



POST MANUAL



**Colorado Department of Law
Criminal Justice Section, POST Board
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 9th Floor
Denver CO 80203
720-508-6721
E-Mail: post@coag.gov
POST Website: <http://www.coloradopost.gov>**

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 of 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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POST RULES

Rule 1 – Definitions

Effective January 1, 2024

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, but does not include rehiring by the same law enforcement agency if the separation is for less than six (6) months, for the purposes of Rule 29.
- (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) "Found Civilly Liable" as used in §24-31-904, C.R.S. means, a final judgment of civil liability is entered against a certificate holder, or a judge or jury makes a finding of fact that the certificate holder is civilly liable, in a court of competent jurisdiction, for an event occurring after July 6, 2021.
- (t) "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.
- (u) "Hazing" means any conduct whereby an academy recruit is caused to suffer or be exposed to an activity which a reasonable person would deem cruel, abusive, humiliating, oppressive, demeaning or harmful, which lacks a legitimate training or disciplinary purpose or outcome.
- (v) "Inappropriate actions" means any action by a certificate holder a reasonable person would find to be intentional wrongdoing or misconduct.
- (w) "Incident" means a single, distinct event as determined by the POST Director or designee.

- (x) "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.
- (y) "Lesson plan" means a document that specifically describes the material presented during a course of instruction, as further described in POST Rule 21.
- (z) "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.
- (aa) "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.
- (bb) "Peace officer" means any person, as recognized in § 16-2.5-102, C.R.S.
- (cc) "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.
- (dd) "POST fingerprint card" means a fingerprint card provided by POST.
- (ee) "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.
- (ff) "Practical Exercise" means role playing, tabletop exercises, or other scenario/reality-based training.
- (gg) "Program director" means the person responsible for the administration and operation of a POST-approved training program.
- (hh) "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.

- (ii) "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.
- (jj) "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.
- (kk) "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.
- (ll) "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.
- (mm) "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.
- (nn) "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.
- (oo) "Resigned in lieu of termination for cause" describes a peace officer voluntarily separating from an employing law enforcement agency when they knew, or reasonably should have known, that their employment from the law enforcement agency was likely to be terminated for intentional wrongdoing or misconduct. This separation type is determined by the employing law

enforcement agency, but would not prevent a peace officer from seeking a variance as outlined in Rule 32.

- (pp) "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, a penetrating knife or penetrating gunshot wound, or burns of the second or third degree, per § 18-1-901(3)(p), C.R.S.
- (qq) "Skills examination" means the approved practical test of an applicant's proficiency in arrest control, law enforcement driving, or firearms.
- (rr) "Skills training" means the required approved arrest control, law enforcement driving, and firearms courses.
- (ss) "State" means any State in the United States, the District of Columbia, and any territory or possession of the United States.
- (tt) "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.
- (uu) "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.
- (vv) "Tamper" means any intentional action by a certificate holder to prevent, limit, or obscure the ability of a dash camera or body-worn camera from recording video or audio, or to prevent the storage or retrieval of such video or audio. This includes, but is not limited to, use of the power button, mute button, or other functions of the camera, but does not include those action(s) that are authorized by C.R.S. §24-31-902(1)(a)(ii) or other applicable law.
- (ww) "Termination for cause" means the certificate holder was terminated from a peace officer position for intentional wrongdoing or misconduct. This separation type is determined by the employing law enforcement agency, but would not prevent a peace officer from seeking a variance as outlined in Rule 32.

- (xx) "Test out" means a POST-scheduled skills examination where proficiency is assessed by 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.
- (yy) "Training academy" means a POST-approved school, agency or other entity that provides POST-approved training programs.
- (zz) "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.
- (aaa) "Unlawful Use of Physical Force" as used in §24-31-904, C.R.S. means the use of physical force that violates title 18, C.R.S.

