

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SENATE BILL 1235

AN ACT

AMENDING SECTIONS 38-531, 38-532, 38-534 AND 38-1101, ARIZONA REVISED STATUTES; AMENDING TITLE 38, CHAPTER 8, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 38-1105; RELATING TO LAW ENFORCEMENT OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 38-531, Arizona Revised Statutes, is amended to
3 read:

4 38-531. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Employee" means an officer or employee of this state or any of its
7 departments, commissions, agencies or boards. Employee includes employees
8 and officers of community college districts, school districts and counties of
9 this state AND LAW ENFORCEMENT OFFICERS OF A CITY OR TOWN but does not
10 include officers or employees of a municipal corporation established for the
11 purpose of reclamation and distribution of water and the generation of
12 electricity.

13 2. "Former employee" means an employee who was dismissed.

14 3. "LAW ENFORCEMENT OFFICER" HAS THE SAME MEANING PRESCRIBED IN
15 SECTION 38-1101.

16 ~~3-~~ 4. "Personnel action" means:

17 (a) Appointment.

18 (b) Promotion.

19 (c) Disciplinary or corrective action.

20 (d) Detail, transfer or reassignment.

21 (e) Suspension, demotion or dismissal.

22 (f) Reinstatement.

23 (g) Restoration.

24 (h) Reemployment.

25 (i) Performance evaluation.

26 (j) Decision concerning pay, benefits or awards.

27 (k) Elimination of the employee's position without a reduction in
28 force by reason of lack of monies or work.

29 (l) Other significant change in duties or responsibilities ~~which~~ THAT
30 is inconsistent with the employee's salary or grade level.

31 ~~4-~~ 5. "Public body" means the attorney general, the legislature, the
32 governor, a federal, state or local law enforcement agency, the county
33 attorney, the governing board of a community college district or school
34 district, the board of supervisors of a county or an agency director.

35 ~~5-~~ 6. "Reprisal" means to take a personnel action the result of which
36 is adverse to an employee.

37 Sec. 2. Section 38-532, Arizona Revised Statutes, is amended to read:

38 38-532. Prohibited personnel practice; violation;
39 reinstatement; exceptions; civil penalty

40 A. It is a prohibited personnel practice for an employee who has
41 control over personnel actions to take reprisal against an employee for a
42 disclosure of information of a matter of public concern by the employee to a
43 public body ~~which~~ THAT the employee reasonably believes evidences:

44 1. A violation of any law.

45 2. Mismanagement, a gross waste of monies or an abuse of authority.

1 B. The disclosure by an employee to a public body alleging a violation
2 of law, mismanagement, gross waste of monies or abuse of authority shall be
3 in writing and shall contain the following information:

4 1. The date of the disclosure.

5 2. The name of the employee making the disclosure.

6 3. The nature of the alleged violation of law, mismanagement, gross
7 waste of monies or abuse of authority.

8 4. If possible, the date or range of dates on which the alleged
9 violation of law, mismanagement, gross waste of monies or abuse of authority
10 occurred.

11 C. An employee who knowingly commits a prohibited personnel practice
12 shall be ordered by the state personnel board, a community college district
13 governing board, a school district governing board, **A CITY OR TOWN PERSONNEL**
14 **BOARD** or **ANY** other appropriate independent personnel board established or
15 authorized pursuant to section 38-534 to pay a civil penalty of up to five
16 thousand dollars to the state general fund, a county general fund, a
17 community college district unrestricted general fund, ~~or~~ a school district
18 maintenance and operation fund **OR A CITY OR TOWN GENERAL FUND**, whichever is
19 appropriate. The employee who committed the prohibited personnel practice,
20 not the governmental entity, shall pay the civil penalty. ~~Upon~~ **ON** a finding
21 that an employee committed a prohibited personnel practice, the employer
22 shall take appropriate disciplinary action including dismissal.

23 D. An employee or former employee against whom a prohibited personnel
24 practice is committed may recover attorney fees, costs, back pay, general and
25 special damages and full reinstatement for any reprisal resulting from the
26 prohibited personnel practice as determined by the court.

