

REFERENCE TITLE: **peace officer violence victims' rights**

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1074

Introduced by
Senators Hernandez: Gonzales, Mendez; Representatives Sandoval, Villegas

AN ACT

AMENDING TITLE 13, CHAPTER 40, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-4444; RELATING TO VICTIMS' RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 13, chapter 40, Arizona Revised Statutes, is
3 amended by adding section 13-4444, to read:

4 13-4444. Peace officer violence victims' bill of rights;
5 notice; victim advocate; independent nonprofit
6 legal and advocacy organization; definitions

7 A. TO PRESERVE AND PROTECT THE RIGHTS OF VICTIMS OF PEACE OFFICER
8 VIOLENCE AND THE VICTIM'S FAMILY TO JUSTICE AND DUE PROCESS, A PEACE
9 OFFICER VIOLENCE VICTIM AND THE VICTIM'S FAMILY HAVE THE RIGHT TO:

10 1. BE TREATED WITH FAIRNESS, RESPECT AND DIGNITY AND TO BE FREE
11 FROM INTIMIDATION, HARASSMENT AND ABUSE FOLLOWING AN INJURY OR DEATH
12 RESULTING FROM A PEACE OFFICER INTERACTION.

13 2. FREE ACCESS TO LEGAL AND COMMUNITY SUPPORT FOLLOWING A CRITICAL
14 INCIDENT.

15 3. DELAY OR REFUSE AN INTERVIEW, DEPOSITION OR OTHER DISCOVERY
16 REQUEST FROM AN INVESTIGATIVE AGENCY WITHOUT FEAR OF INTIMIDATION OR
17 RETALIATION. A VICTIM'S FAMILY MAY NOT BE QUESTIONED BY INVESTIGATORS OR
18 PEACE OFFICERS FOR AT LEAST TWENTY-FOUR HOURS FOLLOWING A CRITICAL
19 INCIDENT.

20 4. BE FREE FROM AN INVESTIGATOR'S FALSE OR MISLEADING INFORMATION
21 AND OPINION BEFORE THE INVESTIGATION IS CONCLUDED.

22 5. HAVE ALL CONVERSATIONS WITH AND UPDATES FROM AN INVESTIGATIVE
23 AGENCY IN THE PREFERRED LANGUAGE OF THE VICTIM OR THE VICTIM'S FAMILY, OR
24 BOTH. AN INVESTIGATIVE AGENCY SHALL MAKE AN INTERPRETER OR MULTILINGUAL
25 REPRESENTATIVE AVAILABLE WITHIN ONE HOUR AFTER A CRITICAL INCIDENT AND FOR
26 THE DURATION OF THE INVESTIGATION FOR A NON-ENGLISH SPEAKING VICTIM, THE
27 VICTIM'S FAMILY AND ANY WITNESSES.

28 6. HAVE FREE, QUICK AND UNREDACTED ACCESS TO INFORMATION, MATERIALS
29 AND FINDINGS THAT ARE RELEVANT TO THE VICTIM'S INJURY OR DEATH, WITH AN
30 OPPORTUNITY TO REVIEW THE INFORMATION, MATERIALS AND FINDINGS FOR UP TO
31 FORTY-EIGHT HOURS BEFORE THE INFORMATION IS MADE PUBLICLY AVAILABLE.
32 UNEDITED AND UNREDACTED BODY-WORN CAMERA FOOTAGE, INCIDENT REPORTS,
33 BYSTANDER FOOTAGE AND SURVEILLANCE VIDEO SHALL BE SHARED WITH THE VICTIM'S
34 FAMILY WITHIN SEVENTY-TWO HOURS AFTER THE CRITICAL INCIDENT. THE VICTIM
35 AND THE VICTIM'S FAMILY SHALL BE PROVIDED WITH AN OPPORTUNITY TO REVIEW
36 ANY DOCUMENTS AND FOOTAGE FORTY-EIGHT HOURS BEFORE THE INFORMATION IS
37 RELEASED TO THE MEDIA OR THE PUBLIC. THE VICTIM AND THE VICTIM'S FAMILY
38 HAVE THE RIGHT TO REQUEST THAT ANY IMAGES OF THE VICTIM BE BLURRED BEFORE
39 A DOCUMENT OR FOOTAGE IS PUBLICLY RELEASED.

