



# November 2021 POST MANUAL



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# MISSION

The mission of Colorado POST is to establish and maintain standards for peace officer training and certification that are relevant, realistic and responsive to our ever-changing world.



## ***Law Enforcement Code of Ethics***

*As a Certified Peace Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and, to respect the Constitutional rights of all men to liberty, equality and justice.*

*I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life. I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided in me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.*

*I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.*

*I recognize the badge of my office as a symbol of public faith and I accept it as a public trust to be held so long as I am true to the ethics of law enforcement service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.*



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# **COLORADO REVISED STATUTES**

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## **Title 6 – Consumer and Commercial Affairs**

### **Article 17 – Uniform Records Retention Act**

#### 6-17-101. Short title

This article shall be known and may be cited as the "Uniform Records Retention Act".

**Source: L. 90:** Entire article added, p. 384, § 1, effective July 1.

#### 6-17-102. Legislative declaration

The general assembly hereby finds that there is a need to minimize the paperwork burden associated with the retention of business records for individuals, small businesses, state and local agencies, corporations, and other persons, and there is a need to minimize the costs of collecting, maintaining, using, storing, and disseminating information and business records. The general assembly therefore finds that the provisions of this article are necessary to promote efficiency and economy.

**Source: L. 90:** Entire article added, p. 384, § 1, effective July 1.

#### 6-17-103. Definitions

As used in this article, unless the context otherwise requires:

(1) "Business record" means books of account; vouchers; documents; cancelled checks; payrolls; correspondence; records of sales, personnel, equipment, and production; reports relating to any or all of such records; and other business papers.

(2) "Record" means any letter, word, sound, number, or its equivalent, set down by handwriting, typewriting, printing, photostating, photographing, magnetic impulse, mechanical, or electronic recording of other forms of data compilation. Unless otherwise specified, reproductions are records for purposes of this article.

(3) "Reproduction" means any counterpart produced by the same impression as the original or from the same matrix, or by means of photography, including enlargements and miniatures, or by mechanical or electronic rerecording or by chemical reproduction or by any equivalent technique which accurately reproduces the original.

**Source: L. 90:** Entire article added, p. 384, § 1, effective July 1.

#### 6-17-104. Records retention period

Any record required to be created or kept by any state or local law or regulation may be destroyed after three years from the date of creation, unless such law or regulation establishes a specified records retention period or a specific procedure to be followed prior to destruction.

**Source: L. 90:** Entire article added, p. 385, § 1, effective July 1.

#### 6-17-105. Form of record

Retention of reproductions produced pursuant to this article shall constitute compliance with any state or local law requiring that any record be created or kept.

**Source: L. 90:** Entire article added, p. 385, § 1, effective July 1.

#### 6-17-106. Scope of article

This article shall apply to all records prepared by private individuals, partnerships, corporations, or any other association, whether carried on for profit or not, and to any government entity operating under the laws of this state and shall apply to all records created before and after July 1, 1990.

**Source: L. 90:** Entire article added, p. 385, § 1, effective July 1.

## TITLE 16 – Criminal Proceedings

### ARTICLE 1 – General Provisions

16-1-109. Eyewitness identification procedures - legislative declaration - definitions - policies and procedures - training - admissibility

- (1) The general assembly finds and declares that:
  - (a) Over the past forty years, a large body of peer-reviewed scientific research and practice has demonstrated that simple systematic changes in the administration of eyewitness identification procedures by all law enforcement agencies can greatly improve the accuracy of those identifications and strengthen public safety while protecting the innocent;
  - (b) The integrity of Colorado's criminal justice system benefits from adherence to peer-reviewed research-based practices in the investigation of criminal activity; and
  - (c) Colorado will benefit from the development and use of written law enforcement policies that are derived from peer-reviewed scientific research and research-based practices, which will ultimately improve the accuracy of eyewitness identification and strengthen the criminal justice system in Colorado.
- (2) As used in this section, unless the context otherwise requires:
  - (a) "Blind" means the administrator of a live lineup, photo array, or showup does not know the identity of the suspect.
  - (b) "Blinded" means the administrator of a live lineup, photo array, or showup may know who the suspect is but does not know in which position the suspect is placed in the photo array when it is viewed by the eyewitness.
  - (c) "Eyewitness" means a person who observed another person at or near the scene of an offense.
  - (d) "Filler" means either a person or a photograph of a person who is not suspected of the offense in question and is included in an identification procedure.
  - (e) "Live lineup" means an identification procedure in which a group of persons, including the suspected perpetrator of an offense and other persons who are not suspected of the offense, is displayed to an eyewitness for

the purpose of determining whether the eyewitness identifies the suspect as the perpetrator.

(f) "Peace officers standards and training board" or "P.O.S.T. board" means the board created in section 24-31-302, C.R.S., for the certification of peace officers in Colorado.

(g) "Photo array" means an identification procedure in which an array of photographs, including a photograph of the suspected perpetrator of an offense and additional photographs of other persons who are not suspected of the offense, is displayed to an eyewitness either in hard copy form or via electronic means for the purpose of determining whether the eyewitness identifies the suspect as the perpetrator.

(h) "Showup" means an identification procedure in which an eyewitness is presented with a single suspect in person for the purpose of determining whether the eyewitness identifies the individual as the perpetrator.

(3) (a) On or before July 1, 2016, any Colorado law enforcement agency charged with enforcing the criminal laws of Colorado and that, as part of any criminal investigation, uses or might use any eyewitness identification procedure shall adopt written policies and procedures concerning law enforcement-conducted eyewitness identifications. The policies and procedures adopted and implemented by a law enforcement agency must be consistent with eyewitness identification procedures of nationally recognized peer-reviewed research or the policies and procedures developed, agreed upon, and recommended by the Colorado attorney general's office and the Colorado district attorneys' council. The policies and procedures must include, but need not be limited to, the following:

(I) Protocols guiding the use of a showup;

(II) Protocols guiding the recommended use of a blind administration of both photo arrays and live lineups or the recommended use of a blinded administration of the identification process when circumstances prevent the use of a blind administration;

(III) The development of a set of easily understood instructions for eyewitnesses that, at a minimum, advise the eyewitness that the alleged perpetrator may or may not be present in the photo array or live lineup and that the investigation will continue whether or not the eyewitness identifies anyone as the alleged perpetrator in the photo array or live lineup;

(IV) Instructions to the law enforcement agency regarding the appropriate choice and use of fillers in compiling a live lineup or photo array, including ensuring that fillers match the original description of the perpetrator; and

(V) Protocols regarding the documentation of the eyewitness' level of confidence as elicited at the time he or she first identifies an alleged perpetrator or other person and memorialized verbatim in writing.

(b) On or before July 1, 2016, all Colorado law enforcement agencies that conduct eyewitness identifications shall adopt and implement the written policies and procedures required by paragraph (a) of this subsection (3). If a law enforcement agency does not complete or adopt its own written policies and procedures relating to eyewitness identifications, the law enforcement agency must, on or before July 1, 2016, adopt and implement the model policies and procedures as developed and approved in 2015 by the Colorado attorney general and the Colorado district attorneys' council.

(c) Local law enforcement policies and procedures relating to eyewitness identification are public documents. All such policies and procedures must be available, without cost, to the public upon request pursuant to the provisions of this section.

(d) Subject to available resources, law enforcement shall create, conduct, or facilitate professional training programs for law enforcement officers and other relevant personnel on methods and technical aspects of eyewitness identification policies and procedures. While these training programs shall be approved by the P.O.S.T. board, any programs may be created, provided, and conducted by any law enforcement agency, the office of the attorney general, the Colorado district attorneys' council, or any other P.O.S.T.-approved training entity.

(4) Policies and procedures adopted and implemented by a law enforcement agency pursuant to this section shall be reviewed by the agency at least every five years to ensure consistency with nationally recognized peer-reviewed research.

(5) Compliance or failure to comply with any of the requirements of this section is considered relevant evidence in any case involving eyewitness identification, as long as such evidence is otherwise admissible.

**HISTORY: Source: L. 2015:** Entire section added, (SB 15-058), ch. 110, p. 321, § 1, effective July 1.





## TITLE 16 – Criminal Proceedings

### ARTICLE 2.5 – Peace Officers

#### PART 1 – Peace Officers

##### 16-2.5-101. Peace officer – description – general authority

(1) A person who is included within the provisions of this article and who meets all standards imposed by law on a peace officer is a peace officer, and, notwithstanding any other provision of law, no person other than a person designated in this article is a peace officer. A peace officer may be certified by the peace officers standards and training board pursuant to part 3 of article 31 of title 24, C.R.S., and, at a minimum, has the authority to enforce all laws of the state of Colorado while acting within the scope of his or her authority and in the performance of his or her duties, unless otherwise limited within this part 1.

(2) A peace officer certified by the peace officers standards and training board shall have the authority to carry firearms at all times, concealed or otherwise, subject to the written firearms policy created by the agency employing the peace officer. All other peace officers shall have the authority to carry firearms, concealed or otherwise, while engaged in the performance of their duties or as otherwise authorized by the written policy of the agency employing the officer.

(3) As used in every statute, unless the context otherwise requires, "law enforcement officer" means a peace officer.

**Source:** L. 2003: Entire article added, p. 1605, § 2, effective August 6. L. 2006: (1) amended, p. 27, § 1, effective July 1, 2007.

#### ANNOTATION

**Annotator's note.** Since § 16-2.5-101 is similar to repealed § 18-1-901 (3)(l), relevant cases construing that provision have been included in the annotations to this section.

**Jailer included as peace officer.** The jailer is a deputy sheriff and as such is a peace officer within the definition of subsection (3)(l). *People v. Shockley*, 41 Colo. App. 515, 591 P.2d 589 (1978).

**Fellow officer doctrine applicable to parole officer.** By definition in the "Colorado Criminal Code", the parole officer is a "peace officer", and there is no persuasive reason why a parole officer should not come within the fellow officer doctrine. *People v. Bergstrom*, 190 Colo. 105, 544 P.2d 396 (1975).

Under the "fellow officer rule", a sheriff's deputies were entitled to rely upon and accept the information supplied by the parole officer. *People v. Bergstrom*, 190 Colo. 105, 544 P.2d 396 (1975).

**For purposes of the reference to subsection (3)(1)(I) made in § 24-31-302 (5)**, the certification requirement does not constitute a part of that the referenced definition. *Fraternal Order, No. 27 v. Denver*, 914 P.2d 483 (Colo. App. 1995). The phrase "has the authority to enforce all the laws of the state of Colorado while acting within the scope of his authority and in the performance of his duties", does not constitute a part of the definition of peace officer, level I. *Fraternal Order, No. 27 v. Denver*, 914 P.2d 483 (Colo. App. 1995).

**Applied** in *People v. Roberts*, 43 Colo. App. 100, 601 P.2d 654 (1979); *People v. Herrera*, 633 P.2d 1091 (Colo. App. 1981).

#### 16-2.5-102. Certified peace officer - P.O.S.T. certification required

The following peace officers shall meet all the standards imposed by law on a peace officer and shall be certified by the peace officers standards and training board, referred to in this article as the "P.O.S.T. board": A chief of police; a police officer; a sheriff; an undersheriff; a deputy sheriff; a Colorado state patrol officer; a town marshal; a deputy town marshal; a reserve police officer; a reserve deputy sheriff; a reserve deputy town marshal; a police officer or reserve police officer employed by a state institution of higher education; a Colorado wildlife officer; a Colorado parks and recreation officer; a Colorado police administrator or police officer employed by the Colorado mental health institute at Pueblo; an attorney general criminal investigator; a community parole officer; a public transit officer; a municipal court marshal; and the department of corrections inspector general.

**Source: L. 2003:** Entire article added, p. 1606, § 2, effective August 6. **L. 2004:** Entire section amended, p. 1162, § 2, effective May 27. **L. 2008:** Entire section amended, p. 85, § 1, effective March 18. **L. 2010:** Entire section amended, (HB 10-1422), ch. 419, p. 2069, § 26, effective August 11. **L. 2016:** Entire section amended, (SB 16-189), ch. 210, p. 759, § 25, effective June 6.

#### 16-2.5-103. Sheriff – undersheriff – certified deputy sheriff – noncertified deputy sheriff

(1) A sheriff, an undersheriff, and a deputy sheriff are peace officers whose authority shall include the enforcement of all laws of the state of Colorado. A sheriff shall be certified by the POST board pursuant to section 30-10-501.6, C.R.S. An undersheriff and a deputy sheriff shall be certified by the POST board.

(2) A noncertified deputy sheriff or detention officer is a peace officer employed by a county or city and county whose authority is limited to the duties assigned by

and while working under the direction of the chief of police, sheriff, an official who has the duties of a sheriff in a city and county, or chief executive of the employing law enforcement agency.

**Source: L. 2003:** Entire article added, p. 1606, § 2, effective August 6.

16-2.5-104. Coroner

A coroner is a peace officer while engaged in the performance of his or her duties whose authority shall be limited pursuant to part 6 of article 10 of title 30, C.R.S.

**Source: L. 2003:** Entire article added, p. 1606, § 2, effective August 6.

16-2.5-105. Police officer

A police officer, including a chief of police employed by a municipality, is a peace officer whose authority shall include the enforcement of all laws of the state of Colorado and who shall be certified by the POST board.

**Source: L. 2003:** Entire article added, p. 1606, § 2, effective August 6.

16-2.5-106. Southern Ute Indian police officer

A Southern Ute Indian police officer is a peace officer whose authority shall include the enforcement of all laws of the state of Colorado and who may be certified by the POST board.

**Source: L. 2003:** Entire article added, p. 1606, § 2, effective August 6.

16-2.5-107. Ute Mountain Ute Indian police officer

A Ute Mountain Ute Indian police officer is a peace officer whose authority shall include the enforcement of all laws of the state of Colorado and who may be certified by the POST board.

**Source: L. 2003:** Entire article added, p. 1606, § 2, effective August 6.

16-2.5-108. Town marshal – deputy

A town marshal or deputy town marshal is a peace officer whose authority shall include the enforcement of all laws of the state of Colorado and who shall be certified by the POST board.

**Source: L. 2003:** Entire article added, p. 1607, § 2, effective August 6.

16-2.5-109. Fire arson investigator

A fire arson investigator authorized by a unit of local government is a peace officer while engaged in the performance of his or her duties whose authority shall be limited to the enforcement of arson and related laws and who may be certified by the POST board.

**Source: L. 2003:** Entire article added, p. 1607, § 2, effective August 6. **L. 2008:** Entire section amended, p. 703, § 1, effective May 1.

16-2.5-110. Reserve police officer – reserve deputy sheriff – reserve deputy town marshal – definitions

- (1) (a) A reserve police officer, a reserve deputy sheriff, and a reserve deputy town marshal are reserve officers.
- (b) "Reserve officer" means a person authorized by a city, city and county, town, county, or state institution of higher education within this state to act as a reserve police officer, reserve deputy sheriff, or reserve town marshal for certain specific and limited periods of time while the person is authorized to be on duty and acting at the express direction or under the direct supervision of a fully POST-certified peace officer pursuant to section 16-2.5-103, 16-2.5-105, 16-2.5-108, or 16-2.5-120. A reserve officer is a peace officer while engaged in the performance of his or her duties whose authority shall be limited to the authority granted by his or her authorizing agency.
- (c) A reserve officer:
- (I) Shall obtain reserve certification by the POST board as a reserve officer; or
- (II) May be a fully POST-certified peace officer serving as a volunteer and may be granted full peace officer status and authority at the discretion of the appointing authority.
- (2) A city, city and county, town, county, or state institution of higher education assigning duties to a reserve officer beyond those duties included in the POST board training shall assume the responsibility for ensuring that the reserve officer is adequately trained for the duties. Any expenses associated with the additional training shall be authorized by the city, city and county, town, county, or state institution of higher education. If the jurisdiction allows or requires the reserve officer to carry or use a firearm while on duty, the reserve officer shall be certified for firearms proficiency with the same frequency and subject to the same requirements as a POST-certified peace officer in the jurisdiction. A reserve officer

who does not comply with the training requirements set forth in this subsection (2) is not authorized to enforce the laws of the state of Colorado.

(3) (Deleted by amendment, L. 2007, p. 121, § 1, effective August 3, 2007.)

(3.5) If a police chief, sheriff, or town marshal determines that a reserve officer has been adequately trained to perform a law-enforcement function that the police chief, sheriff, or town marshal is required to perform, the police chief, sheriff, or town marshal may allow the reserve officer to perform the function either in uniform or in civilian clothes, whichever is appropriate.

(4) When performing extradition duties, the reserve officer shall be accompanied by a POST-certified officer.

(5) A reserve officer may be compensated for his or her time during a declared emergency or during a time of special need. In all other circumstances, a reserve officer shall serve without compensation, but may be reimbursed at the discretion of the city, city and county, town, county, or state institution of higher education benefitting from the services of the reserve officer for any authorized out-of-pocket expenses incurred in the course of his or her duties. The city, city and county, town, county, or state institution of higher education shall pay the cost of workers' compensation benefits for injuries incurred by a reserve officer while on duty and while acting within the scope of his or her assigned duties. A reserve officer is an authorized volunteer for purposes of article 10 of title 24, C.R.S.

(6) For the purposes of this section:

(a) "Direct supervision" means an assignment given by a fully POST-certified peace officer to a reserve officer, which assignment is carried out in the personal presence of, or in direct radio or telephone contact with, and under the immediate control of, the fully POST-certified peace officer.

(b) "Express direction" means a defined, task-specific assignment given by a fully POST-certified peace officer to a reserve officer. The fully POST-certified peace officer need not be present while the reserve officer carries out the assignment.

(7) For the purposes of this section, a person serving as a citizen auxiliary is not a peace officer and the POST board shall not require the person to be certified.

**Source:** L. 2003: Entire article added, p. 1607, § 2, effective August 6. L. 2004: (3), (4), and (6) amended and (3.5) added, p. 678, § 1, effective August 4. L. 2007: (1), (3), and (6) amended, p. 121, § 1, effective August 3. L. 2008: (1)(b), (2), and (5) amended, p. 85, § 2, effective March 18.

16-2.5-111. Executive director of the department of public safety - deputy executive director of the department of public safety - director of the division of criminal justice in the department of public safety

The executive director and deputy executive director of the department of public safety and the director of the division of criminal justice in the department of public safety are peace officers whose authority shall include the enforcement of all laws of the state of Colorado and who may be certified by the POST board.

**Source: L. 2003:** Entire article added, p. 1608, § 2, effective August 6. **L. 2012:** Entire section amended, (HB12-1079), ch. 21, p. 56, § 1, effective March 16.

16-2.5-112. Director of the division of homeland security and emergency management

The director of the division of homeland security and emergency management in the department of public safety is a peace officer whose authority includes the enforcement of all laws of the state of Colorado and who may be certified by the POST board.

**Source: L. 2003:** Entire article added, p. 1608, § 2, effective August 6. **L. 2012:** Entire section amended, (HB 12-1283), ch. 240, p. 1132, § 39, effective July 1.

16-2.5-112.5. Manager of the office of prevention and security within the division of homeland security and emergency management

The manager of the office of prevention and security within the division of homeland security and emergency management in the department of public safety is a peace officer whose authority includes the enforcement of all laws of the state of Colorado and who may be certified by the P.O.S.T. board.

**HISTORY: Source: L. 2017:** Entire section added, ([HB 17-1209](#)), [ch. 247](#), [p. 1043](#), [§ 1](#), effective August 9.

16-2.5-113. Colorado bureau of investigation director – agent

A director of the Colorado bureau of investigation is a peace officer whose authority shall include the enforcement of all laws of the state of Colorado and who may be certified by the P.O.S.T. board. A Colorado bureau of investigation agent is a peace officer whose authority shall include the enforcement of all laws of the state of Colorado pursuant to [section 24-33.5-409, C.R.S.](#), and who may be certified by the P.O.S.T. board.

**Source: L. 2003:** Entire article added, p. 1608, § 2, effective August 6.**L. 2013:** Entire section amended, ([HB 13-1076](#)), [ch. 6, p. 16, § 1](#), effective February 27.

16-2.5-114. Colorado state patrol officer

A Colorado state patrol officer is a peace officer whose authority shall include the enforcement of all laws of the state of Colorado pursuant to section 24-33.5-212, C.R.S., and who shall be certified by the POST board.

**Source: L. 2003:** Entire article added, p. 1609, § 2, effective August 6.

16-2.5-115. Port of entry officer

A port of entry officer is a peace officer while engaged in the performance of his or her duties whose authority shall be limited pursuant to section 42-8-104, C.R.S.

**Source: L. 2003:** Entire article added, p. 1609, § 2, effective August 6.

16-2.5-116. Colorado wildlife officer – special wildlife officer

(1) A Colorado wildlife officer employed by the Colorado division of parks and wildlife in the department of natural resources is a peace officer whose authority shall include the enforcement of all laws of the state of Colorado pursuant to section 33-1-102 (4.3), C.R.S., and who shall be certified by the POST board. Each Colorado wildlife officer shall be required to complete a minimum of forty hours of continuing law enforcement education per calendar year, or such number of hours as may otherwise be required by law.

(2) A special wildlife officer is a peace officer whose authority is limited as defined by the director of the division of parks and wildlife pursuant to section 33-1-110 (5), C.R.S.

**Source: L. 2003:** Entire article added p. 1609, § 2, effective August 6; (2) amended, p. 1954, § 50, effective August 6.

16-2.5-117. Colorado parks and recreation officer – special parks and recreation officer

(1) A Colorado parks and recreation officer employed by the Colorado division of parks and wildlife in the department of natural resources is a peace officer whose authority shall include the enforcement of all laws of the state of Colorado pursuant to section 33-10-102 (17), C.R.S., and who shall be certified by the POST board. Each Colorado parks and recreation officer shall be required to complete a



minimum of forty hours of continuing law enforcement education per calendar year, or such number of hours as may otherwise be required by law.

(2) A special parks and recreation officer is a peace officer whose authority is limited as defined by the director of the division of parks and wildlife pursuant to section 33-10-109 (1) (f), C.R.S.

**Source: L. 2003:** Entire article added, p. 1609, § 2, effective August 6; (2) amended, p. 1954, § 51, effective August 6.

#### 16-2.5-118. Commissioner of agriculture

The commissioner of agriculture or his or her designee is a peace officer while engaged in the performance of his or her duties whose authority shall be limited pursuant to the "Farm Products Act", section 12-16-114, C.R.S., the "Commodity Handler Act", section 12-16-210, C.R.S., the "Animal Protection Act", section 35-42-107 (4), C.R.S., and the "Pet Animal Care and Facilities Act", section 35-80-109 (6), C.R.S.

**Source: L. 2003:** Entire article added, p. 1609, § 2, effective August 6.

#### 16-2.5-119. State brand inspector

A state brand inspector is a peace officer while engaged in the performance of his or her duties whose authority shall be limited pursuant to section 35-53-128, C.R.S.

**Source: L. 2003:** Entire article added, p. 1609, § 2, effective August 6.

#### 16-2.5-120. Colorado state higher education security officer

A Colorado state higher education security officer employed by a state institution of higher education pursuant to sections 24-7-101 to 24-7-106, C.R.S., is a peace officer whose authority shall include the enforcement of all laws of the state of Colorado and who may be certified by the POST board.

**Source: L. 2003:** Entire article added, p. 1610, § 2, effective August 6. **L. 2008:** Entire section amended, p. 86, § 3, effective March 18.

#### 16-2.5-121. Executive director of the department of revenue – senior director of enforcement for the department of revenue

The executive director and the senior director of enforcement of the department of revenue are peace officers while engaged in the performance of their duties whose authority includes the enforcement of laws and rules regarding automobile dealers pursuant to section 12-6-105 (1) (d) (II), C.R.S., the lottery pursuant to sections 24-



35-205 (3) and 24-35-206 (7), C.R.S., medical marijuana pursuant to article 43.3 of title 12, C.R.S., limited gaming pursuant to section 12-47.1-204, C.R.S., liquor pursuant to section 12-47-904 (1), C.R.S., and racing events pursuant to section 12-60-203 (1), C.R.S., and the enforcement of all laws of the state of Colorado and who may be certified by the POST board.

**Source: L. 2003:** Entire article added, p. 1610, § 2, effective August 6. **L. 2010:** Entire section amended, (HB 10-1284), ch. 355, p. 1685, § 4, effective July 1.

#### 16-2.5-122. Auto industry investigator

An auto industry investigator is a peace officer while engaged in the performance of his or her duties whose authority shall be limited to the enforcement of section 12-6-105 (1) (d) (II), C.R.S.

**Source: L. 2003:** Entire article added, p. 1610, § 2, effective August 6.

#### 16-2.5-123. Director of the division of gaming – gaming investigator

The director of the division of gaming in the department of revenue or a gaming investigator in the department of revenue is a peace officer while engaged in the performance of his or her duties whose primary authority shall be as stated in section 12-47.1-204, C.R.S., and shall also include the enforcement of all laws of the state of Colorado and who may be certified by the POST board.

**Source: L. 2003:** Entire article added, p. 1610, § 2, effective August 6.

#### 16-2.5-124. Liquor enforcement investigator

A liquor enforcement investigator is a peace officer while engaged in the performance of his or her duties and while acting under proper orders or regulations whose primary authority shall be as stated in sections 12-47-904 (1) and 24-35-504, C.R.S., and shall also include the enforcement of all laws of the state of Colorado and who may be certified by the POST board.

**Source: L. 2003:** Entire article added, p. 1610, § 2, effective August 6.

#### 16-2.5-124.5. Director of marijuana enforcement and marijuana enforcement investigator

The director of the marijuana enforcement division or a marijuana enforcement investigator is a peace officer while engaged in the performance of his or her duties and while acting under proper orders or rules pursuant to article 43.3 or 43.4 of title

12, C.R.S., and shall also include the enforcement of all laws of the state of Colorado and who may be certified by the P.O.S.T. board.

**Source: L. 2010:** Entire section added, (HB 10-1284), ch. 355, p. 1685, § 5, effective July 1.**L. 2013:** Entire section amended, (HB 13-1317), ch. 329, p. 1864, § 6, effective May 28.

16-2.5-125. State lottery investigator

A state lottery investigator is a peace officer while engaged in the performance of his or her duties whose primary authority shall be as stated in sections 24-35-205 (3) and 24-35-206 (7), C.R.S., and shall also include the enforcement of all laws of the state of Colorado and who may be certified by the POST board.

**Source: L. 2003:** Entire article added, p. 1610, § 2, effective August 6.

16-2.5-126. Director of racing events – racing events supervisor – racing events investigator

The director of racing events, a racing events supervisor, and a racing events investigator are peace officers while engaged in the performance of their duties whose primary authority shall be as stated in section 12-60-203 (1), C.R.S., and shall also include the enforcement of all laws of the state of Colorado and who may be certified by the POST board.

**Source: L. 2003:** Entire article added, p. 1610, § 2, effective August 6.

16-2.5-127. State student loan investigator

A state student loan investigator is a peace officer while engaged in the performance of his or her duties whose authority shall be limited pursuant to section 23-3.1-104 (2) (q), C.R.S.

**Source: L. 2003:** Entire article added, p. 1611, § 2, effective August 6.

16-2.5-128. Colorado attorney general - chief deputy attorney general - solicitor general - assistant solicitor general - deputy attorney general - assistant attorney general of criminal enforcement - assistant attorney general and employee as designated

The attorney general, chief deputy attorney general, solicitor general, assistant solicitors general, deputy attorneys general, assistant attorneys general of criminal enforcement, and certain other assistant attorneys general and employees of the department of law who are designated by the attorney general are peace officers

whose authority shall include the enforcement of all laws of the state of Colorado and who may be certified by the POST board.

**Source: L. 2003:** Entire article added, p. 1611, § 2, effective August 6. **L. 2011:** Entire section amended, (SB 11-020), ch. 39, p. 105, § 1, effective March 21.

16-2.5-129. Attorney general criminal investigator

An attorney general criminal investigator is a peace officer whose authority shall include the enforcement of all laws of the state of Colorado and who shall be certified by the POST board.

**Source: L. 2003:** Entire article added, p. 1611, § 2, effective August 6.

16-2.5-130. POST director – POST board investigator

The director of the POST board and a POST board investigator are peace officers while engaged in the performance of their duties whose primary authority shall include the enforcement of laws and rules pertaining to the training and certification of peace officers and shall include the enforcement of all laws of the state of Colorado and who may be certified by the POST board.

**Source: L. 2003:** Entire article added, p. 1611, § 2, effective August 6.

16-2.5-131. Chief security officer for the general assembly

The chief security officer for the general assembly is a peace officer while engaged in the performance of his or her duties whose authority shall be limited pursuant to section 2-2-402, C.R.S.

**Source: L. 2003:** Entire article added, p. 1611, § 2, effective August 6.

16-2.5-132. District attorney - assistant district attorney - chief deputy district attorney - deputy district attorney - special deputy district attorney - special prosecutor

A district attorney, an assistant district attorney, a chief deputy district attorney, a deputy district attorney, a special deputy district attorney, and a special prosecutor are peace officers whose authority shall include the enforcement of all laws of the state of Colorado and who may be certified by the POST board.

**Source: L. 2003:** Entire article added, p. 1611, § 2, effective August 6.

16-2.5-133. District attorney chief investigator – district attorney investigator

A district attorney chief investigator and a district attorney investigator are peace officers whose authority shall include the enforcement of all laws of the state of Colorado and who may be certified by the POST board.

**Source: L. 2003:** Entire article added, p. 1611, § 2, effective August 6.

16-2.5-134. Department of corrections inspector general – department of corrections investigator

The department of corrections inspector general and a department of corrections investigator are peace officers whose authority shall be pursuant to section 17-1-103.8, C.R.S., and whose authority shall include the enforcement of all the laws of the state of Colorado. A department of corrections investigator may be certified by the POST board. The inspector general shall be certified by the POST board.

**Source: L. 2003:** Entire article added, p. 1612, § 2, effective August 6.

16-2.5-135. Executive director of the department of corrections – warden – corrections officer

The executive director of the department of corrections, a warden, a corrections officer employed by the department of corrections, or other department of corrections employee assigned by the executive director, is a peace officer while engaged in the performance of his or her duties pursuant to title 17, C.R.S., whose primary authority is the supervision of persons in the custody or confinement of the department of corrections and who may be certified by the POST board.

**Source: L. 2003:** Entire article added, p. 1612, § 2, effective August 6.

16-2.5-136. Community parole officer

A community parole officer employed by the department of corrections is responsible for supervising offenders in the community and supporting the division of adult parole in providing assistance to parolees to secure employment, housing, and other services to support their successful reintegration into the community while recognizing the need for public safety. A community parole officer is a peace officer whose authority shall be pursuant to section 17-27-105.5, C.R.S., and whose authority shall include the enforcement of all laws of the state of Colorado, and who shall be certified by the POST board.

**Source: L. 2003:** Entire article added, p. 1612, § 2, effective August 6. **L. 2010:** Entire section amended, (HB 10-1360), ch. 263, p. 1193, § 1, effective May 25.

16-2.5-137. Adult probation officer

An adult probation officer is a peace officer while engaged in the performance of his or her duties whose authority shall be limited pursuant to part 2 of article 11 of this title.

**Source: L. 2003:** Entire article added, p. 1612, § 2, effective August 6.

16-2.5-138. Juvenile probation officer – juvenile parole officer

A juvenile probation officer and a juvenile parole officer are peace officers while engaged in the performance of their duties whose authority shall be limited pursuant to sections 19-2-926 and 19-2-1003, C.R.S.

**Source: L. 2003:** Entire article added, p. 1612, § 2, effective August 6.

16-2.5-139. Police administrator – police officer employed by the Colorado mental health institute at Pueblo

A police administrator and a police officer employed by the Colorado mental health institute at Pueblo are peace officers whose authority shall include the enforcement of all laws of the state of Colorado pursuant to article 7 or title 24, C.R.S., and who shall be certified by the POST board. Each police administrator or police officer employed by the Colorado mental health institute at Pueblo shall complete a minimum of forty hours of continuing law enforcement education per calendar year, or such number of hours as may otherwise be required by law.

**Source: L. 2003:** Entire article added, p. 1612, § 2, effective August 6. **L. 2009:** Entire section amended, (SB 09-097), ch. 110, p. 456, § 1, effective August 5.

16-2.5-140. Correctional security officer employed by the Colorado mental health institute at Pueblo

A correctional security officer employed by the Colorado mental health institute at Pueblo is a peace officer while engaged in the performance of his or her duties as provided in article 7 of title 24, C.R.S., and whose authority shall include the enforcement of all laws of the state of Colorado, and who may be certified by the P.O.S.T. board.

**Source: L. 2003:** Entire article added, p. 1612, 2, effective August 6. **L. 2009:** Entire section amended, (SB 09-097), ch. 110, p. 456, 2, effective August 5.

#### 16-2.5-141. Colorado state security guard

A Colorado state security guard is a peace officer while engaged in the performance of his or her duties pursuant to article 7 of title 24, C.R.S., whose authority shall be limited to the scope and authority of his or her assigned duties and who may be certified by the POST board.

**Source: L. 2003:** Entire article added, p. 1613, § 2, effective August 6. **L. 2009:** Entire section amended, (SB 09-097), ch. 110, p. 456, § 3, effective August 5.

#### 16-2.5-142. Railroad peace officer

A railroad peace officer is a peace officer while engaged in the performance of his or her duties whose authority shall be limited pursuant to section 40-32-104.5, C.R.S., and who may be certified by the POST board.

**Source: L. 2003:** Entire article added, p. 1613, § 2, effective August 6.

#### 16-2.5-143. Public utilities commission member

A public utilities commission member is a peace officer while engaged in the performance of his or her duties whose authority shall be limited pursuant to articles 1 to 17 of title 40, C.R.S.

**Source: L. 2003:** Entire article added, p. 1613, § 2, effective August 6.

#### 16-2.5-144. Colorado National Guardsman

A Colorado National Guardsman is a peace officer while acting under call of the governor in cases of emergency or civil disorder. His or her authority shall be limited to the period of call-up specified by the governor and shall be exercised only if the executive order of the governor calling the National Guard to state duty specifies that enforcement of the laws of the state of Colorado is a purpose for the call-up.

**Source: L. 2003:** Entire article added, p. 1613, § 2, effective August 6.

#### 16-2.5-145. Municipal court marshal

A municipal court marshal who is employed by a municipality and is specifically designated a peace officer by the municipality is a peace officer while engaged in the performance of his or her duties. The authority of such a municipal court marshal shall be limited to providing security for the municipal court, transporting, detaining, and maintaining control over prisoners, executing all arrest warrants

within the municipal court and its grounds, executing municipal court arrest warrants within the municipal limits, and serving legal process issued by the municipal court within the municipal limits. A municipal court marshal shall be certified by the POST board.

**Source: L. 2004:** Entire section added, p. 414, § 1, effective April 12. **L. 2006:** Entire section amended, p. 27, § 2, effective July 1, 2007.

#### 16-2.5-146. Public transit officer – definitions

(1) A public transit officer who is employed by a public transportation entity and is specifically designated a peace officer by the public transportation entity is a peace officer while engaged in the performance of his or her duties in accordance with any policies and procedures adopted by the public transportation entity. A public transit officer's authority includes the enforcement of all laws of the state of Colorado. A public transit officer shall be certified by the P.O.S.T. board.

(2) As used in this section, "public transportation entity" means a mass transit district, a mass transit authority, or any public entity authorized under the laws of this state to provide mass transportation services to the general public.

**HISTORY: Source: L. 2004:** Entire section added, p. 1162, § 1, effective May 27. **L. 2006:** (1) amended, p. 28, § 3, effective July 1, 2007. **L. 2012:** (1) amended, ([SB 12-044](#)), [ch. 274](#), [p. 1449](#), [§ 5](#), effective June 8. **L. 2015:** Entire section amended, ([SB 15-221](#)), [ch. 268](#), [p. 1044](#), [§ 1](#), effective August 5.

#### 16.2.5-147. Federal special agents

(1) A special agent of the federal bureau of investigation or the United States bureau of alcohol, tobacco, firearms, and explosives, a deputy or special deputy United States marshal, or an officer of the federal protective service of the United States department of homeland security immigration and customs enforcement, in any jurisdiction within the state of Colorado, is a peace officer whose authority is limited as provided in this section. The special agent, deputy or special deputy, or officer is authorized to act in the following circumstances:

(a) The special agent, deputy or special deputy, or officer is:

(I) Responding to a nonfederal felony or misdemeanor that has been committed in the presence of the special agent, deputy or special deputy, or officer;

(II) Responding to an emergency situation in which the special agent, deputy or officer has probable cause to believe that a



nonfederal felony or misdemeanor involving injury or threat of injury to a person or property has been, or is being, committed and immediate action is required to prevent escape, serious bodily injury, or destruction of property;

(III) Rendering assistance at the request of a Colorado peace officer; or

(IV) Effecting an arrest or providing assistance as part of a bona fide task force or joint investigation with Colorado peace officers; and

(b) The agent, deputy or special deputy, or officer acts in accordance with the rules and regulations of his or her employing agency.

(2) A special agent of the federal bureau of investigation or the United States bureau of alcohol, tobacco, firearms, and explosives, a deputy or special deputy United States marshal, or an officer of the federal protective service of the United States department of homeland security immigration and customs enforcement is a person who is employed by the United States government, assigned to the federal bureau of investigation, the United States bureau of alcohol, tobacco, firearms, and explosives, the United States marshal service, or the federal protective service of the United States department of homeland security immigration and customs enforcement, empowered to effect an arrest with or without a warrant for violations of the United States code, and authorized to carry a firearm and use deadly force in the performance of the special agent's, deputy's or special deputy's, or officer's official duties as a federal law enforcement officer.

(3) Upon effecting an arrest under the authority of this section, a special agent of the federal bureau of investigation or the United States bureau of alcohol, tobacco, firearms, and explosives, a deputy or special deputy United States marshal, or an officer of the federal protective service of the United States department of homeland security immigration and customs enforcement shall immediately surrender custody of the arrested individual to a Colorado peace officer.

(4) This section does not impose liability on or require indemnification or create a waiver of sovereign immunity by the state of Colorado for any action performed under this section by a special agent of the federal bureau of investigation or the United States bureau of alcohol, tobacco, firearms, and explosives, a deputy or special deputy United States marshal, or an officer of the federal protective service of the United States department of homeland security immigration and customs enforcement.

(5) Nothing in this section shall be construed to expand the authority of federal law enforcement officers to initiate or conduct an independent investigation into violations of Colorado law.



**Source: L. 2006:** Entire section added, p. 126, § 1, effective March 27. **L. 2008:** Entire section amended, p. 701, § 1, effective August 5. **L. 2011:** Entire section amended, (HB 11-1073), ch. 32, p. 90, § 1, effective August 10.

16-2.5-148. Colorado state higher education police officer

A Colorado state higher education police officer employed by a state institution of higher education pursuant to article 7.5 of title 24, C.R.S., is a peace officer whose authority shall include the enforcement of all laws of the state of Colorado and who shall be certified by the POST board.

**Source: L. 2008:** Entire section added, p. 86, § 4, effective March 18. **L. 2009:** Entire section amended, (SB 09-097), ch. 110, p. 457, § 4, effective August 5.

16-2.5-149. City attorney - town attorney - senior assistant city attorney - assistant city attorney - chief deputy city attorney - deputy city attorney - special deputy city attorney - prosecuting attorney - senior prosecuting attorney - senior prosecutor - special prosecutor

(1) A city attorney, town attorney, senior assistant city attorney, assistant city attorney, chief deputy city attorney, deputy city attorney, special deputy city attorney, prosecuting attorney, senior prosecuting attorney, senior prosecutor, or special prosecutor employed or contracted by a municipality, city, town, statutory city or town, or city and county is a peace officer only while engaged in the performance of his or her duties as a prosecutor. Such peace officer's authority shall include the enforcement of all laws of the municipality, city, town, statutory city or town, or city and county and the state of Colorado, and the peace officer may be certified by the POST board.

(2) Notwithstanding the provisions of subsection (1) of this section, the peace officer status conferred by subsection (1) of this section shall not be available to an attorney specified in subsection (1) of this section who chooses to practice as a criminal defense attorney in the state of Colorado while also working as a prosecuting attorney or an attorney who contracts with a municipality, city, town, statutory city or town, or city and county, local government to serve as a city attorney, town attorney, senior assistant city attorney, assistant city attorney, chief deputy city attorney, deputy city attorney, special deputy city attorney, prosecuting attorney, senior prosecuting attorney, senior prosecutor, or special prosecutor on a less than a full-time basis.

**Source: L. 2012:** Entire section added, (HB 12-1026), ch. 76, p. 256, § 1, effective April 6.

#### 16-2.5-150. Fort Carson police officers

A Fort Carson police officer is a peace officer while engaged in the performance of his or her duties. Fort Carson police officers are employed by the Fort Carson police, a federal civilian law enforcement agency within the state of Colorado. A Fort Carson police officer's authority includes enforcing all the laws of the constitution of the United States, the United States code, the "Uniform Code of Military Justice", 10 U.S.C. chapter 47, and the laws of the state of Colorado within the jurisdiction and properties of Fort Carson and the Piñon Canyon maneuver site, including all fixed and mobile properties of Fort Carson and the Piñon Canyon maneuver site. A Fort Carson police officer may be P.O.S.T. certified.

**Source: L. 2013:** Entire section added, [\(SB 13-005\), ch. 109, p. 377, § 1](#), effective August 7.

#### 16-2.5-151. Federal secret service agents

(1) A special agent, uniform division officer, physical security technician, physical security specialist, or special officer of the United States secret service, referred to in this section as a "secret service agent", in any jurisdiction within the state of Colorado, is a peace officer whose authority is limited as provided in this section. The secret service agent is a peace officer in the following circumstances:

- (a)
  - (I) Responding to a nonfederal felony or misdemeanor that has been committed in his or her presence;
  - (II) Responding to an emergency situation in which he or she has probable cause to believe that a nonfederal felony or misdemeanor involving injury or threat of injury to a person or property has been, or is being, committed and immediate action is required to prevent escape, serious bodily injury, or destruction of property;
  - (III) Rendering assistance at the request of a Colorado peace officer;  
or
  - (IV) Effecting an arrest or providing assistance as part of a bona fide task force or joint investigation with Colorado peace officers; and
- (b) The secret service agent acts in accordance with the rules and regulations of his or her employing agency.

(2) A secret service agent is a person who is employed by the United States government, assigned to the United States secret service, empowered to effect an arrest with or without a warrant for violations of the United States code, and

authorized to carry a firearm and use deadly force in the performance of his or her duties as a federal law enforcement officer.

(3) Upon effecting an arrest under the authority of this section, a secret service agent shall immediately surrender custody of the arrested individual to a Colorado peace officer.

(4) This section does not impose liability on or require indemnification or create a waiver of sovereign immunity by the state of Colorado for any action performed under this section by a secret service agent.

(5) Nothing in this section shall be construed to expand the authority of federal law enforcement officers to initiate or conduct an independent investigation into violations of Colorado law.

**Source: L. 2013:** Entire section added, [\(SB 13-013\), ch. 126, p. 424, § 1](#), effective April 19.

#### 16-2.5-152. Administrator of judicial security

An administrator of judicial security employed by the judicial department is a peace officer whose authority includes the enforcement of all laws of the state of Colorado, and such administrator of judicial security must be certified by the P.O.S.T. board.

**Source: L. 2018:** Entire section added, (HB 18-1210), ch. 69, p. 629, § 1, effective March 22.



## **TITLE 16 – Criminal Proceedings**

### **ARTICLE 2.5 – Peace Officers**

#### **Part 2 – Sunrise Review of Peace Officer Status**

16-2.5-201. General assembly sunrise review of groups seeking statutory peace officer status

(1) The general assembly finds that it is necessary to ensure that clear standards exist for obtaining peace officer status in the state of Colorado. The general assembly further finds it made statutory changes in 2003 to end the stratification of peace officers and ensure all peace officers receive a consistent level of statutory protection. The general assembly therefore declares, in order to maintain clear standards and consistent statutory protections for peace officers, it is necessary for the POST board to review a group that seeks peace officer status either for the group or for a specific position, prior to the group seeking authorization from the general assembly for the status.

(2) No later than July 1 of any year, a group, or political subdivision of the state that seeks peace officer status either for the group or for a specific position, shall submit to the POST board, for its review, a proposal containing the following information:

(a) A complete description of the position or a description of the group proposed for peace officer status and an estimate of the number of persons who hold the position or are in the group;

(b) A description of the specific need for the authority and protections required for the position or group;

(c) The benefit to the public that would result from granting the status;

(d) The costs associated with granting the status; and

(e) A resolution or letter of support for proposed change in status from the chief executive officer of the unit of government or political subdivision employing the group or overseeing the proposed position.

(3) After receiving the information specified in subsection (2) of this section, the POST board shall prepare an analysis, evaluation, and recommendation of the proposed status. The analysis, evaluation, and recommendation shall be based upon criteria established by the POST board in rules adopted pursuant to section 16-2.5-203.

- (4) (a) The POST board shall conduct a hearing with the group seeking peace officer status for the group or for a specific position.
- (b) At the hearing, the determination as to whether peace officer status is needed shall be based upon the criteria contained in the POST board rules.
- (5) After the hearing, the POST board shall submit a report to the group seeking peace officer status for the group or specific position and to the judiciary committees of the house of representatives and the senate no later than October 15 of the year following the year in which the proposal was submitted.
- (6) The group seeking peace officer status for the group or specific position may request members of the general assembly to present appropriate legislation to the general assembly during each of the two regular sessions that immediately succeed the date of the report required pursuant to subsection (2) of this section without having to comply again with the provisions of subsections (2) and (4) of this section. Bills introduced pursuant to this subsection (6) shall count against the number of bills to which members of the general assembly are limited by joint rule of the senate and the house of representatives. The general assembly shall not consider peace officer status of more than five positions or groups in any one session of the general assembly.
- (7) This section is exempt from the provisions of section 24-1-136 (11), C.R.S., and the periodic reporting requirement of that section shall remain in effect until changed by the general assembly acting by bill.

**Source: L. 2004:** Entire part added, p. 1896, § 1, effective June 4.

#### 16-2.5-202. POST board review of peace officer status

- (1) For a position, group, or political subdivision that received peace officer status after July 1, 2003, and did not go through the process described in section 16-2.5-201, the POST board shall review the peace officer authority of the position, group, or political subdivision.
- (2) The POST board shall require the group that received the peace officer status or the group or political subdivision that oversees a position that received peace officer status to submit to the POST board the information required in section 16-2.5-201 (2).
- (3) After receiving the information, the POST board shall prepare an analysis, evaluation, and recommendation of the peace officer status. The analysis,

evaluation, and recommendation shall be based upon the criteria established in POST board rule.

(4) The POST board shall conduct a hearing concerning peace officer status for the group or the specific position, pursuant to the provisions of section 16-2.5-201 (4).

(5) The POST board shall submit a report to the group or political subdivision seeking to retain peace officer status, either for the group or for a specific position, and to the judiciary committees of the house of representatives and the senate no later than October 15 of the year following the year in which the POST board began the review. The report may include legislative recommendations.

**Source: L. 2004:** Entire part added, p. 1898, § 1, effective June 4.

#### 16-2.5-203. Rules

Pursuant to article 4 of title 24, C.R.S., the POST board shall promulgate rules establishing the criteria that shall be applied in determining whether to recommend peace officer status for a group or specific position as provided in section 16-2.5-201 (4).

**Source: L. 2004:** Entire part added, p. 1898, § 1, effective June 4.





## TITLE 18 – Criminal Code

### ARTICLE 1 - Provisions Applicable to Offenses Generally

#### PART 7 - Justification and Exemptions from Criminal Responsibility

18-1-707. Use of physical force in making an arrest or in preventing an escape - definitions

(1) Except as provided in subsections (2) and (2.5) of this section, a peace officer is justified in using reasonable and appropriate physical force upon another person when and to the extent that he reasonably believes it necessary:

(a) To effect an arrest or to prevent the escape from custody of an arrested person unless he knows that the arrest is unauthorized; or

(b) To defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force while effecting or attempting to effect such an arrest or while preventing or attempting to prevent such an escape.

(2) A peace officer is justified in using deadly physical force upon another person for a purpose specified in subsection (1) of this section only when he reasonably believes that it is necessary:

(a) To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or

(b) To effect an arrest, or to prevent the escape from custody, of a person whom he reasonably believes:

(I) Has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon; or

(II) Is attempting to escape by the use of a deadly weapon; or

(III) Otherwise indicates, except through a motor vehicle violation, that he is likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay.

(2.5) (a) A peace officer is justified in using a chokehold upon another

person for the purposes specified in subsection (1) of this section only when he or she reasonably believes that it is necessary:

- (I) To defend himself or herself or a third person from what he or she reasonably believes to be the use or imminent use of deadly physical force or infliction of bodily injury; or
- (II) To effect an arrest, or to prevent the escape from custody, of a person whom he or she reasonably believes:
  - (A) Has committed or attempted to commit a felony involving or threatening the use of a deadly weapon; or
  - (B) Is attempting to escape by the use of physical force; or
  - (C) Indicates, except through a motor vehicle, that he or she is likely to endanger human life or to inflict serious bodily injury to another unless he or she is apprehended without delay.

(b) For the purposes of this subsection (2.5), "chokehold" means a method by which a person holds another person by putting his or her arm around the other person's neck with sufficient pressure to make breathing difficult or impossible and includes, but is not limited to, any pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air.

(3) Nothing in subsection (2) (b) or subsection (2.5) of this section shall be deemed to constitute justification for reckless or criminally negligent conduct by a peace officer amounting to an offense against or with respect to innocent persons whom he is not seeking to arrest or retain in custody.

(4) For purposes of this section, a reasonable belief that a person has committed an offense means a reasonable belief in facts or circumstances that if true would in law constitute an offense. If the believed facts or circumstances would not in law constitute an offense, an erroneous though not unreasonable belief that the law is otherwise does not render justifiable the use of force to make an arrest or to prevent an escape from custody. A peace officer who is effecting an arrest pursuant to a warrant is justified in using the physical force prescribed in subsections (1), (2), and (2.5) of this section unless the warrant is invalid and is known by the officer to be invalid.

(5) Except as provided in subsection (6) of this section, a person who has been directed by a peace officer to assist him to effect an arrest or to prevent an escape from custody is justified in using reasonable and appropriate physical force when and to the extent that he reasonably believes that force to be necessary to carry out

the peace officer's direction, unless he knows that the arrest or prospective arrest is not authorized.

(6) A person who has been directed to assist a peace officer under circumstances specified in subsection (5) of this section may use deadly physical force to effect an arrest or to prevent an escape only when:

(a) He reasonably believes that force to be necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or

(b) He is directed or authorized by the peace officer to use deadly physical force and does not know, if that happens to be the case, that the peace officer himself is not authorized to use deadly physical force under the circumstances.

(7) A private person acting on his own account is justified in using reasonable and appropriate physical force upon another person when and to the extent that he reasonably believes it necessary to effect an arrest, or to prevent the escape from custody of an arrested person who has committed an offense in his presence; but he is justified in using deadly physical force for the purpose only when he reasonably believes it necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force.

(8) A guard or peace officer employed in a detention facility is justified:

(a) In using deadly physical force when he reasonably believes it necessary to prevent the escape of a prisoner convicted of, charged with, or held for a felony or confined under the maximum security rules of any detention facility as such facility is defined in subsection (9) of this section;

(b) In using reasonable and appropriate physical force, but not deadly physical force, in all other circumstances when and to the extent that he reasonably believes it necessary to prevent what he reasonably believes to be the escape of a prisoner from a detention facility.

(9) "Detention facility" as used in subsection (8) of this section means any place maintained for the confinement, pursuant to law, of persons charged with or convicted of an offense, held pursuant to the "Colorado Children's Code", held for extradition, or otherwise confined pursuant to an order of a court.

**HISTORY: Source: L. 71:** R&RE, p. 410, § 1. C.R.S. 1963: § 40-1-807.**L. 75:** (2)(b) R&RE, p. 616, § 2, effective July 21.**L. 2016:** IP(1), (3), and (4) amended and (2.5) added, (HB 16-1264), ch. 341, p. 1390, § 1, effective July 1.

**Editor's note:** Section 2 of chapter 341 (HB 16-1264), Session Laws of Colorado 2016, provides that changes to this section by the act apply to offenses committed on or after July 1, 2016.

**Cross references:** For the "Colorado Children's Code", see title 19.

## ANNOTATION

Law reviews. For article, "Self-Defense in Colorado", see 24 Colo. Law. 2717 (1995). For article, "Constitutional Issues in the Criminal Prosecution of Law Enforcement Officers", see 33 Colo. Law. 55 (March 2004). For article, "Police Use of Force Standards Under Colorado and Federal Law", see 36 Colo. Law. 47 (May 2007). Annotator's note. Since § 18-1-707 is similar to former § 40-2-16, C.R.S. 1963, and laws antecedent thereto, relevant cases construing those provisions have been included in the annotations to this section.

**Officer may use reasonable force to protect himself or detain offender.** An officer who is making a lawful arrest, or has made an arrest, is justified in using such force as is reasonably necessary to secure and detain the offender, overcome his resistance, prevent his escape, recapture him if he escapes, and to protect himself from bodily harm; but he is never justified in using unnecessary force or treating his prisoner with wanton violence, or in resorting to dangerous means when the arrest could be effected otherwise. *People ex rel. Little v. Hutchinson*, 9 F.2d 275 (8th Cir. 1925).

**Officer cannot use excessive force in making an arrest or bringing one into submission.** *McDaniel v. People*, 179 Colo. 153, 499 P.2d 613, cert. denied, 409 U.S. 1060, 93 S. Ct. 558, 34 L. Ed. 2d 512 (1972).

**Officer is not required to retreat.** A police officer who is assaulted by one whom he is lawfully attempting to arrest is not required to retreat to the wall before resorting to such defensive measures as may reasonably seem necessary to protect himself against loss of life or great bodily injury. *Boykin v. People*, 22 Colo. 496, 45 P. 419 (1896).

**Authority to take life based on apparent necessity.** This section does not clothe an officer with authority to judge arbitrarily that it is necessary to take life in order to prevent the rescue of his prisoner. He is not warranted in taking life unless there is an apparent necessity for it and if he does so he is not permitted to take shelter behind his official character. *Campbell v. People*, 55 Colo. 302, 133 P. 1043 (1913).

**Use of force is ordinarily a question for jury.** An officer who intentionally uses more force than is reasonably necessary in making an arrest is oppressively discharging the duties of his office. What amounts to reasonable force depends upon the facts of each particular case and is ordinarily a question of fact for the jury. *People ex rel. Little v. Hutchinson*, 9 F.2d 275 (8th Cir. 1925); *People v. Fuller*, 756 P.2d 390 (Colo. App. 1987), aff'd in part and rev'd in part on other grounds, 781 P.2d 647 (Colo. 1989).

**The question of the absence or existence of the necessity to take the life of a prisoner is finally for the jury.** Campbell v. People, 55 Colo. 302, 133 P. 1043 (1913).

**Police officer's actions were not within section.** Where complaining witness remarked that the police officer was "some kind of a pig" when the officer twice refused to tell the complaining witness why he was being arrested and the officer reacted by pulling his revolver on the complaining witness, the officer's actions were not within the statute authorizing the use of deadly physical force. Johns v. District Court, 192 Colo. 462, 561 P.2d 1 (1977). Before a private person can use physical force to effect an arrest pursuant to subsection (7), the arrest must first be authorized under § 16-3-201. People v. Joyce, 68 P.3d 521 (Colo. App. 2002). In addition, the person on whom physical force is used under subsection (7) must have either committed a crime in the presence of or attempted escape from custody in the presence of the person using the physical force. People v. Joyce, 68 P.3d 521 (Colo. App. 2002).



## TITLE 18 – Criminal Code

### ARTICLE 5 – Offenses Involving Fraud

#### PART 1 – Forgery, Simulation, Impersonation, and Related Offenses

##### 18-5-114. Offering a false instrument for recording

- (1) A person commits offering a false instrument for recording in the first degree if, knowing that a written instrument relating to or affecting real or personal property or directly affecting contractual relationships contains a material false statement or material false information, and with intent to defraud, he presents or offers it to a public office or a public employee, with the knowledge or belief that it will be registered, filed, or recorded or become a part of the records of that public office or public employee.
- (2) Offering a false instrument for recording in the first degree is a class 5 felony.
- (3) A person commits offering a false instrument for recording in the second degree if, knowing that a written instrument relating to or affecting real or personal property or directly affecting contractual relationships contains a material false statement or material false information, he presents or offers it to a public office or a public employee, with the knowledge or belief that it will be registered, filed, or recorded or become a part of the records of that public office or public employee.
- (4) Offering a false instrument for recording in the second degree is a class 1 misdemeanor.

**Source:** L. 71: R&RE, p. 437, § 1. C.R.S. 1963: § 40-5-114. L. 80: Entire section amended, p. 536, § 1, effective April 13.

#### ANNOTATION

**Comparison with section 18-8-114.** Abuse of public records under § 18-8-114 was not meant to cover the offense of offering a false instrument for recording under this section. *People v. Trujillo*, 189 Colo. 23, 536 P.2d 46 (1975).

**Information charging this offense** must set forth alleged false statements, either verbatim or in substance. *People v. Fueston*, 717 P.2d 978 (Colo. App. 1985), *aff'd in part and rev'd in part on other grounds*, 749 P.2d 952 (Colo. 1988).

**Offering a false instrument for recording in the second degree is a lesser included offense** of offering a false instrument for recording in the first degree. *People v. Freda*, 817 P.2d 588 (Colo. App. 1991).

**The use of an intermediary to file a false statement with a public office will not insulate a person from liability.** Because there was evidence that defendant directed that medicaid billings be prepared with false information and that the defendant had knowledge that these forms would be submitted to the medicaid office, the trial court did not err in finding that there was sufficient evidence that the defendant "offered or presented" the billings. *People v. Freda*, 817 P.2d 588 (Colo. App. 1991). **Applied** in *People v. Swearingen*, 649 P.2d 1102 (Colo. 1982), *People v. Norman*, 703 P.2d 1261 (Colo. 1985).



## TITLE 18 – Criminal Code

### ARTICLE 8 – Offenses – Governmental Operations

#### PART 1 – Obstruction of Public Justice

18-8-112. Impersonating a peace officer

- (1) A person who falsely pretends to be a peace officer and performs an act in that pretended capacity commits impersonating a peace officer.
- (2) Impersonating a peace officer is a class 6 felony.

**Source:** L. 71: R&RE, p. 456, § 1. **C.R.S. 1963:** § 40-8-112. **L. 2003:** Entire section amended, p. 1383, § 1, effective May 1. **L. 2004:** Entire section amended, p. 1080, § 1, effective July 1.

#### ANNOTATION

**Law reviews.** For article, "Mens Rea and the Colorado Criminal Code", see 52 U. Colo. L. Rev. 167 (1981).



## TITLE 24 - Government – State – Administration

### ARTICLE 3.7. Statutory Requirements for Creation of Boards and Commissions

#### 24-3.7-102. Best practices for state boards and commissions

- (1) Notwithstanding any law to the contrary, commencing January 1, 2019, each statutorily created board or commission in state government, not including a special purpose authority as defined in section 24-77-102 (15), shall implement written policies or bylaws and obtain annual training on:
  - (a) Understanding and operating within the limits of statutory directives, legislative intent, and any specific directions or laws related to the board or commission's establishment and its powers and duties;
  - (b) Defining the board or commission's mission or role in the oversight of projects or entities approved to receive public funding, if applicable;
  - (c) Understanding the goals of the programs the board or commission oversees, and aligning the board or commission's processes with those goals;
  - (d) Identifying and managing conflicts of interest;
  - (e) Understanding the requirements of the "Colorado Open Records Act", part 2 of article 72 of this title 24, and the open meetings law, part 4 of article 6 of this title 24;
  - (f) Setting parameters regarding board or commission staff's duties relative to the board or commission's mission or role;
  - (g) Identifying and securing sufficient data in order for the board or commission to make informed decisions;
  - (h) Ensuring the appropriate involvement of members in the review of key communications and in any policy-making activities;
  - (i) Ensuring members act in accordance with their roles as public representatives;
  - (j) Coordinating with other boards or commissions, industry, educational institutions, and state agencies where responsibilities and interests overlap; and

(k) Annually reviewing management practices to ensure best practices are utilized.

(2) Each state agency responsible for a statutorily created board or commission shall ensure that the state board or commission obtains the annual training and implements the written policies specified in subsection (1) of this section.

**Source: L. 2018:** Entire section added, (HB 18-1198), ch. 145, p. 930, § 1, effective August 8.

## TITLE 24 – Government – State

### ARTICLE 7 – State Security Officers

#### 24-7-100.2. Legislative declaration

(1) The general assembly hereby finds that the efforts of security officers employed by institutions of higher education to protect the persons and property of their environments are important elements of effective public safety management.

(2) The general assembly acknowledges the operational and environmental acumen of security officers of institutions of higher education regarding their facilities and the importance of including representatives of the institutions in emergency preparedness planning and training efforts conducted by local law enforcement agencies and emergency planning agencies intended to reduce the likelihood of, and develop effective responses to, emergency situations occurring at their facilities.

(3) The general assembly hereby encourages ongoing cooperation efforts among local law enforcement agencies, emergency planning agencies, and the security officers of institutions of higher education regarding emergency preparedness and response planning and training and development of communication capabilities supporting effective coordination among these groups during emergencies.

**Source: L. 2008:** Entire section added, p. 87, § 5, effective March 18.

**Cross references:** For elections, see title 1; for peace officers and firefighters, see article 5 of title 29; for state engineer, see article 80 of title 37; for state chemist, see part 4 of article 1 of title 25; for offenses against government, see article 8 of title 18; for the "Uniform Records Retention Act", see article 17 of title 6.

#### 24-7-101. State Institutions authorized to employ security officers

The institutions, agencies, and departments of state government, including any institution of higher education, are hereby authorized to employ security officers to protect the property of the institution, agency, or department employing the officer and to perform other police, security, and administrative functions as may be deemed necessary.

**Source: L. 71:** p. 120, § 1. C.R.S. 1963: § 3-32-1. **L. 2008:** Entire section amended, p. 87, § 6, effective March 18.

#### 24-7-102. Supervision and control

The security officers employed pursuant to this article shall be under the control and supervision of the governing authority or head of the employing state institution. The governing authorities or heads of the state institutions, agencies, and departments shall provide appropriate credentials for the officers. The employing institution, department, or agency may permit its security officers that have been designated as peace officers pursuant to section 16-2.5-101, C.R.S., to hold and receive such other law enforcement commissions or appointments as are appropriate to carry out their duties.

**Source: L. 71:** p. 120, § 1. C.R.S. 1963: § 3-32-2. **L. 2008:** Entire section amended, p. 87, § 7, effective March 18.

#### 24-7-103. Powers conferred

(1) Security officers employed and commissioned pursuant to this article that have been designated as peace officers pursuant to section 16-2.5-101, C.R.S., when operating on state owned or leased property, are hereby granted all the powers conferred by law upon peace officers to carry weapons and to make arrests.

(2) When not on state owned or leased property, security officers employed and commissioned pursuant to this article shall not have any authority not possessed by private citizens to arrest, investigate, or carry weapons. This subsection (2) shall not apply to peace officers as described in section 16-2.5-101, C.R.S.

**Source: L. 71:** p. 120, § 1. C.R.S. 1963: § 3-32-3. **L. 2002:** Entire section amended, p. 840, § 2, effective May 30. **L. 2003:** (2) amended, p. 1622, § 38, effective August 6. **L. 2008:** (1) amended, p. 87, § 8, effective March 18.

#### 24-7-104. State property not exempt from local law enforcement

Nothing in this article shall be construed to exempt state property from the authority of law enforcement agencies within whose jurisdiction the state property is located; except that representatives of the law enforcement agencies shall coordinate their official actions on state property with the appropriate security officers or police officers, except when emergency circumstances preclude such coordination.

**Source: L. 71:** p. 121, § 1. C.R.S. 1963: § 3-32-4. **L. 2008:** Entire section amended, p. 88, § 9, effective March 18.

#### 24-7-105. Officers' qualifications

Security officers shall be at least twenty-one years of age and shall possess such other qualifications as may be specified by the state personnel director, including continuing training as may be prescribed by the said director.

**Source: L. 71:** p. 121, § 1. C.R.S. 1963: § 3-32-5. **L. 94:** Entire section amended, p. 1731, § 10, effective May 31.

**Cross references:** For provisions concerning the Colorado law enforcement training academy, see part 3 of article 33.5 of this title.

#### 24-7-106. Peace officers standards and training board evaluation and recommendation – legislative authorization of peace officer status required

Notwithstanding other provisions of this article, a person or group of persons employed as security officers or guards by any institution, agency, or department of state government, including any institution of higher education, shall not be designated as peace officers, after June 3, 2004, without completing the peace officer standards and training board processes described in sections 16-2.5-201 and 16-2.5-202, C.R.S., and obtaining the legislative authorization described in section 16-2.5-101, C.R.S.

**Source: L. 2008:** Entire section added, p. 88, § 10, effective March 18.

## TITLE 24 – Government – State

## ARTICLE 7.5 – Colorado Higher Education Police Officers

### 24-7.5-101. State institutions of higher education authorized to employ police officers

The state institutions of higher education are authorized to employ police officers to provide law enforcement and property protection for the institution employing the officers and to perform other police, emergency planning, community safety, and administrative functions as may be deemed necessary.

**Source: L. 2008:** Entire article added, p. 88, § 11, effective March 18.

**Cross references:** For elections, see title 1; for peace officers and firefighters, see article 5 of title 29; for state engineer, see article 80 of title 37; for state chemist, see part 4 of article 1 of title 25; for offenses against government, see article 8 of title 18; for the "Uniform Records Retention Act", see article 17 of title 6.

### 24-7.5-102. Supervision and control

State higher education police officers employed pursuant to this article shall be under the supervision and control of the governing board of the employing state institution of higher education or its designee. The governing board or head of the state institution of higher education shall provide institutional police commissions and other appropriate credentials for the police officers. The employing institution may permit its police officers to hold and receive other law enforcement commissions or appointments as are appropriate to carry out their duties.

**Source: L. 2008:** Entire article added, p. 88, § 11, effective March 18.

### 24-7.5-103. Powers conferred

(1) State higher education police officers employed and commissioned pursuant to this article, when operating on property owned or leased by the state institution of higher education, are granted all the powers conferred by law upon peace officers to carry weapons and make arrests.

(2) When not on property owned or leased by the state institution of higher education, state higher education police officers shall not have any greater authority than that conferred upon peace officers by section 16-3-110, C.R.S.

**Source: L. 2008:** Entire article added, p. 88, § 11, effective March 18.



24-7.5-104. State institution of higher education property not exempt from local law enforcement

Nothing in this article shall be construed to exempt the property of a state institution of higher education from the authority of law enforcement agencies within whose jurisdiction the property is located; except that representatives of the law enforcement agencies shall coordinate their official actions on the property with the appropriate higher education police officers, except when emergency circumstances preclude such coordination.

**Source: L. 2008:** Entire article added, p. 89, § 11, effective March 18.

24-7.5-105. Officers' qualifications

State higher education police officers shall be at least twenty-one years of age and shall possess other qualifications as may be specified by the state personnel director, including continuing training as may be prescribed by the director. State higher education police officers shall be certified by the peace officers standards and training board.

**Source: L. 2008:** Entire article added, p. 89, § 11, effective March 18.

24-7.5-106. Peace officers standards and training board evaluation and recommendation – legislative authorization of peace officer status required

Notwithstanding any other provision of this article, a person or group of persons employed by any institution of higher education shall not be designated as police officers after June 3, 2004, without completing the peace officers standards and training board processes described in sections 16-2.5-201 and 16-2.5-202, C.R.S., and obtaining the certification described in section 16-2.5-102, C.R.S.

**Source: L. 2009:** Entire section added, (SB 09-097), ch. 110, p. 457, § 5, effective August 5.

## TITLE 24 – Government – State

### ARTICLE 31 – Department of Law

#### PART 1 – Attorney General

##### 24-31-105. Criminal enforcement section

There is hereby established, within the department of law and under the control of the attorney general, a criminal enforcement section. The criminal enforcement section or any attorney in the department of law authorized by the attorney general shall prosecute all criminal cases for the attorney general and shall perform other functions as may be required by the attorney general. The attorney general is hereby authorized to appoint a deputy attorney general as chief of the criminal enforcement section. The chief of said section shall be a licensed attorney with a minimum of two years of criminal experience as a trial or appellate prosecutor.

**HISTORY: Source: L. 83:** Entire section added, p. 903, § 2, effective July 1. **L. 96:** Entire section amended, p. 737, § 9, effective July 1.

##### 24-31-107. Applications for licenses – authority to suspend licenses – rules

- (1) Every application by an individual for a license issued by the department of law or any authorized agent of such department shall require the applicant's name, address, and social security number.
- (2) The department of law or any authorized agent of the department shall deny, suspend, or revoke any license pursuant to the provisions of section 26-13-126, C.R.S., and any rules promulgated in furtherance thereof, if the department or agent thereof receives a notice to deny, suspend, or revoke from the state child support enforcement agency because the licensee or applicant is out of compliance with a court or administrative order for current child support, child support debt, retroactive child support, child support arrearages, or child support when combined with maintenance or because the licensee or applicant has failed to comply with a properly issued subpoena or warrant relating to a paternity or child support proceeding. Any such denial, suspension, or revocation shall be in accordance with the procedures specified by rule of the department of law, rules promulgated by the state board of human services, and any memorandum of understanding entered into between the department of law or an authorized agent thereof and the state child support enforcement agency for the implementation of this section and section 26-13-126, C.R.S.
- (3) (a) The department of law shall enter into a memorandum of understanding with the state child support enforcement agency, which memorandum shall identify the relative responsibilities of the department of law

and the state child support enforcement agency in the department of human services with respect to the implementation of this section and section 26-13-126, C.R.S.

(b) The appropriate rule-making body of the department of law is authorized to promulgate rules to implement the provisions of this section.

(4) For purposes of this section, "license" means any recognition, authority, or permission that the department of law or any authorized agent of such department is authorized by law to issue for an individual to practice a profession or occupation or for an individual to participate in any recreational activity. "License" may include, but is not necessarily limited to, any license, certificate, certification, letter of authorization, or registration issued for an individual to practice a profession or occupation or for an individual to participate in any recreational activity.

**Source: L. 97:** Entire section added, p. 1279, § 21, effective July 1.

**Editor's note:** Section 51(2) of chapter 236, Session Laws of Colorado 1997, provides that the act enacting this section applies to all orders whether entered on, before, or after July 1, 1997.

## TITLE 24 – Government – State

### ARTICLE 31 – Department of Law

#### PART 3 – Peace Officer Standards and Training

**Cross references:** For the legislative declaration contained in the 1992 act enacting this part 3, see section 12 of chapter 167, Session Laws of Colorado 1992.

##### 24-31-301. Definitions

As used in this part 3, unless the context otherwise requires:

(1) "Applicant" means any person seeking certification to serve as a peace officer or a reserve peace officer.

(1.5) "Basic training" means the basic law enforcement training received by a peace officer at any approved law enforcement training academy.

(2) "Certification" means the issuance to an applicant of a signed instrument evidencing that such applicant has met the requirements imposed by this part 3 and the POST board. Certification includes "basic certification" and "provisional certification" that shall be issued to peace officers, "reserve certification" that shall be issued to reserve peace officers, and such additional certifications as the board may approve for peace officers.

(3) (Deleted by amendment, **L. 94**, p. 1725, § 3, effective May 31, 1994.)

(3.5) Repealed.

(4) "Local government representative" means a member of a board of county commissioners, member of a city or town council or board of trustees, or mayor of a city or town or city and county.

(5) "Peace officer" means any person described in section 16-2.5-101, C.R.S., and who has not been convicted of a felony or convicted on or after July 1, 2001, of any misdemeanor as described in section 24-31-305 (1.5), or released or discharged from the armed forces of the United States under dishonorable conditions.

(5.5) "Reserve peace officer" means any person described in section 16-2.5-110, C.R.S., and who has not been convicted of a felony or convicted on or after July 1, 2001, of any misdemeanor as described in section 24-31-305 (1.5), or released or discharged from the armed forces of the United States under dishonorable conditions.

(6) "Training academy" means any school approved by the POST board where peace officers and reserve peace officers receive instruction and training.

(7) "Training program" means a course of instruction approved by the POST board for peace officer or reserve peace officer certification and other peace officer training programs.

**Source:** **L. 92:** Entire part added, p. 1091, § 3, effective March 6. **L. 94:** Entire section amended, p. 1725, § 3, effective May 31. **L. 96:** (5) amended, pp. 1349, 1477, § § 1, 42, effective June 1. **L. 98:** (2) and (5) amended, p. 749, § 1, effective May 22. **L. 2003:** (5) and (5.5) amended, p. 1619, § 29, effective August 6. **L. 2005:** (2), (5), (5.5), and (7) amended and (3.5) added, p. 112, § 1, effective August 8. **L. 2012:** (2) amended and (3.5) repealed, (HB 12-1163), ch. 50, p. 182, § 1, effective August 8.

