (month, day, year);
 - (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.
 - (V) All instructors shall be familiar with the information contained in this Section (h) as it pertains to the nature and scope of their involvement with the academy.
- (i) Academy records requirements.
 - (I) Trainee 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;
 - (B) Photocopy of the trainee's high school diploma, high school equivalency certificate or other evidence of successful completion of high school;
 - (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;
 - (B) Current trainee manual;
 - (C) Current lesson plans;
 - (D) Current source material;
 - (E) Instructor files for current instructors;
 - (F) Copies of all site safety plans;
 - (G) Trainee files for the academy in progress and the previously completed academy;
 - (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 21 – Basic and Reserve Training Academies

~~Effective July 1, 2017~~ **Effective November 15, 2020**

- (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:
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 - (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;
 - (2) All dates and times when arrest control drill training, night driving and dim light shooting will be instructed;
 - (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 10th day after the academy commences. The enrollment roster will be completed on the template provided by POST to the academy director. 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;
 - (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;
 - (C) For driving: A safe driving track for conducting law enforcement driving;
 - (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;
 - (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.

(H) Academy Directors have discretion to utilize other classroom facilities as necessary for academic programs, provided those facilities are appropriate, safe and adhere substantially to the statements set forth in this part (d). This section is intended to allow such use of other facilities due to a facility emergency or for unique situations where a primary facility is not available or it is not desirable for the intended academic class.

(1) In such cases where a primary classroom facility is rendered unusable for a period reasonably anticipated to exceed 21 continuous days, the Academy Director shall notify POST and submit an alternative training site plan for approval.

(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.

(B) Copies of all site safety plans must also be on file at the academy at all times.

(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.

(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;
 - (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;
 - (3) Learning goals, course objectives and/or performance outcomes for the course;
 - (4) Method of instruction;
 - (5) Instructional content of the course that substantiates the stated goals, objectives and/or outcomes of the course;
 - (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;
- (2) Name of the approved academy;
- (3) Type of academy (Basic or Reserve);
- (4) Date of academy completion (month, day, year);
- (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.
 - (V) All instructors shall be familiar with the information contained in this Section (h) as it pertains to the nature and scope of their involvement with the academy.
- (i) Academy records requirements.
- (I) Trainee 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;
 - (B) Photocopy of the trainee's high school diploma, high school equivalency certificate or other evidence of successful completion of high school;
 - (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;
 - (B) Current trainee manual;
 - (C) Current lesson plans;
 - (D) Current source material;
 - (E) Instructor files for current instructors;
 - (F) Copies of all site safety plans;
 - (G) Trainee files for the academy in progress and the previously completed academy;
 - (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.