

**CYNTHIA H. COFFMAN**  
Attorney General  
**DAVID C. BLAKE**  
Chief Deputy Attorney General  
**MELANIE J. SNYDER**  
Chief of Staff  
**FREDERICK R. YARGER**  
Solicitor General



**STATE OF COLORADO**  
**DEPARTMENT OF LAW**

**RALPH L. CARR**  
**COLORADO JUDICIAL CENTER**  
1300 N Broadway, 9th Floor  
Denver, Colorado 80203  
Phone (720) 508-6000  
**Peace Officer Standards  
and Training**

March 1, 2016

RE: Rule 28 2015 Final Report

Dear POST Board Members:

**Background Information**

Rule 28 - In-Service Training Program went into effect January 2015. The purpose of in-service training is to provide continuing education to certified peace officers to develop their knowledge and/or skills. In-service training is mandatory for certified peace officers who are currently employed in positions requiring certified peace officers as defined in Colorado Revised Statutes section 16-2.5-102. This includes certified full-time, part-time and reserve peace officers.

**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, defined as arrest control, driving and firearms.

**Training Period:**

The training period shall be the calendar year, defined as 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.

**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 qualifications. Legislatively-mandated training may also be used for credit towards the training requirement.

**Compliance:**

A preliminary compliance report for agencies that were out of compliance went out on January 20, 2016. If an agency was not in compliance with Rule 28, that agency had 30 days from the date of the preliminary report to dispute the POST data and provide additional training information for 2015. Following the thirty-day period, POST distributed the final compliance reports on February 24, 2016 to all agencies

still out of compliance. If an agency is out of compliance, all POST funding will be suspended (Region Grant funds, In-Service Continuing Ed funds, and Marijuana funds). The suspension of funds will be effective from **July 1, 2016 to December 31, 2016**. POST funding will be reinstated January 1, 2017 if that agency is in compliance with Rule 28 for 2016.

### **POST Actions Taken**

A new position, In-Service Training Manager, was created to implement, manage and coordinate this new rule. Bob Baker was hired into this position October 20, 2014 and the following steps were taken to ensure agencies around the state were aware of Rule 28 and how to enter training into the POST Portal (Acadis):

- From November 2014 to January 2015, POST reached out to over 100 different agencies by phone to explain Rule 28.
- In January 2015, a mass email went out to **all** agencies in the State of Colorado explaining Rule 28. A step-by-step guide was attached to that email explaining how to enter training into the POST Portal (Acadis).
- The POST In-Service Training Manager attended several meetings in the spring and summer of 2015 to explain and answer any questions about Rule 28:
  - New Chief's Academy
  - Winter Sheriff's Conference
  - Winter Undersheriff Conference
  - New Sheriff's Academy
  - Greater Metro Chiefs' Association
  - I-70 Training Region
  - I-70 Chief Executive Association
  - Greater Metro Training Region
  - Central Mountain Training Foundation
  - San Luis Valley Training Region (phone conference)
  - West Central Training Region
  - North Central Training Region
  - Larimer County Sheriff's Office and surrounding agencies
- POST met with 15 agencies individually to explain Rule 28 and conducted training on how to enter training into the POST Portal.
- During October 2015 to January 2016, POST sent out 61 compliance reports to agencies asking for their report so they could make sure they were in compliance.

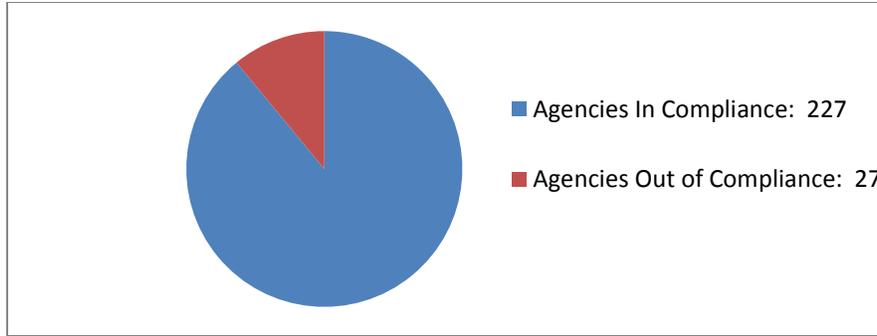
- In November of 2015, POST sent out 40 emails to agencies that were still not entering training into the POST Portal.
- In November 2015 through January 2016, POST made hundreds of calls to agencies reminding them that training needed to be entered and answered any questions agencies might have about Rule 28.