**Cross references:** For elections, see title 1; for peace officers and firefighters, see article 5 of title 29; for state engineer, see article 80 of title 37; for state chemist, see part 4 of article 1 of title 25; for offenses against government, see article 8 of title 18; for the "Uniform Records Retention Act", see article 17 of title 6.

**Cross references:** For statutory provisions relating to the other principal departments of state government, see article 1 of title 8 (department of labor and employment); article 1 of title 17 (department of corrections); part 1 of article 2 of title 22 (department of education); article 1 of title 23 (department of higher education); article 21 of this title (department of state); part 1 of article 50 of this title (department of personnel); part 1 of article 1 of title 25 (department of public health and environment); article 1 of title 25.5 (department of health care policy and financing); article 1 of title 26 (department of human services); part 1 of article 1 of title 27 (department of human services); title 28 (department of military and veterans affairs); article 1 of title 35 (department of agriculture); and part 1 of article 1 of title 43 (department of transportation).

**Cross references:** For the legislative declaration contained in the 1992 act enacting this part 3, see section 12 of chapter 167, Session Laws of Colorado 1992.

#### 24-31-302. Creation of board

(1) There is hereby created, within the department of law, the peace officers standards and training board, referred to in this part 3 as the "P.O.S.T. board".

(2) The P.O.S.T. board shall exercise its powers and perform its duties and functions under the department of law as if transferred to the department by a type 2 transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of this title.

(3) The P.O.S.T. board shall consist of twenty-four members. The chairperson of the P.O.S.T. board shall be the attorney general, and the board shall annually elect from its members a vice-chairperson. The other members shall be the special agent in charge of the Denver division of the federal bureau of investigation, the executive director of the department of public safety, one local government representative, six active chiefs of police from municipalities of this state or state institutions of higher education, six active sheriffs from counties of this state, three active peace officers with a rank of sergeant or below, and five non-law enforcement members. The non-law enforcement members shall complete a citizens' law enforcement academy prior to appointment or within one year after appointment. The governor shall appoint the chiefs of police, sheriffs, peace officers, the lay members, and the local government representative as members of the board for terms of three years per appointment. If any chief of police, sheriff, peace officer, lay member, or local government representative vacates such office during the term for which appointed to the P.O.S.T. board, a vacancy on the board shall exist. Any vacancy shall be filled by appointment by the governor for the unexpired term. In order to create a diversified board, the governor shall consider an applicant's age, gender, race, professional experience, and geographic location when making appointments to the board. In order to create diversified subject matter expertise committees, the chair of the P.O.S.T. board shall consider an applicant's age, gender, race, professional experience, and geographic location when making appointments to the committees.

(4) The members of the P.O.S.T. board shall receive no compensation for their services but may be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

**HISTORY: Source: L. 92:** Entire part added, p. 1093, § 3, effective March 6. **L. 94:** (1) and (3) amended and (4) added, p. 1727, § 4, effective May 31. **L. 2003:** (3) amended, p. 1715, § 1, effective May 14. **L. 2008:** (3) amended, p. 89, § 12, effective March 18. **L. 2015:** (3) amended, [\(HB 15-1287\), ch. 213, p. 777, § 1](#), effective May 20.

#### ANNOTATION

**Denver deputy sheriffs are peace officers** within definition of "peace officer, level I", in [§ 18-1-901](#). Fraternal Order, No. 27 v. Denver, 914 P.2d 483 (Colo. App. 1995).

**For purposes of the reference to [§ 18-1-901\(3\)\(I\)](#) made in subsection (5) of this section**, the certification requirement does not constitute a part of that definition. Fraternal Order, No. 27 v. Denver, 914 P.2d 483 (Colo. App. 1995).

Because the constitution grants Denver the power to control the qualifications, as well as the powers, duties, and terms or tenure, of its deputy sheriffs, it necessarily follows that the P.O.S.T. Act is in conflict with the constitution to the extent that it

purports to require Denver deputy sheriffs to be certified by the P.O.S.T. board. Fraternal Order, No. 27 v. Denver, 914 P.2d 483 (Colo. App. 1995).

#### 24-31-303. Duties - powers of the P.O.S.T. board

- (1) The P.O.S.T. board has the following duties:
  - (a) To approve and to revoke the approval of training programs and training academies, and to establish reasonable standards pertaining to such approval and revocation;
  - (b) To conduct periodic evaluations of training programs and inspections of training academies;
  - (c) To establish procedures for determining whether or not an applicant has met the standards which have been set;
  - (d) To certify qualified applicants and withhold, suspend, or revoke certification;
  - (e) To certify inspectors of vehicle identification numbers, promulgate rules deemed necessary by the board for certification of inspectors of vehicle identification numbers, and approve related training courses;
  - (f) To require a background investigation of each applicant by means of fingerprint checks through the Colorado bureau of investigation and the federal bureau of investigation or such other means as the P.O.S.T. board deems necessary for such investigation;
  - (g) To promulgate rules and regulations deemed necessary by such board for the certification of applicants to serve as peace officers or reserve peace officers in the state pursuant to the provisions of article 4 of this title;
  - (h) To establish standards for training in bail recovery practices;
  - (i) To promulgate rules and regulations that establish the criteria that shall be applied in determining whether to recommend peace officer status for a group or specific position as provided in [section 16-2.5-201 \(4\), C.R.S.](#);
  - (j) To establish standards for training of school resource officers, as described in [section 24-31-312](#);
  - (k) To establish training standards to prepare law enforcement officers to recognize and address incidents of abuse and exploitation of at-risk elders, as

described in [sections 18-6.5-102 \(1\)](#) and (10), C.R.S.;

(l) To 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;

(m) In addition to all other powers conferred and imposed upon the board in this article, the board has the power and duty to adopt and promulgate, under the provisions of [section 24-4-103](#), rules as the board may deem necessary or proper to carry out the provisions and purposes of this article, which rules must be fair, impartial, and nondiscriminatory;

(n) To complete a review and evaluation of the basic academy curriculum, including using community outreach as a review and evaluation component, by July 1, 2016, and every five years thereafter;

(o) (I) To establish, add, and remove, as necessary, subject matter expertise committees to:

(A) Develop skills training programs, academic curriculums, and P.O.S.T. board rules;

(B) Review documents for and approve or deny academy programs, lesson plans, training sites, and skills instructors; and

(C) Assist P.O.S.T. board staff with academy inspections and skills test-outs;

(II) (A) In order to create diversified subject matter expertise committees, the chair of the P.O.S.T. board shall consider an applicant's age, gender, race, professional experience, and geographic location when making appointments to the committees.

(B) If available, each subject matter committee shall include at least two non-law enforcement members who have law enforcement expertise or expertise in providing effective training through professional experience or subject matter training.

(p) To develop a community outreach program that informs the public of the role and duties of the P.O.S.T. board; and



- (q) To develop a recruitment program that creates a diversified applicant pool for appointments to the P.O.S.T. board and the subject matter expertise committees.
- (2) (a) The P.O.S.T. board may charge the following fees, the proceeds of which may be used to support the certification of applicants pursuant to this part 3:
- (I) For the manuals or other materials that the board may publish in connection with its functions, an amount not to exceed twenty dollars per publication; and
- (II) For the administration of certification and skills examinations, an amount not to exceed one hundred fifty dollars per examination per applicant.
- (b) There is hereby created in the state treasury a P.O.S.T. board cash fund. The fees collected pursuant to paragraph (a) of this subsection (2) and pursuant to [section 42-3-304 \(24\), C.R.S.](#), shall be transmitted to the state treasurer who shall credit such revenue to the P.O.S.T. board cash fund. It is the intent of the general assembly that the fees collected shall cover all direct and indirect costs incurred pursuant to this section. In accordance with [section 24-36-114](#), all interest derived from the deposit and investment of moneys in the P.O.S.T. board cash fund shall be credited to the general fund. All moneys in the P.O.S.T. board cash fund shall be subject to annual appropriation by the general assembly and shall be used for the purposes set forth in this subsection (2) and in [section 24-31-310](#). At the end of any fiscal year, all unexpended and unencumbered moneys in the P.O.S.T. board cash fund shall remain in the fund and shall not revert to the general fund or any other fund.
- (3) The P.O.S.T. board may make grants to local governments, any college or university, or any nonprofit for the purpose of funding the training programs required by this section.
- (4) (Deleted by amendment, **L. 98**, p. 749, § 2, effective May 22, 1998.)
- (5) It is unlawful for any person to serve as a peace officer, as described in [section 16-2.5-102, C.R.S.](#), or a reserve peace officer as defined in [section 16-2.5-110, C.R.S.](#), in this state unless such person:
- (a) Is certified pursuant to this part 3; and
- (b) Has undergone both a physical and a psychological evaluation to

determine such person's fitness to serve as a peace officer or a reserve peace officer. Such evaluations shall have been performed within one year prior to the date of appointment by a physician and either a psychologist or psychiatrist licensed by the state of Colorado.

(6) Repealed.

**HISTORY: Source: L. 92:** Entire part added, p. 1093, § 3, effective March 6. **L. 94:** (1) and (2) amended, p. 1727, § 5, effective May 31. **L. 96:** (2)(a) and (3) amended and (4) and (5) added, p. 1571, § 1, effective June 3. **L. 98:** (4) and IP(5) amended, p. 749, § 2, effective May 22; (1)(h) added, p. 962, § 6, effective May 27. **L. 2001:** (2)(a)(II) amended, p. 1449, § 1, effective July 1. **L. 2002:** (6) added, p. 840, § 3, effective May 30. **L. 2003:** (2)(b) amended, p. 2114, § 1, effective May 22; (1)(f) amended, p. 2184, § 2, effective June 3; IP(5) amended, p. 1622, § 39, effective August 6. **L. 2004:** (1)(i) added, p. 1898, § 2, effective June 4. **L. 2006:** (2)(b) amended, p. 1500, § 34, effective June 1. **L. 2012:** (1)(i) amended and (1)(j) added, ([HB 12-1345](#)), [ch. 188, p. 746, § 31](#), effective May 19; (1)(h) amended, ([HB 12-1266](#)), [ch. 280, p. 1530, § 49](#), effective July 1. **L. 2013:** (1)(i) and (1)(j) amended and (1)(k) added, ([SB 13-111](#)), [ch. 233, p. 1125, § 8](#), effective May 16. **L. 2014:** (1)(e), (1)(j), (2)(a)(II), and (3) amended and (1)(l) and (1)(m) added, ([SB 14-123](#)), [ch. 246, p. 945, § 1](#), effective August 6. **L. 2015:** (1)(l) amended and (1)(n), (1)(o), (1)(p), and (1)(q) added, ([HB 15-1287](#)), [ch. 213, p. 778, § 2](#), effective May 20.

**Editor's note:** Subsection (6)(b) provided for the repeal of subsection (6), effective July 1, 2003. (See **L. 2002**, p. 840.)

**Cross references:** (1) For the legislative declaration stating the purpose of and the provision directing legislative staff agencies to conduct a post-enactment review pursuant to [§ 2-2-1201](#) scheduled in 2016, see sections 21 and 46 of chapter 188, Session Laws of Colorado 2012. However, sections 21 and 46 of chapter 188 were repealed by sections 7 and 8 of chapter 323 (HB 15-1273), Session Laws of Colorado 2015.

(2) For the legislative declaration in the 2013 act amending subsections (1)(i) and (1)(j) and adding subsection (1)(k), see section 1 of chapter 233, Session Laws of Colorado 2013.

24-31-304. Applicant for training – fingerprint-based criminal history record check

(1) For purposes of this section, "training academy" means a basic or reserve peace officer training program approved by the POST board that is offered by a training academy, community college, college, or university.

(2) A training academy shall not enroll as a student a person who has been convicted of an offense that would result in the denial of certification pursuant to section 24-31-305 (1.5).

(3) A person seeking to enroll in a training academy shall submit a set of fingerprints to the training academy prior to enrolling in the academy. The training academy shall forward the fingerprints to the Colorado bureau of investigation for the purpose of obtaining a fingerprint-based criminal history record check. Upon receipt of fingerprints and payment for the costs, the Colorado bureau of investigation shall conduct a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation. The POST board shall be the authorized agency to receive information regarding the result of a national criminal history record check. The POST board shall notify the training academy if the fingerprint-based criminal history record check indicates that the person is prohibited from enrolling in the training academy pursuant to subsection (2) of this section. The person seeking to enroll in the training academy shall bear only the actual costs of the state and national fingerprint-based criminal history record check.

(4) (a) Notwithstanding the provisions of subsection (2) of this section and section 24-31-305 (1.5) to the contrary, if the person anticipates that he or she will be prohibited from enrolling in the training academy on the grounds that the person has been convicted on or after July 1, 2001, of one or more of the misdemeanors described in section 24-31-305 (1.5), the person may, at the time of applying for admission to the training academy, notify the POST board of the conviction or convictions and request the POST board to grant the person permission to enroll in the training academy.

(b) The POST board shall promulgate rules deemed necessary by the board concerning the procedures for the granting of permission to enroll in a training academy pursuant to this subsection (4). The POST board, in promulgating the rules, shall take into consideration the procedures for the granting of exemptions to denials of certification and the withdrawal of denials of certification described in section 24-31-305 (1.6). The POST board, in promulgating the rules, may specify that an applicant for certification pursuant to section 24-31-305 need not submit a set of fingerprints at the time of applying for the certification if the applicant has already submitted a set of fingerprints pursuant to this section.

**Source: L. 92:** Entire part added, p. 1094, § 3, effective March 6. **L. 94:** Entire section amended, p. 1729, § 6, effective May 31. **L. 96:** Entire section amended, p. 1572, § 2, effective June 3. **L. 2003:** Entire section R&RE, p. 2183, § 1, effective June 3.

24-31-305. Certification - issuance - renewal - revocation

- (1) (a) Basic peace officer certification requirements shall include:
    - (I) Successful completion of a high school education or its equivalent;
    - (II) Successful completion of basic training approved by the P.O.S.T. board;
    - (III) Passage of examinations administered by the P.O.S.T. board; and
    - (IV) Current first aid and cardiopulmonary resuscitation certificates or their equivalents.
  - (b) The training required for basic certification may be obtained through a training program conducted by a training academy approved by the P.O.S.T. board or completion of requirements of another state, federal, or tribal jurisdiction having standards deemed at least equivalent to those established pursuant to this part 3.
  - (c) Repealed.
- (1.3) Reserve peace officer certification requirements shall include:
- (a) Successful completion of a high school education or its equivalent;
  - (b) Successful completion of reserve training approved by the P.O.S.T. board; and
  - (c) Current first aid and cardiopulmonary resuscitation certificates or their equivalents.
- (1.5) (a) The P.O.S.T. board shall deny certification to any person who has been convicted of:
- (I) A felony;
  - (II) Any misdemeanor in violation of [sections 18-3-204](#), [18-3-402](#), [18-3-404](#), [18-3-405.5](#), and [18-3-412.5, C.R.S.](#);
  - (III) Any misdemeanor in violation of [sections 18-7-201](#), [18-7-202](#), [18-7-203](#), [18-7-204](#), [18-7-302](#), and [18-7-601, C.R.S.](#);

(IV) Any misdemeanor in violation of any section of article 8 of title 18, C.R.S.;

(V) Any misdemeanor in violation of [sections 18-9-111](#) and [18-9-121, C.R.S.](#);

(VI) Any misdemeanor in violation of [sections 18-18-404](#), [18-18-405](#), [18-18-406](#), and [18-18-411, C.R.S.](#);

(VII) Any misdemeanor in violation of [section 18-6-403 \(3\) \(b.5\), C.R.S.](#), as it existed prior to July 1, 2006;

(VIII) Any misdemeanor in violation of federal law or the law of any state that is the equivalent of any of the offenses specified in paragraphs (a) to (g) of this subsection (1.5); or

(IX) Any local municipal ordinance that is the equivalent of any of the offenses specified in paragraphs (a) to (g) of this subsection (1.5).

(b) The P.O.S.T. board must deny certification to any person who entered into one of the following for a crime listed in paragraph (a) of this subsection (1.5) if the P.O.S.T. board determines that certification is not in the public interest:

(I) A deferred judgment and sentencing agreement or deferred sentencing agreement, whether pending or successfully completed;

(II) A deferred prosecution agreement, whether pending or successfully completed; or

(III) A pretrial diversion agreement, whether pending or successfully completed.

(1.6) (a) Notwithstanding the provisions of subsection (1.5) of this section, if an applicant anticipates prior to the denial of certification that he or she will be denied certification on the ground that the applicant has been convicted on or after July 1, 2001, of any misdemeanor or misdemeanors described in subsection (1.5) of this section, the applicant or the chief law enforcement officer of the agency, if any, employing such applicant may, at the time of the application for certification, notify the P.O.S.T. board of such conviction or convictions and request the board to grant the applicant an exemption from denial of certification.

(b) Notwithstanding the provisions of subsection (1.5) of this section, if an

applicant is denied certification on the ground that the applicant has been convicted on or after July 1, 2001, of any misdemeanor or misdemeanors described in subsection (1.5) of this section, the applicant or the chief law enforcement officer of the agency, if any, employing such applicant may, within thirty days after the effective date of denial, request that the P.O.S.T. board withdraw the denial of certification.

(c) The P.O.S.T. board shall promulgate rules and regulations deemed necessary by the board concerning the procedures for the granting of exemptions to denials of certification and the withdrawal of denials of certification under this subsection (1.6).

(1.7) (a) Unless revoked, a basic certification or reserve certification issued pursuant to this part 3 is valid as long as the certificate holder is continuously serving as a peace officer or reserve peace officer.

(b) 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 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.

(c) The P.O.S.T. board may promulgate rules for the renewal of certification that expired pursuant to paragraph (b) of this subsection (1.7).

(2) (a) A certification issued pursuant to subsection (1) or (1.3) of this section or [section 24-31-308](#) shall be suspended or revoked by the P.O.S.T. board if the certificate holder has been convicted of a felony at any time, or has been convicted on or after July 1, 2001, of any misdemeanor or misdemeanors described in subsection (1.5) of this section, or has otherwise failed to meet the certification requirements established by the board.

(b) (I) Notwithstanding the provisions of paragraph (a) of this subsection (2), if the certification of a certificate holder is revoked pursuant to paragraph (a) of this subsection (2) on the ground that the certificate holder has been convicted on or after July 1, 2001, of any misdemeanor or misdemeanors described in subsection (1.5) of this section, the certificate holder or the chief law enforcement officer of the agency, if any, employing such certificate holder may, within thirty days after the effective date of the revocation, request the P.O.S.T. board to reinstate the certification.

(II) The P.O.S.T. board shall promulgate rules and regulations deemed necessary by the board concerning the procedures for the

reinstatement of revocations of certification.

(3) Certification shall not vest tenure or related rights. The policies, if any, of the employing agency shall govern such rights. Additional certification reflecting higher levels of proficiency may, at the discretion of the employing agency, be required in hiring, retaining, or promoting peace officers.

(4) The P.O.S.T. board may grant variances from the requirements of this section to any individual, including any individual called to active duty by the armed forces of the United States, if strict application thereof would result in practical difficulty or unnecessary hardship and where the variance would not conflict with the basic purposes and policies of this part 3. The P.O.S.T. board shall promulgate rules regarding the procedure for applying for and granting variances pursuant to this subsection (4).

**HISTORY: Source: L. 92:** Entire part added, p. 1094, § 3, effective March 6.**L. 94:** Entire section amended, p. 1729, § 7, effective May 31.**L. 96:** Entire section amended, p. 1572, § 3, effective June 3.**L. 98:** (1.7)(a), (1.7)(b), and (2) amended and (4) added, p. 750, § 3, effective May 22.**L. 2000:** (1.7)(c) amended, p. 42, § 2, effective March 10.**L. 2001:** (1.5) and (2) amended and (1.6) added, p. 1449, § 2, effective July 1.**L. 2005:** (1)(b), (1.5)(g), and (4) amended and (1)(c) and (1.5)(h) added, p. 113, § 2, effective August 8.**L. 2006:** (1.5)(g) amended, p. 2044, § 5, effective July 1.**L. 2012:** (1)(c) repealed, ([HB 12-1163](#)), [ch. 50, p. 182, § 2](#), effective August 8.**L. 2013:** (1.5)(g) amended, ([HB 13-1166](#)), [ch. 59, p. 196, § 4](#), effective August 7.**L. 2014:** (1.5)(g) and (1.5)(h) amended and (1.5)(i) added, ([SB 14-123](#)), [ch. 246, p. 946, § 2](#), effective August 6.**L. 2016:** (1.5) amended, ([HB 16-1262](#)), [ch. 339, p. 1386, § 6](#), effective June 10.

## ANNOTATION

**Because the constitution grants Denver the power to control the qualifications, as well as the powers, duties, and terms or tenure, of its deputy sheriffs,** it necessarily follows that the P.O.S.T Act is in conflict with the constitution to the extent that it purports to require Denver deputy sheriffs to be certified by the P.O.S.T. board. Fraternal Order, No. 27 v. Denver, 914 P.2d 483 (Colo. App. 1995).

**Because the state's interest under the Peace Officers Standards and Training Act was not sufficient to outweigh Denver's home rule authority,** the provisions of this section supersede the conflicting provisions of the P.O.S.T. Act. Fraternal Order of Police, Lodge 27 v. Denver, 926 P.2d 582 (Colo. 1996). **The qualification and certification of Denver deputy sheriffs is a local concern,** specifically, where it was shown that there was no need for statewide uniformity of training that would include Denver deputy sheriffs; that the extraterritorial impact of Denver deputy sheriffs is, at best, de minimis; that Denver deputy sheriffs do not substantially impact public safety beyond the



boundaries of Denver; and Denver's interest in the training and certification of its deputy sheriffs is substantial and has direct textual support in the Colorado Constitution and in case law precedent. *Fraternal Order of Police, Lodge 27 v. Denver*, 926 P.2d 582 (Colo. 1996).

**The holding regarding the training and certification under the P.O.S.T. Act is limited to Denver deputy sheriffs** since Colorado Constitution article XX, § 2, pertains only to the City and County of Denver. *Fraternal Order of Police, Lodge 27 v. Denver*, 926 P.2d 582 (Colo. 1996).

### **24-31-306. Qualifications for peace officers (Repealed)**

**Source:** **L. 92:** Entire part added, p. 1095, § 3, effective March 6. **L. 94:** (1) and (7) amended, p. 1730, § 8, effective May 31. **L. 96:** (7.5) added, p. 1349, § 2, effective June 1; (4), (5), (6), and (7) repealed and (8) added, p. 1574, § § 4, 5, effective June 3. **L. 98:** (7.5)(c) and (9) added, p. 750, § § 4, 5, effective May 22.

**Editor's note:** Subsection (1)(b) provided for the repeal of subsection (1), effective January 1, 1995. (See L. 94, p. 1730.) Subsection (2)(b) provided for the repeal of subsection (2), effective January 1, 1995. (See L. 92, p. 1095.) Subsection (3)(b) provided for the repeal of subsection (3), effective January 1, 1995. (See L. 92, p. 1095.) Subsection (8)(b) provided for the repeal of subsection (8), effective January 1, 1997. (See L. 96, p. 1574.) Subsection (7.5)(c) provided for the repeal of subsection (7.5), effective January 1, 1999. (See L. 98, p. 750.) Subsection (9)(c) provided for the repeal of subsection (9), effective January 1, 1999. (See L. 98, p. 750.)

### 24-31-307. Enforcement

(1) The POST board shall have the power to direct the attorney general to enforce the provisions of this part 3 through an action in district court for injunctive or other appropriate relief against:

(a) Any individual undertaking or attempting to undertake any duties as a peace officer or a reserve peace officer in this state in violation of this part 3; and

(b) Any agency permitting any individual to undertake or attempt to undertake any duties as a peace officer or a reserve peace officer in this state under the auspices of such agency in violation of this part 3.

(2) The attorney general shall be entitled to recover reasonable attorney fees and costs against the defendant in any enforcement action under this part 3, if the attorney general prevails.

**Source:** **L. 94:** Entire section added, p. 1731, § 9, effective May 31.



24-31-308. Reciprocity – provisional certificate

- (1) The POST board is authorized to grant a provisional certificate to any person who:
  - (a) Has been authorized to act as a peace officer in another state or federal jurisdiction, excluding the armed forces, within the preceding three years and has served as a certified law enforcement officer in good standing in such other state or federal jurisdiction for more than one year;
  - (b) Passes the certification examination required pursuant to this part 3; and
  - (c) Possesses current first aid and cardiopulmonary resuscitation certificates or their equivalent.
- (2)
  - (a) The POST board is authorized to grant a basic certification to a person who meets the criteria established for basic certification by rule of the POST board.
  - (b) Any rule of the POST board establishing the criteria for basic certification shall provide that a basic certification will be issued only after an applicant has successfully demonstrated to the POST board a proficiency in all skill areas as required by section 24-31-305.
- (3)
  - (a) A provisional certificate shall be valid for six months.
  - (b) Upon a showing of good cause, the POST board may renew a provisional certificate once for a period not to exceed an additional six months.

**Source: L. 98:** Entire section added, p. 751, § 7, effective May 22. **L. 2000:** (1)(a) and (2) amended, p. 43, § 3, effective March 10. **L. 2012:** (1)(a) amended, (HB 12-1163), ch. 50, p. 182, § 3, effective August 8.

24-31-309. Profiling – officer identification – training

- (1)
  - (a) The general assembly finds, determines, and declares that profiling is a practice that presents a great danger to the fundamental principles of our constitutional republic and is abhorrent and cannot be tolerated.
  - (b) The general assembly further finds and declares that motorists who have been stopped by peace officers for no reason other than the color of their skin or their apparent race, ethnicity, age, or gender are the victims of

discriminatory practices.

(c) The general assembly further finds and declares that Colorado peace officers risk their lives every day. The people of Colorado greatly appreciate the hard work and dedication of peace officers in protecting public safety. The good name of these peace officers should not be tarnished by the actions of those who commit discriminatory practices.

(d) It is therefore the intent of the general assembly in adopting this section to provide a means of identification of peace officers who are engaging in profiling, to underscore the accountability of those peace officers for their actions, and to provide training to those peace officers on how to avoid profiling.

(2) Definitions. For purposes of this section, "profiling" means the practice of relying solely on race, ethnicity, gender, national origin, language, religion, sexual orientation, gender identity, age, or disability in:

(a) Determining the existence of probable cause to place in custody or arrest an individual or in constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a vehicle; or

(b) Determining the scope, substance, or duration of an investigation or law enforcement activity to which a person will be subjected.

(3) Profiling practices prohibited. Profiling as defined in subsection (2) of this section is prohibited; except that a peace officer may use age when making law enforcement decisions if the peace officer is investigating a juvenile status offense.

(4) (a) A peace officer certified pursuant to this part 3 shall provide, without being asked, his or her business card to any person whom the peace officer has detained in a traffic stop, but has not cited or arrested. The business card shall include identifying information about the peace officer including, but not limited to, the peace officer's name, division, precinct, and badge or other identification number and a telephone number that may be used, if necessary, to report any comments, positive or negative, regarding the traffic stop. The identity of the reporting person and the report of any such comments that constitutes a complaint shall initially be kept confidential by the receiving law enforcement agency, to the extent permitted by law. The receiving law enforcement agency shall be permitted to obtain some identifying information regarding the complaint to allow initial processing of the complaint. If it becomes necessary for the further processing of the complaint for the complainant to disclose his or her identity, the complainant

shall do so or, at the option of the receiving law enforcement agency, the complaint may be dismissed.

(b) The provisions of paragraph (a) of this subsection (4) shall not apply to authorized undercover operations conducted by any law enforcement agency.

(c) Each law enforcement agency in the state shall compile on at least an annual basis any information derived from telephone calls received due to the distribution of business cards as described in paragraph (a) of this subsection (4) and that allege profiling. The agency shall make such information available to the public but shall not include the names of peace officers or the names of persons alleging profiling in such information. The agency may also include in such information the costs to the agency of complying with the provisions of this subsection (4).

(5) The training provided for peace officers shall include an examination of the patterns, practices, and protocols that result in profiling and prescribe patterns, practices, and protocols that prevent profiling. On or before August 1, 2001, the P.O.S.T. board shall certify the curriculum for such training.

(6) No later than six months after June 5, 2001, each law enforcement agency in the state shall have written policies, procedures, and training in place that are specifically designed to address profiling. Each peace officer employed by such law enforcement agency shall receive such training. The written policies and procedures shall be made available to the public for inspection during regular business hours.

**HISTORY: Source: L. 2001:** Entire section added, p. 934, § 2, effective June 5. **L. 2016:** (2) and (3) amended, ([HB 16-1263](#)), [ch. 340](#), [p. 1388](#), [§ 2](#), effective June 10.

**Cross references:** For the legislative declaration in HB 16-1263, see section 1 of chapter 340, Session Laws of Colorado 2016.

#### ANNOTATION

**Law reviews.** For article, "House Bill 1114: Eliminating Biased Policing", see 31 Colo. Law. 127 (July 2002).

24-31-310. Resources for the training of peace officers – peace officers in rural jurisdictions – legislative declaration

(1) The general assembly hereby finds and declares that Colorado peace officers risk their lives every day in the normal course of their duties. On the roads and highways and throughout the state, peace officers are expected to make quick and difficult decisions that concern both public and officer safety. The general assembly

further finds and declares that good training is crucial for peace officers to make decisions that are in the best interests of the health and safety of the citizens of Colorado. The general assembly recognizes that the POST board oversees peace officer training programs and that in the past the state has provided funding for such training programs. The general assembly further recognizes that the state has not provided funding for peace officer training programs since 1992, and that the lack of state funding has had a significant impact on the training of peace officers in the state. Therefore, it is the intent of this section to reimplement state funding for peace officer training programs and to enable the POST board to provide substantial training for peace officers who serve the citizens of Colorado.

(2) The moneys collected and transferred to the POST board cash fund pursuant to section 42-3-304 (24), C.R.S., shall be used to provide training programs for peace officers, especially peace officers in rural and smaller jurisdictions that have limited resources due to the size or location of such jurisdictions. The moneys shall be used and distributed pursuant to subsection (3) of this section.

(3) The moneys collected and transferred to the POST board cash fund pursuant to section 42-3-304 (24), C.R.S., shall be used and distributed as determined by the POST board. The moneys in the fund shall be used to pay the salary and benefits of any employee hired by the department of law in order to administer the peace officer training programs and to cover any other costs incurred by the POST board in connection with such programs. Under no circumstance shall general fund moneys be used to cover such costs incurred by the department of law or the POST board.

**Source: L. 2003:** Entire section added, p. 2114, § 2, effective May 22. **L. 2006:** (2) and (3) amended, p. 1500, § 35, effective June 1.

#### 24-31-311. DNA evidence – collection – retention

(1) The training provided for peace officers shall include proper collection and retention techniques, practices, and protocols for evidence that may contain biological or DNA evidence. On or before August 1, 2009, the POST board shall certify the curriculum for the training. After August 1, 2009, the training shall be provided to persons who enroll in a training academy for basic peace officer training and to all peace officers described in section 16-2.5-101, C.R.S., who are certified by the POST board pursuant to this part 3 prior to August 1, 2009.

(2) The POST board may develop a specialized certification program that concentrates on the proper techniques, practices, and protocols for evidence collection with emphasis on evidence that may contain biological or DNA evidence.

**Source: L. 2008:** Entire section added, p. 848, § 4, effective May 14.

**Cross references:** For the legislative declaration contained in the 2008 act enacting this section, see section 1 of chapter 223, Session Laws of Colorado 2008.

24-31-312. School resource officer training

(1) On or before January 1, 2014, the POST board shall identify a school resource officer training curriculum to prepare peace officers.

(2) To the extent practicable, the training curriculum described in subsection (1) of this section shall incorporate the suggestions of relevant stakeholders and advocates.

(3) (a) In assigning peace officers to serve as school resource officers pursuant to section 22-32-146, C.R.S., each law enforcement agency is encouraged to ensure that such peace officers have successfully completed the school resource officer training curriculum described in subsection (1) of this section, or will complete said training within six months after beginning the assignment.

(b) On and after January 1, 2015, each county sheriff and each municipal law enforcement agency of the state shall employ at least one peace officer who has successfully completed the training curriculum described in subsection (1) of this section.

(4) For the purposes of section 22-32-146, C.R.S., the training curriculum provided pursuant to subsection (1) of this section shall include a means of recognizing and identifying peace officers who successfully complete the training curriculum.

(5) In providing the training curriculum described in subsection (1) of this section, the POST board may include provisions to allow for the awarding of credit to a peace officer who has successfully completed a school resource officer certification curriculum offered by one or more public or private entities, which entities shall be identified by the POST board.

(6) The POST board may charge a fee to each peace officer who enrolls in the training curriculum described in subsection (1) of this section. The amount of the fee shall not exceed the direct and indirect costs incurred by the POST board in providing the curriculum.

**HISTORY: Source: L. 2012:** Entire section added, (HB 12-1345), ch. 188, p. 746, § 32, effective May 19.

**Cross references:** For the legislative declaration stating the purpose of and the provision directing legislative staff agencies to conduct a post-enactment review

pursuant to § 2-2-1201 scheduled in 2016, see sections 21 and 46 of chapter 188, Session Laws of Colorado 2012. To obtain a copy of the review, once completed, view Colorado Legislative Council's web site.

#### 24-31-313. Training concerning abuse and exploitation of at-risk elders

- (1) On or before January 1, 2014, the P.O.S.T. board shall create and implement a training curriculum to prepare peace officers to recognize and address incidents of abuse and exploitation of at-risk elders, as described in [sections 18-6.5-102 \(1\)](#) and (10), C.R.S.
- (2) On and after January 1, 2015, each county sheriff and each municipal law enforcement agency of the state shall employ at least one peace officer who has successfully completed the training curriculum described in subsection (1) of this section.
- (3) The training curriculum provided pursuant to subsection (1) of this section shall include a means of recognizing and identifying peace officers who successfully complete the training curriculum.
- (4) In providing the training curriculum described in subsection (1) of this section, the P.O.S.T. board may include provisions to allow for the awarding of credit to a peace officer who has successfully completed a similar training curriculum offered by one or more public or private entities, which entities shall be identified by the P.O.S.T. board.
- (5) The P.O.S.T. board may charge a fee to each peace officer who enrolls in the training curriculum described in subsection (1) of this section. The amount of the fee shall not exceed the direct and indirect costs incurred by the P.O.S.T. board in providing the curriculum.

**Source:** L. 2013: Entire section added, [\(SB 13-111\), ch. 233, p. 1126, § 9](#), effective May 16.

**Cross references:** For the legislative declaration in the 2013 act adding this section, see section 1 of chapter 233, Session Laws of Colorado 2013.

#### 24-31-313.5. Training concerning abuse and exploitation of at-risk adults with intellectual and developmental disabilities

On or before June 30, 2016, the P.O.S.T. board shall create and implement a training curriculum to prepare peace officers to recognize and address incidents of abuse and exploitation of at-risk adults with intellectual and developmental disabilities, as described in [section 18-6.5-102 \(2.5\)](#) and (10), C.R.S.

**HISTORY:** Source: **L. 2016:** Entire section added, ([HB 16-1254](#)), [ch. 6, p. 12, § 1](#), effective March 9.

24-31-314. Advanced roadside impaired driving enforcement training

- (1) On and after October 1, 2013, the P.O.S.T. board is encouraged to include advanced roadside impaired driving enforcement training in the curriculum for persons who enroll in a training academy for basic peace officer training.
- (2) Subject to the availability of sufficient moneys, the P.O.S.T. board shall arrange to provide training in advanced roadside impaired driving enforcement to drug recognition experts who will act as trainers in advanced roadside impaired driving enforcement for all peace officers described in [section 16-2.5-101, C.R.S.](#)

**Source:** **L. 2013:** Entire section added, ([SB 13-283](#)), [ch. 332, p. 1892, § 8](#), effective May 28.

24-31-315. Annual in-service training requirements

- (1) The annual in-service training programs shall include proper restraint and holds training, a two-hour anti-bias training program and, in alternating years, either a two-hour community policing and community partnerships training program or a two-hour situation de-escalation training program. The programs and curriculum shall be available by July 1, 2016, and may include interactive web-based training. Each certified peace officer shall satisfactorily complete the training by July 1, 2017, and shall satisfactorily complete the training at least once every five years thereafter.
- (2)
  - (a) The P.O.S.T. board shall suspend a peace officer's certification if the peace officer fails to comply with the training requirements in subsection (1) of this section. The P.O.S.T. board shall reinstate a peace officer's certification that was suspended pursuant to this paragraph (a) upon completion of the training requirements in subsection (1) of this section.
  - (b) Notwithstanding the provisions of paragraph (a) of this subsection (2), the P.O.S.T. board shall not suspend a peace officer's certification if the peace officer has not complied with the training requirements of subsection (1) of this section because the officer is not serving as a full-time peace officer. When the officer returns to his or her full-time peace-officer duties, he or she shall have six months to complete the training required by subsection (1) of this section.
  - (c) Prior to suspension of a peace officer's certification pursuant to

paragraph (a) of this subsection (2), the peace officer must be afforded due process to the extent required by law.

**HISTORY: Source: L. 2015:** Entire section added, ([HB 15-1287](#)), ch. 213, p. 778, § [3](#), effective May 20.



## TITLE 24 – Government – State – Principal Departments

### ARTICLE 33.5 - Public Safety

#### PART 1 – Department of Public Safety

24-33.5-112. State law enforcement agencies to provide identification cards to retired peace officers upon request – definitions

- (1) As used in this section, unless the context otherwise requires:
  - (a) "Law enforcement agency of the state" means the department and any agency that exists within the department and employs at least one peace officer, including but not limited to the Colorado state patrol created in part 2 of this article, the Colorado bureau of investigation created in part 4 of this article, and the division of criminal justice created in part 5 of this article.
  - (b) "Peace officer" means a certified peace officer described in section 16- 2.5-102, C.R.S.
  - (c) "Photographic identification" means a photographic identification that satisfies the description at 18 U.S.C. sec. 926C (d).
- (2) Except as described in subsection (3) of this section, on and after August 7, 2013, if a law enforcement agency of the state has a policy, on August 7, 2013, of issuing photographic identification to peace officers who have retired from the agency, and the agency discontinues said policy after August 7, 2013, the agency shall continue to provide such photographic identification to peace officers who have retired from the agency if:
  - (a) The peace officer requests the identification;
  - (b) The peace officer retired from the law enforcement agency before the date upon which the agency discontinued the policy; and
  - (c) The peace officer is a qualified retired law enforcement officer, as defined in 18 U.S.C. sec. 926C (c).
- (3) Before issuing or renewing a photographic identification to a retired law enforcement officer pursuant to this section, a law enforcement agency of the state shall complete a criminal background check of the officer through a search of the national instant criminal background check system created by the federal "Brady Handgun Violence Prevention Act" (Pub.L. 103-159), the relevant portion of which is codified at 18 U.S.C. sec. 922 (t), and a search of the state integrated criminal

justice information system. If the background check indicates that the officer is prohibited from possessing a firearm by state or federal law, the law enforcement agency shall not issue the photographic identification.

(4) A law enforcement agency of the state may charge a fee for issuing a photographic identification to a retired peace officer pursuant to subsection (2) of this section, which fee shall not exceed the direct and indirect costs assumed by the agency in issuing the photographic identification.

(5) Notwithstanding any provision of this section to the contrary, a law enforcement agency of the state shall not be required to issue a photographic identification to a particular peace officer if the chief administrative officer of the agency elects not to do so.

(6) If a law enforcement agency of the state denies a photographic identification to a retired peace officer who requests a photographic identification pursuant to this section, the law enforcement agency shall provide the retired peace officer a written statement setting forth the reason for the denial.

**Source: L. 2013:** Entire section added, (HB 13-1118), ch. 81, p. 256, § 1, effective August 7.

#### 24-33.5-115. Peace officer hiring - required use of waiver - definitions

(1) A state or local law enforcement agency, including higher education law enforcement agencies and public transit law enforcement agencies, shall require each candidate that it interviews for a peace officer position who has been employed by another law enforcement agency or governmental agency to execute a written waiver that explicitly authorizes each law enforcement agency or governmental agency that has employed the candidate to disclose the applicant's files, including internal affairs files, to the state or local law enforcement agency and releases the interviewing agency and each law enforcement agency or governmental agency that employed the candidate from any liability related to the use and disclosure of the files. A law enforcement agency or governmental agency may disclose the applicant's files by either providing copies or allowing the interviewing agency to review the files at the law enforcement agency's office or governmental agency's office. A candidate who refuses to execute the waiver shall not be considered for employment by the interviewing agency. The agency interviewing the candidate shall, at least twenty-one days prior to making the hiring decision, submit the waiver to each law enforcement agency or governmental agency that has employed the candidate. A state or local law enforcement agency or governmental agency that receives such a waiver shall provide the disclosure to the agency that is considering the candidate for employment not more than twenty-one days after such receipt.

(2) A state or local law enforcement agency is not required to provide the disclosures described in subsection (1) of this section if the agency is prohibited from providing the disclosure pursuant to a binding nondisclosure agreement to which the agency is a party, which agreement was executed before the effective date of this section.

(3) A state or local law enforcement agency or governmental agency is not liable for complying with the provisions of this section or participating in an official oral interview with an investigator regarding the candidate.

(4) As used in this section, unless the context otherwise requires:

(a) "Files" means all performance reviews, any other files related to job performance, administrative files, grievances, previous personnel applications, personnel related claims, disciplinary actions, and all complaints, early warnings, and commendations, but does not include nonperformance or conduct-related data, including medical files, schedules, pay and benefit information, or similar administrative data or information.

(b) "State or local law enforcement agency" means:

(I) The Colorado state patrol created pursuant to [section 24-33.5-201](#);

(II) The Colorado bureau of investigation created pursuant to [section 24-33.5-401](#);

(III) A county sheriff's office;

(IV) A municipal police department;

(V) The division of parks and wildlife within the department of natural resources created pursuant to [section 24-1-124](#); or

(VI) A town marshal's office.

**HISTORY: Source: L. 2016:** Entire section added, ([HB 16-1262](#)), [ch. 339, p. 1380, § 1](#), effective June 10.

24-33.5-116. Peace officer authority Colorado mounted rangers study task force - repeal

(1) There is created a peace officer authority Colorado mounted rangers study task force, referred to in this section as the "task force", convened to study and

make recommendations regarding peace officer certification and authority for the Colorado mounted rangers. The task force consists of:

- (a) The executive director of the department of public safety or his or her designee, who shall serve as the chair of the task force;
  - (b) The attorney general or his or her designee;
  - (c) A representative of the chiefs of police appointed by the executive director of the department of public safety;
  - (d) A county sheriff appointed by the executive director of the department of public safety;
  - (e) The chief of the Colorado state patrol or his or her designee;
  - (f) The director of the Colorado bureau of investigation or his or her designee;
  - (g) The director of the division of homeland security and emergency management or his or her designee; and
  - (h) The colonel of the Colorado mounted rangers.
- (2) The chair of the task force shall convene the first meeting of the task force by June 1, 2016. The task force shall schedule a sufficient number of meetings in order to complete and submit its recommendations pursuant to subsection (4) of this section prior to July 1, 2017.
- (3) The task force shall study and make recommendations regarding whether it is appropriate for the Colorado mounted rangers to receive P.O.S.T. peace officer certification, and if so:
- (a) The appropriate level of peace officer certification for the Colorado mounted rangers, including the appropriate amount of training and supervision;
  - (b) The appropriate agency to house the Colorado mounted rangers;
  - (c) The appropriate level of peace officer authority of the Colorado mounted rangers;
  - (d) The status of a Colorado mounted ranger when the ranger is not on duty; and

- (e) Any other relevant matters.
- (4) The task force shall provide recommendations to the judiciary committees of the house of representatives and senate, or any successor committees, regarding application for peace officer status pursuant to [section 16-2.5-201, C.R.S.](#)
- (5) This section is repealed, effective July 1, 2017.

**HISTORY: Source: L. 2016:** Entire section added, [\(SB 16-111\), ch. 291, p. 1177, § 1](#), effective June 10.

## **TITLE 24 – Government – State – Principal Departments**

### **ARTICLE 33.5 - Public Safety**

#### **PART 5 – Division of Criminal Justice**

24-33.5-519. Body-worn cameras for law enforcement officers - grant program - study group - fund – repeal

- (1) (a) There is created in the division the body-worn camera grant program, referred to in this section as the "grant program", to award grants to law enforcement agencies to purchase body-worn cameras, for associated data retention and management costs, and to train law enforcement officers on the use of body-worn cameras. The division shall administer the grant program pursuant to this section. The division may apply for gifts, grants, or donations from the federal government and any public or private source. The division shall transmit any moneys received to the state treasurer for deposit in the fund created pursuant to subsection (2) of this section. The division shall make grant payments from general fund moneys appropriated to the division by the general assembly for the program and moneys appropriated from the fund.
- (b) The division shall:
  - (I) Solicit and review applications for grants from law enforcement agencies; and
  - (II) Select law enforcement agencies to receive grants from agencies that have adopted policies, giving preference to agencies that otherwise lack moneys to pay for body-worn cameras, for associated data retention and management costs, and to train law enforcement officers on the use of body-worn cameras, and determine the amount of each grant.
- (2) (a) There is created in the state treasury the body-worn camera fund, referred to in this section as the "fund", consisting of any moneys received by the division from gifts, grants, or donations for the grant program. The moneys in the fund are subject to annual appropriation by the general assembly to the division for the direct and indirect costs associated with implementing the grant program.
- (b) The state treasurer may invest any moneys in the fund not expended for the purpose of this section as provided by law. The state treasurer shall

credit all interest and income derived from the investment and deposit of moneys in the fund to the fund. Any unexpended and unencumbered moneys remaining in the fund at the end of a fiscal year remain in the fund and shall not be credited or transferred to the general fund or another fund.

- (3) (a) There is created in the division the body-worn camera study group, referred to in this section as the "study group", to study policies and best practices concerning the use of body-worn cameras by law enforcement officers throughout the nation.
- (b) (I) The study group consists of at least fifteen members appointed by the executive director, including and limited to:
- (A) Two representatives of chiefs of police;
  - (B) Two representatives of county sheriffs;
  - (C) A representative of a statewide organization of police officers;
  - (D) A representative of the department of corrections;
  - (E) A representative of district attorneys;
  - (F) The attorney general or his or her designee;
  - (G) The state public defender or his or her designee;
  - (H) A representative of the private criminal defense bar;
  - (I) Two representatives of interested community groups;
  - (J) A representative of an organization that advocates for government transparency;
  - (K) A representative of a legal organization supporting privacy concerns; and
  - (L) Up to three other interested citizens at the discretion of the executive director.
- (II) The executive director shall consider racial, cultural, income, and geographic diversity when making appointments to the study group.

(III) If a vacancy arises on the study group, the executive director shall appoint an appropriate replacement.

(IV) The executive director shall appoint the members of the study group on or before August 1, 2015. The executive director shall appoint a chairperson of the study group who shall preside over the study group's meetings.

(V) Members of the study group serve without compensation but may be reimbursed for actual travel expenses incurred in the performance of their duties.

(c) The study group shall:

(I) Collect policies and studies concerning body-worn cameras by law enforcement officers;

(II) Study policies and best practices for body-worn cameras by law enforcement officers;

(III) Recommend policies on the use of body-worn cameras by law enforcement officers for adoption by law enforcement agencies, including:

(A) When cameras are required to be turned on;

(B) When cameras must be turned off;

(C) When cameras may be turned off;

(D) When notification must be given that a camera is in use; and

(E) When consent of another person is required for the continued use of a camera;

(IV) Consider enforcement mechanisms and legal remedies available to the public when a policy adopted by a law enforcement agency is not followed or when an agency that uses body-worn cameras fails to adopt a policy on the use of body-worn cameras by its officers; and

(V) Submit a written report on its recommendations to the judiciary committees of the senate and house of representatives, or any



successor committees, on or before March 1, 2016.

(d) This subsection (3) is repealed, effective July 1, 2016.

**HISTORY: Source: L. 2015:** Entire section added, [\(HB 15-1285\), ch. 214, p. 781, § 2](#), effective May 20.

**Cross references:** For the legislative declaration in HB 15-1285, see section 1 of chapter 214, Session Laws of Colorado 2015.

## **TITLE 24 – Government – State – Principal Departments**

### **ARTICLE 33.5 - Public Safety**

#### **PART 8 - Compensation Benefits To Volunteer Civil Defense Workers**

24-33.5-822. County sheriff - local government - local emergency planning committee - memorandum of understanding with volunteer organizations

(1) Any county sheriff, the director of any local government, any local emergency planning committee, or any state agency may develop and enter into a memorandum of understanding with one or more volunteer organizations, including but not limited to the Colorado mounted rangers, to assist the county sheriff, local government, local emergency planning committee, or state agency in providing services as required.

(2) A memorandum of understanding between a county sheriff, a local government, a local emergency planning committee, or a state agency and a volunteer organization may include the following information:

(a) The circumstances under which the county sheriff, local government, local emergency planning committee, or state agency may request the services of the volunteer organization;

(b) The circumstances under which the volunteer organization may accept or refuse the request for assistance by the county sheriff, local government, local emergency planning committee, or state agency;

(c) The party that will be responsible for any costs incurred by the volunteer organization in the course of assisting the county sheriff, local government, local emergency planning committee, or state agency;

(d) The specific training or certification required for volunteers who are members of the volunteer organization to be authorized to assist the county sheriff, local government, local emergency planning committee, or state agency;

(e) The duration of the memorandum of understanding;

(f) Provisions for amending the memorandum of understanding; and

(g) Any other information deemed necessary by the county sheriff, local government, local emergency planning committee, or state agency or by the volunteer organization.

(3) If national or statewide training and certification standards exist for a certain organization or certain type of volunteer, the existing standards shall be used in a memorandum of understanding created pursuant to this section.

(4) The most current version of the state of Colorado intergovernmental agreement for emergency management may be used as the memorandum of understanding pursuant to this section.

(5) A member of the Colorado mounted rangers and any other volunteer organization lending assistance to a county sheriff, local government, local emergency planning committee, or state agency pursuant to this section is an authorized volunteer for the purposes of article 10 of this title.

(6) The executive director of the department of public safety created in section 24-33.5-103, the director of the Colorado bureau of investigation created in section 24-33.5-401, the executive director of the department of corrections created in section 24-1-128.5, the division of emergency management created by part 21 of this article, the division of homeland security created in section 24-33.5-1603, and a county sheriff, police chief, town marshal, or any other law enforcement organization certified pursuant to the provisions of article 2.5 of title 16, C.R.S., who enters into a memorandum of understanding pursuant to this section with the Colorado mounted rangers or a member of the Colorado mounted rangers is solely responsible for, and in direct control of, the performance of any Colorado mounted ranger, including incurring any and all liabilities for misconduct, and is responsible for addressing any misconduct as if the Colorado mounted ranger was a full-time employee of the organization.

**Source: L. 2012:** Entire part RC&RE with relocations, (HB 12-1283), ch. 240, p. 1095, § 10, effective July 1; (1), (2)(a), (2)(b), (2)(c), and (2)(d) amended and (5) and (6) added, (SB 12-072), ch. 57, pp. 207, 208, § § 2, 4, effective August 8.

**Editor's note:** (1) This section is similar to former § 24-32-2222 as it existed prior to 2012.

(2) Amendments to section 24-32-2222 (1), (2)(a), (2)(b), (2)(c), (2)(d), (5), and (6) by Senate Bill 12-072 were harmonized with House Bill 12-1283 and relocated to this section.

(3) Section 5 of chapter 57, Session Laws of Colorado 2012, provides that the

enactment of subsection (6) is effective August 8, 2012, only if House Bill 12-1283 is enacted and becomes law. Said bill was signed by the governor on June 4, 2012.

**Cross references:** For the legislative declaration in the 2012 act amending subsections (1), (2)(a), (2)(b), (2)(c), and (2)(d) and adding subsections (5) and (6), see section 1 of chapter 57, Session Laws of Colorado 2012.

## TITLE 24 – Government – State – Principal Departments

### ARTICLE 33.5 - Public Safety

#### PART 16 – Division of Homeland Security and Emergency Management

24-33.5-1606. Office of prevention and security - creation - duties

- (1) (a) There is hereby created within the division an office of prevention and security, the head of which is the manager of the office of prevention and security. The director shall appoint the manager of the office of prevention and security pursuant to [section 13 of article XII of the state constitution](#).
  - (b) The manager of the office of prevention and security is hereby designated to be a peace officer and has jurisdiction to act as such in the performance of his or her duties anywhere within the state and is entitled to all protections, defenses, and immunities provided by statute to safeguard a peace officer in the performance of official acts.
- (2) The duties of the office of prevention and security include:
- (a) Enhancing interagency cooperation through information sharing;
  - (b) Operating the state's fusion center; and
  - (c) Developing and maintaining, through cooperation with other tribal, state, local, regional, and federal agencies, a standardized crisis communication and information-sharing process.

**HISTORY: Source: L. 2002:** Entire part added, p. 1209, § 6, effective June 3. **L. 2012:** Entire section amended, [\(HB 12-1283\), ch. 240, p. 1123, § 23](#), effective July 1. **L. 2017:** (1) amended, [\(HB 17-1209\), ch. 247, p. 1043, § 2](#), effective August 9.

**Cross references:** For the legislative declaration in the 2012 act amending this section, see section 1 of chapter 240, Session Laws of Colorado 2012.

24-33.5-1616. Reserve academy grant program - created - rules – repeal

- (1) There is created in the division the reserve academy grant program to provide a grant to a political subdivision of the state that is comprised of multiple jurisdictions for the purpose of creating a reserve peace officer training academy that will train and certify a reserve peace officer auxiliary group. The division may seek, accept, and expend gifts, grants, or donations from private or public sources for the purposes of this section.
- (2) The grant recipient may use the money received through the grant program to fund a reserve peace officer training academy.
- (3) The division shall administer the grant program and, subject to available appropriations, shall award a grant as provided in subsection (5) of this section.
- (4) The division shall implement the grant program in accordance with this section. Pursuant to article 4 of this title 24, the division shall promulgate such rules as are required in this section and such additional rules as may be necessary to implement the grant program. At a minimum, the rules must specify the time frames for applying for grants, the form of the grant program application, and the time frames for distributing grant money.
- (5)
  - (a) To receive the grant, a political subdivision of the state that is comprised of multiple jurisdictions for the purpose of creating a shared reserve peace officer auxiliary group must submit an application to the division in accordance with rules promulgated by the division.
  - (b) The division shall review the applications received pursuant to this section. In awarding the grant, the division shall consider the following criteria:
    - (I) Existing access to start-up capital;
    - (II) The capacity to serve communities statewide; and
    - (III) The ability to assist law enforcement agencies in times of need.
  - (c) Subject to available appropriations, on or before December 31, 2017, the division shall award a grant as provided in this section. The division shall distribute the grant money within thirty days after the division awards the grant.
- (6) This section is repealed, effective July 1, 2019.

**HISTORY: Source: L. 2017:** Entire section added, [\(SB 17-096\), ch. 307, p. 1664, §](#)

[2](#), effective June 2.

**Cross references:** For the legislative declaration in SB 17-096, see section 1 of chapter 307, Session Laws of Colorado 2017.

## **TITLE 24 - Government - State Principal Departments**

## **ARTICLE 35 - Department of Revenue**

### **PART 1 – Organization**

24-35-120. Peace officer hiring - required use of waiver - definitions

(1) The department of revenue shall require each candidate that it interviews for a peace officer position who has been employed by another law enforcement agency or governmental agency to execute a written waiver that explicitly authorizes each law enforcement agency or governmental agency that has employed the candidate to disclose the applicant's files, including internal affairs files, to the department and releases the department and each law enforcement agency or governmental agency that employed the candidate from any liability related to the use and disclosure of the files. A law enforcement agency or governmental agency may disclose the applicant's files by either providing copies or allowing the department of revenue to review the files at the law enforcement agency's office or governmental agency's office. A candidate who refuses to execute the waiver shall not be considered for employment by the department of revenue. The department of revenue shall, at least twenty-one days prior to making the hiring decision, submit the waiver to each law enforcement agency or governmental agency that has employed the candidate. A state or local law enforcement agency or governmental agency that receives such a waiver shall provide the disclosure to the department of revenue not more than twenty-one days after such receipt.

(2) A state or local law enforcement agency is not required to provide the disclosures described in subsection (1) of this section if the agency is prohibited from providing the disclosure pursuant to a binding nondisclosure agreement to which the agency is a party, which agreement was executed before June 10, 2016, or participating in an official oral interview with an investigator regarding the candidate.

(3) A state or local law enforcement agency or governmental entity is not liable for complying with the provisions of this section.

(4) As used in this section, unless the context otherwise requires:

(a) "Files" means all performance reviews, any other files related to job performance, administrative files, grievances, previous personnel applications, personnel-related claims, disciplinary actions, and all complaints, early warnings, and commendations, but does not include nonperformance or conduct-related data, including medical files, schedules, pay and benefit information, or similar administrative data or information.



- (b) "State or local law enforcement agency" means:
- (I) The Colorado state patrol created pursuant to [section 24-33.5-201](#);
  - (II) The Colorado bureau of investigation created pursuant to [section 24-33.5-401](#);
  - (III) A county sheriff's office;
  - (IV) A municipal police department;
  - (V) The division of parks and wildlife within the department of natural resources created pursuant to [section 24-1-124](#); or
  - (VI) A town marshal's office.

**HISTORY: Source: L. 2016:** Entire section added, [\(HB 16-1262\), ch. 339, p. 1381, § 2](#), effective June 10.

## TITLE 24 – Government – State

### ARTICLE 76.5 – Restrictions on Public Benefits

#### 24-76.5-101. Legislative declaration

It is the public policy of the state of Colorado that all persons eighteen years of age or older shall provide proof that they are lawfully present in the United States prior to receipt of certain public benefits.

**Source:** L. 2006, 1st Ex. Sess.: Entire article added, p. 40, § 1, effective July 31.

**Cross references:** For elections, see title 1; for peace officers and firefighters, see article 5 of title 29; for state engineer, see article 80 of title 37; for state chemist, see part 4 of article 1 of title 25; for offenses against government, see article 8 of title 18; for the "Uniform Records Retention Act", see article 17 of title 6.

**Law reviews:** For article, "2006 Immigration Legislation in Colorado", see 35 Colo. Law. 79 (October 2006).

#### 24-76.5-102. Definitions

As used in this article, unless the context otherwise requires:

- (1) "Emergency medical condition" shall have the same meaning as provided in 42 U.S.C. sec. 1396b (v) (3).
- (2) "Federal public benefits" shall have the same meaning as provided in 8 U.S.C. sec. 1611.
- (3) "State or local public benefits" shall have the same meaning as provided in 8 U.S.C. sec. 1621.

**Source:** L. 2006, 1st Ex. Sess.: Entire article added, p. 40, § 1, effective July 31.

#### 24-76.5-103. Verification of lawful presence - exceptions - reporting – rules

- (1) Except as otherwise provided in subsection (3) of this section or where exempted by federal law, on and after August 1, 2006, each agency or political subdivision of the state shall verify the lawful presence in the United States of each natural person eighteen years of age or older who applies for state or local public benefits or for federal public benefits for the applicant.

- (2) This section shall be enforced without regard to race, religion, gender, ethnicity, or national origin.
- (3) Verification of lawful presence in the United States shall not be required:
  - (a) For any purpose for which lawful presence in the United States is not required by law, ordinance, or rule;
  - (b) For obtaining health care items and services that are necessary for the treatment of an emergency medical condition of the person involved and are not related to an organ transplant procedure;
  - (c) For short-term, noncash, in-kind emergency disaster relief;
  - (d) For public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of symptoms of communicable diseases whether or not such symptoms are caused by a communicable disease;
  - (e) For programs, services, or assistance, such as soup kitchens, crisis counseling and intervention, and short-term shelter specified by federal law or regulation that:
    - (I) Deliver in-kind services at the community level, including services through public or private nonprofit agencies;
    - (II) Do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and
    - (III) Are necessary for the protection of life or safety;
  - (f) For pregnant women;
  - (g) For individuals over the age of eighteen years and under the age of nineteen years who continue to be eligible for medical assistance programs after their eighteenth birthday;
  - (h) For renewing an educator license pursuant to article 60.5 of title 22, C.R.S.; or
  - (i) For receipt of educational services or benefits from institutions of higher education, except as may be limited pursuant to section 23-7-110, C.R.S., including participation in the college opportunity fund program

pursuant to part 2 of article 18 of title 23, C.R.S., college savings plans pursuant to section 23-3.1-301, C.R.S., and any other financial benefit of the institution of higher education relating to attendance at the institution of higher education.

(4) An agency or a political subdivision shall verify the lawful presence in the United States of each applicant eighteen years of age or older for federal public benefits or state or local public benefits by requiring the applicant to:

(a) Produce:

(I) A valid Colorado driver's license or a Colorado identification card issued under article 2 of title 42, C.R.S., unless the applicant holds a license or card issued under part 5 of article 2 of title 42, C.R.S.; or

(II) A United States military card or a military dependent's identification card; or

(III) A United States Coast Guard Merchant Mariner card; or

(IV) A Native American tribal document; and

(b) Execute an affidavit stating:

(I) That he or she is a United States citizen or legal permanent resident; or

(II) That he or she is otherwise lawfully present in the United States pursuant to federal law.

(4.5) Notwithstanding the requirements of subsection (4) of this section, an institution of higher education may accept a tuition classification certification form signed by an authorized United States military education services official as evidence of an applicant's lawful presence in the United States.

(5) (a) Notwithstanding the requirements of paragraph (a) of subsection (4) of this section, the executive director of the department of revenue shall promulgate rules providing for additional forms of identification recognized by the federal government to prove lawful presence and a waiver process to ensure that an individual seeking benefits pursuant to this section proves lawful presence in the United States. The rules are necessary to ensure that certain individuals lawfully present in the United States receive authorized benefits, including but not limited to homeless state citizens.

(b) (Deleted by amendment, L. 2007, p. 24, § 1, effective March 1, 2007.)

(c) Repealed.

(6) A person who knowingly makes a false, fictitious, or fraudulent statement or representation in an affidavit executed pursuant to subsection (4) of this section shall be guilty of a violation of section 18-8-503, C.R.S. It shall constitute a separate violation of section 18-8-503, C.R.S., each time that a person receives a public benefit based upon such a statement or representation.

(7) For an applicant who has executed an affidavit stating that he or she is an alien lawfully present in the United States, verification of lawful presence for federal public benefits or state or local public benefits shall be made through the federal systematic alien verification of entitlement program, referred to in this section as the "SAVE program", operated by the United States department of homeland security or a successor program designated by the United States department of homeland security. Until such verification of lawful presence is made, the affidavit may be presumed to be proof of lawful presence for purposes of this section.

(8) Agencies or political subdivisions of this state may adopt variations of the requirements of paragraph (b) of subsection (4) of this section to improve efficiency or reduce delay in the verification process or to provide for adjudication of unique individual circumstances in which the verification procedures in this section would impose unusual hardship on a legal resident of the state; except that the variations shall be no less stringent than the requirements of this section.

(9) It shall be unlawful for an agency or a political subdivision of this state to provide a federal public benefit or a state or local public benefit in violation of this section. On or before January 15, 2009, and on or before January 15 each year thereafter, each state agency or department that administers a program that provides state or local public benefits shall provide a report with respect to its compliance with this section to the state, veterans, and military affairs committees of the senate and house of representatives, or any successor committees.

(10) Errors and significant delays by the SAVE program shall be reported to the United States department of homeland security and to the secretary of state, both of which monitor the SAVE program and its verification application errors and significant delays and report yearly on such errors and delays, to ensure that the application of the SAVE program is not wrongfully denying benefits to legal residents of the state.

(11) If any provision of this section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or

applications of the section that can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

**Source:** **L. 2006, 1st Ex. Sess.:** Entire article added, p. 41, § 1, effective July 31. **L. 2007:** (5) amended, p. 24, § 1, effective March 1; (3)(e)(III) and (3)(f) amended and (3)(g) added, p. 1494, § 7, effective July 1; (4.5) added, p. 1621, § 2, effective July 1. **L. 2008:** (9) amended, p. 1269, § 7, effective August 5. **L. 2011:** (3)(f) and (3)(g) amended and (3)(h) added, (HB 11-1201), ch. 139, p. 484, § 4, effective May 4. **L. 2013:** (3)(g) and (3)(h) amended and (3)(i) added, (SB 13-033), ch. 156, p. 505, § 2, effective April 29; (4)(a)(I) amended, (SB 13-251), ch. 402, p. 2355, § 6, effective August 7.

**Editor's note:** (1) Subsection (5)(c)(II) provided for the repeal of subsection (5)(c), effective July 1, 2007. (See L. 2007, p. 24.)

(2) Section 19 of chapter 402, Session Laws of Colorado 2013, provides that the act amending subsection (4)(a)(I) applies to applications submitted on or after August 1, 2014.

**Cross references:** (1) For the legislative declaration contained in the 2007 act amending subsections (3)(e)(III) and (3)(f) and enacting subsection (3)(g), see section 1 of chapter 347, Session Laws of Colorado 2007.

(2) For the legislative declaration in the 2013 act amending subsections (3)(g) and (3)(h) and adding subsection (3)(i), see section 3 of chapter 156, Session Laws of Colorado 2013.

## TITLE 24 – Government – State

### ARTICLE 76.6 – Prioritizing State Enforcement of Civil Immigration Law

#### 24-76.6-101. Definitions

As used in this article 76.6, unless the context otherwise requires:

- (1) "Civil immigration detainer" means a written request issued by federal immigration enforcement authorities pursuant to 8 CFR 287.7 to law enforcement officers to maintain custody of an individual beyond the time when the individual is eligible for release from custody, including any request for law enforcement agency action, warrant for arrest of alien, order to detain or release alien, or warrant of removal/deportation on any form promulgated by federal immigration enforcement authorities.
- (2) "Eligible for release from custody" means that an individual may be released from custody because one of the following conditions has occurred:
  - (a) All criminal charges against the individual have been dropped or dismissed;
  - (b) The individual has been acquitted of all criminal charges filed against him or her;
  - (c) The individual has served all the time required for his or her sentence;
  - (d) The individual has posted a bond or has been released on his or her own recognizance;
  - (e) The individual has been referred to pretrial diversion services; or
  - (f) The individual is otherwise eligible for release under state or municipal law.
- (3) "Law enforcement officer" means a peace officer employed by the Colorado state patrol, a municipal police department, a town marshal's office, or a county sheriff's office.

(4) "Personal information" means any confidential identifying information about an individual, including but not limited to home or work contact information; family or emergency contact information; probation meeting date and time; community corrections locations; community corrections meeting date and time; or the meeting date and time for criminal court-ordered classes, treatment, and appointments.

**Source: L. 2019:** Entire article added, (HB 19-1124), ch. 299, p. 2760, Section 2, effective May 28.

#### 24-76.6-102. Civil immigration detainers – legislative declaration

(1) The general assembly finds and declares that:

(a) Federal immigration authorities at times submit requests to state and local law enforcement agencies to detain an inmate after the inmate is eligible for release from custody. Continued detention of an inmate under a federal civil immigration detainer constitutes a new arrest under state law and a seizure under the fourth amendment of the United States constitution.

(b) Requests for civil immigration detainers are not warrants under Colorado law. A warrant is a written order by a judge directed to a law enforcement officer commanding the arrest of the person named, as defined in section 16-1-104 (18). None of the civil immigration detainer requests received from the federal immigration authorities are reviewed, approved, or signed by a judge as required by Colorado law. The continued detention of an inmate at the request of federal immigration authorities beyond when he or she would otherwise be released constitutes a warrantless arrest, which is unconstitutional, *People v. Burns*, 615 P.2d 686, 688 (Colo. 1980).

(2) A law enforcement officer shall not arrest or detain an individual on the basis of a civil immigration detainer request.

(3) The authority of law enforcement is limited to the express authority granted in state law.

(4) Nothing in this section precludes any law enforcement officer or employee from cooperating or assisting federal immigration enforcement authorities in the execution of a warrant issued by a federal judge or magistrate or honoring any writ issued by any state or federal judge concerning the transfer of a prisoner to or from federal custody.

(5) Nothing in this section precludes any law enforcement officer from investigating or enforcing any criminal law or from participating in coordinated law enforcement actions with federal law enforcement agencies in the enforcement of local, state, or federal criminal laws.



**Source: L. 2019:** Entire article added, (HB 19-1124), ch. 299, p. 2761, Section 2, effective May 28.

24-76.6-103. Limitations on providing personal information by probation offices

- (1) A probation officer or probation department employee shall not provide personal information about an individual to federal immigration authorities.
- (2) Nothing in section 24-76.6-102 prevents law enforcement officers from coordinating telephone or video interviews between federal immigration authorities and individuals incarcerated in any county or local jail or other custodial facility, to the same extent as telephone or video contact with such individuals is allowed by the general public, if the individual has been advised, in the individual's language of choice, of certain information in writing, including but not limited to:
  - (a) The interview is being sought by federal immigration authorities;
  - (b) The individual has the right to decline the interview and remain silent;
  - (c) The individual has the right to speak to an attorney before submitting to the interview; and
  - (d) Anything the individual says may be used against him or her in subsequent proceedings, including in a federal immigration court.
- (3) The written advisement described in subsection (2) of this section must be provided to the inmate again when the inmate is released.

**Source: L. 2019:** Entire article added, (HB 19-1124), ch. 299, p. 2761, Section 2, effective May 28.



## TITLE 26 – Human Services Code

### ARTICLE 13 – Child Support Enforcement Act

26-13-126. Authority to deny, suspend, or revoke professional, occupational, and recreational licenses

(1) The state board of human services is authorized, in coordination with any state agency, board, or commission that is authorized by law to issue, revoke, deny, terminate, or suspend a professional, occupational, or recreational license, to promulgate rules for the suspension, revocation, or denial of professional, occupational, and recreational licenses of individuals who owe more than six months' gross dollar amount of child support and who are paying less than fifty percent of their current monthly child support obligation each month, or those individuals who fail, after receiving proper notice, to comply with subpoenas or warrants relating to paternity or child support proceedings.

(2) (a) To effectuate the purposes of this section, the executive director of the state department may request the denial, suspension, or revocation of any professional, occupational, or recreational license issued by a state agency, board, or commission, referred to in this section as the "licensing agency". Upon such request, the state child support enforcement agency shall send a notice to the obligor by first class mail stating that the obligor has thirty days after the date of the notice within which to pay the past-due obligation, to negotiate a payment plan with the state child support enforcement agency, to request an administrative hearing with the delegate child support enforcement unit, or to comply with the warrant or subpoena. If the obligor fails to pay the past-due obligation, negotiate a payment plan, request an administrative hearing, or comply with the warrant or subpoena within thirty days after the date of the notice, the state child support enforcement agency shall send a notice to the licensing agency to deny, revoke, or suspend the professional, occupational, or recreational license of the individual identified as not in compliance with the court or administrative order for current child support, child support debt, retroactive child support, child support arrearages, or child support when combined with maintenance or of the individual who failed, after receiving appropriate notice, to comply with subpoenas or warrants relating to paternity or child support proceedings.

(b) The rules promulgated to implement this section shall provide that, if it is the first time the procedures authorized by this section have been employed to enforce support against the obligor, the state child support enforcement agency may only issue a notice to the licensing agency to suspend or to deny such obligor's license. However, the rules shall also provide that, in second and subsequent circumstances in which the provisions

of this section are utilized to enforce support against the obligor, the state child support enforcement agency shall be authorized to issue a notice to the licensing agency to revoke an obligor's license, subject to full reapplication procedures upon compliance as specified by the licensing agency.

(c) No later than thirty days after the date of the notice to the obligor, the obligor may request in writing that the delegate child support enforcement unit conduct an administrative review pursuant to the rules and regulations developed by the state board to implement the provisions of this article.

(d) No later than thirty days after the date of the delegate child support enforcement unit's decision, the obligor may request in writing an administrative review from the state child support enforcement agency.

(e) The sole issues to be determined at the administrative review by both the delegate child support enforcement unit and the state child support enforcement agency shall be whether there is: A mistake in the identity of the obligor; a disagreement concerning the amount of the child support debt, an arrearage balance, retroactive support due, or the amount of the past-due child support when combined with maintenance; a showing that all child support payments were made when due; a showing that the individual has complied with the subpoena or warrant; a showing that the individual was not properly served with the subpoena or warrant; or a showing that there was a technical defect with respect to the subpoena or warrant.

(f) The decision of the state child support enforcement agency shall be final agency action and may be reviewed pursuant to section 24-4-106, C.R.S.