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 November 15, 2023

- (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, or the Director’s designee’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) Granting an extension of time beyond what is prescribed in these rules when good cause is shown.
 - (X) Discharging such other powers or duties as the Board or the Attorney General may direct.
 - (A) Issuing summary suspensions in situations where the board has delegated authority to the director, including:
 - 1) Where a certificate holder has failed to meet in-service

training requirements;

2) Where a specific law enforcement training academy class was found to be substantially deficient, such that the certificate holders of that class would pose a danger to the public health, safety and welfare.

(B) Issuing immediate orders to suspend training or shut down an academy when the health, safety or welfare of recruits or staff are endangered.

(b) If any action or determination made by the Director, or their designee, pursuant to this rule is not appealed by the applicant within thirty (30) days as provided in Rule 5(d), the Director's, or their designee's, action or determination shall become final agency action.

Rule 4 – Subject Matter Expert Committees

Effective November 15, 2023

- (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, as evidenced by a letter of support. A change in employer will require a new letter of support to remain on the committee. 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.
- (i) Committees shall comply with the requirements of Colorado's open meetings law pursuant to § 24-6-402, C.R.S.

Rule 5 – Hearings
Effective November 15, 2023

- a) Show Cause Hearings for revocation or suspension of certification for criminal disqualifying incidents
- (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 criminal disqualifying incidents, as defined in Rule 1, of certain offenses as identified or referenced in §§ 24-31-305(1.5), 24-31-904(1)(a)(I), (2)(a)(I).
- (D) When the Director receives notice or otherwise learns that a certificate holder was engaged in a criminal disqualifying incident of the enumerated offenses listed in §§ 24-31-305(1.5), 24-31-904(1)(a)(I), (2)(a)(I), 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 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 certificate holder or chief law enforcement officer of the employing law enforcement agency (“petitioner”) 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 parties 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 (not criminal disqualifying incidents)

(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 disqualifying incidents not related to criminal conduct, 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 advise the notifying party that determination, and POST will take no further action.

2) If the certificate holder is subject to board action under § 24-31-305(2.5) or for a finding in an internal investigation as outlined in § 24-31-904(1)(a)(III)-(V) or (2)(a)(III)-(IV), C.R.S., and 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.

a. 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.

- b. 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.
- (B) If the certificate holder is subject to board action for any other disqualifying incidents not addressed in (a) or (b)(1)(A)(2) of this rule, and the director determines that the information provided in the written notification does comply with the statutory requirements, the director shall review the documentation provided by the notifying party 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.
- (C) If the matter is referred for hearing, the Director shall appoint a hearing officer to conduct the hearing in accordance with §§ 24-4-104 and 105, C.R.S.
 - 1) The Director shall advise the notifying party 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.
 - 2) 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.
 - 3) 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.

- 4) At a minimum, the hearing will be audio recorded.
- 5) 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.
- 6) 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.
- 7) 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.
- 8) 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.

- 9) 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.
 - 10) 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.
 - 11) 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.
 - 12) Hearings under this section shall be subject to the procedural rules as outlined in POST Rule 33.
- 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 of Decisions of the Director or their designee relating to Show Cause Hearings, Variance Decisions, or Other Decisions:

(I) A decision by the Director or their designee is final unless appealed to the Board within thirty (30) days of the date of such decisions.

(II) If a decision by the Director or their designee is appealed to the Board, the Board will decide whether to hear the appeal. An appeal of the Director's, or their designee'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 January 30, 2023

- (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 or the Director’s designee, 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 or the director’s designee, in their 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, Director’s designee, 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 or the Director’s designee per incident.
- (e) If any determination made by the Director or the Director’s designee pursuant to this rule is not appealed by the applicant within thirty (30) days pursuant to Rule 5(d), 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)(r), 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 January 30, 2023

- (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 or suspension, 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 or their designee, notifying of such disqualifying incident, and requesting that the Director or their designee 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 or their designee, 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 their designee, or Board deems necessary in order to conform to the basic purposes and policies of applicable law.
- (f) The Director's, or their designee'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.
- (h) No person convicted of a felony may request an exemption from denial of enrollment.

