



## PEACE OFFICER STATUS IN COLORADO

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Colorado law imposes standards on, and grants certain responsibilities to, persons considered peace officers, including the authority to enforce Colorado law. This *issue brief* provides information on training and certification of peace officers, reserve officers, and the process for obtaining peace officer status.

### Peace Officers

At a minimum, a peace officer has the authority to enforce all laws of the state of Colorado while acting within the scope of his or her authority and the performance of his or her duties, unless that authority is limited by statute.<sup>1</sup> Peace officers may be certified by the Peace Officers Standards and Training Board (P.O.S.T. Board), which is administered by the Department of Law, and some positions require such certification.<sup>2</sup>

Examples of peace officers include police officers, sheriffs, town marshals, and certain agency directors, among others. State law specifies all positions authorized to act as peace officers in Colorado and may limit the authority of certain positions to act as peace officers. For example, the Commissioner of Agriculture's peace officer authority is limited pursuant to the Animal Protection Act, Commodity Handler Act, the Farm Products

Act, and the Pet Animal Care and Facilities Act.<sup>3</sup> In all statutory references, "law enforcement officer" means peace officer, unless the context requires otherwise.

***P.O.S.T. Board certification.*** A peace officer certified by the P.O.S.T. Board has the authority to carry firearms at all times, concealed or otherwise, subject to the written firearms policy created by the agency employing the peace officer. A peace officer who is not certified by the P.O.S.T. Board has the authority to carry firearms, concealed or otherwise, while engaged in the performance of his or her duties or as otherwise authorized by the written policy of the agency employing the officer.<sup>4</sup>

Basic peace officer certification requirements include: successful completion of a high school education or its equivalent; successful completion of basic training approved by the board; passage of examinations administered by the board; and current first aid and cardiopulmonary resuscitation certificates or their equivalents.<sup>5</sup>

Basic P.O.S.T. Board academic training consists of 548 hours of instruction, including 378 academic hours that cover criminal justice, basic law, human rights and victim's rights, community interaction, patrol procedures, traffic control, investigation, communication, wellness

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<sup>1</sup>Section 16-2.5-101 (1), C.R.S.

<sup>2</sup>Peace officers required to be P.O.S.T. Board-certified are specified in Section 16-2.5-102, C.R.S. The P.O.S.T. Board is a 24-member board created in Section 24-31-302, C.R.S.

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<sup>3</sup>Section 16-2.5-118, C.R.S.

<sup>4</sup>Section 16-2.5-101 (2), C.R.S.

<sup>5</sup>Section 24-31-305 (1)(a), C.R.S.

training, and tactical casualty care. Additional training includes 64 hours on firearms, 62 hours on arrest control, and 44 hours on driving.

Applicants to a training academy must submit to fingerprinting and a criminal background check. The P.O.S.T. Board must deny peace officer certification to any person who has been convicted of a felony or certain misdemeanors, including, among others, third degree assault, specified sexual offenses, or offenses relating to prostitution.

**Reserve officers.** Reserve officers are authorized by a city, town, county, or higher education institution to act as a reserve police officer, reserve deputy sheriff, or reserve town marshal for specific periods of time. Reserve officers must complete reserve peace officer training and be certified as a reserve officer by the P.O.S.T. Board.<sup>6</sup> Reserve officers have full police powers when they are serving in that capacity, though they may only act at the express direction or under the direct supervision of full-time police officers when carrying out their duties.

Reserve officers serve without compensation, except that compensation is permitted during a declared emergency or during a time of special need. The authorizing jurisdiction or institution is required to pay the cost of workers' compensation benefits for injuries to a reserve officer incurred during the performance of his or her duties and may reimburse a reserve officer for authorized out-of-pocket expenses.<sup>7</sup>

## Process for Obtaining Peace Officer Status

**P.O.S.T. Board review.** Prior to seeking authorization from the General Assembly to grant peace officer status, a group or political subdivision must apply for sunrise review by the P.O.S.T. Board.<sup>8</sup> A proposal for review must contain the following information: a complete

description of the position or a description of the group proposed for peace officer status and an estimate of the number of persons who hold the position or are in the group; a description of the specific need for the authority and protections required for the position or group; the benefit to the public that would result from granting the status; the costs associated with granting the status; and a resolution or letter of support for the proposed change in status from the chief executive officer of the unit of government or political subdivision employing the group or overseeing the proposed position.

After receiving an application, the P.O.S.T. Board must conduct a hearing and submit a report containing its recommendations to the House and Senate Judiciary Committees no later than October 15 of the year following the one in which the application was submitted.

Following sunrise review by the P.O.S.T. Board, the group seeking peace officer status may request that a member of the General Assembly propose legislation securing peace officer status during each of the two regular sessions that immediately follow the date of the P.O.S.T. Board sunrise review. Such bills are subject to a member's five-bill limit. Colorado law prohibits the General Assembly from considering peace officer status for more than five positions or groups in any one legislative session.<sup>9</sup>

**Pending legislation.** Three bills related to peace officers are currently pending before the General Assembly. Senate Bill 17-066 would remove the requirement for municipalities to go through the sunrise review process to employ a police force. Senate Bill 17-096 would create the reserve academy grant program in the Department of Public Safety to provide a one-time grant to create a reserve peace officer training academy and to train and certify a reserve peace officer auxiliary group. Senate Bill 17-120 would require U.S. citizenship requirement for peace officers, including certified peace officers, in Colorado.

<sup>6</sup>P.O.S.T. Board-certified peace officers may also serve as volunteer reserve officers. Section 16.25-110 (c)(II), C.R.S.

<sup>7</sup>Section 16-2.5-110, C.R.S.

<sup>8</sup>Section 16-2.5-201, C.R.S.

<sup>9</sup>Section 16-2.5-201 (6), C.R.S.