(g) A notice to the licensing agency pursuant to paragraph (a) of this subsection (2) shall not be sent to the licensing agency unless the obligor has failed to request a review within the time specified or until a hearing has been concluded and all rights of review have been exhausted.

(h) Each licensing agency affected may promulgate rules, as necessary, and procedures to implement the requirements of this section. Such licensing agencies shall enter into memoranda of understanding, as necessary, with the state child support enforcement agency with respect to the implementation of this section. All due process hearings shall be conducted by the state department rather than the licensing agency.

(i) Nothing in this section shall limit the ability of each licensing agency to deny, suspend, or revoke a license on any other grounds provided by law.

(j) A licensing agency, or any person acting on its behalf, shall not be liable for any actions taken to deny, suspend, or revoke the obligor's license pursuant to this section.

(3) It is the intent of the general assembly that the same or similar conditions placed upon the issuance and renewal of a state license to practice a profession or occupation, as set forth in this section, should also be placed upon persons applying to or licensed to practice law. The general assembly, however, recognizes the practice of the Colorado Supreme Court in the licensure, registration, and discipline of persons practicing law in this state. Specifically, the general assembly acknowledges that in order to obtain a license to practice law in Colorado, a person must verify that he or she is not delinquent with respect to a court-ordered obligation to pay child support. In addition, the general assembly recognizes that pursuant to the "Colorado Rules of Professional Conduct" a lawyer may be disciplined, including by disbarment, for failing to pay child support.

(4) Subject to section 24-33-110 (1), C.R.S., for purposes of this section, "license" means any recognition, authority, or permission that the state or any principal department of the state or an agent of such department is authorized by law to issue for an individual to practice a profession or occupation or for an individual to participate in any recreational activity. "License" may include, but is not necessarily limited to, any license, certificate, certification, letter of authorization, or registration issued for an individual to practice a profession or occupation or for an individual to participate in any recreational activity.

**Source: L. 97:** Entire section added, p. 1300, § 43, effective July 1. **L. 2004:** (4) amended, p. 1076, § 1, effective May 21.

**Cross references:** (1) For the legislative declaration contained in the 1997 act enacting this section, see section 1 of chapter 236, Session Laws of Colorado 1997. (2) For the "Colorado Rules of Professional Conduct", see the appendix to chapters 18 to 20 of the Colorado Rules of Civil Procedure.



## TITLE 29 – Government – Local

### ARTICLE 1 – Budget and Services

#### PART 2 – Intergovernmental Relationships

##### 29-1-206. Law enforcement agreements

(1) Any county in this state that shares a common border with a county in another state, and any municipality located in such a bordering county of this state, may enter into an agreement with the bordering county of the other state or with a municipality located in the bordering county of the other state to provide for reciprocal law enforcement between the entities. The agreement shall meet the requirements of section 29-1-203 and shall include, but shall not be limited to, an additional requirement that any person who is assigned to law enforcement duty in this state pursuant to such intergovernmental agreement and section 29-5-104 (2) shall be certified as a peace officer in the other state and shall apply to the peace officers standards and training board created pursuant to section 24-31-302, C.R.S., for recognition prior to an assignment in Colorado.

(2) Repealed.

**Source: L. 93:** Entire section added, p. 245, § 1, effective March 31. **L. 96:** Entire section amended, p. 1574, § 7, effective June 3. **L. 2000:** Entire section amended, p. 43, § 4, effective March 10. **L. 2008:** Entire section amended, p. 698, § 1, effective May 1.

**Editor's note:** Subsection (2)(b) provided for the repeal of subsection (2), effective September 15, 2008. (See L. 2008, p. 698.)

##### 29-1-206.5. Emergency services - agreements - immunity from liability - definitions

(1) Any county, municipality, or designated special district in this state may enter into an agreement with a county, municipality, or special district from a state bordering this state to provide emergency services. The agreement must meet the requirements of section 29-1-203.

(2) If the governor declares an emergency and activates the "Emergency Management Assistance Compact", part 29 of article 60 of title 24, C.R.S., any provision of an agreement authorized under this section that conflicts with a provision of the compact or a procedural plan or program created in accordance with the compact is void and unenforceable.

- (3) (a) Any person from another state who is performing a function in this state under an agreement to provide emergency services authorized in this section has the same immunity from liability as a person from the county, municipality, or designated special district of this state performing the same function.
- (b) Any person from this state who is performing a function in another state under an agreement to provide emergency services authorized in this section has the same immunity from liability in the other state that he or she would have when performing the same function in this state.
- (4) As used in this section, "designated special district" means a fire protection district, fire protection authority, ambulance district, or health service district.

**HISTORY: Source: L. 2016:** Entire section added, (SB 16-063), ch. 51, p. 119, § 1, effective August 10.



## TITLE 29 – Government – Local

### ARTICLE 5 – Peace Officers and Firefighters

#### 29-5-101. Peace officers must be residents – exception

No sheriff, mayor of a city, or other person authorized by law to appoint special deputy sheriffs, marshals, policemen, or other peace officers in the state to preserve the public peace and prevent or quell public disturbances shall hereafter appoint as such special deputy sheriff, marshal, policeman, or other peace officer any person who is not at the time of the appointment a bona fide resident of the state of Colorado, and no person shall assume or exercise the functions, powers, duties, or privileges incident and belonging to the office of special deputy sheriff, marshal, policeman, or other peace officer without having first received his appointment in writing from the lawfully constituted authorities of the state. Notwithstanding the residency requirement stated in this section, a person may be deputized or otherwise assigned to law enforcement duty pursuant to section 29-5-104 (2) although such person is not a bona fide resident of this state.

**Source:** L. 1891: p. 20, § 1. R.S. 08: § 4675. C. L. § 7954. CSA: C. 116, § 1. CRS 53: § 99-2-1. L. 64: p. 296, § 243. C.R.S. 1963: § 99-2-1. L. 93: Entire section amended, p. 245, § 2, effective March 31.

**Cross references:** For the description of peace officer in the criminal code, see § 16-2.5-101.

#### 29-5-102. Impersonating an officer – penalty (Repealed)

**Source:** L. 1891: p. 21, § 3. R.S. 08: § 4677. C.L. § 7956. L. 29: p. 306, § 1. CSA: C. 116, § 3. CRS 53: § 99-2-3. L. 63: p. 339, § 55. C.R.S. 1963: § 99-2-3. L. 64: p. 297, § 245. L. 2004: Entire section repealed, p. 1081, § 3, effective July 1.

#### 29-5-103. Assignment of police officers or deputy sheriffs for temporary duty

The chief of police or person performing the functions thereof of any town, city, or city and county or of any state institution of higher education employing peace officers in accordance with article 7.5 of title 24, C.R.S., or the sheriff of any county may in his or her discretion, upon request of the chief of police or person exercising the functions thereof in any other town, city, or city and county or any other state

institution of higher education employing a peace officer in accordance with article 7.5 of title 24, C.R.S., or the sheriff of any other county, assign police officers or deputies under his or her control, together with any equipment he or she deems proper, to perform temporary duty within the jurisdiction of the requesting chief of police or sheriff and under the direction and command of the requesting chief of police or sheriff; but the chief of police or sheriff assigning the officers or deputies may provide that the officers or deputies shall be under the immediate command of a superior officer designated by the assigning chief of police or sheriff, which superior officer shall be under the direct supervision and command of the requesting chief of police or sheriff. Nothing contained in this section or sections 29-5-104 to 29-5-110 shall be construed to limit the power of any town, city, city and county, or state institution of higher education employing peace officers in accordance with article 7.5 of title 24, C.R.S., to prohibit or limit by ordinance the exercise by a chief of police or sheriff of the discretion granted in sections 29-5-103 to 29-5-110.

**Source: L. 63:** p. 729, § 1. **C.R.S. 1963:** § 99-2-4. **L. 2008:** Entire section amended, p. 89, § 13, effective March 18. **L. 2009:** Entire section amended, (SB 09-097), ch. 110, p. 457, § 6, effective August 5.

## ANNOTATION

**When death of off-duty policeman within workmen's compensation coverage.** The death of an off-duty city police officer killed outside the city limits while directing traffic in an emergency situation is compensable under the workmen's compensation act. *Conley v. Indus. Comm'n*, 43 Colo. App. 10, 601 P.2d 648 (1979).

### 29-5-104. Request for temporary assignment of police officers or deputy sheriffs – authority

(1) The chief of police, or person performing the functions thereof, of any town, city, or city and county or of a state institution of higher education employing a peace officer in accordance with article 7.5 of title 24, C.R.S., and the sheriff of any county may, when in his or her opinion the same is required to quell disturbances or riots or in any other situation wherein he or she deems that an emergency exists within his or her jurisdiction, request the chief of police or person performing the function thereof of any other city, town, or city and county or at another state institution of higher education employing peace officers in accordance with article 7.5 of title 24, C.R.S., or the sheriff of any other county to assign officers or deputy sheriffs under their respective commands to perform temporary duty within the jurisdiction of the requesting chief of police or sheriff and under the direction and control of the requesting chief of police or sheriff under the terms and conditions as shall be agreed upon between the requesting and assigning chiefs of police or

sheriffs. The officers or deputy sheriffs shall, while so assigned and performing duties subject to the direction and control of the requesting chief of police or sheriff, have the same power within the jurisdiction of the requesting chief of police or sheriff as do regular officers or deputies, as the case may be, of the requesting chief of police or sheriff.

(2) Where, under the provisions of section 29-1-206 (1), a county, municipality, or state institution of higher education, in this state enters into an intergovernmental agreement for reciprocal law enforcement with a bordering county or with a municipality within a bordering county that is located in another state, the law enforcement agency head of either county or municipality or of the state institution of higher education may, pursuant to the provisions of the intergovernmental agreement, request the law enforcement agency head of the other county or municipality or state institution of higher education to assign deputy sheriffs or other peace officers to perform law enforcement duties within the jurisdiction of the requesting law enforcement agency head and under the terms and conditions as are stated in the intergovernmental agreement. Prior to an assignment, the deputy sheriffs or other peace officers shall obtain recognition as peace officers in this state as provided for in section 29-1-206 (1). The deputy sheriffs or other peace officers shall, while so assigned and performing duties subject to the direction and control of the requesting law enforcement agency head, have the same power within the jurisdiction of the requesting law enforcement agency head as do regular deputies or other peace officers of the requesting law enforcement agency head.

(3) Repealed.

**Source:** L. 63: p. 730, § 2. C.R.S. 1963: § 99-2-5. L. 93: Entire section amended, p. 246, § 3, effective March 31. L. 96: (2) amended, p. 1574, § 8, effective June 3. L. 2000: (2) amended, p. 44, § 5, effective March 10. L. 2008: Entire section amended, p. 90, § 14, effective March 18; (2) amended and (3) added, p. 699, § 2, effective May 1. L. 2009: (1) amended, (SB 09-097), ch. 110, p. 457, § 7, effective August 5.

**Editor's note:** (1) Amendments to subsection (2) by House Bill 08-1106 and House Bill 08-1347 were harmonized.

(2) Subsection (3)(b) provided for the repeal of subsection (3), effective September 15, 2008. (See L. 2008, p. 699.)

## ANNOTATION

**When death of off-duty policeman within workmen's compensation coverage.** The death of an off-duty city police officer killed outside the city limits while directing traffic in an emergency situation is compensable under the workmen's compensation act. *Conley v. Indus. Comm'n*, 43 Colo. App. 10, 601 P.2d 648 (1979).

#### 29-5-106. Temporary assignment to labor dispute area

Police or sheriffs' officers may be assigned to any duties provided for in sections 29-5-103 and 29-5-104 in an area where there is a labor dispute so long as the situation or incident for which such temporary assignment has been requested is not directly the result of a labor dispute and does not involve those individuals participating in the labor dispute. In a case where the temporary assignment of police or sheriffs' officers is deemed necessary as the direct result of a labor dispute, such temporary assignment may be made only after authorization by the governor or his designee.

**HISTORY: Source: L. 63:** p. 730, § 4. C.R.S. 1963: § 99-2-7. **L. 89:** Entire section R&RE, p. 1267, § 1, effective April 23.

#### 29-5-108. Liability of requesting jurisdiction

(1) During the time that a police officer, deputy sheriff, or firefighter of a town, city, city and county, county, or fire protection district or of a state institution of higher education employing a peace officer in accordance with article 7.5 of title 24, C.R.S., is assigned to temporary duty within the jurisdiction of another town, city, city and county, county, or fire protection district, or of another state institution of higher education employing a peace officer in accordance with article 7.5 of title 24, C.R.S., as provided in sections 29-5-103 to 29-5-107, any liability that accrues under the provisions of article 10 of title 24, C.R.S., on account of the negligent or otherwise tortious act of the police officer, deputy sheriff, or firefighter while performing the duty shall be imposed upon the requesting town, city, city and county, county, fire protection district, or state institution of higher education, and not upon the assigning jurisdiction.

(2) During the time that a person from another state is performing firefighting duties within the jurisdiction of a county, municipality, fire protection district, or fire protection authority in this state under an agreement authorized in section 29-1-206.5 (1), any liability that accrues under the provisions of article 10 of title 24, C.R.S., on account of the negligent or otherwise tortious act of the firefighter while performing the duty is imposed upon the county, municipality, fire protection district, or fire protection authority of this state that is a party to the agreement.

**HISTORY: Source: L. 63:** p. 731, § 6. C.R.S. 1963: § 99-2-9. **L. 71:** p. 1215, § 11. **L. 97:** Entire section amended, p. 1025, § 52, effective August 6. **L. 2008:** Entire section amended, p. 91, § 15, effective March 18. **L. 2009:** Entire section amended, (SB 09-097), ch. 110, p. 458, § 8, effective August 5. **L. 2016:** Entire section amended, (SB 16-063), ch. 51, p. 120, § 2, effective August 10.

29-5-112. Dog interactions with local law enforcement officers - training to be provided by local law enforcement agencies - policies and procedures - scope - task force - creation - composition - immunity - short title - legislative declaration – definitions

(1) Short title. This section shall be known and may be cited as the "Dog Protection Act".

(2) Legislative declaration. The general assembly finds, determines, and declares that it is the policy of this state to prevent, whenever possible, the shooting of dogs by local law enforcement officers in the course of performing their official duties. It is therefore the intent of the general assembly to:

(a) Require training for officers of local law enforcement agencies on differentiating between canine behaviors that indicate imminent danger of attack to persons and benign behaviors commonly exhibited by dogs, such as barking, that do not suggest or pose imminent danger of attack;

(b) Require local law enforcement agencies in the state to adopt policies and procedures for use of lethal and nonlethal force against dogs, which policies and procedures must:

(I) Emphasize alternative methods that may be employed when dogs are encountered; and

(II) Allow a dog owner or animal control officer, whenever the owner or an animal control officer is present and it is feasible, the opportunity to control or remove a dog from the immediate area in order to permit a local law enforcement officer to discharge his or her duties;

(c) Recognize the important work of the dog protection task force in developing the training and incorporating the specifics of the training into the statutes. The seventeen members appointed to the task force represented a victim of a dog shooting, veterinarians, animal welfare advocates, animal behaviorists, animal control officers, the sheriffs, the police, and legal professionals. The training includes instruction regarding a dog's body language and how to interpret it, scene assessment, tools to use in dog encounters, situations involving multiple dogs, how to interact with a dog, and responses to dog behavior. The dog encounters training required by this section was designed to protect law enforcement officers, animal control officers,

dog owners, innocent bystanders, and the dog. The training is not intended to provide dangerous dog training. Most importantly, the training was designed to limit, as much as feasible, the instances in which an officer would need to use deadly force against a dog, since the possibility of collateral damage, injury, or death from stray rounds is ever-present when a law enforcement officer uses deadly force.

(3) Definitions. As used in this section:

(a) "Dog" means any canine animal owned for domestic, companionship, service, therapeutic, assistance, sporting, working, ranching, or shepherding purposes.

(b) "Dog owner" means a person owning, possessing, harboring, keeping, having guardianship of, having financial or property interest in, or having control or custody of, a dog.

(c) "Licensed veterinarian" means a person who is licensed pursuant to article 64 of title 12, C.R.S., to practice veterinary medicine in this state.

(d) "Local law enforcement agency" means a municipal police department or a county sheriff's office.

(e) "Local law enforcement officer" means any officer in a local law enforcement agency. The term does not include an animal control officer, code enforcement officer, or a deputy sheriff who is assigned exclusively to work in jails, court security, or administration.

(4) Training required.

(a) (I) Each local law enforcement agency is required to provide to its officers training pertaining to encounters with dogs in the course of duty. At a minimum, the training must cover the policies and procedures adopted by the agency pursuant to subsection (6) of this section and assist officers in assessing what dog posture, barking and other vocalizations, and facial expressions typically signify, the options for distracting and escaping from a dog, options for safely capturing a dog, and defensive options in dealing with a dog.

(II) Each local law enforcement agency in the state shall:

(A) Develop, by September 1, 2014, a training program consistent with the requirements of this section and the minimum training curricula developed by the dog protection

task force pursuant to subsection (5) of this section;

(B) Require its current local law enforcement officers to complete the training program required by this subsection (4) by June 30, 2015; and

(C) Require all local law enforcement officers hired on or after June 30, 2015, to complete the training required by this subsection (4) within each officer's first year of employment.

(b) (I) In establishing the training program required by this subsection (4), a local law enforcement agency shall adopt or incorporate any minimum training curricula developed by the dog protection task force created in subsection (5) of this section.

(II) (A) The training program required by this subsection (4) must be wholly or principally provided or overseen by either a qualified animal behavior expert or licensed veterinarian. The qualified animal behavior expert or licensed veterinarian selected to provide the training must possess the minimum qualifications specified by the dog protection task force created in subsection (5) of this section.

(B) Nothing in sub-subparagraph (A) of this subparagraph (II) requires live, in-person training be provided to local law enforcement agencies by qualified animal behavior experts or licensed veterinarians.

(III) In order to reduce the costs of providing the training program required by this subsection (4), a local law enforcement agency may develop its own web- or video-based training or utilize such training developed by the dog protection task force under subparagraph (III) of paragraph (d) of subsection (5) of this section, and local law enforcement agencies are encouraged to seek qualified animal behavior experts or licensed veterinarians who will volunteer to provide or participate in the training.

(IV) A local law enforcement agency may collaborate with county sheriffs of Colorado, incorporated, the Colorado association of chiefs of police, the Colorado fraternal order of police, and the Colorado veterinary medical association, as well as nonprofit organizations engaged in animal welfare, to develop the training program required by this subsection (4).



(c) (I) The training program required by this subsection (4) must consist of a minimum of three hours of training for local law enforcement officers.

(II) Nothing in this section prevents a local law enforcement agency from implementing a training program or adopting policies and procedures that exceed the minimum number of hours or other requirements set forth in this section and by the dog protection task force pursuant to subsection (5) of this section.

(5) Task force.

(a) There is hereby created the dog protection task force.

(b) (I) The task force consists of the following nineteen members:

(A) Three licensed veterinarians appointed by the Colorado veterinary medical association or its successor entity;

(B) Two representatives of the Colorado federation of animal welfare agencies or its successor entity;

(C) One animal behaviorist or animal behavior expert appointed by the Colorado federation of dog clubs or its successor entity;

(D) Two representatives of the Colorado association of animal control officers or its successor entity;

(E) Three sheriffs or deputy sheriffs representing county sheriffs of Colorado, incorporated, or its successor entity, one of whom must have at least two years of experience working in a K-9 unit and one of whom must work in a county with a population of fewer than one hundred fifty thousand persons;

(F) Three representatives of the Colorado association of chiefs of police or its successor entity, one of whom must have at least two years of experience working in a K-9 unit and one of whom must work in a municipality with a population of fewer than twenty-five thousand persons;

(G) One representative of the Colorado fraternal order of police or its successor entity;



(H) Three persons appointed by the Colorado bar association or its successor entity, two of whom must be attorneys with expertise and experience in animal law and dog shooting cases, and one of whom must be a person, who need not be an attorney, who owns or owned a dog shot by a local law enforcement officer; and

(I) One member, appointed by the Colorado veterinary medical association, with expertise in canine behavior or other animal behavior. Licensed veterinarians and attorneys are ineligible for appointment under this sub-subparagraph (I).

(II) The entities responsible for appointing task force members shall notify the Colorado veterinary medical association in writing of the identity of their appointees prior to the first meeting of the task force and upon any change in their appointees.

(III) Members of the task force shall not be compensated for, or reimbursed for expenses incurred in, attending meetings of the task force.

(IV) The following two members are co-chairs of the task force:

(A) One of the veterinarians appointed pursuant to sub-subparagraph (A) of subparagraph (I) of this paragraph (b), which co-chair shall be named by the Colorado veterinary medical association; and

(B) One of the members appointed pursuant to either sub-subparagraph (E) or (F) of subparagraph (I) of this paragraph (b), as mutually agreed to by the appointing authorities.

(c) (I) The task force shall hold its first meeting no later than September 1, 2013.

(II) (A) The task force shall meet as often as necessary to complete the tasks described under paragraph (d) of this subsection (5) on or before July 1, 2014.

(B) After July 1, 2014, and prior to January 31, 2015, the task force shall meet as often as it deems necessary, but no less frequently than once, to ensure that the curriculum, guidelines, and web- or video-based training are implemented and effective.

(III) The task force shall hold its meetings and staff those meetings in a location offered for those purposes by one of the entities represented with task force membership, with preference accorded for the principal office of the Colorado veterinary medical association.

(d) By July 1, 2014, the task force shall:

(I) Develop minimum training curricula that a local law enforcement agency must use to fulfill the training requirement of subparagraph (I) of paragraph (a) of subsection (4) of this section;

(II) Specify the appropriate minimum qualifications, including education, experience, or skills, that an animal behavior expert or licensed veterinarian providing the training pursuant to subparagraph (I) of paragraph (b) of subsection (4) of this section must possess; and

(III) Develop, using volunteered and donated resources to the greatest extent possible, web- or video-based training that may be utilized by a local law enforcement agency to fulfill the training requirement of subsection (4) of this section.

(e) The task force shall not recommend that the training required under this section be conducted by the peace officers standards and training board created in part 3 of article 31 of title 24, C.R.S.

(f) The curricula, qualifications, and web- or video-based instruction described in paragraph (d) of this subsection (5) must be readily accessible by Colorado's local law enforcement agencies on one or more internet web sites designated by the task force.

(g) The task force created by paragraph (a) of this subsection (5) is dissolved, effective January 31, 2015.

(6) Policies and procedures.

(a) (I) In addition to the training program developed under subsection (4) of this section, not later than September 1, 2014, each local law enforcement agency in the state shall adopt written policies and procedures that are specifically designed to address encounters with dogs occurring in the course of duty and the use of force against such dogs.

(II) At a minimum, the policies and procedures must address the following:

(A) The identification and meaning of common canine behaviors, and differentiating between dogs that are exhibiting behavior that puts local law enforcement officers or other persons in imminent danger and dogs who are not engaging in such behavior;

(B) The alternatives to lethal use of force against dogs;

(C) The reasonable opportunity for a dog owner to control or remove his or her dog from the immediate area. The policies and procedures adopted in accordance with this sub-subparagraph (C) must allow a local law enforcement officer to take into account the officer's own safety and the safety of other persons in the area, the availability of nonlethal equipment, the feasibility of so allowing a dog owner to act considering the totality of the circumstances, including the presence of an animal control officer or whether the call is a location that is listed in the dangerous dog registry created in section 35-42-115, C.R.S., or is a location at which illegal narcotics are suspected to be manufactured or trafficked, or any exigencies that may be present, such as when the local law enforcement officer is responding to a call that asserts or suggests that a person has been bitten by a dog or is in physical danger.

(b) Each local law enforcement agency shall make the written policies and procedures available to the public for inspection in accordance with the "Colorado Open Records Act", part 2 of article 72 of title 24, C.R.S.

(7) Immunity. All task force members, as volunteers, are immune from civil actions and liabilities pursuant to [section 13-21-115.5, C.R.S.](#)

(8) Scope and effect.

(a) This section applies only to local law enforcement agencies and is not intended to affect, implicate, or abrogate the authority of the peace officers standards and training board created in part 3 of article 31 of title 24, C.R.S.

(b) This section is not intended to apply to situations in which a dog is shot accidentally, including when a local law enforcement officer intends to fire at a person but inadvertently shoots a dog.

(c) Nothing in this section affects or abrogates the ability of any duly authorized person to impound or euthanize a dog in accordance with section

18-9-202.5, C.R.S., or in accordance with any resolution adopted pursuant to [section 30-15-101, C.R.S.](#)

**HISTORY: Source: L. 2013:** Entire section added, [\(SB 13-226\), ch. 208, p. 858, § 2](#), effective May 13. **L. 2015:** IP(2), (4)(a)(II)(B), and (4)(a)(II)(C) amended and (2)(c) added, [\(SB 15-013\), ch. 68, p. 185, § 2](#), effective April 3.

**Editor's note:** The dog protection task force referenced in subsection (2)(c) was dissolved, effective January 31, 2015.

**Cross references:** (1) For the legislative declaration in the 2013 act adding this section, see section 1 of chapter 208, Session Laws of Colorado 2013.  
(2) For the legislative declaration in SB 15-013, see section 1 of chapter 68, Session Laws of Colorado 2015.



## TITLE 30 – Government – County

### ARTICLE 10 – County Officers

#### PART 5 – Sheriff

##### 30-10-501.5. Qualifications

- (1) No person shall be eligible for nomination, election, or appointment to the office of sheriff unless such person:
- (a) Is a citizen of the United States, is a citizen of the state of Colorado, and is a resident of the county to which the person is to be appointed or elected;
  - (b) Possesses a high school diploma or its equivalent or a college degree;
  - (c) Has had a complete set of fingerprints taken by a qualified law enforcement agency and submitted a receipt evidencing such fingerprinting at the time of filing his or her written acceptance pursuant to section 1-4-601 (3), 1-4-906, or 1-4-1002 (5), C.R.S., or a candidate filing an affidavit of intent pursuant to section 1-4-1101, C.R.S. Such law enforcement agency shall forward the fingerprints to the Colorado bureau of investigation. The bureau shall utilize such fingerprints, its files and records, and those of the federal bureau of investigation for the purpose of determining whether the person has ever been convicted of or pleaded guilty or entered a plea of nolo contendere to any felony charge under federal or state laws. The Colorado bureau of investigation shall notify the county clerk and recorder of the county wherein the person is a candidate of the results of the fingerprint analysis. In the event that a conviction or plea is disclosed, such person shall be deemed unqualified for the office of sheriff, unless pardoned. The results of such fingerprint analysis shall be confidential; except that the county clerk and recorder may divulge whether such person is qualified or unqualified for the office of sheriff.

**Source: L. 90:** Entire section added, p. 1444, § 1, effective April 5; (1)(c) and IP(2) amended, p. 303, § 4, effective June 8. **L. 95:** (1)(c) amended, p. 1106, § 46, effective May 31. **L. 97:** Entire section R&RE, p. 925, § 1, effective May 21.

#### ANNOTATION

When the general assembly enacted the original sheriff training statute in 1990, § 30-10-101.5, it lacked authority to impose any qualifications on the constitutionally created office of county sheriff. *Jackson v. State*, 966 P.2d 1046 (Colo. 1998).

Because the original sheriff training statute sought to impose qualifications for the job of sheriff in the form of certification requirements, it was unconstitutional. *Jackson v. State*, 966 P.2d 1046 (Colo. 1998).

The training and certification requirements contained in the reenacted sheriff training statute passed by the general assembly in 1996 could not be applied to county sheriffs during a term of office that began before the effective date of the new requirements. *Jackson v. State*, 966 P.2d 1046 (Colo. 1998).

### 30-10-501.6. Training

(1) Every person elected or appointed to the office of sheriff for the first time shall:

(a) Attend a minimum of eighty clock hours at a new sheriff training course developed and facilitated either by the county sheriffs of Colorado, incorporated, or any other training resource agency approved by the Colorado peace officers standards and training board, the first time such training course is given after the person's election or appointment. The Colorado peace officers standards and training board shall have discretion to allow the substitution of any combination of education, experience, and training deemed by the board to be equivalent to such new sheriff training course.

(b) Obtain basic peace officer certification within one year of taking office. An extension may be granted by the Colorado peace officers standards and training board of up to one year to obtain such certification upon just cause shown. The Colorado peace officers standards and training board shall issue written findings of fact supporting such an extension.

(2) Every sheriff must possess basic peace officer certification and shall undergo at least the number of clock hours of in-service training required for all certified peace officers by the Colorado peace officers standards and training board, but in no case less than twenty hours. Such training shall be provided either by the county sheriffs of Colorado, incorporated, or any other training resource agency approved by the Colorado peace officers standards and training board, every year during such sheriff's term. The Colorado peace officers standards and training board shall have discretion to waive in-service training upon presentation of evidence by the sheriff demonstrating just cause for noncompletion of such training. The Colorado peace officers standards and training board shall have discretion to allow the substitution of any combination of education, experience, and training deemed by the board to be equivalent to such in-service training.

(3) The county shall only pay all reasonable costs and expenses of new sheriff and in-service training.

**HISTORY: Source: L. 97:** Entire section added, p. 926, § 2, effective May 21. **L. 2017:** (2) amended, ([HB 17-1050](#)), [ch. 30, p. 86, § 1](#), effective August 9.

#### 30-10-501.7. Enforcement

(1) In the event a sheriff fails to comply with the requirements set forth in section 30-10-501.6, such sheriff's pay must be suspended by the board of county commissioners in accordance with subsection (2) of this section. Such sheriff's pay shall be reinstated with back pay by the board of county commissioners upon completion of said requirements in accordance with subsection (2) of this section.

(2) In any circumstances set forth in subsection (1) of this section, the Colorado peace officers standards and training board shall notify the board of county commissioners of the sheriff's failure to comply with the requirements of said subsection (1) and that state law requires the county commissioners to immediately suspend such sheriff's pay until the requirements of section 30-10-501.6 have been complied with. After the sheriff's compliance with the provisions of section 30-10-501.6, the Colorado peace officers standards and training board shall immediately notify the board of county commissioners of the sheriff's compliance and that state law requires the board of county commissioners to reinstate such sheriff's pay and provide him or her any back pay.

**Source: L. 97:** Entire section added, p. 926, § 2, effective May 21.

#### 30-10-526. Sheriff office hiring - required use of waiver - definitions

(1) A sheriff's office shall require each candidate that it interviews for a peace officer position who has been employed by another law enforcement agency or governmental agency to execute a written waiver that explicitly authorizes each law enforcement agency or governmental agency that has employed the candidate to disclose the applicant's files, including internal affairs files, to the interviewing sheriff's agency and releases the interviewing sheriff's office and each law enforcement agency or governmental agency that employed the candidate from any liability related to the use and disclosure of the files. A law enforcement agency or governmental agency may disclose the applicant's files by either providing copies or allowing the sheriff's office to review the files at the law enforcement agency's office or governmental agency's office. A candidate who refuses to execute the waiver shall not be considered for employment by the sheriff's office. The sheriff's office interviewing the candidate shall, at least twenty-one days prior to making the hiring decision, submit the waiver to each law enforcement agency or governmental agency that has employed the candidate. A state or local law enforcement agency or governmental agency that receives such a waiver shall provide the disclosure to the sheriff's office that is interviewing the candidate not more than twenty-one days after such receipt.



(2) A state or local law enforcement agency is not required to provide the disclosures described in subsection (1) of this section if the agency is prohibited from providing the disclosure pursuant to a binding nondisclosure agreement to which the agency is a party, which agreement was executed before June 10, 2016.

(3) A state or local law enforcement agency or governmental agency is not liable for complying with the provisions of this section or participating in an official oral interview with an investigator regarding the candidate.

(4) As used in this section, unless the context otherwise requires:

(a) "Files" means all performance reviews, any other files related to job performance, administrative files, grievances, previous personnel applications, personnel related claims, disciplinary actions, and all complaints, early warnings, and commendations, but does not include nonperformance or conduct-related data, including medical files, schedules, pay and benefit information, or similar administrative data or information.

(b) "State or local law enforcement agency" means:

(I) The Colorado state patrol created pursuant to section 24-33.5-201, C.R.S.;

(II) The Colorado bureau of investigation created pursuant to section 24-33.5-401, C.R.S.;

(III) A county sheriff's office;

(IV) A municipal police department;

(V) The division of parks and wildlife within the department of natural resources created pursuant to section 24-1-124, C.R.S.; or

(VI) A town marshal's office.

**HISTORY: Source: L. 2016:** Entire section added, (HB 16-1262), ch. 339, p. 1383, § 3, effective June 10.

## TITLE 30 – Government – County

### ARTICLE 10 – County Officers

#### PART 6 – Coroner

30-10-601. Coroner - election - bond - insurance – authority

(1) (a) Repealed.

(b) A coroner shall be elected in each county for the term of four years, who, except as provided in subsection (1.5) of this section, before entering upon the duties of office, shall give bond to the people of the state of Colorado of not less than twenty-five thousand dollars, with sufficient sureties, to be approved by the board of county commissioners or, if the board is not in session, by the county clerk and recorder, subject to the approval of such board, the condition of which bond shall be in substance the same as that given by the sheriff. Such bond shall be filed with the county clerk and recorder of the proper county.

(1.5) In lieu of the bond required by subsection (1) of this section, a county may purchase crime insurance coverage in an amount not less than twenty-five thousand dollars on behalf of the coroner to protect the people of the county from any malfeasance on the part of the coroner while in office.

(2) The coroner may declare an individual dead if the coroner finds the individual has sustained irreversible cessation of circulatory and respiratory function.

**HISTORY: Source: G.L. § 507. G.S. § 611. R.S. 08: § 1294. C.L. § 8769. CSA: C. 45, § 116. CRS 53: § 35-6-1. L. 56: p. 129, § 3. C.R.S. 1963: § 35-6-1. L. 81: Entire section amended, p. 1439, § 1, effective June 4. L. 89: (1) amended, p. 1275, § 2, effective April 18. L. 2003: (1)(a) repealed, p. 1834, § 4, effective August 6; (1)(a)(II) added by revision, pp. 1834, 1835, § § 4, 5. L. 2010: Entire section amended, (HB 10-1062), ch. 161, p. 561, § 21, effective August 11.**

**Cross references:** For election and terms of county officers, see § § 6 and 8 of art. XIV, Colo. Const., and § § 1-4-205 and 1-4-206; for prohibited appointments by outgoing officers, see § 24-50-402; for provisions regarding official bonds, see article 13 of title 24; for standards of conduct for county officials, see article 18 of title 24.

**Cross references:** For fees and compensation of coroners, see § 30-2-108.

**Cross references:** For the definition of death, see § 12-36-136.

### 30-10-602. Deputy coroner - duties - oath - bond – insurance - authority

(1) The coroner of each county is authorized to appoint a deputy. Any such appointment shall be in writing and shall be filed in the office of the coroner. The coroner of each county may delegate any of the coroner's powers to one or more deputies who shall then have the same duties with respect thereto as the coroner has. Any act of a deputy shall be done in the name of the coroner and signed by the deputy performing such act. A deputy coroner shall hold office during and subject to the pleasure of the coroner. Except as provided in subsection (2) of this section, each deputy coroner, before entering the duties of office, shall file with the county clerk and recorder of the county the bond and oath of office required by law to be filed by the coroner.

(2) In lieu of the bond required by subsection (1) of this section, a county may purchase crime insurance coverage on behalf of the deputy coroner to protect the people of the county from any malfeasance on the part of the deputy coroner while in office.

**HISTORY: Source: L. 07:** p. 307, § 1. R.S. 08: § 1295. C.L. § 8770. CSA: C. 45, § 117. **L. 53:** p. 224, § 1. CRS 53: § 35-6-2. **L. 57:** p. 310, § 1. C.R.S. 1963: § 35-6-2. **L. 2010:** Entire section amended, (HB 10-1062), ch. 161, p. 562, § 22, effective August 11.

### 30-10-603. Deputy coroner - appointment

Every appointment of a deputy coroner and every revocation thereof shall be in writing, under the hand of the coroner, and shall be filed in the office of the county clerk and recorder of the county wherein such appointment or revocation is made.

**HISTORY: Source: L. 07:** p. 307, § 2. R.S. 08: § 1296. C.L. § 8771. CSA: C. 45, § 118. CRS 53: § 35-6-3. C.R.S. 1963: § 35-6-3.



## **TITLE 31. Government - Municipal Corporate Class - Organization and Territory**

### **ARTICLE 4. Organizational Structure and Officers**

#### **PART 1. Organizational Structure and Officers of Statutory Cities**

##### 31-4-112. Marshal or chief of police - duties

The marshal or chief of police shall execute and return, by himself or herself or by any member of the police force, all writs and processes directed to him or her by the municipal judge in any case arising under a city ordinance. In criminal cases, quasi-criminal cases, or cases in violation of city ordinances, he or she may serve the same in any part of the county in which such city is situate. The marshal, chief of police, or any member of the police force shall suppress all riots, disturbances, and breaches of the peace, shall apprehend all disorderly persons in the city, and shall pursue and arrest any person fleeing from justice in any part of the state. He or she shall apprehend any person in the act of committing any offense against the laws of the state or ordinances of the city and, forthwith and without any warrant, bring such person before a municipal judge, county judge, or other competent authority for examination and trial pursuant to law. He or she has, in the discharge of his or her proper duties, powers and responsibilities similar to those that sheriffs have in like cases. The marshal or chief of police may employ certified peace officers to enforce all laws of the state of Colorado notwithstanding [section 16-2.5-201](#).

**HISTORY: Source: L. 75:** Entire title R&RE, p. 1027, § 1, effective July 1. **L. 2017:** Entire section amended, SB 17-066, ch. 105, p. 385, § 1, effective April 4.

**Editor's note:** (1) This section is similar to former § 31-3-105 as it existed prior to 1975.

(2) Section 4 of chapter 105 (SB 17-066), Session Laws of Colorado 2017, provides that the act changing this section applies before, on, and after April 4, 2017.

##### 31-4-306. Marshal or chief of police - powers and duties

The marshal or chief of police has the same power that sheriffs have by law, coextensive with the county in cases of violation of town ordinances, for offenses committed within the limits of the town. He or she shall execute all writs and processes directed to him or her by the municipal judge in any case arising under a town ordinance and receive the same fees for his or her services that sheriffs are allowed in similar cases. The marshal or chief of police may employ certified peace

officers to enforce all laws of the state of Colorado notwithstanding [section 16-2.5-201](#).

**HISTORY: Source: L. 75:** Entire title R&RE, p. 1034, § 1, effective July 1. **L. 77:** Entire section amended, p. 795, § 7, effective June 3. **L. 91:** Entire section amended, p. 746, § 16, effective April 4. **L. 2017:** Entire section amended, [\(SB 17-066\), ch. 105, p. 385, § 2](#), effective April 4.

**Editor's note:** (1) This section is similar to former § 31-3-305 as it existed prior to 1975.

(2) Section 4 of chapter 105 (SB 17-066), Session Laws of Colorado 2017, provides that the act changing this section applies before, on, and after April 4, 2017.

# **TITLE 31. Government - Municipal Powers and Functions of Cities and Towns**

## **ARTICLE 15. Exercise Of Municipal Powers**

### **PART 4. Police Regulations**

#### 31-15-401. General police powers

(1) In relation to the general police power, the governing bodies of municipalities have the following powers:

- (a) To regulate the police of the municipality, including employing certified peace officers to enforce all laws of the state of Colorado notwithstanding [section 16-2.5-201](#), and pass and enforce all necessary police ordinances;
- (b) To do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease;
- (c) To declare what is a nuisance and abate the same and to impose fines upon parties who may create or continue nuisances or suffer nuisances to exist; except that a municipal ordinance may impose liability on the owner of real property for a nuisance committed on the property by a tenant in lawful possession of the property only if the municipality notifies the property owner and tenant of the nuisance before a fine or other liability is imposed;
- (d) (I) To provide for and compel the removal of weeds, brush, and rubbish of all kinds from lots and tracts of land within such municipalities and from the alleys behind and from the sidewalk areas in front of such property at such time, upon such notice, and in such manner as such municipalities prescribe by ordinance, and to assess the whole cost thereof, including five percent for inspection and other incidental costs in connection therewith, upon the lots and tracts of land from which the weeds, brush, and rubbish are removed. The assessment shall be a lien against each lot or tract of land until paid and shall have priority over all other liens except general taxes and prior special assessments.  
  
(II) In case such assessment is not paid within a reasonable time specified by ordinance, it may be certified by the clerk to the county treasurer who shall collect the assessment, together with a ten percent penalty for cost of collection, in the same manner as other taxes are collected. The laws of this state for assessment and collection of

general taxes, including the laws for the sale and redemption of property for taxes, shall apply to the collection of such assessments.

- (e) To prevent and suppress riots, routs, affrays, noises, disturbances, and disorderly assemblies in any public or private place;
- (f) To prevent fighting, quarreling, dog fights, cock fights, and all disorderly conduct;
- (g) To suppress bawdy and disorderly houses and houses of ill fame or assignation within the limits of the municipality or within three miles beyond, except where the boundaries of two municipalities adjoin the outer boundaries of the municipality; to suppress gaming and gambling houses, lotteries, and fraudulent devices and practices for the purpose of gaining or obtaining money or property; and to regulate the promotion or wholesale promotion of obscene material and obscene performances, as defined in part 1 of article 7 of title 18, C.R.S.;
- (h) To restrain and punish loiterers, mendicants, and prostitutes;
- (i) To prohibit and punish for cruelty to animals;
- (j) To establish and erect jails, correction centers, and reform schools for the reformation and confinement of loiterers and disorderly persons and persons convicted of violating any municipal ordinance, to make rules and regulations for the government of the same, and to appoint necessary officers and assistants therefor;
- (k) To use the county jail for the confinement or punishment of offenders, subject to such conditions as are imposed by law, and with the consent of the board of county commissioners;
- (l) To authorize the acceptance of a bail bond when any person has been arrested for the violation of any ordinance and a continuance or postponement of trial is granted. When such bond is accepted, it shall have the same validity and effect as bail bonds provided for under the criminal statutes of this state.
- (m) (I) To regulate and to prohibit the running at large and keeping of animals, including fowl, within the municipality and to otherwise provide for the regulation and control of such animals including, but not limited to, licensing, impoundment, and disposition of impounded animals.



(II) In case any municipality neglects or refuses to pass an ordinance in conformity with this paragraph (m), anyone impounding an animal running at large within the limits of said municipality shall notify the state board of stock inspection commissioners, and said animal shall be disposed of by said board as provided in article 44 of title 35, C.R.S.

(n) To regulate and license pawnbrokers as provided in section 29-11.9-102;

(o) To enact and enforce ordinances prohibiting gambling and the use of any gambling device, as said terms are defined in [section 18-10-102, C.R.S.](#), in a park, on a public way, or on a street; except that in enacting and enforcing said ordinances, a municipality, notwithstanding any other provision of law to the contrary, may also prohibit social gambling in or on parks, public ways, or streets. Nothing in this paragraph (o) shall be construed as prohibiting pari-mutuel betting or wagering under article 60 of title 12, C.R.S.

(p) (I) To adopt reasonable regulations for the operation of establishments open to the public in which persons appear in a state of nudity for the purpose of entertaining the patrons of such establishment; except that such regulations shall not be tantamount to a complete prohibition of such operation. Such regulations may include the following:

(A) Minimum age requirements for admittance to such establishments;

(B) Limitations on the hours during which such establishments may be open for business; and

(C) Restrictions on the location of such establishments with regard to schools, churches, and residential areas.

(II) The governing body of the municipality may enact ordinances which provide that any establishment which engages in repeated or continuing violations of regulations adopted by the governing body shall constitute a public nuisance. In addition to the power provided for in paragraph (c) of this subsection (1) the governing body of the municipality may bring an action for an injunction against the operation of such establishment in a manner which violates such regulations.

(III) Nothing in the regulations adopted by the governing body of the

municipality pursuant to this paragraph (p) shall be construed to apply to the presentation, showing, or performance of any play, drama, ballet, or motion picture in any theater, concert hall, museum of fine arts, school, institution of higher education, or other similar establishment as a form of expression of opinion or communication of ideas or information, as differentiated from the promotion or exploitation of nudity for the purpose of advancing the economic welfare of a commercial or business enterprise.

(q) (I) To control and limit fires, including but not limited to the prohibition, banning, restriction, or other regulation of fires and the designation of places where fires are permitted, restricted, or prohibited.

(II) Nothing in this paragraph (q) shall be construed to preempt or supercede state, tribal, or federal law concerning the control, limitation, or other regulation of fires described in this paragraph (q).

**HISTORY:** Source: L. 75: Entire title R&RE, p. 1108, § 1, effective July 1. **L. 76:** (1)(g) amended, p. 559, § 3, effective July 1. **L. 77:** (1)(g) amended, p. 985, § 2, effective July 1. **L. 82:** (1)(g) amended, p. 627, § 34, effective April 2. **L. 84:** (1)(o) added, p. 838, § 1, effective April 2; (1)(n) added, p. 443, § 3, effective July 1. **L. 85:** (1)(p) added, p. 1060, § 2, effective May 10. **L. 86:** (1)(g) amended, p. 784, § 7, effective April 21. **L. 2002,** 3rd Ex. Sess.: (1)(q) added, p. 38, § 4, effective July 17. **L. 2005:** (1)(c) amended, p. 550, § 1, effective January 1, 2006. **L. 2017:** (1)(a) amended, [\(SB 17-066\), ch. 105, p. 386, § 3](#), effective April 4; (1)(n) amended, [\(SB 17-228\), ch. 246, p. 1042, § 8](#), effective August 9.

**Editor's note:** This title was primarily numbered as articles within chapter 139, C.R.S. 1963; however, a few sections were located in article 1 of chapter 140, C.R.S. 1963. The provisions of this title were repealed and reenacted in 1975, resulting in the addition, relocation, and elimination of sections as well as subject matter. For amendments to this title prior to 1975, consult the Colorado statutory research explanatory note and the table itemizing the replacement volumes and supplements to the original volume of C.R.S. 1973 beginning on page vii in the front of this volume. Former C.R.S. section numbers are shown in editor's notes following those sections that were relocated. For a detailed comparison of this title, see the comparative tables located in the back of the index.

**Cross references:** For local government generally, see title 29; for special districts, see title 32; for garnishment of public servants, see article 61 of title 13; for cooperation with federal government in housing, see article 55 of title

24; for local boards of health, see part 6 of article 1 of title 25; for municipal employees' retirement system, see part 2 of article 51 of title 24; for eminent domain proceedings by a municipality, see article 6 of title 38; for municipal highways, see article 2 of title 43; for the power of a city council or the board of trustees of town to establish airports, see part 2 of article 4 of title 41; for municipal courts, see article 10 of title 13.

**Law reviews:** For article, "ADR: Important Options for Municipal Government", see 24 Colo. Law. 1279 (1995).

**Editor's note:** (1) The provisions of this section are similar to provisions of several former sections as they existed prior to 1975. For a detailed comparison, see the comparative tables located in the back of the index.

(2) Section 4 of chapter 105 (SB 17-066), Session Laws of Colorado 2017, provides that the act changing this section applies before, on, and after April 4, 2017.

**Cross references:** For requirement that a municipality be made a party in any proceeding involving the validity of an ordinance or franchise and that the attorney general be served with a copy in any proceeding involving the constitutionality of an ordinance or franchise, see [§ 13-51-115](#) and [C.R.C.P. 57\(j\)](#); for the authority of counties to adopt regulations pursuant to their police powers, see [§ 30-15-401](#); for the penalty for livestock grazing on roads and in municipalities, see [§ 35-46-105](#).

## ANNOTATION

- I. General Consideration.
- II. Regulating Municipal Police.
- III. Public Health.
- IV. Declaring and Abating Nuisances.
  - A. In General.
  - B. What Constitutes a Nuisance.
  - C. Abatement.
- V. Estrays and Impounding.

### I. GENERAL CONSIDERATION.

**Law reviews.** For note, "Colorado Municipal Government Authority to Regulate Obscene Materials", see 51 Den. L.J. 75 (1974). For article, "Civil Enforcement of Building and Zoning Codes in Municipal Court", see 19 Colo. Law. 469 (1990).

**Annotator's note.** Since [§ 31-15-401](#) is similar to provisions of former § § 31-12-101 and 31-12-701 through 31-12-706 prior to the 1975 repeal and reenactment of this title, and laws antecedent thereto, relevant cases construing those provisions have been included in the annotations to this section.

## II. REGULATING MUNICIPAL POLICE.

No local regulation in areas preempted by state. No limitation is implied upon the traditional but statutory rights of municipalities to prevent disturbances of the peace and to maintain law and order by appropriate police action, but it is only when the city's acts or regulations attempt to interfere with or cover a field preempted by the state or which is of statewide concern that they must fail, and it makes no difference whether the attempted exercise of power by a city is reasonable, or is wholly prohibitory. *City of Golden v. Ford*, 141 Colo. 472, 348 P.2d 951 (1960).

No authority to pass ordinance regulating labor dispute. Express delegations of power to municipalities to pass and enforce all necessary police ordinances, to regulate streets, or to prevent and suppress riots, routs, affrays, noises, disturbances, disorderly assemblies in any public or private place are not express delegations to cities and town to adopt an ordinance regulating the conduct of parties to a labor dispute which on its face covers matters of statewide concern already treated by state statute, the labor peace act. *City of Golden v. Ford*, 141 Colo. 472, 348 P.2d 951 (1960).

Applied in *City of Colo. Springs v. Smith*, 19 Colo. 554, 36 P. 540 (1894).

## III. PUBLIC HEALTH.

Due process requirements. Due process, as it applies to cases involving municipal trash ordinances, requires only that a municipal ordinance enacted under the police power shall not be unreasonable, arbitrary, or capricious, and that it bear a rational relation to a proper legislative object sought to be attained. *United States Disposal Sys. v. City of Northglenn*, 193 Colo. 277, 567 P.2d 365 (1977).

A municipal regulation having a fair relation to the protection of human life and the protection of public convenience and welfare constitutes a reasonable application of the police power. *United States Disposal Sys. v. City of Northglenn*, 193 Colo. 277, 567 P.2d 365 (1977).

A presumption of reasonableness attaches to ordinances promulgated for the health, safety, and welfare of the public. *United States Disposal Sys. v. City*

of Northglenn, 193 Colo. 277, 567 P.2d 365 (1977).

Authority for scavenger ordinance. Subsection (1)(b) gives to cities and towns ample power to pass an ordinance creating the office of city or town scavenger and providing that no other person shall do scavenger work for the citizens of the city or town without the payment of a license fee, fixed by the ordinance, and procuring a license, and fixing a penalty for the violation of the ordinance. *Ouray v. Corson*, 14 Colo. App. 345, 59 P. 876 (1900).

Authority to prevent sewer disconnections for nonpayment. Under subsection (1)(b) and [§ § 31-15-702 \(1\)\(a\)](#) and [31-15-709 \(1\)\(a\)](#), where there is no other sewer to connect with, the necessity for the protection of the public health certainly gives to the city the right, temporarily at least, to prevent the digging up of its streets and alleys to disconnect private users who refuse to pay during the pendency of the quo warranto suit, regardless of who is right in that action. *City of Leadville v. Leadville Sewer Co.*, 47 Colo. 118, 107 P. 801 (1909).

Basis for judicial interference limited. A court of equity should not interfere with the officials of a city in efforts directed to the preservation of the public health under this section, unless the right of the applicant is free from doubt, and then only in an extreme and exceptional case. *City of Leadville v. Leadville Sewer Co.*, 47 Colo. 118, 107 P. 801 (1909).

Determination binding on supreme court. Unless a city council acts arbitrarily or capriciously in adopting an ordinance and in finding it necessary for the preservation of health and safety, such a determination is binding on the state supreme court. *United States Disposal Sys. v. City of Northglenn*, 193 Colo. 277, 567 P.2d 365 (1977).

#### IV. DECLARING AND ABATING NUISANCES.

##### A. In General.

Constitutionality of conferring discretionary power of enforcement. The conferring of discretionary power upon administrative boards to grant or withhold permission to carry on a trade or business which is the proper subject of regulation within the police power of the state is not violative of rights secured by the fourteenth amendment of the federal constitution, and where the marshal was the agent of the city government when he issued the citation and impounded the steers, the ordinance is valid, and the execution thereof is strict compliance with its abatement provision is not within the ambit of the civil rights act. *Martin v. King*, 417 F.2d 458 (10th Cir. 1969).

Subsection (1)(c) is not self-executing. See *Wolfe v. Abbott*, 54 Colo. 531, 131 P. 386 (1912).

Ordinance pursuant to delegated police power. Where the title indicated that the ordinance defined nuisances and provided for the abatement, removal, or suppression of the same, and paragraph (c) authorizes municipalities under the police power section to declare what shall be a nuisance and to abate the same, accordingly, legislative authority existed for enacting the ordinance under the police power delegated by the state legislative body to the municipality. *Martin v. King*, 417 F.2d 458 (10th Cir. 1969).

Subsection (1)(c) requires an ordinance to make it effective. *R Houston v. Walton*, 23 Colo. App. 282, 129 P. 263 (1913).

But not outside boundaries. Assuming, under subsection (1)(c), a town has power to declare it a nuisance for one to sell or keep for sale intoxicating liquor inside the corporate limits, and, by ordinance regulating the procedure, to abate the nuisance, this does not confer power to declare what shall constitute a nuisance within a mile beyond the outer boundaries, and abate it. *Wolfe v. Abbott*, 54 Colo. 531, 131 P. 386 (1913).

Denoting nuisance insufficient unless city had power to punish conduct. The fact that a municipal ordinance which prohibits the solicitation of orders for merchandise from residents without invitation denominates such practice a nuisance, which it may not be in fact, is immaterial in a consideration of the validity of the ordinance, the real question being whether the city had power to punish the prescribed conduct, not whether it had the right to name it. *McCormick v. City of Montrose*, 105 Colo. 493, 99 P.2d 969 (1939).

City had authority to abate nuisance and to recoup its remediation expenses through liens if so provided in the nuisance ordinance. *Gold Vein LLC v. Cripple Creek*, 973 P.2d 1286 (Colo. App. 1999).

Municipality may not impose a priority lien for abatement expenses except as specifically authorized in subsection (1)(d) for weed, brush, and rubbish removal. *Gold Vein LLC v. Cripple Creek*, 973 P.2d 1286 (Colo. App. 1999).

Licensing ordinance repugnantly discriminatory. The attempt of a city council, by ordinance, to prevent the prosecution of lawful business avocations, not declared by any ordinance to be nuisances, within the

city limits without a permit or license from the city council is not authorized by subsection (1)(c), and such an ordinance is repugnant to fundamental rights in that it is susceptible of being used to unjustly discriminate between individuals equally worthy and respectable by permitting certain individuals to pursue the avocations mentioned while denying the privilege to other persons of the same class, or by making acts done by one person penal and imposing no penalty for the same act when done under like circumstances by another. *May v. People*, 1 Colo. App. 152, 27 P. 1010 (1891).

Applied in *Brophy v. Hyatt*, 10 Colo. 223, 15 P. 399 (1887).

#### B. What Constitutes a Nuisance.

**Animals.** Under subsection (1)(c), the city council of a city or the board of trustees of a town may declare horses, cattle, sheep, swine, goats, or other like animals running at large within the corporate limits, a nuisance, and impose a fine on any person permitting it. *Haldeman v. Colo. City*, 52 Colo. 233, 120 P. 1041 (1911).

An ordinance was a valid nuisance abatement ordinance which lawfully declared maintenance of cattle within the town limits a nuisance and provided for abatement thereof unless a permit allowing such maintenance had been granted. *Martin v. King*, 417 F.2d 458 (10th Cir. 1969).

**Liquor.** The mere sale of, or keeping for sale, intoxicating liquors is not a nuisance per se, but the town council may by ordinance declare it a nuisance. *Wolfe v. Abbott*, 54 Colo. 531, 131 P. 386 (1913).

An ordinance prohibiting the sale of intoxicating liquors within the limits of the city, and declaring that "a place kept for such sale, and the business, and the liquor kept" is a nuisance "to be abated as any other nuisance" is conclusive in its effect, and the provision that the nuisance shall be abated "as any other nuisance" can be held to mean only as any other nuisance may lawfully be abated. *Houston v. Walton*, 23 Colo. App. 282, 129 P. 263 (1913).

**Privies.** Cities may have the power to declare a privy in an established sewer district a nuisance per se, and to abate it, and fine the party suffering it to exist, but the proceeding would have to be under an ordinance based upon the power conferred by the statutes, and the ordinance must provide the manner of abatement. *Gault v. City of Ft. Collins*, 57 Colo. 324, 142 P. 171 (1914).



Nuisance per accidents. Even though zoning regulations permit an act to be done, and the act is being done with reasonable care and skill, the courts may grant relief where it is found that the acts complained of constitute a nuisance per accidents; to hold otherwise would be to state that the legislative body may license a nuisance. *Hobbs v. Smith*, 177 Colo. 299, 493 P.2d 1352 (1972).

### C. Abatement.

The abatement procedure should be regulated by an ordinance, and the manner of abatement not left to the discretion of the officer executing the order. *Wolfe v. Abbott*, 54 Colo. 531, 131 P. 386 (1913).

Enjoining nuisance. Regardless of compliance with zoning ordinances or regulations, both business and residential uses may be enjoined if they constitute a nuisance to an adjoining property owner or resident. *Hobbs v. Smith*, 177 Colo. 299, 493 P.2d 1352 (1972).

Manner of arrest and destruction unwarranted. The arrest with unnecessary force of one found in possession of a stock of intoxicating liquors, the destruction of the liquors with other legitimate merchandise, all in a disorderly and tumultuous manner, in disturbance of the peace of the Sabbath day, was not justified by ordinance prohibiting the sale or keeping for sale of such liquors, and declaring that the sale or keeping for sale of such liquors was a nuisance; nor by a vote or resolution of the city council directing the city marshal to seize and bring before the police magistrate all such liquors, with the persons of those found upon the premises. *Houston v. Walton*, 23 Colo. App. 282, 129 P. 263 (1913).

As to nuisances which may at common law be summarily abated, e.g., the obstruction of the public highway, it may be that the municipal authorities may proceed without the aid or adjudication of any court, otherwise, in the absence of statute, as to other nuisances, or where the existence of the nuisance depends upon proof that the law has been violated. *Houston v. Walton*, 23 Colo. App. 282, 129 P. 263 (1913).

## V. ESTRAYS AND IMPOUNDING.

Constitutional basis for power. A city organized under art. XX, Colo. Const., has the power to impound animals running at large, within its bounds, and to charge owner a reasonable amount for discharging this duty, and such an imposition is a matter of local concern. *City of Pueblo v. Kurtz*, 66 Colo. 447, 182 P. 884 (1919).



Denver municipal ordinance prohibiting pit bulls held constitutional. \$R Colo. Dog Fanciers v. Denver, 820 P.2d 644 (Colo. 1991).

Applied in Brophy v. Hyatt, 10 Colo. 223, 15 P. 399 (1887).

## **TITLE 31. Government - Municipal Powers and Functions of Cities and Towns**

### **ARTICLE 30. Fire - Police - Sanitation**

#### **PART 1. Fire, Police, or Street Department - Paid - Civil Service**

##### 31-30-108. Peace officer hiring - required use of waiver - definitions

(1) A municipal police department or town marshal's office shall require each candidate that it interviews for a peace officer position who has been employed by another law enforcement agency or governmental agency to execute a written waiver that explicitly authorizes each law enforcement agency or governmental agency that has employed the candidate to disclose the applicant's files, including internal affairs files, to the municipal police department or town marshal's office interviewing the candidate and releases the interviewing agency and each law enforcement agency or governmental agency that employed the candidate from any liability related to the use and disclosure of the files. A law enforcement agency or governmental agency may disclose the applicant's files by either providing copies or allowing the municipal police department or town marshal's office to review the files at the law enforcement agency's office or governmental agency's office. A candidate who refuses to execute the waiver shall not be considered for employment by the department or office. The department or office interviewing the candidate shall, at least twenty-one days prior to making the hiring decision, submit the waiver to each law enforcement agency or governmental agency that has employed the candidate. A state or local law enforcement agency or governmental agency that receives such a waiver shall provide the disclosure to the municipal police department or town marshal's office that is interviewing the candidate not more than twenty-one days after such receipt.

(2) A state or local law enforcement agency is not required to provide the disclosures described in subsection (1) of this section if the agency is prohibited from providing the disclosure pursuant to a binding nondisclosure agreement to which the agency is a party, which agreement was executed before the effective date of this section.

(3) A state or local law enforcement agency or governmental agency is not liable for complying with the provisions of this section or participating in an official oral interview with an investigator regarding the candidate.

(4) As used in this section, unless the context otherwise requires:

(a) "Files" means all performance reviews, any other files related to job performance, administrative files, grievances, previous personnel

applications, personnel related claims, disciplinary actions, and all complaints, early warnings, and commendations, but does not include nonperformance or conduct-related data, including medical files, schedules, pay and benefit information, or similar administrative data or information.

(b) "State or local law enforcement agency" means:

(I) The Colorado state patrol created pursuant to section 24-33.5-201, C.R.S.;

(II) The Colorado bureau of investigation created pursuant to section 24-33.5-401, C.R.S.;

(III) A county sheriff's office;

(IV) A municipal police department;

(V) The division of parks and wildlife within the department of natural resources created pursuant to section 24-1-124, C.R.S.; or

(VI) A town marshal's office.

**HISTORY: Source: L. 2016:** Entire section added, (HB 16-1262), ch. 339, p. 1384, § 4, effective June 10.



## **TITLE 33. Parks and Wildlife Administration**

### **ARTICLE 9. Administration of Parks and Wildlife**

#### 33-9-112. Peace officer hiring - required use of waiver - definitions

(1) The division shall require each candidate that it interviews for a peace officer position who has been employed by another law enforcement agency or governmental agency to execute a written waiver that explicitly authorizes each law enforcement agency or governmental agency that has employed the candidate to disclose the applicant's files, including internal affairs files, to the division and releases the division and each law enforcement agency or governmental agency that employed the candidate from any liability related to the use and disclosure of the files. A law enforcement agency or governmental agency may disclose the applicant's files by either providing copies or allowing the division to review the files at the law enforcement agency's office or governmental agency's office. A candidate who refuses to execute the waiver shall not be considered for employment by the division. The division shall, at least twenty-one days prior to making the hiring decision, submit the waiver to each law enforcement agency or governmental agency that has employed the candidate. A state or local law enforcement agency or governmental agency that receives such a waiver shall provide the disclosure to the division not more than twenty-one days after such receipt.

(2) A state or local law enforcement agency is not required to provide the disclosures described in subsection (1) of this section if the agency is prohibited from providing the disclosure pursuant to a binding nondisclosure agreement to which the agency is a party, which agreement was executed before June 10, 2016.

(3) A state or local law enforcement agency or governmental agency is not liable for complying with the provisions of this section or participating in an official oral interview with an investigator regarding the candidate.

(4) As used in this section, unless the context otherwise requires:

(a) "Files" means all performance reviews, any other files related to job performance, administrative files, grievances, previous personnel applications, personnel-related claims, disciplinary actions, and all complaints, early warnings, and commendations, but does not include nonperformance or conduct-related data, including medical files, schedules, pay and benefit information, or similar administrative data or information.

(b) "State or local law enforcement agency" means:

(I) The Colorado state patrol created pursuant to section 24-33.5-201, C.R.S.;

(II) The Colorado bureau of investigation created pursuant to section 24-33.5-401, C.R.S.;

(III) A county sheriff's office;

(IV) A municipal police department;

(V) The division of parks and wildlife within the department of natural resources created pursuant to section 24-1-124, C.R.S.; or

(VI) A town marshal's office.

**HISTORY: Source: L. 2016:** Entire section added, (HB 16-1262), ch. 339, p. 1385, § 5, effective June 10.



## TITLE 39 – Taxation - Specific Taxes

### ARTICLE 28.8 - Taxes On Marijuana And Marijuana Products

#### PART 5. Marijuana Tax Cash Fund

##### 39-28.8-501. Marijuana tax cash fund - creation - distribution – repeal

- (1) The marijuana tax cash fund, referred to in this part 5 as the "fund", is created in the state treasury. The fund consists of any applicable retail marijuana sales tax transferred pursuant to [section 39-28.8-203 \(1\) \(b\)](#) on or after July 1, 2014, and any revenues transferred to the fund from any sales tax imposed pursuant to [section 39-26-106](#) on the retail sale of products under articles 43.3 and 43.4 of title 12, C.R.S.
- (2)
  - (a) The general assembly shall not appropriate the moneys in the fund for the fiscal year in which they were received by the state; except that:
    - (I) The general assembly may appropriate moneys in the fund to the department of revenue for the fiscal years in which they were received by the state for the direct and indirect costs associated with implementing this article and articles 43.3 and 43.4 of title 12, C.R.S.; and
    - (II) For the 2014-15 fiscal year only, the general assembly may appropriate up to four million seven hundred forty-four thousand two hundred fifty-four dollars from moneys in the fund that the state received during the 2014-15 fiscal year to support the programs funded by the general assembly through Senate Bill 14-215, enacted in 2014, for the 2014-15 fiscal year. This subparagraph (II) is repealed, effective July 1, 2015.
  - (b)
    - (I) The general assembly hereby finds and declares that the retail marijuana excise tax and sales tax created a new revenue stream for the state, and the basis of these taxes is the legalization of marijuana, which presents unique issues and challenges for the state and local governments. Thus, there is a need to use some of the sales tax revenue for marijuana-related purposes. But, as this is revenue from a tax, the general assembly may appropriate this money for any purpose.
    - (II) The general assembly further declares that the new retail marijuana tax revenue presents an opportunity to invest in services, support, intervention, and treatment related to marijuana and other



drugs.

(III) Therefore, the purposes identified in this subsection (2) prioritize appropriations related to legalized marijuana, such as drug use prevention and treatment, protecting the state's youth, and ensuring the public peace, health, and safety.

(IV) Subject to the limitation in subsection (5) of this section, the general assembly may annually appropriate any moneys in the fund for any fiscal year following the fiscal year in which they were received by the state for the following purposes:

(A) To educate people about marijuana to prevent its illegal use or legal abuse;

(B) To provide services for adolescents and school-aged children in school settings or through community-based organizations;

(C) To treat people with any type of substance-abuse disorder, especially those with co-occurring disorders;

(D) For jail-based and other behavioral health services for persons involved in the criminal justice system through the correctional treatment cash fund created in section 18-19-103 (4) (a), C.R.S.;

(E) For state regulatory enforcement, policy coordination, or litigation defense costs related to retail or medical marijuana;

(F) For law enforcement and law enforcement training, including any expenses for the police officers standards and training board training or certification;

(G) For the promotion of public health, including poison control, prescription drug take-back programs, the creation of a marijuana laboratory testing reference library, and other public health services related to controlled substances;

(H) To study the use of marijuana and other drugs, their health effects, and other social impacts related to them;

(I) To research, regulate, study, and test industrial hemp or hemp seeds;

(J) For the start-up expenses of the division of financial services related to the regulation of marijuana financial services cooperatives pursuant to article 33 of title 11, C.R.S., until the state commissioner of financial services first collects assessments on such cooperatives; and

(K) Grants to local governments for documented retail marijuana impacts through the local government retail marijuana impact grant program created in section 24-32-117, C.R.S.

(c) Subject to the limitations in subsection (5) of this section and in addition to the purposes for which the general assembly may appropriate moneys in the fund specified in paragraphs (a) and (b) of this subsection (2), the general assembly may also direct the state treasurer to transfer moneys in the fund to the general fund as specified in subsection (4) of this section. The general assembly may direct the state treasurer to make such transfers only for a fiscal year following the fiscal year in which the moneys in the fund were received by the state.

(3) Any moneys in the fund not expended for the purposes specified in subsection (2) of this section may be invested by the state treasurer as provided by law. All interest and income derived from the investment and deposit of moneys in the fund shall be credited to the fund. Any unexpended and unencumbered moneys remaining in the fund at the end of a fiscal year remain in the fund and shall not be credited or transferred to the general fund or another fund. All interest and income derived from the investment and deposit of moneys in the fund are subject to annual appropriation by the general assembly for any fiscal year following the fiscal year in which they were received by the state.

(4) The state treasurer shall make the following transfers from the fund to the general fund:

(a) (I) On June 30, 2015, two million dollars for the purposes specified in section 39-26-123 (6).

(II) This paragraph (a) is repealed, effective July 1, 2016.

(b) On June 30, 2015, thirty million eight hundred eight thousand three hundred sixty-nine dollars;

(c) On August 15, 2015, one hundred thirty-eight thousand four hundred sixty-six dollars.

(5) Beginning with appropriations made for the 2015-16 state fiscal year, the total amount that the general assembly appropriates from the fund shall not exceed ninety-three and one-half percent of the amount of moneys in the fund available for appropriation.

(6) To increase transparency, the marijuana enforcement division in the department shall include a link on its web site that describes the disposition of the retail marijuana excise tax revenue and how the revenue from the fund was appropriated for the fiscal year 2015-16 and each fiscal year thereafter.

**Source:** **L. 2014:** (2)(b)(XI) and (2)(b)(XII) amended and (2)(b)(XIV) added, (SB 14-184), ch. 315, p. 1370, § 10, effective May 31; entire part added, (SB 14-215), ch. 352, p. 1600, § 2, effective July 1; (2)(b)(XI) and (2)(b)(XII) amended and (2)(b)(XV) added, (HB 14-1398), ch. 353, p. 1646, § 5, effective July 1. **L. 2015:** (2)(a), IP(2)(b), and (4)(b) amended, (SB 15-167), ch. 15, p. 37, § 1, effective March 13; (4)(b) amended, (SB 15-249), ch. 136, p. 416, § 1, effective May 1; (1) amended, (2)(b) R&RE, and (6) added, (HB 15-1367), ch. 271, p. 1069, § 7, effective June 4; (4)(c) added, (HB 15-1379), ch. 250, p. 913, § 5, effective August 5.

**Editor's note:** (1) Subsection (2)(b)(XV) was numbered as (2)(b)(XIII) in HB 14-1398 but has been renumbered on revision for ease of location. (2) Subsection IP(2)(b) was amended in SB 15-167. Those amendments were superseded by the repeal and reenactment of subsection (2)(b) in HB 15-1367, effective June 4, 2015. For the amendments to subsection IP(2)(b) in SB 15-167 in effect from March 13, 2015, to June 4, 2015, see chapter 15, Session Laws of Colorado 2015. (L. 2015, p. 37.)

**Cross references:** For the legislative declaration in HB 15-1367, see section 1 of chapter 271, Session Laws of Colorado 2015.



## **TITLE 42 – Vehicles and Traffic**

### **ARTICLE 1 – General and Administrative**

#### **PART 1 – Definitions and Citation**

##### 42-1-102. Definitions

(6) "Authorized emergency vehicle" means such vehicles of the fire department, police vehicles, ambulances, and other special-purpose vehicles as are publicly owned and operated by or for a governmental agency to protect and preserve life and property in accordance with state laws regulating emergency vehicles; said term also means the following if equipped and operated as emergency vehicles in the manner prescribed by state law:

(a) Privately owned vehicles as are designated by the state motor vehicle licensing agency necessary to the preservation of life and property; or

(b) Privately owned tow trucks approved by the public utilities commission to respond to vehicle emergencies.

