

Part 2 Peace Officer Training and Certification Act

53-6-201 Short title.

This part is known as the "Peace Officer Training and Certification Act."

Enacted by Chapter 234, 1993 General Session

53-6-202 Basic training course -- Completion required -- Annual training -- Prohibition from exercising powers -- Reinstatement.

- (1)
 - (a) The director shall:
 - (i)
 - (A) suggest and prepare subject material; and
 - (B) schedule instructors for basic training courses; or
 - (ii) review the material and instructor choices submitted by a certified academy.
 - (b) The subject material, instructors, and schedules shall be approved or disapproved by a majority vote of the council.
- (2) The materials shall be reviewed and approved by the council on or before July 1st of each year and may from time to time be changed or amended by majority vote of the council.
- (3) The basic training in a certified academy:
 - (a) shall be appropriate for the basic training of peace officers in the techniques of law enforcement in the discretion of the director;
 - (b) may not include 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; and
 - (c) shall include instruction on identifying, responding to, and reporting a criminal offense that is motivated by a personal attribute as that term is defined in Section 76-3-203.14.
- (4)
 - (a) All peace officers shall satisfactorily complete the basic training course or the waiver process provided for in this chapter as well as annual certified training of not less than 40 hours as the director, with the advice and consent of the council, directs.
 - (b) A peace officer who fails to satisfactorily complete the annual training described in Subsection (4)(a) shall automatically be prohibited from exercising peace officer powers until any deficiency is made up.
 - (c) The annual training described in Subsection (4)(a) shall include training focused on arrest control and de-escalation training.
- (5)
 - (a) Beginning July 1, 2024, all peace officers who are currently employed shall participate in a training at least every three years focused on the following:
 - (i) mental health and other crisis intervention responses;
 - (ii) intervention responses for mental illnesses, autism spectrum disorder, and other neurological and developmental disorders; and
 - (iii) responses to sexual traumas and investigations of sexual assault and sexual abuse in accordance with Section 53-10-908.

- (b) Any training in which a peace officer participates as described in Subsection (5)(a) shall count toward the peace officer's 40-hour required annual training described in Subsection (4)(a) for the year in which the peace officer participated in the training.
- (6)
 - (a) The director or the director's designee, in coordination with the council, shall promulgate the standards for the trainings described in Subsection (4).
 - (b) The chief law enforcement officer or executive officer of the peace officer's employing agency shall determine if a peace officer has complied with the standards established under Subsection (6)(a).

Amended by Chapter 112, 2024 General Session

53-6-203 Applicants for admission to training programs or for certification examination -- Requirements.

- (1) Before being accepted for admission to the training programs conducted by a certified academy, and before being allowed to take a certification examination, each applicant for admission or certification examination shall meet the following requirements:
 - (a) be:
 - (i) a United States citizen;
 - (ii) a United States national; or
 - (iii) a lawful permanent resident of the United States who:
 - (A) has been in the United States legally for the five years immediately before the day on which the application is made; and
 - (B) has legal authorization to work in the United States;
 - (b) be at least:
 - (i) 19 years old at the time of certification as a special function officer or correctional officer; or
 - (ii) 21 years old at the time of certification as a law enforcement officer;
 - (c) be a high school graduate or furnish evidence of successful completion of an examination indicating an equivalent achievement;
 - (d) have not been convicted of a crime for which the applicant could have been punished by imprisonment in a federal penitentiary or by imprisonment in the penitentiary of this or another state;
 - (e) have demonstrated good moral character, as determined by a background investigation;
 - (f) be free of any physical, emotional, or mental condition that might adversely affect the performance of the applicant's duties as a peace officer; and
 - (g) meet all other standards required by POST.
- (2)
 - (a) An application for admission to a training program shall be accompanied by a criminal history background check of local, state, and national criminal history files and a background investigation.
 - (b) The costs of the background check and investigation shall be borne by the applicant or the applicant's employing agency.
- (3)
 - (a) Notwithstanding any expungement statute or rule of any other jurisdiction, any conviction obtained in this state or other jurisdiction, including a conviction that has been expunged, dismissed, or treated in a similar manner to either of these procedures, may be considered for purposes of this section.