27 E. An employee does not commit a prohibited personnel practice if he
28 takes reprisal against an employee if that employee discloses information in
29 a manner prohibited by law or the materials or information are prescribed as
30 confidential by law.

31 F. This section may not be used as a defense in a disciplinary action
32 where the employee is being disciplined for cause pursuant to section 41-770,
33 except in a hearing on a complaint brought pursuant to this section by an
34 employee or former employee who believes he has been the subject of a
35 prohibited personnel practice as prescribed in this section as the result of
36 a disclosure of information.

37 G. On request or at any time an employee alleges reprisal, an employer
38 shall provide an employee who is subject to disciplinary or corrective
39 action, suspension, demotion or dismissal with a copy of this section.

40 H. If an employee or former employee believes that a personnel action
41 taken against him is the result of his disclosure of information under this
42 section, he may make a complaint to an appropriate independent personnel
43 board, if one is established or authorized pursuant to section 38-534, or to
44 a community college district governing board, ~~or~~ school district governing
45 board **OR CITY OR TOWN COUNCIL**. If an independent personnel board has not

1 been established or authorized, or if a school district governing board, ~~or~~ a
2 community college district governing board OR CITY OR TOWN COUNCIL does not
3 hear and decide personnel matters brought pursuant to this section, the
4 employee or former employee may make a complaint to the state personnel
5 board. A complaint made pursuant to this subsection shall be made within ten
6 days of the effective date of the action taken against him. The state
7 personnel board, a school district governing board, a community college
8 DISTRICT governing board, A CITY OR TOWN COUNCIL or ANY other appropriate
9 independent personnel board, shall, pursuant to the rules governing appeals
10 under section 41-785, make a determination concerning:

11 1. The validity of the complaint.

12 2. Whether a prohibited personnel practice was committed against the
13 employee or former employee as a result of disclosure of information by the
14 employee or former employee.

15 I. If the state personnel board, a community college district
16 governing board, a school district governing board, A CITY OR TOWN COUNCIL or
17 ANY other appropriate independent personnel board established or authorized
18 pursuant to section 38-534 determines that a prohibited personnel practice
19 was committed as a result of disclosure of information by the employee or
20 former employee, it shall rescind the personnel action and order that all
21 lost pay and benefits be returned to the employee or former employee. The
22 employee, former employee, employee alleged to have committed a prohibited
23 personnel practice pursuant to subsection A of this section or employer may
24 appeal the decision of the state personnel board, a community college
25 district governing board, a school district governing board, A CITY OR TOWN
26 COUNCIL or ANY other appropriate independent personnel board established or
27 authorized pursuant to section 38-534 to the superior court as provided in
28 title 12, chapter 7, article 6. Notwithstanding section 12-910, an appeal to
29 the superior court under this subsection shall be tried de novo.

30 J. For purposes of a hearing by the state personnel board, a school
31 district governing board, a community college district governing board, A
32 CITY OR TOWN COUNCIL or ANY other appropriate independent personnel board
33 conducted under this section, the employee, former employee, employee alleged
34 to have committed the prohibited personnel practice pursuant to subsection A
35 of this section and employer may be represented by counsel. In addition,
36 representation by counsel in such hearings shall meet any other requirements
37 stipulated by the state personnel board, a school district governing board, a
38 community college district governing board, A CITY OR TOWN COUNCIL or ANY
39 other appropriate independent personnel board or as required by law.

40 K. An employee or former employee may also seek injunctive relief as
41 is otherwise available in civil actions.

42 L. This section shall not be construed to limit or extend the civil or
43 criminal liability of an employee or former employee for any disclosure of
44 information or to limit an employee's right to a separate pretermination
45 hearing with the employee's employer, as provided by law.

1 M. An employee who knowingly makes a false accusation that a public
2 officer or employee who has control over personnel actions has engaged in a
3 violation of any law, mismanagement, a gross waste of monies or an abuse of
4 authority is personally subject to a civil penalty of up to twenty-five
5 thousand dollars and dismissal from employment by the employer.

