**R728. Public Safety, Peace Officer Standards and Training.**

**R728-403. Procedures for Certification.**

**R728-403-1. Authority.**

This rule is authorized by Subsection 53-6-105(1)(k).

**R728-403-2. Purpose.**

This rule provides procedures for a dispatcher or peace officer to become certified or reactivate certification.

**R728-403-3. Definitions.**

(1) Terms used in this rule are defined in Section 53-6-102.

(2) In addition:

(a) "Actively Engaged" means a currently certified peace officer as defined in Sections 53-13-102 through 53-13-105 who works while on duty as defined in Section 53-13-101 for a minimum of 60 hours per reporting year and receives annual training as defined in Subsection 53-6-306(3)(a);

(b) "Applicant" means a person seeking to become certified or reinstate certification as a dispatcher or peace officer;

(c) "Certification examination" means the written test given to an applicant to become certified or to reactivate certification as a dispatcher or peace officer;

(d) "Physical fitness test" means the physical fitness standards adopted by the council, which must be met to become a peace officer;

(e) "POST" means the Peace Officer Standards and Training Division created in Section 53-6-103;

(f) "Reporting year" means an annual period starting on July 1, and ending on June 30 of the following year;

(g) "Training program" means the basic training courses offered by the division or one of the certified academies, which are required to become a:

(i) special function officer;

(ii) correctional officer;

(iii) law enforcement officer; or

(iv) dispatcher; and

(h) "Training year" means the same as reporting year.

**R728-403-4. Application for Training and Certification.**

(1) An applicant seeking to become certified as a dispatcher or peace officer shall submit a completed application packet to the division that includes:

(a) a written or electronic application form provided by the division;

(b) a photocopy of a government-issued identification card;

(c) evidence that the applicant is a United States citizen or lawful permanent resident to include:

(i) a photocopy of a birth certificate;

(ii) a photocopy of a United States passport;

(iii) in the case of naturalized citizen, a naturalization number; or

(iv) in the case of a lawful permanent resident, a photocopy of a lawful permanent resident card that identifies residence for five years immediately preceding the day on which the application is made;

(d) one completed FBI applicant fingerprint card, form FD-258, with the applicant's legible fingerprints;

(e) one recent color photograph of passport quality with the applicant's name written on the back of the photograph;

(f) evidence that the applicant has completed high school or obtained the educational equivalent; and

(g) the application fee, unless the applicant has been hired as a dispatcher or peace officer by a governmental entity.

(2) An applicant seeking to become a certified peace officer shall also submit a medical evaluation from a medical doctor indicating the applicant is able to participate in each aspect of the training program.

(3)(a) The applicant must submit the application packet four weeks before the start of a training program to allow the division adequate time to process the application packet.

(b) The division may not accept nor process any application that is not complete or fails to include required attachments.

(4) An application is valid for one year from the time the application is completed by the applicant.

(5)(a) Once a completed application packet is received by the division, the packet shall be reviewed to determine if the applicant meets the requirements in Section 53-6-203 or 53-6-302.

(b) If the division does not have sufficient information to make this determination, the division may request the applicant provide additional information.

(6)(a) In determining whether an applicant has demonstrated good moral character as required by Section 53-6-203 or 53-6-302, the division shall conduct a criminal history background check of local, state, and national criminal history files to determine if the applicant has a criminal record.

(b) An applicant with a criminal history that contains any of the following shall be denied entrance into a training program and may not receive certification:

(i) a conviction of a felony under state or federal law in this or any other state;

(ii) dismissal from the armed services under dishonorable conditions; or

(iii) a conviction of domestic violence, unless the conviction has been dismissed, expunged, or set aside.

(c) An applicant who has been convicted of, or involved in conduct that is a state or federal criminal offense, may not be allowed to attend a basic training program or receive POST certification for a period consistent with the POST Council disciplinary guidelines as approved by the council.

(i) The waiting period shall run from the date of the involvement, unless the applicant is still under court supervision for the violation, in which case the applicant will not be allowed to apply until the probation has been successfully completed or the applicant is no longer under court supervision.

(ii) Waiting periods shall run concurrently for applicants who have been convicted of or involved in multiple violations.

(d) Any activity involving the abuse of alcohol or drugs may be considered in determining whether an applicant will be allowed to attend a basic training program or receive POST certification.

(e) An applicant convicted of or involved in minor crimes not otherwise identified in this rule, including traffic violations that reflect a willful disregard for lawful behavior as evidenced by repetitiveness of conduct or other aggravating factors, may not be allowed to attend a basic training program or receive POST certification before one year from the latest conviction or involvement.

(f) In cases where arrest warrants are issued, the one year waiting period will begin when the warrant is served on the applicant.

(g) If an applicant is found to have falsified any information to gain admittance into a basic training program, a one-year waiting period shall be applied from the date the division becomes aware of the falsification.