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 1, 2022

- 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 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, 2023

- (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 substantially equivalent to the standards established by Colorado as determined by the 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, per § 24-31-308 (1)(a), C.R.S. 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,
 - (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) Is in good standing with Colorado POST as determined by the director;
 - (V) Successfully completes the fingerprint-based criminal history record check required under Rule 14;
 - (VI) If applicable, submits a copy of their official military discharge documents showing character of service and discharge under other than dishonorable conditions; and
 - (VII) 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.
 - (VIII) Provisional certification applications are valid for one year from date of submission.

- (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.

A provisional certification letter authorizes the holder to serve as a certified Colorado peace officer for not more than six (6) months.

- (c) At the discretion of the Director or their designee, a variance may grant a single six (6) month extension to the Provisional certification, upon the showing of good cause.
- (d) The Board shall issue a basic certificate to the holder of a provisional certification letter if such person satisfies one or any acceptable 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 one or any acceptable 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 the 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 or their designee and demonstrate good cause why such additional time should be granted.

- (h) An applicant may complete the provisional certification process while their application is valid, regardless if their provisional certification letter has expired. however, the applicant may not work as a certified peace officer if their provisional certification letter is not valid or has expired.

Rule 12 – Reserve Certification

Effective November 1, 2022

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

- (g) The POST SME Committee member or POST approved designee must submit the completed *POST Skills Testing Grade Sheet* to POST.
- (h) 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 November 15, 2023

- 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. POST staff may, in their discretion, grant an extension of time beyond one week for good cause.
 - (I) All fingerprint results must be received by POST no later than two weeks after enrollment date.
- 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 or their designee. 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 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 a disqualifying incident as described in POST Rule 1(o), the person may submit a request for exemption from denial of enrollment under POST Rule 8, process for seeking exemption from statutory certification restrictions.

(II) Only if the person has, in fact, submitted a request for exemption from denial of enrollment under POST Rule 8, *Process for seeking exemption from statutory certification restrictions*, 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, 2023

- (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, or their designee. 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, or their designee, shall issue his decision in writing within twenty (20) working days. The decisions of the Director, or their designee, shall be final, unless appealed to the Board in accordance with Rule 5(d).
- (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, 2023

- (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, or their designee.
- (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.
 - (I) Starting any skills exam is considered one attempt.
 - (II) An applicant may only coordinate additional attempts with POST staff in advance.
 - (III) Payment for each attempt must be submitted prior to the exam.
 - (IV) 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, or their designee, shall issue a decision in writing within twenty (20) working days. The decision of the Director, or their designee, shall be final, unless appealed to the Board in accordance with Rule 5(d).

Rule 17 – Certification Records and Reporting Requirements

Effective November 15, 2023

- 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 POST 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 POST to effectuate reinstatement of a revocation of a certificate, pursuant to the process outlined in Rule 7.
 - (IV) Pursuant to § 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 in the manner prescribed to POST 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. submissions must include a physical and psychological examinations affirmation (Form 6).
 - (B) Separation of a certified peace officer from a 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) Reporting any incident as required under Rule 32.
 - (E) A certificate holder employed by the law enforcement agency engaging in a disqualifying incident as described in Rule 1.
 - (F) A law enforcement agency must appoint and separate any non-POST certified VIN Inspectors to POST in accordance to (b)(I) of this Rule.
- (II) Each year, between November 1 and January 31 of the following 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 current driver's license or state-issued identification card.
- (A) Submissions not received by January 31st may be subject to fines or other administrative sanctions.
- (III) A law enforcement agency is required to provide accurate data for the POST records management system and Peace Officer Database.
- (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, 2023

