

REFERENCE TITLE: law enforcement integrity database; appeal

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

HB 2671

Introduced by
Representative Kavanagh

AN ACT

AMENDING TITLE 38, CHAPTER 8, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 38-1117; AMENDING SECTION 41-1822, ARIZONA REVISED
STATUTES; 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. Title 38, chapter 8, article 1, Arizona Revised
3 Statutes, is amended by adding section 38-1117, to read:

4 38-1117. Law enforcement integrity database; notice; appeal;
5 definitions

6 A. A LAW ENFORCEMENT OFFICER'S NAME MAY NOT BE PLACED INTO A LAW
7 ENFORCEMENT INTEGRITY DATABASE IN THIS STATE UNLESS THE ENTITY THAT
8 MANAGES THE DATABASE PROVIDES WRITTEN NOTICE TO THE LAW ENFORCEMENT
9 OFFICER AT LEAST THREE BUSINESS DAYS BEFORE THE ENTITY PLACES THE
10 OFFICER'S NAME IN THE DATABASE AND PROVIDES ALL OTHER DUE PROCESS TO THE
11 LAW ENFORCEMENT OFFICER.

12 B. A LAW ENFORCEMENT OFFICER MAY APPEAL THE DECISION OF AN ENTITY
13 THAT INTENDS TO INCLUDE THE OFFICER'S NAME IN A LAW ENFORCEMENT INTEGRITY
14 DATABASE TO THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD. THE
15 LAW ENFORCEMENT OFFICER SHALL PROVIDE WRITTEN NOTICE OF THE APPEAL TO THE
16 ENTITY THAT INTENDS TO INCLUDE THE OFFICER'S NAME IN THE DATABASE AND TO
17 THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD.

18 C. AN ENTITY THAT RECEIVES A NOTICE OF APPEAL PURSUANT TO THIS
19 SECTION MAY NOT INCLUDE THE NAME OF THE LAW ENFORCEMENT OFFICER IN A LAW
20 ENFORCEMENT INTEGRITY DATABASE UNLESS THE ARIZONA PEACE OFFICER STANDARDS
21 AND TRAINING BOARD FINDS THAT THE LAW ENFORCEMENT OFFICER WAS DISHONEST IN
22 A LAW ENFORCEMENT OFFICER'S OFFICIAL REPORT OR STATEMENT THAT WAS RELEVANT
23 TO THE DETERMINATION OF A CRIMINAL DEFENDANT'S GUILT OR PUNISHMENT.

24 D. FOR THE PURPOSES OF THIS SECTION:

25 1. "DISHONEST" MEANS INTENTIONALLY AND MATERIALLY PROVIDING A FALSE
26 OR MISLEADING STATEMENT.

27 2. "LAW ENFORCEMENT INTEGRITY DATABASE" INCLUDES A BRADY LIST OR
28 ANY LIST THAT MAY BE DISCLOSED TO THE PARTIES IN A CRIMINAL CASE BY A
29 GOVERNMENT ENTITY AND THAT IDENTIFIES A LAW ENFORCEMENT OFFICER WHO WAS
30 FOUND TO BE DISHONEST.

31 Sec. 2. Section 41-1822, Arizona Revised Statutes, is amended to
32 read:

33 41-1822. Powers and duties of board; definitions

34 A. With respect to peace officer training and certification, the
35 board shall:

36 1. Establish rules for the government and conduct of the board,
37 including meeting times and places and matters to be placed on the agenda
38 of each meeting.

39 2. Make recommendations, consistent with this article, to the
40 governor, the speaker of the house of representatives and the president of
41 the senate on all matters relating to law enforcement and public safety.

42 3. Prescribe reasonable minimum qualifications for officers to be
43 appointed to enforce the laws of this state and the political subdivisions
44 of this state and certify officers in compliance with these
45 qualifications. Notwithstanding any other law, the qualifications shall

1 require United States citizenship, shall relate to physical, mental and
2 moral fitness and shall govern the recruitment, appointment and retention
3 of all agents, peace officers and police officers of every political
4 subdivision of this state. The board shall constantly review the
5 qualifications established by this section and may amend the
6 qualifications at any time, subject to the requirements of section
7 41-1823.

8 4. Prescribe minimum courses of training and minimum standards for
9 training facilities for law enforcement officers. Only this state and
10 political subdivisions of this state may conduct basic peace officer
11 training. Basic peace officer academies may admit individuals who are not
12 peace officer cadets only if a cadet meets the minimum qualifications
13 established by paragraph 3 of this subsection. Training shall include:

14 (a) Courses in responding to and reporting all criminal offenses
15 that are motivated by race, color, religion, national origin, sexual
16 orientation, gender or disability.

17 (b) Training certified by the director of the department of health
18 services with assistance from a representative of the board on the nature
19 of unexplained infant death and the handling of cases involving the
20 unexplained death of an infant.

21 (c) Medical information on unexplained infant death for first
22 responders, including awareness and sensitivity in dealing with families
23 and child care providers, and the importance of forensically competent
24 death scene investigations.

25 (d) Information on the protocol of investigation in cases of an
26 unexplained infant death, including the importance of a consistent policy
27 of thorough death scene investigation.