## TITLE 42 – Vehicles and Traffic

### ARTICLE 3 – Registration, Taxation, and License Plates

#### PART 3 – Fees and Cash Funds

42-3-304. Registration fees – passenger and passenger-mile taxes – clean screen fund – repeal

(24) In addition to any other fee imposed by this section, at the time of registration, the owner shall pay a fee of one dollar on every item of Class A, B, or C personal property required to be registered pursuant to this article. Notwithstanding the requirements of [section 43-4-203, C.R.S.](#), such fee shall be transmitted to the state treasurer, who shall credit the same to the peace officers standards and training board cash fund, created in [section 24-31-303 \(2\) \(b\), C.R.S.](#); except that county clerks and recorders shall be entitled to retain five percent of the fee collected to cover the clerks' expenses in the collection and remittance of such fee. All of the moneys in the fund that are collected pursuant to this subsection (24) shall be used by the peace officers standards and training board for the purposes specified in [section 24-31-310, C.R.S.](#)

**Source: L. 2005:** (13) and (18)(d)(I) amended, p. 145, § 21, effective April 5; entire article amended with relocations, p. 1136, § 2, effective August 8; (18)(c) amended, p. 328, § 1, effective August 8. **L. 2006:** (10)(b) amended, p. 1511, § 71, effective June 1; (1)(c) amended, p. 1011, § 5, effective July 1; (19)(a)(I), (19)(a)(II), and (19)(d) amended and (19)(a)(IV) added, p. 1030, § § 12, 11, effective July 1; (3)(g) and (3)(h) added, p. 921, § 4, effective January 1, 2007. **L. 2009:** (1)(c) and (18)(d) amended, [\(SB 09-274\), ch. 210, p. 955, § 8](#), effective May 1; (21) amended, [\(SB 09-002\), ch. 277, p. 1242, § 1](#), effective May 19; (24) amended, [\(HB 09-1036\), ch. 300, p. 1601, § 1](#), effective July 1; (4), (5), and (6)(a) amended, [\(HB 09-1026\), ch. 281, p. 1268, § 29](#), effective October 1; (18)(d) amended, [\(HB 09-1026\), ch. 281, p. 1268, § 30](#), effective July 1, 2010. **L. 2010:** (18)(d)(I) amended, [\(HB 10-1387\), ch. 205, p. 890, § 7](#), effective May 5; (18)(d)(I) amended, [\(HB 10-1341\), ch. 285, p. 1336, § 1](#), effective May 26; (2), IP(9), IP(10)(a), (10)(b), (10)(c), (11), (14), and (17)(a) amended and (23) repealed, (SB 10-212), ch. 412, pp. 2036, 2032, § 12, 1, effective July 1; (14) and (15) amended, [\(HB 10-1172\), ch. 320, p. 1491, § 11](#), effective October 1. **L. 2011:** IP(18)(d)(I) amended, [\(HB 11-1182\), ch. 124, p. 387, § 1](#), effective April 22; (1)(b)(II) repealed, [\(HB 11-1004\), ch. 136, p. 475, § 2](#), effective August 10; (12) amended, [\(HB 11-1198\), ch. 127, p. 425, § 24](#), effective August 10. **L. 2012:** (18)(d)(I) amended, [\(HB 12-1216\), ch. 80, p. 267, § 6](#), effective July 1; (19)(a)(I) amended and (19)(a)(IV) repealed, [\(SB 12-034\), ch. 107, p. 362, § 1](#), effective August 8. **L. 2013:** (25) added, [\(HB 13-1110\), ch. 225, p. 1064, § 12](#), effective January 1, 2014. **L. 2014:** (25)(c)(II) amended, [\(HB 14-1027\), ch. 6, p. 88, § 1](#), effective February 19; (18)(d)(I) amended, [\(SB 14-194\), ch. 346, p. 1551, § 19](#), effective June 5; (24) amended, [\(SB 14-](#)

[123](#), ch. 246, p. 946, [§ 3](#), effective August 6.

**Editor's note:** (1) This section is similar to former § 42-3-134 as it existed prior to 2005.(2) Subsection (13) was originally numbered as § 42-3-134 (21)(a), and the amendments to it in Senate Bill 05-041 were harmonized with [§ 42-3-304 \(13\)](#) as it appears in House Bill 05-1107. Subsection (18)(c) was originally numbered as § 42-3-134 (26)(c), and the amendments to it in House Bill 05-1268 were harmonized with and relocated to [§ 42-3-304 \(18\)\(c\)](#) as it appears in House Bill 05-1107. Subsection (18)(d)(I) was originally numbered as § 42-3-134 (26)(d)(I), and the amendments to it in Senate Bill 05-041 were harmonized with and relocated to [§ 42-3-304 \(18\)\(d\)\(I\)](#) as it appears in House Bill 05-1107.(3) Amendments to subsection (18)(d) by Senate Bill 09-074 and House Bill 09-1026 were harmonized.(4) Section 137 of Senate Bill 09-292 changed the effective date of subsections (4), (5), and (6)(a) from July 1, 2010, to October 1, 2009, and subsection (18)(d) from October 1, 2009, to July 1, 2010.(5) Amendments to subsection (18)(d)(I) by House Bill 10-1387 and House Bill 10-1341 were harmonized.(6) Amendments to subsection (14) by Senate Bill 10-212 and House Bill 10-1172 were harmonized.

**Cross references:** (1) For Public Law 663, 79th Congress, as amended, and Public Law 187, 82nd Congress, as amended, see 60 Stat. 915 and 65 Stat. 574, respectively, and 38 U.S.C. § 3901 to 3905.(2) For the legislative declaration contained in the 2006 act amending subsections (19)(a)(I), (19)(a)(II), and (19)(d) and enacting subsection (19)(a)(IV), see section 1 of chapter 225, Session Laws of Colorado 2006. For the legislative declaration in the 2011 act repealing subsection (1)(b)(II), see section 1 of chapter 136, Session Laws of Colorado 2011. For the legislative declaration in the 2013 act adding subsection (25), see section 1 of chapter 225, Session Laws of Colorado 2013.

## ANNOTATION

**Annotator's note.** Since [§ 42-3-304](#) is similar to § 42-3-134 as it existed prior to the 2005 amendment to article 3 of title 42, which resulted in the relocation of provisions, relevant cases construing former provisions similar to that section have been included in the annotations to this section.

The object and purpose of the ton-mile tax statute is to regulate the use of our public highways and provide funds for highway maintenance and construction by taxing those who are heavy, constant and continuous users of our highways in proportion to their use thereof. *Weed v. Monfort Feed Lots, Inc.*, 156 Colo. 577, 402 P.2d 177 (1965).

Political subdivisions as such are not exempt from the passenger-mile tax imposed by this section. *Reg'l Transp. Dist. v. Charnes*, 660 P.2d 24 (Colo. App. 1982).

## **TITLE 42 – Vehicles and Traffic**

### **ARTICLE 5 – Automobile Theft Law – Inspection of Motor Vehicle Identification Numbers**

#### **PART 2 – Vehicle Identification Number Inspection**

##### 42-5-201. Definitions

As used in this part 2, unless the context otherwise requires:

- (1) "Bonded title vehicle" means a vehicle the owner of which has posted a bond for title pursuant to the provisions of section 42-6-115.
- (2) "Commercial vehicle" means any trailer as defined in section 42-1-102 (105), truck as defined in section 42-1-102 (108), or truck tractor as defined in section 42-1-102 (109).
- (3) (Deleted by amendment, L. 2000, p. 1647, § 36, effective June 1, 2000.)
- (4) "Homemade vehicle" means a vehicle which is constructed by a manufacturer not licensed by the state of Colorado and which is not recognizable as a commercially manufactured vehicle.
- (5) "Inspector" means a duly constituted peace officer of a law enforcement agency or other individual who has been certified pursuant to section 42-5-206 to inspect vehicle identification numbers.
- (6) "Law enforcement agency" means the Colorado state patrol or the agency of a local government authorized to enforce the laws of the state of Colorado.
- (7) "Local government" means a town, a city, a county, or a city and county.
- (8) "Rebuilt vehicle" means a vehicle which has been assembled from parts of two or more commercially manufactured vehicles or which has been altered in such a manner that it is not readily recognizable as a commercially manufactured vehicle of a given year. "Rebuilt vehicle" includes a street rod vehicle.
- (9) "Reconstructed vehicle" means a vehicle constructed from two or more commercially manufactured vehicles of the same type and year which has not been altered and which is recognizable as a commercially manufactured vehicle of a given year.



(10) "State" includes the territories and the federal districts of the United States.

(11) "Street rod vehicle" means a vehicle with a body design manufactured in 1948 or earlier or with a reproduction component that resembles a 1948 or earlier model which has been modified for safe road use, including, but not limited to, modifications of the drive train, suspension, and brake systems, modifications to the body through the use of materials such as steel or fiber glass, and other safety or comfort features.

(12) "Vehicle" means a motor vehicle subject to the certificate of title provisions of part 1 of article 6 of this title but does not include commercial vehicles as defined in subsection (2) of this section.

(13) "Vehicle identification number" means any identifying number, serial number, engine number, or other distinguishing number or mark, including letters, if any, that is unique to the identity of a given vehicle or commercial vehicle or component part thereof that was placed on a vehicle, commercial vehicle, or engine by its manufacturer or by authority of the department of revenue under section 42-12-202 or in accordance with the laws of another state or country.

**Source:** **L. 94:** Entire title amended with relocations, p. 2445, § 1, effective January 1, 1995. **L. 2000:** (3) and (13) amended, p. 1647, § 36, effective June 1. **L. 2010:** (5) amended, (HB 10-1096), ch. 240, p. 1051, § 1, effective August 11. **L. 2011:** (13) amended, (SB 11-031), ch. 86, p. 247, § 15, effective August 10.

**Editor's note:** This title was numbered as numerous articles within chapter 13, C.R.S. 1963. The provisions of this title were amended with relocations in 1994, effective January 1, 1995, resulting in the addition, relocation, and elimination of sections as well as subject matter. For amendments to this title prior to 1994, consult the Colorado statutory research explanatory note and the table itemizing the replacement volumes and supplements to the original volume of C.R.S. 1973 beginning on page vii in the front of this volume. Former C.R.S. section numbers are shown in editor's notes following those sections that were relocated. For a detailed comparison of this title, see the comparative tables located in the back of the index.

**Cross references:** For registration and use of snowmobiles, see article 14 of title 33; for licensing and regulation of automobile dealers, see part 1 of article 6 of title 12; for the antimonopoly financing law, see part 2 of article 6 of title 12; for the Sunday closing law, see part 3 of article 6 of title 12; for the regulation of commercial driving schools, see article 15 of title 12; for the provisions providing for the manufacture of license plates and highway signs by state correctional facilities,

see article 24 of title 17; for provisions relating to highway safety, see article 5 of title 43.

**Cross references:** For enforcement by Colorado state patrol, see § § 24-33.5-203 (2) and 24-33.5-212.

#### 42-5-206. Certification of inspectors

(1) Except as otherwise provided in subsection (2) of this section, no peace officer shall be an inspector of vehicle identification numbers unless the peace officer has been certified by the peace officers standards and training board pursuant to section 24-31-303 (1) (e), C.R.S. In order to be certified, the peace officer must satisfactorily complete a vehicle identification number inspection training course approved by said board and pay a certification fee to the board not to exceed twenty-five dollars. The cost of the training course shall include all necessary and actual expenses but shall not exceed fifty dollars per peace officer.

(2) In lieu of the requirement for certification in subsection (1) of this section, any peace officer shall be certified as an inspector of vehicle identification numbers if the peace officer is able to demonstrate to the peace officers standards and training board that the peace officer has had sixteen hours or more of vehicle identification number inspection training which is acceptable to the board and which was received between January 1, 1986, and January 1, 1988.

(3) The sheriff of any county and the police chief of any municipality may certify individuals in addition to peace officers to serve as inspectors in accordance with the provisions of this part 2. Such individuals shall be employees or bona fide representatives of a county or municipality and shall satisfactorily complete fingerprint and background checks. Such individuals must satisfactorily complete a vehicle identification number inspection training course approved by the peace officers standards and training board and pay a fee to the board for the cost of the certification not to exceed twenty-five dollars. The cost of the training course shall include all necessary and actual expenses but shall not exceed fifty dollars per individual.

**Source:** **L. 94:** Entire title amended with relocations, p. 2448, § 1, effective January 1, 1995. **L. 95:** (1) amended, p. 961, § 21, effective May 25. **L. 2010:** (3) added, (HB 10-1096), ch. 240, p. 1051, § 2, effective August 11.



# POST RULES



**Rule 1 – Definitions**  
*Effective November 15, 2021*

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, refresher 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 an approved basic, refresher or reserve training academy.
- (g) "Authorized emergency vehicle" means such vehicles as further defined in § 42-1-102(6), 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, per § 18-1-901(3)(c), C.R.S.
- (j) "Certification examination" means the written test required, per § 24-31-305(1)(a)(III), C.R.S.
- (k) "Certified peace officer" means any person who has successfully attained POST Certification, as further described in §§ 24-31-305 and 24-31-308, C.R.S.
- (l) "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) "Director" means the director of the POST Board staff.

- (o) “Disqualifying incident” means:
- (I) 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., per § 24-31-305(1.5)(a), C.R.S. Any Colorado juvenile adjudication is not a conviction.
  - (II) Entering into a deferred judgment and sentencing agreement, a deferred prosecution agreement, or a pretrial diversion agreement of any disqualifying incident, whether pending or successfully completed, per §§ 24-31-305(1.5)(b) and 24-31-904(4), C.R.S.
  - (III) A finding of untruthfulness pursuant to § 24-31-305(2.5), C.R.S.
  - (IV) Convicted of or pleads guilty or nolo contendere to a crime involving unlawful use of physical force, per § 24-31-904, C.R.S., or a crime involving the failure to intervene in the use of unlawful force, per § 24-31-904, C.R.S. and § 18-8-802(1.5)(a) and (d), C.R.S.
  - (V) Found civilly liable for the use of unlawful physical force or the failure to intervene in the use of unlawful force, per § 24-31-904, C.R.S.
  - (VI) An administrative law judge, hearing officer, or internal investigation finds that a peace officer used unlawful physical force, failed to intervene, or violated section 18-1-707, C.R.S. as described in §24-31-904, C.R.S.
  - (VII) A court, administrative law judge, hearing officer, or a final decision in an internal investigation finds that a peace officer intentionally failed to activate a body-worn camera or dash camera or tampered with any body-worn or dash camera with the intent to conceal unlawful or inappropriate actions or obstruct justice, as described in § 24-31-902(1)(a)(IV), C.R.S.
  - (VIII) Failure to satisfactorily complete peace officer training required by the POST Board, per § 24-31-305(2.7), C.R.S.
  - (IX) Making materially false or misleading statements of omissions in the application for certification.
  - (X) Knowingly or intentionally providing inaccurate data for the database created per § 24-31-303(1)(r), C.R.S.

- (XI) Otherwise failing to meet the certification requirements established by the Board.
- (XII) A finding by an administrative law judge, hearing officer, or internal investigation of a law enforcement agency that a peace officer violated section 18-8-805, C.R.S. regarding the prohibited use or direction of administration of ketamine.
- (p) "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, refresher or reserve training academy, and shall be synonymous with the first day of instruction as reflected on the approved academy schedule.
- (r) Fingerprint-based criminal history record check: a search of a person's fingerprints, provided on a POST applicant fingerprint card or a Colorado bureau of investigation (CBI) authorized vendor, and processed by CBI and federal bureau of investigation (FBI) for the purpose of determining a person's eligibility for certification as a peace officer in the state of Colorado.
- (s) "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 an approved basic, refresher or reserve training academy.
- (t) "Incident" means a single, distinct event as determined by the POST Director or designee.
- (u) "Lead skills instructor" means a full skills instructor at a basic, refresher 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.
- (v) "Lesson plan" means a document that specifically describes the material presented during a course of instruction, as further described in POST RULE 21.
- (w) "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.

- (x) "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 scenario/reality-based training.
- (y) "Peace officer" means any person, AS recognized in § 16-2.5-102, C.R.S.
- (z) "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.
- (aa) "POST fingerprint card" means a fingerprint card provided by POST.
- (bb) "POST Identification" (PID) means a number assigned and unique to each active peace officer's certification record. All inquiries and correspondence to POST should contain this number.
- (cc) "Practical Exercise" means role playing, table top exercises, or other scenario/reality-based training.
- (dd) "Program director" means the person responsible for the administration and operation of a POST-approved training program.
- (ee) "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.
- (ff) "Recognized disciplines for arrest control training" mean those arrest control/defensive tactics systems that have been reviewed and approved by the Board, or its designee, in consultation with the Arrest Control Subject Matter Expert Committee for use in an approved law enforcement academy. Such systems may include, but are not limited to, Federal Bureau of Investigation (FBI) system, Koga system and Pressure Point Control Tactics (PPCT) system.
- (gg) "Records management system" is an agency-wide system that provides for the storage, retrieval, retention, archiving, and viewing of information, records, documents, or files pertaining to POST operations.

- (hh) "Refresher academy" means an approved training program that consists of a minimum of 96 hours of instruction and includes POST Board approved academics, 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 with instructional content that meets or exceeds the content of the respective instructor training programs for arrest control, law enforcement driving, or firearms, and 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 who has not been convicted of a felony or convicted on or after July 1, 2001, of any misdemeanor as described in section 24-31-305 (1.5), or released or discharged from the armed forces of the United States under dishonorable conditions.
- (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, per § 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 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 chair of 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 score of seventy (70) percent or greater, or a grade of "C" or better, or a rating of pass, if offered as pass/fail, in a POST

approved academy or program. For the certification examination passing score, see Rule 15.

- (rr) "Termination for cause" means the certificate holder was terminated from a peace officer position for intentional wrongdoing or misconduct.
- (ss) "Test out" means a POST-scheduled skills examination where proficiency is assessed by a POST Subject Matter Experts (SMEs) in all three perishable skills (Arrest Control, Law Enforcement Driving, and Firearms) and the written POST certification exam is administered.
- (tt) "Training academy" means a POST-approved school, agency or other entity that provides POST-approved training programs.
- (uu) "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 2 – Meetings**

*Effective November 15, 2020*

- (a) The Attorney General, as chairperson, shall preside over all meetings of the Board. Should the chairperson be absent, the vice-chairperson shall preside over the meeting. In the absence of the chairperson and the vice-chairperson, the most senior member present shall preside.
- (b) A majority of the total positions of the Board, excluding vacancies, shall constitute a quorum for purposes of conducting official business. Should there be no quorum, the members who are present may conduct official business, subject to subsequent ratification by a quorum of the Board.
- (c) Should any member, other than those sitting ex officio, be absent without good cause from three consecutive meetings, the Director shall submit a resolution to the Board calling on the member to resign.
- (d) The Board may conduct its business on the basis of unanimous consent. However, any member of the Board may require separate consideration and disposition of any matter, including through a roll-call vote. When a quorum is present, a majority vote, that is a majority of the votes cast, ignoring abstentions, is sufficient for the adoption of any motion that is in order. On a tie vote the motion is lost.
- (e) Unless the Director determines otherwise, all requests from the public for Board consideration or action must be submitted in writing to the Director at least thirty (30) days prior to the next scheduled Board meeting.
- (f) Other than when a person comments with respect to matters of policy, the chairperson will request that the person do so under oath.



## **Rule 3 – Director’s Authority**

*Effective January 30, 2021*

- (a) The Director’s authority shall include:
- (I) Making the initial determination as to whether an applicant has met the requirements to sit for the certification examination, or to be certified;
  - (II) Approving or disapproving program applications;
  - (III) Issuing remedial action and compliance orders for non-compliance with POST rule;
  - (IV) Determining the equivalency of first aid and cardiopulmonary resuscitation training;
  - (V) At the Director’s discretion, selecting qualified evaluators to administer the skills examinations described in Rule 16;
  - (VI) Determining the merit of challenges relating to the administration of examinations pursuant to Rules 15 and 16;
  - (VII) Determining the merits of variance requests, consistent with the basic purposes and policies of § 24-31-301, et seq., C.R.S., and of the Board, in accordance with Rule 7 and Rule 8;
  - (VIII) The Director, or their designee, may approve eyewitness identification training per § 16-1-109, C.R.S., or other statutorily mandated training on behalf of the POST Board.
  - (IX) Discharging such other powers or duties as the Board or the Attorney General may direct.
- (b) If any action or determination made by the Director pursuant to this rule is not appealed by the applicant within thirty (30) days as provided in Rule 5(c), the Director’s action or determination shall become final agency action.





## **Rule 4 – Subject Matter Expert Committees**

*Effective November 15, 2020*

- (a) The Chair of the Board or the Chair's designee shall appoint committees of Subject Matter Experts to provide professional technical support in the following areas: academic curriculum; arrest control; firearms; law enforcement driving; and other areas as needed.
- (b) The number of members in each committee will be determined by the Director. The committees shall include the Director or the Director's designee, who shall serve as the chairperson, a vice-chairperson elected by the members, one member of the Board, and other Subject Matter Experts from the law enforcement community. If available, each subject matter committee shall include at least two non-law enforcement members who have law enforcement expertise or expertise in providing effective training through professional experience or subject matter training. § 24-31-303 C.R.S.
- (c) A majority of the total members of each committee shall constitute a quorum for purposes of conducting official business.
- (d) Any person wishing to be appointed, either active or retired peace officer or Subject Matter Expert from the law enforcement or non-law enforcement community, and who meets the minimum qualifications for membership, may apply for membership at any time throughout the calendar year. Only one person per agency may serve on a single committee at any one time, unless otherwise authorized by the Director.
- (e) Appointments will be made upon the applicant's merits and at the discretion of the Chair of the Board or their designee, and each of the committee chairs.
- (f) Members serve for a term of up to one year that is automatically renewed in December of each year provided the member remains in good standing with the Board, and the member's agency or employer, as applicable, continues its support of the member. There is no maximum number of terms that a member may serve.
- (g) Members of the committees shall receive no compensation for their services, but may be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

(h) Duties of the Committees include, but are not limited to:

1. Developing skills training programs, academic curricula and POST Board Rules;
2. Reviewing documents and providing recommendations to POST Board staff to approve or deny academy programs, lesson plans, training sites, instructor programs, skills instructors, and other courses or programs that pertain to the establishment and maintenance of standards for peace officer training; and
3. Assisting POST Board staff with academy and instructor program inspections and skills test-outs.
4. Members of the committees shall not participate in subject matter expert committee functions related to their respective organization or organization employees.



**Rule 5 – Hearings**  
*Effective November 15, 2021*

a) Show Cause Hearings

(I) At any time, the Director or the Director’s designee may direct a respondent to appear at a hearing and show cause why the Board should not take disciplinary action of certification for criminal convictions, deferred judgment and sentence agreements, deferred prosecution agreements, or pretrial diversion agreements. disciplinary action may include revoking, suspending, or voluntary surrender of the certification of a peace officer for a qualifying criminal act.

(A) Not less than forty (40) days prior to the date set for such hearing, the Director or the Director’s designee shall transmit to the respondent written notice of the hearing, which must include:

- 1) The date, time and place of the hearing;
- 2) An advisement that the respondent has the right to appear and be heard at such hearing, either in person or through legal counsel;
- 3) An advisement that the respondent has the burden of going forward, and the burden of proving all facts relevant to their position;
- 4) A concise statement setting forth the subject of the hearing, facts relevant to the matter, and the statute, rule, or order, to which the matter relates;
- 5) Copies of all documents considered by the Board in setting the hearing; and
- 6) The nature of the proposed disciplinary action.

(B) Not less than ten (10) days prior to the date set for a hearing pursuant to section (a) of this rule, the respondent shall file a response, including:

- 1) A concise statement setting forth the respondent's position;
- 2) All facts relevant to the matter; and
- 3) Copies of all documents the respondent wishes the Director or the Director’s designee to consider in the matter;

- 4) If applicable, a list of witnesses from whom respondent intends to elicit a statement relevant to the matters at issue; and
  - 5) Notification of the respondent's intent to appear at the hearing. If no such notification is received, the hearing will be cancelled, and the Director or the Director's designee will make a finding on the basis of documents presented.
- (C) Actions against certifications may be based upon conviction of certain offenses as identified or referenced in § 24-31-305(1.5), 24-31-904, 18-8-802(1.5)(d), and 18-8-803 C.R.S.; or entry into a deferred judgment and sentence, deferred sentence, deferred prosecution, or pretrial diversion agreements for offenses as identified or referenced in § 24-31-305(1.5), C.R.S.
- (D) When the Director receives notice or otherwise learns that a certificate holder was convicted of the enumerated offenses listed in § 24-31-305(1.5), 24-31-904, 18-8-802(1.5)(d), and 18-8-803 C.R.S., or has entered into one of the agreements described in sub-subparagraph (2) of this subparagraph (C) for offenses as identified or referenced in § 24-31-305(1.5), C.R.S., the Director shall issue an Order to Show Cause for why the officer's certification should not be revoked.
- 1) At the show cause hearing, the court record of the conviction or agreement shall constitute prima facie evidence of the conviction or agreement.
  - 2) The certificate holder may be represented by counsel.
  - 3) The certificate holder bears the burden of proving that an exemption from revocation would meet the requirements articulated in Rule 8.
- (E) The Director will consider all information provided at the ~~revocation~~ show cause hearing. If the Director determines by a preponderance of the evidence that disciplinary action is not appropriate, no further action will be taken. If the Director determines by a preponderance of the evidence that the disciplinary action is appropriate, the Director will make a recommendation to the Board regarding appropriate disciplinary action or actions.
- (II) Any person or organization may request a hearing before the Director to address matters of this section (a), through the filing of a petition.

- (A) The petition supporting such request must include:
  - 1) The name and address of the petitioner and whether the petitioner currently possesses Colorado POST certification;
  - 2) A concise statement setting forth the subject of the hearing, all facts necessary to the matter, and the statute, rule, or order to which the petition relates;
  - 3) A list of witnesses from whom petitioner intends to elicit a statement relevant to the matters at issue;
  - 4) Copies of all documents the petitioner wishes the Director to consider in the matter; and
  - 5) The action the petitioner wishes the Director to take.
- (B) No less than thirty (30) days prior to the date set for a hearing on a petition, the Director shall provide a written response to the petitioner, including:
  - 1) The date, time and place of such hearing;
  - 2) An advisement that the petitioner has the right to appear and be heard at such hearing, either in person or through legal counsel;
  - 3) An advisement that the petitioner has the burden of going forward, and the burden of proving all facts relevant to their petition; and
- (III) The Director and any petitioner or respondent may mutually agree to shorten or lengthen any of the time frames set forth in these sections a) and b).

b) Administrative Hearings for Disqualifying Incidents Other Than Those Addressed in Subsection a(I)(C) of This Rule 5

- (I) When POST Staff receives appropriate written notification that a peace officer is subject to action against the peace officer's POST certificate pursuant to § 24-31-305(2.5), (2.7) and/or § 24-31-904 C.R.S., POST Staff shall take the following actions:
  - (A) The Director shall review the written notification to determine whether the information provided complies with the statutory requirements.

- 1) If the Director determines that the information provided in the written notification does not comply with statutory requirements, the Director shall notify the law enforcement agency of that determination, and POST will take no further action.
- 2) If the Director determines that the information provided in the written notification does comply with the statutory requirements, the Director shall notify the peace officer of the right to request a hearing before a hearing officer to determine whether the peace officer certification should be revoked or suspended. The notice must also inform the peace officer that the peace officer must request the hearing within thirty (30) days of the date of the notice, which may be extended for good cause shown.
- 3) If the peace officer does not request a hearing within the required time frame, the Director will recommend revocation or suspension and the Board will vote on revoking or suspending the certification at its next regular meeting.
- 4) If the peace officer requests a hearing, the Director will request the law enforcement agency to provide documentation relevant to the information provided in the written notification. The Director will review the documentation provided by the law enforcement agency and conduct additional investigation, if necessary and appropriate. Upon the conclusion of the Director's review and investigation, the Director will either recommend no action or refer the matter for hearing.
- 5) The Director shall appoint a hearing officer to conduct the hearing in accordance with § 24-4-104 and 105, C.R.S.
- 6) The Director shall notify the law enforcement agency in writing that the matter will be set for hearing and that the law enforcement agency may submit any documentary evidence or argument that it wishes to provide to the hearing officer, and must serve any documentary evidence or argument on all parties. The law enforcement agency may not intervene or participate as a party to the hearing. Documentary evidence or argument must be submitted within fifteen (15) days of notification.
- 7) The hearing shall be conducted in accordance with §24-4-105, C.R.S. upon filing of a notice of hearing, the hearing officer shall issue a protective order maintaining confidentiality of internal affairs investigation records, if any.

- 8) POST will appear at the hearing through its counsel, and will bear the burden of proving grounds for revocation or suspension of the certification by a preponderance of the evidence. The peace officer may be represented by counsel of their choice.
- 9) At a minimum, the hearing will be audio recorded.
- 10) Within forty-two (42) days of the conclusion of the hearing, the hearing officer shall prepare and file an initial decision, which the agency shall serve upon the parties. Each decision and initial decision must include a statement of findings and conclusions upon all the material issues of fact, law, or discretion presented by the record and the appropriate order, sanction, relief, or denial. A notice of appeal rights shall be attached to the initial decision.
- 11) Either party may file an appeal of the initial decision with the POST Board pursuant to §24-4-105(14), C.R.S. by filing written exceptions within thirty (30) days of the date of service of the initial decision. Any party who seeks to reverse or modify the initial decision shall file a designation of the relevant parts of the record described in §24-4-105(14), C.R.S. within twenty (20) days of the initial decision. Within ten (10) days thereafter, any other party or the law enforcement agency may also file a designation of additional parts of the transcript of the proceedings which is to be included and advance the cost thereof. All deadlines are jurisdictional and will not be extended. Timely filing is determined by the date the POST Board receives the appeal. Any appeal must be filed with the POST Board and not the hearing officer.
- 12) If a party appeals the initial decision of the hearing officer, the appeal must describe in detail the basis for the appeal, the specific findings of fact and/or conclusions of law to be reviewed, and the remedy being sought.
- 13) The record shall be certified within 60 days of the appeal. Any party that designates a transcript as part of the record is responsible for obtaining and paying a certified court reporter who shall prepare the transcript and file it with the Board no more than 59 days after the designation of record. If no transcript has been filed within the time limit, the record will be certified and the transcript will not be included in the record or considered on appeal. In the absence of a transcript, the POST Board is bound by the hearing officer's findings of fact.



No transcript is required if the review is limited to a pure question of law.

- 14) The POST Board will notify the parties when the record is certified. Opening briefs are due ten (10) days after the notice is served. Answer briefs are due ten (10) days after the opening brief is filed. Reply briefs are due ten (10) days after the answer brief is filed. These deadlines may be extended by the Director or Director's designee upon motion filed before the deadline upon good cause shown. No brief may exceed ten (10) pages without leave of the Director or Director's designee, which must be requested before the due date for the brief.
- 15) In general, no oral argument will be heard and the POST Board will decide the appeal based upon the briefs. A party may request an oral argument and if requested must be made no later than the date the requesting party's brief is due. If oral argument is granted, the parties will be given notice of the time and place. If granted, oral argument will be limited to no more than ten (10) minutes per side. The moving party may reserve part of its time for rebuttal.
- 16) If neither party appeals, the initial decision of the hearing officer becomes the final decision of the POST Board thirty (30) days after the date of the initial decision.

c) Appeals of fines or other administrative sanctions issued by the Attorney General:

- (I) The administration of a fine or other administrative sanction by the Attorney General for violations of part 3, article 31, title 24 of the Colorado Revised Statutes or any rule promulgated under such authority is final unless appealed to the director within thirty (30) days of such decision.
- (II) Appeals of fines or other administrative sanctions shall be referred to a hearing officer, per § 24-4-105, C.R.S.
  - (A) The initial decision of the hearing officer, including the hearing officer's recommendations and any exceptions by the parties, shall be reviewed by the Board, which will adopt or reject the initial decision in whole or in part upon the issuance of a final agency order.

d) Appeals from Director Decisions relating to Show Cause Hearings, Variance Decisions, or Other Director Decisions:

- (I) A decision by the Director is final unless appealed to the Board within thirty (30) days of the date of such decisions.

- (II) If a Director decision is appealed to the Board, the Board will decide whether to hear the appeal. An appeal of the Director's decision in the form of a notice of appeal must be made in writing and submitted to the POST Director. A notice of appeal will be brought before the board at the next scheduled meeting date. 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 forty-five (45) 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 constitute Final Agency Action. The appellant will be notified of the Board's action.
- e) Final Agency Action relating to the application of this Rule 5 is subject to judicial review under §24-4-106, C.R.S.



## **Rule 6 – Declaratory Orders**

*Effective March 8, 2004*

Any person may petition the Board for a declaratory order regarding the application to the petitioner of any statutory provision or of any rule or order of the Board. All such petitions shall be considered in accordance with Rule 5.



## **Rule 7 – Variances**

*Effective November 15, 2021*

- (a) The Board may, upon sufficient cause shown, authorize variances to persons who are otherwise required to meet the requirements of these rules.
- (b) To request a variance, an applicant must submit a written petition to the Director, fully explaining all relevant facts. Any person seeking a temporary or permanent variance has the burden of establishing that:
  - (I) The variance is consistent with the basic purposes and policies of § 24-31-301, et seq., C.R.S.; and
  - (II) Strict application of the statutes and rules pertaining to the certification process would present a practical difficulty or unnecessary hardship. Mere inconvenience or expense does not suffice.
- (c) The Director, in the Director's discretion, may determine the merits of the request based upon the applicant's written submissions, or may request additional information, or may hold a meeting.
- (d) Any variance granted under this rule shall be subject to such limitations or conditions as the Director or Board deems necessary in order to conform to the basic purposes and policies of applicable law.
  - (I) A temporary variance is valid for six (6) months from the date of issue. One variance may be granted at the discretion of the Director per incident.
- (e) If any determination made by the Director pursuant to this rule is not appealed by the applicant within thirty (30) days pursuant to Rule 5(c), such determination shall become final.
- (f) Pursuant to § 24-31-303(5)(a) and § 24-31-305(1)(a)(III), C.R.S., no person may, through a variance or otherwise, serve as a certified peace officer, as defined in § 16-2.5-102, C.R.S., without having first passed the required certification examination and become certified.
- (g) Pursuant to § 24-31-303(1)(s), C.R.S., the process outlined in subsection (b) of this Rule 7 applies to a peace officer seeking review of a peace officer's status in the database created per §24-31-303(1)(r), C.R.S.



## **Rule 8 –Process for Seeking Exemption from Statutory Certification Restrictions**

*Effective May 15, 2021*

- (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.
- (b) If an applicant anticipates prior to the denial of certification that they will be denied certification on the ground that the applicant has a disqualifying incident, the applicant must provide a fingerprint-based criminal history record check, by submitting fingerprints to the Colorado Bureau of Investigation and the U.S. Federal Bureau of Investigation, and request 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 section (c) of this Rule 8.
- (c) To seek an exemption of a certification denial, or to request a reinstatement following a certification revocation, the applicant or the chief law enforcement officer, if any, of the potential employing agency, or the effected certificate holder, must submit a written petition to the Director, notifying of such disqualifying incident, and requesting that the Director to grant the applicant an exemption from certification denial, or to the affected certificate holder certificate reinstatement of the certificate. The petition must fully explain all relevant facts. Any person seeking an exemption from certificate denial or reinstatement of a certificate due to a disqualifying incident has the burden to establish:
  - (I) The exemption or reinstatement 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;
  - (II) Mitigating circumstances exist that warrant exemption or reinstatement;
  - (III) Certification would be in the public interest; and
  - (IV) A true and accurate copy of the court record with disposition, law enforcement offense/case report from the disqualifying incident, and/or any other relevant documentation of a disqualifying incident, 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 petitioner's written submissions, may request additional information, or may hold a meeting.
- (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.
- (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 – Actions on Certification**

*Effective November 15, 2021*

- (a) The POST Board has authority, pursuant to § 24-31-305, C.R.S., to suspend or revoke a Colorado peace officer certification for a disqualifying incident.
- (b) The certificate holder may voluntarily surrender a peace officer certification at any time by entering into a signed agreement affirming the same with the POST Board.
- (c) For purposes of revocations or suspensions for a disqualifying incident, a true and accurate copy of the court conviction or agreement shall constitute prima facie evidence of the conviction or agreement.
- (d) 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 denial, suspension, or revocation for any disqualifying incident, petition the Board for an exemption by following the requirements of Rule 8.
- (e) For purposes of this Rule 9, the procedural rules set forth in Rule 5 shall apply.



## **Rule 10 – Basic Peace Officer Certification**

*Effective November 15, 2021*

- (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;
  - (II) Possesses and submits a copy of their current first aid and cardiopulmonary resuscitation certification, or equivalents;
  - (III) Truthfully completes and submits the POST Form 1 - *Application for Basic Peace Officer Certification*;
    - (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) Is in good standing with Colorado POST as determined by the Director; and
  - (V) Successfully completes the fingerprint-based criminal history record check required under Rule 14 and meets all of the following requirements:
    - (A) If applicable, submits a copy of their official military discharge documents showing character of service other than discharge under dishonorable conditions, per § 24-31-301(5), C.R.S.
    - (B) Successfully completes an approved basic training academy, including skills training, and passes the written certification examination.
    - (C) Submits a copy of their academy certificate of completion.
    - (D) Possesses and submits a copy of their current Colorado Driver's License or State-Issued Identification card.

- (E) Documentation pertaining to certification requirements must be submitted to POST via the law enforcement training academy, if applicable.
  - (F) 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 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 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 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 test out pursuant to Rule 16 with SME committee members or POST-approved designees who are not members of the applicant's employing agency.
- (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 submit a variance request to the Director and demonstrate good cause why such additional time should be granted.



## **Rule 12 – Reserve Certification**

*Effective January 30, 2021*

- (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) Is in good standing with Colorado POST as determined by the Director; and
  - (V) Successfully completes the fingerprint-based criminal history record check required under Rule 14 and meets all of the following requirements:
    - (A) If applicable, submits a copy of their official military discharge documents showing character of service other than dishonorable conditions, per § 24-31-301(5), C.R.S.
    - (B) Successfully completes an approved reserve academy including skills training. within two (2) years of the graduation date.
    - (C) Submits a copy of their academy certificate of completion.
    - (D) Possesses and submits a copy of their current Colorado driver's license or state-issued identification card.
  - (VI) 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) If a reserve certificate holder has not served as a 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 reserve peace officer.

(I) If a 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 reserve certificate holder must complete a new reserve training academy. 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) 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, 2021*

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
  - (II) Is in good standing with Colorado POST as determined by the Director; and
- (e) Successfully completes the fingerprint-based criminal history record check required under Rule 14; and
- (f) Passes the certification examination pursuant to Rule 15; and
- (g) 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;
    - (A) Submits a copy of their refresher academy certificate of completion.
  - (III) Passes a test out pursuant to Rule 16 with SME committee members or POST approved designees who are not members of the applicant’s employing agency.



- (h) The POST SME Committee member or POST approved designee must submit the completed *POST Skills Testing Grade Sheet* to POST.
- (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 May 15, 2021*

- (a) No person shall be eligible for certification as a Colorado peace officer if they have a disqualifying incident.
- (b) Per § 24-31-304, C.R.S. and POST Rules, all persons seeking to enroll in a training academy shall submit their fingerprints to CBI no more than 60 days prior and at least one week before enrolling in the training academy. The academy must notify POST when fingerprints are submitted.
- (c) All persons seeking to apply for provisional or renewal certification must submit fingerprints to CBI as part of the application process pursuant to Rule 11 and 13.
- (d) POST Applicant Fingerprint results.
  - (I) The Board recommends that an applicant’s fingerprints be submitted electronically by a CBI-authorized vendor or a LEA authorized by CBI to submit fingerprints for POST. When this is not possible, the applicant can submit fingerprints using the POST Applicant Fingerprint Card, obtained directly from POST. Any fees associated with this service are the responsibility of the applicant.
  - (II) Provisional and renewal applicants may request the POST Applicant Fingerprint Card when they are unable to submit fingerprints electronically. The applicant is responsible for having their fingerprints taken prior to the applicant’s participation in the testing process as a provisional or renewal applicant.
  - (III) Applicants enrolling in a basic or reserve training academy fingerprinted in accordance with the academy’s policies and procedures. The academy is responsible for ensuring that fingerprints are submitted to CBI by a CBI-authorized vendor or that the completed POST Applicant Fingerprint Card and fee are submitted to CBI prior to the applicant’s enrollment in the academy.
  - (IV) Fingerprint results are valid throughout the certification process and through the life of certification. If certification expires or is revoked they become invalid. Applicants renewing their certification must submit new fingerprints.

- (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 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 15 – Certification Examination**  
**Basic, Provisional, Renewal**

*Effective January 30, 2021*

- (a) To be eligible to take the certification examination, an applicant must have completed and submitted to POST, as applicable:
  - (I) Form 1 - Application for Basic Peace Officer Certification; or  
Form 3 - Application for Provisional Certification; or  
Form 4 - Application for Renewal of Basic Certification; and
  - (II) A copy of their approved basic training academy diploma, or other evidence of successful completion; and
  - (III) 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 college degree as evidence that the applicant has met the high school completion requirement; and
  - (IV) A copy of their current first aid and cardiopulmonary resuscitation certification, or equivalents; and
  - (V) A copy of their current driver's license or state-issued identification card; and
  - (VI) If applicable, a copy of their official military discharge documents showing character of service other than dishonorable conditions per § 24-31-301(5), C.R.S.
  - (VII) A law enforcement agency check, certified check, money order, or electronic payment in the prescribed amount.
- (b) Certification examinations will be conducted by POST staff or POST approved designated proctor at academy locations. However, if the number of students sitting for the examination is four (4) or fewer, the students shall be required to take the examination at a location designated by POST. Additional exam dates will be offered periodically at POST for individuals.
- (c) Refunds of certification examination fees shall not be provided unless the examination is postponed or canceled or under such other exceptional circumstances as determined by the Director. Otherwise, non-refunded fees may be credited to allow the applicant to take the next administration of the

certification examination. Further credits or extensions shall not be permitted.

- (d) An applicant has a maximum of three attempts to pass the POST certification examination within two years of graduating the academy, or within one year of beginning the provisional or renewal process. Applicants taking the examination for a second or third time must pay the fee for the additional examination, and such examination shall not be comprised of the same questions that comprised the prior examinations. If an applicant cannot pass the certification examination after three attempts, the applicant must retake and successfully complete the academic portion of a basic academy in accordance with Rule 10 at the discretion of the academy director and in coordination with POST.
- (e) Any protest or challenge to an examination or its administration must be made in writing within ten (10) days of the examination. The Director shall issue his decision in writing within twenty (20) working days. The decisions of the Director shall be final, unless appealed to the Board in accordance with Rule 5(c).
- (f) POST sets a passing score that reflects the level of knowledge and skills required for minimally competent performance as an entry-level Peace Officer in the State of Colorado. POST uses national testing standards in setting the passing score which falls on a test score scale that ranges from 0 to 100.





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

*Effective January 30, 2021*

- (a) To be eligible to take any of the skills examinations, an applicant must complete and submit all applicable POST form(s) as set forth in POST Rule, including POST Form 3 – *Application for Provisional Certification* and/or POST Form 4 – *Application for Renewal of Basic Certification* along with a law enforcement agency check, certified check, money order, or electronic payment in the prescribed amount for each examination to be taken (prior to the day of the exam).
- (b) Refunds of skills examination fees shall be provided only if requested more than twenty (20) days prior to the scheduled examination, unless the examination is postponed or canceled, or under such other exceptional circumstances as may be determined by the Director.
- (c) Only SME members, or the Director’s designee, may conduct skills examinations.
- (d) An applicant will be permitted three formal attempts to successfully complete each skills exam.
  - (1) Starting any skills exam is considered one attempt.
  - (2) An applicant may only coordinate additional attempts with POST staff in advance.
  - (3) Payment for each attempt must be submitted prior to the exam.
  - (4) Multiple attempts may be permitted at the discretion of the SME member administering the test out. POST may or may not assess an additional exam fee.
- (e) If an applicant has failed a skills examination on three (3) formal attempts, the applicant then has two (2) years to complete the basic academy training program for that skill at a Colorado POST-approved basic or reserve academy at the discretion of the academy director and in coordination with POST. If the applicant does not complete the required training within the two (2) years

following their last skills examination attempt, they must complete a full basic academy.

- (f) Skills examination scores are valid for two (2) years from the date of the last registered score with POST. All skills exams must be taken and successfully completed within two years of the initial application date.
- (g) Any protest or challenge to an examination or its administration must be made in writing within ten (10) days of the examination. The Director shall issue a decision in writing within twenty (20) working days. The decision of the Director shall be final, unless appealed to the Board in accordance with Rule 5(c).



## **Rule 17 – Certification Records and Reporting Requirements**

*Effective November 15, 2021*

- (a) POST certificate holder reporting requirements
  - (I) Every POST certificate holder shall keep current the POST certificate holder's name, mailing address, email address, home telephone number, or cell phone number to the POST records management system.
  - (II) A post certificate holder shall submit an update to the post records management system within fifteen (15) days of a disqualifying incident.
  - (III) If a peace officer is exonerated pursuant to §24-31-904, C.R.S., the peace officer shall submit an update to the post records management system to effectuate reinstatement of a revocation of a certificate, pursuant to the process outlined in Rule 7.
  - (IV) Pursuant to section 18-8-805(4), C.R.S., if a peace officer witnesses another peace officer use or direct the use of ketamine on another person, the peace officer shall report such use within ten (10) days of the occurrence, including date, time, and place of the occurrence, identity, if known, of the participants; and a description of events.
  
- (b) Law enforcement agency reporting requirements
  - (I) The law enforcement agency shall submit an update to the post records management system within fifteen (15) days of:
    - (A) Appointment of a basic peace officer, provisional peace officer, or reserve peace officer as defined in section § 16-2.5-102, § 24-31-308 and § 16-2.5-110, C.R.S. submission of physical and psychological examinations affirmation (Form 6).
    - (B) When any person is appointed or separated as a certified peace officer the law enforcement agency. Separation includes retirement of a certified police officer. An extension of fifteen (15) days may be granted by the director upon showing of good cause.
    - (C) Any new hire, appointment or transfer of an existing employee to a position that requires a post certification.

- (D) A resignation or retirement of a peace officer while under investigation by the employing law enforcement agency, a district attorney, or the attorney general.
  - (E) Resignation or retirement following an incident that leads to the opening of an investigation within six months following the certificate holder's resignation or retirement.
  - (F) A criminal investigation or filing for a crime that could result in a revocation or suspension of an employee's certificate pursuant to §§ 24-31-305 or 24-31-904, C.R.S. so long as the update is unlikely to disrupt or impede the criminal investigation.
  - (G) A completed internal investigation finding that a peace officer used unlawful physical force, failed to intervene or violated section 18-1-707, C.R.S. or threatened to use unlawful physical force.
  - (H) An internal investigation finding that a peace officer violated section 18-8-805(1), (2)(a)(I), or (5), C.R.S. related to the use of ketamine.
  - (I) A certificate holder employed by the law enforcement agency engaging in a disqualifying incident as described in Rule 1.
- (II) By the 31<sup>st</sup> of January of each year, each law enforcement agency shall verify the accuracy of the certified peace officers employed by with the law enforcement agency listed on the POST records management system by submitting the Rule 17 Form to POST. By submitting the form, each agency is certifying that the agency has confirmed all certified peace officers associated with their law enforcement agency have no disqualifying incidents that would prevent the individual from being a certified peace officer in Colorado, and that each certified peace officer has a valid Colorado driver's license or Colorado ID.
- (III) A law enforcement agency is required to provide accurate data for the POST records management system.
- (IV) Failure to adhere to the requirements of this Rule 17 may subject individual certificate holders and law enforcement agencies to fines or other administrative sanctions as determined in accordance with Rule 31.



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

*Effective January 30, 2021*

- (a) A suspension temporarily invalidates the subject certification until such time as the defect has been remedied. Any certification shall be suspended by the Board if the holder wrongfully obtained the certificate through misrepresentation, neglect, mistake or otherwise failed to meet the certification requirements established by the Board.
- (b) The Board shall suspend a peace officer's certification if the peace officer fails to comply with the training requirements. The POST Director shall reinstate a peace officer's certification that was suspended pursuant to this paragraph (a) upon completion of the training requirements. The reinstatement will be effective immediately.
- (c) Failure to comply with POST training requirements may result in certification revocation by the POST Board if a peace officer fails to satisfactorily complete the training required, and fails to remedy such failure by satisfactorily completing the training within 30 calendar days of receiving notification of failure from the POST Board.”
- (d) A revocation permanently invalidates the subject certification. Any certification shall be revoked by the Board if the holder has a disqualifying incident.





**Rule 19 – Vehicle Identification Number Inspectors**  
*Effective January 30, 2021*

- (a) Any person seeking certification as a Vehicle Identification Number Inspector must meet each of the following requirements:
  - (I) 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
  - (II) Successfully completes and submits his/her certificate of completion from an approved Vehicle Identification Number course; and
  - (III) Completes and submits the POST Form 9 – *Application for VIN Inspector Certification*.
  - (IV) VIN Inspector certifications are valid for three (3) years from the date of issue or from the most recent renewal date.
  
- (b) The following are requirements for renewing a VIN Inspector certification:
  - (I) The VIN Inspector must successfully complete the approved POST VIN Inspector renewal training either on-line or in-person (if available).
  - (II) The renewal training must be completed prior to the inspector’s current expiration date.
  - (III) The training must be reported to the POST records management system. This may occur automatically in the case of POST on-line training.
  - (IV) Once renewal training is successfully completed and submitted to POST, the VIN Inspector certification will be renewed and given an expiration date of three (3) years from the training completion date.
  - (V) Any inspector who fails to successfully complete the renewal training prior to their expiration date must complete the full VIN Inspector training in order to be re-certified.

- (VI) All VIN Inspectors who were certified prior to August 2, 2019 (the effective date of § 42-5-206(4), C.R.S.) will have until June 30, 2020 to complete the renewal training for the first time.



## **Rule 20 – Vehicle Identification Number Inspector Programs**

*Effective January 30, 2021*

- (a) Every vehicle identification number (VIN) inspector program must contain a minimum of seventeen (17) hours, adhere to POST curriculum requirements and be approved prior to the start of instruction.
- (b) The program director must submit all of the following documentation to POST staff at least sixty (60) days prior to the start of instruction:
  - (I) A narrative of performance objectives for the program (new programs only);
  - (II) A list of courses to be taught and the time allocated for each course (new programs only); and
  - (III) A completed POST Form 9A, *Application for VIN Inspector Training Program Approval*, and a list of instructors and their qualifications. Instructors shall be approved only for a specific program under this rule (all programs).
- (c) To be approved, a program must include all of the following:
  - (I) Legal aspects of VIN inspection;
  - (II) Use of the National Insurance Crime Bureau (NICB) *Passenger and Commercial Vehicle Identification Manuals*;
  - (III) How to conduct a VIN inspection; and
  - (IV) How to meet the reporting requirements of a VIN inspection.
- (d) The program director must submit a roster of passing students to POST within thirty (30) days of the end of the program.



## **Rule 21 – Basic, Refresher and Reserve Training Academies**

*Effective November 15, 2021*

- (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 POST 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, Refresher or Reserve academy that conducts and completes at least one approved academy class every three (3) years and operates in compliance with these rules. Three (3) years is defined by the enrollment date of the last academy completed.
  - (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 must be approved by POST prior to providing any academy instruction.
  - (III) Other than as referenced in the preceding paragraph (II), a continuing academy may remain approved unless its status is surrendered, suspended or revoked.
  - (IV) The academy director must ensure that the following items are submitted electronically to POST at the same time and are received by POST at least thirty (30) days, but no more than sixty (60) days, prior to the start of instruction for each scheduled academy class of the approved training academy:
    - (A) A completed POST Form 7, *Application for Academy Approval*;

- (B) A completed “*Scheduling Request for POST Exam*” form (Basic and Refresher academies only); and
- (C) A complete and accurate academy schedule with the following information clearly noted on the schedule:
  - (1) Name of the academy and academy class number as listed on the POST Form 7, *Application for Academy Approval*; and
  - (2) All courses, dates and times in chronological order for each course, major exams and the name of the primary instructor for each course;
  - (3) All dates and times when arrest control drill training, night driving and dim light shooting will be instructed;
  - (4) 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
  - (5) 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.
  - (6) All courses required by the basic academic training program must be scheduled and completed prior to administration of the POST certification examination.
- (V) The academy director shall ensure that an accurate and complete enrollment roster for each academy class is received at POST electronically by the 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) All academies not based at a law enforcement agency shall establish an advisory committee that consists of law enforcement officials, administrators and community members to assist with providing logistical support and validation of training.
  - (VIII) Existing academies must petition the POST Board every five (5) years to renew their authority to operate a law enforcement training academy.
- (c) New academies.
- (I) A new academy is either a Basic, Refresher or Reserve academy that has never conducted approved training, or a Basic, Refresher or Reserve academy that has not conducted approved training within the previous three (3) years.
  - (II) Entities interested in creating a new POST Approved Law Enforcement Training Academy must receive approval from the POST Board prior to application. The entity must present a feasibility study to demonstrate the academy could be successful, demonstrate the need for a new academy, as well as mitigation of workload on POST staff and SME's.
  - (III) The academy director of a proposed new academy shall contact POST at least Twelve (12) months prior to the anticipated start date of the new academy to ascertain application procedures and deadlines for submitting documents for new academy approval.
  - (IV) The following types of academies are considered separate academies that must be individually approved:
    - (A) Basic, Refresher 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.
  - (V) The proposed formal name of an academy must neither misrepresent the status of the academy, nor mislead law enforcement or the public.

- (VI) 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 for the Basic, Refresher or Reserve Academic Training Program, resumes for all academic instructors, and documentation of qualifications for all skills instructors.
  - (VII) Once a proposed new academy begins the approval process by submitting any of the required documentation listed in the preceding paragraph (VI) to POST, the proposed new academy shall have a maximum of twelve (12) months to complete the new academy approval process, including approval of all site safety plans, lesson plans, and other associated documents.
  - (VIII) 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.
  - (IX) Prior to approval, the proposed new academy must pass an on-site pre-approval inspection conducted by the Director or the Director's 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, reasonable access to restroom facilities 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;
  - (E) For practical exercises and wellness training: Appropriate and safe locations for conducting all practical exercises and wellness lab training;
  - (F) Where practicable, all training sites should be clearly marked denoting that law enforcement training is in progress; and
  - (G) Online/remote training is not allowed without expressed written permission from POST.
- (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:
- (1) 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; and
  - (2) An up-to-date written site safety plan must be submitted to POST that is specific to the site and to the additional academy; and
  - (3) Both the site and the safety plan must be approved by POST in consultation with the appropriate subject matter expert committee prior to conducting any training at the site.
- (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 posted on site during any academy training at the site, or issued to, and present on the person of, each recruit and instructor.
- (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 site safety plans must include the information contained in POST Rule 21 (h), Duty to Report.
- (E) 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 updated and 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 properly 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, Refresher or Reserve Academic Training Programs.
  - (B) **Successful completion required.**
    - (1) Trainees must successfully complete the Basic, Refresher or Reserve Academic Training Programs 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.
- (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 programs.
  - (2) For instructors: Written attendance records that are accurate and up to date shall be kept for all instructors who teach any portion of a 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, Refresher and Reserve Academies*, have been met.

(III) Lesson plans.

- (A) All Basic, Refresher and Reserve training academies shall develop and maintain up-to-date lesson plans for each academic course of instruction and for each of the skills training programs.
- (B) Academic lesson plans shall be organized and readily accessible and may be maintained either electronically or as physical copies.

- (C) 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, Refresher or Reserve) or the POST skills training program; and
  - (2) Date the lesson plan was prepared and date of last revision, if applicable; and
  - (3) Name and title of author of lesson plan and name and title of the person who approved the lesson plan; and
  - (4) Number of hours for the course required by the POST Academic Training Program and the number of actual course hours that will be instructed; and
  - (5) Learning goals, course objectives and/or performance outcomes for the course as specified in the POST academic training program (basic, refresher or reserve) or the POST skills training programs. Additional outcomes may be added as long as such outcomes are supported in the content and are consistent with generally accepted academic practices. Any additional learning goals, course objectives, and/or performance outcomes must not conflict with those listed in the applicable POST basic training or skills training programs; and
  - (6) Methods of instruction; and
  - (7) A copy of the handouts, multimedia and/or PowerPoint presentations referenced in the lesson plan that will be used during the instruction; and
  - (8) A list of all source materials used to develop the course, including internet links. In matters of law, primary authority, such as case law, regulations and statutes, shall provide the foundation for source material used in the lesson plan along with any additional secondary authority, i.e., articles and other references, subject to that primary authority; and



- (9) Testing and/or assessment methods, such as test questions and answers, performance rubrics, or other assessment tools, that are appropriate to measure the learning goal, performance outcomes and/or objectives; and
  - (10) Safety plan control measures specific to any practical exercise, role-play, scenario or other reality-based classroom and outside the classroom; and
  - (11) Comprehensive content information that must be delivered to teach the subject matter to a level of proficiency that allows the student to perform the tasks on the job and that satisfies the required course objectives.
    - a) The required material can reasonably be taught given the time constraints using appropriate instructional methodologies.
    - b) Written content must be supported by currently accepted laws, policies, rules, regulations, and generally accepted law enforcement practices if challenged.
- (D) All lesson plans must be written to ensure consistency between instructors and between all sessions of the academy over time. Content must be sufficient in scope and specificity to allow an instructor who did not author the lesson plan or develop the supporting materials to effectively teach the course.
- (E) The curriculum SME committee may create guidelines to clarify expectations from time to time. These guidelines must be published on the POST website.
- (F) 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, as referenced in Rule 21(b)(IV)(C).
  - (B) Daily schedules will be submitted on the form provided by POST.
- (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, Refresher or Reserve Academic Training Programs.
  - (B) The academy director shall prescribe the manner, method of administration, frequency and length of academy examinations.
  - (C) For academic courses, the time allotted for examinations shall be in addition to the number of Required Minimum Hours for each course as specified in the Basic, Refresher or Reserve Academic Training Programs.
  - (D) For skills training programs, the time allotted for examinations or testing is included within the total program hours of each program.
- (VII) Academy certificates of completion.

- (A) The academy director shall immediately issue a certificate of completion to each trainee who successfully completes all requirements of the approved academy.
- (B) Only a trainee who has attended and successfully completed all academic classes and all required skills training programs shall be issued an academy certificate of completion.
- (C) Each academy certificate of completion shall contain the following information:
  - (1) Trainee's name; and
  - (2) Name of the approved academy; and
  - (3) Type of academy (Basic, Refresher or reserve); and
  - (4) Date of academy completion (month, day, year); and
  - (5) Total number of hours of the completed academy; and
  - (6) Signature of the academy director and/or agency or academic representative; and
  - (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 (electronic or hard copy) 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, in a manner designated by POST:

- (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.
  - (C) Academies are encouraged to report any other injuries in order to allow POST to track injury trends statewide in an effort to ensure safe training environments.
- (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; and
  - (B) Photocopy of the trainee's high school diploma, high school equivalency certificate or other evidence of successful completion of high school; and
  - (C) Photocopy of the trainee's valid driver's license; and
  - (D) Form 11-E, *Enrollment Advisory Form*; and
  - (E) Current contact information; and
  - (F) Signed and dated acknowledgment of privacy and appeal rights forms.
- (II) Trainee manual.
- (A) Each academy shall maintain an up-to-date trainee manual that contains relevant and accurate information. At a minimum, the trainee manual shall contain the academy's rules and regulations, academic requirements, attendance policies and site safety plans.
  - (B) Upon entry into the academy, each trainee should be issued a copy of the trainee manual and acknowledge receipt of the manual in writing.
- (III) The following records shall be maintained at the academy and shall be readily available for inspection at any reasonable time by the Board or its designated representative(s).
- (A) A completed Form 11-E, *Enrollment Advisory Form*, for each trainee enrolled in the academy in progress; and
  - (B) Current trainee manual; and
  - (C) Current lesson plans; and
  - (D) Current source material; and
  - (E) Instructor files for current instructors; and

- (F) Copies of all site safety plans; and
  - (G) Trainee files; and
  - (H) Tests, including a record of written test results and copies of associated rubrics; and
  - (I) Attendance records; and
  - (J) Instructor/course evaluations.
- (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 22 – Concerning Sunrise Review of Peace Officer Status**

*Effective January 30, 2021*

The Colorado General Assembly and Colorado Peace Officer Standards and Training Board (POST) find that it is necessary to ensure that clear standards exist for obtaining peace officer status in the state of Colorado. The General Assembly and POST Board, during the 2003 legislative session, made statutory changes to end the stratification of peace officers and to ensure that all peace officers receive a consistent level of statutory protection. During the 2004 legislative session, SB04-224 required that the POST Board review any group seeking peace officer status, either for a group or a specific position. These POST Board actions are to be accomplished prior to the group seeking authorization from the General Assembly.

- (a) Proposal Submission to POST
  - (I) No later than July 1 of any year, a group or political subdivision of the state that seeks peace officer status, either for the group or a specific position, shall submit to the POST Board for its review, a completed POST Form 12 and proposal containing the following information.
    - (A) A complete description of the group or specific position, its enforcement responsibilities and purpose for seeking peace officer status.
    - (B) An estimate of the number of persons who hold the position or are in the group affected.
    - (C) A description of the specific need for the authority and protections required for the group or specific position.
    - (D) The direct benefit to the public that would result from granting the peace officer status to the group or specific position.
    - (E) The costs associated with granting the status to the applicant group or specific position.
    - (F) A resolution or letter of support for the proposed change in status from the chief executive officer of the unit of government or political subdivision employing the applicant group or overseeing the proposed position.

- (G) All other information requested or required by the POST Director or POST Board Sub-committee for Peace Officer status.
- (II) The Director will review item (A) through (G) and will coordinate with the group or specific position on additional information needed for POST Board review. A date will then be set for POST Board Sub-committee hearing.
- (b) POST Board Sub-committee Hearing
- (I) POST Board Sub-committee for peace officer status
- (A) The Sub-committee shall include the following POST Board members – 2 Police Chiefs, 2 Sheriffs, and 1 additional Board member. The Director shall staff the Sub-committee.
- (II) After receiving the required information specified in subsections (a)(I) and (II) of this rule, the POST Board sub-committee for Peace Officer status shall conduct a hearing with the group’s representatives seeking peace officer status for the group or position.
- (III) At the hearing a determination as to whether Peace Officer status is needed shall be based upon the following criteria:
- (A) Sufficient need for one or more of the “primary” Peace Officer powers:
- Authority to enforce all laws in the State of Colorado.
  - Authority to arrest (PC, warrant, restraining order, court order).
  - Authority to use force in effecting arrest or preventing escape.
  - Authority to “stop and frisk.”
  - Authority to execute search warrants.
  - Authority to carry concealed without Sheriff’s permit.

- (B) Employment by a government entity or a political subdivision thereof.
  - (C) Endorsement by the governing body or bodies of every group or position that the proposed legislation would include.
  - (D) Copies of letters of notification from the group seeking status to the affected law enforcement agencies with concurrent jurisdiction.
  - (E) "Draft" copy of the position/group's proposed bill language. The draft shall be completed through the use of a POST provided bill language template. Any specific limitations to Peace Officer authority need to be clearly delineated in the language of the proposed legislation.
- (IV) Identification and assessment of the range and scope of authority, limits on authority, and the availability of Peace Officers with concurrent jurisdiction will be considered by the sub-committee regarding POST recommendations and training standards for each group.
  - (V) The preferred standards for any group or position requesting Peace Officer status are full POST certification (including background standards), and 40 hours annual continuing education.
  - (VI) The POST Board sub-committee for Peace Officer status shall submit a report and recommendation to the full POST Board for review and action. The applicant group or position will receive a copy of the report and recommendation.
- (c) POST Board Review
- (I) Upon receipt of the POST Board sub-committee report and recommendation, the POST Board shall review the sub-committee recommendations at a scheduled POST Board meeting.
  - (II) At the scheduled meeting, the POST Board shall review the report, recommendation(s) and the information submitted by the sub-committee, and shall grant the groups' or positions' representatives a hearing to address the report and recommendations of the sub-

committee. The POST Board can approve the recommendations or return the application to the POST sub-committee requiring additional information, requirements, and/or further review. Should the POST Board require the sub-committee to conduct a further review of the Positions' or Groups' application, the sub-committee's final report and recommendations shall be presented to the full Board at a scheduled POST Board Meeting. The affected group/position will be notified of the meeting at which the final report and recommendations will be considered by the Board.

- (III) Upon completion of sections (c)(I) and (II) of this rule, the POST Board shall submit a final report and recommendations to the group seeking Peace Officer status for the group or for a specific position and to the Judiciary Committees of the Senate and House of Representatives. The report will be submitted no later than October 15 of the year following the year in which the proposal was submitted. The report may include legislative recommendations.

(d) Limitations – § 16-2.5-201(6)

- (I) The group seeking Peace Officer status for the group or specific position may request members of the General Assembly to present appropriate legislation to the General Assembly during each of the two regular sessions that immediately succeed the date of the report required pursuant to subsection (c)(III) without having to comply again with the provisions of this rule.
- (II) Bills introduced pursuant to the statute and this rule shall count against the number of bills to which members of the General Assembly are limited by joint rule of the Senate and House of Representatives. The General Assembly shall not consider Peace Officer status of more than five positions or groups in any one session of the General Assembly.



## **Rule 23 – Academy Skills Instructors**

*Effective January 1, 2012*

- (a) Recognition of academy skills instructors.
  - (I) A skills instructor may be recognized to teach at an approved academy as either an assistant skills instructor or a full skills instructor in each of the three (3) required skills training programs: arrest control, law enforcement driving, and firearms.
  - (II) All skills instructors who teach any portion of a skills training program at a POST approved basic or reserve training academy shall be qualified and approved as required by this Rule.
  - (III) Each academy shall maintain the applicable certificates of completion and/or documentation for all skills instructors.
  - (IV) New academies requesting POST approval and POST approved academies that have not conducted an academy within the previous three (3) years shall submit the appropriate documentation to POST and obtain approval for all assistant skills instructors and all full skills instructors.
  
- (b) Assistant skills instructors.
  - (I) An assistant skills instructor may instruct under the direction and in the presence of a full skills instructor and assist in evaluating and coaching trainees.
  - (II) Minimum qualifications for an assistant skills instructor:
    - (A) In order to begin serving or to serve as an assistant skills instructor, a person must have successfully completed the relevant approved skills instructor training program (See Rule 1, *Definitions*); and
    - (B) For arrest control skills instructors, the relevant approved skills instructor training program shall be the same recognized discipline for arrest control training in which the person will be instructing.
  - (III) Approval of assistant skills instructors.

- (A) Effective March 1, 2011, assistant skills instructors for firearms, arrest control and driving do not need to have certificates of completion reviewed by POST if the academy director or new assistant skills instructor is certain that the instructor has completed the relevant approved skills instructor training program.
  - (B) POST will review certificates of completion and/or documentation for assistant firearms, arrest control, and driving assistant skills instructors if an academy director or new assistant skills instructor applicant is not certain that a particular instructor training program qualifies as the relevant approved skills instructor training program.
  - (C) Either the academy director or the assistant skills instructor applicant may submit the certificates of completion and/or documentation to POST for review.
- (c) Full skills instructors.
- (I) A full skills instructor may develop, implement, and evaluate a skills training program. In order to begin serving or to serve as a full skills instructor, a person must have satisfied the three (3) minimum qualifications listed in the following paragraph (II).
  - (II) Minimum qualifications for a full skills instructor.
    - (A) Successful completion of the relevant approved skills instructor training program (See Rule 1, *Definitions*); and
    - (B) Successful completion of an approved forty (40) hour instruction methodology training program; and
    - (C) Completion of a minimum of eighty (80) hours of instructional experience as an assistant skills instructor at a Colorado POST approved academy in the corresponding skills training program: arrest control, law enforcement driving, or firearms. For arrest control training, the eighty (80) hours may be completed in any recognized discipline(s) for arrest control training in which the instructor has completed the relevant approved skills instructor

training program. For firearms training, the eighty (80) hours as an assistant skills instructor shall be completed within the previous five (5) years prior to application.

(III) Approval of full skills instructors.

- (A) All new full skills instructors must be approved by the Board in consultation with the corresponding subject matter expert committee(s) for arrest control, law enforcement driving or firearms prior to serving as a full skills instructor.
- (B) To apply for approval as a full skills instructor, either the academy director or the full skills instructor applicant, if the applicant has no current academy affiliation, may submit the appropriate documentation to POST to substantiate that the minimum qualifications have been satisfied.
- (C) A written statement from the director of the academy where the applicant served as an assistant skills instructor is acceptable documentation as it applies to the eighty (80) hour requirement. The statement must include the applicant's full name, the dates that the applicant instructed and number of hours on each of those dates showing the applicant's instructional experience.
- (D) Instructional experience completed at other than a Colorado POST approved academy may be considered as part of the eighty (80) hour requirement. However, the full skills instructor applicant must request a variance in accordance with POST Rule 7, *Variances*, and the applicant may be required to appear in person before the appropriate subject matter expert committee to demonstrate skills instructional proficiency.
- (E) The completed documents received at POST will be reviewed by POST in consultation with the appropriate subject matter expert committee during the committee's next regularly scheduled meeting.
- (F) POST will provide written notification to the academy director or the full skills instructor applicant who submitted the documents as to whether the applicant was approved or denied approval as a full skills instructor.



- (d) Lead skills instructors.
  - (I) A lead skills instructor is a full skills instructor who may be designated by the academy director to oversee or coordinate the administration of a specific skills program of a particular academy class.
  - (II) Lead skills instructors require no additional approval by POST beyond approval as a full skills instructor.
  - (III) POST will review certificates of completion and/or documentation for lead skills instructors only as such documentation pertains to approval as a full skills instructor.
- (e) Any applicant denied approval under section (b) or (c) of this Rule may appeal such denial in writing to the Director within ten days of notification of denial.



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

*Effective 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.
  - (V) 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.
  - (VI) Dim light live-fire shooting shall start no earlier than thirty (30) minutes prior to sunset. Indoor ranges are exempt from sunset requirement.
  - (VII) Only high-visibility, fluorescent colored “dummy” ammunition may be used for any weapons handling other than actual live fire shooting.

- (VIII) 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.
- (IX) All trainees must be familiar with the four (4) rules of firearms safety prior to handling any operable firearm.
- (X) Firearms ranges must display some type of visual notification (range flag, signs, lights, or other) whenever the range is being utilized for live fire.
- (XI) 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.

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## Rule 25 – Academy Instructor Training Programs

*Effective July 1, 2016*

- (a) Only the following four (4) Colorado POST academy instructor training programs (Instructor Program/s) shall be recognized under this Rule:
  - (I) Instruction Methodology Program; or
  - (II) Arrest Control Instructor Program; or
  - (III) Handgun Instructor Program; or
  - (IV) Law Enforcement Driving Instructor Program.
- (b) Each scheduled training class of a recognized Instructor Program must:
  - (I) Contain a minimum of forty (40) hours of instruction; and
  - (II) Be approved prior to the start of instruction.
- (c) Continuing Instructor Programs
  - (I) A continuing Instructor Program is one that has been approved, conducts and completes at least one approved training class every five (5) years and operates in compliance with this Rule. If a continuing program does not complete at least one approved training class in any consecutive five (5) year period, approval of the program shall expire. An expired program must be submitted to POST for approval as a new program and be approved prior to providing any instruction.
  - (II) The program 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 training class.
    - (A) A completed POST Form 8, *Application for Academy Instructor Training Program Approval*; and
    - (B) If instruction will take place outside of normal weekday business hours, a schedule that accurately displays the dates and times when instruction will be conducted must be provided.

- (III) The program director shall notify POST prior to the occurrence of any of the following:
  - (A) The program is cancelled for any reason; or
  - (B) There is any change of the program's start date or end date; or
  - (C) There is any change of training site.

(d) New Instructor Programs

- (I) A new Instructor Program is a recognized program that has either never conducted approved training, or a previously approved program that has not conducted approved training within the previous five (5) years.
- (II) The program director of a proposed new Instructor Program is advised to contact POST at least ninety (90) days prior to the anticipated start date to ascertain application procedures and deadlines for submitting the required documentation to POST for approval.
- (III) Required documentation for a new Instructor Program may include, but is not limited to, the program's lesson plan, instructor documents and site video.
- (IV) The program director must also ensure that the documents listed in paragraph (c)(II) 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.

(di) Lesson Plans

- (I) Each lesson plan of a recognized Instructor Program must include the following information, as applicable:
  - (A) Program provider's name or agency; and
  - (B) Program title as specified in the applicable POST Instructor Program; and
  - (C) Most recent date the lesson plan was created or revised, and name(s) of the person(s) who created or revised it; and

- (D) Number of actual hours the program will be instructed, and the number of hours required by the POST Instructor Program; and
  - (E) Learning goals, course objectives and/or performance outcomes; and
  - (F) Instructional content of the course that substantiates the stated goals, objectives and/or performance outcomes meet the POST requirements; and
  - (G) Testing and/or assessment methods utilized to measure the objectives and/or performance outcomes; and
  - (H) A copy of any handouts, multimedia and/or PowerPoint presentations that will be used during the instruction.
- (II) The program director shall ensure that each lesson plan is updated, as necessary, to confirm the content complies with current POST program requirements and POST Rules.
  - (III) The current lesson plan must be present at the site of instruction whenever training for the Instructor Program is being conducted.
  - (IV) If a provider seeks to utilize a substantially different lesson plan than the one initially approved, the lesson plan must be resubmitted to POST for approval.
  - (V) The program director shall ensure that all instructors who teach any portion of an Instructor Program for a particular provider utilize only the lesson plan specific to that provider.
- (f) Attendance
- (I) For all hours of an approved Instructor Program for arrest control, handgun, or law enforcement driving, 100% attendance and participation are required.
  - (II) For Instruction Methodology Programs, enrollees are expected to attend and participate in all required hours of the approved program.