- a) General Academy Requirements.
 - (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.
 - (IV) Effective January 1, 2024, each academy shall implement an anti-hazing policy, including anti-hazing training for all staff that have contact with academy recruits. Hazing, as defined in Rule 1, shall not be tolerated.
 - (A) Anti-hazing policies shall include a primary reporting mechanism to the academy and will make evident how to report hazing to POST, as a secondary option.
 - (B) There shall be no retaliation or punishment against individuals for making good faith reports of hazing.
 - (V) All academy training must be conducted in a safe manner.
 - (VI) Academies implementing pilot curriculum modules created or approved by POST are deemed to be in compliance with POST requirements for that curriculum module.
- 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, along with the required enrollment documents, are 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 the enrollment checklist and 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 approved schedule, 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) The official approval process begins once a proposed new academy's initial application and feasibility study is approved by the POST board. The proposed new academy shall have a maximum of eighteen (18) 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) Skills training. For all hours of all skills training programs, 100 percent attendance and participation are required.
 - 1) Skills training classes missed due to circumstances beyond the student's control shall be completed in person and before the end of the academy session.
- (B) Academic training. For all hours of academic training, 100 percent attendance and participation are required.
 - 1) Academic classes missed due to circumstances beyond the student's control may be made up in a virtual format. These virtual make up courses may not exceed ten percent of the academy session's total hours and must be completed before the end of the academy session.

- (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 and skills programs certificates of completion.

- (A) The academy director shall immediately issue certificates of completion to each trainee who successfully completes all requirements of the approved academy. A certificate of completion shall be issued for each skills program and the overall academy.
- (B) Only a trainee who has attended and successfully completed a skills program shall be issued a certificate of completion for that skill. A trainee who has attended all academic classes and all required skills training programs shall be issued an academy certificate of completion.

- (C) Each certificate of completion shall contain the following information:
- 1) Trainee's name; and
 - 2) Name of the approved academy; and
 - 3) Type of skills program or academy (Basic, Refresher or reserve); and
 - 4) Date of skills program or academy completion (month, day, year); and
 - 5) Total number of hours of the completed skills program or 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, serious bodily injury, diagnosed concussion, or any injury which caused a recruit's departure from the academy that 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:
 - (1) Authority to enforce all laws in the State of Colorado.
 - (2) Authority to arrest (PC, warrant, restraining order, court order).
 - (3) Authority to use force in effecting arrest or preventing escape.
 - (4) Authority to “stop and frisk.”
 - (5) Authority to execute search warrants.
 - (6) 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 November 15, 2023

- 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.
 - (C) Effective January 1, 2025, all assistant skills instructors for firearms must complete a 16-hour red dot sight POST approved instructor course.

(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) For arrest control and law enforcement driving, completion of a minimum of eighty (80) hours of instructional experience as an assistant skills instructor at a Colorado POST approved academy. 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.
 - (D) For firearms training, completion of a minimum of two times

as many hours as a POST academy firearms program as an assistant skills instructor at a Colorado POST approved academy. Effective January 1, 2024, all current full skill instructors and applicants for full skills instructor must complete a 16-hour red dot sight instructor course.

- (E) All training 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 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 November 15, 2023

- (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.
- (XII) Each academy shall ensure that all firearms instructors meet current minimum requirements for full and assistant

skills instructors in accordance with POST Rule 23.

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.

(e) 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 30, 2023

- (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 or the Director's designee shall be informed of all inspection results.
- (e) Should the POST Director or the Director's designee 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, or their designee's, order to the Board within thirty (30) days in accordance with Rule 5(d).
- (g) Failure to comply with the POST Director's, or their designee'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 January 30, 2023

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 all certified peace officers who are currently employed. 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 or their designee by January 31st of the following year.

(A) Perishable Skills Waiver

Agency executives may request an exemption from the perishable skills training requirement. This request shall be in writing to the POST Director or their designee. 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 the POST Director pursuant to Rule 3, 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(d).

- c) Failure to satisfactorily complete POST training requirements may result in a recommendation by the Director or their designee 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 November 1, 2022

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.
 - (I) Physical and psychological evaluations completed for non-certified peace officer positions remain valid for an employee who transfers to a post-certified position at the same organization.
- 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) Any person separated from an agency and returning to the same agency within six months does not need a new physical and psychological evaluation.
- h) 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.
 - (c) For any other violation of a post board rule requiring compliance by a law enforcement agency or individual certificate holder: or 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
 - (d) 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, 2023

- (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.
- (IV) Resignation in lieu of termination for cause, where a peace officer voluntarily separated from an employing law enforcement agency when the peace officer knew, or reasonably should have known, they were likely to be terminated for intentional wrongdoing or misconduct.