6 Sec. 3. Section 38-534, Arizona Revised Statutes, is amended to read:
7 38-534. Appropriate independent personnel boards

8 A. A community college district, ~~county and~~ school district, COUNTY
9 AND CITY OR TOWN may either:

10 1. Establish an appropriate independent personnel board to hear and
11 decide personnel matters brought pursuant to section 38-532.

12 2. Authorize an existing independent board to hear and decide
13 personnel matters brought pursuant to section 38-532.

14 B. Notwithstanding subsection A of this section, a school district
15 governing board or a community college district governing board may hear and
16 decide personnel matters brought pursuant to section 38-532.

17 C. If a community college district, ~~county or~~ school district, COUNTY
18 OR CITY OR TOWN does not establish an appropriate independent personnel board
19 to hear and decide personnel matters brought pursuant to section 38-532, or
20 does not authorize an existing independent board to hear and decide personnel
21 matters brought pursuant to section 38-532, or if a school district governing
22 board or a community college district governing board does not hear and
23 decide personnel matters brought pursuant to section 38-532, complaints filed
24 pursuant to this article shall be heard by the state personnel board.

25 Sec. 4. Section 38-1101, Arizona Revised Statutes, is amended to read:
26 38-1101. Law enforcement officers; probation officers; right to
27 representation; right to evidence on appeal; change
28 of hearing officer or administrative law judge;
29 burden of proof; polygraph examinations; definitions

30 A. If an employer interviews a law enforcement officer or probation
31 officer and the employer reasonably believes that the interview could result
32 in dismissal, demotion or suspension or if the law enforcement officer or
33 probation officer reasonably believes the investigation could result in a
34 dismissal, demotion or suspension:

35 1. The law enforcement officer or probation officer may request to
36 have a representative of the officer present at no cost to the employer
37 during the interview. The law enforcement officer or probation officer shall
38 select a representative who is available on reasonable notice so that the
39 interview is not unreasonably delayed. The representative shall participate
40 in the interview only as an observer. Unless agreed to by the employer, the
41 representative shall be from the same agency and shall not be an attorney
42 except that if a representative from the same agency is not reasonably
43 available, with the employer's permission, the law enforcement officer's or
44 probation officer's representative may be from the law enforcement officer's
45 or probation officer's professional membership organization. The law

1 enforcement officer or probation officer shall be permitted reasonable breaks
2 of limited duration during any interview for telephonic or in person
3 consultation with others, including an attorney, who are immediately
4 available. An employer shall not discipline, retaliate against or threaten
5 to retaliate against a law enforcement officer or probation officer for
6 requesting that a representative be present or for acting as the
7 representative of a law enforcement officer or probation officer pursuant to
8 this paragraph.

9 2. Before the commencement of any interview described in this section,
10 the employer shall provide the law enforcement officer or probation officer
11 with a written notice informing the officer of the alleged facts that are the
12 basis of the investigation, the specific nature of the investigation, the
13 officer's status in the investigation, all known allegations of misconduct
14 that are the reason for the interview and the officer's right to have a
15 representative present at the interview. The notice shall include copies of
16 all complaints that contain the alleged facts that are reasonably available,
17 except for copies of complaints that involve matters pursuant to federal laws
18 under the jurisdiction of the equal employment opportunity commission.

19 3. AFTER AN EMPLOYER COMPLETES AN INVESTIGATION OF A LAW ENFORCEMENT
20 OFFICER OR PROBATION OFFICER IF THE EMPLOYER SEEKS DISCIPLINARY ACTION AT THE
21 REQUEST OF THE LAW ENFORCEMENT OFFICER OR PROBATION OFFICER, THE EMPLOYER
22 SHALL PROVIDE A BASIC SUMMARY OF ANY DISCIPLINE ORDERED AGAINST ANY OTHER LAW
23 ENFORCEMENT OFFICER OR PROBATION OFFICER OF GENERALLY SIMILAR RANK AND
24 EXPERIENCE EMPLOYED BY THE EMPLOYER WITHIN THE PREVIOUS TWO YEARS FOR THE
25 SAME OR A SIMILAR VIOLATION. AS AN ALTERNATIVE, THE EMPLOYER MAY PROVIDE
26 FILE COPIES OF THE RELEVANT DISCIPLINARY CASES. THE EMPLOYER SHALL NOT TAKE
27 FINAL ACTION AND THE EMPLOYER SHALL NOT SCHEDULE THE HEARING UNTIL THE BASIC
28 SUMMARY OR FILE COPIES ARE PROVIDED TO THE LAW ENFORCEMENT OFFICER OR
29 PROBATION OFFICER. THIS PARAGRAPH DOES NOT APPLY IF COURT RULE PROHIBITS THE
30 RELEASE OF FILE COPIES OF DISCIPLINARY CASES.