### 2015 Compliance Report

The preliminary compliance report went out to all agencies that were out of compliance January 20, 2016. At that time there were 57 agencies and roughly 500 officers out of compliance.

The final report went out February 24, 2016 to all agencies that were still out of compliance. At that time 27 agencies were out of compliance and this included 121 total officers from around the state. The table below shows the breakdown of Regions and how they compare to each other:

<b>Training Region</b>	<b>Total Agencies</b>	<b>Agencies In Compliance</b>	<b>Agencies Out of Compliance</b>	<b>Total Officers</b>	<b>Officers In Compliance</b>	<b>Officers Out of Compliance</b>
San Luis Valley	17	8	9	162	135	27
South East	22	18	4	238	222	16
West Central	26	22	4	542	531	11
Greater Metro	56	54	2	7,352	7,332	20
North Central	35	32	3	1,812	1,791	21
North East	18	16	2	191	185	6
Central Mountain	28	27	1	1,972	1,963	9
I-70 West	30	29	1	497	490	7
North West	10	9	1	142	138	4
South West	12	12	0	294	294	0
<b>Total</b>	<b>254</b>	<b>227</b>	<b>27</b>	<b>13,202</b>	<b>13,081</b>	<b>121</b>



**County Sheriff's Offices Out of Compliance**

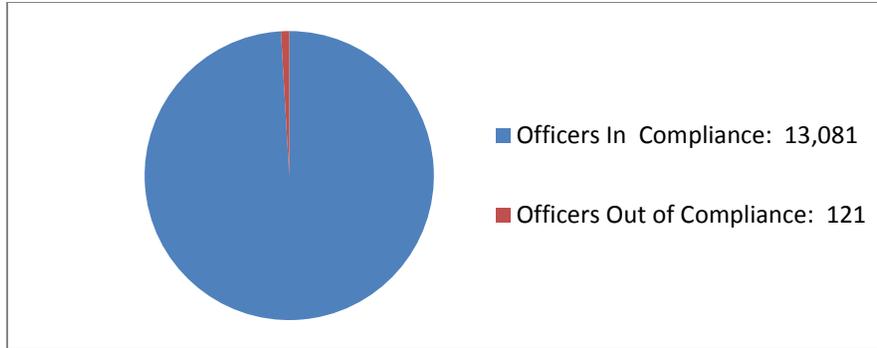
- Costilla County
- Gilpin County
- Huerfano County
- Jackson County
- Pitkin County
- Rio Grande County
- Saguache County
- San Miguel County

**Police Departments Out of Compliance**

- Antonito
- Brush
- Colorado Springs
- Del Norte
- Denver
- Fort Lupton
- Granada
- La Jara
- Manassa
- Manzanola
- Mount Crested Butte
- Nederland
- Oak Creek
- Olathe
- Sanford
- South Fork
- Wiggins

