

## **Rule 1 – Definitions**

*Effective January 30, 2022*

As used in these rules

- (a) "Academy director" means that person responsible for the administration and operation of a POST-approved academy.
- (b) "Applicant" means any person formally seeking approval by the Board.
- (c) "Appointed" means sworn in and serving as a peace officer or reserve peace officer.
- (d) "Approved" means formally accepted or authorized by the Board.
- (e) "ACT" means Arrest Control Tactics, one of the skills training programs required for the basic, refresher and reserve training academies.
- (f) "Assistant skills instructor" means an individual who has successfully completed a relevant approved skills instructor training program and who may instruct the corresponding skills training program in arrest control, law enforcement driving, or firearms under the direction and in the presence of a full skills instructor, and assist in evaluating and coaching trainees at an approved basic, refresher or reserve training academy.
- (g) "Authorized emergency vehicle" means such vehicles as further defined in § 42-1-102(6), C.R.S.
- (h) "Board" means the Colorado Peace Officer Standards and Training Board.
- (i) "Bodily injury" means physical pain, illness, or any impairment of physical or mental condition, per § 18-1-901(3)(c), C.R.S.
- (j) "Certification examination" means the written test required, per § 24-31-305(1)(a)(III), C.R.S.
- (k) "Certified peace officer" means any person who has successfully attained POST Certification, as further described in §§ 24-31-305 and 24-31-308, C.R.S.
- (l) "Course" means a formal unit of instruction relating to a particular subject.
- (m) "C.R.S." means Colorado Revised Statutes, codified laws of the State of Colorado.
- (n) "Director" means the director of the POST Board staff.

- (o) “Disqualifying incident” means:
- (I) A finding of guilt following either a verdict of guilty by the court or jury, or a plea of guilty, or a plea of nolo contendere., per § 24-31-305(1.5)(a), C.R.S. Any Colorado juvenile adjudication is not a conviction.
  - (II) Entering into a deferred judgment and sentencing agreement, a deferred prosecution agreement, or a pretrial diversion agreement of any disqualifying incident, whether pending or successfully completed, per §§ 24-31-305(1.5)(b) and 24-31-904(4), C.R.S.
  - (III) A finding of untruthfulness pursuant to § 24-31-305(2.5), C.R.S.
  - (IV) Convicted of or pleads guilty or nolo contendere to a crime involving unlawful use of physical force, per § 24-31-904, C.R.S., or a crime involving the failure to intervene in the use of unlawful force, per § 24-31-904, C.R.S. and § 18-8-802(1.5)(a) and (d), C.R.S.
  - (V) Found civilly liable for the use of unlawful physical force or the failure to intervene in the use of unlawful force, per § 24-31-904, C.R.S.
  - (VI) An administrative law judge, hearing officer, or internal investigation finds that a peace officer used unlawful physical force, failed to intervene, or violated section 18-1-707, C.R.S. as described in §24-31-904, C.R.S.
  - (VII) A court, administrative law judge, hearing officer, or a final decision in an internal investigation finds that a peace officer intentionally failed to activate a body-worn camera or dash camera or tampered with any body-worn or dash camera with the intent to conceal unlawful or inappropriate actions or obstruct justice, as described in § 24-31-902(1)(a)(IV), C.R.S.
  - (VIII) Failure to satisfactorily complete peace officer training required by the POST Board, per § 24-31-305(2.7), C.R.S.
  - (IX) Making materially false or misleading statements of omissions in the application for certification.
  - (X) Knowingly or intentionally providing inaccurate data for the database created per § 24-31-303(1)(r), C.R.S.

- (XI) Otherwise failing to meet the certification requirements established by the Board.
- (XII) A finding by an administrative law judge, hearing officer, or internal investigation of a law enforcement agency that a peace officer violated section 18-8-805, C.R.S. regarding the prohibited use or direction of administration of ketamine.
- (p) "Enroll" means that a person has applied to and been accepted for admission into an academy and is physically present at the academy to receive instruction.
- (q) "Enrollment date" means the first day of instruction at an approved basic, refresher or reserve training academy, and shall be synonymous with the first day of instruction as reflected on the approved academy schedule.
- (r) Fingerprint-based criminal history record check: a search of a person's fingerprints, provided on a POST applicant fingerprint card or a Colorado bureau of investigation (CBI) authorized vendor, and processed by CBI and federal bureau of investigation (FBI) for the purpose of determining a person's eligibility for certification as a peace officer in the state of Colorado.
- (s) "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) "Incident" means a single, distinct event as determined by the POST Director or designee.
- (v) "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.

- (w) "Lesson plan" means a document that specifically describes the material presented during a course of instruction, as further described in POST RULE 21.
- (x) "Moving training" means training where the academy students are involved in movement with a loaded weapon. It is recognized that during square range drills, academy students may move 1-2 steps laterally or forward/backward. The 1:1 ratio is not required for this drill. For all other drills/exercises involving movement a 1:1 ratio is required.
- (y) "Operable firearm" means a firearm that is capable of discharging a bullet if loaded. This does not include firearms designed or modified to discharge marking cartridges or airsoft projectiles during academy scenario/reality-based training.
- (z) "Peace officer" means any person, AS recognized in § 16-2.5-102, C.R.S.
- (aa) "POST certified" means any person possessing a valid, numbered certificate issued by the Board authorizing such person to serve as a peace officer or reserve peace officer.
- (bb) "POST fingerprint card" means a fingerprint card provided by POST.
- (cc) "POST Identification" (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.
- (dd) "Practical Exercise" means role playing, table top exercises, or other scenario/reality-based training.
- (ee) "Program director" means the person responsible for the administration and operation of a POST-approved training program.
- (ff) "Provisional certification" means a signed instrument issued by the POST Board that grants interim certification for qualified out-of-state peace officers seeking Colorado certification that enables the provisional applicant to obtain appointment as a peace officer in Colorado while fulfilling the requirements for basic certification.
- (gg) "Recognized disciplines for arrest control training" mean those 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.

- (hh) "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.
- (ii) "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.
- (jj) "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.
- (kk) "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.
- (ll) "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.
- (mm) "Serious bodily injury" means bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree, per § 18-1-901(3)(p), C.R.S.
- (nn) "Skills examination" means the approved practical test of an applicant's proficiency in arrest control, law enforcement driving, or firearms.
- (oo) "Skills training" means the required approved arrest control, law enforcement driving, and firearms courses.

- (pp) "State" means any State in the United States, the District of Columbia, and any territory or possession of the United States.
- (qq) "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.
- (rr) "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.
- (ss) "Termination for cause" means the certificate holder was terminated from a peace officer position for intentional wrongdoing or misconduct.
- (tt) "Test out" means a POST-scheduled skills examination where proficiency is assessed by a POST Subject Matter Experts (SMEs) in all three perishable skills (Arrest Control, Law Enforcement Driving, and Firearms) and the written POST certification exam is administered.
- (uu) "Training academy" means a POST-approved school, agency or other entity that provides POST-approved training programs.
- (vv) "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.
- (ww) "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.