- (b) This provision applies to convictions entered both before and after the effective date of this section.
- (4) Any background check or background investigation performed under the requirements of this section shall be to determine eligibility for admission to training programs or qualification for certification examinations and may not be used as a replacement for any background investigations that may be required of an employing agency.
- (5) An applicant shall be considered to be of good moral character under Subsection (1)(e) if the applicant has not engaged in conduct that would be a violation of Subsection 53-6-211(1).
- (6) An applicant seeking certification as a law enforcement officer, as defined in Section 53-13-103, shall be qualified to possess a firearm under state and federal law.

Amended by Chapter 175, 2024 General Session

53-6-204 Time of application for admission to training program.

At the time a person is employed or appointed as a peace officer, the chief executive officer of the agency employing or appointing shall submit to a certified academy an application together with the required background information required under Section 53-6-203.

Renumbered and Amended by Chapter 234, 1993 General Session

53-6-205 Completion of training course required -- Persons affected.

- (1)
 - (a) Except as provided in Subsection (2), before a person may be certified as a peace officer in Utah the person shall:
 - (i) successfully complete the basic training course at a certified academy;
 - (ii) pass the certification examination; and
 - (iii) pass a physical fitness test.
 - (b) A person may not exercise peace officer authority until certified.
- (2) Subsection (1) applies only to persons not previously certified and who receive their first employment appointment or election as a peace officer in Utah on or after January 1, 1985.

Amended by Chapter 58, 2011 General Session

53-6-206 Waiver of training course requirement.

- (1) The division may waive the required basic peace officer training course and certify an applicant who:
 - (a) provides proof that the applicant meets the requirements under Section 53-6-203 relating to qualifications for admission to the training course;
 - (b) provides proof that the applicant has completed a basic peace officer training program that the division determines is equivalent to the course required for certification under this part;
 - (c) passes the certification examination;
 - (d) passes a physical fitness test; and
 - (e) provides proof that within the previous four years the applicant either:
 - (i) completed the basic peace officer training program for which the applicant is seeking credit; or
 - (ii) was actively engaged in performing the duties of a peace officer.
- (2) A waiver applicant may not exercise peace officer authority until all waiver process requirements have been met and the applicant has been certified.

- (3) If an applicant fails the examination under Subsection (1)(c), the division may not waive the required basic peace officer training course and the applicant shall comply with all of the requirements in Subsection 53-6-205(1) to be certified as a peace officer in Utah.

Amended by Chapter 296, 2012 General Session

53-6-207 Municipalities may set higher minimum standards.

The minimum standards in this part concerning peace officer qualifications and training do not preclude counties, cities, or towns from establishing standards higher than the minimum standards contained in this part.

Renumbered and Amended by Chapter 234, 1993 General Session

53-6-208 Inactive certificates -- Lapse of certificate -- Reinstatement.

- (1)
 - (a) The certificate of a peace officer who has not been actively engaged in performing the duties as a certified and sworn peace officer for 18 consecutive months or more, but less than four consecutive years, is designated "inactive."
 - (b) A peace officer whose certificate is inactive shall pass the certification examination and a physical fitness test before the certificate may be reissued or reinstated.
- (2)
 - (a) The certificate of a peace officer who has not been actively engaged in performing the duties as a certified and sworn peace officer for four continuous years or more is designated as "lapsed."
 - (b) A peace officer whose certificate is lapsed shall pass the basic training course at a certified academy, the certification examination, and a physical fitness test before the certificate may be reissued or reinstated.

Amended by Chapter 246, 2014 General Session

53-6-209 Termination of employment -- Change of status form.

- (1) When a peace officer's employment terminates, the employing agency shall submit a change of status form noting the termination of the peace officer to the division.
- (2) The change of status form shall:
 - (a) be completed and submitted within 30 days after the day on which the peace officer's employment terminates;
 - (b) identify the circumstances of the peace officer's status change by indicating that the peace officer has resigned, retired, terminated, transferred, is deceased, or that the peace officer's name has changed;
 - (c) indicate the effective date of action; and
 - (d) indicate the name of the new employer, if the status change is due to a transfer.
- (3) If a peace officer's employment terminates during an open internal investigation regarding that peace officer and involving an alleged violation of Subsection 53-6-211(1), the employing agency shall:
 - (a) notify the division of the investigation in accordance with Subsection 53-6-211(6) within 30 days after the day on which the peace officer's employment terminates; and
 - (b) provide a reasonable estimated date of completion for the investigation.
- (4)

