

**Part 1**  
**Peace Officer Standards and Training Division Administration**

**53-6-101 Short title.**

This chapter is known as the "Peace Officer Standards and Training Act."

Enacted by Chapter 234, 1993 General Session

**53-6-102 Definitions.**

As used in this chapter:

- (1) "Addiction" means the unlawful or habitual use of alcohol or a controlled substance which endangers public health and safety.
- (2) "Certified academy" means a peace officer training institution certified in accordance with the standards developed under Section 53-6-105.
- (3) "Council" means the Peace Officer Standards and Training Council created in Section 53-6-106.
- (4) "Conviction" means an adjudication of guilt regarding criminal conduct, including:
  - (a) a finding of guilt by a court or a jury;
  - (b) a guilty plea;
  - (c) a plea of nolo contendere;
  - (d) a plea which is held in abeyance pending the successful completion of:
    - (i) a probationary period; or
    - (ii) a diversion agreement; or
  - (e) a conviction which has been expunged or dismissed.
- (5) "Director" means the director of the Peace Officer Standards and Training Division appointed under Section 53-6-104.
- (6) "Dispatcher" means an employee of a public safety agency of the state or any of its political subdivisions and whose primary duties are to:
  - (a)
    - (i) receive calls for one or a combination of, emergency police, fire, and medical services, and to dispatch the appropriate personnel and equipment in response to the calls; and
    - (ii) in response to emergency calls, make urgent decisions affecting the life, health, and welfare of the public and public safety employees; or
  - (b) supervise dispatchers or direct a dispatch communication center.
- (7) "Division" means the Peace Officer Standards and Training Division created in Section 53-6-103.
- (8) "POST" means the division.

Amended by Chapter 313, 2010 General Session

**53-6-103 Peace Officer Standards and Training Division -- Creation -- Administration -- Duties.**

- (1) There is created within the department the Peace Officer Standards and Training Division.
- (2) The division shall be administered by a director acting under the supervision and control of the commissioner.
- (3) The division shall promote and ensure the safety and welfare of the citizens of this state in their respective communities and provide for efficient and professional law enforcement by

establishing minimum standards and training for peace officers and dispatchers throughout the state.

Amended by Chapter 134, 1995 General Session

**53-6-104 Appointment of director of division -- Qualifications -- Appointment of employees -- Term of office -- Compensation.**

- (1) The commissioner, upon recommendation of the council and with the approval of the governor, shall appoint a director of the division.
- (2) The director is the executive and administrative head of the division and shall be experienced in administration and possess additional qualifications as determined by the commissioner and as provided by law.
- (3) The director shall be a full-time officer of the state.
- (4) The director may appoint deputies, consultants, clerks, and other employees from eligibility lists authorized by the Division of Human Resource Management.
- (5) The director may be removed from his position at the will of the commissioner.
- (6) The director shall receive compensation as provided by Title 63A, Chapter 17, Utah State Personnel Management Act.

Amended by Chapter 344, 2021 General Session

**53-6-105 Duties of director -- Powers -- Rulemaking.**

- (1) The director, with the advice of the council, shall:
  - (a) prescribe standards for the certification of a peace officer training academy, certify an academy that meets the prescribed standards, and prescribe standards for revocation of certification for cause;
  - (b) prescribe minimum qualifications for certification of peace officers appointed or elected to enforce the laws of this state and its subdivisions and prescribe standards for revocation of certification for cause;
  - (c) establish minimum requirements for the certification of training instructors and establish standards for revocation of certification;
  - (d) provide for the issuance of appropriate certificates to those peace officers completing the basic training programs offered by a certified academy or those persons who pass a certification examination as provided for in this chapter;
  - (e) consult and cooperate with certified academy administrators and instructors for the continued development and improvement of the basic training programs provided by the certified academy and for the further development and implementation of advanced in-service training programs;
  - (f) consult and cooperate with state institutions of higher education to develop specialized courses of study for peace officers in the areas of criminal justice, police administration, criminology, social sciences, and other related disciplines;
  - (g) consult and cooperate with other departments, agencies, and local governments concerned with peace officer training;
  - (h) perform any other acts necessary to develop peace officer training programs within the state;
  - (i) report to the council at regular meetings of the council and when the council requires;
  - (j) recommend peace officer standards and training requirements to the commissioner, governor, and the Legislature; and

- (k) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the director shall, with the advice of the council, make rules necessary to administer this chapter.
- (2) With the permission of the commissioner, the director may execute contracts on behalf of the division with criminal justice agencies to provide training for employees of those agencies if:
  - (a) the employees or the employing agency pay a registration fee equivalent to the cost of the training; and
  - (b) the contract does not reduce the effectiveness of the division in its primary responsibility of providing training for peace officers of the state.
- (3) The director may:
  - (a) revoke certification of a certified academy for cause; and
  - (b) make training aids and materials available to local law enforcement agencies.
- (4) The director shall, with the advice of the council, make rules:
  - (a) establishing minimum requirements for the certification of dispatcher training instructors in a certified academy or interagency program and standards for revocation of this certification;
  - (b) establishing approved curriculum and a basic schedule for the basic dispatcher training course and the content of the dispatcher certification examination;
  - (c) providing for the issuance of appropriate certificates to a person who completes the basic dispatcher course or who passes a dispatcher certification examination as provided for in this chapter;
  - (d) establishing approved courses for certified dispatchers' annual training; and
  - (e) establishing a reinstatement procedure for a certified dispatcher who has not obtained the required annual training hours.
- (5) The director may not, in approving and reviewing curriculum and training aids for academies, approve or recommend any curriculum which includes the use of chokeholds, carotid restraints, or any act that impedes the breathing or circulation of blood likely to produce a loss of consciousness, as a valid method of restraint.