31 ~~3-~~ 4. The employer may require the law enforcement officer or
32 probation officer to submit to a polygraph examination if the officer makes a
33 statement to the employer during the investigation that differs from other
34 information relating to the investigation that is known to the employer and
35 reconciling that difference is necessary to complete the investigation. If a
36 polygraph examination is administered pursuant to this paragraph, the
37 employer or the person administering the polygraph examination shall make an
38 audio recording of the complete polygraph procedure and provide a copy of the
39 recording to the law enforcement officer or probation officer.

40 ~~4-~~ 5. The law enforcement officer or probation officer, at the
41 conclusion of the interview, is entitled to a period of time to consult with
42 the officer's representative and may make a statement not to exceed five
43 minutes addressing specific facts or policies that are related to the
44 interview.

1 B. Subsection A **OF THIS SECTION** does not require the employer to
2 either:

3 1. Stop an interview to issue another notice for allegations based on
4 information provided by the law enforcement officer or probation officer
5 during the interview.

6 2. Disclose any fact to the law enforcement officer or probation
7 officer or the law enforcement officer's or probation officer's
8 representative that would impede the investigation.

9 C. Subsection A, paragraphs 1 and 2 **OF THIS SECTION** do not apply to an
10 interview of a law enforcement officer or probation officer that is:

11 1. In the normal course of duty, counseling or instruction or an
12 informal verbal admonishment by, or other routine or unplanned contact with,
13 a supervisor or any other law enforcement officer or probation officer.

14 2. Preliminary questioning to determine the scope of the allegations
15 or if an investigation is necessary.

16 3. Conducted in the course of a criminal investigation.

17 4. Conducted in the course of a polygraph examination.

18 D. In any appeal of a disciplinary action by a law enforcement officer
19 or probation officer, the parties shall exchange copies of all relevant
20 documents and a list of all witnesses pursuant to the following time periods
21 and requirements:

22 1. Within three business days after the employer's receipt of a
23 written request from the law enforcement officer or probation officer for a
24 copy of the investigative file that is accompanied by a copy of the filed
25 notice of appeal, the employer shall provide a complete copy of the
26 investigative file as well as the names and home or work mailing addresses of
27 all persons interviewed during the course of the investigation.

28 2. No later than five business days before the appeal hearing, or, if
29 the appeal hearing is scheduled more than twenty days after the notice of
30 appeal, no later than ten business days before the appeal hearing, the
31 employer and the law enforcement officer or probation officer shall exchange
32 copies of any documents that may be introduced at the hearing and that have
33 not previously been disclosed.

34 3. No later than five business days before the appeal hearing, or, if
35 the appeal hearing is scheduled more than twenty days after the notice of
36 appeal, no later than ten business days before the appeal hearing, the
37 employer and the law enforcement officer or probation officer shall exchange
38 the names of all witnesses who may be called to testify. A witness may be
39 interviewed at the discretion of the witness. The parties shall not
40 interfere with any decision of a witness regarding whether to be interviewed.
41 An employer shall not discipline, retaliate against or threaten to retaliate
42 against any witness for agreeing to be interviewed or for testifying or
43 providing evidence in the appeal.