- (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.
 - (I) Once a peace officer no longer meets the statutory requirements for inclusion on the database, POST will remove the peace officer from the database without a request for a variance.

Rule 33- Administrative Hearing Procedures

Effective November 15, 2023

- (a) This Rule 33 is intended to apply only to administrative hearings for revocation or suspension that are filed before the POST Hearing Officer for disqualifying incidents other than criminal convictions. This Rule does not apply to Show Cause Hearings before the Director for disqualifying criminal convictions.
- (b) Rules of Civil Procedure. To the extent practicable, and unless inconsistent with these rules, the Colorado Rules of Civil Procedure apply to matters before the POST Hearing Officer. Unless the context otherwise requires, whenever the word “court” appears in a rule of civil procedure, that word shall be construed to mean the POST Hearing Officer. The following do not apply: C.R.C.P. 16 and 16.1.
- (c) Rules of Evidence. To the extent practicable, the Colorado Rules of Evidence apply in all hearings conducted by the POST Hearing Officer. Unless the context requires otherwise, whenever the word “court”, “judge”, or “jury” appears in the Colorado Rules of Evidence, such word shall be construed to mean the POST Hearing Officer. The POST Hearing Officer has the discretion to admit evidence not admissible under such rules, as permitted by § 24-4-105(7), C.R.S., or other law.
- (d) Entry of Appearance and Withdrawal of Counsel. Entries of Appearance and Withdrawals of Counsel shall be in conformance with C.R.C.P. 121 § 1-1. Any out-of-state attorney shall comply with C.R.C.P. 221.1.
- (e) Expanded Media Coverage. Expanded media coverage of cases before the POST Hearing Officer may be permitted at the discretion of the POST Hearing Officer, under such conditions as the POST Hearing Officer may designate. In determining whether expanded media coverage should be permitted, the POST Hearing Officer shall consider the following factors:
 - (I) Whether there is a reasonable likelihood that expanded media coverage would interfere with the rights of the parties to a fair hearing;
 - (II) Whether there is a reasonable likelihood that expanded media coverage would unduly detract from the solemnity, decorum and dignity of the proceedings;
 - (III) Whether expanded media coverage would create adverse effects that would be greater than those caused by traditional media coverage.

- (f) Default Procedures. A person who receives notice of an agency adjudicatory hearing is required to file a written answer within 30 days after the service or mailing of notice of the proceeding. If a person receiving such notice fails to file an answer, the POST Hearing Officer may enter a default against that person pursuant to § 24-4-105(2)(b), C.R.S.
- (I) The POST Hearing Officer will not grant a motion for entry of a default under this statutory provision unless the following requirements are met:
- (A) The motion for entry of a default must be served upon all parties to the proceeding, including the person against whom a default is sought.
- (B) The motion shall be accompanied by an affidavit establishing that both the notice of the proceeding and the motion for entry of default have been personally served upon the person against whom a default is sought, or have been mailed by first class mail to the last address furnished to the agency by the person against whom the default is sought.
- (g) Discovery. To the extent practicable, C.R.C.P. 26 through 37 and 121, Section 1-12 and the duty to confer at Section 1-15(8) apply to proceedings within the scope of these rules, except to the extent that they provide for or relate to required disclosures, or the time when discovery can be initiated. Discovery may be conducted by any party without authorization of the POST Hearing Officer.
- (I) In addition to the requirements of C.R.C.P. 36, a request for admission shall explicitly advise the party from whom an admission is requested that failure to timely respond to the request may result in all of the matters stated in the request being deemed established unless the POST Hearing Officer on motion permits withdrawal or amendment of the admission. The failure to comply with this rule may result in the matters contained in the request being deemed denied.
- (II) Discovery requests and responses should not be filed with the POST Hearing Officer, except to the extent necessary for the POST Hearing Officer to rule upon motions involving discovery disputes.
- (III) Either party may move to modify discovery deadlines and limitations.
- (h) Determination of Motions. The duty to confer pursuant to C.R.C.P. 121 § 1-15(8) shall apply to all motions filed within the scope of these rules. Any motion involving a contested issue of law shall be supported by a recitation of