- (a) If an employing agency receives credible allegations and opens an internal investigation within two years after the day on which a peace officer's employment terminates, the employing agency shall:
 - (i) notify the division within 30 days after the day on which the employing agency opens the investigation; and
 - (ii) provide a reasonable estimated date of completion for the investigation.
 - (b) If the allegations described in Subsection (4)(a) involve alleged violations of Subsection 53-6-211(1), the agency shall report the allegations to the division in accordance with Subsection 53-6-211(6), regardless of whether the employing agency opens an internal investigation.
- (5)
- (a) Any person or agency who intentionally falsifies, misrepresents, or fails to give notice of the change of status of a peace officer is liable to the division for any damages that the failure to make the notification causes.
 - (b) The division shall provide the change of status form described in this section to the Utah Board of Higher Education within 30 days after the day on which the division receives a notice of termination if the relevant peace officer has received a Karen Mayne Public Safety Officer Scholarship as described in Section 53B-8-112.5.

Amended by Chapter 453, 2023 General Session

53-6-210 Investigations and certification hearings -- Powers of division -- Violation.

- (1) For investigations by the division and for certification hearings or other testimony before the council, the division may administer oaths and affirmations, subpoena witnesses, take evidence, and require by subpoena duces tecum the production of relevant papers, records, or other documents or information, whether filed or kept in original form, or electronically stored or recorded.
- (2) A person who willfully disobeys a properly served subpoena issued by the division is guilty of a class B misdemeanor.

Renumbered and Amended by Chapter 234, 1993 General Session

53-6-210.5 Duty to intervene or report officer misconduct.

- (1) As used in this section:
 - (a) "Adverse action" means to discharge, threaten, or discriminate against an employee in a manner that affects the employee's employment, including compensation, terms, conditions, location, rights, immunities, promotions, or privileges.
 - (b) "Law enforcement agency" means an agency that is part of or administered by the state or any of the state's political subdivisions and whose primary and principal role is the prevention and detection of crime and the enforcement of criminal statutes or ordinances of this state or any of the state's political subdivisions.
 - (c) "Officer" means the same as peace officer as defined in Section 53-13-102.
 - (d) "Police misconduct" means conduct by an officer in the course of the officer's official duties that constitutes:
 - (i) force that is clearly excessive in type or duration, clearly beyond what is objectively reasonable under the circumstances, or clearly not subject to legal justification under Title 76, Chapter 2, Part 4, Justification Excluding Criminal Responsibility;

- (ii) a search or seizure without a warrant where it is clear, under the circumstances, that the search or seizure would not fit within an exception to the warrant requirement; or
 - (iii) conduct that an objectively reasonable person would consider biased or discriminatory conduct against one or more individuals based on race, color, sex, pregnancy, age, religion, national origin, disability, sexual orientation, or gender identity.
- (e)
- (i) "Retaliatory action" means any adverse action, formal or informal, taken by a law enforcement agency or any of the law enforcement agency's employees, or by any individual with authority to oversee or direct a law enforcement agency, solely as a result of a law enforcement officer's or law enforcement agency employee's good faith actions in conformance with this section.
 - (ii) "Retaliatory action" does not mean education, training, or administrative discussion requested or required by a law enforcement agency or any of the law enforcement agency's employees, or by any individual with authority to oversee or direct a law enforcement agency, following or in connection with a law enforcement officer's or law enforcement agency employee's good faith actions taken in conformance with this section.
- (2)
- (a) Notwithstanding any provisions of law to the contrary, an officer who is present and knowingly observes another officer engage in police misconduct as described in Subsection (1)(d)(i) or (ii) shall, if in a position to do so safely and without unreasonable risk to the safety of the officer or another individual, intervene to prevent the misconduct from continuing to occur.
 - (b) An officer who in good faith intervenes to prevent police misconduct from continuing to occur under Subsection (2)(a) is not liable in any civil or criminal action that might otherwise result due solely to the intervening officer's actions.
 - (c) Notwithstanding Subsection (2)(b), an officer is not immune from otherwise lawful disciplinary action undertaken by the officer's employing agency in connection with the incident so long as the disciplinary action is not undertaken due solely to the officer's good faith decision to intervene.
- (3)
- (a)
 - (i) When a law enforcement agency employee is present and knowingly observes an officer engage in police misconduct as described in Subsection (1), the observing employee shall promptly report the misconduct and, if the observing employee is an officer, the observing officer's intervention, if any, to the employee's direct supervisor, the chief executive of the employee's employing law enforcement agency, or the chief executive's designee for internal affairs.
 - (ii) Notwithstanding Subsection (3)(a)(i), if the police misconduct to be reported by the observing employee directly involves the chief executive of the employee's employing law enforcement agency, or the chief executive's designee for internal affairs, the observing employee may report the misconduct to:
 - (A) the city attorney's office, if the observing employee works for a municipal law enforcement agency;
 - (B) the county attorney's office, if the observing employee works for a county law enforcement agency; or
 - (C) the attorney general, if the observing employee works for a state law enforcement agency.
 - (b) If the police misconduct reported under Subsection (3)(a) involves an officer from a law enforcement agency other than the reporting employee's employing agency, the chief executive of the reporting employee's employing agency shall promptly notify and