44 E. It is unlawful for a person to disseminate information that is
45 disclosed pursuant to subsection D **OF THIS SECTION** to any person other than

1 the parties to the appeal and their lawful representatives for purposes of
2 the appeal of the disciplinary action. This subsection does not prohibit the
3 use of the information in the hearing or disclosure pursuant to title 39,
4 chapter 1, article 2.

5 F. The employer or the law enforcement officer or probation officer
6 may seek a determination by the hearing officer, administrative law judge or
7 appeals board hearing the appeal regarding any evidence that the employer or
8 the law enforcement officer or probation officer believes should not be
9 disclosed pursuant to subsection D **OF THIS SECTION** because the risk of harm
10 involved in disclosure outweighs any usefulness of the disclosure in the
11 hearing. In determining whether evidence will be disclosed, the hearing
12 officer, administrative law judge or appeals board may perform an in camera
13 review of the evidence and may disclose the material subject to any
14 restriction on the disclosure, including the closing of the hearing or the
15 sealing of the records, that the hearing officer, administrative law judge or
16 appeals board finds necessary under the circumstances.

17 G. In any appeal of a disciplinary action by a law enforcement officer
18 or probation officer in which a single hearing officer or administrative law
19 judge has been appointed to conduct the appeal hearing, the law enforcement
20 officer or probation officer or the employer may request a change of hearing
21 officer or administrative law judge. In cases before the office of
22 administrative hearings or if the employer is a county, ~~CITY OR TOWN with a~~
23 ~~population of two hundred fifty thousand or more persons or a city with a~~
24 ~~population of sixty five thousand or more persons, on the first request of a~~
25 ~~party, the request shall be granted. All other requests, including any~~
26 ~~subsequent requests in cases before the office of administrative hearings or~~
27 ~~if the employer is a county with a population of two hundred fifty thousand~~
28 ~~or more persons or a city with a population of sixty five thousand or more~~
29 ~~persons, ON THE FIRST REQUEST OF A PARTY, THE REQUEST SHALL BE GRANTED. A~~
30 ~~CITY OR TOWN WITH A POPULATION OF LESS THAN SIXTY-FIVE THOUSAND PERSONS OR A~~
31 ~~COUNTY WITH A POPULATION OF LESS THAN TWO HUNDRED FIFTY THOUSAND PERSONS MUST~~
32 ~~PROVIDE FOR AN ALTERNATE HEARING OFFICER BY MEANS OF AN INTERAGENCY AGREEMENT~~
33 ~~WITH ANOTHER CITY, TOWN OR COUNTY. IF THE LAW ENFORCEMENT OFFICER OR~~
34 ~~PROBATION OFFICER IS THE PARTY THAT REQUESTED THE ALTERNATE HEARING OFFICER,~~
35 ~~THE LAW ENFORCEMENT OFFICER OR PROBATION OFFICER SHALL REIMBURSE THE CITY,~~
36 ~~TOWN OR COUNTY FOR ONE-HALF OF ANY ADDITIONAL EXPENSES INCURRED BY THE CITY,~~
37 ~~TOWN OR COUNTY IN PROCURING THE ALTERNATE HEARING OFFICER UNDER THE~~
38 ~~INTERAGENCY AGREEMENT. IF AN ALTERNATE HEARING OFFICER IS REQUESTED BY MEANS~~
39 ~~OF AN INTERAGENCY AGREEMENT, THE HEARING OFFICER SHALL PROVIDE TO THE LAW~~
40 ~~ENFORCEMENT OFFICER OR PROBATION OFFICER OR EMPLOYER THE OPTION OF CONTINUING~~
41 ~~THE HEARING FOR AN ADDITIONAL TEN DAYS. ANY SUBSEQUENT REQUESTS~~ may be
42 granted only on a showing that a fair and impartial hearing cannot be
43 obtained due to the prejudice of the assigned hearing officer or
44 administrative law judge. The supervisor or supervising body of the hearing

1 officer or administrative law judge shall decide whether a showing of
2 prejudice has been made.

