



HOUSE OF REPRESENTATIVES

HB 2648

police functions; revocation; officer misconduct

Sponsor: Representative Ugenti

DPA Committee on Government

DPA Caucus and COW

X House Engrossed

OVERVIEW

HB 2648 is an emergency measure that allows an appointed municipal law enforcement administrator to assume control of a municipality's law enforcement functions and administrative duties under specific conditions and makes a change to the Arizona Peace Officer Standards and Training Board's (AZPOST) membership eligibility requirements.

HISTORY

AZPOST was created to address the needs for minimum peace officer selection, recruitment, retention and training standards as well as to provide curriculum and standards for all certified law enforcement training facilities. According to their website, AZPOST currently provides services to 170 law enforcement agencies encompassing over 15,000 sworn peace officers, 9,000 correctional service officers and 16 training academies.

Any person who is not certified by AZPOST, or whose status is inactive, cannot act as a peace officer or be assigned the duties of a peace officer by an agency. Sheriffs are exempt from the requirement of certified status. A person who seeks to be certified must submit an application, obtain an appointment from an agency and obtain a certification of graduation. Arizona Revised Statutes § 41-183 provides that no minimum qualifications for law enforcement officers can be effective until six months after they have filed with the Secretary of State.

The Attorney General (AG) serves as the chief legal officer of Arizona and is elected state-wide to a four-year term. In addition to representing and providing legal advice to most state agencies, the AG enforces consumer protection and civil rights laws and handles all statewide appeals from felony convictions. The AG will also prepare formal legal opinions requested by state officers, legislators or county attorneys on issues of law.

PROVISIONS

Control of a Municipality's Law Enforcement Functions

- Asserts that a municipality does not have the authority to establish, regulate, appoint or remove the police and to prescribe their powers and duties if the following percentages of their police officers have had their certifications revoked by AZPOST:
 - 50% for a municipality with ten or fewer police officers.
 - 25% but not less than five police officers for a municipality with more than ten but fewer than 50 police officers.
 - 15% for a municipality with more than 50 police officers.
- Provides a formula for how the percentages are determined by defining the numerator as the number of police officers whose certifications have been revoked at any time during a

consecutive five-year period and the denominator as the average number of certified police officers employed by the municipality over the same time period.

Number of police officers with revoked certificates at any time during a five-year period
Average number of police officers employed over the same time period

- Directs AZPOST to determine if 50% or more of a municipality's police officer's certifications have been revoked and find whether there is systemic misconduct or mismanagement within the municipality's police department or agency and to then notify the AG.
- Requires the AG to confirm that AZPOST is correct and, if so, to notify the county board of supervisors of the county in which the municipality is located.
- Directs the board of supervisors, upon a supermajority vote, to concur and notify the municipality of their determination and requires the municipality to forfeit control of their law enforcement authority.
- Requires the board of supervisors to appoint a neutral third-party municipal law enforcement administrator, who has experience in law enforcement management and is certified by AZPOST, or who has at least ten-years experience in law enforcement management, to assume the municipality's law enforcement functions and administrative duties for two years.
- Allows the board of supervisors to extend the appointment of the municipal law enforcement administrator for not more than two one-year periods.
- Directs the municipality to reimburse the municipal law enforcement administrator for all reasonable costs for providing law enforcement functions and administrative duties within 60 days of the board of supervisor's appointment of the municipal law enforcement administrator.
- Provides a process for the board of supervisors to determine *reasonable costs* by using the average of the monies budgeted for law enforcement functions and administrative duties over the three preceding fiscal years.
- Specifies that the municipal law enforcement administrator's cost cannot exceed the average of the monies budgeted for law enforcement functions and administrative duties over the three previous fiscal years in any year in which the municipal law enforcement administrator assumes the law enforcement functions of the municipality.
- Asserts that if the municipality fails to reimburse the municipal law enforcement administrator, the State Treasurer must withhold that municipality's share of state shared revenues pursuant to statute, and transmit this amount to the municipal law enforcement administrator.
- Requires the municipal law enforcement administrator, in consultation with the county board of supervisors and the municipality, to begin to prepare a written report within six months of assuming law enforcement functions that contains at least the following information:
 - The causes of certification revocation.
 - The cost analysis of the assumption of the law enforcement functions.
 - A list of training requirements, policies and procedures that are intended to remedy the reasons for certification revocation.

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- Directs the municipal law enforcement administrator to forward a copy of this report to the AG.
- Allows the municipality to make a request to the board of supervisors to reinstate control of law enforcement functions after five years of forfeiting control.
- Requires the board of supervisors to act on municipality's request within 60 days and the board must reinstate the municipality's control of law enforcement functions upon a majority vote.
- Asserts that this section of statute does not give a municipality or a law enforcement agency any legal interest or standing in an AZPOST proceeding involving the certification of any of the law enforcement agency's officers.

AZPOST membership eligibility

- Increases the county population numbers required to be eligible as a member on AZPOST from:
 - 60,000 to 150,000 or *more* for one of the two chiefs of city police.
 - 60,000 to 150,000 or *less* for the other chief of city police

Miscellaneous

- Contains session law that allows any person who is serving as a member of AZPOST on the effective date of this Act to be eligible to continue serving until expiration of their current term of office.
- Specifies that the provisions of this Act only apply to the revocations of police officer certifications that occur on or after the effective date of this Act.
- Contains an emergency clause.
- Makes technical and conforming changes.