legal authority. References to agency rules shall include the appropriate Colorado Code of Regulations citation. A responding party shall have 21 days from service or such lesser or greater time as the POST Hearing Officer may allow in which to file and serve a responsive brief. Reply briefs will be permitted only upon order of the POST Hearing Officer. If so ordered, the reply brief must be filed within 7 days of the order of the POST Hearing Officer.

- (I) If facts not appearing of record before the POST Hearing Officer are to be considered in disposition of the motion, the parties may file affidavits at the time of filing the motion or responsive or reply brief. Copies of such affidavits and any documentary evidence used in connection with the motion shall be served on all other parties.
 - (II) If the moving party fails to incorporate legal authority into the motion and fails to file a separate brief with the motion, the POST Hearing Officer may deem the motion abandoned and may enter an order denying the motion. Failure of the responding party to file a responsive brief may be considered a confession of the motion.
 - (III) If possible, motions will be determined upon the written motion and briefs submitted. The POST Hearing Officer may order oral argument or evidentiary hearing on the POST Hearing Officer's own motion or on request of a party. If any party fails to appear at an oral argument or hearing without prior showing of good cause for non-appearance, the POST Hearing Officer may proceed to hear and rule on the motion.
- (i) Place of Hearing. Hearings conducted within the scope of these rules will be heard in the Ralph Carr Judicial Building. The POST Hearing Officer will make arrangements to reserve a room when necessary. The POST Hearing Officer may change the place of hearing when the convenience of witnesses and parties and the ends of justice will be served, including holding hearings virtually or telephonically.
 - (j) Prehearing Procedures, Statements and Conferences. Unless otherwise ordered by the POST Hearing Officer, each party shall file with the POST Hearing Officer and serve on each other party a prehearing statement in substantial compliance with the form available on the POST website. Prehearing statements shall be filed and served no later than 30 days prior to the date set for hearing or such other date established by the POST Hearing Officer. Exhibits shall not be filed with prehearing statements, unless ordered by the POST Hearing Officer. Exhibits shall be exchanged between the parties by the date on which prehearing statements are to be filed and served on such other date as ordered by the POST Hearing Officer.

- (I) The authenticity of exhibits, statutes, ordinances, regulations or standards set forth in the prehearing statement shall be admitted unless objected to in a written objection filed with the POST Hearing Officer and served on other parties no later than 10 days prior to hearing.
- (II) The information provided in a prehearing statement shall be binding on each party throughout the course of the hearing unless modified to prevent manifest injustice. New witnesses or exhibits may be added only if the need to do so was not reasonably foreseeable at the time of filing of the prehearing statement and then only if it would not prejudice other parties or necessitate a delay of the hearing. An agency shall use numbers to identify exhibits and any opposing party shall use letters.
- (III) In the event of noncompliance with this rule, the POST Hearing Officer may impose appropriate sanctions including, but not limited to, the striking of witnesses, exhibits, claims and defenses.
- (IV) Prehearing conferences may be held at the request of either party or upon motion of the POST Hearing Officer.
- (V) A case management conference shall be held at the request of either party or at the discretion of the POST Hearing Officer. The party requesting the case management conference shall confer with all other parties as necessary upon the content of the proposed case management order. An example of a format for a case management order appears on the “Forms” tab of the POST website. The party requesting the case management conference shall submit the proposed case management order to the POST Hearing Officer no later than 3 days before the case management conference.
- (k) Motions for Continuance. Continuances shall be granted only upon a showing of good cause. Motions for continuance must be filed in a timely manner. Stipulations for a continuance shall not be effective unless and until approved by the POST Hearing Officer.
- (l) Subpoenas. Upon oral or written request of any party or of counsel for any party, the POST Hearing Officer shall sign a subpoena or subpoena duces tecum requiring the attendance of a witness or the production of documentary evidence, or both, at a deposition or hearing. Unless otherwise provided by agency statute, rule or regulation, practice before the POST Hearing Officer regarding subpoenas shall be governed by C.R.C.P. 45.