(g) Training Sites

- (I) Upon the effective date of this Rule, only POST approved sites shall be utilized to conduct any *practical skills training* of the Instructor Programs for arrest control, handgun, or law enforcement driving.
- (II) Sites for *lecture portions* of the skills Instructor Programs as well as sites for Instruction Methodology Programs do not require POST approval. However, such sites must be safe and appropriate for the nature and scope of lecture provided.
- (III) Sites that are currently approved for skills training at POST approved Basic, Reserve or Refresher academies may be utilized for conducting the same nature of practical skills training for Instructor Programs.
- (IV) The program director is responsible for confirming with POST that all of its sites for practical skills training are currently approved.
- (V) If an approved site is not utilized during any consecutive three (3) year period for the type of training for which the site was approved, site approval expires. Before training can resume at an expired site, the site must be submitted for approval and approved by POST in consultation with the appropriate Subject Matter Expert (SME) Committee.
- (VI) To request approval of a new or expired site of *practical skills training*, the following items must be submitted to POST:
  - (A) Video in a digital media format approved by POST that accurately depicts the site where instruction is to take place; and
  - (B) A detailed description of the site must be included, either as verbal narrative on the video or as a written supplement.

(h) Duty to Report

- (I) The program director shall ensure that all instructors who teach any portion of an Instructor Program are familiar with this Section (h), Duty to report.

- (II) In addition to any notifications that may be required administratively or under federal, state or local law, it shall be the duty of every program director or his designee to report the following events to POST as soon as practicable after the event:
  - (A) Any death, gunshot wound or serious bodily injury (SBI) 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 program; or
  - (B) Any bodily injury that occurs to any person who is not affiliated with the program, 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 program.
- (III) Training to Cease
  - (A) In the event of any death or gunshot wound as described in paragraph (h)(II)(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.
- (IV) Serious bodily injury means those injuries as defined in §18-1-901(3)(p), C.R.S.
- (V) Bodily injury means those injuries as defined in §18-1-901(3)(c), C.R.S.
- (i) Instructors
  - (I) For new Instructor Programs, all instructors shall be approved by POST in accordance with the minimum instructor qualifications identified in the applicable Instructor Program.
  - (II) For continuing Instructor Programs, the program director shall ensure that all instructors who instruct any portion of the program meet the minimum instructor qualifications identified in the applicable Instructor Program.

- (j) Certificates of Completion
  - (I) The program director shall issue a certificate of completion to each individual who successfully completes all requirements of the approved Instructor Program.
  - (II) Each certificate of completion shall contain at least the following information:
    - (A) The exact name of the Instructor Program as it appears in Section (a) of this Rule; and
    - (B) The exact words “POST Approved”; and
    - (C) Name of the individual who completed the program; and
    - (D) Program provider’s name or agency; and
    - (E) Dates of the program; and
    - (F) Total number of hours of the completed program; and
    - (G) Signature of the program director and/or agency or academic representative; and
    - (H) Arrest control Instructor Program certificates of completion shall also contain the name of the arrest control discipline.
- (k) POST Grant Funds
  - (I) In order to be eligible to receive POST grant funds for an Instructor Program, the program must comply with the current “*Peace Officer Standards and Training Law Enforcement Continuing Education Program Guidelines for Colorado POST Award Recipients*” (i.e., Grant Guidelines).
  - (II) For purposes of this Rule, current Grant Guidelines are considered to be those in effect on the start date of the program.



## **Rule 26 – Academy and Academy Instructor Training Program Inspections**

*Effective January 31, 2016*

- (a) Members of the Board, or its designated representative(s) may at any reasonable time inspect any approved academy or academy Instructor Training Program (Instructor Program), or any Academy or Instructor Program believed to be operating contrary to these Rules.
- (b) An academy or Instructor Program inspection may include, but is not limited to, a review of any records required to be maintained under these Rules, examination of the academy's facilities, training sites and equipment, observation of classroom instruction and skills training, and interviews with trainees, staff and instructors.
- (c) Training that is not required by POST but is incorporated within the approved academy or Instructor Program *may* be inspected to the extent necessary to ensure it is legitimate (i.e., in accordance with established or accepted patterns and standards) and safe (i.e., secure from danger, harm or injury).
- (d) The POST Director shall be informed of all inspection results.
- (e) Should the POST Director determine, in consultation with the appropriate Subject Matter Expert committee(s), as applicable, that an academy or Instructor Program is not in compliance with POST Rules or is providing training that is not legitimate or safe, he/she shall notify the academy director or program director in writing of the specific deficiencies or findings and order remedial action.
- (f) The academy director or program director may appeal the POST Director's order to the Board within thirty (30) days in accordance with Rule 5(c).
- (g) Failure to comply with the POST Director's order shall result in the immediate suspension of the academy or Instructor Program, pending review by the Board at its next regular meeting.





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

Repealed February 7, 2014



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

*Effective May 15, 2021*

The purpose of in-service training is to provide continuing education to certified peace officers to develop their knowledge and/or skills. The POST Board's duties relating to annual in-service training are addressed in Colorado Revised Statutes § 24-31-303(1). The POST Board can "promulgate rules deemed necessary by the Board concerning annual in-service training requirements for certified peace officers, including but not limited to evaluation of the training program and processes to ensure substantial compliance by law enforcement agencies and departments." In-service training is mandatory for certified peace officers who are currently employed in positions requiring certified peace officers as defined in Colorado Revised Statutes section § 16-2.5-102. This includes certified fulltime, part-time and reserve peace officers. Failure to satisfactorily complete training may result in suspension or revocation of an individual's POST certification, or other administrative sanction in accordance with Rule 31.

### (a) Annual Hour Requirement

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

### (b) Training Period

- (I) The training period shall be the calendar year, from January 1 to December 31, of each year. In-service training in excess of 24 hours each year shall not be credited towards any future or prior training period.
- (II) Remedial training hours completed after January 1 to gain compliance for a prior calendar year shall not count towards the current year requirement.

### (c) Approved Training for POST Credit

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

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

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

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

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

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

Agencies are encouraged to enter training as it occurs, but shall enter training no later than the end of each calendar year for the certified peace officers employed at any time during that year, regardless of current employment status. This information shall be entered into the POST database. For in-person courses, agencies are required to keep records of sign-in sheets, topics covered, and lesson plans (if they exist).

(I) Waiver of In-Service Requirements

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

(A) Perishable Skills Waiver

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

(B) Partial Year Employment Waiver

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

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

If a certified peace officer is unable to complete the in-service annual hours due to long term disability, medical leave or restricted duty, the agency must obtain a letter from a physician

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

(D) Military Leave

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

(E) Administrative Leave

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

(II) Compliance

(A) Agencies and individual peace officers shall comply with the in-service training requirements.

(1) Agencies

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

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

(c) Once the final compliance report has been sent to all agencies; an agency seeking to appeal the POST data must do so within thirty (30) days of being notified of failure to comply with Rule 28. Agencies

may appeal this by following the process outlined in Rule 5, *Hearings*. Upon conclusion of all appeal hearings POST will issue a final report indicating whether the agency was found in compliance.

- (d) If POST finds that the agency failed to comply, such finding shall constitute a basis for the Board to impose an administrative sanction pursuant to Rule 31.

(2) Individual peace officers

- (a) POST will send out a preliminary compliance report following each training period. The report will provide an individual peace officer's compliance status. Individuals shall have thirty (30) days from the date of the preliminary report to dispute the POST data and/or complete the training requirements.

- (b) Individual peace officers failing to satisfactorily complete the training requirements within the 30 day period may have their POST-certification suspended by POST staff, until such time as they come into compliance. If an individual peace officer is suspended, the peace officer may appeal the suspension within thirty (30) days, as provided in rule 5(c).

- (c) Failure to satisfactorily complete POST training requirements may result in a recommendation by the Director to the Board for revocation of the individual's POST certification, or other administrative sanction pursuant to Rule 31.

- (III) The POST Board shall evaluate the program annually following the release of the final compliance reports. Such evaluation will include a review and evaluation of the program. The evaluation may be based on the compliance rate, agency survey and other performance metrics.





## **Rule 29- Hiring Standards**

*Effective January 31, 2016*

Each agency hiring a Basic certified peace officer, Provisionally certified peace officer, or Reserve certified peace officer should first ensure that they meet the POST minimum standards of employment:

- (a) Individuals must hold current Basic, Provisional or Reserve certification in the state of Colorado. Hiring agency will confirm certification with POST or utilize this [weblink](#) to verify current POST certifications.
- (b) Each agency should complete a comprehensive agency background investigation, which may include:
  - (I) Criminal record checks - local, state, and national
  - (II) Employment history checks
  - (III) Driving record check
  - (IV) Polygraph
  - (V) Citizenship or legal residency verification
  - (VI) Personal history statements
  - (VII) Neighborhood checks
  - (VIII) Relatives/personal references checks
  - (IX) Credit records check
  - (X) Any other investigative measures that the agency finds appropriate
- (c) Employment in the state of Colorado as a Basic peace officer, Provisional peace officer, or Reserve peace officer as defined in § 16-2.5-102, § 24-31-308 and § 16-2.5-110, C.R.S. requires completion of a physical and psychological evaluation within one year prior to the date of appointment.
- (d) Any person renewing their Colorado Basic certification must complete a physical and psychological evaluation within one year prior to the date of appointment.
- (e) The physical and psychological evaluation affirmation must be submitted to POST.

- (f) Any person separating from one agency and appointed by another agency must complete a physical and psychological evaluation if one has not been conducted within the preceding three years and made available to the receiving agency.
  
- (g) Each agency shall comply with the requirements for physical and psychological evaluations pursuant to § 24-31-303(5), C.R.S.



## **Rule 30 – Peace Officer Continuing Education Grant Training Program**

*Effective January 30, 2021*

POST funding was created under the authority of SB 03-103 and defined in § 24-31-303 (2) (B) & (3), C.R.S.; § 24-31-310, C.R.S.; and § 42-3-304 (24), C.R.S. for the training of Colorado Peace Officers through awards by the POST Board.

- (A) The Grant Sub-Committee Board shall consist of eight members, appointed by the Chair of the Board from the POST Board. They may serve as members of the Grant Sub-Committee Board for one three (3) year term.
- (B) Eligible applicants for a grant award are local governments, colleges, universities, or not for profit organizations providing peace officer training programs. State agencies are not eligible applicants, but may apply for funds through their training region.
- (C) The Grant Guidelines is a Department of Law-Peace Officer Standards and Training (POST) policy document. Grant applicants and award recipients must adhere to the requirements in the Grant Guidelines, found at the POST website. The current Grant Guidelines are also available through POST staff.
- (D) At the discretion of the Director or the Director's designee, failure to adhere to the requirements in the grant guidelines shall constitute a basis for a reduction of future grant awards, or rescission of current grant awards.



## Rule 31 – Administrative Sanctions

*Effective May 15, 2021*

- (A) The authority for the promulgation of this rule by the Colorado POST Board is set forth in §§ 24-31-303(1)(l), 24-31-303(1)(m), and 24-31-307(1) and (3), C.R.S.
- (B) The purpose of this rule is to provide for the assessment of administrative fines or other sanctions by the Attorney General for violations of Title 24, Article 31, Part 3.
- (C) The Attorney General, or the Attorney General’s designee, may impose an administrative fine or other sanction against a certificate holder, law enforcement agency, or both as prescribed in this Rule 31. The imposition of an administrative fine does not preclude the Attorney General, or Attorney General’s designee, from also pursuing other lawful enforcement actions against the certificate holder, law enforcement agency, or both, consistent with § 24-31-307.
- (D) The administrative fine or other sanctions assessed shall be reasonably based on the following criteria:
  - (I) Type of violation;
  - (II) Severity of the violation;
  - (III) Repetition of violations; and
  - (IV) Any other mitigating or aggravating circumstances.
- (E) Fine amounts.
  - (I) For failure to successfully comply with In-Service Training requirements by a law enforcement agency, individual certificate holder, or both:
    - (a) For a first offense, a violator may be fined up to \$100 per employed peace officer for law enforcement agencies, or up to \$300 per individual certificate holder, as applicable; and
    - (b) For a second or subsequent offense, a violator may be fined up to \$200 per employed peace officer for law enforcement agencies, or up to \$600 per individual certificate holder, as applicable.
  - (II) For failure to successfully comply with Rule 17 requirements by an agency:
    - (a) For a first offense, a violator may be fined up to \$100 per employed peace officer, for each day in violation; and
    - (b) For a second or subsequent offense, a violator may be fined up to \$200 per employed peace officer, for each day in violation.
  - (III) For any other violation of a post board rule requiring compliance by a law enforcement agency or individual certificate holder:

- (a) For a first offense, a violator may be fined up to \$100 per employed peace officer for law enforcement agencies, or up to \$300 per individual certificate holder, as applicable; and
  - (b) For a second or subsequent offense, a violator may be fined up to \$200 per employed peace officer for law enforcement agencies, or up to \$600 per individual certificate holder, as applicable.
- (F) Any fine assessed pursuant to this rule 31 to law enforcement agencies may be deducted from POST Training Grant-related awards.
- (G) In addition to fines prescribed pursuant to this Rule 31, the following additional penalties may be prescribed at the Attorney General's, or Attorney General's designee's, discretion:
  - (I) Suspension from participation in future regional training grant activities;
  - (II) Suspension or revocation of a certificate holder's certification; or
  - (III) Imposition of other fines, administrative sanctions, or both.
- (H) Upon receipt of notice of fines from the POST Board Director, the agency or peace officer receiving the fine must remit payment within 60 days. failure to timely comply with fines or other administrative sanctions is a violation of a Board Order and of this Rule.
- (G) Fine revenue collected pursuant to this Rule 31 shall be credited to the POST Board cash fund.
- (I) All implementation of this rule shall be in accordance with processes stated in Rule 5.





**RULE 32**  
**POST Database**  
*Effective November 15, 2021*

- (a) Per §24-31-303(1)(r), C.R.S., POST will maintain a database that contains information related to any of the following actions by a peace officer:
- (I) Untruthfulness;
  - (II) Three or more failures to follow POST Board training requirements within ten (10) consecutive years;
  - (III) Revocation of a POST certification, including the basis of the revocation;
  - (IV) Termination for cause, unless the termination is overturned or reversed by an appellate process. A notation must be placed next to the officer's name during the pendency of any appellate process;
  - (V) Resignation or retirement while under investigation by the peace officer's employing law enforcement agency, a district attorney, or the attorney general that could result in being entered into the database;
  - (VI) Resignation or retirement following an incident that leads to the opening of an investigation within six (6) months following the peace officer's resignation or retirement that could result in being entered into the database;
  - (VII) Being the subject of a criminal investigation for a crime that could result in revocation or suspension of certification pursuant to section 24-31-305 or 24-31-994 or the filing of criminal charges for such a crime; and
  - (VIII) Actions described by the applicable statutory provision identifying the basis for a credibility disclosure notification as set forth in section 16-2.5-502(2)(c)(i), C.R.S.
- (b) A peace officer may seek review of the peace officer's status in the database with presentation of new evidence related to the entry. To have POST review the entry, the peace officer shall comply with Rule 7.

# PROGRAMS



# BASIC ACADEMIC TRAINING PROGRAM

*Effective January 1, 2019*

## MINIMUM REQUIRED HOURS

<b>Academic</b>	<b>378</b>
<b>Arrest Control</b>	<b>62</b>
<b>Driving</b>	<b>44</b>
<b>Firearms</b>	<b>72</b>
<b>TOTAL</b>	<b>556</b>

### I. INTRODUCTION TO CRIMINAL JUSTICE

**REQUIRED HOURS: 20**

#### A. Criminal Process

**Required Minimum Hours: 8**

**General Learning Goal:** The student must be aware of the constitutional rights of all individuals within the United States, regardless of citizenship, and the role of the criminal justice system protecting those rights.

**Specific Performance Outcomes:**

1. The student will recognize the freedoms and rights afforded to individuals under the U.S. Constitution, the Bill of Rights, later Amendments, and enacted federal law.
2. The student will recognize how the following amendments to the U.S. Constitution apply to the actions and conduct of peace officers:
  - a. First Amendment
  - b. Fourth Amendment
  - c. Fifth Amendment
  - d. Sixth Amendment
  - e. Eighth Amendment
  - f. Fourteenth Amendment
3. The student will recognize the freedoms and rights afforded to individuals under the Colorado State Constitution and amendments, and enacted state statutes.
4. The student will identify and compare and contrast the three components of the criminal justice system.
  - a. Law Enforcement

- b. Courts (prosecution and adjudication)
  - c. Corrections
5. The student will identify the major goals of the criminal justice system:
- a. Guarantee due process and equal justice
  - b. Reduce crime, fear of crime, and public disorder
  - c. Protection of life and property
  - d. Enforcement of laws
  - e. Improve the quality of life
6. The student will differentiate between criminal and civil law, and explain the interrelationships of the components of the criminal justice system with the legislative, judicial, and executive processes.
7. The student will explain the impact of changing needs within the community in relationship to the criminal justice system.
8. The student will identify and explain the primary purpose and function of federal, state, and local agencies within the law enforcement component of the criminal justice system including:
- a. Federal: Federal Bureau of Investigation; Drug Enforcement Administration; Bureau of Alcohol, Tobacco, Firearms and Explosives; Bureau of Citizenship and Immigration Services; U.S. Marshal's Office; U.S. Postal Inspection Service; Secret Service; Military Police; and Department of Homeland Security as referenced by each agencies mission statement.
  - b. State: Department of Public Safety; Colorado Attorney General's Office; Department of Revenue; Department of Motor Vehicles; Department of Natural Resources; Campus Police Departments; and Department of Corrections as referenced by each agencies mission statement and/or Colorado Revised Statutes.
  - c. Local: Municipal Police Agencies; Sheriff's departments; Department of Social Services; and local probation offices as defined by Colorado Revised Statutes.

9. The student will identify the objectives of the law enforcement component of the criminal justice system as presented by *Effective Policing and Crime Prevention: A Problem-Oriented Guide for Mayors, City Managers, and County Executives*.
10. The student will recognize examples of positions held by federal, state and local law enforcement officers/agents.
11. The student will identify key concepts regarding multi-jurisdictional task forces (MJTF's) and be presented with information about locally applicable MJTF's.
12. The student will identify components of the mission regarding the Colorado Information and Analysis Center (CIAC).

**Required Source Material:**

*Colorado State Constitution*, as amended  
*United States Constitution* - Bill of Rights

**Recommended Source Material:**

*Criminal Justice*, Fagin (Prentice Hall)  
*Criminal Justice: Introductory Cases & Materials*, Skolnick, Feeley, McCoy (Foundation Publishing)  
*Department of Justice*, [www.justice.gov](http://www.justice.gov)  
*Department of Homeland Security*, [www.dhs.gov](http://www.dhs.gov)  
*Introduction to Criminal Justice*, Joseph Senna & Larry Siegel, Wadsworth Thomson Publishers  
*IACP Training Key 483: Using Civil Remedies to Combat Crime Partnering for America: the FBI with State, Local, Campus and Tribal Law Enforcement* Video (FBI and IADLEST)  
<http://www.theiacp.org/Training-Keys>

**B. Judicial Process**

**Required Minimum Hours: 4**

**General Learning Goal:** The student will describe and explain the organization and operation of the judicial process and the role of law enforcement in this process.

### **Specific Performance Outcomes:**

1. The student will explain the primary responsibilities of the following:
  - a. Federal supreme, appellate, and district courts
  - b. State supreme, appeals, and district courts
  - c. County and municipal courts
  - d. Attorneys-prosecuting and defense, public defenders
  
2. The student will explain and define the following terms as they relate to the judicial process in criminal cases:
  - a. Arrest
  - b. Bail
  - c. Arraignment
  - d. Preliminary hearing
  - e. Indictment
  - f. Plea bargaining
  - g. Trial
  - h. Disposition
  
3. The student will explain the role of discretion at the law enforcement officer's level and the impact discretion has on the individual person as well as on the caseload for the overall criminal justice system.

### **Required Source Material:**

*Colorado Peace Officer's Legal Source Book, Section 12* [Colorado District Attorney's Council (CDAC)/Colorado Attorney General]  
*Colorado Revised Statutes* Title 16, Articles 2,3,4, and 5

### **Recommended Source Material:**

*Colorado Courts at a Glance* (Colorado Judicial Branch)  
<https://www.courts.state.co.us/Courts/Education/Brochures.cfm>  
*Criminal Justice*, Fagin (Prentice Hall)  
*Criminal Justice: Introductory Cases & Materials*, Skolnick, Feeley, McCoy (Foundation Publishing)  
*Introduction to Criminal Justice*, Siegel and Worrall (Cengage Learning)



**C. Law Enforcement Ethics and Anti-Bias Policing**

**Required Minimum Hours: 8**

**General Learning Goal:** The student will be able to identify the traits that officers should exemplify and explain the benefits of professional and ethical behavior to the officer, department and community

**Specific Performance Outcomes:**

1. The student will be able to identify the ethical expectations of a peace officer as it relates to the following groups:
  - a. Community
  - b. Victim, witnesses, suspect
  - c. Department
  - d. Governmental agencies
  - e. Fellow officers
2. The student will be able to describe the importance of ethical conduct as it relates to the restrictions on accessibility and release of criminal justice information and associated penalties concerning the NCIC/CCIC system.
3. The student will be able to paraphrase the Law Enforcement Code of Ethics and describe how it pertains to their profession and their personal life.
4. The student will be able to identify the traits that officers should exemplify and explain the benefits of professional and ethical behavior to the officer, department and community.
5. The student will be able to describe the consequences of unethical/unprofessional conduct to the peace officer, department and community, and explain why an officer should respond to a co-worker's unprofessional conduct.
6. The student will be able to define diversity.
7. The student will be able to define:
  - a. Stereotype
  - b. Prejudice
  - c. Discrimination
8. The student will be able to identify personal, professional and organizational benefits of valuing diversity within the community and law enforcement.

**Recommended Source Material:**

*Arresting Police Video*, Included in the “POST Anti-Bias Train the Trainer” materials

*Case Studies – Facilitation Format*

- a. *Being in the Wrong Neighborhood*
- b. *Driving the Wrong Car*
- c. *Suspicious Car*

*Character and Cops: Ethics in Policing*, Delattre (American Enterprise Inc. Press)

*CBI-Misuse of CCIC Data Handout, FACs and Powerpoint*  
(Colorado Bureau of Investigation)

*CCIC Training Manual* (Colorado Bureau of Investigation)

*Driving While Black*

, Included in the “POST Anti-Bias Train the Trainer” materials

*IACP Training Key 475 & 476: Police Ethics, Parts I & II*,

*IACP Training Key 503 & 504: Standards for Police Conduct, Parts I & II*

*IACP Training Key 545: Harassment and Discrimination in the Workplace*

*IACP Training Key 549: Personal Appearance, Off-duty Conduct, Free Speech*

*IACP Training Key 590: Unbiased Policing*

*IACP Training Key 612: Freedom of Speech and the Patrol Officer*

*Police Ethics: The Corruption of Noble Cause*, Crank and Caldero (Lexis Publishing)

<http://www.theiacp.org/Training-Keys>

*State of Colorado Demographics* – U.S. Census

<http://www.census.gov/quickfacts/table/PST045215/08>

## II. BASIC LAW

**REQUIRED HOURS: 70**

### A. Arrest, Search & Seizure

**Required Minimum Hours: 12**

**General Learning Goal:** The student will have a basic understanding of current rules for peace officer conduct as it pertains to arrest, search and seizure.

### **Specific Performance Outcomes:**

1. The student will describe and explain rules, elements and provisions of Colorado Revised Statutes, Title 16, Articles 1, 2, and 3.
2. The student will explain the laws and court decisions as they pertain to the basic principles of search and seizure law:
  - a. Fourth Amendment protections
  - b. Reasonable expectation of privacy
  - c. Reasonable suspicion vs. Probable cause
3. The student will be able to explain the laws and court decisions for warrant searches and seizures:
  - a. Fourth Amendment requirements
  - b. Probable cause
  - c. Affidavits in support of warrant searches
  - d. Execution of a search warrant
4. The student will be able to explain the laws and court decisions for warrantless searches and seizures:
  - a. Plain view searches
  - b. Warrantless searches in general
  - c. Pat-Down frisk searches
  - d. Consent searches
  - e. Exigent circumstance searches
  - f. Searches incident to arrest
  - g. Probation/parole searches
5. The student will be able to explain the laws and court decisions for searches and seizures involving motor vehicles:
  - a. Probable cause searches of vehicles
  - b. Plain view searches of vehicles
  - c. Consent searches of vehicles
  - d. Searches of vehicles incident to custodial arrests
  - e. Searches of vehicles as instrumentalities
  - f. Vehicle inventory searches
6. The student will be able to explain the laws and court decisions for searches and seizures involving bodily intrusions:
  - a. Warrant requirement for bodily intrusion searches and seizures
  - b. Warrantless bodily intrusion searches and seizures
  - c. Use of force during bodily intrusion searches and seizures

7. The student will be able to explain the laws and court decisions regarding identification procedures:
  - a. Field show-ups
  - b. Photographic arrays
  - c. Custodial lineups

**Required Source Material:**

*Colorado Peace Officer's Legal Source Book, Section 2-9 & 11* [Colorado District Attorney's Council (CDAC)/Colorado Attorney General]

**Recommended Source Material:**

*Colorado Peace Officers Handbook* (Lexis Nexis Publishing)

<https://store.lexisnexis.com/categories/product/colorado-peace-officers-handbook-skuusSku-us-bundle-22090-epub>

*Officer's Arrest Handbook*, Stephen (Lexis Nexis Publishing)

*Officer's Search and Seizure Handbook* (Lexis Nexis Publishing)

**B. Interrogations, Confessions, and Techniques**

**Required Minimum Hours: 2**

**General Learning Goal:** The student will have a basic understanding of current rules for peace officer conduct as it pertains to interrogations and confessions of criminal defendants. The student will be familiar with legally acceptable interview and interrogation techniques.

**Specific Performance Outcomes:**

1. The student will explain the laws and court decisions as they pertain to statements in an interview/interrogation:
  - a. Voluntariness
  - b. Knowingly
  - c. Duress, Coercion, and Trickery
  - d. Witnesses
  - e. Miranda Considerations (U.S. Const. - 5<sup>th</sup> Amendment)
  - f. Escobedo Considerations (U.S. Const. - 6<sup>th</sup> Amendment)
2. The student will define the differences between an interview and an interrogation.
3. The student will know the importance of statements from both hostile and friendly witnesses.

4. The student will understand the practical problems encountered during interview/interrogation situations.

**Required Source Material:**

*Colorado Peace Officers Legal Source Book, Section 9* (Colorado District Attorney's Council/Colorado Attorney General)

**Recommended Source Material:**

*Criminal Investigations*, Bennett and Hess (West Publishing)

*Criminal Justice*, Fagin (Prentice Hall)

*Criminal Justice: Introductory Cases & Materials*, Skolnick, Feeley, McCoy (Foundation Publishing)

*Introduction to Criminal Justice*, Siegel and Worrall (Cengage Learning)

**C. Rules of Evidence**

**Required Minimum Hours: 4**

**General Learning Goal:** The student will have a basic understanding of current rules for peace officer conduct as it pertains to the rules of evidence.

**Specific Performance Outcomes:**

1. The student will describe and explain Rules 4 and 41 of the Colorado Rules of Criminal procedure.
2. The student will explain the purpose of offering evidence.
3. The student will be able to distinguish between evidence and proof.
4. The student will be able to identify four major types of physical evidence.
5. The student will be able to categorize evidence as direct or circumstantial.
6. The student will be able to explain the purpose of the rules of evidence.
7. The student will be able to describe the criteria for admitting evidence.

8. The student will be able to identify circumstances, which may cause evidence to be excluded.
9. The student will be able to define the hearsay rule.
10. The student will be able to explain the requirements and expectations for admitting evidence for:
  - a. Spontaneous statements
  - b. Admissions and confessions
  - c. Dying declarations
  - d. Records and officer testimony

**Required Source Material:**

*Colorado Peace Officers Legal Source Book, Chapters 11 and 14*  
(Colorado District Attorney's Council/Colorado Attorney General)  
*Colorado Rules of Criminal Procedure* (Colorado Supreme Court)  
<http://www.lexisnexis.com/hottopics/Colorado/>

**Recommended Source Material:**

*Colorado Revised Statutes, Title 13, Article 25, Rules of Evidence*

**D. Colorado Criminal Code and Related Federal Statutes**  
**Required Minimum Hours: 32**

**General Learning Goal:** The student will have basic understanding and knowledge of the Colorado Criminal Code and applicable violations of the United States Code.

**Specific Performance Outcomes:**

1. The student will be able to identify elements of Colorado Criminal violations.
2. The student will be able to distinguish between criminal and purely civil violations.
3. The student will be able to identify the Principles of Criminal Culpability. (18-1-5 C.R.S.)
4. The student will be able to understand, as applicable to statutes:
  - a. Rights of defendant (18-1-4 C.R.S.)
  - b. Definitions (18-1-901 C.R.S.)

- c. Legal Accountability and Complicity (18-1-601 – 605 C.R.S.)
  - d. Justification and Exemptions from Criminal
    - (0) Responsibility (18-2-7 C.R.S.)
    - (1) Responsibility (18-1-8 C.R.S.)
  - e. Inchoate offenses (18-2-1-4 C.R.S.)
5. The student will be able to identify the elements of crimes, and to distinguish between felony and misdemeanor/petty offenses, of the following offenses:
- a. Crimes Against Persons
    - (1) Homicide and Related Offenses (18-3-1 C.R.S.)
    - (2) Assaults (18-3-2 C.R.S.)
    - (3) Kidnapping (18-3-3 C.R.S.)
    - (4) Unlawful Sexual Behavior (18-3- 401 through 18-3-405.6, 412.5 and 412.6 C.R.S.)
  - b. Offenses Against Property
    - (1) Arson (18-4-1 C.R.S.)
    - (2) Burglary (18-4-2 C.R.S.)
    - (3) Robbery (18-4-301 through 18-4-303 C.R.S.)
    - (4) Theft (18-4-401, 405, 406, 407, 409, 412, 414 and 415 C.R.S.)
    - (5) Aggravated motor vehicle theft (18-4-409 C.R.S.)
    - (6) Trespass, Tampering, Criminal Mischief (18-4-501 through 516 C.R.S.)
  - c. Offenses Involving Fraud
    - (1) Forgery and related offenses (18-5-101 through 18-5-110 and 18-5-113 C.R.S.)
    - (2) Fraud by check, Secured Creditor or Debtor (18-5-205 and 206 C.R.S.)
    - (3) Financial Transaction Device Crime (18-5-7 C.R.S.)
    - (4) Issuance of a Bad Check (18-5 512 C.R.S.)
  - d. Offenses Involving the Family Relations
    - (1) Incest (18-6-301 and 18-6-302 C.R.S.)
    - (2) Child Abuse (18-6- 401 C.R.S.)
    - (3) Sexual Exploitation of a child (18-6-403 and 404 C.R.S.)
    - (4) Harboring a minor (18-6-601 C.R.S.)
    - (5) Contributing to the delinquency of a minor (18-6-701 C.R.S.)
    - (6) Domestic Violence (18-6-8 C.R.S.)
  - e. Wrongs to At-Risk Adults (18-6.5-102, 103 and 108 C.R.S.)

- f. Prostitution
  - (1) Adult (18-7-201 through 205 C.R.S.)
  - (2) Child (18-7-401 through 406 C.R.S.)
- g. Public Indecency (18-7-301 through 302 C.R.S.)
- h. Sexual Conduct in Correctional Institutions (18-7-701 C.R.S.)
- i. Governmental Operations
  - (1) Obstruction of Public Justice (18-8-102-116 C.R.S.)
  - (2) Escapes and Offenses Relating to Custody (18-8-201, 203, 204, 204.1, 204.2, 206, 208, 208.1, 211 and 212 C.R.S.)
  - (3) Bribery (18-8-302 C.R.S.)
  - (4) Abuse of Public Office (18-8-404-and 405 C.R.S.)
  - (5) Tampering with physical evidence (18-8-610 C.R.S.)
  - (6) Victims and Witnesses Protection (18-8-704 through 707 C.R.S.)
- j. Offenses against Public Peace, Order and Decency (18-9-101 – 106, 111, 112, 116, 116.5, 117, 118, 119, 121 and 124 C.R.S.)
- k. Cruelty to Animals (18-9-2 C.R.S.)
- l. Offenses Involving Communications (18-9-306.5 C.R.S.)
- m. Offenses Relating to Firearms and Weapons (18-12-1 C.R.S.)
- n. Permits to Carry Concealed Handguns (18-12-2 C.R.S.)
- o. Miscellaneous Offenses (18-13-101, 104, 107, 121 and 122 C.R.S.)

- 6. The student will have a knowledge and understanding of applicable Federal Statutes.
  - a. Limitation of enforcement authority
  - b. Federal Firearms Statutes:
    - (1) Possession by a Prohibited Person: 18 U.S.C., Section 922(g) and (n)
    - (2) Sell, give or dispose to a Prohibited Person: 18 U.S.C., Section 922(d)
    - (3) Use, or carry or possess during a Crime of Violence in Drug Trafficking: 18 U.S.C. Section 924 (c)
    - (4) Stolen Firearms and Ammunition: 18 U.S.C., Section 922 (j) and (u)
    - (5) Transfer to those under 21: 18 U.S.C., Section 922(b)(1)
    - (6) Transfer to Juveniles: 18 U.S.C., Section 922(b)(1) through (x)



**Required Source Material:**

*Colorado Revised Statutes*

*United States Code, Title 18*

**E. Colorado Children's Code**

**Required Minimum Hours: 4**

**General Learning Goal:** The student will cite and explain the major provisions of the Children's Code relative to the tasks of peace officers, and explain the procedures from arrest through investigations and charges.

**Specific Performance Outcomes:**

1. The student will identify how a juvenile is taken into custody and what steps are taken after they are taken into custody.  
19-2-502 and 507 C.R.S.
2. The student will explain the obligations of peace officers and the rights of juveniles during the investigation phase and the criminal proceedings.
  - a. Jurisdiction, 19-2-104 C.R.S.
  - b. Taking juvenile into custody, 19-2-502 C.R.S.
  - c. Issuance of a lawful warrant taking a juvenile into custody, 19-2-503 C.R.S.
  - d. Fingerprinting-juvenile under arrest-ordered by court, 19-2-503.5 C.R.S.
  - e. Search warrants-issuance-grounds, 19-2-504 C.R.S.
  - f. Search warrants-application, 19-2-505 C.R.S.
  - g. Consent to search, 19-2-506 C.R.S.
  - h. Duty of officer-screening teams-notification-release or detention, 19-2-507 C.R.S.
  - i. Preliminary investigation, 19-2-510 C.R.S.
3. The student will list the various charging options available with the juvenile system, including how and when juvenile offenders can be prosecuted as adults.
  - a. Jurisdiction, 19-2-104 C.R.S.
  - b. Direct filing, 19-2-517 C.R.S.
4. The student will learn the procedures, which are followed after the case has been filed, and what sentencing options are available.
  - a. Student will understand records must be released by their agency's Records Division

- b. Operation of juvenile facilities, 19-1-305 C.R.S.
  - c. School notifications: 19-1- 304(5.5) C.R.S.
  - d. Facilities-control and restraint-liability-duty to pursue runaways, 19-2-404 C.R.S.
5. The student will understand the provisions of the Juvenile Justice and Delinquency Prevention (JJDP) Act and its application regarding custody separation/secure holding for juveniles. The student will understand sight/sound separation from adults and NOT holding juveniles securely for status offenses.
6. The student will explain the neglect and dependence section of the code relating to:
- a. Neglected or dependent child, 19-3-102 (A through G) C.R.S. and Child not neglected-when, 19-3-103 C.R.S.
  - b. Persons required to report child abuse or neglect, 19-3-304 C.R.S.
  - c. Evidence of abuse-color photographs and X-rays, 19-3-306 C.R.S.
  - d. Taking children into custody, 19-3-401 C.R.S.
  - e. Investigative responsibility: Action upon report of intrafamilial, institutional, or third-party abuse-investigations-child protection team-rules, 19-3-308 C.R.S.
  - f. Recorded interviews of child, 19-3-308.5 C.R.S.
  - g. Emergency possession of certain abandoned children: 19-3-304.5 C.R.S.

**Required Source Material:**

*Colorado Revised Statutes, Title 19*

**Recommended Source Material:**

*Colorado's Guide for Implementing the Core Protections of the Juvenile*  
(Colorado Department of Public Safety, Division of Criminal Justice)

<http://hermes.cde.state.co.us/drupal/islandora/object/co%3A4572>

**F. Legal Liability**

**Required Minimum Hours: 4**

**General Learning Goal:** The student will identify criminal charges and civil causes of action that may result from the improper performance of police duties.

### **Specific Performance Outcomes:**

1. The student will describe the provisions of law as they pertain to peace officers as delineated in 18-8-8 C.R.S.
2. The student will explain the difference between civil and criminal liability.
3. The student will identify, describe, and provide examples of the following types of civil actions:
  - a. Negligent torts
  - b. Intentional torts
  - c. Constitutional torts
4. The student will identify and provide examples of state and Federal charges that may result from improper police actions.
5. The student will examine the provisions of 18-8-801 to 804 C.R.S., and explain the reporting requirements contained therein.
6. The student will distinguish between “quid pro quo” and “hostile work environment” sexual harassment.
7. The student will define terms involved in civil lawsuits, specifically:
  - a. Discovery
  - b. Deposition
  - c. Vicarious liability
  - d. Governmental immunity

### **Required Source Material:**

*Colorado Peace Officer's Legal Source Book, Section 16* [Colorado District Attorney's Council (CDAC)/Colorado Attorney General]  
*Colorado Revised Statutes 18-8-801 through 18-8-804*  
*Colorado Revised Statutes 24-10-101 through 24-10-114.5*  
*FBI/Department of Justice Civil Rights Program*  
*“Civil Rights and Criminal Justice: Primer on Sexual Harassment”*  
*Sexual Harassment, Federal Code of Regulations, 29 C.F.R. Section 1604.11*  
*Title VII of the Civil Rights Act of 1964*  
*Title 42 USC section 1983*  
*Title 18 USC Section 241*  
*Title 18 USC Section 242*

## G. Liquor Code

**Required Minimum Hours: 2**

**General Learning Goal:** The student will identify and explain violations of the Liquor and Beer Code.

### **Specific Performance Outcomes:**

1. The student will identify and explain the elements of and restrictions imposed in Title 12, Article 46 and Article 47, and the Colorado Code of Regulations specifically:
  - a. Colorado Beer Code
    - (1) Definitions (12-46-103 C.R.S.)
    - (2) Lawful acts (12-46- 106 C.R.S.)
  - b. Colorado Liquor Code
    - c. Definitions (12-47-103 C.R.S.)
    - (2) Unlawful acts - exceptions (12-47-901 C.R.S.)
    - (3) Testing for intoxication by law enforcement officers (12-47- 902 C.R.S.)
    - (4) Violations-penalties (12-47-903 C.R.S.)
    - (5) Duties of inspectors and police officers (12-47-904 C.R.S.)
  - c. Classes of Licenses and Permits
    - (1) 12-47-401 C.R.S.
  - d. Colorado Code of Regulations
2. The student will explain and discuss peace officer enforcement procedures for Code [Colorado Code of Regulations (CCR)] Violations.
3. The student will recognize the types of personal identification, which constitute an acceptable verification of age. (CCR 47-912)
4. The student will identify and explain the different types of Colorado Retail Liquor/Beer Licenses and Permits as described in 12-47-401 C.R.S.

### **Required Source Material:**

*Colorado Revised Statutes 12-46-101 through 107 and 12-47-101 through 907*

### **Recommended Source Material:**

*Colorado Peace Officer's Handbook (Lexis Nexis Publishing)*

## H. Controlled Substances

**Required Minimum Hours: 4**

**General Learning Goal:** The student will identify and explain violations of the Uniform Controlled Substance Act of 1992, and Amendments 20 and 64 of the Colorado Constitution (Article XVIII, Section 14- Medical use of marijuana for persons suffering from debilitating medical conditions, and Section 16 - Personal use and regulation of marijuana)

### **Specific Performance Outcomes:**

1. The student will explain the definitions of controlled substances as described in 18-18-102 C.R.S.
2. The student will understand and explain the schedules of controlled substances as defined in 18-18-2 C.R.S., specifically:
  - a. Schedule I (18-18-203 C.R.S.)
  - b. Schedule II (18-18- 204 C.R.S.)
  - c. Schedule III (18-18- 205 C.R.S.)
  - d. Schedule IV–Repeal (18-18- 206 C.R.S.)
  - e. Schedule V (18-18- 207 C.R.S.)
3. The student will be familiar with the specific controlled substance offenses as defined in 18-18-4 C.R.S., specifically:
  - a. 18-18-404 through 18-18-430.5 C.R.S.
  - b. Coverage of marijuana statutes will be a minimum of two (2) hours of the four (4) hour minimum requirement.
4. Students will be familiar with Medical Use of Marijuana (Amendment 20), including:
  - a. CO Const. Article XVIII, Section 14
  - b. Definitions: medical marijuana, the marijuana registry, caregivers, licensed physician, patient, red card, and jurisdictional decisions based on House Bill 10-1284
  - c. Amounts: by statute; doctor recommendation, use by minors. Exception from Criminal Law
  - d. Medical use of marijuana for persons suffering from debilitating medical conditions [18-18-406.3 (5)]
  - e. Marijuana Enforcement Division.
5. Students will be familiar with Use and Regulation of Marijuana (Amendment 64), including:
  - a. CO Const. Article XVIII, Section 16

- b. Definitions
- c. Federal law considerations
- d. Differences from medical marijuana
- e. Grows: Medical and recreational safety hazards, what can be grown, and visibility, and growth cycle of marijuana
- f. Applicable laws
  - (1) Distribution
  - (2) Distribution to minor
  - (3) Cultivation
  - (4) Possession
  - (5) Open use
- g. Related Issues
  - (1) Edibles
  - (2) Forms of marijuana
  - (3) Black market/transportation
    - (a) Out of state seizures
  - (4) Internet-based distribution
    - (a) Butane extraction
  - (5) Impaired driving

**Instructor Qualifications:** The coverage of the 2-hour section on marijuana laws, regulations and investigative procedures will be instructed by persons who have successfully completed the 2-day “Marijuana Train-the-Trainer” course as designed by POST, or equivalent experience (Equivalent can be satisfied by 3 years in a full-time marijuana enforcement unit and approval by the POST marijuana curriculum manager. POST marijuana curriculum manager must observe instructor teaching the POST-approved curriculum as part of the approval process.).

**Required Source Material:**

*Colorado Revised Statutes 18-18-101 through 18-18-432*

**Recommended Source Material:**

*Colorado Peace Officer's Handbook* (Lexis Nexis Publishing)

*1 CCR 212-1* Rules regarding the sales, manufacturing and dispensing of medical marijuana (Colorado Department of Revenue, Marijuana Enforcement Division)

*1 CCR 212-2*, Permanent rules related to the Colorado retail marijuana code (Colorado Department of Revenue, Marijuana Enforcement Division)

<https://www.sos.state.co.us/CCR/NumericalCCRDList.do?deptID=19&agencyID=185>

**I. Court Testimony**

**Required Minimum Hours: 4**

**General Learning Goal:** The student will demonstrate an ability to communicate facts to a judge or jury through court testimony.

**Specific Performance Outcome:**

1. The student will demonstrate an officer's responsibilities in preparation for testimony at trial to include handling of evidence and review of all written reports and personal notes.
2. The student will demonstrate the proper courtroom demeanor while testifying in court, to include attire, attitude, posture, answering questions, courtroom procedures, and conclusion of testimony

**Required Source Material:**

*Colorado Peace Officer's Legal Source Book, Section 14* [Colorado District Attorney's Council (CDAC)/Colorado Attorney General]

**J. Identity Theft**

**Required Minimum Hours: 2**

**General Learning Goal:** The student will have a basic understanding and knowledge of the problem of identity theft and be able to share this knowledge with citizens.

**Specific Performance Outcomes:**

1. The student will be able to define Identity Theft.
2. The student will be able to identify the means by which identities are stolen.
3. The student will be able to explain ways to prevent identity theft to include Social Security Number issues.
4. The student will be able to explain steps in the reporting of identity theft and how victims can minimize losses.
5. The student will be able to explain steps businesses can take to protect their customers from identity theft.

6. The student will have a general knowledge of State and Federal Criminal and Civil violations that are applicable to identity theft.

**Recommended Source Material:**

*Identity Theft*; Colorado Attorney General's Office

<http://bit.ly/IDTheftCenter>

*Identity Theft*; Federal Trade Commission

<https://www.consumer.ftc.gov/features/feature-0014-identity-theft>

### III. HUMAN RIGHTS AND VICTIM'S RIGHTS

**REQUIRED HOURS: 22**

#### A. Victim's Rights

**Required Minimum Hours: 4**

**General Learning Goal:** The student will explain the laws relating to victim rights and community resources available for crime victim's services.

**Specific Performance Outcomes:**

1. The student will be able to identify the legal basis of law enforcement's responsibilities to victim's rights.
2. The student will be able to summarize legal requirements for providing victim's written notice.
3. The student will be able to explain rights granted to victims of crime.
4. The student will be able to define law enforcement responsibilities to victims of crime.
5. The student will be able to define the district attorney's responsibilities to victims of crime.

**Required Source Material:**

*Colorado Revised Statutes* 24-4.1-301 through 24.4.1-304

*Colorado Constitutional Amendment Rights of Victims* (Amendment 16a)



## B. Domestic Violence

**Required Minimum Hours: 8**

**General Learning Goal:** The student will be able to recognize and investigate an act of domestic violence.

**Specific Performance Outcomes:**

The student will demonstrate an understanding of:

1. Domestic Violence Definitions and Statutes
  - a. Definitions (18-6-800.3 C.R.S.)
  - b. Domestic Violence – evidence of similar transactions [18-6-801.5 (1) C.R.S.]
  - c. Intimate relationship
    - (1) People v. Disher (No. 07SC1088, 224 P 3d 254)
  
2. Domestic Violence Dynamics
  - a. Victim and offender characteristics
  - b. Power and control
  - c. Understanding trauma
  - d. Relationship history
  - e. Risk and lethality factors
    - (1) Sexual violence
    - (2) Strangulation
    - (3) Isolation
    - (4) Separation
    - (5) Threats of suicide
    - (6) Weapons
    - (7) Escalation
    - (8) VPO
  
3. Duties of peace officers (18-6-803.6 C.R.S.)
  - a. Developing probable cause
  - b. Evidence collection, documentation and follow-up
    - (1) Medical release forms
  - c. Predominate aggressor: four prong analysis
    - (1) Any prior complaints of domestic violence
    - (2) The relative severity of the injuries inflicted on each person
    - (3) The likelihood of future injury to each person
    - (4) The possibility that one of the persons acted in self-defense
      - (a) Consider offensive vs. defensive injuries
  - d. Dual arrest
    - (1) Shelters and community resources

- e. Involvement of children
    - (1) Persons required to report child abuse or neglect (19-3-304 C.R.S.)
    - (2) Child abuse (18-6-401 C.R.S.)
4. Protection orders
- a. Criminal
  - b. Protection order against defendant (18-1-1001 C.R.S.) or by local ordinance
  - c. Civil [Procedure for permanent civil protection orders (13-14-106)]
  - d. Emergency Protection Order (13-14-103 C.R.S.)
  - e. Full faith and credit [Foreign protection orders (13-14-110 C.R.S.)]
  - f. Mandatory arrest probable cause {Crime of violation of a protection order [18-6-803.5 3 (b) C.R.S.]}
  - g. Notice to defendant/restrained party
    - (1) Permission language on the protection order
  - h. Firearms prohibition
    - (1) Criminal (18-1-1001 C.R.S.)
    - (2) Civil [13-4-102 (22) C.R.S.]
    - (3) Domestic violence – sentencing [18-6-801 (8) C.R.S.]
5. Working effectively with advocates
- a. Law enforcement advocates
  - b. Community based advocates
  - c. Privilege (Who may not testify without consent [13-90-107 (1)(k) C.R.S.]
  - d. Information, referrals and support
  - e. Department policy
6. Interviews
- a. Separate parties
  - b. Interviews of the victim, children, suspect and witnesses
  - c. Evidence based investigation
    - (1) Look for corroborating evidence
    - (2) Identify other witnesses
  - d. Prior incidents
    - (1) Evidence of similar transactions (18-6-801.5 C.R.S.)
  - e. Benefits of recording
    - (1) Department policy

- f. Cultural considerations during the interview
- 7. Special considerations
  - a. Cultural/Religious
  - b. Sexual orientation/identification
  - c. Drugs and Alcohol
  - d. Mental Health
  - e. Person with disabilities and special needs
  - f. Children
  - g. Animal abuse
  - h. Elder Abuse
- 8. Strangulation
  - a. Evidence collection, documentation and follow-up
  - b. Visible and/or non-visible injuries
  - c. Charging considerations
  - d. Victim interview
    - (1) Questions specific to strangulation
- 9. Stalking (18-3- 602 C.R.S.)
  - a. Definitions
    - (1) Credible threat
    - (2) Repeated
  - b. Serious emotional distress
    - (1) Fear, stress and/or changes made by the victim as a result of the offender's conduct
  - c. Investigation
    - (1) Technology
    - (2) Stalking log
- 10. Report writing
  - a. Documenting the factual basis of the domestic violence
  - b. Documenting detailed contact information for all parties
  - c. Department policy
- 11. Officer safety concerns specific to domestic violence calls
  - a. Approaching the scene
    - (1) Entering
  - b. Stabilizing
  - c. Awareness
  - d. Arrest
- 12. Witness intimidation

**Required Source Material:**

*Colorado Revised Statutes* 18-6-800.3 through 18-6-803.7

**Recommended Source Material:**

*Domestic Violence – A Coordinated Response Through Community Policing* [Colorado Coalition Against Domestic Violence (CACDV)]  
<http://ccadv.org/>

*Colorado Peace Officers Handbook* (Lexis Nexis Publishing)  
<https://store.lexisnexis.com/categories/product/colorado-peace-officers-handbook-skuusSku-us-bundle-22090-epub>

**C. Bias Motivated Hate Crimes**

**Required Minimum Hours: 4**

**General Learning Goal:** The student will identify and discuss incidents of ethnic intimidation, hate crimes and responsibilities of peace officers relative to these crimes.

**Specific Performance Outcomes:**

1. The student will identify and explain the elements of the crime and classifications of Bias-Motivated, 18-9-121 C.R.S.
2. The student will explain the importance of prompt and broad police response to “hate crimes”, to include but not limited to accurate and thorough evidence gathering, report writing, intervention and follow up.
3. The student will explain the dynamics of prejudice which should include the:
  - a. Impact of hate crimes upon their victims
  - b. Meaning and causes of prejudice
  - c. Relationship between stereotyping and prejudice
4. The student will discuss the legal provisions and terms pertaining to bias crimes, ethnic intimidation, and civil damages.
5. The student will learn the roles of the officer responding to a hate crime incident.
6. The student will determine whether there is sufficient cause to believe that a hate/bias crime has been committed.
7. The student will describe the impact of hate crimes on victims, the victim’s families, and the community.

**Required Source Material:**

*Colorado Revised Statutes*, 18-9-121

*FBI/U.S. Department of Justice Civil Rights Program*,

<https://www.justice.gov/>

*Title 42, USC*, Sections 1981, 1982, The Public Health and Welfare,

Chapter 21 – Civil Rights, Section 1983

<http://uscode.house.gov/search/criteria.shtml>

**D. Interaction with Special Populations**

**Required Minimum Hours: 2**

**General Learning Goal:** The student will understand the laws protecting the rights of persons with disabilities in order to serve all individuals to whom the law applies.

**Specific Performance Outcomes:**

1. The student will describe and explain behavior that may be indicative of persons with special needs requiring peace officer intervention. These persons include but are not limited to the mentally ill, the elderly and the physically impaired.
2. The student will identify the key provisions that impact on law enforcement of the following federal and state laws enacted to protect the rights of persons with disabilities including:
  - a. Americans with Disabilities Act
3. The student will recognize indicators that could lead an officer to believe an individual is:
  - a. a danger to self
  - b. dangerous to others
  - c. gravely disabled
4. The student will identify specific provisions of the law which apply to persons with disabilities concerning public access and the use of service animals.
5. The student will define the role of a peace officer when interacting with a person with a disability.

**Required Source Material:**

*Americans with Disabilities Act*, [www.ada.gov](http://www.ada.gov)

## **E. Risk Assessment Response**

**Required Minimum Hours: 4**

**General Learning Goal:** To train knowledgeable peace officers who can identify persons with mental illness and to handle situations involving persons with mental illness properly.

### **Specific Performance Outcomes:**

1. The student will learn how de-escalation of emotion reduces the likelihood of further violence through the use of “verbal containment” which may allow safe, successful resolution of potentially violent incidents.
2. The student will be able to identify behaviors of psychological disorders and the relationship between disorders and non-responsive contacts.
3. The student will be able to demonstrate and employ the Threshold Assessment and Response Procedure (isolate, contain, assess, respond) when responding to persons in crisis.
4. The student will be able to identify appropriate communication skills for dealing with people in crisis.
5. The student will be able to classify risk factors for suicide and homicide in crisis situations.

### **Recommended Source Material:**

*Crisis Intervention Training* (Colorado Regional Community Policing Institute)

## **IV. COMMUNITY INTERACTION**

**REQUIRED HOURS 4**

### **A. Community Policing/Community Partnerships**

**Required Minimum Hours: 2**

**General Learning Goal:** The student will develop a working definition of community policing and the necessary elements for implementation of community policing practice and philosophy. The student will recognize community partnerships as an integral component in community policing and problem solving.

**Specific Performance Outcomes:**

1. The student will compare and contrast community policing with historical policing models and identify the merits of each.
2. The student will define community policing, identifying core components, and evaluate the effectiveness of community policing philosophies and strategies on crime and disorder.
3. The student will analyze roles of the organization and the line officer in community policing.
4. The student will identify the benefits and collaboration fundamentals for community government, and police reducing crime and disorder.
5. The student will identify how to build and sustain productive partnerships for problem solving.

**Recommended Source Material:**

*Collaboration Toolkit: How to Build, Fix and Sustain Productive Partnerships*, Rinehart, Laszlo and Briscoe (U.S. Department of Justice)

*Community Policing: A Contemporary Perspective*, Bucqueroux and Trojanowicz (Anderson Publishing)

*Understanding Community Policing: A Framework for Action* (Bureau of Justice Assistance)

**B. Problem Solving/Crime Prevention**

**Required Minimum Hours: 2**

**General Learning Goal:** The student will become familiar with problem solving policing and demonstrate an application of the SARA problem-solving model. The student will recognize the components of crime prevention and explore established methods of crime prevention.

**Specific Performance Outcomes:**

1. The student will demonstrate skill in identifying problem solving opportunities for the line officers.
2. The student will define the SARA problem model components, Scanning, Analysis, Response and Assessment, and the elements necessary for each step.

3. The student will apply the crime triangle as a means of problem analysis for recurring problems of crime and disorder and recognize that crime or disorder results when (1) likely offenders and (2) suitable targets come together in (3) time, space, in the absence of capable guardians for that target.
4. The student will distinguish problem-solving responses that are preventative in nature, not dependent on the use of the criminal justice system, and engage other public agencies, the community and private sector to reduce crime and disorder.
5. The student will recognize the role of community and police in reducing crime, the fear of crime, and social disorder.
6. The student will demonstrate an understanding of Crime Prevention Through Environmental Design (CPTED) through application of principles of natural access control, natural surveillance, and territorial reinforcement in a residential environment.

**Recommended Source Material:**

*Assessing Responses to Problems: An Introductory Guide for Police Problem-Solvers*, Eck (U.S. Department of Justice)  
*Community Policing: A Contemporary Perspective*, Bucqueroux and Trojanowicz (Anderson Publishing)  
*Crime Prevention Through Environmental Design and Community Policing*, Travis (NIJ Research in Action)  
*Problem Solving Tips – A Guide to Reducing Crime and Disorder Through Problem Solving Partnerships*, Schmerler, Perkins, Phillips, Rinehart, Townsend (U.S. Dept. of Justice)  
<http://www.cops.usdoj.gov/pdf/e05021544.pdf>  
*Tackling Crime and Other Public Safety Problems: Case Studies in Problem Solving*, Sampson, Rana and Scott (U.S. Dept. of Justice)  
*Using Analysis for Problem Solving – A Guidebook for Law Enforcement* (U.S. Department of Justice)

**V. PATROL PROCEDURES**

**REQUIRED HOURS: 88**

**A. Patrol Observation and Perception**

**Required Minimum Hours: 4**

**General Learning Goal:** The student will analyze and interpret information gathered during patrol operations, differentiate between



proactive and reactive patrol and demonstrate different patrol methods.

**Performance Outcomes:**

1. Differentiate between proactive and reactive patrol.
2. Recognize the factors that can affect patrol officer's perception skills.
3. Identify various information sources and evaluate how to use them effectively.
4. Experiment with the use of information sources in a problem-solving exercise.
5. Differentiate between the strengths and weaknesses of different methods of patrol.
6. Recognize and determine effective course of action or patrol strategy when encountering suspicious or criminal circumstances.
7. Recognize and interpret how the influence of time of day and day of the week impact crime trends and formulate a plan of action for response based on the trends.
8. Document observations in a written report.

**Recommended Source Material:**

*Police Operations Theory and Practice*, Hess and Wroblewski (Thomson Wadsworth Publishing)

*Police Patrol Operations and Management*, Hale (Prentice-Hall Publishing)

*Street Survival: Tactics for Armed Encounters*, Adams, McTernan and Remsberg (Calibre Press)

*The Tactical Edge: Surviving High Risk Patrol*, Remsberg (Calibre Press)

**B. Officer Survival**

**Required Minimum Hours: 8**

**General Learning Goal:** The student will understand the mental, physical and tactical preparations required to survive on the job.

### **Specific Performance Outcomes:**

1. Examine the circumstances in which peace officers are killed in order to recognize the elements involved in police combat confrontations.
2. Assess techniques for mental and physical preparation necessary to respond to and recover from a critical incident.
3. Demonstrate knowledge of threat assessment and tactical thinking.
4. Demonstrate an understanding of the importance of tactical readiness through:
  - a. physical conditioning
  - b. emotional/mental health
  - c. equipment readiness/competency
5. Identify the thought process involved in an armed confrontation.
6. Identify, discuss and utilize the “triad of tactical thinking”.
7. Evaluate the “Deadly Errors” and the “Fatal Tendencies” for maintaining officer survival.

### **Recommended Source Material:**

*“Annual Report of Law Enforcement Officers Killed & Assaulted”*, FBI [www.fbi.gov](http://www.fbi.gov)  
*Street Survival: Tactics for Armed Encounters*, Adams, McTernan and Remsberg (Calibre Press)  
*Tactics for Criminal Patrol*, Remsberg (Calibre Press)  
*The Tactical Edge: Surviving High Risk Patrol*, Remsberg (Calibre Press)

## **C. Pedestrian Contacts**

**Required Minimum Hours: 4**

**General Learning Goal:** The student will demonstrate the legal and tactical aspects for safely contacting pedestrians while minimizing officer risk.

**Specific Performance Outcomes:**

1. Demonstrate the ability to legally and safely approach a pedestrian or suspect while alone or with another officer through the use of field-based scenarios.
2. Evaluate signs of deception when attempting to identify subjects.
3. Recognize emotional and physical behavioral warning signs and how to react to them.
4. Demonstrate knowledge of tactical and legal considerations during pedestrian contact scenarios.
5. Assess the inherent dangers of foot pursuits and explain the tactics that will reduce the risk of assault during a foot pursuit.
6. Demonstrate the proper utilization of an offensive and defensive posture.
7. Document the contact in an accurate written report.

**Recommended Source Material:**

*Police Operations: Theory and Practice*, Hess and Wroblewski (Thomson Wadsworth Publishing)

*Police Patrol Operations and Management*, Hale (Prentice-Hall Publishing)

*Street Survival: Tactics for Armed Encounters*, Adams, McTernan and Remsberg (Calibre Press)

*Tactics for Criminal Patrol*, Remsberg (Calibre Press)

*The Tactical Edge: Surviving High Risk Patrol*, Remsberg (Calibre Press)

**D. Gangs**

**Required Minimum Hours: 2**

**General Learning Goal:** The student will understand the formation of modern street gangs and the means for determining if an individual is a member of a gang.

**Specific Performance Outcomes:**

1. Understand the reasons for the existence of a street gang.

2. Understand current gang trends.
3. Identify and utilize resources for gathering gang intelligence.
4. Utilize several methods for determining gang involvement.

**Recommended Source Material:**

*Criminal Investigation*, Bennett and Hess (West Publishing)

*Police Operations: Theory and Practice*, Hess and Wroblewski (Thomson Wadsworth Publishing)

**E. Vehicle Contacts**

**Required Minimum Hours: 16**

**General Learning Goal:** The student will learn how to conduct unknown risk vehicle contacts, high risk vehicle contacts, unknown risk contacts that turn into high risk contacts, and how to determine the appropriate tactics for each type of contact. The student will recognize and demonstrate the elements and tactics necessary to conduct a legal, safe and effective search of a vehicle.

**Specific Performance Outcomes:**

1. Examine the set up of unknown risk and high risk traffic contacts using appropriate tactics and officer safety.
2. Demonstrate the ability to change from an unknown risk vehicle contact to a high-risk vehicle contact when circumstances dictate.
3. Through the use of practical exercises, demonstrate the ability to select the appropriate tactics and resources to utilize based upon the environment and circumstances of the contact.
4. The student will explain the requirements and restrictions for a lawful search of a vehicle and seizure of evidence in the following situations.
  - a. with consent
  - b. incident to arrest
  - c. items in plain view
  - d. with a search warrant
  - e. with probable cause
  - f. inventory searches

5. Through field exercises, the student will demonstrate the search of a vehicle using appropriate officer safety considerations to:
  - a. Remove and control occupants
  - b. Systematically examine the vehicle's exterior and interior, identifying common hiding places for contraband
6. The student will demonstrate the ability to document the event in a written report.

**Recommended Source Material:**

*Criminal Investigation*, Bennett and Hess (West Publishing)

*The Influence of Officer Positioning on Movement During a*

*Threatening Traffic Stop Scenario*, Lewinski, Dysterheft, Seefeldt,

Pettitt [Illinois Law Enforcement Training and Standards Board (ILETSB)]

*Police Operations Theory and Practice*, Hess and Wroblewski (Thomson Wadsworth Publishing)

*Street Survival: Tactics for Armed Encounters*, Adams, McTernan and Remsberg (Calibre Press)

*Tactics for Criminal Patrol*, Remsberg (Calibre Press)

*The Tactical Edge: Surviving High Risk Patrol*, Remsberg (Calibre Press)

**F. Building Searches**

**Required Minimum Hours: 12**

**General Learning Goal:** The student will understand and demonstrate knowledge of tactics needed to properly, thoroughly and safely search and clear buildings using all available resources.

**Specific Performance Outcomes:**

1. Demonstrate knowledge of various building search tactics.
2. Through field exercises, demonstrate the ability to adapt searching techniques to various search scenarios.
3. Demonstrate the proper application of various equipment used in building searches.
4. Demonstrate the ability to document the event in a written report.

**Recommended Source Material:**

*Criminal Investigation*, Bennett and Hess (West Publishing)

*Police Operations Theory and Practice*, Hess and Wroblewski (Thomson Wadsworth Publishing)

*Street Survival: Tactics for Armed Encounters*, Adams, McTernan and Remsberg (Calibre Press)

*The Tactical Edge: Surviving High Risk Patrol*, Remsberg (Calibre Press)

**G. Handling In-Progress Calls**

**Required Minimum Hours: 8**

**General Learning Goal:** The student will demonstrate knowledge of hazards involved with in-progress calls and describe proper procedures in responding to and handling the calls safely.

**Specific Performance Outcomes:**

1. Demonstrate knowledge of the factors to be considered in responding safely to in-progress calls, including:
  - a. information and intelligence gathering
  - b. response strategy, including route selection
  - c. cover/concealment
  - d. nature of crime
2. Through field exercises, demonstrate and explain tactical considerations involved in handling in-progress calls.
3. Demonstrate the ability to document the event in a written report.

**Recommended Source Material:**

*“Annual Report of Law Enforcement Officers Killed & Assaulted”*, FBI [www.fbi.gov](http://www.fbi.gov)

*Street Survival: Tactics for Armed Encounters*, Adams, McTernan and Remsberg (Calibre Press)

*The Tactical Edge: Surviving High Risk Patrol*, Remsberg (Calibre Press)

**H. Civil Disputes**

**Required Minimum Hours: 2**

**General Learning Goal:** The student will demonstrate the ability to successfully identify, assess and intervene in a non-criminal dispute.

**Specific Performance Outcomes:**

1. Differentiate between criminal matters and civil disputes.
2. Demonstrate the officer safety techniques required to safely handle a civil dispute.
3. Demonstrate understanding of the practical and legal issues commonly encountered in a civil dispute.
4. Display knowledge of conflict resolution techniques and problem-solving strategies required to successfully handle civil disputes.
5. Differentiate between various types of civil disputes and the techniques required to handle each, including:
  - a. landlord-tenant disputes
  - b. liens
  - c. restraining orders
  - d. child custody disputes
  - e. repossessions
  - f. bail bondsman issues

**Recommended Source Material:**

*Colorado Civil Process: Law, Practice and Procedure*, Rosenberg  
[County Sheriffs of Colorado (CSOC)] <http://www.csoc.org/>  
*Police Field Operations*, Adams (Prentice-Hall)

**I. Crowd Control**

**Required Minimum Hours: 4**

**General Learning Goal:** The student will demonstrate knowledge of the behavior of crowds and appropriate law enforcement response to large group activities, including: lawful assemblies, civil disobedience and large scale disturbances and riots.

**Specific Performance Outcomes:**

1. Demonstrate understanding of constitutional guarantees governing the rights of citizens to engage in group activities, including lawful demonstrations.
2. Display understanding of the psychological influences on crowds and the warning signals of civil disobedience.

3. Explain the tactics and procedures for utilizing mobile field force.
4. Through field exercises, demonstrate the tactics required to control an unruly crowd, including a demonstration of crowd control formations.

**Recommended Source Material:**

*Hostage Rescue Procedures and various other resources*, National Tactical Officer's Association (NTOA) <http://ntoa.org/>  
*Police Field Operations*, Adams (Prentice-Hall)  
*Police Operations Theory and Practice*, Hess and Wroblewski (Thomson Wadsworth Publishing)  
*Police Patrol Operations and Management*, Hale (Prentice-Hall)

**J. Hazardous Materials**

**Required Minimum Hours: 4**

**General Learning Goal:** The student will recognize a hazardous materials incident and demonstrate understanding of the responsibilities of first responders.

**Specific Performance Outcomes:**

1. Describe what hazardous materials are and display an understanding of their types, classes and risks.
2. Demonstrate proper safety tactics for handling a hazardous materials incident.
3. Through field exercises, display understanding of the procedures to be utilized on a hazardous materials scene, including the implementation of the Incident Command System.

**Recommended Source Material:**

*Emergency Response Guidebook*, U.S. Dept. of Transportation  
*Hazardous Materials Field Guide*, Bevelacqua and Stelp (Cengage Learning)  
*Hazardous Materials: Regulations, Response & Site Operations*, Gantt (Cengage Learning)



**K. Area Searches and Perimeters**

**Required Minimum Hours: 2**

**General Learning Goal:** The student will demonstrate an understanding of how to set up a search perimeter and safely conduct a search for suspects.

**Specific Performance Outcomes:**

1. Demonstrate knowledge of the principles involved in setting up a perimeter and formulating search plans for locating a suspect.
2. Through field exercises, demonstrate the ability to set up a perimeter and conduct an area search utilizing appropriate resources, tactics and officer safety measures.

**Recommended Source Material:**

*Criminal Investigations*, Bennett and Hess (West Publishing)

*Police Operations: Theory and Practice*, Hess and Wroblewski (Thomas Wadsworth Publishing)

*Street Survival: Tactics for Armed Encounters*, Adams, McTernan and Remsberg (Calibre Press)

*The Tactical Edge: Surviving High Risk Patrol*, Remsberg (Calibre Press)

**L. Special Weapons and Tactics (SWAT)**

**Required Minimum Hours: 2**

**General Learning Goal:** The student will demonstrate understanding of the makeup and role of a SWAT or tactical team.

**Specific Performance Outcomes:**

1. Assess the needs when a SWAT team should be utilized in a tactical situation.
2. Compare and contrast the different positions in a SWAT team and their roles during a tactical situation.
3. Evaluate what equipment is specialized to a SWAT team and how it is utilized.
4. Demonstrate the ability to prepare an action plan for a tactical situation from a patrol officer perspective with safety being the primary factor.

**Recommended Source Material:**

*A Guide to the Development of Special Weapons and Tactics Teams*,  
Kolman [National Tactical Officers Association (NTOA)]

Via internet: <http://www.ntoa.org>

*FBI Crisis Negotiations* (Federal Bureau of Investigation)

*IACP SWAT Supervisor and Manager Training Manual* (International  
Association of Chiefs of Police)

*SWAT Battle Tactics*, Casino and McSweeney [National Tactical  
Officers Association NTOA] <http://ntoa.org/swat-standard/>

**M. Hostage-Taking and Crisis Negotiations**

**Required Minimum Hours: 2**

**General Learning Goal:** The student will demonstrate understanding of the responsibilities of a first responder at a hostage-taking or barricaded gunman incident.

**Specific Performance Outcomes:**

1. Demonstrate understanding for the need for intelligence-gathering and tactical planning at an incident scene.
2. Demonstrate understanding of perimeter and containment responsibilities and explain the philosophy governing that mission.
3. Identify what the Stockholm Syndrome is, and explain its effect on the victim of a hostage situation.
4. Analyze the role of a SWAT team and a crisis negotiation unit in a hostage situation.

**Recommended Source Material:**

*California Association of Tactical Officers* (CATO)

<http://www.catonews.org/>

*FBI Hostage Rescue Course* (Federal Bureau of Investigation)

*FBI Law Enforcement Bulletin 2014/2011*,

<https://leb.fbi.gov/2014/march/crisis-or-hostage-negotiation-the-distinction-between-two-important-terms>

<https://leb.fbi.gov/2011/july/police-negotiations-with-war-veterans-seeing-through-the-residual-fog-of-war>

*Hostage-Taking and Crisis Negotiations and various other resources*,

National Tactical Officers Association (NTOA) <http://ntoa.org/>

*IACP Advanced Hostage Rescue Course* [International Association of

Chiefs of Police (IACP)]  
*IACP SWAT Supervisor and Manager Training Manual* [International Association of Chiefs of Police (IACP)]  
*SWAT Standard For Law Enforcement, Sep 2013*, [National Tactical Officers Association (NTOA)] <http://ntoa.org/swat-standard/>  
*Rocky Mountain Hostage Negotiators (RMHN)*  
<http://www.rmhnonline.com/>  
*Texas Tactical Police Officers Association (TTPOA)*  
<https://www.ttpoa.org/>  
*U.S. Department of Justice: Federal Bureau of Investigation (FBI), Critical Incident Response Group, Crisis Negotiation Unit (CNU) & Hostage Rescue Team (HRT)*  
*U.S. Department of Justice: Federal Bureau of Investigation (FBI), CNU Database, Hostage Barricade Database System (HOBAS)*

## **N. Rapid Emergency Deployment**

**Required Minimum Hours: 8**

**General Learning Goal:** The student will demonstrate through a practical exercise, an understanding of the philosophy of Rapid Emergency Deployment and the tactics required when responding to crises involving imminent threat to life.

### **Specific Performance Outcomes:**

1. Identify the type of incidents that prompted the development of the Rapid Emergency Deployment procedures.
2. Explain the concept of Rapid Emergency Deployment and the criteria required for Rapid Emergency Deployment to be implemented.
3. Demonstrate the individual tactics and team tactics involved in Rapid Emergency Deployment to successfully resolve a crisis situation.
4. Describe what actions or traits an active shooter may display.
5. Identify the type of incidents that could require the application of Rapid Emergency Deployment tactics and those, which would not.
6. Explain the four phases of the Rapid Emergency Deployment procedure.

7. Demonstrate an understanding of setting up a Casualty Collection Point as well as Police and Medical functions in a CCP.