3 H. A party who violates subsection A, paragraph 1, or subsection D or
4 E OF THIS SECTION, unless the violation is harmless, shall not be permitted
5 to use that evidence at the hearing, except on a showing of good cause. The
6 hearing officer or administrative law judge, on a showing of good cause, may
7 grant the opposing party a continuance, otherwise limit the use of the
8 evidence or make such other order as may be appropriate.

9 I. The burden of proof in an appeal of a disciplinary action by a law
10 enforcement officer or probation officer shall be on the employer.

11 J. Except where a statute or ordinance makes the administrative
12 evidentiary hearing the final administrative determination, an employer or a
13 person acting on behalf of an employer may amend, modify, reject or reverse a
14 decision made by a hearing officer, administrative law judge or appeals board
15 after a hearing where the law enforcement officer or probation officer and
16 the employer have been equally allowed to call and examine witnesses,
17 cross-examine witnesses, provide documentary evidence and otherwise fully
18 participate in the hearing if the decision was arbitrary or without
19 reasonable justification and the employer or person acting on behalf of the
20 employer states the reason for the amendment, modification, rejection or
21 reversal.

22 K. An employer shall not include in that portion of the personnel file
23 of a law enforcement officer or probation officer that is available for
24 public inspection and copying any information about an investigation until
25 the investigation is complete or the employer has discontinued the
26 investigation. If the law enforcement officer or probation officer has
27 timely appealed a disciplinary action, the investigation is not complete
28 until the conclusion of the appeal process.

29 L. This section does not preempt agreements that supplant, revise or
30 otherwise alter the provisions of this section, including preexisting
31 agreements between the employer and the law enforcement officer or probation
32 officer or the law enforcement officer's or probation officer's lawful
33 representative association.

34 M. Notwithstanding section 39-123, all data and reports from a
35 polygraph examination of a law enforcement officer or probation officer are
36 confidential and may only be used for employment, certification or
37 reactivation of certification purposes or the administrative matter for which
38 a polygraph was administered, including other ancillary matters. All other
39 uses are prohibited.

40 N. Except for a preemployment polygraph in which an applicant was not
41 hired or in the case of an active investigation or an appeal, the data and
42 reports from a polygraph examination of a law enforcement officer or
43 probation officer shall be destroyed as soon as practicable three years after
44 the date of appointment or employment but not more than ninety days after
45 that date.

1 0. For the purposes of this section:

2 1. "Appeal" means a hearing before a state or local merit board, a
3 civil service board, an administrative law judge or a hearing officer.

4 2. "Disciplinary action" means the dismissal, demotion or suspension
5 for more than ~~sixteen~~ EIGHT hours of a law enforcement officer or probation
6 officer that is authorized by statute, charter or ordinance and that is
7 subject to a hearing or other procedure by a local merit board, a civil
8 service board, an administrative law judge or a hearing officer.

9 3. "Investigative file" means the law enforcement agency's complete
10 report and any attachments detailing the incidents leading to the
11 disciplinary action.

12 4. "Law enforcement officer" means:

13 (a) An individual, other than a probationary employee, who is
14 certified by the Arizona peace officer standards and training board, other
15 than a person employed by a multi-county water conservation district.

16 (b) A detention officer or correction officer, other than a
17 probationary employee, who is employed by this state or a political
18 subdivision of this state.

19 5. "Probation officer" means a probation officer or surveillance
20 officer, other than a probationary employee, who is employed by this state or
21 a political subdivision of this state.

22 Sec. 5. Title 38, chapter 8, article 1, Arizona Revised Statutes, is
23 amended by adding section 38-1105, to read:

24 38-1105. Critical incident stress management team member;
25 privilege; exceptions; definitions

26 A. EXCEPT AS PROVIDED IN SUBSECTION B, A CRITICAL INCIDENT STRESS
27 MANAGEMENT TEAM MEMBER WHO, IN THE COURSE OF THE MEMBER'S RESPONSE TO A
28 CRITICAL INCIDENT AT THE REQUEST OF THE MEMBER OR MEMBER'S AGENCY, ACQUIRES
29 INFORMATION SECRETLY AND IN CONFIDENCE FROM A DESIGNATED PERSON SHALL NOT BE
30 COMPELLED TO DISCLOSE THAT INFORMATION IN A LEGAL PROCEEDING, TRIAL OR
31 INVESTIGATION BEFORE ANY AGENCY OF THIS STATE OR A POLITICAL SUBDIVISION OF
32 THIS STATE.