communicate the report to the chief executive of the law enforcement agency whose officer's conduct is the subject of the report.

- (c) A law enforcement agency employee who in good faith reports police misconduct under Subsection (3)(a) is not liable in any civil or criminal action that might otherwise result due solely to the reporting employee's actions.
 - (d) Notwithstanding Subsection (3)(c), a law enforcement agency employee is not immune from otherwise lawful disciplinary action undertaken by the employee's employing agency in connection with the incident so long as the disciplinary action is not undertaken due solely to the employee's good faith report of police misconduct.
 - (e) A law enforcement agency employee's failure to comply with Subsection (3)(a) may be cause for discipline in accordance with the policies and procedures of the employee's employing agency.
- (4)
- (a) A law enforcement agency may not take retaliatory action against a law enforcement agency employee due solely to an employee's good faith action under Subsection (2)(a) or (3)(a) to prevent or report police misconduct.
 - (b) Any retaliatory action by a law enforcement employee against another employee because that employee acted under Subsection (2)(a) or (3)(a) to prevent or report police misconduct shall be cause for discipline in accordance with the policies and procedures of the retaliating employee's employing agency.
 - (c) An employee who complains that retaliatory action has occurred has the burden to prove that retaliatory action or conduct in violation of this section has occurred.
- (5)
- (a) Not later than July 1, 2022, each law enforcement agency in the state shall adopt written policies that conform with the minimum standards set forth in this section.
 - (b) The threshold standards in this section do not preclude a law enforcement agency from adopting policies or establishing standards higher than the standards contained in this section.

Enacted by Chapter 182, 2022 General Session

53-6-211 Suspension or revocation of certification -- Right to a hearing -- Grounds -- Notice to employer -- Reporting -- Judicial appeal.

- (1) The council has the authority to issue a Letter of Caution, or suspend or revoke the certification of a peace officer, if the peace officer:
- (a) willfully falsifies any information to obtain certification;
 - (b) has any physical or mental disability affecting the peace officer's ability to perform duties;
 - (c) engages in, or is convicted of, conduct constituting a state or federal criminal offense, but not including a traffic offense that is a class C misdemeanor or infraction;
 - (d) refuses to respond, or fails to respond truthfully, to questions after having been issued a warning issued based on *Garrity v. New Jersey*, 385 U.S. 493 (1967);
 - (e) engages in sexual conduct while on duty;
 - (f) is certified as a law enforcement peace officer, as defined in Section 53-13-102, and is unable to possess a firearm under state or federal law;
 - (g) is found by a court or by a law enforcement agency to have knowingly engaged in conduct that involves dishonesty or deception in violation of a policy of the peace officer's employer or in violation of a state or federal law;