Amended by Chapter 6, 2020 Special Session 5

**53-6-106 Creation of Peace Officer Standards and Training Council -- Purpose -- Membership -- Quorum -- Meetings -- Compensation.**

- (1) There is created the Peace Officer Standards and Training Council.
- (2) The council shall serve as an advisory board to the director of the division on matters relating to peace officer and dispatcher standards and training.
- (3) The council includes:
  - (a) the attorney general or a designated representative;
  - (b) the superintendent of the highway patrol or a designated representative;
  - (c) the executive director of the Department of Corrections or a designated representative; and
  - (d) 14 additional members appointed by the governor having qualifications, experience, or education in the field of law enforcement as follows:
    - (i) one incumbent mayor;
    - (ii) one incumbent county commissioner;
    - (iii) three incumbent sheriffs, one of whom is a representative of the Utah Sheriffs Association, one of whom is from a county having a population of 100,000 or more, and one of whom is from a county having a population of less than 100,000;
    - (iv) three incumbent police chiefs, one of whom is a representative of the Utah Chiefs of Police Association, one of whom is from a city of the first or second class, and one of whom is from a city of the third, fourth, or fifth class or town;

- (v) one representative of the Utah Peace Officers Association;
  - (vi) one educator in the field of public administration, criminal justice, or a related area;
  - (vii) one current Utah certified law enforcement officer, employed in a non-supervisory role, rotated every term; and
  - (viii) three persons selected at large by the governor.
- (4)
- (a) Except as required by Subsection (4)(b), the 14 members of the council shall be appointed by the governor for four-year terms.
  - (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of council members are staggered so that approximately half of the council is appointed every two years.
  - (c) A member may be reappointed for additional terms.
  - (d) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term by the governor from the same category in which the vacancy occurs.
- (5) A member of the council ceases to be a member:
- (a) immediately upon the termination of the member's holding the office or employment that was the basis for eligibility to membership on the council; or
  - (b) upon two unexcused absences in one year from regularly scheduled council meetings.
- (6) The council shall select a chair and vice chair from among its members.
- (7) Ten members of the advisory council constitute a quorum.
- (8)
- (a) Meetings may be called by the chair, the commissioner, or the director and shall be called by the chair upon the written request of nine members.
  - (b) Meetings shall be held at the times and places determined by the director.
- (9) The council shall meet at least two times per year.
- (10) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
- (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (11) Membership on the council does not disqualify any member from holding any other public office or employment.

Amended by Chapter 127, 2022 General Session

**53-6-107 General duties of council.**

- (1) The council shall:
- (a) advise the director regarding:
    - (i) the approval, certification, or revocation of certification of any certified academy established in the state;
    - (ii) minimum courses of study, attendance requirements, and the equipment and facilities to be required at a certified academy;
    - (iii) minimum qualifications for instructors at a certified academy;
    - (iv) the minimum basic training requirements that peace officers shall complete before receiving certification;

- (v) the minimum basic training requirements that dispatchers shall complete before receiving certification; and
  - (vi) categories or classifications of advanced in-service training programs and minimum courses of study and attendance requirements for the categories or classifications;
  - (b) recommend that studies, surveys, or reports, or all of them be made by the director concerning the implementation of the objectives and purposes of this chapter;
  - (c) make recommendations and reports to the commissioner and governor from time to time;
  - (d) choose from the sanctions to be imposed against certified peace officers as provided in Section 53-6-211, and dispatchers as provided in Section 53-6-309;
  - (e) establish and annually review:
    - (i) minimum use of force standards for all peace officers in the state;
    - (ii) minimum standards for officer intervention and the reporting of police misconduct based on Section 53-6-210.5; and
    - (iii) the best practices for investigating sexual assaults;
  - (f) in consultation with the Utah Victim Services Commission's subcommittee on rape and sexual assault created in Subsection 63M-7-903(5)(b), create and, if necessary, annually update a model sexual assault investigation policy based on the best practices established in Subsection (1)(e)(iii) that can be adopted and used by a law enforcement agency; and
  - (g) perform other acts as necessary to carry out the duties of the council in this chapter.
- (2) The council may approve special function officers for membership in the Public Safety Retirement System in accordance with Sections 49-14-201 and 49-15-201.

Amended by Chapter 163, 2024 General Session

**53-6-108 Donations, contributions, grants, gifts, bequests, devises, or endowments -- Authority to accept -- Disposition.**

- (1) The division may accept any donations, contributions, grants, gifts, bequests, devises, or endowments of money or property, which shall be the property of the state.
- (2)
  - (a) If the donor directs that the money or property be used in a specified manner, then the division shall use it in accordance with these directions and state law.
  - (b) All money and the proceeds from donated property not disposed of under Subsection (2)(a) shall be deposited in the General Fund as restricted revenue for the division.

Amended by Chapter 324, 2010 General Session

**53-6-109 Mandatory compliance with minimum use of force standards.**

Peace officers and the agencies that employ peace officers shall comply with, and enforce compliance with, the minimum use of force standards described in Subsection 53-6-107(1)(e)(i).

Amended by Chapter 163, 2024 General Session