(i) If the falsified information is covered by other sections of this rule, including a state or federal criminal offense, and a specific waiting period is required, the division shall require the applicant to wait the longer of the two periods.

(ii) If the division becomes aware of a falsification before the applicant takes the certification examination, the division shall prohibit the applicant from taking the certification exam.

(iii) An applicant who is dismissed during a basic training program for falsifying any information to obtain certification is not eligible for further POST training or certification until the two-year waiting period has been met.

(iv) If an applicant becomes certifiable and then is subsequently discovered to have falsified information to obtain certified status, that individual may be subject to suspension of their POST certification.

(7) An applicant who is dismissed from a basic training program for cheating or plagiarism is not eligible for further POST training or certification until a two-year waiting period has been met.

(8) If the applicant is the subject of an open investigation by the division or a law enforcement agency, the applicant may not attend a training program until the investigation is completed, unless the investigation is for a traffic offense that is a class C misdemeanor or infraction.

(9) If the division determines that the applicant meets the requirements in Section 53-6-203 or 53-6-302, the division shall notify the applicant that the applicant is eligible to attend a training program.

(10) If the division determines that the applicant does not meet the requirements in Section 53-6-203 or 53-6-302, the applicant shall be denied admission to a training program.

(11) Applicants who are accepted into a peace officer training program shall pass the POST physical fitness requirements for entrance into the specific training program as approved by the council and outlined in POST policy and procedure 2390, Physical Training Requirements.

(12) Applicants who are accepted into a peace officer training program shall be subject to random and "for cause" drug testing as outlined in POST policy and procedure 2400, Drug Testing for Applicants and Cadets.

(13) Applicants seeking dispatcher certification must also provide evidence of Utah Emergency Medical Dispatcher certification.

**R728-403-5. Completion of a Training Program.**

(1) An applicant seeking to become certified as a peace officer successfully completes the training program by:

(a) attending required training courses;

(b) obtaining passing scores on intermediate and subject specific tests; and

(c) participating in required physical fitness, practical skill training and other required activities.

(2) Applicants shall be subject to officially published policy at the training academy they attend.

(3) An applicant who fails to complete any portion of the academic training program may not take the certification examination.

(4) An applicant may take the certification examination before passing the physical fitness, defensive tactics, firearms, or emergency vehicle operations tests.

(5) An applicant must pass the certification examination, physical fitness, defensive tactics, emergency vehicle operations and firearms tests, within 18 months after completing the training program to be certified as a peace officer.

(6) An applicant who fails the certification examination twice shall be denied certification and may not take the certification examination again until the applicant satisfactorily completes another approved basic training program.

**R728-403-6. Waiver of Basic Training Program.**

(1) An applicant who has not attended a training program offered by the division or a satellite academy, may seek to waive a training program by submitting a completed waiver packet to the division that includes:

(a) a completed application packet as provided in Section R728-403-4;

(b) documentation showing that the applicant has completed training equivalent to the training program the applicant is seeking to waive, such as:

(i) a copy of the training curriculum;

(ii) the number of hours completed; and

(iii) the date the training was completed; and

(c) evidence of any prior employment as a dispatcher or peace officer that includes:

(i) a detailed job description; and

(ii) verification from the applicant's employer of the last date the applicant worked as a dispatcher or peace officer.

(2)(a) Upon receiving a completed waiver packet, the division shall review the packet to determine if the training completed by the applicant is the equivalent of the training program the applicant seeks to waive.

(b) If the division does not have sufficient information to make this determination, the division may request that the applicant submit additional information.

(3) If the division determines the peace officer training completed by the applicant is the equivalent of the peace officer training program the applicant seeks to waive, and the program was completed less than four years before the date the applicant will take the certification examination, or the applicant has been actively engaged in performing the duties of a peace officer within the past four years, and the applicant meets the requirements in Section R728-403-4 and Sections 53-6-203 and 53-6-206, the applicant may take the physical fitness test and the certification examination.

(a) If the applicant passes both the physical fitness test and the certification examination, the applicant shall be certified as a peace officer.

(b) If the applicant fails to pass the certification examination, the applicant shall be given one additional opportunity to pass the certification examination, which must be completed within one year from the time the application is completed by the applicant.

(c) An applicant who fails the certification examination after two attempts shall be denied certification and may not be permitted to take the certification examination again until the applicant satisfactorily completes an approved basic training program.

(d) If the applicant fails to pass the physical fitness test, the applicant may be given additional opportunities to pass during regularly scheduled fitness tests provided by POST.

(e) The applicant must pass the certification examination and the physical fitness test within four years from the date of completion of the original training program, or four years from the date they were last actively engaged in the duties of a peace officer.