28 (e) The use of the infant death investigation checklist pursuant to
29 section 36-3506.

30 (f) If an unexplained infant death occurs, the value of timely
31 communication between the medical examiner's office, the department of
32 health services and appropriate social service agencies that address the
33 issue of infant death and bereavement, to achieve a better understanding
34 of these deaths and to connect families to various community and public
35 health support systems to enhance recovery from grief.

36 5. Recommend curricula for advanced courses and seminars in law
37 enforcement and intelligence training in universities, colleges and
38 community colleges, in conjunction with the governing body of the
39 educational institution.

40 6. Make inquiries to determine whether this state or political
41 subdivisions of this state are adhering to the standards for recruitment,
42 appointment, retention and training established pursuant to this article.
43 The failure of this state or any political subdivision to adhere to the
44 standards shall be reported at the next regularly scheduled meeting of the
45 board for action deemed appropriate by that body.

1 7. Employ an executive director and other staff as are necessary to
2 fulfill the powers and duties of the board in accordance with the
3 requirements of the law enforcement merit system council.

4 B. With respect to state department of corrections correctional
5 officers, the board shall:

6 1. Approve a basic training curriculum of at least two hundred
7 forty hours.

8 2. Establish uniform minimum standards. These standards shall
9 include high school graduation or the equivalent and a physical
10 examination as prescribed by the director of the state department of
11 corrections.

12 3. Establish uniform standards for background investigations,
13 including criminal histories under section 41-1750, of all applicants
14 before enrolling in the academy. The board may adopt special procedures
15 for extended screening and investigations in extraordinary cases to ensure
16 suitability and adaptability to a career as a correctional officer.

17 4. Issue a certificate of completion to any state department of
18 corrections correctional officer who satisfactorily complies with the
19 minimum standards and completes the basic training program. The board may
20 issue a certificate of completion to a state department of corrections
21 correctional officer who has received comparable training in another state
22 if the board determines that the training was at least equivalent to that
23 provided by the academy and if the person complies with the minimum
24 standards.

25 5. Establish continuing training requirements and approve
26 curricula.

27 C. With respect to peace officer misconduct, the board may:

28 1. Receive complaints of peace officer misconduct from any person,
29 request law enforcement agencies to conduct investigations and conduct
30 independent investigations into whether an officer is in compliance with
31 the qualifications established pursuant to subsection A, paragraph 3 of
32 this section.

33 2. Receive a complaint of peace officer misconduct from the
34 president or chief executive officer of a board recognized law enforcement
35 association that represents the interests of certified law enforcement
36 officers if the association believes that a law enforcement agency refused
37 to investigate or made findings that are contradictory to prima facie
38 evidence of a violation of the qualifications established pursuant to
39 subsection A, paragraph 3 of this section. If the board finds that the
40 law enforcement agency refused to investigate or made findings that
41 contradicted prima facie evidence of a violation of the qualifications
42 established pursuant to subsection A, paragraph 3 of this section, the
43 board shall conduct an independent investigation to determine whether the
44 officer is in compliance with the qualifications established pursuant to
45 subsection A, paragraph 3 of this section and provide a letter of the

1 findings based on the investigation conducted by the board to the
2 president or chief executive officer of the board recognized law
3 enforcement association who made the complaint.

4 D. The board may:

5 1. Deny, suspend, revoke or cancel the certification of an officer
6 who is not in compliance with the qualifications established pursuant to
7 subsection A, paragraph 3 of this section.

8 2. Provide training and related services to assist state, tribal
9 and local law enforcement agencies to better serve the public, including
10 training for emergency alert notification systems.

11 3. Enter into contracts to carry out its powers and duties.

12 E. WITH RESPECT TO A LAW ENFORCEMENT INTEGRITY DATABASE APPEAL, THE
13 BOARD SHALL HOLD A HEARING AND DETERMINE IF A LAW ENFORCEMENT OFFICER WAS
14 DISHONEST IN A LAW ENFORCEMENT OFFICER'S OFFICIAL REPORT OR STATEMENT THAT
15 WAS RELEVANT TO THE DETERMINATION OF A CRIMINAL DEFENDANT'S GUILT OR
16 PUNISHMENT.

17 ~~F.~~ F. This section does not create a cause of action or a right to
18 bring an action, including an action based on discrimination due to sexual
19 orientation.

20 ~~F.~~ G. For the purposes of this section: ~~;~~

21 1. "DISHONEST" MEANS INTENTIONALLY AND MATERIALLY PROVIDING A FALSE
22 OR MISLEADING STATEMENT.

23 2. "LAW ENFORCEMENT INTEGRITY DATABASE" INCLUDES A BRADY LIST OR
24 ANY LIST THAT MAY BE DISCLOSED TO THE PARTIES IN A CRIMINAL CASE BY A
25 GOVERNMENT ENTITY AND THAT IDENTIFIES A LAW ENFORCEMENT OFFICER WHO WAS
26 FOUND TO BE DISHONEST.

27 3. "Sexual orientation" means consensual homosexuality or
28 heterosexuality.