**Recommended Source Material:**

*Active Shooter Event Reference Guide (pdf)* (U.S Department of Justice)  
<https://www.fbi.gov/file-repository/active-shooter-event-quick-reference-guide-2015.pdf>

*Active Shooter Recommendations and Analysis for Risk Management*,  
New York Police Department/Counterterrorism Bureau  
[http://www.nyc.gov/html/nypd/html/counterterrorism/active\\_shooter.shtml](http://www.nyc.gov/html/nypd/html/counterterrorism/active_shooter.shtml)

*Advanced Law Enforcement Rapid Response Training Center (ALERRT), study 2000-2013* (U.S. Department of Justice, FBI & Texas State University) <http://alerrt.org/>

*A Study of Active Shooter Incidents - Nov 2013* (Federal Bureau of Investigation, Critical Response Group) <https://www.fbi.gov/file-repository/active-shooter-study-2000-2013-1.pdf/view>

*Causality Collection Point (CCP): Reference materials*  
Committee for Tactical Emergency Casualty Care:  
[www.c-tecc.org](http://www.c-tecc.org)

FEMA CCP:  
[https://www.usfa.fema.gov/downloads/pdf/publications/active\\_shooter\\_guide.pdf](https://www.usfa.fema.gov/downloads/pdf/publications/active_shooter_guide.pdf)

*Lakewood Police Department Rapid Deployment Training Manual*  
<http://www.lakewood.org/police/>

*Los Angeles Police Department Rapid Deployment Seminar*  
<http://www.lapdonline.org/>

*National Emergency Medical Services Education Standards (NAEMT)*  
[http://www.naemt.org/education/TCCC/guidelines\\_curriculum](http://www.naemt.org/education/TCCC/guidelines_curriculum)

*National Tactical Officers Association N.T.O.A. Hostage Rescue Procedures*, [www.ntoa.org](http://www.ntoa.org)

*Saving lives in the tactical space: Using the 'Casualty Collection Point'*  
(Police One) <http://www.policeone.com/tactical-ems/articles/6140533-Saving-lives-in-the-tactical-space-Using-the-Casualty-Collection-Point/>

**O. Law Enforcement Role in Terrorism**

**Required Minimum Hours: 4**

**General Learning Goal:** The student will demonstrate understanding of the concept of terrorism and how it may include the use of weapons of mass destruction. The student will demonstrate an understanding that terrorism prevention is the responsibility of all law

enforcement officers at the local, state and federal level; and demonstrate an understanding of and how to access state and federal intelligence databases.

**Specific Performance Outcomes:**

1. Display understanding of the general concepts of terrorism.
2. Display comprehension of what constitutes a terrorist incident.
3. Demonstrate comprehension of what constitutes a WMD incident, and the various agents and their effects that may be encountered by first responders.
4. Demonstrate knowledge of the tactics required for a safe response, including notification of other agencies and awareness of the potential for “secondary” or entrapment devices.
5. Identify terrorism-related responsibilities of various local, state and federal agencies.
6. Identify the law enforcement officer roles and responsibilities in the intelligence process.
7. List and identify local, state and federal intelligence databases and how to access them.
8. Describe applicable federal and state laws relevant to terrorism and intelligence gathering.
9. Articulate constitutional issues and other legal considerations that apply to collecting and reporting intelligence information regarding terrorism.

**Recommended Source Material:**

*Defending the Homeland: Domestic Intelligence, Law Enforcement, and Security*, White (Wadsworth Publishing)

*Emergency Response to Terrorism* (United States Department of Justice) [www.usdoj.gov](http://www.usdoj.gov)

*Preparing for Terrorism – Public Safety Communicators Guide*, Buck, Buck and Mogil (Cengage Learning)

*State and Local Anti-Terrorism Training, Terrorism Training Program* (Bureau of Justice Assistance)

*Terrorism and Homeland Security*, White (Cengage Learning)

*Terrorism Handbook for Operational Responders*, Armando Bevelacqua

and Richard Stilp (Thomson Delmar)  
*The Counterterrorism Handbook*, Bolz Jr., Dudonis and Schulz (CRC Press)

**P. National Incident Management System/ Incident Command System (NIMS/ ICS)**

**Required Minimum Hours: 4**

**General Learning Goal:** The student will demonstrate an understanding of the operational need for the National Incident Management System and the Incident Command System as they pertain to the law enforcement function and handling major incidents.

**Specific Performance Outcomes:**

1. Demonstrate an understanding of the organizational structure of the National Incident Management System (NIMS) and Incident Command System (ICS).
2. Develop an understanding of the principles and features of NIMS and ICS.
3. Demonstrate an understanding of the organizational structure of NIMS and ICS.
4. Develop an understanding of incident facilities, resources, common responsibilities and the principles and features of NIMS and ICS.
5. Understand the role of law enforcement in NIMS and ICS.
6. Demonstrate an understanding of NIMS and ICS through a practical exercise.

**Recommended Source Material:**

*I-200 Incident Command System: National Training Curriculum, National Incident Management System*, FEMA-NIMS Resource Center <https://www.fema.gov/national-incident-management-system>

**Q. Biohazards Awareness**

**Required Minimum Hours: 2**

**General Learning Goal:** The student will demonstrate awareness of various biohazard threats and the measures to be used to minimize or prevent exposures.

**Specific Performance Outcomes:**

1. Identify, recognize and relate to law enforcement duties various infectious agents and how exposure to them may occur.
2. Demonstrate the ability to apply safety measures, including protective equipment, to mitigate or prevent exposure to biohazards.
3. Display knowledge of appropriate post-exposure management procedures.

**Recommended Source Material:**

*Bloodborne Pathogen Standards*, OSHA Standards.

<http://www.osha.gov/SLTC/bloodbornepathogens/index.html>

*Defending the Homeland: Domestic Intelligence, Law Enforcement, and Security*, White (Wadsworth Publishing)

*Preparing for Biological Terrorism, an Emergency Service Guide*, Buck (Thomson Delmar Learning)

*Terrorism and Homeland Security*, White (Cengage Learning)

*Terrorism Handbook for Operational Responders*, Bevelacqua and Stilp (Thomson Delmar)

*The Counterterrorism Handbook*, Bolz Jr., Dudonis and Schulz (CRC Press)

**VI. TRAFFIC CONTROL**

**REQUIRED HOURS 50**

**A. Traffic Code**

**Required Minimum Hours: 8**

**General Learning Goal:** The student will describe and explain the elements of traffic code violations as defined in Title 42 C.R.S.

**Specific Performance Outcomes:**

1. The student will recognize elements of traffic code violations as defined in 42-2, 3 & 4 C.R.S., specifically:

## Article 2 – Drivers' License

### Part 1: Drivers' License

42-2-101 C.R.S.: Licenses for drivers required

42-2-115 C.R.S.: License, permit, or identification card to be exhibited on demand.

42-2-119 C.R.S.: Notices – change of address or name

42-2-136 C.R.S.: Unlawful possession or use of license

### Part 2: Habitual offenders

42-2-206 C.R.S.: Driving after revocation prohibited

42-2-138 C.R.S.: Driving under restraint – penalty

### Part 3: Identification Cards

### Part 4: Commercial Drivers Licenses

## Article 3 – Registration and Taxation

42-3-103 C.R.S.: Registration required – exemptions

42-3-202 C.R.S.: Number of plates to be attached

42-3-203 C.R.S.: Standardized plate - rules

42-3-124 C.R.S.: Violation of ~~registration provisions~~ – penalty

## Article 4 – Regulation of Vehicles and Traffic

### Part 1: Traffic Regulations

42-4-107 C.R.S.: Obedience to police officers

42-4-108 C.R.S.: Public officer to obey provisions – exceptions for emergency vehicles

### Part 2: Equipment

### Part 6: Signals – Signs – Markings

### Part 7: Rights-of-way

### Part 8: Pedestrians

### Part 9: Turning – Stopping

### Part 10: Driving – Overtaking – Passing

### Part 11: Speed Regulations

### Part 12: Parking

### Part 14: Other offenses

### Part 15: Motorcycles

### Part 16: Accidents and accident reports

42-4-1601 C.R.S.: Accidents involving death or personal injuries – duties

42-4-1602 C.R.S.: Accident involving damage – duty

42-4-1603 C.R.S.: Duty to give notice, information, and aid



42-4-1604 C.R.S.: Duty upon striking unattended vehicle or other property

42-4-1605 C.R.S.: Duty upon striking highway fixtures or traffic control devices

42-4-1606 C.R.S.: Duty to report accidents

42-4-1607 C.R.S.: When driver unable to give notice or make written report

Part 19: School bus Requirements

42-4-1903 C.R.S.: School buses-stops-signs-passing

2. The student will recognize the existence of the model traffic code, as adopted by local governments.

**Required Source Material:**

*Colorado Revised Statutes*, Title 42, Articles 2, 3, and 4

**B. Traffic Direction**

**Required Minimum Hours: 2**

**General Learning Goal:** The student will have an understanding of vehicle and pedestrian traffic direction and regulation.

**Specific Performance Outcomes:**

1. The student will be able to explain the motor vehicle law governing traffic direction.
2. The student will be able to select proper positioning to maximize visibility while minimizing hazards to the officer.
3. The student will recognize the correct methods of giving the basic traffic direction signals of: stop, start, and turn in both daytime and nighttime conditions.
4. The student will actively participate in a mock traffic direction scenario(s) or actual traffic direction, for a minimum of 15 minutes as an individual and 10 minutes as a team.

**C. Traffic Crash Documentation**

**Required Minimum Hours: 16**

**General Learning Goal:** The student will have developed the knowledge and skills properly document a crash using the state approved forms.

### **Specific Performance Outcomes:**

1. The student will be able to explain the guidelines regulating the use of the Colorado Department of Revenue Form DR2447.
2. The student will be able to define Traffic Crash.
3. The student will be able to cite specific examples of when to use and when not to use a DR2447 to document a traffic crash.
4. The student will be able to complete a DR2447 for a property damage or injury crash involving non-commercial vehicles.
5. The student will be able to recognize the proper meaning of area of impact, cataclysm, commercial motor vehicle, controlled access highway, crosswalk, driveway access, non-collision fire, first harmful event, gore, highway interchange, intersection, motor vehicle, non-contact vehicle, non-vehicle, pedestrian, person, private property, road, roadway, traffic unit, and traffic way.
6. The student will be able to recognize the proper meaning of the injury classifications listed on the DR2447.
7. The student will be able to identify the crash scene perimeter and area of impact.
8. The student will be able to choose those things that can be used to identify the area of impact, final vehicle position, and vehicle path of travel.
9. The student will have the knowledge to complete a crash diagram, which will document the area of impact, vehicle path of travel, any path of difficulty, debris, roadway, and traffic control devices.
10. The student will have the knowledge to measure the area of impact and all paths of difficulty.

### **Recommended Source Material:**

*Manual on Classification of Motor Vehicle Traffic Accidents*, American National Standards Institute, Inc.(ANSI)

<https://crashstats.nhtsa.dot.gov/>

**D. Standard Field Sobriety Testing and D.U.I. Enforcement**  
**Required Minimum Hours: 24**

**General Learning Goals:** The fundamental purpose of this training course is to foster DUI deterrence, i.e., to dissuade people from driving while impaired by increasing the odds that they will be arrested and convicted. This training will help officers become more skillful at detection and description, make more DUI arrests, and obtain more convictions. These actions will lead to greater DUI deterrence through less impaired driving and fewer crashes, injuries and deaths.

**Specific Performance Outcomes:**

Participants will learn to:

1. Recognize driving behaviors and other indicators commonly exhibited by impaired drivers;
2. Become better detectors and better describers by improving their knowledge, attitudes and skills in detecting the impaired driver and articulating their observations;
3. Develop a better understanding of the tasks and decisions involved in the DUI detection process;
4. Recognize the magnitude and scope of DUI-related crashes, injuries, deaths and property loss, and other social aspects of the DUI problem;
5. Understand the deterrent effects of DUI enforcement;
6. Have a better understanding of the legal environment relevant to DUI enforcement and use of the three standardized field sobriety tests (SFST);
7. Know and recognize typical clues of alcohol impairment that may be detected during face-to-face contact with DUI suspects;
8. Know and perform the appropriate administrative procedures for the divided attention psychophysical tests;

9. Know and perform appropriate administrative procedures for the horizontal gaze nystagmus test;
10. Know and recognize typical clues of alcohol impairment that may be seen during administration of the SFSTs;
11. Understand the DUI prosecution requirements and their relevance to DUI arrest reporting.

**Instructor Qualifications:** SFST practitioner training must be taught by SFST instructors that meet all requirements of the State of Colorado Standards for the Standard Field Sobriety Instructor Testing (SFST) Program.

**Recommended Source Material:**

*Colorado Revised Statutes, Title 42*

*Colorado Standards for the SFST program*

[http://www.coloradodot.info/programs/alcohol-and-impaired-driving/documents/Field\\_Sobriety\\_test\\_standards.pdf](http://www.coloradodot.info/programs/alcohol-and-impaired-driving/documents/Field_Sobriety_test_standards.pdf)

*NHTSA 24hr SFST Student Manual*

<http://www.coloradodot.info/programs/alcohol-and-impaired-driving/law-enforcement/sfsttraining.html>

## VII. INVESTIGATIVE PROCEDURES

**REQUIRED HOURS 50**

### A. Preliminary Investigations

**Required Minimum Hours: 4**

**General Learning Goal:** The student will understand procedures for conducting a basic crime scene investigation.

**Specific Performance Outcomes:**

1. The student will describe information to be obtained when responding to a crime scene.
2. The student will describe and demonstrate, as the initial peace officer arriving on a crime scene, the following:
  - a. If a crime has been committed and type of crime
  - b. Immediate action to be taken and proper notifications to be made
  - c. Procedures necessary to establish a crime scene perimeter and protect the scene
  - d. Procedures necessary to locate and isolate witnesses

**Recommended Source Material:**

*Criminal Investigation, Bennett and Hess (West Publishing)*  
*Police Field Operations, Adams (Prentice-Hall)*

**B. Crime Scene Search**

**Required Minimum Hours: 2**

**General Learning Goal:** The student will understand how to conduct an indoor and outdoor search of a crime scene.

**Specific Performance Outcomes:**

1. The student will identify basic principle search techniques including, but not limited to: grid, strip, spiral or other systematic techniques designed to discover relevant evidence both in an indoor and outdoor setting.

**Recommended Source Material:**

*Criminal Investigations, Bennett and Hess (West Publishing)*

**C. Crime Scene Documentation**

**Required Minimum Hours: 12**

**General Learning Goal:** The student will understand the correct recording, sketching, and photography techniques of processing a crime scene.

**Specific Performance Outcomes:**

1. The student will explain and/or demonstrate basic crime scene photography techniques, to include the three views of the crime scene and camera positions.
2. The student will explain and/or demonstrate basic crime scene note taking techniques, to include recorded narrative; detailed sequence of events; and evidence handling documentation.
3. The student will explain and/or demonstrate the ability to do an indoor and outdoor crime scene sketch utilizing the methods of measurement such as triangulation, base line, or rectangular coordinates; the information contained in a legend; and the value of crime scene sketches relative to photographs.

**Recommended Source Material:**

*Criminal Investigations*, Bennett and Hess (West Publishing)

**D. Identification and Collection of Evidence**

**Required Minimum Hours: 10**

**General Learning Goal:** The student will recognize the different types of physical evidence, identify their value in a criminal investigation, and demonstrate effective procedures for evidence collection and preservation.

**Specific Performance Outcomes:**

1. The student will describe the value of more commonly encountered evidentiary items found at a crime scene including but not limited to:
  - a. Latent fingerprints
  - b. Bullets
  - c. Shell casings
  - d. Tool Marks
  - e. Hair and fibers
  - f. Documents
  - g. Body fluids
  
2. The student will describe and/or demonstrate effective methods and techniques for collecting evidence including but not limited to:
  - a. Maintaining admissibility through chain of custody
  - b. Marking, packaging and documenting custody
  - c. Safely preserving evidence
  - d. Locating, dusting, photographing and lifting latent fingerprints
  
3. The student will describe and/or demonstrate proper collection and retention techniques, practices, and protocols for evidence that may contain Biological or DNA evidence, including but not limited to:
  - a. Additional handling requirements due to increase sensitivity of DNA evidence
  - b. Sources, locations and limitations of DNA evidence
  - c. The importance of elimination and reference samples
  - d. The role that the Combined DNA Index System (CODIS) has in criminal investigations and how it is used to solve crimes

**Recommended Source Material:**

*Criminal Investigation*, Bennett and Hess (West Publishing)

*Guidelines for the Documentation, Collection and Preservation of Evidence*, Arndt (Colorado Bureau of Investigation)

*What Every Law Enforcement Officer Should Know about DNA Evidence: First Responding Officers* (National Institute of Justice)

[https://letraining.training.nij.gov/usermanagement/login\\_form?came\\_from=https%3A//letraining.training.nij.gov/&retry=&disable\\_cookie\\_login=1](https://letraining.training.nij.gov/usermanagement/login_form?came_from=https%3A//letraining.training.nij.gov/&retry=&disable_cookie_login=1)

**E. Identification of Suspects**

**Required Minimum Hours: 4**

**General Learning Goal:** The student will understand the more common methods and sources of information used to identify suspects.

**Specific Performance Outcomes:**

1. The student will be able to identify sources of information, which would aid in identifying and locating suspects or witnesses to include but not limited to:
  - a. Field identification
  - b. Mug shots
  - c. Photo identification line-ups
  - d. Physical line-ups
  - e. Modus operandi
  - f. Police and other agency files
  - g. Composite drawings/sketches
  - h. Informants

**Recommended Source Material:**

*Criminal Investigation*, Bennett and Hess (West Publishing)

*Colorado Peace Officer's Legal Source Book*, Section 10 [Colorado District Attorney's Council (CDAC)/Colorado Attorney General]

**F. Sexual Assault**

**Required Minimum Hours: 4**

**General Learning Goal:**

The student will understand the complicated dynamics of sexual assault and be prepared to professionally respond to, and investigate, sexual offenses.

**Specific Performance Outcomes:**

1. The student will demonstrate an understanding of:
  - a. Patrol response to Sexual Assault Calls
  - b. Societal influence on Sexual Assault investigations
  - c. Consent
  - d. Offender Behavior
  - e. Victim Trauma
  - f. Prevalence and Nature of False Reports
  - g. Working effectively with Victim Advocates
  - h. Victim Interview
  - i. Evidence Collection
  - j. Forensic Medical Examinations
  - k. Drug Facilitated Sexual Assault
  - l. Suspect Interview
  - m. Follow-up Investigation Considerations
  - n. Rural Considerations (When Applicable)

**Required Source Material:**

Colorado Revised Statutes

**Recommended Source Material:**

Colorado Coalition Against Sexual Assault (CCASA)

<http://www.ccasa.org/>

*End Violence Against Women International*, <http://www.evawintl.org/>

Sexual Assault Investigative Guidelines, [International Association of Chiefs of Police (IACP)]

Sexual Assault Supplemental report form, [International Association of Chiefs of Police (IACP)] <http://www.theiacp.org>

**G. Major Case Considerations**

**Required Minimum Hours: 14**

**General Learning Goal:** The student will understand the procedures for conducting a basic investigation of a major case.

**Specific Performance Outcomes:**

1. The student will identify the procedures to be followed at the scene of a major case, including but not limited to:
  - a. Robbery
  - b. Assault
  - c. Crimes against children



- d. Death investigations
  - e. Burglary
  - f. Fraud/White Collar Crime
  - g. Computer related crime
  - h. Arson
2. The student will explain the need for sensitivity to the feelings of victims, survivors, and witnesses at a major crime scene.
  3. The student will demonstrate investigative techniques at a mock crime scene.

**Recommended Source Material:**

*Colorado Sudden Infant Syndrome (SIDS) Program Brochures*

<http://www.angeleyes.org/>

*Criminal Investigation*, Bennett and Hess (West Publishing)

*SIDS and SUID*, Centers for Disease Control and Prevention (Dept. of Health and Human Services)

## VIII. COMMUNICATIONS

**REQUIRED HOURS 34**

### A. Report Writing

**Required Minimum Hours: 24**

**General Learning Goal:** The student will understand the basic requirements of written communication in law enforcement.

**Specific Performance Outcomes:**

1. The student will understand the value of note taking and techniques crucial to written communication.
2. The student will understand the characteristics of effective law enforcement written communication.
3. The student will demonstrate the ability to write a clear, complete, concise and grammatically correct report.
4. The student will demonstrate the ability to observe scenario situations and transfer their observations into an accurate written format.

**Recommended Source Material:**

*Report Writing for Law Enforcement* (Joseph N. Davis, LawTech Publishing Co., Ltd, January 15, 1998)

**B. Verbal Communication Techniques**

**Required Minimum Hours: 8**

**General Learning Goal:** The student will understand effective communication techniques for dealing with human interaction.

**Specific Performance Outcomes:**

1. The student will explain and discuss effective techniques for communicating with individuals or groups.
2. The student will describe effective techniques for defusing conflict through the use of interpersonal communication in scenario based training.
3. The student will be exposed to communication considerations when dealing with special needs and diverse populations.

**Recommended Source Material:**

*Crisis Intervention—Contemporary Issue for On-site Interveners*,  
Dr. Hendricks (Thomas Publishers)  
*Verbal Judo: The Gentle Art of Persuasion*, Dr. Thompson (Quill)

**C. Leadership**

**Required Minimum Hours: 2**

**General Learning Goal:** The students will understand why leadership is an integral component of the law enforcement profession, and the necessity for building future leaders.

**Specific Performance Outcomes:**

1. The student will recognize the personality traits and behaviors desirable of a follower and a leader.
2. The student will understand the different types of power (referent, expert, legitimate, coercive and reward).
3. The student will understand the difference between management and leadership.

**Recommended Source Material:**

*The Leadership Secrets of Colin Powell*, Harhari (McGraw-Hill Publishing)

*Leadership Theory and Practice* (Peter G. Northouse, SAGE Publications, Inc; Sixth Edition edition, February 2, 2012)

**IX. WELLNESS TRAINING PROGRAM**

**REQUIRED HOURS: 32**

**A. Introduction to Wellness**

**Required Minimum Hours: 4**

**General Learning Goal:** The students will understand why wellness is an integral component of the law enforcement profession, and the necessity for being in good physical condition.

**Specific Performance Outcomes:**

1. Recognize the impact that police work has on a healthy lifestyle.
2. Understand the difference between aerobic and anaerobic exercise.
3. Know the difference between absolute and dynamic strength.
4. Understand the importance of flexibility and types of stretching techniques.
5. Know what percent of body fat is acceptable (by health standards).
6. Understand diet's impact on wellness.

**Recommended Source Material:**

*Cooper Institute Aerobics Program for Total Well Being*, Cooper (Bantam Books)

*Physical Fitness Assessments and Norms* (Cooper Institute)

**B. Wellness Lab**

**Required Minimum Hours: 24**

**General Learning Goal:** The students will be introduced to stretching, resistance, aerobic, and anaerobic fitness training regimens.

1. The wellness lab will be supervised by an Academy Instructor, and each session will begin with a stretching and warm-up phase.

Training should be broken into 1 hour increments, and each increment will consist of one of the following training sessions:

- a. Resistance training such as Crossfit, weight training, or swimming
- b. Aerobic exercise such as jogging, biking, or swimming
- c. Anaerobic exercise such as sprints or interval training

**Note:** Lab training will consist of a variety of resistance, aerobic, and anaerobic training, not to exclude any of the before mentioned forms of fitness.

### C. Stress and Trauma

**Required Minimum Hours: 4**

General Learning Goal: The student will understand the concept of stress and its sources. The student will also have an understanding of the concept of traumatic stress.

#### Specific Performance Outcomes:

1. The student will describe the emotional/psychological and physical responses to stress and how they may interfere with a peace officer's performance.
2. The student will identify stress management techniques.
3. The student will explain and discuss how stress reduction and communication techniques will enhance family and work related relationships.
4. The student will be able to differentiate between general and traumatic stress.
5. The student will explain and discuss several trauma recovery methods and know the signs and red flags associated with poor trauma resolution.

#### **Recommended Source Material Only:**

*Emotional Survival for Law Enforcement*, Gilmartin (E-S Press)

*Managing Police Stress*, Ford (The Management Advantage)

*Police Field Operations*, Adams (Prentice-Hall Publishing)

*Trauma Recovery Handbook: A Recovery Guide For Yourself, Your Colleagues, and Those You Love*, Slover & Tasci (Debra Tasci)

**X. TACTICAL CASUALTY CARE FOR LAW ENFORCEMENT**  
**REQUIRED HOURS: 8**

**A. Tactical Casualty Care - Lecture**  
**Required Minimum Hours - Lecture: 3**

**General Learning Goal:** Course participants will learn to apply life-saving medical actions in the context of a hazardous situation such as an active shooter, specific medical interventions and skills to include:

1. Bleeding control with a tourniquet
2. Bleeding control with gauze packs or topical hemostatic agents
3. Opening an obstructed airway to allow the casualty to breathe
4. Recognition and treatment of open, sucking chest wounds
5. Recognition of life-threatening tension pneumothorax

**Specific Performance Outcomes:**

1. Understand the rationale for immediate action to obtain hemorrhage control (including external hemorrhage control, direct pressure and wound packing, early use of tourniquet for severe hemorrhage, internal hemorrhage control by rapid evacuation, and transportation to major hospital/trauma center.
2. Describe the progressive strategy for controlling hemorrhage.
3. Describe appropriate airway control techniques.
4. Describe the tactically relevant indicators of shock.
5. Describe recognition and management of an open, sucking chest wound.
6. Describe the clinical presentation of a tension pneumothorax.

## **B. Skills Stations and Scenario Based Training**

**Required Minimum Hours – Skills Stations: 1**

**Required Minimum Hours – Scenario-Based Training: 4**

**General Learning Goal:** To apply the medical knowledge and skills taught during the didactic session in a series of case scenarios of gradually increasing complexity and stress.

### **Specific Performance Outcomes:**

1. Students will complete skills stations, such as applying a tourniquet and packing a wound, designed to learn application of techniques and equipment.
2. The student will take part in a minimum of one (1) scenario designed to reinforce the concept of self-care by demonstrating self-application of a tourniquet, first to their own arm and then to their own leg, in a one-on-one learning experience with an instructor.
3. The student will take part in a minimum of two (2) scenarios designed to simulate actual situations in which medical care will be performed, and will demonstrate all skills taught. These scenarios will involve actors with simulated wounds and bleeding and distractions such as noise, smoke and impaired vision, etc. all of which combine to enhance the skills application experience.
4. Unused scenario time may be used for CPR training.

## **C. Instructor Ratio(s):**

Lecture: There must be at least one instructor for every 24 trainees during any lecture session (1:24 ratio).

Skills Stations: There must be at least two (2) instructors for any skills station session.

Scenario – Self-Care: There must be at least one instructor for every one (1) trainee for any self-application scenario training session (1:1 ratio).

Scenario – Care of Others: There must be at least two (2) instructors

present for any scenario-based training session involving treatment of others.

**Instructor Qualifications:**

- a. Minimum – Colorado State Certified EMT, paramedic preferred, and
- b. Must have successfully completed a Tactical Casualty Care-Law Enforcement First Response course (or equivalent).

**Recommended Source Material:**

*PreHospital Trauma Life Support*, National Association of Emergency Medical Technicians (Jones & Bartlett Learning)

<http://www.jblearning.com/catalog/9781284041736/>

*Prehospital Trauma Life Support – Military Edition*, National Association of Emergency Medical Technicians (Jones & Bartlett Learning) <http://www.jblearning.com/catalog/9781284041750/>





# RESERVE ACADEMIC TRAINING PROGRAM

Effective January 1, 2019

## MINIMUM REQUIRED HOURS

Academic	104
Arrest Control	62
Firearms	72
TOTAL	238

Driving (optional)	44
TOTAL with Driving	282

### I. INTRODUCTION TO CRIMINAL JUSTICE SYSTEM

**REQUIRED HOURS: 11**

#### A. Authority of the Colorado Reserve Officer

**Required Minimum Hours: 1**

**General Learning Goal:** The student will demonstrate an understanding of the statutory authority to function as a Colorado reserve peace officer.

**Learning Objectives:**

1. The student will demonstrate an understanding of the provisions of § 16-2.5-110 (1) C.R.S., which designates authority and training for duties, as well as its limits, while functioning as a Colorado reserve peace officer.
2. The student will demonstrate an understanding of the statutory provisions of "direct supervision" and "express direction" as pertaining to 16-2.5-110(6)(a)(b) C.R.S.
3. The student will demonstrate an understanding of the provisions of the "Colorado Governmental Immunity Act", 24-10 C.R.S., dealing with being authorized as a volunteer.

**Recommended Source Material:**

*Colorado Revised Statutes, 16-2.5-110 et seq.*

## **B. Judicial Process**

**Required Minimum Hours: 2**

**General Learning Goal:** The student will describe and explain the organization and operation of the judicial process and the role of law enforcement in this process.

### **Specific Performance Outcomes:**

1. The student will explain the primary responsibilities of the following:
  - a. Federal supreme, appellate, and district courts
  - b. State supreme, appeals, and district courts
  - c. County and municipal courts
  - d. Attorneys-prosecuting and defense, public defenders
  
2. The student will explain and define the following terms as they relate to the judicial process in criminal cases:
  - a. Arrest
  - b. Bail
  - c. Arraignment
  - d. Preliminary hearing
  - e. Indictment
  - f. Plea bargaining
  - g. Trial
  - h. Disposition
  
3. The student will explain the role of discretion at the law enforcement officer's level and the impact discretion has on the individual person as well as on the caseload for the overall criminal justice system.

### **Required Source Material:**

*Colorado Peace Officer's Legal Source Book*, Section 12 (Colorado District Attorney's Council/Colorado Attorney General)  
*Colorado Revised Statutes Title 16*, Articles 2,3,4, and 5  
*Criminal Justice*, Fagin (Prentice Hall)

### **Recommended Source Material:**

*Colorado Courts at a Glance*, [www.cobar.org](http://www.cobar.org)  
*Criminal Justice: Introductory Cases & Materials*, Skolnick,  
Feeley, McCoy (Foundation Publishing)  
*Introduction to Criminal Justice*, Siegel and Worrall (Cengage Learning)

**C. Law Enforcement Ethics and Anti-Bias Policing**

**Required Minimum Hours: 4**

**General Learning Goal:** The student will demonstrate an understanding of the traits that officers should exemplify and explain the benefits of professional and ethical behavior to the officer, department and community.

**Learning Objectives:**

1. The student will demonstrate an understanding of ethics and anti-bias expectations of a peace officer as they relate to the following groups:
  - a. Community
  - b. Victim, witness, suspect
  - c. Department
  - d. Governmental agencies
  - e. Fellow officers and coworkers
2. The student will demonstrate an understanding of the importance of ethical conduct.
3. The student will demonstrate an understanding of the Law Enforcement Code of Ethics and how it pertains to professional and personal life.
4. The student will demonstrate an understanding of culture and cultural diversity.
5. The student will demonstrate an understanding of personal, professional and organizational benefits of valuing diversity within the community and law enforcement.
6. The student will be able to define:
  - a. Stereotype
  - b. Prejudice
  - c. Discrimination
7. The student will demonstrate an understanding of the reporting requirements pertaining to excessive force as captured in 18-8-801 through 804, C.R.S.

**Recommended Source Material:**

*Arresting Police Video*

*Case Studies – Facilitation Format*

- a. *Being in the Wrong Neighborhood*
- b. *Driving the Wrong Car*
- c. *Suspicious Car*

*Character and Cops: Ethics in Policing*, Delattre (American Enterprise Inc. Press)

*Diversity Iceberg, Included in the “POST Anti-Bias Train the Trainer” materials*

*Police Ethics, The Corruption of a Noble Cause*, Crank and Caldero (Lexis Publishing)

*State of Colorado Demographics – U.S. Census*

<http://www.census.gov/quickfacts/table/PST045215/08>

**D. Criminal Process**

**Required Minimum Hours: 4**

**General Learning Goal:** The student will demonstrate an understanding of the constitutional rights of all individuals within the United States, regardless of citizenship, and the role of the criminal justice system protecting those rights.

**Learning Objectives:**

1. The student will demonstrate an understanding of the freedoms and rights afforded to individuals under the U.S. Constitution, the Bill of Rights, and later Amendments.
2. The student will demonstrate an understanding of how the following amendments to the U.S. Constitution apply to the actions and conduct of peace officers:
  - a. First Amendment
  - b. Fourth Amendment
  - c. Fifth Amendment
  - d. Sixth Amendment
  - e. Eighth Amendment
  - f. Fourteenth Amendment
3. The student will demonstrate an understanding of the three components of the criminal justice system:
  - a. Law Enforcement
  - b. Courts (prosecution)

- c. Corrections
- 4. The student will demonstrate an understanding of the major goals of the criminal justice system:
  - a. Guarantee due process and equal justice
  - b. Reduce crime, fear of crime, and public disorder
  - c. Protection of life and property
  - d. Enforcement of laws
  - e. Improve the quality of life
- 5. The student will demonstrate an understanding of the interrelationships of the components of the criminal justice system with the legislative, judicial, and executive processes.
- 6. The student will demonstrate an understanding of the impact of changing needs within the community in relationship to the criminal justice system.

**Recommended Source Material:**

*Criminal Justice: Introductory Cases & Materials*, Skolnick, Feeley, McCoy (Foundation Publishing)

*Criminal Justice*, Fagin (Pearson Education, Inc.)

*Introduction to Criminal Justice*, Siegel and Worrall (Cengage Learning)

*United States Constitution - Bill of Rights*

## II. BASIC LAW

**REQUIRED HOURS: 34**

### A. Rules of Evidence

**Required Minimum Hours: 2**

**General Learning Goal:** The student will demonstrate an understanding of peace officer conduct pertaining to rules of evidence.

**Learning Objectives:**

- 1. The student will demonstrate an understanding of rules, elements and provisions of 16-3-101 through 405, C.R.S.
- 2. The student will demonstrate an understanding of the laws and court decisions as they pertain to evidence:
  - a. Types of evidence
  - b. Admissibility

**Recommended Source Material:**

*Colorado Peace Officer's Handbook* (Lexis Nexis Publishing)  
*Colorado Peace Officer's Legal Source Book* [Colorado District Attorney's Council (CDAC)/Colorado Attorney General]  
<http://www.cdacweb.com/CDAC/Publications.aspx>

**B. Colorado Criminal Code**

**Required Minimum Hours: 16**

**General Learning Goal:** The student will demonstrate an understanding of the Colorado Criminal Code.

**Learning Objective:**

The student will demonstrate an understanding of the elements of crimes, and distinguish between crime classifications in Title 18, C.R.S.

**Recommended Source Material:**

*Colorado Revised Statutes*, Title 18

**C. Colorado Children's Code**

**Required Minimum Hours: 2**

**General Learning Goal:** The student will demonstrate an understanding of the Children's Code, cite and explain the major provisions relative to the tasks of peace officers and learn procedures from arrest through investigations, charging, conviction, and sentencing.

**Learning Objectives:**

1. The student will demonstrate an understanding of how a juvenile is taken into custody and what steps are taken after he is taken into custody.
2. The student will demonstrate an understanding of the obligations of peace officers and the rights of juveniles during the investigation phase and the criminal proceedings.
3. The student will demonstrate an understanding of the neglect and dependence section of the Code relating to:

- a. Abuse and neglect
- b. Mandatory reporting requirements
- c. Evidence of abuse
- d. Protective custody

**Recommended Source Material:**

*Colorado Revised Statutes, Title 19*

**D. Legal Liability**

**Required Minimum Hours: 4**

**General Learning Goal:** The student will demonstrate an understanding of governmental and personal exposure to liability and the many "causes of action" which may result in civil suits.

**Learning Objectives:**

1. The student will demonstrate an understanding of the provisions of law as they pertain to peace officers as delineated in Title 18, Article 8 of the Colorado Revised Statutes.
2. The student will distinguish between torts and crimes.
3. The student will demonstrate an understanding of the three basic categories of tort:
  - a. Negligent torts
  - b. Intentional torts
  - c. Constitutional torts
4. The student will demonstrate an understanding of the two major causes of action in sexual harassment cases:
  - a. Quid pro quo harassment
  - b. Hostile work environment harassment
5. The student will demonstrate an understanding of the civil procedure in suits involving governmental entities and individual officers.

**Recommended Source Material:**

*Civil Rights and Criminal Justice: Primer on Sexual Harassment, Research in Action*, Rubin (National Institute of Justice)

*Colorado Peace Officer's Legal Source Book, Section 16* (Colorado District Attorney's Council/Colorado Attorney General)

**E. Court Testimony**

**Required Minimum Hours: 2**

**General Learning Goal:** The student will demonstrate an understanding of how to communicate facts to a judge or jury through court testimony.

**Learning Objective:**

The student will demonstrate an understanding of proper preparation and presentation for courtroom testimony.

**Recommended Source Material:**

*Colorado Peace Officer's Legal Source Book* [Colorado District Attorney's Council (CDAC)/Colorado Attorney General]

<http://www.cdacweb.com/CDAC/Publications.aspx>

**F. Arrest Search and Seizure**

**Required Minimum Hours: 6**

**General Learning Goal:** The student will demonstrate an understanding of peace officer conduct pertaining to arrest, search and seizure.

**Learning Objectives:**

1. The student will demonstrate an understanding of the rules, elements and provisions of Colorado Revised Statutes, Title 16, Articles 1, 2, and 3.
2. The student will demonstrate an understanding of the laws and court decisions as they pertain to the basic principles of search and seizure law:
  - a. Fourth Amendment protections
  - b. Reasonable expectation of privacy
  - c. Reasonable suspicion vs. probable cause
3. The student will demonstrate an understanding of the laws and court decisions for warrant searches and seizures:
  - a. Fourth Amendment requirements



- b. Probable cause
  - c. Affidavits in support of warrant searches
  - d. Execution of a search warrant
4. The student will demonstrate an understanding of the laws and court decisions for warrantless searches and seizures:
- a. Plain view searches
  - b. Warrantless searches in general
  - c. Pat-down frisk searches
  - d. Consent searches
  - e. Exigent circumstance searches
  - f. Searches incident to arrest
  - g. Probation/parole searches
5. The student will demonstrate an understanding of the laws and court decisions for searches and seizures involving motor vehicles:
- a. Probable cause searches of vehicles
  - b. Plain view searches of vehicles
  - c. Consent searches of vehicles
  - d. Searches of vehicles incident to custodial arrests
  - e. Searches of vehicles as instrumentalities
  - f. Vehicle inventory searches
6. The student will demonstrate an understanding of the laws and court decisions for searches and seizures involving bodily intrusions:
- a. Warrant requirement for bodily intrusion searches and seizures
  - b. Warrantless bodily intrusion searches and seizures
  - c. Use of force during bodily intrusion searches and seizures
7. The student will demonstrate an understanding of the laws and court decisions regarding identification procedures:
- a. Field show-ups
  - b. Photographic arrays
  - c. Custodial lineups

**Recommended Source Material:**

*Colorado Peace Officers Handbook* (Lexis Nexis Publishing)

<https://store.lexisnexis.com/categories/product/colorado-peace-officers-handbook-skuusSku-us-bundle-22090-epub>

*Colorado Peace Officer's Legal Source Book* [Colorado District Attorney's Council (CDAC)/Colorado Attorney General]

<http://www.cdacweb.com/CDAC/Publications.aspx>

*Officer's Arrest Handbook*, Stephen (Lexis Publishing)

*Officer's Search and Seizure Handbook*, Stephen (Lexis Publishing)

## G. Controlled Substances

**Required Minimum Hours: 2**

**General Learning Goal:** The student will identify and explain violations of the Uniform Controlled Substance Act of 1992, and Amendments 20 and 64 of the Colorado Constitution (Article XVIII, Section 14- Medical use of marijuana for persons suffering from debilitating medical conditions, and Section 16 - Personal use and regulation of marijuana)

### **Learning Objectives:**

1. The student will explain the definitions of controlled substances as described in 18-18-102 C.R.S..
2. The student will understand and explain the schedules of controlled substances as defined in 18-18-2 C.R.S., specifically:
  - a. Schedule I (18-18-203 C.R.S.)
  - b. Schedule II (18-18- 204 C.R.S.)
  - c. Schedule III (18-18- 205 C.R.S.)
  - d. Schedule IV–Repeal (18-18- 206 C.R.S.)
  - e. Schedule V (18-18- 207 C.R.S.)
3. The student will be familiar with the specific controlled substance offenses as defined in 18-18-4 C.R.S., specifically:
  - a. 18-18-404 through 18-18-430.5 C.R.S.

### **Required Source Material:**

*Colorado Revised Statutes* 18-18-101 through 18-18-432

### **Recommended Source Material:**

*Colorado Peace Officer's Handbook* (Lexis Nexis Publishing)

### III. HUMAN RIGHTS & VICTIM'S RIGHTS

REQUIRED HOURS 10

#### A. Domestic Violence

Required Minimum Hours: 2

**General Learning Goal:** The student will be able to recognize and have a basic understanding of an investigation of domestic violence.

**Learning Objectives:**

The student will demonstrate an understanding of:

1. Domestic Violence Definitions and Statutes
  - a. Definitions (18-6-800.3 C.R.S.)
  - b. Domestic Violence – evidence of similar transactions [18-6-801.5 (1) C.R.S.]
  - c. Intimate relationship
    - 1) People v. Disher (No. 07SC1088, 224 P 3d 254)
  
2. Domestic Violence Dynamics
  - a. Victim and offender characteristics
  - b. Power and control
  - c. Understanding trauma
  - d. Relationship history
  - e. Risk and lethality factors
    - (1) Sexual violence
    - (2) Strangulation
    - (3) Isolation
    - (4) Separation
    - (5) Threats of suicide
    - (6) Weapons
    - (7) Escalation
    - (8) VPO
  
3. Duties of peace officers (18-6-803.6 C.R.S.)
  - a. Developing probable cause
  - b. Evidence collection, documentation and follow-up
    - (1) Medical release forms
  - c. Predominate aggressor: four prong analysis
    - (1) Any prior complaints of domestic violence

- (2) The relative severity of the injuries inflicted on each person
    - (3) The likelihood of future injury to each person
    - (4) The possibility that one of the persons acted in self-defense
      - (a) Consider offensive vs. defensive injuries
  - d. Dual arrest
    - (1) Shelters and community resources
  - e. Involvement of children
    - (1) Persons required to report child abuse or neglect (19-3-304 C.R.S.)
    - (2) Child abuse (18-6-401 C.R.S.)
- 4. Protection orders
  - a. Criminal
  - b. Protection order against defendant (18-1-1001 C.R.S.) or by local ordinance
  - c. Civil [Procedure for permanent civil protection orders (13-14-106)]
  - d. Emergency Protection Order (13-14-103 C.R.S.)
  - e. Full faith and credit [Foreign protection orders (13-14-110 C.R.S.)]
  - f. Mandatory arrest probable cause {Crime of violation of a protection order [18-6-803.5 3 (b) C.R.S.]}
  - g. Notice to defendant/restrained party
    - (1) Permission language on the protection order
  - h. Firearms prohibition
    - (1) Criminal (18-1-1001 C.R.S.)
    - (2) Civil [13-4-102 (22) C.R.S.]
    - (3) Domestic violence – sentencing [18-6-801 (8) C.R.S.]
- 5. Working effectively with advocates
  - a. Law enforcement advocates
  - b. Community based advocates
  - c. Privilege (Who may not testify without consent [13-90-107 (1)(k) C.R.S.]
  - d. Information, referrals and support
  - e. Department policy
- 6. Interviews
  - a. Separate parties
  - b. Interviews of the victim, children, suspect and witnesses

- c. Evidence based investigation
    - (1) Look for corroborating evidence
    - (2) Identify other witnesses
  - d. Prior incidents
    - (1) Evidence of similar transactions (18-6-801.5 C.R.S.)
  - e. Benefits of recording
    - (1) Department policy
  - f. Cultural considerations during the interview
7. Special considerations
    - a. Cultural/Religious
    - b. Sexual orientation/identification
    - c. Drugs and Alcohol
    - d. Mental Health
    - e. Person with disabilities and special needs
    - f. Children
    - g. Animal abuse
    - h. Elder Abuse
  8. Strangulation
    - a. Evidence collection, documentation and follow-up
    - b. Visible and/or non-visible injuries
    - c. Charging considerations
    - d. Victim interview
      - (1) Questions specific to strangulation
  9. Stalking (18-3- 602 C.R.S.)
    - a. Definitions
      - (1) Credible threat
      - (2) Repeated
    - b. Serious emotional distress
      - (1) Fear, stress and/or changes made by the victim as a result of the offender's conduct
    - c. Investigation
      - (1) Technology
      - (2) Stalking log

**Required Source Material:**

*Colorado Revised Statutes* 18-6-800.3 through CRS 18-6-803.7

**Recommended Source Material:**

Colorado Coalition Against Domestic Violence publication  
*“Domestic Violence – A coordinated Response Through Community Policing”* (CRCPI)

**B. Bias Motivated Hate Crimes**

**Required Minimum Hours: 2**

**General Learning Goal:** The student will identify and discuss incidents of ethnic intimidation, hate crimes and responsibilities of peace officers relative to these crimes.

**Learning Outcomes:**

1. The student will identify and explain the elements of the crime and classifications of Bias-Motivated, C.R.S. 18-9-121 C.R.S.
2. The student will explain the importance of prompt and broad police response to “hate crimes”, to include but not limited to accurate and thorough evidence gathering, report writing, intervention and follow up.
3. The student will explain the dynamics of prejudice which should include the:
  - a. Impact of hate crimes upon their victims
  - b. Meaning and causes of prejudice
  - c. Relationship between stereotyping and prejudice
4. The student will discuss the legal provisions and terms pertaining to bias crimes, ethnic intimidation, and civil damages.
5. The student will learn the roles of the officer responding to a hate crime incident.
6. The student will determine whether there is sufficient cause to believe that a hate/bias crime has been committed.
7. The student will describe the impact of hate crimes on victims, the victim’s families, and the community.

**Required Source Material:**

*Colorado Revised Statute, § 18-9-121*

*FBI/U.S. Department of Justice Civil Rights Program,*

<https://www.justice.gov/>

*Title 42, USC, Sections 1981, 1982, The Public Health and Welfare Chapter 21 – Civil Rights, Section 1983*

<http://uscode.house.gov/search/criteria.shtml>

**C. Victim's Rights**

**Required Minimum Hours: 2**

**General Learning Goal:** The student will demonstrate an understanding of the laws relating to victim's rights and community resources available for crime victim services.

**Learning Objective:**

The student will demonstrate an understanding of the provisions of 24- 4.1-301 et seq., C.R.S. and the procedures for locating assistance for victims of crime.

**Recommended Source Material:**

*Colorado Peace Officer's Handbook (Lexis Nexis Publishing)*

**D. Interaction with Special Populations**

**Required Minimum Hours: 2**

**General Learning Goal:** The student will demonstrate an understanding of the laws protecting the rights of members of special populations.

**Learning Objectives:**

1. The student will demonstrate an understanding of police interaction with special populations.
2. The student will demonstrate an understanding of the Americans with Disabilities Act.
3. The student will demonstrate an understanding of indicators that could lead an officer to believe an individual is:
  - a. A danger to self
  - b. Dangerous to others
  - c. Gravely disabled

**Recommended Source Material:**

*Americans with Disabilities Act, [www.ada.gov](http://www.ada.gov)*

## E. Risk Assessment Response

**Required Minimum Hours: 2**

**General Learning Goal:** To train knowledgeable peace officers who can identify persons with mental illness and to handle situations involving persons with mental illness properly.

### **Learning Objectives:**

1. The student will learn how de-escalation of emotion reduces the likelihood of further violence through the use of “verbal containment” which may allow safe, successful resolution of potentially violent incidents.
2. The student will be able to identify behaviors of psychological disorders and the relationship between disorders and non-responsive contacts.
3. The student will be able to demonstrate and employ the Threshold Assessment and Response Procedure (isolate, contain, assess, respond) when responding to persons in crisis.
4. The student will be able to identify appropriate communication skills for dealing with people in crisis.
5. The student will be able to classify risk factors for suicide and homicide in crisis situations.

### **Recommended Source Material Only:**

*Crisis Intervention Training* (Colorado Regional Community Policing Institute)

## IV. COMMUNITY INTERACTION

**REQUIRED HOURS: 2**

### A. Community Policing/Community Partnerships

**Required Minimum Hours: 1**

**General Learning Goal:** The student will demonstrate an understanding of community policing, the necessary elements for implementation of community policing practice and philosophy, and recognize community partnerships as an integral component in community policing and problem solving.



**Learning Objective:**

The student will demonstrate an understanding of community policing and the importance of building community partnerships.

**Recommended Source Material:**

*Collaboration Toolkit: How to Build, Fix and Sustain Productive Partnerships*, Rinehart, Laszlo, Briscoe, (U.S. Department of Justice)

*Community Policing: A Contemporary Perspective*, Bucqueroux and Trojanowicz (Anderson Publishing)

*Understanding Community Policing: A Framework for Action*, Office of Justice Programs (Bureau of Justice Assistance)

**B. Problem Solving/Crime Prevention**

**Required Minimum Hours: 1**

**General Learning Goal:** The student will demonstrate an understanding of current models of crime prevention and problem solving.

**Learning Objective:**

The student will demonstrate an understanding of the following crime prevention/problem solving models: SARA, CPTED and the Crime Triangle.

**Recommended Source Material:**

*Assessing Responses to Problems: An Introductory Guide for Police Problem-Solvers*, Eck (U.S. Department of Justice, Office of Community Oriented Policing Services)

*Community Policing: A Contemporary Perspective*, Bucqueroux and Trojanowicz (Anderson Publishing)

*Crime Prevention Through Environmental Design and Community Policing*, Travis (NIJ Research in Action)

*Problem Solving Tips – A Guide to Reducing Crime and Disorder through Problem Solving Partnerships*, Schlermer, Perkins, Phillips, Rinehart and Townsend (U.S. Dept. of Justice)

*Tackling Crime and Other Public-Safety Problems: Case Studies in Problem Solving*, Sampson, Rana and Michael S. Scott (U.S. Department of Justice)

*Using Analysis for Problem Solving – A Guidebook for Law Enforcement* (U.S. Department of Justice)

## V. PATROL PROCEDURES

**REQUIRED HOURS: 25**

### A. Officer Survival

**Required Minimum Hours: 4**

**General Learning Goal:** The student will demonstrate an understanding of the mental, physical, and tactical preparations required to survive on the job.

**Learning Objectives:**

1. The student will demonstrate an understanding of the techniques for the mental, emotional and physical preparation necessary to respond to and recover from a critical incident.
2. The student will demonstrate an understanding of the elements of threat assessment and describe their effective application.

**Recommended Source Material:**

*Street Survival*, Adams, McTernan, Remsberg (Calibre Press)

*The Tactical Edge: Surviving High Risk Patrol*, Remsberg (Calibre Press)

### B. Hazardous Materials Awareness

**Required Minimum Hours: 2**

**General Learning Goal:** The student will demonstrate an understanding of hazardous materials threats.

**Learning Objectives:**

1. The student will demonstrate an understanding of the safety measures and protective equipment used to mitigate or prevent exposure to hazardous materials.
2. The student will demonstrate an understanding of the universal precautions and post-exposure procedures.

**Recommended Source Material:**

*Bloodborne Pathogen Standards*, OSHA Standards.

<http://www.osha.gov/SLTC/bloodbornepathogens/index.html>

*Emergency Response Guidebook: A Guidebook for First Responders During the Initial Phase of a Dangerous Goods/Hazardous Materials Transportation Incidents 2016, (U.S. Department of Transportation)*  
*29 CFR 1910.120*  
*40 CFR 311*  
*NFPA 704*

**C. Pedestrian Contacts**

**Required Minimum Hours: 2**

**General Learning Goal:** The student will demonstrate an understanding of the legal and tactical aspects for safely contacting pedestrians while minimizing officer risk.

**Learning Objectives:**

1. The student will demonstrate an understanding of how to legally and safely approach a pedestrian or suspect while alone or with another officer through the use of field-based scenarios.
2. The student will demonstrate an understanding of the signs of deception when attempting to identify subjects.
3. The student will demonstrate an understanding of different emotional and physical behavioral warning signs and how to react to them.
4. The student will demonstrate an understanding of tactical and legal considerations during pedestrian contact scenarios.
5. The student will demonstrate an understanding of the inherent dangers of foot pursuits and explain the tactics that will reduce the risk of assault during a foot pursuit.
6. The student will demonstrate an understanding of the proper utilization of an offensive and defensive posture.
7. The student will demonstrate an understanding of how to document the contact in an accurate written report.

**Recommended Source Material:**

*Police Operations: Theory and Practice*, Hess and Wroblewski  
(Thomson Wadsworth)

*Police Patrol Operations and Management*, Hale (Prentice-Hall)  
*Street Survival*, Adams, McTernan and Remsberg (Calibre Press)  
*Tactics for Criminal Patrol*, Remsberg (Calibre Press)  
*The Tactical Edge: Surviving High Risk Patrol*, Remsberg (Calibre Press)

#### D. Vehicle Contacts & Vehicle Searches

**Required Minimum Hours: 4**

**General Learning Goal:** The student will demonstrate an understanding of how to conduct unknown risk vehicle contacts, high risk vehicle contacts, unknown risk contacts that turn into high risk contacts, how to determine the appropriate tactics for each type of contact and tactics necessary to conduct a legal, safe and effective search of a vehicle.

#### **Learning Objectives:**

1. The student will demonstrate an understanding of how to set up unknown risk and high risk traffic contacts using appropriate tactics and officer safety.
2. The student will demonstrate the ability to change from an unknown risk vehicle contact to a high risk vehicle contact when circumstances dictate.
3. Through the use of practical exercises, the student will demonstrate the ability to select the appropriate tactics and resources to utilize based upon the environment and circumstances of the contact.
4. The student will demonstrate an understanding of the requirements and restrictions for a lawful search of a vehicle and seizure of evidence in the following situations:
  - a. With consent
  - b. Incident to arrest
  - c. Items in plain view
  - d. With a search warrant
  - e. With probable cause
  - f. Inventory searches
5. Through field exercises, the student will demonstrate an understanding of the search of a vehicle using appropriate officer safety considerations to:
  - a. Remove and control occupants

- b. Systematically examine the vehicle's exterior and interior, identifying common hiding places for contraband

**Recommended Source Material:**

*Criminal Investigation*, Bennett and Hess (West)

*Police Operations: Theory and Practice*, Hess and Wroblewski  
(Thomson Wadsworth)

*Street Survival*, Adams, McTernan, Remsberg (Calibre Press)

*Tactics for Criminal Patrol*, Remsberg (Calibre Press)

*The Tactical Edge: Surviving High Risk Patrol*, Remsberg (Calibre Press)

**E. Building Searches**

**Required Minimum Hours: 4**

**General Learning Goal:** The student will demonstrate an understanding of tactics needed to safely search buildings.

**Learning Objectives:**

1. The student will demonstrate an understanding of various building search tactics.
2. Through field exercises, the student will demonstrate the ability to adapt searching techniques to various search scenarios.

**Recommended Source Material:**

*Criminal Investigation*, Bennett and Hess (West)

*Police Operations: Theory and Practice*, Hess and Wroblewski  
(Thomson Wadsworth)

*Street Survival*, Adams, McTernan, Remsberg (Calibre Press)

*The Tactical Edge: Surviving High Risk Patrol*, Remsberg (Calibre Press)

**F. Handling In-Progress Calls**

**Required Minimum Hours: 4**

**General Learning Goal:** The student will demonstrate an understanding of hazards involved with in-progress calls and describe proper procedures in responding to and handling the calls safely.

### **Learning Objectives:**

1. The student will demonstrate an understanding of the factors to be considered in responding safely to in-progress calls, including:
  - a. Information and intelligence gathering
  - b. Response strategy, including route selection
  - c. Cover/concealment
  - d. Nature of crime
2. Through field exercises, the student will demonstrate an understanding of tactical considerations involved in handling in-progress calls.
3. The student will demonstrate the ability to document the event in a written report.

### **Recommended Source Material:**

*Annual Report of Law Enforcement Officers Killed and Assaulted* (FBI)  
*Street Survival: Tactics for Armed Encounters*, Adams, McTernan and Remsberg (Calibre Press)  
*The Tactical Edge: Surviving High Risk Patrol*, Remsberg (Calibre Press)

## **G. Civil Disputes**

**Required Minimum Hours: 2**

**General Learning Goal:** The student will demonstrate the ability to successfully identify, assess and intervene in a non-criminal dispute.

### **Learning Objectives:**

1. Differentiate between criminal matters and civil disputes.
2. Demonstrate the officer safety techniques required to safely handle a civil dispute.
3. Demonstrate understanding of the practical and legal issues commonly encountered in a civil dispute.
4. Display knowledge of conflict resolution techniques and problem-solving strategies required to successfully handle civil disputes.
5. Differentiate between various types of civil disputes and

the techniques required to handle each, including:

- a. Landlord-tenant disputes
- b. Liens
- c. Restraining orders
- d. Child custody disputes
- e. Repossessions
- f. Bail bondsman issues

**Recommended Source Material:**

*Colorado Civil Process: Law, Practice and Procedure*, Rosenberg  
(County Sheriffs of Colorado)

*Police Field Operations*, Adams (Prentice-Hall)

**H. Law Enforcement Role in Terrorism**

**Required Minimum Hours: 2**

**General Learning Goal:** The student will demonstrate understanding of the concept of terrorism and how it may include the use of weapons of mass destruction. The student will demonstrate an understanding that terrorism prevention is the responsibility of all law enforcement officers at the local, state and federal level; and demonstrate an understanding of and how to access state and federal intelligence databases.

**Learning Objectives:**

1. Display understanding of the general concepts of terrorism.
2. Display comprehension of what constitutes a terrorist incident.
3. Demonstrate comprehension of what constitutes a WMD incident, and the various agents and their effects that may be encountered by first responders.
4. Demonstrate knowledge of the tactics required for a safe response, including notification of other agencies and awareness of the potential for “secondary” or entrapment devices.
5. Identify terrorism-related responsibilities of various local, state and federal agencies.
6. Identify the law enforcement officer roles and responsibilities in the intelligence process.

7. List and identify local, state and federal intelligence databases and how to access them.
8. Describe applicable federal and state laws relevant to terrorism and intelligence gathering.
9. Articulate constitutional issues and other legal considerations that apply to collecting and reporting intelligence information regarding terrorism.

**Recommended Source Material Only:**

*Defending the Homeland: Domestic Intelligence, Law Enforcement, and Security*, White (Wadsworth Publishing)  
*Emergency Response to Terrorism* (United States Department of Justice) <https://www.justice.gov/>  
*Preparing for Terrorism – Public Safety Communicators Guide*, Buck, Buck and Mogil (Cengage Learning)  
*State and Local Anti-Terrorism Training, Terrorism Training Program* (Bureau of Justice Assistance)  
*Terrorism and Homeland Security*, White (Cengage Learning)  
*Terrorism Handbook for Operational Responders*, Armando Bevelacqua and Richard Stilp (Thomson Delmar)  
*The Counterterrorism Handbook*, Bolz Jr., Dudonis and Schulz (CRC Press)

**I. Biohazards Awareness**

**Required Minimum Hours: 1**

**General Learning Goal:**

The student will demonstrate awareness of various biohazard threats and the measures to be used to minimize or prevent exposures.

**Learning Objectives:**

1. Identify, recognize and relate to law enforcement duties various infectious agents and how exposure to them may occur.
2. Demonstrate the ability to apply safety measures, including protective equipment, to mitigate or prevent exposure to biohazards.



3. Display knowledge of appropriate post-exposure management procedures.

**Recommended Source Material Only:**

*Defending the Homeland: Domestic Intelligence, Law Enforcement, and Security*, White (Wadsworth Publishing)

*Preparing for Biological Terrorism, an Emergency Service Guide*, Buck (Thomson Delmar Learning)

*Terrorism and Homeland Security*, White (Cengage Learning)

*Terrorism Handbook for Operational Responders*, Bevelacqua and Stilp (Thomson Delmar)

*The Counterterrorism Handbook*, Bolz Jr., Dudonis and Schulz (CRC Press)

## VI. TRAFFIC CONTROL

**REQUIRED HOURS: 4**

### A. Traffic Code

**Required Minimum Hours: 2**

**General Learning Goal:** The student will demonstrate an understanding of Colorado traffic code Title 42 C.R.S.

**Learning Objective:**

The student will demonstrate an understanding of traffic code violations as defined in Title 42, 2, 3, & 4 C.R.S.

**Recommended Source Material:**

*Colorado Revised Statutes*, Title 42

### B. Traffic Direction

**Required Minimum Hours: 2**

**General Learning Goal:** The student will have an understanding of vehicle and pedestrian traffic direction and regulation.

**Learning Objectives:**

1. The student will be able to explain the motor vehicle laws governing traffic direction.
2. The student will be able to select proper positioning to

maximize visibility while minimizing hazards to the officer.

3. The student will recognize the correct methods of giving the basic traffic direction signals of: stop, start, and turn, in both daytime and nighttime conditions.
4. The student will actively participate in a mock traffic direction scenario(s) or actual traffic direction, for a minimum of 15 minutes as an individual and 10 minutes as a team.

## VII. INVESTIGATIVE PROCEDURES

### B. REQUIRED HOURS 6

#### A. Preliminary Investigations

**Required Minimum Hours: 2**

**General Learning Goal:** The student will understand procedures for conducting a basic crime scene investigation.

**Learning Objectives:**

1. The student will describe information to be obtained when responding to a crime scene.
2. The student will describe and demonstrate, as the initial peace officer arriving on a crime scene, the following:
  - a. If a crime has been committed and type of crime
  - b. Immediate action to be taken and proper notifications to be made
  - c. Procedures necessary to establish a crime scene perimeter and protect the scene
  - d. Procedures necessary to locate and isolate witnesses

**Recommended Source Material Only:**

*Criminal Investigation*, Bennett and Hess (West Publishing)  
*Police Field Operations*, Adams (Prentice-Hall)

#### B. Crime Scene Search

**Required Minimum Hours: 2**

**General Learning Goal:** The student will understand how to conduct

an indoor and outdoor search of a crime scene.

**Learning Objectives:**

1. The student will identify basic principle search techniques including, but not limited to: grid, strip, spiral or other systematic techniques designed to discover relevant evidence both in an indoor and outdoor setting.

**Recommended Source Material Only:**

*Criminal Investigations*, Bennett and Hess (West Publishing)

**C. Identification and Collection of Evidence**

**Required Minimum Hours: 2**

**General Learning Goal:** The student will recognize the different types of physical evidence, identify their value in a criminal investigation.

**Learning Objectives:**

1. The student will describe the value of more commonly encountered evidentiary items found at a crime scene including but not limited to:
  - a. Latent fingerprints
  - b. Bullets
  - c. Shell casings
  - d. Tool Marks
  - e. Hair and fibers
  - f. Documents
  - g. Body fluids
2. The student will describe and/or demonstrate effective methods and techniques for collecting evidence including but not limited to:
  - a. Maintaining admissibility through chain of custody
  - b. Marking, packaging and documenting custody
  - c. Safely preserving evidence
  - d. Locating, dusting, photographing and lifting latent fingerprints
3. The student will describe and/or demonstrate proper collection and retention techniques, practices, and protocols for evidence

that may contain Biological or DNA evidence, including but not limited to:

- a. Additional handling requirements due to increase sensitivity of DNA evidence
- b. Sources, locations and limitations of DNA evidence
- c. The importance of elimination and reference samples
- d. The role that the Combined DNA Index System (CODIS) has in criminal investigations and how it is used to solve crimes

**Recommended Source Material Only:**

*Criminal Investigation, Bennett and Hess* (West Publishing)  
*First Responding Officers – What Every Law Enforcement Officer Should Know about DNA Evidence*, [www.dna.gov/training/letraining](http://www.dna.gov/training/letraining)  
*Guidelines for the Documentation, Collection and Preservation of Evidence*, Arndt (Colorado Bureau of Investigation)

## VIII. COMMUNICATIONS

**REQUIRED HOURS: 6**

### A. Report Writing

**Required Minimum Hours: 2**

**General Learning Goal:** The student will demonstrate an understanding of the basic requirements of report writing.

**Learning Objectives:**

1. The student will demonstrate an understanding of the characteristics of effective police reporting and what types of reports may be required specifically of a reserve officer.

**Recommended Source Material:**

*Colorado Peace Officer's Legal Source Book* [Colorado District Attorney's Council (CDAC)/Colorado Attorney General]  
<http://www.cdacweb.com/CDAC/Publications.aspx>  
*Criminal Investigation*, Bennett and Hess (Thomas West Publishing)  
*Just the Facts: Investigative Report Writing*, Biggs (Pearson Prentice- Hall Publishing)  
*Police Field Operations*, Adams (Prentice-Hall)

**B. Verbal Communication Techniques**

**Required Minimum Hours: 4**

**General Learning Goal:** The student will demonstrate an understanding of effective communication techniques.

**Learning Objective:**

The student will demonstrate an understanding of techniques for communicating with individuals or groups and defusing conflicts.

**Recommended Source Material:**

*Crisis Intervention—Contemporary Issues for On-site Interviewers*,  
Hendricks (Charles C. Thomas Publishers LTD)

*Verbal Judo: The Gentle Art of Persuasion*, Thompson (William Morrow,  
NY)

**IX. WELLNESS TRAINING PROGRAM**

**REQUIRED HOURS:**

**2**

**A. Introduction to Wellness**

**Required Minimum Hours: 1**

**General Learning Goal:** The student will demonstrate an understanding of why wellness is an integral component of the law enforcement profession, and the necessity for being in good physical condition.

**Learning Objective:**

The student will demonstrate an understanding of the impact that police work has on physical condition.

**Recommended Source Material:**

*Cooper Institute Aerobics Program for Total Well Being*, Cooper  
(Bantam Books)

*Physical Fitness Assessments and Norms* (Cooper Institute)

**B. Stress Management**

**Required Minimum Hours: 1**

**General Learning Goal:** The student will demonstrate an understanding of the concept of stress and its sources.

### **Learning Objectives:**

The student will demonstrate an understanding of the emotional/psychological and physical responses to stress and how they may interfere with a peace officer's performance.

The student will demonstrate an understanding of stress management techniques.

### **Recommended Source Material:**

*Police Field Operations*, Adams (Prentice-Hall)

*The Tactical Edge: Surviving High Risk Patrol*, Remsberg  
(Calibre Press)

## **X. Tactical Casualty Care for Law Enforcement**

**Required Minimum Hours: 4**

### **A. Tactical Casualty Care – Lecture**

**Required Minimum Hours: 2**

**General Learning Goal:** Course participants will learn to apply life-saving medical actions in the context of a hazardous situation such as an active shooter, specific medical interventions and skills to include:

1. Bleeding control with a tourniquet
2. Bleeding control with gauze packs or topical hemostatic agents
3. Opening an obstructed airway to allow the casualty to breathe
4. Recognition and treatment of open, sucking chest wounds
5. Recognition of life-threatening tension pneumothorax

### **Specific Performance Outcomes:**

1. Understand the rationale for immediate action to obtain hemorrhage control (including external hemorrhage control, direct pressure and wound packing, early use of tourniquet for severe hemorrhage, internal hemorrhage control by rapid evacuation, and transportation to major hospital/trauma center.

2. Describe the progressive strategy for controlling hemorrhage.
3. Describe appropriate airway control techniques.
4. Describe the tactically relevant indicators of shock.
5. Describe recognition and management of an open, sucking chest wound.
6. Describe the clinical presentation of a tension pneumothorax

**B. Skills Stations and Scenario Based Training**

**Required Minimum Hours: 2**

**General Learning Goal:** To apply the medical knowledge and skills taught during the didactic session in a series of case scenarios of gradually increasing complexity and stress.

**Specific Performance Outcomes:**

1. Students will complete skills stations, such as applying a tourniquet and packing a wound, designed to learn application of techniques and equipment.
2. The student will take part in a minimum of one (1) scenario designed to reinforce the concept of self-care by demonstrating self-application of a tourniquet, first to their own arm and then to their own leg, in a one-on-one learning experience with an instructor.
3. The student will take part in a minimum of two (2) scenarios designed to simulate actual situations in which medical care will be performed, and will demonstrate all skills taught. These scenarios will involve actors with simulated wounds and bleeding and distractions such as noise, smoke and impaired vision, etc. all of which combine to enhance the skills application experience.
4. Unused scenario time may be used for CPR training.

**C. Instructor Ratio(s):**

Lecture: There must be at least one instructor for every 24 trainees during any lecture session (1:24 ratio).

Skills Stations: There must be at least two (2) instructors for any skills station session.

Scenario – Self-Care: There must be at least one instructor for every one (1) trainee for any self-application scenario training session (1:1 ratio).

Scenario – Care of Others: There must be at least two (2) instructors present for any scenario-based training session involving treatment of others.

#### **D. Instructor Qualifications**

1. Minimum – Colorado State Certified EMT, paramedic preferred, and
2. Must have successfully completed a Tactical Casualty Care-Law Enforcement First Response course (or equivalent).

#### **Recommended Source Material:**

*PreHospital Trauma Life Support, National Association of Emergency Medical Technicians (Jones & Bartlett Learning)*  
<http://www.jblearning.com/catalog/9781284041736/>

*Prehospital Trauma Life Support – Military Edition, National Association of Emergency Medical Technicians (Jones & Bartlett Learning)*  
<http://www.jblearning.com/catalog/9781284041750/>



# REFRESHER ACADEMIC TRAINING PROGRAM

*Effective Date January 1, 2014*

## MINIMUM REQUIRED HOURS

<b>Academic</b>	<b>38</b>
<b>Firearms</b>	<b>16</b>
<b>Driving</b>	<b>16</b>
<b>Arrest Control</b>	<b>16</b>
<b>Testing</b>	<b>10</b>
<b>TOTAL</b>	<b>96</b>

### I. ADMINISTRATION OF JUSTICE

**REQUIRED HOURS: 4**

#### A. Authority of the Colorado Peace Officer/ Jurisdictional Relationships & Agency Authority

**Required Minimum Hours: 2**

**General Learning Goal:** The student will demonstrate an understanding of the authority of Colorado peace officers and the jurisdiction of law enforcement agencies, the functions of law enforcement agencies, levels of jurisdiction, and matters of mutual concern.

#### **Learning Objectives:**

1. The student will demonstrate an understanding of the role and authority of Colorado peace officers.
2. The student will demonstrate an understanding of the basic capabilities of the CCIC/NCIC systems, and the purpose of each query.
3. The student will demonstrate an understanding of the limitations and restrictions on accessibility and release of criminal justice information and any associated penalties.
4. The student will demonstrate an understanding of the interrelationships of Colorado law enforcement agencies and their responsibilities and authority.

5. The student will demonstrate an understanding of the responsibilities for the three levels of law enforcement listed below:
  - a. Federal law enforcement agencies
  - b. State law enforcement agencies
  - c. Local law enforcement agencies

**Recommended Source Material:**

*CBI - Misuse of CCIC Data Handout, FACs and Powerpoint*

(Colorado Bureau of Investigation)

*CCIC Training Manual* (Colorado Bureau of Investigation)

*Colorado Revised Statutes*

**B. Law Enforcement Ethics**

**Required Minimum Hours: 2**

**General Learning Goal:** The student will demonstrate an understanding of ethics in policing and its relationship to the law enforcement profession.

**Learning Objectives:**

1. The student will demonstrate an understanding of the elements contained in "The Law Enforcement Code of Ethics."
2. The student will demonstrate an understanding of the four categories of character as they pertain to law enforcement behavior.
3. The student will demonstrate an understanding of ethical behavior, morality and character as applied to:
  - a. Acceptance of gratuities
  - b. Use of deception and force
  - c. Treatment of citizens, including suspects and informants
  - d. Selective enforcement of the law and discretion
  - e. Preparation of reports and testimony
  - f. Conduct on and off duty

**Recommended Source Material:**

*Character and Cops: Ethics in Policing*, Delattre (American Enterprise Inc. Press)

## II. BASIC LAW

**REQUIRED HOURS: 22**

### A. United States Constitution/ Rules of Evidence/ Arrest, Search & Seizure

**Required Minimum Hours: 4**

**General Learning Goal:** The student will demonstrate an understanding of the concepts of the Bill of Rights, the Fourteenth Amendment to the United States Constitution, and the rules of evidence as they pertain to the rights of all citizens.

#### **Learning Objectives:**

1. The student will demonstrate an understanding of the concepts of due process of law, equal protection of the law, and how violations of constitutional rights impact upon law enforcement.
2. The student will demonstrate an understanding of how constitutional amendments, specifically the first, fourth, fifth, sixth, eighth and fourteenth, affect peace officer responsibilities.
3. The student will demonstrate an understanding of the rules of evidence, elements and provisions of Colorado Revised Statutes, Title 16, Articles 1, 2, and 3, and Rules 4 and 41 of the Colorado Rules of Criminal Procedure.
4. The student will demonstrate an understanding of laws and court decisions as they pertain to evidence:
  - a. Types of evidence
  - b. Admissibility
5. The student will demonstrate an understanding of laws and court decisions as they pertain to searches and seizures of:
  - a. Persons
  - b. Vehicles
  - c. Property
  - d. Warrants

#### **Recommended Source Material:**

*Colorado Peace Officer's Handbook* (Lexis Nexis Publishing)

*Colorado Peace Officer's Legal Source Book* [Colorado District Attorney's

Council (CDAC)/Colorado Attorney General]  
<http://www.cdacweb.com/CDAC/Publications.aspx>

*Crime and Justice in America: A Human Perspective*, Territo, Halsted and Bromley (Pearson, Prentice-Hall)

**B. Colorado Criminal Code and Related Federal Statutes**  
**Required Minimum Hours: 12**

**General Learning Goal:** The student will demonstrate basic knowledge of the Colorado Criminal Code.

**Learning Objectives:**

1. The student will demonstrate an understanding of criminal violations within the C.R.S.
2. The student will demonstrate an understanding of appropriate questions regarding inquiries into incidents, to determine if they are criminal or civil in nature.
3. The student will demonstrate an understanding of elements of crimes, and distinguish between crime classifications in the C.R.S., Title 18, except Articles 14 and 15.

