

AMENDED

ARIZONA STATE SENATE
RESEARCH STAFF



TO: MEMBERS OF THE SENATE
PUBLIC SAFETY, MILITARY AND
TECHNOLOGY COMMITTEE

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DATE: March 16, 2016

SUBJECT: Strike everything amendment to H.B. 2082 relating to law enforcement officers;
investigations

Purpose

Places additional requirements on an employer that intends to discipline a law enforcement officer (officer), under certain circumstances.

Background

Statute prohibits an employer from disciplining an officer unless there is just cause, and prescribes due process rights for misconduct investigations and interviews that could result in dismissal, demotion or suspension. Before such an interview, the officer has the right to written notice of the investigation's nature, the alleged facts that are the basis of the investigation, the officer's status in the investigation, the allegations of misconduct and the right to have a representative present during the interview.

At the conclusion of the interview, the officer is entitled to consult with his or her representative and make a statement addressing related facts or policies. Additionally, after the investigation is complete, if the employer seeks disciplinary action, the employer must provide the officer a basic summary of discipline ordered in similar situations within the previous two years, at the officer's request. The employer cannot take final action or schedule a hearing until the employer provides either the summary or related file copies (A.R.S. § 38-1104).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires an employer to do the following, when requested by the officer, if the employer seeks disciplinary action after completing an investigation:
 - a) provide the officer with a complete copy of the investigative file;
 - b) if termination is being considered, allow the officer 14 days to review the file and submit a response or rebuttal before any discipline is ordered; and
 - c) not take final disciplinary action until the officer's rebuttal or response is considered.

2. Permits the employer to grant extensions to the 14-day review period and specifies that this period is not included in the calculation of the time limitation on disciplinary action against an officer as outlined in statute or any other time limitation provided by administrative rule or employer policy.
3. Requires the employer to include all known exculpatory material in the file.
4. Allows the employer to withhold personal, biographical or identifying information if a complainant or witness is the victim of a crime related to the investigation.
5. Makes technical and conforming changes.
6. Becomes effective on the general effective date.

Amendments Adopted by Committee

- Adopted the strike-everything amendment.

Senate Action

PSMT 3/16/16 DPA/SE 6-0-0

Prepared by Senate Research

March 16, 2016

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