

## **Rule 9 – Revocation Hearings**

*Effective January 30, 2019*

- (a) A Colorado peace officer certification issued pursuant to § 24-31-305, C.R.S., shall be suspended or revoked by the POST Board if the certificate holder has:
  - (I) been convicted of a felony, or
  - (II) been convicted on or after July 1, 2001, of any misdemeanor described in subsection (1.5) of § 24-31-305, C.R.S., or,
  - (III) entered into a deferred judgment and sentencing agreement, deferred prosecution agreement, or pretrial diversion agreement for one of the offenses described above, regardless whether the agreement is pending or was successfully completed;
  - (IV) made material false or misleading statements or omissions in the application for certification, or
  - (V) otherwise failed to meet the certification requirements established by the Board.
- (b) The certificate holder or the chief law enforcement officer of the agency employing such certificate holder may, within thirty (30) days after the effective date of the disqualifying incident, petition the Board for an exemption by following the requirements of Rule 8.
- (c) The procedures set forth in Rule 5 shall be utilized with the Director making an initial determination.
- (d) The Director, in his discretion, may determine the merits of the request based upon the applicant's written submissions, or may request additional information.
- (e) A decision by the Director is final unless appealed to the Board within thirty (30) days of the date of such decisions. If a decision is appealed to the Board, the Board will decide whether to hear the appeal. An appeal of the Director's decision must be made in writing and submitted to the POST Director. Upon receipt of the appeal, the POST Director will notify the POST Board members and request a decision be made. If a majority of the POST Board members agree to hear the appeal, a five-member panel of

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