(f) An applicant who successfully completes the waiver process for law enforcement officer certification or correctional officer certification shall be deemed to have also completed requirements for special functions officer certification.

(g) An applicant seeking to be certified as both a law enforcement officer and a correctional officer must complete the waiver process and pass the certification examinations for each of those peace officer classifications.

(4) If the division determines that the dispatcher training completed by the applicant is the equivalent of the training program the applicant seeks to waive, and the program was completed less than four years before the date the applicant will take the certification examination, or the applicant has been actively engaged in performing the duties of a dispatcher within the past four years, and the applicant meets the requirements in Section R728-403-4 and Sections 53-6-302 and 53-6-304, the applicant may take the certification examination.

(a) If the applicant passes the certification examination, the applicant shall be certified as a dispatcher.

(b) If the applicant fails to pass the certification examination, the applicant shall be given one additional opportunity to pass the certification examination, which must be completed within one year from the time the application is completed by the applicant.

(c) An applicant who fails the certification examination after two attempts shall be denied certification and may not be permitted to take the certification examination again until the applicant satisfactorily completes an approved basic training program.

(5) If the applicant fails to meet any of the requirements set forth in this rule, the applicant may not waive the training program.

**R728-403-7. Reactivation of Certification.**

(1) The certification of a peace officer or dispatcher that has been suspended for more than 18 consecutive months due to disciplinary action or failure to complete in-service training shall be considered "inactive".

(2) An applicant whose certification has become inactive may reactivate the applicant's peace officer or dispatcher certification by submitting a completed reactivation packet to the division that includes:

(a) a completed application packet as provided in Section R728-403-4; and

(b) evidence of the applicant's prior employment as a dispatcher or peace officer.

(3)(a) Upon receiving a completed reactivation packet, the division shall review the packet to determine if the applicant meets the requirements in Sections 53-6-203 and 53-6-208, or Sections 53-6-302 and 53-6-306.

(b) If the division does not have sufficient information to make this determination, the division may request the applicant submit additional information.

(4) If an applicant for reactivation of peace officer certification meets the requirements in Sections 53-6-203 and 53-6-208, the applicant may take the physical fitness test and the certification examination as provided in Section R728-403-5.

(a) If the applicant passes both the physical fitness test and the certification examination, the applicant shall be certified as a peace officer.

(b) If the applicant fails to pass the certification examination, the applicant shall be given one additional opportunity to pass the certification examination, which must be completed within one year from the time the application is completed by the applicant.

(c) An applicant who fails the certification examination twice shall be denied certification and may not take the certification examination again until the applicant satisfactorily completes an approved basic training program.

(d) If an applicant fails to pass the physical fitness test, the applicant may be given additional opportunities to pass during regularly scheduled fitness tests provided by POST.

(5) If an applicant for reactivation of dispatcher certification meets the requirements in Sections 53-6-302 and 53-6-306, the applicant may take the certification examination, as provided in Section R728-403-5.

(a) If the applicant passes the certification examination, the applicant shall be certified as a dispatcher.

(b) If the applicant fails to pass the certification examination they will be given one additional opportunity to pass the certification examination which must be completed within one year from the time the application is completed by the applicant.

(c) An applicant who fails the certification examination twice shall be denied certification and may not take the certification examination again until the applicant satisfactorily completes an approved basic training program.

(6) If the applicant for reactivation of peace officer or dispatcher certification fails to meet any of these requirements, the applicant's certification may not be reactivated.

(7) The certification of a peace officer or dispatcher that has been suspended or inactive for more than four consecutive years shall be considered "lapsed" and the peace officer or dispatcher must comply with the requirements in Section 53-6-208 or 53-6-306 before certification may be reinstated.

**R728-403-8. Denial of Certification.**

(1) An applicant shall be denied certification for failing to satisfy any of the requirements under Rule R728-403.

(2) An applicant who is the subject of an ongoing investigation by the division, or who is under court supervision for a state or federal criminal offense, may not be certified until the investigation has been completed and the court supervision has been terminated.

(3) If the division denies an applicant certification, the division shall issue a letter of denial by mail.

(a) The letter of denial shall state the reasons for denial and state that the applicant may appeal the decision to the director by filing a written request for review within 30 days from the date of the division's decision as provided by Section 63G-4-301.

(b) Within a reasonable time after receiving the appeal, the director shall review the matter and determine whether the applicant may be certified.

(c) If upon further review the director denies the applicant's appeal, the director shall notify the applicant by letter and state that the applicant has the right to appeal the director's decision by filing a petition for judicial review within 30 days as provided in Section 63G-4-402.

(4) An applicant who has been denied certification shall meet the requirements in this rule before being certified.

(5) Adjudicative proceedings under this rule shall be informal as provided in Sections 63G-4-202 through 63G-4-203.

**KEY: dispatchers, peace officers, certifications, waivers**

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