- (l) Any attorney representing a party to a proceeding before the POST Hearing Officer may issue a subpoena or subpoena duces tecum requiring the attendance of a witness or the production of documentary evidence, or both, at a deposition or hearing.
- (m) Settlements. Parties shall promptly notify the POST Hearing Officer of all settlements, stipulations, agency orders or any other action eliminating the need for a hearing. POST shall file a motion to dismiss when a case has settled.
- (n) Ex Parte Communications. With the exception of scheduling or other purely administrative matters, a party or counsel for a party shall not initiate any communication with the POST Hearing Officer pertaining to a matter before the POST Hearing Officer unless prior consent of all other parties or their counsel has been obtained. Copies of all pleadings or correspondence filed with the POST Hearing Officer or directed to the POST Hearing Officer by any party shall be served upon all other parties or their counsel.
- (o) Procedure for expedited hearings. The POST Hearing Officer may, in their discretion, adjust deadlines and court dates to meet any specific statutory deadlines for revocation or suspension, when applicable.
- (p) Computation and Modification of Time. In computing any period of time prescribed or allowed by these rules, the provisions of C.R.C.P. 6 shall apply. The time periods of these rules may be modified at the discretion of the POST Hearing Officer.
- (q) Filing of Pleadings and Other Papers. Pleadings and other papers must be filed with the POST Hearing Officer by email at: posthearingofficer@coag.gov.
- (I) All pleadings and papers filed with the POST Hearing Officer shall contain the case number assigned by POST at the time of referral.
- (r) Service of Pleadings and Other Papers. Service of pleadings or other papers on a party or on an attorney representing a party may be made by hand delivery, by mail to the address given in the pleadings, by facsimile transmission to a facsimile number given in the pleadings, or to the party's last known address, or with agreement of the parties, by e-mail. When a party is represented by an attorney, service shall be made on the attorney.
- (I) Pleadings or other papers sent to the POST Hearing Officer must contain a certificate of service attesting to service on the opposing party and in the case of service by mail providing the address where pleadings or other papers were served.
- (II) Attorneys and parties not represented by attorneys must inform the POST Hearing Officer and all other parties of their current address and of any change of address during the course of the proceedings.

- (s) Testimony by Telephone or Other Electronic Means. Upon motion of any party the POST Hearing Officer may conduct all or part of a hearing virtually or telephonically. The motion must be filed sufficiently prior to hearing to permit a response and ruling.
 - (I) All arrangements for the taking of testimony by telephone or videophone shall be made by the party requesting such testimony, who shall be responsible for all costs associated with the testimony.
 - (II) Exhibits and other documents that will be used or referred to during all or part of a hearing conducted by telephone or other electronic means must be filed with the POST Hearing Officer and, unless previously supplied, provided to all other parties at least two days before the hearing.
- (t) Court Reporters. The POST Hearing Officer will not supply court reporters. If any party wishes to have all or a portion of a proceeding transcribed by a court reporter, that party may make private arrangements to do so at that party's own expense.
 - (I) All POST hearings will be, at minimum, audio recorded. The recording will be made available to any party upon request.
- (u) Exhibit Notebooks. Whenever a party is represented by an attorney, that party shall supply an exhibit list and three notebooks of tabbed exhibits at the commencement of every merits hearing. The notebooks shall be for the POST Hearing Officer, the opposing party, and the testifying witness. All documentary exhibits listed in such party's prehearing statement, unless they are too lengthy, shall appear in the exhibit notebooks.