33 B. SUBSECTION A DOES NOT APPLY IF:

34 1. THE COMMUNICATION OR ADVICE INDICATES CLEAR AND PRESENT DANGER TO
35 THE DESIGNATED PERSON WHO RECEIVED CRISIS RESPONSE SERVICES OR TO OTHER
36 PERSONS.

37 2. THE DESIGNATED PERSON WHO RECEIVED CRISIS RESPONSE SERVICES GIVES
38 EXPRESS CONSENT TO THE TESTIMONY.

39 3. THE COMMUNICATION OR ADVICE IS MADE DURING THE COURSE OF A CRIMINAL
40 INVESTIGATION.

41 4. THE DESIGNATED PERSON WHO RECEIVED CRISIS RESPONSE SERVICES
42 VOLUNTARILY TESTIFIES, IN WHICH CASE THE CRITICAL INCIDENT STRESS MANAGEMENT
43 TEAM MEMBER MAY BE COMPELLED TO TESTIFY ON THE SAME SUBJECT.

44 5. THERE EXISTS A BREACH OF DEPARTMENT POLICY THAT AMOUNTS TO A
45 VIOLATION OF LAWS THAT ARE NORMALLY ENFORCED BY LAW ENFORCEMENT.

- 1 C. FOR THE PURPOSES OF THIS SECTION:
2 1. "CRISIS RESPONSE SERVICES" MEANS CONSULTATION, RISK ASSESSMENT,
3 REFERRAL AND ONSITE CRISIS INTERVENTION SERVICES PROVIDED BY A CRITICAL
4 INCIDENT STRESS MANAGEMENT TEAM TO A DESIGNATED PERSON.
5 2. "CRITICAL INCIDENT STRESS MANAGEMENT TEAM MEMBER" MEANS AN
6 INDIVIDUAL WHO HAS COMPLETED TRAINING THROUGH A RECOGNIZED ORGANIZATION THAT
7 DELIVERS CRITICAL INCIDENT STRESS MANAGEMENT TRAINING AND IS PART OF A LAW
8 ENFORCEMENT, PROBATION, FIREFIGHTER OR EMERGENCY MEDICAL PROVIDER CRISIS
9 RESPONSE TEAM.
10 3. "DEPARTMENT" MEANS THE BRANCH OF GOVERNMENT IN WHICH A DESIGNATED
11 PERSON IS EMPLOYED.
12 4. "DESIGNATED PERSON" MEANS AN EMERGENCY MEDICAL PROVIDER,
13 FIREFIGHTER, LAW ENFORCEMENT OFFICER OR PROBATION OFFICER.
14 5. "EMERGENCY MEDICAL PROVIDER" MEANS MUNICIPAL OR STATE EMERGENCY
15 MEDICAL SERVICES PERSONNEL.
16 6. "FIREFIGHTER" MEANS A MUNICIPAL OR STATE FIREFIGHTER.
17 7. "LAW ENFORCEMENT OFFICER" MEANS:
18 (a) AN INDIVIDUAL WHO IS CERTIFIED BY THE ARIZONA PEACE OFFICER
19 STANDARDS AND TRAINING BOARD, OTHER THAN A PERSON EMPLOYED BY A MULTI-COUNTY
20 WATER CONSERVATION DISTRICT.
21 (b) A DETENTION OFFICER OR CORRECTION OFFICER, OTHER THAN A
22 PROBATIONARY EMPLOYEE, WHO IS EMPLOYED BY THIS STATE OR A POLITICAL
23 SUBDIVISION OF THIS STATE.
24 8. "PROBATION OFFICER" MEANS A PROBATION OFFICER OR SURVEILLANCE
25 OFFICER WHO IS EMPLOYED BY THIS STATE OR A POLITICAL SUBDIVISION OF THIS
26 STATE.