- (h) is found by a court or by a law enforcement agency to have knowingly engaged in biased or prejudicial conduct against one or more individuals based on the individual's race, color, sex, pregnancy, age, religion, national origin, disability, sexual orientation, or gender identity; or
 - (i) is a chief, sheriff, or administrative officer of a law enforcement agency and fails to comply with Subsection (6).
- (2) The council may not issue a Letter of Caution or suspend or revoke the certification of a peace officer for a violation of state or federal law or a violation of a law enforcement agency's policies, general orders, or guidelines of operation that do not amount to a cause of action under Subsection (1).
- (3)
- (a) The division is responsible for investigating officers who are alleged to have engaged in conduct in violation of Subsection (1).
 - (b) The division shall initiate all adjudicative proceedings under this section by providing to the peace officer involved notice and an opportunity for a hearing before an administrative law judge.
 - (c) All adjudicative proceedings under this section are civil actions, notwithstanding whether the issue in the adjudicative proceeding is a violation of statute that may be prosecuted criminally.
 - (d)
 - (i) The burden of proof on the division in an adjudicative proceeding under this section is by clear and convincing evidence.
 - (ii) If a peace officer asserts an affirmative defense, the peace officer has the burden of proof to establish the affirmative defense by a preponderance of the evidence.
 - (e) If the administrative law judge issues findings of fact and conclusions of law stating there is sufficient evidence to demonstrate that the officer engaged in conduct that is in violation of Subsection (1), the division shall present the finding and conclusions issued by the administrative law judge to the council.
 - (f) The division shall notify the chief, sheriff, or administrative officer of the police agency which employs the involved peace officer of the investigation and shall provide any information or comments concerning the peace officer received from that agency regarding the peace officer to the council before a Letter of Caution is issued, or a peace officer's certification may be suspended or revoked.
 - (g) If the administrative law judge finds that there is insufficient evidence to demonstrate that the officer is in violation of Subsection (1), the administrative law judge shall dismiss the adjudicative proceeding.
- (4)
- (a) The council shall:
 - (i) accept the administrative law judge's findings of fact and conclusions of law, and the information concerning the peace officer provided by the officer's employing agency; and
 - (ii) choose whether to issue a Letter of Caution, or suspend or revoke the officer's certification.
 - (b) Before making a decision, the council may consider aggravating and mitigating circumstances.
 - (c) A member of the council shall recuse him or herself from consideration of an issue that is before the council if the council member:
 - (i) has a personal bias for or against the officer;
 - (ii) has a substantial pecuniary interest in the outcome of the proceeding and may gain or lose some benefit from the outcome; or
 - (iii) employs, supervises, or works for the same law enforcement agency as the officer whose case is before the council.

- (5)
 - (a) Termination of a peace officer, whether voluntary or involuntary, does not preclude suspension or revocation of a peace officer's certification by the council if the peace officer was terminated for any of the reasons under Subsection (1).
 - (b) Employment by another agency, or reinstatement of a peace officer by the original employing agency after termination by that agency, whether the termination was voluntary or involuntary, does not preclude suspension or revocation of a peace officer's certification by the council if the peace officer was terminated for any of the reasons under Subsection (1).
- (6)
 - (a) A chief, sheriff, or administrative officer of a law enforcement agency who is made aware of an allegation against a peace officer employed by that agency that involves conduct in violation of Subsections (1)(a) through (h) shall conduct an administrative or internal investigation into the allegation and report the findings of the investigation to the division if the allegation is substantiated.
 - (b) If a peace officer who is the subject of an internal or administrative investigation into allegations that include any of the conditions or circumstances outlined in Subsections (1)(a) through (h) resigns, retires, or otherwise separates from the investigating law enforcement agency before the conclusion of the investigation, the chief, sheriff, or administrative officer of that law enforcement agency shall complete the investigation and report the findings to the division.
- (7) The council's issuance of a Letter of Caution, or suspension or revocation of an officer's certification under Subsection (4) may be appealed under Title 63G, Chapter 4, Part 4, Judicial Review.

Amended by Chapter 175, 2024 General Session

53-6-211.5 Voluntary relinquishment of peace officer certification.

- (1) A peace officer may voluntarily relinquish the peace officer's certification to the division at any time when a disciplinary issue regarding the peace officer has been referred to the division.
- (2)
 - (a) A peace officer who voluntarily relinquishes certification under this section may not subsequently be certified as a peace officer in this state.
 - (b) This section does not apply to a peace officer whose certification has become inactive or has lapsed as provided in Section 53-6-208.

Amended by Chapter 246, 2014 General Session

53-6-212 Responsibility for training -- Certification.

- (1) The division is not responsible for providing basic or in-service training for peace officers defined and designated in Sections 53-13-104 through 53-13-106 except for approval of the instructors and content of training where required by this chapter, Title 53, Chapter 13, Peace Officer Classifications, or division rules.
- (2) Where this chapter or Title 53, Chapter 13, Peace Officer Classifications, requires an agency head to certify that a member has completed required training, the division shall rely on the certification, as provided, to be accurate.

Amended by Chapter 92, 1999 General Session

53-6-213 Appropriations from reparation fund.

- (1) The Legislature shall appropriate from the fund established in Title 63M, Chapter 7, Part 5, Utah Office for Victims of Crime, to the division, funds for training of law enforcement officers in the state.
- (2) The department shall make an annual report to the Legislature, which includes the amount received during the previous fiscal year.

Amended by Chapter 131, 2011 General Session