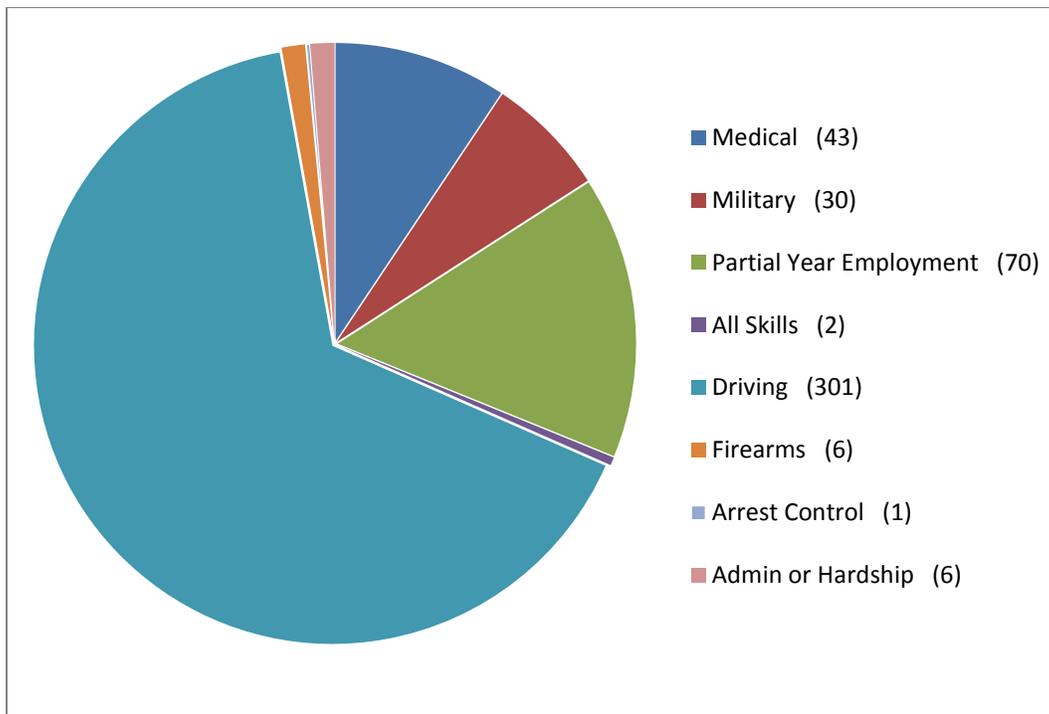
**Marshal's Offices Out of Compliance**

- Aguilar
- Collbran



**Waivers**

Rule 28 allows for agencies to request waivers for their officers for the following reasons: medical, military, partial-year employment, and skills (arrest control, driving, and firearms). Per Rule 28, “Any waiver of the annual training request must be made in writing to the POST Director prior to the end of the calendar year (December 31).” A total of 99 agencies requested waivers and 81 agency waivers were granted. The following chart shows the waivers that POST received for calendar year 2015:



**Total Waivers for 2015 = 459**

### Issues and Concerns

- Reserve Officers must have the same hours as full-time and part-time officers. Many agencies were out of compliance because their reserve officers didn't have the required training. This was the number one reason for non-compliance.
- Many agencies waited until the end of the year to start entering training into the POST portal. It was very hard for agencies to get caught up and fix any mistakes that occurred.
- Most of the waivers came into POST after the December 31<sup>st</sup> deadline. This will be strictly adhered to in 2016.
- POST will create forms and procedures for streamlining the process this year. We are already working with Envisage to make it easier for agencies and POST staff to track the training.
- Some agencies had a hard time getting officers trained because they started training late in the year.
- POST received many complaints, especially from large agencies, that 100% compliance for an agency is unrealistic.
- Another common complaint was that it makes no sense to take away funding for agencies struggling to get training. Agencies without the funding will have no opportunity for training.
- There was confusion from some agencies that interpreted the rule as only requiring 12 hours in any of the perishable skill areas and not requiring all three of the perishable skills each year. At the December 2015 Board meeting the rule was changed to read, "Perishable skills training shall consist of a minimum of 12 hours. The minimum 12 hours must include all three of the perishable skills (Arrest Control, Driving, and Firearms) each calendar year".
- POST will review how waivers are handled. Each agency sending waiver requests to the POST Director was cumbersome and must be streamlined.

Summary

The overall goal of Rule 28 was to ensure law enforcement officers in Colorado were getting the necessary training each year. There were 13,202 officers required to meet the new annual in-service training requirement and 13,081 officers were in compliance. Approximately 99% of the officers were in compliance with Rule 28, leaving less than 1% of the required peace officers out of compliance as of December 31, 2015. Out of 254 agencies in the state required to follow Rule 28, 236, or 89%, of the agencies were in compliance, leaving 27, or 11%, of the agencies out of compliance.

As a state in 2015, Colorado peace officers participated in over 1.34 million hours of training, of which over 422,000 hours were in perishable skills.

Sincerely,

FOR THE ATTORNEY GENERAL

A handwritten signature in black ink that reads "Cory A. Amend". The signature is written in a cursive style with a large, looping initial "C".

CORY AMEND  
POST Director