

## **Rule 22 – Concerning Sunrise Review of Peace Officer Status**

*Effective January 30, 2021*

The Colorado General Assembly and Colorado Peace Officer Standards and Training Board (POST) find that it is necessary to ensure that clear standards exist for obtaining peace officer status in the state of Colorado. The General Assembly and POST Board, during the 2003 legislative session, made statutory changes to end the stratification of peace officers and to ensure that all peace officers receive a consistent level of statutory protection. During the 2004 legislative session, SB04-224 required that the POST Board review any group seeking peace officer status, either for a group or a specific position. These POST Board actions are to be accomplished prior to the group seeking authorization from the General Assembly.

(a) Proposal Submission to POST

- (I) No later than July 1 of any year, a group or political subdivision of the state that seeks peace officer status, either for the group or a specific position, shall submit to the POST Board for its review, a completed POST Form 12 and proposal containing the following information.
  - (A) A complete description of the group or specific position, its enforcement responsibilities and purpose for seeking peace officer status.
  - (B) An estimate of the number of persons who hold the position or are in the group affected.
  - (C) A description of the specific need for the authority and protections required for the group or specific position.
  - (D) The direct benefit to the public that would result from granting the peace officer status to the group or specific position.
  - (E) The costs associated with granting the status to the applicant group or specific position.
  - (F) 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 applicant group or overseeing the proposed position.

- (G) All other information requested or required by the POST Director or POST Board Sub-committee for Peace Officer status.
  - (II) The Director will review item (A) through (G) and will coordinate with the group or specific position on additional information needed for POST Board review. A date will then be set for POST Board Sub-committee hearing.
- (b) POST Board Sub-committee Hearing
- (I) POST Board Sub-committee for peace officer status
    - (A) The Sub-committee shall include the following POST Board members – 2 Police Chiefs, 2 Sheriffs, and 1 additional Board member. The Director shall staff the Sub-committee.
    - (II) After receiving the required information specified in subsections (a)(I) and (II) of this rule, the POST Board sub-committee for Peace Officer status shall conduct a hearing with the group’s representatives seeking peace officer status for the group or position.
    - (III) At the hearing a determination as to whether Peace Officer status is needed shall be based upon the following criteria:
      - (A) Sufficient need for one or more of the “primary” Peace Officer powers:
        - 1) Authority to enforce all laws in the State of Colorado.
        - 2) Authority to arrest (PC, warrant, restraining order, court order).
        - 3) Authority to use force in effecting arrest or preventing escape.
        - 4) Authority to “stop and frisk.”
        - 5) Authority to execute search warrants.
        - 6) Authority to carry concealed without Sheriff’s permit.
      - (B) Employment by a government entity or a political subdivision thereof.

- (C) Endorsement by the governing body or bodies of every group or position that the proposed legislation would include.
  - (D) Copies of letters of notification from the group seeking status to the affected law enforcement agencies with concurrent jurisdiction.
  - (E) "Draft" copy of the position/group's proposed bill language. The draft shall be completed through the use of a POST provided bill language template. Any specific limitations to Peace Officer authority need to be clearly delineated in the language of the proposed legislation.
- (IV) Identification and assessment of the range and scope of authority, limits on authority, and the availability of Peace Officers with concurrent jurisdiction will be considered by the sub-committee regarding POST recommendations and training standards for each group.
  - (V) The preferred standards for any group or position requesting Peace Officer status are full POST certification (including background standards), and 40 hours annual continuing education.
  - (VI) The POST Board sub-committee for Peace Officer status shall submit a report and recommendation to the full POST Board for review and action. The applicant group or position will receive a copy of the report and recommendation.
- (c) POST Board Review
- (I) Upon receipt of the POST Board sub-committee report and recommendation, the POST Board shall review the sub-committee recommendations at a scheduled POST Board meeting.
  - (II) At the scheduled meeting, the POST Board shall review the report, recommendation(s) and the information submitted by the sub-committee, and shall grant the groups' or positions' representatives a hearing to address the report and recommendations of the sub-committee. The POST Board can approve the recommendations or return the application to the POST sub-committee requiring additional information, requirements, and/or further review. Should the POST Board require the sub-committee to conduct a further review of the

Positions' or Groups' application, the sub-committee's final report and recommendations shall be presented to the full Board at a scheduled POST Board Meeting. The affected group/position will be notified of the meeting at which the final report and recommendations will be considered by the Board.

- (III) Upon completion of sections (c)(I) and (II) of this rule, the POST Board shall submit a final report and recommendations to the group seeking Peace Officer status for the group or for a specific position and to the Judiciary Committees of the Senate and House of Representatives. The report will be submitted no later than October 15 of the year following the year in which the proposal was submitted. The report may include legislative recommendations.

(d) Limitations – § 16-2.5-201(6)

- (I) The group seeking Peace Officer status for the group or specific position may request members of the General Assembly to present appropriate legislation to the General Assembly during each of the two regular sessions that immediately succeed the date of the report required pursuant to subsection (c)(III) without having to comply again with the provisions of this rule.
- (II) Bills introduced pursuant to the statute and this rule shall count against the number of bills to which members of the General Assembly are limited by joint rule of the Senate and House of Representatives. The General Assembly shall not consider Peace Officer status of more than five positions or groups in any one session of the General Assembly.