**Recommended Source Material:**

*Colorado Revised Statutes, Title 18*

**C. Colorado Children's Code**  
**Required Minimum Hours: 2**

**General Learning Goal:** The student will demonstrate an understanding of the Children's Code, cite and explain the major provisions relative to the tasks of Colorado peace officers and proper procedures for arrests, investigations, charging, conviction, and sentencing.

**Learning Objectives:**

1. The student will demonstrate an understanding of the steps that must be followed when a juvenile is taken into custody.
2. The student will demonstrate an understanding of the various charging options, when juveniles can be charged as adults, what juvenile offender information and records may be released, and

explain the neglect and dependence section of the Colorado Children's Code.

**Recommended Source Material:**

*Colorado Revised Statutes, Title 19*

**D. Motor Vehicle Laws**

**Required Minimum Hours: 2**

**General Learning Goal:** The student will demonstrate an understanding of the elements of traffic code violations as defined in C.R.S. Title 42, specifically Articles 2, 3, and 4.

**Learning Objective:**

1. The student will demonstrate an understanding of the model traffic code, as adopted by local governments.

**Recommended Source Material:**

*Colorado Revised Statutes, Title 42*

**E. Victims' Rights and Domestic Violence**

**Required Minimum Hours: 2**

**General Learning Goal:** The student will demonstrate an understanding of the laws relating to crime victim compensation, victim and witness rights, and how to effectively assess and intervene in domestic violence incidents.

**Learning Objectives:**

1. The student will demonstrate an understanding of the provisions of C.R.S. Title 24, Article 4.1, and the procedures for locating assistance for victims and witnesses of crime.
2. The student will demonstrate an understanding of the elements of domestic abuse and the duties of peace officers as outlined in the C.R.S.
3. The student will demonstrate an understanding of the problem solving responsibilities of a peace officer at the scene of a domestic dispute consistent with officer safety, child abuse statutes, criminal statutes involving crimes against persons and conflict resolution.

**Recommended Source Material:**

*Colorado Peace Officers Handbook* (Lexis Nexis Publishing)

<https://store.lexisnexis.com/categories/product/colorado-peace-officers-handbook-skuusSku-us-bundle-22090-epub>

*Colorado Revised Statutes*

*Understanding Community Policing: A Framework for Action* (Office of Justice Programs, Bureau of Justice Assistance)

**III. PATROL PROCEDURES**

**REQUIRED HOURS: 8**

**A. Officer Survival & Wellness**

**Required Minimum Hours: 8**

**General Learning Goal:** The student will demonstrate an understanding of the mental, physical and tactical preparations required to survive while serving as a Colorado peace officer.

**Learning Objectives:**

1. The student will demonstrate an understanding of the techniques for the mental, emotional and physical preparation necessary to respond to and recover from a critical incident.
2. The student will demonstrate an understanding of the elements of threat assessment and describe their effective application.
3. The student will demonstrate an understanding of the process of tactic analysis.

**Recommended Source Material:**

*Street Survival*, Adams, McTernan and Remsberg (Calibre Press)

*The Tactical Edge: Surviving High Risk Patrol*, Remsberg (Calibre Press)

**IV. USE OF FORCE**

**REQUIRED HOURS: 4**

**A. Civil and Criminal Liability**

**Required Minimum Hours: 4**

**General Learning Goal:** The student will demonstrate an understanding of the concept of "continuum/paradigm of force", the use

of force, reporting the use of excessive force, and the use of deadly force and related legal issues.

**Learning Objectives:**

1. The student will demonstrate an understanding of the role of use of force considerations in the continuum/paradigm of force including but not limited to C.R.S. 18-1-701 through 710 and 18-8-801 through 18-8-804.
2. The student will demonstrate an understanding of the alternatives to the use of deadly force based upon a subject's actions and behavior.
3. The student will demonstrate an understanding of the physiological and psychological forces that affect a person threatened with danger.

**Recommended Source Material:**

*Colorado Peace Officers Legal Source Book* (Colorado District Attorneys Council/Colorado Attorney General)  
*Colorado Revised Statutes*

**V. PROFESSIONAL SKILLS - REMEDIATION/ QUALIFICATION  
REQUIRED HOURS: 48**

**A. Arrest Control Training Program  
Required Minimum Hours: 16**

**General Learning Goal:** The student will explain and demonstrate the basic principles of arrest control as it applies to physical control, searching, application of handcuffs, use of an impact instrument, weapons retention and retrieval, escort control and ground fighting.

**Learning Objectives:**

1. The student will identify, discuss, explain and demonstrate the proper application of handcuffs in both low and high risk situations; explain and demonstrate verbal commands, proper stance, and maintaining physical control of the subject during the handcuffing procedure, to include proper application of the handcuffs.

2. The student will identify, discuss and demonstrate proper search techniques during low risk and high risk situations, and explain and demonstrate verbal commands, and control of the subject during the search process.
3. The student will identify, discuss and demonstrate an escort control hold prior to applying handcuffs; explain and demonstrate verbal commands, control of the subject, and movement of the subject to a secure location; and then application of the handcuffs or release of the subject for interview or interrogation.
4. The student will identify, discuss and demonstrate how to maintain control of their weapon while the weapon is holstered, by a subject who is attempting to disarm him/her.
5. The student will identify, discuss and demonstrate how to regain control of their weapon after being disarmed.
6. The student will identify, discuss and demonstrate the proper use of an impact weapon in defense of an unarmed attack.
7. The student will identify, discuss and demonstrate a basic knowledge of ground fighting, to include escape and recovery from an attack when on the ground with a suspect.

## **B. Law Enforcement Driving**

**Required Minimum Hours: 16**

**General Learning Goal:** The student will explain the legal aspects associated with emergency vehicle operation, demonstrate skills required for operation of a law enforcement vehicle and explain the factors that affect law enforcement driving.

### **Learning Objectives:**

1. The student will identify, discuss and explain statutory law, case law and principles of liability governing police vehicle operations.
2. The student will be able to identify and demonstrate proper non-emergency driving skills and defensive driving methods.
3. The student will be able to identify, discuss, explain or demonstrate the various skills and techniques necessary to



safely operate a vehicle on an emergency response or vehicle pursuit.

**C. Firearms Training Program**

**Required Minimum Hours: 16**

**General Learning Goal:** The student will demonstrate the basic principles of shooting a handgun.

**Learning Objectives:**

1. The student will demonstrate the basic techniques of marksmanship and shooting using a handgun that will include, but not be limited to:
  - a. Stance
  - b. Grip
  - c. Sight picture/sight alignment
  - d. Trigger manipulation
  - e. Breath control
  - f. Follow through/recovery
  - g. Presentation
2. The student will safely and effectively demonstrate using a handgun.
  - a. Ammunition management
  - b. Weapons status
  - c. Malfunctions
3. Only one weapon system must be taught and all safety rules must be adhered to.
4. The student will explain, discuss, and demonstrate the firearms role regarding use of force and the importance of "mindset".
5. The student will demonstrate commonly recognized survival based shooting techniques.

**VI. SKILLS TESTS AND WRITTEN CERTIFICATION EXAMINATION**

**REQUIRED HOURS: 10**

**A. Arrest Control Performance Test**

**Required Minimum Hours: 2**

1. All students must successfully complete a skills test out examination in accordance with the discipline being taught. If the program does not have a student test out then each student at a minimum must successfully complete the arrest control skills test as used in the provisional/renewal of certification process.

**B. Law Enforcement Driving Performance Test**

**Required Minimum Hours: 2.75**

1. Three-lane perception/reaction to be done under normal driving conditions (minimum speed - 30 MPH).
  - a. Electric lights or visual indicator is required
  - b. Minimum speed 30 MPH
2. Low-speed precision driving course to include backing through a cone pattern 150-feet in length demonstrating a left and right pattern through a curved course.
3. Precision maneuverability road course to include a 90-degree left and right turn, a 180-degree turn, and a high-speed lane change at 40 to 45 MPH.
4. Braking technique - straight line course (minimum speed- 40 MPH).

**C. Firearms Performance Test**

**Required Minimum Hours: 2.75**

1. The student will qualify with a handgun on a range with a score of one hundred percent (100%) with a maximum of three formal attempts utilizing the POST approved Handgun Qualification Course.
2. A formal attempt on the Handgun Qualification Course is an announced attempt prior to the qualification for record (it is not a practice attempt).
3. If the student fails all three formal attempts on the Handgun Qualification Course, the student must successfully complete the entire Firearms Training Program in a POST approved basic or reserve academy for peace officer certification.

**D. POST Written Certification Examination**

**Required Minimum Hours: 2.5**

1. The student must meet all of the requirements of POST Rule 10, Rule 11, Rule 13 and Rule 15, and the requirements of the attended Refresher Academy. Students may take the written certification exam prior to successful completion of skills testing. All skills testing and written examinations must be successfully completed within two years from the end date of the academy.
  
2. Colorado POST sets a passing score that reflects the level of knowledge and skills required for minimally competent performance as an entry-level peace officer in the State of Colorado. POST uses national testing standards in setting the passing score which falls on a test score scale that ranges from 0 to 100. This cut score definition will go into effect upon the implementation of the reformulated test items for the POST certification exam.



# ARREST CONTROL TRAINING PROGRAM

*Effective January 1, 2021*

The purpose of the Peace Officer Standards and Training (POST) Arrest Control Training curriculum is to provide comprehensive arrest control training through the combined use of a traditional classroom model and interactive scenario events designed to test and develop the students' skills. Initial skill training will consist of classroom and lab to provide students with the opportunity to learn and practice physical skills through instruction, repetition and testing. The next phase of training is designed to apply those skills in a safe but more challenging environment dealing with situations that officers might face in the line of duty. Academy instructors are tasked with including all elements of an adult learning model in order to maximize understanding, application and retention of academy material.

Students will meet each learning objective listed. Academies must provide at least 62 hours of arrest control instruction. Academy directors are given discretion to increase the number of hours in each subsection in order to meet individual needs.

## MINIMUM REQUIRED HOURS: 62

### I. ARREST CONTROL ORIENTATION

**Required Minimum Hours: 1**

**General Learning Goal:** The students will understand the safety rules and procedures including the site safety plan.

**Learning Objectives:**

- A. All students will advise of any injuries and pre-existing conditions that would prohibit participation. If necessary, students should complete a medical record release waiver.
- B. Students will receive all applicable training materials based on the individual program's standards.
- C. The students will understand the safety rules established during orientation for conduct in class and labs.
- D. All students will perform warm-up exercises and stretching exercises before performing any lab activities.
- E. All students will immediately report any injuries to the instructors.

## II. USE OF FORCE CONSIDERATIONS

**Required Minimum Hours: 2**

**General Learning Goal:** The students will discuss and understand use of force and its legal issues.

**Learning Objectives:**

- A. The students will discuss and understand the role of arrest control techniques and tactics in the use of force including, but not limited to § 18-1-707 and § 18-8-801 through § 18-8-803, C.R.S.
  - 1. The students will discuss and understand the difference between general control and physical control
  - 2. The students will discuss and understand the following state statutory requirements:
    - a. Law Enforcement Integrity
      - (1) § 24-31-901, C.R.S, Definition including: (1) Contacts, (4) physical force, and (5) Serious Bodily Injury.
    - b. Justification and exemptions from criminal responsibility.
      - (1) § 18-1-704, CRS: Use of physical force in defense of a person.
      - (2) § 18-1-706, CRS: Use of physical force in defense of property.
    - c. § 18-1-707, C.R.S.: Use of physical force in making an arrest or in preventing an escape.
    - d. Offenses relating to use of force by peace officers-duty to intervene (3) 18-8-803, C.R.S.: Use of excessive force.
    - e. Federal civil violations (1) 42 U.S.C. § 1983: Civil Action for deprivation of rights.
- B. The students will discuss and understand the implications Constitutional case law will have in the use of force.

1. Fourth Amendment rights (*Graham v. Conner*, 490 U.S. 386 (1989) U.S. Supreme Court)
  2. Fourteenth Amendment rights (*Johnson v. Glick*, 481 F.2<sup>nd</sup> 1028 (2d Cir. 1973) United States Court of Appeals, Second Circuit)
- C. The students will discuss and understand proper documentation for arrests and use of force.
1. Instruction should be given on proper documentation on not only arrest but also cases of use of force (Example: Use of force reports)
  2. Proper documentation in use of force cases should include, but is not limited to:
    - a. Officer arrival
    - b. Officer observations
    - c. Subject actions
    - d. Type of arrest control or tools used
    - e. De-escalation technique used
    - f. Were there injuries and was medical attention sought

### III. DE-ESCALATION OF FORCE

**Required Minimum Hours: 2**

**General Learning Goal:** The student will explain the concept of "de-escalation of force" and force options, in accordance with CRS 24-31-315(1).

**Learning Objectives:**

- A. The student will explain and discuss necessary verbal skills and the role they play in the de-escalation of force.
  1. Types of skills
- B. Verbal
  1. The importance of using loud, repetitive verbal commands during subject control in order to gain compliance
- C. Non-verbal
- D. Interpersonal communication

1. Listening
2. Physical

Students will be given an overview of Risk Assessment Response and their uses in arrest control tactics. (Example: Verbal de-escalation techniques should be used with available cover for safety)

#### **IV. ALTERNATIVES TO THE USE OF DEADLY FORCE**

**Required Minimum Hours: 2**

**General Learning Goal:** The students will discuss and understand alternatives to the use of deadly force.

**Learning Objectives:**

- A. The students will receive an overall introduction to less-lethal uses of force.
  1. Less-lethal force defined
  2. The students will discuss and understand the various less-lethal force options that are commonly available to officers
  3. The students will discuss the relationship between less-lethal devices and other use of force options

#### **V. BALANCE AND MOVEMENT**

**Required Minimum Hours: Lab 1**

**General Learning Goal:** The students will demonstrate minimum physical balance and movement proficiency needed during the arrest procedure.

**Learning Objectives:**

- A. The students will demonstrate minimum proficiency in proper balance and movement prior to and during the arrest procedure.



- B. The students will understand footing and other conditions that may limit response to a threat.
- C. The students will learn to stay alert, keeping their firearm protected from the subject, their weight evenly distributed, and their feet shoulder width apart.

## VI. PERSONAL WEAPONS AND OTHER HAZARDS

**Required Minimum Hours: 1**

**General Learning Goal:** The students will be able to readily identify personal weapons and other potentially dangerous hazards and demonstrate the proper use of personal weapons.

### **Learning Objectives:**

- A. The students will be able to demonstrate the proper use of personal weapons such as the hands, head, knees, elbows and feet.
- B. The students will show an awareness for potential weapons that a suspect may use.
- C. The students will show an awareness for the friends or associates of the suspect.
- D. The students will understand the concept of escape routes as it relates to a suspect and an officer.

## VII. SEARCHING AND HANDCUFFING TECHNIQUES

**Required Minimum Hours: Lab 8**

**General Learning Goal:** The students will demonstrate proficiency in searching and handcuffing techniques. The use of training handcuffs shall not be permitted in a basic training class except during section XV, Individual Arrest Control Programs.

### **Learning Objectives:**

- A. The students will demonstrate proficiency in conducting a systematic search to include:
  - 1. Understanding tactical considerations when approaching a suspect including conducting a visual search
  - 2. Demonstrate a complete systematic search, starting with high-risk areas
  - 3. Demonstrate an understanding of searching common areas on a suspect's body where weapons and contraband can be concealed
  
- B. The students will demonstrate proficiency in controlled handcuffing procedures to include:
  - 1. Explaining the appropriate legal justifications for handcuffing a subject
  - 2. Understanding the tactical considerations for safely handcuffing a suspect
  - 3. Demonstrating proper handcuffing techniques to include, but not limited to:
    - a. Compliant handcuffing
    - b. Controlling resistive behavior during handcuffing
    - c. High-risk handcuffing
  - 4. Understanding the risk of injury to a subject from handcuffing
  - 5. Understanding proper handcuff selection and maintenance

## VIII. CONTROL TECHNIQUES

**Required Minimum Hours: 4**

**General Learning Goal:** The students will demonstrate proficiency in basic techniques for gaining control over suspects.

### **Learning Objectives:**

- A. The students will demonstrate proficiency in control holds including, but not limited to:
  - 1. Control and escort
  - 2. Pre-arrest and arrest situations
  - 3. Team control techniques

- a. Multi-officer techniques for controlling a suspect
  - b. Officers surround suspect
  - c. “Trigger” word for action
  - d. Limb control: handcuff and/or hobble
  - e. Sit subject up in an upright position or place them in a recovery position on their side
  - f. Decision as to medical transport or police transport
- 4. Practical exercises and demonstration of techniques
    - a. Tactical positioning
    - b. Limb control / take-downs to include legs and arms
    - c. Head and neck stabilization
    - d. Handcuffing skills
    - e. Team contact, control and take-downs

## IX. NECK RESTRAINTS

**Required Minimum Hours: 2**

**General Learning Goal:** The students will understand the effects of, and defense against, neck restraints.

### **Learning Objectives:**

- A. The students will understand the legal implications of applying neck restraints as it relates to use of force, and the associated dangers to the recipient.
- B. The student will understand the differences between respiratory and vascular neck restraints as defined in §18-1-707.
- C. The student will be able to demonstrate effective defenses against neck and choke holds.

## X. GROUND TACTICS AND DEFENSE

**Required Minimum Hours: 8**

**General Learning Goal:** The students will demonstrate and have a basic understanding of the physical and psychological aspects of ground tactics and defense.

### **Learning Objectives:**

- A. The students will be able to demonstrate basic defense concepts while on the ground, including but not limited to:

1. Avoiding a ground defense situation when possible
2. Fighting to and from the ground
3. Going to the ground while minimizing injuries
4. Control techniques to and from the ground
5. Uniform and equipment concerns including getting access to weapons
6. Considerations of using a weapon from the ground
7. Techniques for recovering to standing from ground situations

## **XI. IMPACT INSTRUMENTS**

**Required Minimum Hours: 4**

**General Learning Goal:** The students will demonstrate the use and targeting of an impact instrument.

### **Learning Objectives:**

- A. The students will demonstrate minimum proficiency in the appropriate use of an impact instrument.
- B. Students will understand the legal justifications for the use of impact instruments.
- C. Students will be able to discuss appropriate target areas depending on the level of force required.

## **XII. EDGED WEAPON**

**Required Minimum Hours: 3**

**General Learning Goal:** The students will understand the inherent dangers of dealing with a person with an edged weapon and will demonstrate edged weapon defense tactics.

### **Learning Objectives:**

- A. Demonstrate basic edged weapon defense.
- B. Demonstrate defense options in an edged weapon attack.

### **XIII. RETENTION AND RETRIEVAL OF WEAPONS AND INSTRUMENT**

**Required Minimum Hours: 4**

**General Learning Goal:** The students will demonstrate control and retrieval of weapons and other instruments carried.

**Learning Objectives:**

- A. The students will demonstrate proficiency in control and retrieval of weapons which will include, but are not limited to:
  - 1. Handguns
  - 2. Impact instruments
  - 3. Chemical agents
  - 4. Holsters
  - 5. Long guns

### **XIV. CUSTODIAL CARE**

**Required Minimum Hours: 2**

**General Learning Goal:** The students will understand the basic symptoms identified with Sudden In-Custody Death Syndrome (SCDS) and demonstrate basic techniques in dealing with such situations.

**Learning Objectives:**

- A. The students will understand the basic symptoms of SCDS and demonstrate basic handling techniques, including but not limited to:
  - 1. Introduction and background of SCDS
  - 2. Associated Syndromes
    - a. Cocaine Psychosis
    - b. Excited Delirium
    - c. Respiratory Compromise
    - d. Sudden In-Custody Death
  - 3. Identifiable symptoms and behavioral patterns
  - 4. Compliance tactics

5. Restraints and medical intervention
6. Discussion of research

## **XV. INDIVIDUAL ARREST CONTROL PROGRAMS**

**Required Minimum Hours: 6**

**General Learning Goal:** The students will discuss areas and issues of individual programs and demonstrate their application.

### **Learning Objectives:**

- A. Explain and discuss areas and issues pertaining to specific individual arrest control programs to include escalation and de-escalation of force.
- B. Demonstrate practical application of arrest control through such methods as:
  1. Testing
  2. Role-playing
  3. Flow Drills. Flow drills are defined as linking different skills into one cohesive system. An example would be placing a subject into an escort position, transitioning to a take-down due to resistance, and then flowing into an appropriate handcuffing technique.
  4. Force-on-force (e.g., RedMan)

## **XVI. DRILL TRAINING**

**Required Minimum Hours: Lab 10**

**General Learning Goal:** The students will participate in scenario based drill training exercises that will require them to incorporate information and techniques from various arrest control training blocks into one exercise.

### **Learning Objectives:**

- A. There will be at least two scenario based training days in each academy. One will be near the midpoint of training; the other will be near the end. Students will participate in multiple scenario based trainings during each date in order to practice skills taught in a simulated “real life” environment.

- B. Students will apply all of the following techniques to the drill training to include, but not limited to:
1. Proper initial approach and contact
  2. Verbal skills
  3. De-escalation of the subject or scenario
  4. Escalation and de-escalation of force
  5. Self-defense
  6. Arrest control
  7. Overcoming resistance
  8. Proper follow-up procedures, such as handcuffing, rendering aid, etc.
- C. Students will understand the safety instructions provided for the drill training exercises including identification of the safety officer.
- D. A safety officer is a person who is not directly physically involved in the drill training scenario whose function is to watch the scenario in order to identify any dangerous situation before an injury occurs and is able to end the exercise if unsafe conditions are identified. The safety officer is recommended to be an arrest control instructor and shall not be a student.

## **XVII. TESTING**

**Required Minimum Hours: 2**

**General Learning Goal:** The students will demonstrate knowledge and proficiency of the content and techniques learned in the *Arrest Control Training Program*.

**Learning Objective:**

- A. All students will be required to pass a written and practical test.

## **XVIII. TRAINING RECOMMENDATIONS**

- A. Recommended mat area needed for training: A 14' x 14' area is recommended per pair of students for all lab portions of this course.

## **XIX. POST INSPECTIONS**

- A. Inspections may be conducted at any time during the program and may be either announced or unannounced inspections.
- B. In addition to the documentation required by Rules 21 and 24, the following items must be available during inspections:
  - 1. Daily schedules that include:
    - a. Proposed and completed training dates
    - b. Topics of instruction
    - c. Number of hours of lecture and lab per topic
    - d. Student and instructor ratios
  - 2. Current lesson plan being used for the program
  - 3. Manual or supportive material that corroborates the lesson plan
  - 4. Scripts of the individual drill training scenarios
  - 5. Test questions with answer key
  - 6. Practical test and evaluation form



# LAW ENFORCEMENT DRIVING PROGRAM

*Effective July 1, 2017*

## MINIMUM REQUIRED HOURS: 44

Lab*	32
Lecture	8
Training (lab or lecture at lead instructor's discretion)	4
TOTAL	44

***\*Includes a minimum of 3 hours night driving***

***\*Driving simulators may be used to supplement but not replace required track time***

**General Learning Goal:** The student will explain the legal aspects associated with emergency vehicle operation, demonstrate skills required for operation of a law enforcement vehicle and explain the factors that affect law enforcement driving.

## I. LEGAL ASPECTS

### **Learning Objective:**

The student will identify, discuss and explain statutory law, case law and principles of liability governing police vehicle operations.

#### A. Non-Emergency Driving

1. State statutes requirements
2. Agency policy
3. General, civil liability

#### B. Emergency Driving

1. State statute requirements: § 42-4-108, CRS
  - a. § 42-4-213, C.R.S.: Audible and Visual Signals
2. "Due regard for safety" explanation of state law
3. Agency policy

4. General civil liability
  - a. Negligence
5. Examples of current case law
6. Identify means by which an agency or officer can be held liable

C. Pursuit Driving

1. State statute requirements: § 42-4-108, C.R.S.
  - a. § 42-4-213, C.R.S.: Audible and Visual Signals
2. "Due regard for safety" explanation of state law
3. Agency policy
4. General civil liability
  - a. Negligence
  - b. Civil rights violations
  - c. Unreasonableness
5. Examples of current case law
  - a. Identify means by which held liable
6. Civil liability
  - a. Accountable for errors or omissions while operating a police vehicle
  - b. "Duty to protect" explanation
7. Liability of supervisors
  - a. Direct
  - b. Vicarious
    - (1) Failure to supervise
    - (2) Failure to train
    - (3) Failure to discipline
8. Vicarious liability of agencies
  - a. Policy subject to liability
  - b. Deliberate indifference
  - c. Negative retention

D. Occupant Restraint System

1. Statutory requirements

- a. § 42-4-237, C.R.S.: Mandatory use and exemptions
  - b. Advantages of using occupant restraints while operating an emergency vehicle
    - (1) Agency policy
    - (2) Worker's Compensation requirements
- E. The responsibility for remaining current with case law pertaining to law enforcement driving rests with the lead driving instructor of each academy. Resources: local district attorney, state attorney's office, National Traffic Center.

## II. NON-EMERGENCY DRIVING SKILLS

### Learning Objective:

The student will be able to identify and demonstrate proper non-emergency driving skills and defensive driving methods.

- A. Driver's Attitude and Condition
- B. Driver's Skill and Abilities
- C. Vehicle's Capability and Condition
  - 1. Make a visual pre-drive inspection of the vehicle
  - 2. Vehicle condition
    - a. Use by other officer
    - b. Maintenance of the vehicle
- D. Driving Environment
  - 1. Road, weather, and traffic conditions
  - 2. Always being aware of an "out" or escape maneuver/route in an emergency development
- E. Acceleration and Deceleration
  - 1. "The greater the speed, the longer it takes to stop"
  - 2. Brake fade is due to "over-use" of the system
  - 3. Factors affecting a vehicle

4. Understeer:
  - a. The front tires lose traction before the rear tires and gives the sensation of not steering into the turn - "Plowing".
5. Oversteer:
  - a. The rear tires lose traction and slip towards the outside of the curve and cause the rear of the vehicle to take a wider path through the turn than the front of the vehicle.

#### F. Steering and Cornering Skills

1. The 9 and 3 hand position on the steering wheel and/or the 8 and 4 hand positions are the only acceptable hand positions. These positions are to be taught along with the shuffle steering technique or modified shuffle steering.
2. Line of travel
  - a. Centripetal force: center seeking force which acts upon a body in motion in a circular or semi-circular motion that is directed to the center of curvature or axis of rotation.
  - b. Centrifugal force: center fleeing force which acts upon a body in motion in a circular or semi-circular motion that is directed away from the center of the curvature or axis of rotation.

#### G. Skid Avoidance and Control

1. Speed and Traction
2. Road surface
  - a. Friction
    - (1) Static: at rest (no motion)
    - (2) Rolling: one body going one way and the other body going the opposite direction (develops traction)
    - (3) Kinetic: the contact between two surfaces that are sliding together (no traction)

#### H. Collision Avoidance

1. Escape routes
2. Defensive and alert

- I. Accident survival
  - 1. Angle of impact
  - 2. Positioning of vehicle
    - a. Collision zone
  - 3. Collision selection
  
- J. Backing
  - 1. Vehicle backing instruction and exercises will be a part of academy programs. Acceptable instruction may include the use of mirrors, no use of mirrors, or a combination.
  - 2. Steering
    - a. Parallel parking
    - b. Positioning of hands and body
    - c. Changing Vehicle Direction
  - 3. "Y"/"J" turns
  - 4. "U" turn
  - 5. Pull in and back out
  
- K. Radio Use
  - 1. Divided attention

### **III. EMERGENCY RESPONSE AND VEHICLE PURSUIT DRIVING SKILLS**

#### **Learning Objective:**

The student will be able to identify, discuss, explain or demonstrate the various skills and techniques necessary to safely operate a vehicle while on an emergency response or vehicle pursuit.

- A. Legal Limitations
  - 1. Limitations based on State Statutes
    - a. § 42-4-213, CRS: Audible and visual signals on emergency vehicles

- b. § 42-4-108, CRS: Public officer to obey provisions – exceptions for emergency vehicles
    - c. § 42-4-805(8), CRS: Pedestrians yielding to an emergency vehicle
    - d. § 42-4-705, CRS: Operation on approach of emergency vehicles
  - 2. Limitations based on departmental policy
- B. Driving Position
  - 1. Seat Position
  - 2. Proper steering wheel position
  - 3. Police equipment
  - 4. ALWAYS wear the occupant restraints in the proper manner
- C. Steering
  - 1. The 9 and 3 hand position is required instruction; other hand positions are optional instruction.
  - 2. Instruction is required on the shuffle steering technique, with the hands not going beyond the twelve o'clock position.
    - a. "Crossover" or "arm lock" is acceptable in emergency avoidance situations.
    - b. Other steering technique instruction is optional.
  - 3. Eye movement.
- D. Braking
  - 1. Locked wheel skid: all wheels are locked up and the tires are skidding on the road surface.
  - 2. Threshold braking: braking the vehicle to the point just before the wheels lock up.
    - a. Incipient skid
  - 3. "Rolling friction"
    - a. Steering

- 4. Anti-lock Braking System (ABS)
- E. Acceleration
  - 1. Traction
- F. Vehicle Dynamics
  - 1. Friction
    - a. Static
    - b. Rolling
    - c. Kinetic
  - 2. Centripetal Force
  - 3. Centrifugal Force
  - 4. Explanation of differences in various wheel drives, i.e., front wheel drive and four wheel drive.
  - 5. Liability for specific drive vehicles other than rear wheel drive rests with the department that employs the recruit.
- G. Skid Control
  - 1. Rolling friction
    - a. Spin out
    - b. Hydroplaning
- H. Cornering
  - 1. Oversteer
  - 2. Understeer
  - 3. Line of travel
    - a. Speed
    - b. Position
  - 4. Apex
    - a. Entrance
    - b. Exit

I. Emergency Equipment

1. Limitations: lights/sirens
2. Effects on Other Drivers
3. Use of the Emergency Radio

J. Speed of the Emergency Vehicle

1. Environmental conditions
  - a. Weather
  - b. Traffic
  - c. Road surface
2. Vehicle condition

K. Night Driving

1. Night driving practice is required after the completion of 12 hours of daylight track driving time.
2. Night driving shall start no earlier than thirty (30) minutes prior to sunset.

#### IV. MENTAL ASPECTS OF NON-EMERGENCY DRIVING

**Learning Objective:**

The student will identify, discuss and explain mental aspects of non-emergency driving.

A. Psychological Aspects

1. Routine
  - a. Same shift, same area
  - b. Poor posture
  - c. Poor Driving Habits
2. Emotional State
  - a. Personal Problems
  - b. Job Pressures



3. Fatigue
  - a. Long time spans in the vehicle
  - b. Shift work
  - c. Off-duty employment/education
  - d. Lack of rest
  - e. Conditioning

B. Driving Process

1. Identify
  - a. Mental
2. Analyze
  - a. Mental
3. Decide
  - a. Mental
4. Execute
  - a. Mental
  - b. Physical

## V. MENTAL ASPECTS OF PURSUIT DRIVING

### Learning Objective:

The student will identify, discuss, and explain mental aspects of pursuit driving.

A. Psychological Mind Set

1. Routine
2. Non-routine
  - a. Higher speed
  - b. High stress
3. Physical Response
  - a. Adrenaline flow
  - b. Tunnel vision
4. "Have to win"

- B. Judgment Considerations
  - 1. Legalities
    - a. Administrative policy
    - b. Liabilities – recent court decisions
    - c. State law
  - 2. Win
    - a. No injuries or damages
    - b. No complaints or lawsuits
    - c. Positive or no media coverage
  - 3. Lose
    - a. Injuries or damages
    - b. Lawsuits filed
    - c. Negative media coverage
  - 4. Evaluation
    - a. Department policy
    - b. Type of crime
    - c. Danger to others
    - d. Weather conditions
    - e. Road surface
    - f. Re-valuation
  - 5. Use of force continuum
    - a. Deadly force
- C. Post Pursuit
  - 1. Adrenaline control
  - 2. Injuries/Damage
  - 3. Documentation

## VI. MENTAL ASPECTS OF EMERGENCY DRIVING

### **Learning Objective:**

The student will be able to identify, discuss, and explain mental aspects of emergency driving.

- A. Psychological Aspects (Nature of the Call)
  - 1. Routine to non-routine
  - 2. Property crime
  - 3. Persons crime
  - 4. Life threatening
    - a. Weapons
    - b. Injuries
  - 5. Officer Assistance
    - a. Emergency
    - b. Non-emergency
  
- B. Judgment Considerations
  - 1. Administrative policy
    - a. Marked vehicle/unmarked vehicle
  - 2. State law
    - a. Emergency equipment
  - 3. Civil liability
  - 4. Nature of the call
  - 5. Re-evaluation
    - a. Location
    - b. Traffic
  - 6. Suspects
    - a. Description
    - b. Direction of travel

## **VII. VEHICLE STABILITY CONTROL**

### **Learning Objective:**

The student will be able to identify, discuss, and explain the specific differences that a vehicle equipped with Stability control versus a vehicle that does not.

- A. Stability Control is a term used to describe the various different electronic vehicle stability control programs in every vehicle manufactured since 2012
- B. The degree of the program's control over the vehicle depends on the manufacturer
- C. The mechanical systems on a vehicle that are affected by Stability Control
  - 1. Braking system
  - 2. Transmission
  - 3. Rear differential
  - 4. Front differential
  - 5. Throttle
- D. Steering, throttling and braking techniques affected by Stability Control programs
  - 1. Throttle increases when cornering may be affected by Stability Control
  - 2. Increasing throttle to stabilize and/or regain traction when the vehicle is in an oversteer skid may be inhibited by Stability Control
  - 3. Utilizing throttle to stabilize and/or regain traction when the vehicle is in an understeer skid may be inhibited by Stability Control
  - 4. Throttle increases to stabilize the vehicle's lateral axis may be inhibited
  - 5. Some braking techniques may be affected by Stability Control

## VIII. TESTING

- A. Skills Performance Tests, required for each student:
  - 1. Three-lane perception/reaction to be done under normal driving conditions (minimum speed – 30 MPH).
    - a. Electric lights or visual indicator is required
    - b. Minimum speed 30 MPH
  - 2. Low-speed precision driving course to include backing through a cone pattern 150 feet in length demonstrating a left and right pattern through a curved course.
  - 3. Precision maneuverability road course to include a 90-degree left and right turn, a 180-degree turn, and a high-speed lane change at 40 to 45 MPH.
  - 4. Braking technique – Straight-line course (minimum speed 40 MPH).
  - 5. Cornering, low speed 25 to 30 MPH; high speed 40 to 45 MPH.
  - 6. Demonstrated ability to operate a hand-held police radio while driving at speed.
- B. The skills performance tests will be skill-based and may be scored numerically or by a time passing score, seventy percent (70%) or better.
- C. Written Exam Required
  - 1. Includes a minimum of 20 questions related specifically to driving
- D. Any missed mandatory track time must be made up prior to the completion of testing.

### **Recommended Source Material Only:**

*IADLEST Manual – “Law Enforcement Driver Training Reference Guide 2007”*

## IX. POST INSPECTIONS

- A. Inspections may be done at any time during the entire program.

- B. In addition to the documentation required by Rules 21 and 24, the following items must be available during inspections:
  - 1. Daily schedule that includes the dates, exercises to be conducted, and lecture hours per date, as applicable.
  - 2. Test questions with answer key.
  - 3. Grading sheets for the skills performance tests.
  - 4. Diagrams of all cone patterns and exercises conducted during the program, with measurements.

## **X. DRIVING TRACK/AREA**

- A. Driving site must be approved by the SME driving committee.
  - 1. Site approval will be through a video of the facility.
- B. The driving site must be free of obstructions that interfere with the safe operation of vehicles executing driving exercises.
- C. The primary driving surface must be asphalt or concrete.
  - 1. Other road surfaces (i.e. gravel, dirt) may be used for special exercises.
- D. Safety of trainees and instructors will be a primary consideration at all times.
- E. Track Time Considerations
  - 1. Ten percent (10%) of track time may be used to set cones for exercises. If setup time exceeds ten percent (10%), it is to be deducted from track time.
  - 2. Travel time is not to be included in track time.

## **XI. VEHICLES**

- A. Only “authorized emergency vehicles” suitable for the maneuvers to be performed can be used for training purposes.

- B. Suitability of vehicles for specific maneuvers must be in accordance with the vehicle manufacturer.
- C. Rental vehicles may be used to supplement authorized emergency vehicles for defensive driving techniques only.
- D. All practice vehicles must start each track day in a safe and operable condition. Due to unanticipated problems, a ratio of one vehicle to eight students is acceptable due to breakdowns. More than that is unacceptable for approved track time.
- E. A ratio of more than one vehicle to six students has no effect on track time.

# FIREARMS TRAINING PROGRAM

*Effective January 1, 2021*

**MINIMUM REQUIRED HOURS: 72**  
**MINIMUM LIVE ROUNDS OF HANDGUN AMMUNITION FIRED: 1700**

## I. FIREARMS SAFETY

**Required Minimum Hours: 4**

**General Learning Goal:** The student will handle firearms in a safe manner.

### **Learning Objectives:**

1. The student will demonstrate the safe handling of handguns, in all environments (especially the classroom), including, but not limited to:
  - a. Describe and demonstrate range safety and protocol
  - b. Explain safety rules for handguns
  - c. Discuss and explain common mechanical actions of firearms
  - d. Describe and discuss various methods of safely handling and storing the weapon on/off duty
- A. Four Rules of Firearm Safety
  1. All weapons must be treated as if they are always loaded
  2. Never let the muzzle of a weapon point at anything you are not willing to destroy
  3. 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
  4. Always be certain of the target and beyond
- B. The Firearms Pyramid: Safety, Marksmanship, Speed, Tactics (Teach Safety, Marksmanship, Speed, and Tactics in that Order)
- C. Handling of Handguns: Types and Actions
  1. Safeties on weapons: Decockers, grip-safeties, thumb-safeties



2. Single-action, single-action only, double-action, double-action only, single/double-action
  3. Rendering weapons safe
  4. Unfamiliar weapons
- D. Positioning of Handguns
1. Holstered and secured, or cased
  2. Ready (building-search, low-ready, and cover-search)
  3. On target
  4. Clearing/malfunctions/reloads (ensure muzzle is pointed down range even if the shooter must reposition his body slightly)
  5. Maintenance (ensure muzzle is pointed in a safe direction, remove magazine from the weapon and round from chamber before disassembly)
- E. On-Duty Safety
1. Carry condition
  2. Weapons handling: Holstered, in vehicles, in gun lockers, inside buildings, around/with other officers
- F. Off-Duty Safety
1. At home safety and security
  2. In public
- G. Range Safety
1. Protocols, range rules
  2. Practices

3. Fluorescent plastic dummy ammunition
4. Range commands
5. Firearms safety plan

#### H. Special Safety Considerations

1. Plainclothes (concealed/secured)
2. In restrooms
3. Alcohol and drug use
4. Ricochets
5. Dry-firing/dry-practice
6. Cleaning
7. Penetration

#### I. Lead Contamination Considerations

1. Lead and other contaminants are deposited at shooting ranges as rounds are fired. Particles can be dispersed in the air, lay on the ground, or seep into the soil. Health risks are:
  - a. Damage to the brain and nervous system
  - b. Behavioral problems and learning disabilities
  - c. Reproductive problems
  - d. Memory and concentration problems
  - e. Muscle and joint pain
2. Preventive measures while shooting
  - a. Avoid touching mouth/ face area
  - b. Wash your hands thoroughly with cold water and soap before eating and drinking
3. Preventive measures while policing the range
  - a. Do not use head gear to collect brass
  - b. Wear mask when sweeping the range. This is especially applicable for an indoor range

- c. Wash your hands thoroughly with soap and cold water when done
    - d. Avoid eating and drinking until your hands are clean
  - 4. Preventive measures during weapon maintenance
    - a. Wear latex gloves if possible
    - b. Do not touch face/ mouth area. Avoid contact with your eyes
    - c. Clean weapon in area away from places where food is consumed
    - d. Avoid eating or drinking while using gun cleaning equipment
    - e. Insure cleaning equipment (rags, patches, etc.) Are disposed of properly
    - f. When done, wash hands thoroughly with soap and cold water
  - 5. Preventive measures after range departure
    - a. Consider changing your clothes as soon as possible. Wash separately from other clothing
    - b. Avoid tracking contamination into your residence by leaving your range shoes or boots outside
    - c. Shower when reasonably possible
    - d. Avoid contact with family members, especially small children, until you have changed clothes and showered
- J. Firearms Training Program Live Fire Required/ Recommended Equipment
  - 1. Required Equipment
    - a. Eye Protection
      - (1) OSHA Standard Z87.1 ANSI shatter proof, wrap around protection is recommended
      - (2) Clear lenses during dim light shooting
    - b. Hearing Protection
      - (1) OSHA Standard 1910.95, safe for 8 hours @ 85 decibels is recommended
  - 2. Recommended Equipment
    - a. Brimmed hat
    - b. Body armor
      - (1) NIJ Standard 0101.03, 0101.04, Level IIA or higher
    - c. Individual first aid kit
    - d. New manufactured ammunition

## II. EQUIPMENT SELECTION

**Required Minimum Hours: 1**

**General Learning Goal:** The student will explain and discuss equipment related to carrying and using a firearm.

**Learning Objectives:**

1. The student will explain and discuss various firearms equipment and alternatives including, but not limited to:
  - a. Service weapons
  - b. Firearms related equipment
- A. Weapons
  1. Weapon type (semi-automatic pistol/revolver)
  2. Caliber
  3. Weapon fit/grip/control
  4. Action type
    - a. Single-action
    - b. Traditional double-action
    - c. Double-action only, safe-action, etc.
  5. Accessibility/comfort
  6. Reliability
  7. Agency standard (Uniform)
- B. Uniform Duty Equipment: Advantages and Disadvantages
  1. Holsters
    - a. Level 1, 2, 3 retention
    - b. High ride, mid ride, low ride
    - c. Material: Leather, plastic, nylon
    - d. Maintenance/inspection
  2. Magazine carriers
    - a. Vertical covered
    - b. Horizontal covered
    - c. Vertical open top

- d. Maintenance/inspection
  - 3. Belts
    - a. Inner and outer belts
    - b. Belt keepers/positioning on belt
- C. Handgun Accessories: Advantages and Disadvantages
  - 1. Modification to manufacture equipment
    - a. Warranty
    - b. Agency standard
  - 2. Trigger modification/adapters
  - 3. Sights: Night, laser, laser grips, etc.
  - 4. Grips: Rubber/plastic/wood
- D. Magazines
  - 1. Duty
    - a. Factory and after market
    - b. Number carried
    - c. Compatibility with back-up weapons
    - d. Agency standard
- E. Red dot sight equipment handguns (if applicable): advantages/disadvantages
  - 1. Optic
    - a. Durability
    - b. Battery life
    - c. Dot adjustment
  - 2. Optic mounting
  - 3. Holster
  - 4. Back-up iron sights

### III. WEAPON MAINTENANCE

**Required Minimum Hours: 1**

**General Learning Goal:** The student will demonstrate how to clean and service a handgun.

**Learning Objectives:**

1. The student will demonstrate care and cleaning of a weapon including, but not limited to:
  - a. Nomenclature
  - b. Maintenance of weapon and ammunition
  - c. Field stripping
  
- A. Nomenclature
  1. Identify the major components of the handgun
  
- B. Clearing
  1. How to safely clear the law enforcement handgun
  2. Remove ammunition from cleaning area
  
- C. Field Stripping
  1. Semi-automatics
    - a. Take down the slide, barrel, and recoil spring assembly
    - b. Frame
    - c. Magazine
  
- D. Cleaning Equipment/Supplies
  1. Solvents
    - a. Toxic
    - b. Non-toxic (water based)
  
  2. Barrel/bore
    - a. Bore brushes: Bronze, nylon, stainless steel (differences, advantages, cautions)
    - b. Bore jag
    - c. Patches
  
  3. Other
    - a. Scrub brushes: Bronze, nylon, stainless steel (differences, advantages, cautions)

- b. Q-tips
- c. Pipe cleaners
- d. Shop rag
- e. Latex, rubber gloves

E. Cleaning

- 1. Semi-automatics
  - a. Frame
  - b. Slide: No solvent on night sights
  - c. Barrel
  - d. Magazine

F. Re-Assembly

G. Lubrication

- 1. Types of lubricant
  - a. Quality gun lubricant
  - b. DO NOT USE WD-40
  - c. Critical areas for lubrication
  - d. Critical areas NOT to lubricate
- 2. Function checks (use dummy rounds)
  - a. Lock back (empty magazine)
  - b. Feeding
  - c. Chambering
  - d. Extracting
  - e. Ejecting
  - f. Magazine drop
  - g. Firing Pin/Pencil Test (COMPLETELY UNLOAD HANDGUN, drop slide, point muzzle up, insert pencil with eraser end in barrel, press trigger, pencil should exit barrel)
- 3. Magazines: Check for serviceability

H. Ammunition

- 1. Abuse
- 2. Penetrating solvents

3. Rotation
  4. Remanufactured
  5. Check rounds before loading into magazine
- I. Red dot sight equipment handguns (if applicable)
    1. Lens care
    2. Regular battery replacement

#### **IV. BASIC PRINCIPLES OF FIRING A LAW ENFORCEMENT HANDGUN**

**Required Minimum Hours: 10**

**General Learning Goal:** The student will demonstrate the basic principles of shooting a handgun.

##### **Learning Objectives:**

1. The student will demonstrate the basic techniques of marksmanship and shooting using a handgun that will include, but not be limited to:
    - a. Stance
    - b. Grip
    - c. Sight alignment/sight picture
    - d. Trigger manipulation (trigger press)
    - e. Breath control
    - f. Follow through/recovery
  2. The student will demonstrate the proper presentation (draw) and holstering of the handgun.
- A. Weapons
    1. Weapon fit
    2. Safety check



## B. Six Basic Fundamentals of Marksmanship

### 1. Stance

- a. Stability
- b. Mobility
- c. Balance
  - (1) Three basic types of stances
    - (a) Isosceles – Feet shoulder width apart, toes pointing toward target. Body squared up to (facing) target, arms extended towards target, and elbows are not bent
    - (b) Weaver (Interview) – Feet shoulder width apart at 45 degrees to target, arms flexed, elbows down
    - (c) Modified (Combat Stance/Natural Action Stance) – The front of the strong foot on line with the back of the support foot, feet at least shoulder width apart, slightly more bend in the knees, leaning more at the waist towards the threat, upper body squared up, and arms extended straight towards the target

### 2. Grip

- a. Gun hand position (pressure applied front and rear)
- b. Support hand position (pressure applied side to side)
- c. Proper arm tension
- d. Isometric tension of hands – Push/pull using Weaver, 360-degree pressure using Isosceles
- e. Amount of hand tension (firm grip)
- f. Trigger finger position when not firing
- g. Support/strong thumb position

### 3. Sight picture/sight alignment

- a. Sight alignment – The alignment of the sights, both front and rear, with the eyes of the shooter
- b. Sight picture – The relationship between the sights, target, and the eyes of the shooter
- c. Use of eyes
  - (1) Both eyes
  - (2) Dominant eye
    - (a) Determination

4. Trigger manipulation (trigger press)
  - a. Definition: The smooth continuous, straight back manipulation of the trigger sufficient to discharge the weapon without disturbing the sight picture/sight alignment (referred to as a “press”)
  - b. Trigger re-set: Once the trigger has been pressed and the gun has discharged, the trigger will only be allowed to go forward just enough to reset the sear
  - c. Finger position
5. Breath control
  - a. Rapid fire on short strings of shots
  - b. Deliberate slow fire
6. Follow through/recovery
  - a. Follow through: Maintaining other marksmanship fundamentals through the firing cycle
  - b. Recovery: Acquiring a new sight picture after every shot with a proper trigger reset

C. Presentation

1. Basic draw of the weapon
  - a. Gun hand/proper grip begins with gun in holster
  - b. Withdraw straight up
  - c. Rotate weapon – Muzzle forward
  - d. Support hand joins strong hand for two-handed grip
  - e. Extend weapon towards target
  - e. Target acquisition
2. Close combat draw
  - a. Gun hand/proper grip begins with gun in holster
  - b. Withdraw straight up
  - c. Rotate weapon – Muzzle forward
  - d. Weapon retention/close to body
  - e. Support hand – Clear from weapon (guarded position)
  - f. Target acquisition
3. Holster the weapon
  - a. Basic draw technique in reverse
  - b. Support hand – Clear from muzzle when placing weapon in holster

- c. Eyes – Search/Scan 360 degrees before holstering; do not look at gun and holster while holstering. Keep your head and eyes up
- D. Red dot sight equipment handguns (if applicable)
  - 1. Zeroing
  - 2. Sight picture
    - a. Target focus
    - b. Superimpose dot on target
  - 3. Mechanical zero

## V. WEAPON MANAGEMENT

**Required Minimum Hours: 4**

**General Learning Goal:** The student will safely and effectively demonstrate proper weapons management using a handgun.

**Learning objectives:**

- 1. The student will demonstrate correct loading/reloading and unloading which includes, but is not limited to:
  - a. Ammunition management
  - b. Weapon status
  - c. Malfunctions

### **Semi-Automatic Pistol: Advantages and Disadvantages**

#### A. Unloading Semi-Automatic Pistols

- 1. Unloading
  - a. Point the muzzle in a safe direction
  - b. Remove the magazine from the pistol
  - c. Work the slide backwards to eject any round in the chamber
    - (1) Do not attempt to catch or prevent the round from falling to the ground
    - (2) Allow the round to fall to the ground
  - d. Use the slide stop to lock the slide back. Visually and physically inspect the chamber
  - e. Any instructions related to manufacture or agency procedures

## B. Loading Semi-Automatic Pistols

1. Point the muzzle in a safe direction
2. With the slide locked back
  - a. Insert a loaded magazine into the magazine well and push firmly until it locks into place
  - b. Release the slide by either using the slide release lever or grabbing the serrated portion of the slide and pulling it back to chamber a round
3. With the slide forward in battery
  - a. Insert a loaded magazine into the magazine well and push firmly until it locks into place
  - b. Grasp the slide by the serrated portion and pull it all the way back
  - c. Release the slide and let the spring action carry the slide forward
  - d. Engage any appropriate safety or de-cocking lever

## C. Tactical Reloading a Semi-Automatic Pistol: Advantages and Disadvantages

1. When
2. Left/right hand procedure
3. Benefits of going for fresh magazine first vs. the partial magazine first
  - a. Fresh magazine first: Used in cases where there is a magazine disconnect in the handgun. The advantage is that the gun will be able to fire the last few rounds as long as the magazine is seated in the gun. The disadvantage is that the officer will be handling two magazines in one hand under stress
  - b. Taking old magazine first: Used in most other cases. The advantage is that the motion more closely resembles the motion of a combat reload (commonality of training). The disadvantage is that the officer only has one round to shoot during the transition
  - c. Stowage of partial magazine

- D. Combat Reloading a Semi-Automatic Pistol: Advantages and Disadvantages
  - 1. When
  - 2. Left/right hand procedure
- E. Malfunction Clearance
  - 1. TAP-RACK-ASSESS (failure to fire, failure to eject)
  - 2. Unload gun and then reload gun (failure to extract)
    - a. Strip magazine or lock slide to the rear before stripping magazine
    - b. Work slide 2-3 times to eject shell casing
    - c. Place magazine into magazine well
    - d. Rack slide and assess threat
    - e. Other techniques may be taught at the lead instructor's discretion
- F. Malfunction Causes
  - 1. Feedway stoppages
    - a. Improper ammunition
    - b. Magazine not seated properly
    - c. Faulty magazine
    - d. Obstructed chamber
    - e. Slide stop early
  - 2. Failure to fire
    - a. Improper ammunition
    - b. Misfire or empty chamber
    - c. Magazine not seated properly
    - d. Broken firing pin/pin spring
    - e. Slide not in battery
  - 3. Failure to extract (double feed)
    - a. Improper ammunition
    - b. Dirty extractor
    - c. Dirty chamber
    - d. Broken/worn extractor
    - e. Stuck case

4. Failure to eject (stovepipe)
  - a. Improper ammunition
  - b. Magazine not seated
  - c. Weapon dirty/not lubricated
  - d. Broken ejector
  - e. Broken extractor
  - f. Limp wrist
  - g. Other

G. Weapon Status

1. Press check
  - a. Keep muzzle directed away from body parts
  - b. Visual vs. physical press check
2. In the holster
3. Out of the holster

H. Red dot sight equipment handguns (if applicable)

1. Objective lens failure
2. Emitter failure
3. Occluded lens

## VI. DECISIONAL SHOOTING

**Required Minimum Hours: 12**

**General Learning Goal:** The student will explain, discuss and demonstrate the firearms role regarding the legal use of force.

**Learning Objectives:**

1. The student will identify and describe the physiological and psychological forces that affect a person threatened with danger including, but not limited to:
  - a. Legal shooting decisions
  - b. Shooter's responsibilities
  - c. Mind set conditions
  - d. De-Escalation
  - e. Medical aid considerations

### **Method of Instruction:**

1. A minimum of 7 live fire decisional exercises must be conducted per student
  2. A minimum of 4 reality-based training scenarios must be conducted per student
  3. Ratio of one to one instructor to student ratio required during all live fire decisional exercises and reality-based training scenarios
- A. Discuss the Following Points Prior to Any Live Fire or Reality Based Training
1. The use of deadly force is authorized by law in the performance of an officer's duties. Review the Colorado statutes related to the application of deadly physical force;
    - a. A peace officer is justified in using deadly physical force to make an arrest only when all other means of apprehension are unreasonable given the circumstances, and:
      - (1) He or she has objectively reasonable grounds to believe, and does believe that the person has committed or attempted to commit a felony with the use or threatened use of a deadly weapon; and
      - (2) Without immediate apprehension the person remains an imminent threat to the officer or others by the use or threatened use of force that may result in SBI or death.
    - b. A peace officer is justified in using deadly physical force to defend himself or herself or others from what he or she reasonably believes is the use or imminent use of force that may result in SBI or death.
    - c. A peace officer is justified in using deadly physical force if he or she has objectively reasonable grounds to believe, and does believe that the subject is attempting to escape by the use or threatened use of a deadly weapon, and without immediate apprehension remains an imminent threat to safety of the officer or

others by the use or threatened use of force that may result in SBI or death.

- d. Prior to using firearms or other deadly physical force, a peace officer shall identify himself or herself as a peace officer and give a clear verbal warning of his or her intent to use firearms or other deadly physical force with sufficient time for the warning to be observed, unless to do so would unduly place peace officers at risk of injury, would create a risk of death or injury to other persons.
- e. When force is used, the force employed shall not create a substantial risk of injury to other persons.
- f. A peace officer shall not use deadly physical force to



apprehend a person who is suspected of only a minor or nonviolent crime.

- g. A peace officer has a duty to intervene to stop or prevent another officer from using excessive force. The intervention and excessive force must be reported.

2. Decisions to shoot must be based on the lawful use of deadly force; considerations (factors) found in case law are:

a. *Graham v. Connor*, 490 U.S. 386 (1989) (SCOTUS):

- (1) The question is whether the officer's actions are "objectively reasonable" in light of the facts and circumstances confronting the officers in each particular situation, without regard to their underlying intent or motivation.
- (2) "Facts and circumstances" of each particular case, considerations:
  - (I) The severity of the crime at issue
  - (II) Whether the suspect poses an immediate threat to the safety of officers or others.
  - (III) Whether the suspect is actively resisting arrest by flight.

b. *Plumhoff v. Rickard*, 572 U.S. 765 (2014) (SCOTUS):

- (1) The court held on the basis of the facts of this case that the officers were justified to continue firing at the suspect who was creating a severe threat to public safety until the threat to public safety had ended.

c. Although not a legal standard, the following elements are a training tool to explain the justification for deadly force

- (1) Ability (means) - the suspect's ability to cause serious bodily injury or death
- (2) Opportunity - considerations are the suspect's proximity to a weapon, the officer, or others; obstacles between the suspect and officers; whether the suspect is restrained or not

- (3) Intent – The officer’s perception of a threat or imminent threat the person presents to the officer or others based on the totality of the circumstances. The perception must be based on objective factors.
  - (4) Ability, opportunity, and intent must all be present for the officer to articulate the justification of deadly physical force. The absence of one or more of these elements presents a risk to an officer, which allows for officers to de-escalate. When all three of these elements are present, there is a threat rather than a risk.
3. Responsibilities of the officer:
- a. The officer is responsible for every round fired
  - b. The officer must be able to articulate the elements of Intent, Opportunity, and Ability
4. Mindset conditions (Awareness and readiness)
- a. Awareness Spectrum – Can be defined by using the color code:
    - (1) White –Relaxed, unaware, unprepared
    - (2) Yellow – Relaxed awareness, aware of environment, easy to maintain
    - (3) Orange: High level of sensory awareness, specific alert, anticipation, full attention
    - (4) Red – UOF encounter – You are in jeopardy, react, use reasonable force based on the circumstances
    - (5) Black – Panic, hyper-vigilance, ill prepared
5. De-Escalation
- a. Verbal de-escalation
  - b. Tactical de-escalation
    - (1) Tactical positioning
    - (2) Use of distance and cover
    - (3) Waiting for back-up
    - (4) Avoiding unnecessarily compressing time and distance
    - (5) Less intrusive means of force (where feasible)
    - (6) Disengagement
  - c. Physical de-escalation

- d. Warning shoots should not be a means of de-escalation
6. Edged and blunt weapon considerations
- a. When confronted by an offender armed with an edged or blunt weapon, the Graham standard must be applied based on the totality of the circumstances; not a mechanical application based on arbitrary distances.
7. Medical Considerations
- a. If injury results from use of force, the officer will notify medical
  - b. If the scene is safe, officers should apply first aid to the extent of their training when feasible based on the totality of the circumstances.
  - c. As soon as feasible, officers should place the subject in a recovery position.
  - d. Ensure that any identified relatives or next of kin of persons who have sustained SBI or death are notified as soon as practicable.
- B. Live Fire Decisional Exercises
- 1. Targets must be a combination of shoot and don't shoot targets. Verbal warnings where feasible should also be included depending on the exercise
  - 2. The students are required to articulate their decisions on each exercise based on the legal application of use of force
- C. Reality Based Training Decisional Scenarios
- 1. A safety officer must be designated and safety procedures in place to ensure that no live ammunition and/or operable firearms are introduced into the training area where the scenarios are being conducted
  - 2. Any medium that forces the student to react to a real person's actions or force can be used. Examples are paintball, Simunitions, Airsoft, and similar technologies
  - 3. If the manufacturer of the medium has written safety guidelines, they will be adhered to

4. These scenarios should be scheduled to include items taught in building search, DIM LIGHT SHOOTING and TACTICAL SITUATIONS
5. The students are required to articulate their actions and the legal application of use of force based on the totality of the circumstances from the start of the scenario to its conclusion

## VII. TACTICAL SITUATIONS

**Required Minimum Hours: 30**

**General Learning Goal:** The Student will demonstrate commonly recognized survival-based shooting techniques.

### **Learning Objectives:**

1. The student will demonstrate particular shooting skills including, but not limited to:
  - a. Ready positions
  - b. Scanning and Searching
  - c. Shot placement
  - d. Shooter Movement
  - e. Threat Movement
  - f. Multiple Threats and Assessment
  - g. Positional Shooting
    - (1) Unconventional positions may be demonstrated through non-live fire exercises
  - h. Cover and Concealment
  - i. Long Distance Shooting
  - j. Strong/Support Hand Only Shooting and Weapon Management
    - (1) May be demonstrated utilizing dummy rounds
  - k. Close Distance Shooting
  - l. Escalation / De-Escalation
  - m. Shooting From and Around a Vehicle
    - (1) May be demonstrated with an inert weapon, marking cartridges or airsoft type of munitions

### **Method of Instruction:**

1. An instructor to student ratio of one to four is required during live fire exercises. This does not include the lead instructor.
  2. The lead instructor will emphasize the four rules of firearms safety.
- A. Ready Positions
1. Low Ready (Extended)
    - a. Arms, fully extended; gun is below eye level just enough to see what needs to be seen. Muzzle is depressed.
  2. Low Ready (Compressed)
    - a. Elbows are bent with the forearms on or close to the ribcage. Muzzle is depressed.
  3. Other Ready Positions
    - a. Position “Sul”
    - b. High ready positions
- B. Scanning and/or Searching
1. Scanning
    - a. After identifying a threat and/or shooting a threat, keep weapon pointed at the threat and scan the area, 360 degrees, looking for additional threats, non-threats, assisting officers, etc.
    - b. Breathing as you scan helps break up “tunnel vision” and refreshes rod cells to restore night vision.
  2. Searching
    - a. Weapon in a ready position, muzzle follows eyes. Looking for unknown or possible threats.
    - b. Searching with a weapon mounted light vs. searching with a handheld light.
      - (1) While searching with a handheld flashlight, weapon can be kept in a ready position and threats and non-threats can be illuminated without the weapon being pointed at them.

- (2) When searching with a weapon-mounted light, the muzzle of the weapon is also covering anything illuminated by the weapon-mounted light.

## C. Shot Placement

1. Upper Chest – Cardiovascular System
  - a. Largest part of the body
  - b. Contains heart, lungs and major blood vessels
  - c. Usually the area to shoot first
  - d. Hits to the upper chest will disrupt respiration, circulation and damage vital organs
  - e. Starts the “Timer”: Hits to the upper chest do not cause immediate incapacitation, rather rapid blood loss which takes a certain amount of time dependent on quality of hits.
2. Head (Face) – Central Nervous System / Brain Stem
  - a. Small target covered in thick, rounded skull that’s difficult to hit
  - b. Aim for the eyes / nose / ear canal / base of skull
  - c. The “Switch”: Instant incapacitation if brain stem is hit
  - d. If initial shots to the chest fail to stop the threat, consider shots to the head
3. Pelvis – Bone structure
  - a. Can disrupt the threats mobility
  - b. Femoral artery
  - c. Larger than head
  - d. Multiple rounds to one side of the hip to break up the bone structure
  - e. If initial shots to the chest fail to stop the threat, consider shots to the pelvis
4. Targets of Opportunity
  - a. Shoot the largest part of what’s available for as long as it’s available, if safe and appropriate.

5. Shooting through barriers
  - a. Effects on ballistics of ammunition
  - b. Will your rounds penetrate the barrier?
  - c. Multiple rounds to break up the barrier
  - d. Vehicle windshields
    - (1) Shooting into a vehicle, round tends to hit low on the target
    - (2) Shooting out of a vehicle, round tends to hit high on the target.

#### D. Shooter Movement

1. Lateral Movement
  - a. The emphasis should be on large steps, off the line of attack, to the shooter's left or right, avoiding the threat's first hostile action.
  - b. You become a moving target making you more difficult to hit and giving you more time to draw, if needed, and make a lethal force decision.
  - c. Lateral movement should be emphasized continuously in shooting drills when feasible and safe.
2. Forward Movement- Advancing on the threat
  - a. Shooter should stay balanced, separating lower body movement from upper body shooting platform.
  - b. Active shooter movement: single officer or with a team.
  - c. May be at an angle to the threat
3. Rearward Movement – Away from the threat
  - a. Shooter should stay balanced, separating lower body movement from upper body shooting platform.
  - b. Single steps back to create space
  - c. Continuous movement backward while shooting
  - d. May be moving backwards at an angle away from the threat.

## E. Moving threat

1. Methods to hitting a laterally moving threat
  - a. Ambush – Hold the sights on a point the threat is moving towards. When the threat is in the sights-press the trigger.
  - b. Tracking – Hold the sights on the moving threat and press the trigger.
2. Advancing threat
  - a. Shooter should start to move laterally
3. Threat moving away from you
  - a. Make hits before they get too far, if safe and appropriate.
4. It is strongly recommended that students complete live fire exercises on moving targets if the training facility allows.

## F. Multiple Threats

1. Threat Assessment: During an intense, uncertain, and rapidly evolving deadly encounter, officers will address threats as they are perceived
  - a. Considerations in threat assessment
    - (1) Distance
    - (2) Weapons
    - (3) Is the threat shooting at or threatening you or someone else.
2. Tactical considerations
  - a. Awareness and avoidance are the best option
  - b. Maintain space between you and threats
  - c. Retain ability to maneuver
  - d. Make your shots count
  - e. Use cover if available
  - f. Be prepared to fight to the finish
  - g. Withdraw if tactical situation warrants it



## G. Positional Shooting

### 1. Primary Shooting Positions (Other than standing)

#### a. Kneeling

##### (1) Supported Kneeling

(a) Support side elbow is resting on the support side knee.

##### (2) Unsupported Kneeling

(a) Elbows are not supported and either the support or strong side knee is up.

##### (3) Double Kneeling.

(a) Both knees are on the ground.

#### b. Prone

##### (1) Traditional or Military Prone

(a) Shooter is flat on their belly with legs straight behind them. Heels are together and ankles are flat on the ground. Elbows are on the ground and bent to bring the sights of the weapon to eye level.

##### (2) Rollover Prone

(a) Shooter is lying on their strong side with hips at an angle towards their support side with support side leg bent bringing knee up towards their chest. Strong arm is straight, holding weapon straight up and down. Shooters check rests on their bicep to look down the sights.

### 2. Secondary Shooting Positions

#### a. Squatting

#### b. Sitting

(1) Care must be taken not to cover the strong side leg when drawing from sitting.

### 3. Unconventional Shooting Positions

#### a. Shooter on their back (Supine)

(1) Feet towards threat

- (2) Head towards threat
- (3) Threat to the left
- (4) Threat to the right
- b. Shooter on their side
  - (1) Strong side on the ground, threat to the front
    - (a) Discuss leg position
  - (2) Support side on the ground, threat to the front
    - (a) Discuss leg position

## H. Cover/Concealment

### 1. Definitions

- a. Cover: Anything that stops, turns, or impedes direct or indirect fire
- b. Concealment: Keeps you from being seen but does not stop incoming fire
- c. Cover can be Concealment but Concealment is never Cover.

### 2. Cover

- a. Cover is relative to what it is being shot with. Cover that stops a BB gun might not stop a handgun. Cover that stops a handgun might not stop a rifle.
- b. Vertical Edge
  - (1) It is best to use the vertical edges of cover whenever possible. It exposes less of the shooter and minimizes the shooter's exposure to ricochets and shrapnel from incoming fire.
- c. Horizontal Edge
  - (1) Using the horizontal edge requires the shooter to expose their head above the cover making them more vulnerable to direct fire, ricochets and shrapnel.
- d. Interior walls and doors
  - (1) Walls are usually made of drywall, which does not stop most rounds. Doors are usually hollow and thin.
- e. Exterior walls and doors
  - (1) Usually thicker, made with siding, brick, stone etc. with doors usually solid. May be good cover.

- f. Weapon's ballistic performance – handgun, rifle or shotgun
  - (1) Know if the cover you are using will stop what you are being shot at with.
  - (2) Material that will stop a handgun round might not stop a rifle or shotgun slug.
- g. Just as important in periods of limited visibility
- h. Emphasize standing back from cover because it allows the shooter to transition from the left to the right side of cover without depressing or elevating the muzzle; it increases the shooter's field of vision, and exposes less of the shooter's body to the threat.
- i. When attaining a sight picture from behind cover, ensure the muzzle is clear of the cover
- j. Consideration must be given to the suspect's location

### 3. Concealment

- a. Tactical deployment and approach
- b. Darkness, shadows, trees, etc.
- c. Cover can be Concealment BUT Concealment is NEVER Cover!

## I. Long Range Shooting (25 Yards and Beyond)

- 1. Distance vs. survivability
- 2. Range of handgun and officer responsibility
- 3. Tactics Involved
  - a. Cover
  - b. Principles of marksmanship
  - c. Threat of rifle/shotgun slugs
  - d. Shooting positions
    - (1) Standing vs. Kneeling vs. Prone
  - e. Advantages and disadvantages of using cover to provide a stable braced position
- 4. MINIMUM REQUIRED EXERCISES

- a. It is strongly recommended that students fire a minimum of 12 rounds from a distance greater than 25 yards.
- b. If shooting beyond 25 yards is not possible due to range limitations, then it is recommended that reduced size targets be used to simulate greater distances.

J. One Hand Shooting (Strong Hand/Support Hand)

1. Reason to use one hand
  - a. Injury
  - b. Other hand dedicated to other effort
2. Marksmanship: Strong/support
3. Presentation: Strong/support
4. Reloading: Strong/support (back-up gun considerations)
5. Malfunction clearances: Strong/support (back-up gun considerations)
6. Students must demonstrate proficiency in one-handed proper weapon presentation, reloading, and malfunction clearances with both the strong and support hand during drills without any assistance.

K. Close Distance Shooting and Contact Wounds

1. Close distance considerations
  - a. Reaction time
  - b. Disarming or blocking threat first vs. drawing weapon first
  - c. Weapon Retention
  - d. Presentation
    - (1) Retention firing position
    - (2) Arms extended gun at eye level firing position
  - e. Use of sights vs. Point shooting

- f. Moving Left, Right or Back while drawing
- g. Keep Moving

2. Contact wound considerations

- a. Reasons for a contact wound
  - (1) To end a violent, hands on fight, for example a suspect wrestling with another officer and Deadly Force is justified to end the fight.
  - (2) Suspect is on top of you and Deadly Force is justified to end the fight.
  - (3) Others
- b. Issue with the slide of an auto pistol being pushed out of battery.
  - (1) Shooter can use support hand to hold the slide in battery and fire one round. Malfunction should be immediately cleared.
  - (2) Shooter can use thumb of strong hand pressed against the back of the slide (striker fired pistols only) to hold the slide in battery and fire one round. Malfunction should be cleared immediately.
  - (3) Weapons mounted lights can be used to create an “off set” to keep the slide from being pushed out of battery.

L. Escalation / De-Escalation of Force

- 1. De-Escalation of Force
  - a. Transitions from deadly force (handgun), to a less lethal weapon, (baton, TASER, O.C. spray, etc.) or to handcuffs or empty hands.
- 2. Escalation of Force
  - a. Transition from a less lethal weapon (baton, TASER, O.C. spray, etc.) to deadly force (handgun).
- 3. Proper verbal commands

M. Shooting From and Around a Vehicle

1. From within a vehicle, students should engage threat(s) to the front and be prepared to move to cover adjacent to or behind the vehicle with and without a partner
  - a. Seat belt must be disengaged and cleared away from the duty belt
  - b. Focus must be on the threat
  - c. Ensure vehicle is placed into park
  - d. Handgun must be removed safely from the holster without the muzzle covering the student or his /her partner
  - e. Ensure weapon safely clears the steering wheel
  - f. Communication is critical when students are covering and moving

## VIII. DIM LIGHT SHOOTING

**Required Minimum Hours: 8  
5 of 8 hours must be live fire**

**General Learning Goal:** The student will safely and effectively utilize and fire a weapon under dim light conditions.

### **Learning Objectives:**

1. The student will demonstrate techniques and tactics utilized in dim light shooting including, but not limited to:
  - a. Shooting without a flashlight
  - b. Flashlight techniques
  - c. Cover/concealment
  - d. Movement
  - e. Reloading
  - f. Malfunction clearances
  - g. Target indicators

### **Method of Instruction:**

1. Prerequisite: Forty (40) hours of the firearms program must be completed prior to the dim light shooting (8 hours of classroom and 32 hours of range instruction)

2. For dim light shooting that requires movement, the instructor to student ratio shall be 1:4 with an emphasis on the four rules of firearms safety. This ratio shall not include the instructor running the range exercise
- A. How Light Affects the Eyes (Knowing How the Eyes are Affected by Light is Important Because Low Light/Dim Light Conditions Do NOT Relieve an Officer from the Requirement to Identify a Threat)
1. Rods and cones
  2. Eye adjustment to light and darkness
    - a. The eye pupil requires about 5 seconds to constrict when going from darkness to light
    - b. The eye pupil requires about 3 minutes to dilate when going from light to darkness
      - (1) Give your eyes time to adjust to available light. (DON'T RUSH IN)
      - (2) When using a flashlight, quick flashes will hurt your vision less than a continuous beam
      - (3) Your flashlight, if shined in the suspect's eyes, will temporarily and partially blind and disorient him
      - (4) The beam of a flashlight can cause permanent damage if shined directly into the open eyes for several seconds
  3. Glasses
    - a. Transitional lenses
    - b. Tinted
- B. Seven Primary Target Indicators
1. Sound (be as quiet as possible and listen carefully)
    - a. Test yourself in duty uniform and jump up and down
    - b. How much noise do you make
    - c. What can you do to eliminate the noise
  2. Movement (eyes are naturally attracted to movement)
  3. Reflection (examples include glasses, face of a watch, cell phone, badge)
  4. Contrast (difference in color/shade/or hue)

5. Outline (perfect examples are doorways, windows, hallways, stairwells, ridgelines)
  6. Smell (examples include the smell of alcohol, cigarettes, body odor, hairspray, cologne)
  7. Light (examples include the flashing or glowing light on cell phone, pager, or iPod, the glow of night sights, the beam of your flashlight)
- C. Dim Light Techniques Without a Flashlight: Advantages and Disadvantages
1. Let your eyes adjust while standing in the dark, preferably from behind cover
  2. A light-colored building will silhouette you as much as a light
  3. Use shadows
  4. Use cover/concealment
    - a. Different in the dark than during daylight
    - b. Flashlight must protrude past your cover for maximum illumination on the threat and to prevent back splash light from illuminating the officer
  5. Work corners
  6. Use/stay away from light
  7. Don't silhouette yourself or backlight other officers
  8. Doorways
  9. Lights (turn them on or leave them off)
  10. Grip (use standard two handed hold)
  11. Aim (may require the use of ambient light to get the proper sight picture or sight alignment; use of sights vs. point shooting)
  12. Practice
  13. Target identification



14. Shoot and move (if not already behind cover)
  15. Night sights, lasers and other dim light aids/optics
  16. Scanning/off-set vision
  17. Must be able to navigate, locate, identify and engage
- D. Types of Flashlights (Advantages/Disadvantages):
1. Weapon-mounted vs. hand-held
  2. Type of beam
    - a. Flood
    - b. Stream
    - c. Adjustable beam
    - d. LED vs. incandescent
    - e. Strobe
    - f. Colors
  3. Flashlight sizes
    - a. Width determined by battery size
    - b. Length and power
    - c. Batteries (rechargeable vs. disposable)
  4. Switches
    - a. Side button
    - b. End button
    - c. Momentary / Constant
    - d. Toggle
- E. Using the Handheld Flashlight While Shooting or Searching (Primary light source)
1. Advantages / Disadvantages
  2. Method(s) of holding; techniques
    - a. Harries method
      - (1) Flashlight is in support hand and under the gun hand wrist with the backs of the hands pressed together
      - (2) If the flashlight is too long, it may rest on the forearm of the gun hand

- (3) In this position, the button is best activated with the finger if using a side button flashlight, or the thumb if using an end button flashlight
- b. Chapman method (flashlight is in support hand and pressed along the support side of the gun hand)
- c. Rogers or syringe method (flashlight is held between the fingers and the thumb or the base of the palm when activating the end button)
- d. One-handed
  - (1) FBI
  - (2) Neck-index
  - (3) Other

F. Using a weapon mounted light while shooting or searching (secondary light source)

- 1. Advantages / Disadvantages
- 2. Proper uses where it is objectively reasonable to deploy a duty weapon
  - a. Building searches
  - b. Open area searches
  - c. High risk incidents
  - d. Other
- 3. Improper uses
  - a. Directing traffic
  - b. Where deadly force is not objectively reasonable
  - c. Other
- 4. Manipulation/activation
  - a. Proper two-handed grip with strong and support side thumbs pointing forward on the frame/slide
  - b. Activate weapon mounted light toggle switch with support side thumb
    - (1) Exceptions
      - (a) K-9 operations
      - (b) Disabled/injury
      - (c) Shield operations
      - (d) Other

G. Activating the Flashlight and Shooting

1. Identify your target
2. Momentary light may need to stay on in order to observe suspect movement or weapons; even if shots are necessary, it may be best to keep light on the threat so as to not give the suspect the advantage of darkness
3. Illuminate/assess/shoot/move/cover

H. Reloading

1. Light on/off
2. Cover/concealment – Ensure sights, muzzle, and light are clear of the cover
3. Combat reload
4. Tactical reload

I. Malfunction Clearances: What Do You Do with the Flashlight

J. Exercises:

1. Minimum 50 rounds without a flashlight
2. Minimum 50 rounds with a flashlight

K. Red dot sight equipment handguns (if applicable)

1. Optic adjustment

## IX. OFF DUTY/PLAIN CLOTHES

**Required Minimum Hours: 1**

**General Learning Goal:** The student will explain and discuss tactical considerations when off duty, in plain clothes or working under cover.

**Learning Objectives:**

1. The student will identify and discuss the legal and tactical considerations when taking police action while off duty, in plain

clothes or working under cover. Considerations will include, but not be limited to:

- a. Peace officers responsibility while off duty
- b. Responsibilities of the off duty/UC officer
- c. Department regulations concerning off duty police actions
- d. Off duty equipment

A. C.R.S. 16-2.5-101 Peace Officer – Defined – General Authority

1. In part, a peace officer “has the authority to enforce all laws of the state of Colorado while acting within the scope of his or her authority and in the performance of his or her duties.”
2. “A peace officer certified by the peace officer standards and training board shall have the authority to carry firearms at all times, concealed or otherwise, subject to the written firearms policy created by the agency employing the peace officer.”

B. Responsibilities of the Off Duty, Plain Clothed or Undercover Officer

1. Tactical considerations before taking action
  - a. Not readily recognized as a peace officer
  - b. No radio or vest
  - c. Probably lesser gun than duty weapon
  - d. Department policy
  - e. Better to be a good witness
  - f. Loud verbal commands identifying yourself to officers and witnesses
  - g. Family/friends considerations
2. It is the responsibility of the off duty, plain clothed or undercover officer NOT to be shot by uniform officers
3. Responding uniform officers are in charge. Comply with all commands given

C. Equipment Considerations

1. Department policy on required equipment to be carried off duty or in plain clothes
2. Badge and/or ID that can be easily held up or displayed for responding officers and citizens

3. Additional ammunition
4. Cell phone

## X. HANDGUN QUALIFICATION COURSE

**Required Minimum Hours: 1**

**General Learning Goal:** The student will qualify with a handgun at a range using the POST approved course.

**Learning objectives:** The student will pass the POST approved Handgun Qualification Course.

### **Method of Instruction:**

1. The student will be allowed a maximum of four (4) formal attempts to pass the Course.
2. A formal attempt on the Handgun Qualification Course is an announced attempt prior to the qualification for record (it is not a practice attempt).
3. The remediation procedures for a failed formal attempt are as follows:
  - a. 1<sup>st</sup> failure: Number of hours of remediation is at the discretion of the lead instructor/academy director between the first and second formal attempts.
  - b. 2<sup>nd</sup> failure: Minimum of four hours of remediation (no maximum) between second and third formal attempts.
  - c. 3<sup>rd</sup> failure: Number of hours of remediation is at the discretion of the lead instructor/academy director between the third and fourth formal attempts.
  - d. The remediation curriculum will be left to the discretion of the academy director and lead firearms instructor for the affected academy.
  - e. Failure of a fourth formal attempt will require the student to successfully complete the entire firearms training program at a POST-approved basic or reserve academy.
4. Materials needed

- a. Instructors: Timing device, signaling device
  - b. Students: Firearm, duty gear, reloading device, eye/ear protection
5. Required ratio
- a. Ratio of 1 to 4 instructor to students
  - b. This ratio shall not include the instructor running the qualification course
6. Throughout the training, students will load and unload as instructed and begin each stage with the weapon holstered.

### **Course Information:**

- A. Target: The target used for formal qualification attempts will be the Colorado POST target (a modified TQ 15). The target has no scoring rings and a head shot is designated by a dotted line at the chin line. The target depicts a handgun pointing directly at the shooter attempting the qualification course.

This qualification course is a pass/fail course and all rounds must be fired and must be on the silhouette to pass. The stipulated head shot must be in the head on or above the chin line of the target. Failure to accurately place the head shot in the head will result in a DNQ. Any rounds not accounted for on the target will result in a DNQ.

- B. General: At the discretion of the instructor alibis are allowed for immediate action malfunctions.
1. The course must be fired in the given order. All rounds MUST be fired exactly as described and within the time parameters for each stage. Failure to fire all 25 rounds as described will result in a "Does Not Qualify" (DNQ).
  2. Verbal challenges are optional, verbiage and usage is at the academy/agency discretion.
  3. For the purpose of this qualification course, the "standby position" (meaning that the next command will likely be the stimulus to fire) is defined as the hands together and touching (not intertwined) above the waist level in front of the shooter.
  4. "Draw" is defined as starting with the weapon in a secured holster.

5. For the purpose of this qualification course, "ready" is defined as the muzzle of the weapon depressed below the point of aim with the trigger finger outside of the trigger guard and indexed along the side of the slide/frame.
6. For the purpose of this qualification course, "cover" is defined by the facilities available at the range and according to the instructions of the instructor, but must use an actual barricade/barrel/object.
7. There are no alibis for failure to obtain time limits.
8. For the purpose of this qualification course, cuffing may be done with actual handcuffs OR with a similar size object (block of wood, empty 50 round ammo box, etc.).
9. For the purpose of this qualification course, "head shot" is defined as the head above the neckline. A "no shoot" on the head shot is a DNQ.
10. For the purpose of this qualification course, the flashlight in Stage 4 must be handheld and will be in addition to a pistol mounted light. The student must use an acceptable handheld flashlight method for qualification as taught in the firearms program.
11. Ammunition management is the shooter's responsibility.

C. COURSE

STAGE	DISTANCE	# ROUNDS	TIME	POSITION
1	3 yd. line	2 body	4 sec.	Standing, holstered, centered Draw & fire while taking 1 step right
		2 body	4 sec.	Standing, holstered, centered Draw & fire while taking 1 step left
2	7 yd. line	3 body	5 sec.	Standing, ready Fire while advancing to 3 yd. line
3	1 yd. line	2 body	4 sec.	Standing, holstered, simulating cuffing Draw & fire while taking 3 steps to the rear
4	5 yd. line	2 body	3 sec.	Standing, ready, with handheld flashlight in support hand
		2 body	3 sec.	Standing, ready One hand, strong hand only
5	7 yd. line	2 body	6 sec.	FAILURE TO FIRE Empty chamber, loaded magazine Standing, holstered 1 step right or left while clearing
6	10 yd. line	2 body 1 body	8 sec.	LOCK BACK – COMBAT RELOAD Loaded chamber, 1 round in magazine Standing, at a ready position Fire two rounds then take 1 step right or left while reloading After reloading, fire third round
7	15 yd. line	2 body	15 sec.	DOUBLE FEED Standing, ready 1 step left or right while clearing or move to a covered standing or kneeling position while clearing
8	25 yd. line	2 body	15 sec.	Standing, holstered Position of choice – standing or kneeling while using cover When the target faces away or after the 15 seconds, perform tactical reload (not timed)
9	1 yd. line	2 body 1 head	5 sec.	Standing, holstered 2 shots to the body and 1 shot to the head while taking 3 steps to rear



TOTAL NUMBER OF BODY SHOTS: 24  
TOTAL NUMBER OF HEAD SHOTS: 1  
TOTAL NUMBER OF ROUNDS FIRED: 25

REQUIRED NUMBER OF ROUNDS ON SILHOUETTE TO QUALIFY: 25

### **EXPLANATION OF EACH STAGE OF FIRE**

Stage 1, 3 yards      The shooter stands in front of target with the weapon loaded, charged and secured in the holster. On the command to fire the shooter draws while taking 1 step to the right and fires 2 rounds to the body of the target. Time allowed is 4 seconds. The shooter stands in front of target with the weapon loaded, charged, and secured in the holster. On the command to fire, the shooter draws while taking 1 step to the left and fires 2 rounds to the body of the target. Time allowed is 4 seconds.

Stage 2, 7 yards      The shooter stands in front of the target with the weapon loaded, charged, and at the ready position. On the command to fire the shooter fires 3 rounds to the body while advancing to the 3-yard line. The time allowed is 5 seconds.

Stage 3, 1 yard      The shooter stands in front of the target with the weapon loaded, charged, and secured in the holster. The shooter will simulate handcuffing by having handcuffs in one hand with the other hand out in front ready to defend. On the command to fire, the shooter will drop the handcuffs, draw, assume a two-handed shooting position, and fire 2 rounds to the body while taking 3 steps to the rear. Time allowed is 4 seconds.

Stage 4, 5 yards      The shooter stands in front of the target with the weapon loaded, charged, and at the ready position with the flashlight held in the support hand. On the command to fire, the shooter will fire 2 rounds to the body using an acceptable handheld flashlight method. Time allowed is 3 seconds. The shooter stands in front of the target with the weapon loaded, charged, and at the ready position. On the command to fire, the shooter will fire 2 rounds to the body one handed, strong hand only. Time allowed is 3 seconds.

Stage 5, 7 yards      PRIOR TO BEGINNING THIS STAGE, WEAPON WILL BE CONFIGURED SO THAT THE CHAMBER OF THE WEAPON IS EMPTY WITH A LOADED MAGAZINE SEATED IN THE WEAPON.

The shooter stands in front of the target with the weapon secured in the holster. On the command to fire, the shooter will draw and attempt to fire the weapon. The shooter will apply immediate action while stepping to the left or right (direction will be determined by the lead instructor) and fire 2 rounds to the body. Time allowed is 6 seconds.

Stage 6, 10 yards **PRIOR TO BEGINNING THIS STAGE, THE WEAPON WILL BE CONFIGURED SO THAT THE CHAMBER IS LOADED WITH ONLY 1 ROUND IN THE MAGAZINE (THIS WILL ENSURE THE SLIDE WILL LOCK BACK TO THE REAR AFTER FIRING 2 ROUNDS).**

The shooter stands in front of the target with the weapon loaded, charged, and held at a ready position. On the command to fire, the shooter will fire 2 rounds to the body. After the slide locks to the rear, the shooter will perform a combat reload while stepping to the right or left (direction will be determined by the lead instructor) and fire 1 round to the body. Time allowed is 8 seconds.

Stage 7, 15 yards **PRIOR TO BEGINNING THIS STAGE, THE WEAPON WILL BE CONFIGURED SO THAT THE WEAPON HAS A DOUBLE FEED (FAILURE TO EXTRACT). THERE WILL BE AN EMPTY CASING OR FLUORESCENT COLORED “DUMMY ROUND” IN THE CHAMBER AND A LOADED MAGAZINE SEATED IN THE WEAPON WITH THE SLIDE FORWARD SO THAT THE TOP ROUND IN THE MAGAZINE PRESSES AGAINST THE CASING IN THE CHAMBER.**

The shooter stands in front of the target with the weapon at the ready position. On the command to fire, the shooter will attempt to fire the weapon. The shooter will clear the malfunction while taking 1 step to the right or left (direction will be determined by lead instructor) and fire 2 rounds to the body. If cover is available, the shooter will move to a covered kneeling position or a covered standing position while clearing the malfunction. Time allowed is 15 seconds.

Stage 8, 25 yards The shooter stands in front of the target with the weapon loaded, charged, and weapon secured in the holster. On the command to fire, the shooter will draw while moving to cover and fire 2 rounds to the body. The shooter has the option to fire from a covered standing or covered kneeling position. The

shooter has the option to fire from a braced position using his cover. Time allowed is 15 seconds. When the target faces away, or after the 15 seconds, the shooter will perform a tactical reload (not timed).

Stage 9, 1 yard      **PRIOR TO BEGINNING THIS STAGE, ENSURE ANY SHOTS TO THE HEAD OF THE TARGET ARE MARKED.**

The shooter stands in front of the target with the weapon loaded, charged, and weapon secured in the holster. On the command to fire, the shooter will draw and fire 2 rounds to the body then 1 round to the head while taking 3 steps to the rear. Time allowed is 5 seconds.

## **XI. POST INSPECTIONS**

- A. Inspections may be done at any time during the entire program and may either be announced or unannounced.
- B. In addition to the documentation required by Rules 21 and 24, the following items must be available during inspections:
  - 1. Daily schedule that includes the dates or day of the program, training to be conducted, and lecture hours per date or day of the program, as applicable.
  - 2. Current lesson plan being used by the academy.
  - 3. First aid kit and appropriate written safety plan.
  - 4. Range flags, lights or signs to indicate that the range is in use.
  - 5. Appropriate high visibility, fluorescent dummy ammunition.
  - 6. The courses of fire to include the conditions and performance outcomes for the seven live-fire decisional courses.
  - 7. The scenarios to include the conditions and performance outcomes for the four reality-based training scenarios.
  - 8. The safety protocol in writing for the reality-based training scenarios

# **ANTI-BIAS TRAINING PROGRAM**

*Approved By the POST Board on July 30, 2001  
Required Hours – Agency or Academy Determination*

## **A. The Patterns of Bias Based Policing**

**General Learning Goal:** The student will have a basic knowledge of the patterns of Profiling and Bias Based Policing.

1. Knowledge of the Colorado statutory provisions pertaining to Profiling and Bias Based Policing.
2. Knowledge of the Fourteenth Amendment and the interpretive case law.
3. Understanding of the meaning of basic words related to “bias”.
4. Understanding the various perspectives of communities of color.
5. Discussion of the impact of consequences on the community.
6. Knowledge of the negative impact on the reputation of the peace officer, the officer’s department and the profession.

## **B. The Practices of Bias Based Policing**

**General Learning Goal:** The student will gain the knowledge of the practices and perceptions of Profiling and Bias Based Policing.

1. Knowledge of the history of Profiling and Bias Based Policing.
2. Knowledge of national and local incidents that illustrate profiling.

## **C. The Protocols Which Prevent Profiling**

**General Learning Goal:** The student will understand the concepts and practices that prevent Profiling and Bias Based Policing.

1. The student will be able to identify examples of civil rights violations.
2. Emphasis will be placed upon examples of bias, profiling, civil rights, “isms”, and hate crimes.

3. The student will recognize how anti-bias training benefits the communities served by law enforcement agencies.
4. The student will learn how community policing partners with Anti-Bias Based Policing.
5. The student will learn the ramifications of police not policing themselves.

**Recommended Source Material Only:**

*Colorado POST Cultural Diversity, Bias and 4<sup>th</sup> Amendment Curriculum*

*Community Policing: A Contemporary Perspective*, Bucqueroux and Trojanowicz (Anderson Publishing)

*Driving While Black*, Meeks (Penguin Random House)

*Racially Biased Policing, A Principled Response*, [Community Oriented Policing Services (COPS)]

[https://cops.usdoj.gov/html/cd\\_rom/inaction1/pubs/RaciallyBiasedPolicing.pdf](https://cops.usdoj.gov/html/cd_rom/inaction1/pubs/RaciallyBiasedPolicing.pdf)

*The Fourteenth Amendment to the Constitution of the United States*

# VEHICLE IDENTIFICATION NUMBER INSPECTOR TRAINING PROGRAM

*Revised December 2013*

**REQUIRED MINIMUM HOURS: 17**

## **A. LEGAL ASPECTS OF VIN INSPECTION**

1. Knowledge of Colorado statutory provisions pertaining to VIN inspections.
2. Knowledge of statutory provisions authorizing and regulating the impounding of vehicles.

## **B. USE OF THE NATIONAL INSURANCE CRIME BUREAU (NICB) PASSENGER AND COMMERCIAL VEHICLE IDENTIFICATION MANUALS**

1. Knowledge of how to use the National Insurance Crime Bureau (NICB) *Passenger and Commercial Vehicle Identification Manuals*.
2. Knowledge of what types of information can be gained from the NICB Manuals.

## **C. CONDUCTING A VIN INSPECTION**

1. Knowledge of how to locate the public VIN.
2. Knowledge of how to interpret the VIN.
3. Knowledge of how to reconstruct the VIN.
4. Knowledge of how to recognize an altered VIN plate.
5. Knowledge of how to recognize a false VIN plate.
6. Knowledge of resources which can be used to locate the confidential VIN.
7. Knowledge of how a criminal salvage switch operation works.
8. Knowledge of how to use the NCIC/CCIC systems to assist in VIN inspections.

9. Knowledge of which organizations can be of assistance in inspecting VINs.

#### **D. REPORTING**

Knowledge of how to complete the necessary reports and report forms related to VIN inspections.

**NOTE:** All instructors for this program must submit an updated resume indicating their qualifications with the program application.

# BAIL RECOVERY TRAINING PROGRAM

*Revised December 1, 2017*

**MINIMUM REQUIRED HOURS: 16**

## A. INTRODUCTION TO BAIL RECOVERY

***Recommended Hours: 3***

**General Learning Goal:** The student will have basic knowledge of the Colorado Revised Statutes pertaining to bail recovery.

### **Learning Objectives:**

1. The student will be able to recognize and describe the provisions of § 20-1-103, § 24-31-303 (1) (h) and § 18-13-130 C.R.S.

## B. PRINCIPLES OF CRIMINAL CULPABILITY

***Recommended Hours: 3***

**General Learning Goal:** The student will explain the concept of Criminal Culpability.

### **Learning Objectives:**

1. The student will explain and describe the definitions and elements of Title 18, Article 1, Parts 5 and 6, C.R.S.
2. The student will understand the provisions of C.R.S. 18-1.3-406, C.R.S., subparagraphs (I) and (II) as they relate to violent crimes.
3. The student will describe and explain the provisions of C.R.S. 18-1-704 through 18-1-707(7) as they pertain to the use of physical and deadly force.

## C. COLORADO CRIMINAL CODE

***Recommended Hours: 6***

**General Learning Goal:** The student will have basic knowledge of the Colorado Criminal Code.

### **Learning Objectives:**

1. The student will be able to identify the elements of the following statutes as they pertain to potential violations by bail recovery agents:



- a. Definitions, § 18-1-901 (3)(c), (d), (e), (g), (h), (m) and (p), C.R.S.
- b. Murder, § 18-3-102 and 103, C.R.S.
- c. Manslaughter, § 18-3-104, C.R.S.
- d. Criminally Negligent Homicide, § 18-3-105, C.R.S.
- e. Vehicular Homicide, § 18-3-106, C.R.S.
- f. Assault in first degree, § 18-3-202, C.R.S.
- g. Assault in second degree, § 18-3-203, C.R.S.
- h. Assault in third degree, § 18-3-204, C.R.S.
- i. Vehicular Assault, § 18-3-205, C.R.S.
- j. Menacing, § 18-3-206, C.R.S.
- k. Reckless endangerment, § 18-3-208, C.R.S.
- l. First Degree Kidnapping, § 18-3-301, C.R.S.
- m. Second Degree Kidnapping, § 18-3-302, C.R.S.
- n. False imprisonment, § 18-3-303, C.R.S.
- o. Unlawful Sexual Contact, § 18-3-404, C.R.S.
- p. First Degree Burglary, § 18-4-202, C.R.S.
- q. Second Degree Burglary, § 18-4-203, C.R.S.
- r. Theft, § 18-4-401, C.R.S.
- s. Criminal mischief, § 18-4-501, C.R.S.
- t. First degree criminal trespass, § 18-4-502, C.R.S.
- u. Second degree criminal trespass, § 18-4-503, C.R.S.
- v. Impersonating a Peace Officer, § 18-8-112, C.R.S.
- w. Impersonating a Public Servant, § 18-8-113, C.R.S.

#### **D. FIREARMS AND WEAPONS**

*Recommended Hours: 2*

**General Learning Goal:** The student will have basic knowledge of offenses relating to firearms and weapons.

**Learning objective:**

- 1. The student will be able to explain the definitions and identify the elements of the offense for the following Colorado Revised Statutes:
  - a. Definitions, § 18-12-101, C.R.S.
  - b. Title 18, Article 12, except 18-12-108.5 through 18-12-108.7, C.R.S.

#### **E. SEIZURE - ENTRY**

*Recommended Hours: 2*

**General Learning Goal:** The student will understand the concept of probable cause.

**Learning objective:**

1. The student will explain the concept of Probable Cause and Totality of Circumstances as established in Colorado court decisions.



# INSTRUCTOR TRAINING PROGRAMS



# INSTRUCTION METHODOLOGY PROGRAM

*Effective January 1, 2018*

**Required Minimum Hours: 40**

**Application:** The 40-hour Instruction Methodology Program is required of any academy skills instructor who applies for Full Skills status in addition to meeting all requirements under POST Rule 23.

## **General Learning Goal:**

The student will demonstrate the knowledge and skills necessary for delivering and developing effective and ethical training for law enforcement academies and agencies.

## **Performance Objectives:**

1. The student will correctly incorporate provided adult learning concepts and training methods into a written lesson plan.
2. Using the Domains of Learning and Bloom's taxonomies of each domain, the student will write multiple performance objectives in each of the domains at varying levels of each taxonomy.
3. The student will follow provided instructional development procedures to write a lesson plan designed to increase transferable training.
4. Given a lesson plan the student will accurately follow that lesson plan to conduct a mock training session.

## **A. Curriculum:**

1. Training concepts:
  - a. Adults as learners and techniques to effectively provide training to adults
  - b. Domains of learning
  - c. Taxonomies for each domain of learning
  - d. Training methodologies to increase engagement and critical thinking skills
  - e. Training design models

## 2. Required Topics:

- a. Adult learning concepts
- b. Methodologies
- c. Performance objectives
- d. Training Liability
- e. Instructional aids
- f. Lesson plan creation
- g. Presentation and facilitation skills
- h. Instructor standards

### **B. Completion requirements:**

1. Each student will be assessed on their knowledge of the concepts taught, application of concepts and performance in developing and presenting a module of instruction. The presentations and lesson plans will be critiqued and evaluated by the instructor as a portion of the final score in the course to insure the student has covered all learning objectives written above. A minimum of forty (40) minutes of presentation time per student is required during the forty (40) hour course. The presentation time will be broken down into shorter time frames, i.e. 10-15 minutes each, to provide practice in applying appropriate concepts.
2. A written evaluation will be used by the instructor to assess each student's performance for each presentation during the course. The evaluation may be kept with class or student records following conclusion of the course.

### **C. Instructor Requirements:**

1. Instructors teaching in an Instruction Methodology Program must meet the following criteria:
  - a. Bachelor's Degree or higher and a minimum of 160 hours of training/teaching experience within the previous three years;  
OR
  - b. A minimum of 320 hours of training/teaching experience within the previous 5 years; AND
  - c. Has successfully completed a 40-hour Colorado POST-approved Instruction Methodology course prior to being selected as an instructor

**D. Student/Instructor Ratio**

1. All Instruction Methodology Classes will have at least one instructor per 15 students to insure proper evaluation and feedback pertaining to student presentations.





# ARREST CONTROL INSTRUCTOR PROGRAM

*Effective date January 1, 2021*

**REQUIRED MINIMUM HOURS: 40**

## **CURRICULUM**

**General Learning Goal:** This program is intended to develop instructor skills required to train law enforcement basic students in the knowledge, skills, and abilities necessary to effectively maintain control of a suspect when making an arrest, as well as the effective and proper use of an impact weapon. De-escalation tactics and threat assessment techniques must be stressed throughout the program. The Arrest Control Instructor Program will be based on the Arrest Control Program approved for the academy by POST.

### **A. Introduction to the Program**

1. POST requirements

Arrest Control Instructor Program

Academy Arrest Control Training Program

### **B. Use of Force**

1. Knowledge of the use of force options available to peace officers, which minimally include:

Officer presence

Verbal persuasion

Hands-on arrest control

Chemical/electronic devices

Control devices/impact instruments

Neck restraints

Deadly force

De-escalation, knowledge and principles of verbal and non-verbal skills to de-escalate a confrontation

### **C. Civil and Criminal Liability**

1. Knowledge of the principles of civil/criminal liability pertaining to police training and use of physical force
2. Knowledge of the importance of maintaining proper course documentation

Lesson plans

Attendance records

M-1

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Examination scores (pre and post)  
Performance evaluations  
Remedial records

3. Knowledge of the principles of civil liability-pertaining to the use of force by the individual peace officer
4. Knowledge of the documentation process pertaining to the use of force by the individual peace officer, Colorado Revised Statutes 18-1-704, 18-1-707

## I. **ARREST CONTROL PROGRAM TECHNIQUES**

### A. **Footwork and Movement**

1. Knowledge of the importance of proper balance and movement prior to, and during, the arrest process

Proper stance  
Proper orientation to subject

### B. **Searching Techniques**

1. Knowledge and ability to perform searching of an individual in the following situations:

Frisk  
Low risk search  
High risk search

2. Knowledge and ability to control weapons detected during the search process of an individual

### C. **Handcuffing Techniques**

1. Knowledge and ability to perform handcuffing in the following situations:

Unknown risk  
High risk arrest  
Alternative restraining devices  
Hobbles  
Soft restraints  
Handcuffing devices  
Others

**D. Control Holds and Control Techniques**

1. Knowledge and ability to apply control holds and/or control techniques to subjects in pre- and non-arrest situations

**E. Weapon Control and Retrieval**

1. Knowledge and ability to maintain control/retrieval of duty weapons

Handgun

Baton

Shotgun

Chemical & electronic devices

Others

**F. Impact Weapons**

1. Knowledge and ability to effectively use a control device

Side-handle baton OR

Straight baton OR

OPN (Orcutt Police Nunchaku) OR

Other approved devices

**G. Defense Against Weaponless Attacks**

1. Knowledge and ability to effectively defend against a weaponless attack by a suspect prior to and during the arrest process

**H. Ground Tactics and Defense**

1. General learning goal: The student will have a basic understanding of the physical and psychological aspects of ground defense

**I. Neck Restraints**

1. General learning goal: The student will have a basic understanding of the physical and psychological aspects of neck restraints

Respiratory restraints

Vascular restraints

## II. COMPLETION REQUIREMENTS

- A. All Students Must Pass the Academy Arrest Control Program Written Exam, with a Score of 80% or Better
- B. All Students Must Pass the Academy Arrest Control Program Physical Skills Exam
- C. Students Must Attend 100% of the Hours Submitted to POST for Approval

## III. INSTRUCTORS

### A. Each Instructor Must:

- 1. Be a POST-approved full skills instructor for arrest control with 160 hours of documented physical control skills in a lab setting, OR
- 2. Have obtained a minimum of 160 hours of relevant experience teaching physical control skills in a lab setting, and completed a POST approved Instruction Methodology Program or equivalent; and
- 3. Have received authorization from the organization head (i.e., chief, sheriff, academy director) to create a new system as applicable; and
- 4. Have a minimum of five (5) years of full-time peace officer experience, but may request an exemption from POST.

### B. Instructor Expectations

- 1. Knowledge and ability to effectively instruct physical control skills to students with diverse learning styles.
- 2. Knowledge of documentation of training preparation and procedures
- 3. Knowledge of appropriate testing and evaluation of arrest control students

C. **Definitions**

1. "Arrest control" means actions taken by a peace officer to legally take physical custody of an alleged law violator
2. "Threat assessment" means a peace officer's awareness of a response to situations involving suspect/citizen approach and contact; to maintain optimum levels of readiness and safety should the contact situation degenerate



# LAW ENFORCEMENT DRIVING INSTRUCTOR PROGRAM

*Effective January 1, 2018*

**REQUIRED MINIMUM HOURS: 40**  
(12 hours classroom, 28 hours driving track)

Of the 12 classroom hours:

- 4 are recommended in the area of civil liability;
- 5 are recommended in development of skills, knowledge and abilities; and
- 3 are recommended for law enforcement vehicle operation under various conditions.

Of the 28 hours of "hands-on" driving track instruction:

- 4 should be on skills, knowledge, and ability development; and
- 24 should be devoted to law enforcement vehicle operation under various conditions.

## **DRIVER'S LICENSE IS REQUIRED**

Each student and each instructor who participates in a POST-approved Law Enforcement Driving Instructor Program must possess a valid driver's license.

## **PRETEST IS REQUIRED**

All students attending a POST-approved law enforcement driving instructor program are required to pass a pretest. The pretest is administered on the first day of the program and consists of the four (4) blocks of testing as described in the *Colorado POST Law Enforcement Driving Skills Test*. All four (4) blocks of testing must be passed according to the evaluation standards that define "pass" for each block of testing.

**General Learning Goal:** The student will demonstrate the required knowledge and skill set to be a POST-approved law enforcement driving instructor.

## **Learning Objectives:**

1. The student will identify, discuss and explain mental aspects of non-emergency driving.
2. The student will be able to identify, discuss and explain mental aspects of emergency driving.
3. The student will identify, discuss and explain mental aspects of pursuit driving.



4. The student will be able to identify and demonstrate proper non-emergency driving skills and defensive driving methods.
5. The student will identify, discuss, and explain statutory law, case law, and principles of liability governing police vehicle operations.
6. The student will be able to identify, discuss, explain, or demonstrate various skills and techniques necessary to safely operate a vehicle while on an emergency response or vehicle pursuit.
7. The student will be able to design and develop an appropriate evaluation course to include all of the required POST skills performance tests.

## **I. CURRICULUM**

### **A. Legal Aspects**

1. Identify statutory law, case law, various departmental policies, and principles of liability governing police vehicle operation under the following various conditions:
  - a. Non-emergency driving
  - b. Emergency driving
  - c. Vehicle pursuit
2. Identify areas in which liability exists for law enforcement agencies and employees as to injuries arising from law enforcement driving activities.

### **B. Operating Skills**

1. Demonstrate effective and consistent operation of a law enforcement vehicle under the following conditions:
  - a. Non-emergency driving
  - b. Emergency driving
  - c. Vehicle pursuit
2. Ability to convey proper skills, knowledge, and abilities pertaining to:
  - a. Identifying factors for driver's training and the unique characteristics of law enforcement driving.
  - b. Identifying factors that affect law enforcement driving as:
    - (1) Driving habits
    - (2) Vehicle defects and inspections
    - (3) Environmental conditions

- (4) Vehicle dynamics
- (5) Driver attitude
- (6) Stress (judgment and perception)
- (7) Route selection
- (8) High center of gravity vehicle dynamics
- (9) The effects of stability control during all vehicle operations
- c. Recognition of the limitations of law enforcement vehicle emergency equipment.
- d. Proper use of radio equipment during operation of a law enforcement vehicle
- e. Recognition of vehicle capabilities and operator capabilities
- f. Identification of factors which impact on initiating and terminating a vehicle pursuit
- g. Identification and demonstration of proper strategies and techniques to be used in vehicle pursuit
- h. Test development, which will effectively evaluate critical elements of the Colorado Revised Statutes and applicable laws pertaining to the operation of law enforcement vehicles
- i. Instruction on the development of an effective pre/post test that demonstrates the attendees driving techniques for:
  - (1) Non-emergency driving
  - (2) Emergency driving
  - (3) Vehicle pursuit
  - (4) The effects of stability control
- j. Exposure to a variety of driving tests
- k. Classroom exposure to front-wheel/rear-wheel drive vehicles as to:
  - (1) Vehicle dynamics
  - (2) Driving techniques

## II. COMPLETION REQUIREMENTS

### A. Tests

- 1. Areas that must be tested are:
  - a. Legal issues pertaining to operating an emergency vehicle and operator liability
  - b. Law enforcement driving skills and vehicle dynamics
  - c. Law enforcement driving knowledge and concepts
  - d. Design and development of an effective driving course that measures trainee skills as to:
    - (1) Non-emergency driving

- (2) Emergency driving
- (3) Vehicle pursuit
- e. Knowledge and demonstration of operating techniques for non-emergency driving, emergency driving, and vehicle pursuit pertaining to:
  - (1) Vehicle control techniques
  - (2) Skid avoidance and control
  - (3) Steering techniques
  - (4) Cornering techniques
  - (5) Braking techniques
  - (6) Acceleration and deceleration techniques
  - (7) Backing methods
  - (8) Collision avoidance techniques
  - (9) Changing vehicle direction/"turnabouts"

## **B. Scores**

1. Each student must score 80% or higher on the academic portion of the program; and
2. Each student must score 80% or higher on the "hands on"/practical portion of the program to successfully graduate the course.

## **III. INSTRUCTORS**

### **A. Requirements**

1. Each instructor who teaches any portion of the Law Enforcement Driving Instructor Program must have a minimum of one (1) years' experience as a full skills driving instructor as defined in POST Rule 23, Academy Skills Instructors; and
2. At least one instructor must have a minimum of three (3) years' experience as a full skills driving instructor and must be present at the site of instruction at all times, excluding lecture-only sessions conducted in a classroom setting.

# HANDGUN INSTRUCTOR PROGRAM

*Effective January 1, 2019*

**REQUIRED MINIMUM HOURS: 40**

## I. CURRICULUM

**General Learning Goal:** The student will demonstrate the required knowledge and skill set to be a POST approved handgun instructor.

### **Learning Objectives:**

1. The student will demonstrate the required knowledge and skill set for the following subjects:
  - a. Firearms safety
  - b. POST requirements
  - c. Training aid information
  - d. Nomenclature/functioning and maintenance of LE handguns
  - e. Equipment selection
  - f. Shooting fundamentals
  - g. Tactical situations
  - h. Decisional shooting
  - i. Dim light shooting
  - j. Off duty/plain clothes
  - k. Training liability
  - l. Ballistics
  - m. Lesson plan construction
  - n. Live fire exercise and course of fire development
  - o. Coaching the shooter
  - p. Program development and management

### **Student Completion Requirements:**

1. The student must successfully pass the Handgun Qualification Course with a score of 100% on the first day of the Handgun Instructor Program (conduct the first attempt after the students receive the firearms safety class).
2. There will be a maximum of two attempts to qualify.
3. Failure to qualify will result in dismissal from the Handgun Instructor Program.

4. The student must attend all 40 hours of the Handgun Instructor Program.
5. The student must abide by the four rules of firearms safety at all times (failure to do so will result in dismissal).
6. Only approved duty weapons of the student's agency will be authorized in the Handgun Instructor Program.

**Instructor Prerequisites to Instruct Any Portion of the Handgun Instructor Program:**

1. Each instructor must have a minimum of five (5) years full-time peace officer experience.
2. Each instructor must have a minimum of three (3) years' experience as a full skills instructor.
3. Each instructor must have 160 hours of documented firearms instruction as a full skills firearms instructor in Colorado POST-approved basic or reserve academies.

A. Firearms Safety

1. Four rules of firearms safety
  - a. All weapons must be treated as if they are always loaded
  - b. Never let the muzzle of a weapon point at anything you are not willing to destroy
  - 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
  - d. Always be certain of the target and beyond
2. Safety on the firing range
  - a. Fluorescent plastic dummy ammunition
  - b. Range commands
3. Safety on duty
4. Safety off duty
5. Safety considerations in the classroom
6. Safety and storage in the home

7. Live fire required/recommended equipment
  8. Engaging steel targets
    - a. Target manufacturer recommended distances between shooter and target
    - b. Angle of deflection (splatter zones)
    - c. Bullet design
    - d. Target placement
    - e. Other safety considerations
  9. Lead contamination considerations
- B. POST Requirements
1. Firearms training program hours
  2. Firearms training content
    - a. Firearms safety
    - b. Equipment selection
    - c. Weapon maintenance
    - d. Basic principles of firing a LE handgun
    - e. Weapon management
    - f. Decisional shooting
    - g. Tactical situations
    - h. Dim light shooting
    - i. Off duty/plain clothes carry
    - j. Handgun Qualification Course
  3. Required instructor/student ratios
  4. Instructor definitions
    - a. Assistant skills
    - b. Full skills
    - c. Lead instructor
- C. Training Aid Information
1. Handouts
  2. “Hands on” props
    - a. Actual weapons
    - b. Equipment
    - c. “Safe” equipment: Weapons and ammunition

3. Teaching aids
  - a. Blackboard/whiteboard
  - b. Photographs
  - c. Power Point
  - d. Shoot/no-shoot decisional films and videos
  - e. Target types
  - f. Force on Force mediums

D. Nomenclature/Functioning and Maintaining LE Handguns

1. Revolver
  - a. Makes and models
    - (1) Discuss various makes for LE
    - (2) Frame sizes
    - (3) Single action (function)
    - (4) Double action (function)
  - b. Nomenclature of revolver (includes speed loaders and speed strips)
    - (1) Identify parts and their functions
  - c. Safety features of revolvers
  - d. Alterations to revolvers
    - (1) Adhere to manufacturer's specifications
    - (2) Use only factory certified armorer or certified gunsmith
  - e. Function checks for revolvers
    - (1) Visual inspection for cleanliness, maintenance and lubrication
    - (2) Manufacturer's recommended function checks taught in armorer's courses
  - f. Weapon maintenance for revolvers
    - (1) Field stripping
    - (2) Manufacturer recommended cleaning procedures
2. Semi-automatic
  - a. Make and models
    - (1) Discuss various makes for LE
    - (2) Sizes
    - (3) Single action
    - (4) Traditional double action
    - (5) Double action only
  - b. Nomenclature of a semi-automatic (include magazines)
    - (1) Identify parts and their function
  - c. Functioning of a semi-automatic
    - (1) Feed

- (2) Fire
- (3) Extract
- (4) Eject
- d. Safety features of a semi-automatic
- e. Alterations to a semi-automatic
  - (1) Adhere to manufacturer's specifications
  - (2) Use only factory certified armorer or certified gunsmith
- f. Function checks for semi-automatics
  - (1) Visual inspection for cleanliness, maintenance and lubrication
  - (2) Manufacturer's recommended function checks taught in armorer's courses
- g. Weapon maintenance for semi-automatics
  - (1) Field stripping
  - (2) Manufacturer recommended cleaning procedures

#### E. Equipment Selection

- 1. Weapon fit
- 2. Grip options for revolvers and semi-automatics
- 3. Sights
- 4. Duty, off-duty, and back-up holsters

#### F. Shooting Fundamentals (Fundamentals Will be Shown for Both Revolver and Semi-Automatic)

- 1. Basic principles
  - a. Stance
  - b. Grip
  - c. Sight picture/sight alignment
  - d. Trigger manipulation
  - e. Breath control
  - f. Follow through and recovery
  - g. Presentation/basic draw
- 2. Weapon management
  - a. Loading and unloading
  - b. Weapon status
  - c. Reloading a semi-automatic
    - (1) Tactical



- (2) Combat
- d. Reloading a revolver
  - (1) Speed loader
  - (2) Speed strip
- e. Malfunctions
  - (1) Failure to feed
  - (2) Failure to fire
  - (3) Failure to extract
  - (4) Failure to eject

G. Tactical Situations

1. Ready Positions
2. Scanning and Searching
3. Shot Placement
  - a. Upper Chest
  - b. Head (face)
  - c. Pelvis (bone structure)
  - d. Targets of Opportunity
  - e. Shooting Through Barriers
4. Shooter Movement
5. Threat Movement
6. Multiple Threat and Assessment
7. Positional Shooting
  - a. Kneeling
  - b. Prone
  - c. Squatting
  - d. Sitting
  - e. Shooter on their back (supine)
  - f. Shooter on their side
8. Cover and Concealment
9. Long Distance Shooting
10. Strong/Support Hand Only Shooting and Gunhandling
11. Close Distance Shooting

12. Escalation / De-Escalation
  13. Shooting From and Around a Vehicle
- H. Decisional Shooting (Refer to Decisional Shooting in the Firearms Training Program)
1. Legal use of force
    - a. CRS 18-1-707
    - b. Applicable federal case law
  2. Ability, Opportunity, and Jeopardy
  3. Responsibilities of the officer
  4. Mindset conditions
  5. De-Escalation
  6. Edged and blunt weapon considerations
  7. Medical Considerations
  8. Reality Based Training
- I. Dim Light Shooting
1. How light affects the eyes
  2. Seven primary target indicators
    - a. Sound
    - b. Movement
    - c. Reflection
    - d. Contrast
    - e. Outline
    - f. Smell
    - g. Light
  3. Dim light techniques without flashlights
  4. Types of flashlights including weapon mounted
  5. Using a flashlight while shooting or searching
    - a. Harries

- b. Chapman
  - c. Rogers
  - d. One-handed
    - (1) FBI
    - (2) Neck-index
    - (3) Other
- 6. Weapon management
- 7. Tactical situations
- J. Off Duty/Plain Clothes
  - 1. Statutory authority
  - 2. Agency policy and rules
  - 3. Training
  - 4. Mindset
  - 5. Tactics
- K. Liability
  - 1. Case law
    - a. Canton v. Harris (municipality may be sued for failure to train its officers)
    - b. Zuchel v. Denver (failure to train shows gross negligence and indifference to citizens)
    - c. Brown v. Gray (if required to be armed at all times, must be trained for off duty situations)
    - d. Sager vs. Woodland Park (responsible for all training material including videos)
  - 2. Safety
    - a. Content of instruction
    - b. Documentation of safety instruction
  - 3. Qualification vs. training
  - 4. Qualification considerations
    - a. Frequency for duty and off duty weapons
    - b. Test of relevant skills

- c. Agency standards
    - d. Scoring
      - (1) Percentage
      - (2) Pass/fail
    - e. Remedial
    - f. Documentation
  - 5. Training considerations
    - a. Agency policies, SOPs, rules and regulations
    - b. Recent, relevant and realistic
    - c. Frequency
    - d. Remedial
    - e. Documentation
- L. Introduction to Ballistics
  - 1. Internal ballistics
  - 2. External ballistics
  - 3. Terminal ballistics
  - 4. FBI protocol
- M. Basic Lesson Plan Construction (POST Rule 21)
  - 1. Course title
  - 2. Number of hours
  - 3. Learning goals/course of objectives
  - 4. Method of instruction
  - 5. Instructional content/outline
  - 6. Copy of all training material
- N. Live Fire Exercises/Courses of Fire Development
  - 1. Safety considerations
  - 2. Recent, relevant, realistic

3. Agency standards
- O. Coaching the Shooter (Emphasis throughout Entire Program)
- P. Program Development and Management
1. Program analysis and objectives
  2. Administration
    - a. Documentation to include lesson plans, training, qualifications, training plans, and remediation
    - b. Instructor credentials
  3. Range management
    - a. Staffing
    - b. Facility safety to include impact zones, safety rules, range commands, ear/eye/weather protection, safety plans, and medical emergency preparedness
  4. Continuous review of program
- Q. Lead Contamination Considerations
1. Lead and other contaminants are deposited at shooting ranges as rounds are fired. Particles can be dispersed in the air, lay on the ground, or seep into the soil. Health risks are:
    - a. Damage to the brain and nervous system
    - b. Behavioral problems and learning disabilities
    - c. Reproductive problems
    - d. Memory and concentration problems
    - e. Muscle and joint pain
  2. Preventive measures while shooting
    - a. Avoid touching mouth/ face area
    - b. Wash your hands thoroughly with cold water and soap before eating and drinking
  3. Preventive measures while policing the range
    - a. Do not use head gear to collect brass
    - b. Wear mask when sweeping the range. This is especially applicable for an indoor range
    - c. Wash your hands thoroughly with soap and cold water when done
    - d. Avoid eating and drinking until your hands are clean

4. Preventive measures during weapon maintenance
  - a. Wear latex gloves if possible
  - b. Do not touch face/ mouth area. Avoid contact with your eyes
  - c. Clean weapon in area away from places where food is consumed
  - d. Avoid eating or drinking while using gun cleaning equipment
  - e. Ensure cleaning equipment (rags, patches, etc.) are disposed of properly
  - f. When done, wash hands thoroughly with soap and cold water
  
5. Preventive measures after range departure
  - a. Consider changing your clothes as soon as possible. Wash separately from other clothing
  - b. Avoid tracking contamination into your residence by leaving your range shoes or boots outside
  - c. Shower when reasonably possible
  - d. Avoid contact with family members, especially small children, until you have changed clothes and showered



## II. HANDGUN QUALIFICATION COURSE

STAGE	DISTANCE	# ROUNDS	TIME	POSITION
1	3 yd. line	2 body	4 sec.	Standing, holstered, centered Draw & fire while taking 1 step right
		2 body	4 sec.	Standing, holstered, centered Draw & fire while taking 1 step left
2	7 yd. line	3 body	5 sec.	Standing, ready Fire while advancing to 3 yd. line
3	1 yd. line	2 body	4 sec.	Standing, holstered, simulating cuffing Draw & fire while taking 3 steps to the rear
4	5 yd. line	2 body	3 sec.	Standing, ready, with handheld flashlight in support hand
		2 body	3 sec.	Standing, ready One hand, strong hand only
5	7 yd. line	2 body	6 sec.	FAILURE TO FIRE Empty chamber, loaded magazine Standing, holstered 1 step right or left while clearing
6	10 yd. line	2 body 1 body	8 sec.	LOCK BACK – COMBAT RELOAD Loaded chamber, 1 round in magazine Standing, at a ready position Fire two rounds then take 1 step right or left while reloading After reloading, fire third round
7	15 yd. line	2 body	15 sec.	DOUBLE FEED Standing, ready 1 step left or right while clearing or move to a covered standing or kneeling position while clearing
8	25 yd. line	2 body	15 sec.	Standing, holstered Position of choice – standing or kneeling while using cover When the target faces away or after the 15 seconds, perform tactical reload (not timed)
9	1 yd. line	2 body 1 head	5 sec.	Standing, holstered 2 shots to the body and 1 shot to the head while taking 3 steps to rear



TOTAL NUMBER OF BODY SHOTS: 24  
TOTAL NUMBER OF HEAD SHOTS: 1  
TOTAL NUMBER OF ROUNDS FIRED: 25

REQUIRED NUMBER OF ROUNDS ON SILHOUETTE TO QUALIFY: 25

# CURRICULUM BIBLIOGRAPHY



## Curriculum Bibliography

Revised January 2017

### **Required Source Material:**

*Active Shooter Event Reference Guide (pdf)* (U.S Department of Justice)  
<https://www.fbi.gov/file-repository/active-shooter-event-quick-reference-guide-2015.pdf>

*Active Shooter Recommendations and Analysis for Risk Management* (New York Police Department/Counterterrorism Bureau)  
[http://www.nyc.gov/html/nypd/html/counterterrorism/active\\_shooter.shtml](http://www.nyc.gov/html/nypd/html/counterterrorism/active_shooter.shtml)

*Advanced Law Enforcement Rapid Response Training Center (ALERRT), study 2000-2013* (U.S. Department of Justice, FBI & Texas State University)  
<http://alerrt.org/>

*A Guide to the Development of Special Weapons and Tactics Teams*, Kolman [National Tactical Officers Association (NTOA)]

*Americans with Disabilities Act*, <https://www.ada.gov/>

*Bloodborne Pathogen Standards* (OSHA)  
<http://www.osha.gov/SLTC/bloodbornepathogens/index.html>

*Colorado Peace Officer's Legal Source Book, Section 2-9 & 11, 12, and 14* [Colorado District Attorney's Council (CDAC)/Colorado Attorney General]

*Colorado Revised Statutes, Colorado State Constitution*, as amended and *United States Constitution - Bill of Rights*  
<http://www.lexisnexis.com/hottopics/Colorado/>

- *Colorado Constitutional Amendment Rights of Victims (Amendment 16a)*
- *Colorado Revised Statutes, Title 1*
- *Colorado Revised Statutes 12-46-101 through 107 and 12-47-101 through 907*
- *Colorado Revised Statutes, Title 13, Article 25, Rules of evidence*
- *Colorado Revised Statutes Title 16, Articles 1 through 5*
- *Colorado Revised Statutes Title 18*
- *Colorado Revised Statutes, Title 19*
- *Colorado Revised Statutes 24-4.1-301 through 24.4.1-304*
- *Colorado Revised Statutes 24-10-101 through 24-10-114.5*
- *Colorado Revised Statutes, Title 42*

*Colorado Rules of Criminal Procedure* (Colorado Supreme Court)  
<http://www.lexisnexis.com/hottopics/Colorado/>

*FBI/U.S. Department of Justice Civil Rights Program*, <http://www.justice.gov>  
*Title 42, USC, Sections 1981, 1982, The Public Health and Welfare, Chapter 21 – Civil Rights, Section 1983*  
<http://uscode.house.gov/search/criteria.shtml>

**Recommended Source Material:**

*Annual Report of Law Enforcement Officers Killed & Assaulted* (FBI)  
[www.fbi.gov](http://www.fbi.gov)

*Arresting Police Video and Case Studies – Facilitation Format*

- a. *Being in the Wrong Neighborhood*
- b. *Driving the Wrong Car*
- c. *Suspicious Car*

Included in the POST *Anti-Bias Train the Trainer* materials

*Assessing Responses to Problems: An Introductory Guide for Police Problem-Solvers*, Eck (U.S. Department of Justice)

*A Study of Active Shooter Incidents - Nov 2013* (Federal Bureau of Investigation, Critical Response Group) <https://www.fbi.gov/file-repository/active-shooter-study-2000-2013-1.pdf/view>

California Association of Tactical Officers (CATO) <http://www.catonews.org/>

*Causality Collection Point (CCP)* Reference materials [Committee for Tactical Emergency Casualty Care (C-TECC)] [www.c-tecc.org](http://www.c-tecc.org)

*CBI-Misuse of CCIC Data Handout, FACs and Powerpoint* [(Colorado Bureau of Investigation (CBI)] <https://www.colorado.gov/cbi>

*CCIC Training Manual* (Colorado Bureau of Investigation) *Diversity Iceberg*, Included in the POST *Anti-Bias Train the Trainer* materials

*Character and Cops: Ethics in Policing*, Delattre (American Enterprise Inc. Press)

*Civil Rights and Criminal Justice: Primer on Sexual Harassment, Research in Action*, Rubin (National Institute of Justice)

*Collaboration Toolkit: How to Build, Fix and Sustain Productive Partnerships*, Rinehart, Laszlo and Briscoe (U.S. Department of Justice)

*Colorado Civil Process: Law, Practice and Procedure*, Rosenberg [County Sheriffs of Colorado (CSOC)] <http://www.csoc.org/>

Colorado Coalition Against Sexual Assault (CCASA) [www.ccasa.org](http://www.ccasa.org)

*Colorado Courts at a Glance* (Colorado Judicial Branch)  
<https://www.courts.state.co.us/Courts/Education/Brochures.cfm>

*Colorado's Guide for Implementing the Core Protections of the Juvenile* (Colorado Department of Public Safety, Division of Criminal Justice)  
<http://hermes.cde.state.co.us/drupal/islandora/object/co%3A4572>

*Colorado Peace Officers Handbook* (Lexis Nexis Publishing)  
<https://store.lexisnexis.com/categories/product/colorado-peace-officers-handbook-skuusSku-us-bundle-22090-epub>

*Colorado Peace Officer's Legal Source Book* [Colorado District Attorney's Council (CDAC)/Colorado Attorney General] <http://www.cdacweb.com/CDAC/Publications.aspx>

*Colorado POST Cultural Diversity, Bias and 4<sup>th</sup> Amendment*, Curriculum

*Colorado Revised Statutes* (Lexis Nexis Publishing)  
<https://www.lexisnexis.com/hottopics/colorado/>

*Colorado Standards for the SFST program* [Colorado Department of Transportation (CDOT)]  
[https://www.codot.gov/safety/alcohol-and-impaired-driving/documents/Field\\_Sobriety\\_test\\_standards.pdf](https://www.codot.gov/safety/alcohol-and-impaired-driving/documents/Field_Sobriety_test_standards.pdf)

*Colorado Sudden Infant Syndrome (SIDS)*, Program Brochures  
<http://www.angeleyes.org/>

*Community Policing: A Contemporary Perspective Chapter 2, Crime and Justice in America Ch7*, Bucqueroux and Trojanowicz (Anderson Publishing)

*Cooper Institute Aerobics Program for Total Well Being*, Cooper (Bantam Books)

*Crime and Justice in America: A Human Perspective*, Territo, Halsted and Bromley (Pearson, Prentice-Hall)

*Crime Prevention Through Environmental Design and Community Policing*, Travis (NIJ Research in Action)

*Criminal Investigation*, Bennett and Hess (West Publishing)

*Criminal Justice*, Fagin (Prentice Hall)

*Criminal Justice: Introductory Cases & Materials*, Skolnick, Feeley, McCoy (Foundation Publishing)

*Crisis Intervention Training* (Colorado Regional Community Policing Institute)

*Crisis Intervention—Contemporary Issue for On-site Interveners*, Hendricks (Thomas Publishers)

*Defending the Homeland: Domestic Intelligence, Law Enforcement, and Security*, White (Wadsworth Publishing)

Department of Homeland Security, [www.dhs.gov](http://www.dhs.gov)

Department of Justice, [www.justice.gov](http://www.justice.gov)

*Diversity Iceberg*, Included in the POST *Anti-Bias Train the Trainer* materials

*Domestic Violence – A Coordinated Response Through Community Policing* [Colorado Coalition Against Domestic Violence (CACDV)] <http://ccadv.org/>

*Driving While Black*, Meeks (Penguin Random House)

*Emergency Response Guidebook* (U.S. Dept. of Transportation)

*Emergency Response to Terrorism* (United States Department of Justice) [www.usdoj.gov](http://www.usdoj.gov)

End Violence Against Women International, [www.evawintl.org](http://www.evawintl.org)

*Emotional Survival for Law Enforcement*, Gilmartin (E-S Press)

*FBI Crisis Negotiations* (Federal Bureau of Investigation)

*FBI Hostage Rescue Course* (Federal Bureau of Investigation)

*FBI Law Enforcement Bulletin 2014/2011*, <https://leb.fbi.gov/2014/march/crisis-or-hostage-negotiation-the-distinction-between-two-important-terms>  
<https://leb.fbi.gov/2011/july/police-negotiations-with-war-veterans-seeing-through-the-residual-fog-of-war>

*FEMA CCP:*

[https://www.usfa.fema.gov/downloads/pdf/publications/active\\_shooter\\_guide.pdf](https://www.usfa.fema.gov/downloads/pdf/publications/active_shooter_guide.pdf)

*Fourteenth Amendment to the Constitution of the United States*

*Guidelines for the Documentation, Collection and Preservation of Evidence*, Arndt (Colorado Bureau of Investigation)

*Hazardous Materials Field Guide*, Bevelacqua and Stelp (Cengage Learning)

*Hazardous Materials: Regulations, Response & Site Operations*, Gantt (Cengage Learning)

*Hostage Rescue Procedures and various other resources* [National Tactical Officer's Association (NTOA)] <http://ntoa.org/>

*Hostage-Taking and Crisis Negotiations and various other resources* [National Tactical Officers Association (NTOA)] <http://ntoa.org/>

*IACP Advanced Hostage Rescue Course* [International Association of Chiefs of Police (IACP)]

*IACP SWAT Supervisor and Manager Training Manual* [International Association of Chiefs of Police (IACP)]

*IACP Training Keys*

<http://www.theiacp.org/Training-Keys> -Please note, membership required

- *IACP Training Key 483: Using Civil Remedies to Combat Crime*
- *Partnering for America: the FBI with State, Local, Campus and Tribal Law*, Law Enforcement Video (FBI and IADLEST)
- *IACP Training Key 475 & 476: Police Ethics, Parts I & II*
- *IACP Training Key 503 & 504: Standards for Police Conduct, Parts I & II*
- *IACP Training Key 545: Harassment and Discrimination in the Workplace*
- *IACP Training Key 549: Personal Appearance, Off-duty Conduct, Free Speech*
- *IACP Training Key 590: Unbiased Policing*
- *IACP Training Key 612: Freedom of Speech and the Patrol Officer*



*Identity Theft* (Colorado Attorney General's Office)  
<http://bit.ly/IDTheftCenter>

*Identity Theft* (Federal Trade Commission)  
<https://www.consumer.ftc.gov/features/feature-0014-identity-theft>

*I-200 Incident Command System: National Training Curriculum, National Incident Management System*, FEMA-NIMS Resource Center  
<https://www.fema.gov/national-incident-management-system>

*Introduction to Criminal Justice*, Siegel and Worrall (Cengage Learning)

*Investigating Officer's Traffic Accident Report Manual* (Colorado Department of Revenue)

*Just the Facts: Investigative Report Writing*, Biggs (Pearson Prentice-Hall Publishing)

*Lakewood Police Department Rapid Deployment Training Manual*  
<http://www.lakewood.org/police/>

*Los Angeles Police Department Rapid Deployment Seminar*  
<http://www.lapdonline.org/>

*Managing Police Stress*, Ford (Management Advantage)

*Manual on Classification of Motor Vehicle Traffic Accidents*, [American National Standards Institute, Inc.(ANSI)] <https://crashstats.nhtsa.dot.gov/>

*National Emergency Medical Services Education Standards (NAEMT)*  
[http://www.naemt.org/education/TCCC/guidelines\\_curriculum](http://www.naemt.org/education/TCCC/guidelines_curriculum)

*National Incident Management System*, FEMA-NIMS Resource Center  
[www.fema.gov/national-incident-management-system](http://www.fema.gov/national-incident-management-system)

*NHTSA 24hr SFST Student Manual*  
<http://www.coloradodot.info/programs/alcohol-and-impaired-driving/law-enforcement/sfsttraining.html>

*Officer's Arrest Handbook*, Stephen (Lexis Nexis Publishing)

*Officer's Search and Seizure Handbook*, Stephen (Lexis Nexis Publishing)

1 CCR 212-1 & 2, Rules regarding the sales, manufacturing and dispensing of medical marijuana, and rules related to the Colorado retail marijuana code (Colorado Department of Revenue, Marijuana Enforcement Division)  
<https://www.sos.state.co.us/CCR/NumericalCCRDList.do?deptID=19&agencyID=185>

*Police Ethics: The Corruption of Noble Cause*, Crank and Caldero (Lexis Publishing)

*Police Field Operations*, Adams (Prentice-Hall Publishing)

*Physical Fitness Assessments and Norms* (Cooper Institute)

*Police Operations Theory and Practice*, Hess and Wroblewski (Thomson Wadsworth Publishing)

*Police Patrol Operations and Management*, Hale (Prentice-Hall Publishing)

*Prehospital Trauma Life Support*, National Association of Emergency Medical Technicians (Jones & Bartlett Learning)

<http://www.jblearning.com/catalog/9781284041736/>

*Preparing for Biological Terrorism, an Emergency Service Guide*, Buck (Thomson Delmar Learning)

*Preparing for Terrorism – Public Safety Communicators Guide*, Buck, Buck and Mogil (Cengage Learning)

*Problem Solving Tips – A Guide to Reducing Crime and Disorder Through Problem Solving Partnerships*, Schmerler, Perkins, Phillips, Rinehart, Townsend (U.S. Dept. of Justice) <https://ric-zai-inc.com/ric.php?page=detail&id=COPS-P019>

*Racially Biased Policing, A Principled Response*, [Community Oriented Policing Services (COPS)]

[https://cops.usdoj.gov/html/cd\\_rom/inaction1/pubs/RaciallyBiasedPolicing.pdf](https://cops.usdoj.gov/html/cd_rom/inaction1/pubs/RaciallyBiasedPolicing.pdf)

*Report Writing for Law Enforcement*, Davis (LawTech Publishing Company)

Rocky Mountain Hostage Negotiators (RMHN) <http://www.rmhnonline.com/>

*Saving lives in the tactical space: Using the 'Casualty Collection Point'* (Police One)  
<http://www.policeone.com/tactical-ems/articles/6140533-Saving-lives-in-the-tactical-space-Using-the-Casualty-Collection-Point/>

*Sexual Assault Investigative Guidelines* [International Association of Chiefs of Police (IACP)] [www.theiacp.org](http://www.theiacp.org)

*Sexual Assault Supplemental report form* [International Association of Chiefs of Police (IACP)] [www.theiacp.org](http://www.theiacp.org)

*SIDS and SUID, Centers for Disease Control and Prevention* (Department of Health and Human Services)

*State and Local Anti-Terrorism Training, Terrorism Training Program* (Bureau of Justice Assistance)

*State of Colorado Demographics* (U.S. Census Bureau)  
<http://www.census.gov/quickfacts/table/PST045215/08>

*Street Survival: Tactics for Armed Encounters*, Adams, McTernan and Remsberg (Calibre Press)

*SWAT Battle Tactics*, Casino and McSweeney [National Tactical Officers Association NTOA)] <http://ntoa.org/swat-standard/>

*SWAT Standard For Law Enforcement, Sep 2013*, [National Tactical Officers Association (NTOA)] <http://ntoa.org/swat-standard/>

*Tackling Crime and Other Public Safety Problems: Case Studies in Problem Solving*, Sampson, Rana and Scott (U.S. Dept. of Justice)

*Tactics for Criminal Patrol*, Remsberg (Calibre Press)

*Terrorism and Homeland Security*, (Cengage Learning)

*Terrorism Handbook for Operational Responders*, Bevelacqua and Richard Stilp (Thomson Delmar)

*The Counterterrorism Handbook*, Bolz, Dudonis and Schulz (CRC Press)

*The Influence of Officer Positioning on Movement During a Threatening Traffic Stop Scenario*, Lewinski, Dysterheft, Seefeldt, Pettitt [Illinois Law Enforcement Training and Standards Board (ILETSB)]

*The Tactical Edge: Surviving High Risk Patrol*, Remsberg (Calibre Press)

Texas Tactical Police Officers Association (TTPOA) <https://www.ttpoa.org/>

*Trauma Recovery Handbook: A Recovery Guide For Yourself, Your Colleagues, and Those You Love*, Slover & Tasci (Debra Tasci)

*Understanding Community Policing: A Framework for Action* (Bureau of Justice Assistance)

*United States Code, Title 18*

*United States Constitution - Bill of Rights*

*Using Analysis for Problem Solving – A Guidebook for Law Enforcement* (U.S. Department of Justice)

*U.S. Department of Justice: Federal Bureau of Investigation (FBI), Critical Incident Response Group, Crisis Negotiation Unit (CNU) Hostage Barricade Database System (HOBAS) & Hostage Rescue Team (HRT)*

*Verbal Judo: The Gentle Art of Persuasion*, Thompson (Quill)

*What Every Law Enforcement Officer Should Know about DNA Evidence: First Responding Officers* (National Institute of Justice)

[https://letraining.training.nij.gov/usermanagement/login\\_form?came\\_from=https%3A%2F%2Fletraining.training.nij.gov/&retry=&disable\\_cookie\\_login =1](https://letraining.training.nij.gov/usermanagement/login_form?came_from=https%3A%2F%2Fletraining.training.nij.gov/&retry=&disable_cookie_login =1)



# OTHER



## MISDEMEANORS WHICH WILL AFFECT CERTIFICATION

*Revised October 26, 2018*

Per § 24-31-305 C.R.S., the POST Board shall deny certification to any person who has been convicted, on or after July 1, 2001, of any of the following:

<b>C.R.S.</b>	<b>Cite</b>
18-3-204	Assault in the third degree
18-3-402	Sexual Assault
18-3-404	Unlawful sexual contact
18-3-405.5	Sexual assault on a client by a psychotherapist
18-3-412.5	Failure to register as a sex offender
18-6-403(3)(b.5)	Sexual exploitation of a child (as it existed prior to July 1, 2006)
18-7-201	Prostitution prohibited
18-7-202	Soliciting for prostitution
18-7-203	Pandering
18-7-204	Keeping a place of prostitution
18-7-302	Indecent exposure
18-7-601	Dispensing violent films to minors
18-8-102	Obstructing government operations
18-8-103	Resisting arrest
18-8-104	Obstructing a peace officer, firefighter, emergency medical services provider, rescue specialist, or volunteer
18-8-108	Compounding
18-8-109	Concealing death
18-8-111	False reporting to authorities
18-8-113	Impersonating a public servant
18-8-114	Abuse of public records
18-8-117	Unlawful sale of publicly provided services or appointments
18-8-201	Aiding escape
18-8-204.2	Possession of contraband in the second degree
18-8-208	Escapes
18-8-208.1	Attempt to escape



<b>C.R.S.</b>	<b>Cite</b>
18-8-212	Violation of bail bond conditions
18-8-304	Soliciting unlawful compensation
18-8-305	Trading in public office
18-8-308	Failing to disclose a conflict of interest
18-8-403	Official oppression
18-8-404	First degree official misconduct
18-8-503	Perjury in the second degree
18-8-611	Simulating legal process
18-8-612	Failure to obey a juror summons
18-8-613	Willful misrepresentation of material fact on juror questionnaire
18-8-614	Willful harassment of juror by employer
18-8-802	Duty to report use of force by peace officers
18-9-111	Harassment
18-9-121	Bias-motivated crimes
18-18-404	Unlawful use of a controlled substance
18-18-405	Unlawful distribution, manufacturing, dispensing, or sale
18-18-406	Offenses relating to marijuana and marijuana concentrate
18-18-411	Keeping, maintaining, controlling, renting, or making available property for unlawful distribution or manufacture of controlled substances

Any misdemeanor in violation of federal law or the law of any state that is the equivalent of any of the offenses specified; or any local municipal ordinance that is the equivalent of any of the offenses.

**The P.O.S.T. board must deny certification to any person who entered into one of the following for a crime listed in paragraph (a) of the subsection (1.5) if the P.O.S.T. board determines that certification is not in the public interest:**

- (I) A deferred judgment and sentencing agreement or deferred sentencing agreement, whether pending or successfully completed;**
- (II) A deferred prosecution agreement, whether pending or successfully completed; or**
- (III) A pretrial diversion agreement, whether pending or successfully completed.**

*Please note that juvenile adjudication/criminal history is not relevant unless the juvenile was tried as an adult through the adult criminal court system.*

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BEFORE THE PEACE OFFICER STANDARDS AND TRAINING BOARD  
DEPARTMENT OF LAW, STATE OF COLORADO

No.

04-01

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## Declaratory Order

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**In re:**

**The Peace Officer Standards and Training Board, Peace Officer Levels  
Recodification Subcommittee**

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House Bill 03-1266 was a direct response to a problem identified by the Colorado State Legislature in House Bill 02-1313. Specifically, in House Bill 02-1313, the legislature declared (Page 3, HB02-1313) ‘that the current levels of peace officers established pursuant to section § 18-1-901, C.R.S. need to be reevaluated to ensure that persons in each category are properly categorized. Accordingly, the POST Board has reevaluated such current levels of peace officer.

The Committee found that there was great disparity in protections for peace officers. It was the consensus of the committee that the peace officers levels system be abolished and a system developed that identified each peace officer job description/position and that position’s intended authority. As a result of the committee’s actions House Bill 03-1266 was proposed and passed into law. The Bill accomplished the following:

- Abolished the level (stratification) system of officer classification;
- Identified by name all peace officer categories currently found in statute in Colorado;
- Identified appropriate enabling legislation (where applicable);
- Provided the same legal protections for all peace officers in Colorado;
- Clearly delineated the authority for each identified peace officer;
- Identified (based on the current level system) peace officers who must be POST certified;
- Allows future expansion or deletion with minimal conforming legislation;
- Importantly, the changes should have no state or local fiscal impact;
- Where appropriate, impacted statutes were reviewed and amended as needed;
- There were no changes in authority currently granted peace officers and no new groups were added that were not currently identified in statute.

House Bill 03-1266 makes a number of important changes to POST’s organic act for the purposes of this Petition. First, the Bill clarifies who shall be certified as a peace officer. Second, the Bill recognizes those peace officer positions that may be certified allowing a voluntary choice that individual officers and law enforcement agencies may make if they so

wish. And, the Bill recognizes peace officer positions in which the officers serving in those positions derive authority as a peace officer through particular and specific enabling legislation.

The committee met on August 25, 2003, to discuss the intent of HB03-1266; past practices of the POST Board in recognizing peace officer job titles; and, recognized service in those positions as qualifying for continuing service recognition to keep an officer's Colorado POST peace officer certificate current. The committee accomplished a review and discussion of the POST Board's 1998 Declaratory Order 98-045, based upon Senate Bill 98-20. The 1998 Declaratory Order directed POST Staff to recognize the *continuing service* of all Level Ia and Level II peace officers as meeting the standard of service to maintain a peace officer's certificate as current and active. Historically, and since enactment of Declaratory Order 98-045, the Board has always treated continued service as a Level I, Level Ia, Level II, and Level IIIa peace officer equivalent for the purposes of meeting the continuing certification service requirements. The central point of committee discussion, and the resulting resolution of the committee, was to recognize the accomplishments of those attaining Colorado peace officer certification. And, to recognize appointment as a peace officer within Title 16, Article 2.5 of the Colorado Revised Statutes as *continuing service* for the purposes of holding a peace officer certificate in current status.

On September 26, 2003, the members of the POST Peace Officer Levels Recodification Committee made the following recommendations to the POST Board:

- POST shall recognize the service of Colorado certified peace officers identified in § 16-2.5-103 through 143, C.R.S. (2003). Recognition of *continuing service* is for the purposes of maintaining the peace officer's certification in current status.
- Allow persons currently working in a defined "Peace Officer" position within § 16-2.5-103 through 143, C.R.S. (2003), to become POST certified upon successful completion of an approved POST Basic Peace Officer Academy, and after passing the POST Certification Examination.

At that time, the Colorado Peace Officer Standards and Training Board voted unanimously to accept the recommendations of the POST Peace Officer Levels Recodification Committee.

In light of the foregoing analysis and recommendation, a basic peace officer certificate will not have expired if the certificate holder has served at least six months in the preceding three year period as a peace officer identified in § 16-2.5-103 through 143, C.R.S. (2003).

Dated this 11<sup>th</sup> day of February 2004.

KEN SALAZAR  
ATTORNEY GENERAL AND POST CHAIRPERSON

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