40 7. HAVE FREE, QUICK AND UNREDACTED ACCESS TO ALL EMPLOYMENT FILES
41 OF THE PEACE OFFICER OR PEACE OFFICERS INVOLVED IN THE CRITICAL INCIDENT,
42 INCLUDING DISCIPLINARY HISTORY, USE OF FORCE HISTORY, COMPLAINT HISTORY,
43 PERSONNEL FILES, ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD FILES
44 AND TRAINING HISTORY. THE VICTIM, THE VICTIM'S FAMILY AND THE VICTIM'S
45 ATTORNEY, IF ANY, SHALL BE PROVIDED, FREE OF CHARGE AND WITHOUT SUBMITTING

1 A PUBLIC RECORDS REQUEST, WITH ACCESS TO THE NAME, PHOTOGRAPH,
2 DISCIPLINARY RECORDS, COMPLAINT RECORDS AND USE OF FORCE RECORDS OF THE
3 PEACE OFFICER OR PEACE OFFICERS INVOLVED IN THE CRITICAL INCIDENT WITHIN
4 SEVENTY-TWO HOURS AFTER THE CRITICAL INCIDENT.

5 8. BE INFORMED OF, PRESENT AT AND, ON REQUEST, HEARD AT ALL
6 INVESTIGATIVE AND DISCIPLINARY PROCEEDINGS WHERE THE PEACE OFFICER OR
7 PEACE OFFICERS INVOLVED IN THE CRITICAL INCIDENT HAVE THE RIGHT TO BE
8 PRESENT.

9 9. BE NOTIFIED OF ANY INVESTIGATIVE MILESTONES AND OUTCOMES ON THE
10 INVESTIGATION'S COMPLETION AT LEAST TWENTY-FOUR HOURS BEFORE THE PUBLIC IS
11 NOTIFIED. THE VICTIM'S FAMILY SHALL BE PROVIDED WITH FREE ACCESS TO THE
12 COMPLETE AND UNREDACTED INVESTIGATIVE FILE FROM ALL INVESTIGATIVE AGENCIES
13 WITHOUT SUBMITTING A PUBLIC RECORDS REQUEST AFTER THE INVESTIGATION IS
14 COMPLETED. INVESTIGATORS AND VICTIM ADVOCATES SHALL RESPOND WITHIN
15 TWENTY-FOUR HOURS TO A QUESTION FROM THE VICTIM OR THE VICTIM'S FAMILY.
16 THE INDEPENDENT VICTIM ADVOCATE SHALL PROVIDE MONTHLY UPDATES TO THE
17 VICTIM AND THE VICTIM'S FAMILY ON THE STATUS OF THE INVESTIGATION.

18 10. PETITION THE COUNTY ATTORNEY WHO HAS JURISDICTION TO REOPEN A
19 CASE AGAINST THE PEACE OFFICER OR PEACE OFFICERS INVOLVED IN THE CRITICAL
20 INCIDENT IF THE COUNTY ATTORNEY DOES NOT INITIATE A CHARGE AGAINST THE
21 PEACE OFFICER OR PEACE OFFICERS. A VICTIM WHOSE CASE HAS BEEN CLOSED AND
22 THE VICTIM'S FAMILY HAVE THE OPPORTUNITY TO REOPEN A CASE WITHOUT THE CASE
23 BEING REFERRED FROM THE INVESTIGATING LAW ENFORCEMENT AGENCY. THE PROCESS
24 FOR REOPENING A CASE MUST BE CLEARLY WRITTEN AND SHARED WITH THE VICTIM
25 AND THE VICTIM'S FAMILY WHEN CRIMINAL CHARGES ARE NOT FILED AGAINST THE
26 PEACE OFFICER OR PEACE OFFICERS INVOLVED IN THE CRITICAL INCIDENT.

27 11. HAVE ANY PERSONAL BELONGINGS THAT WERE LOGGED AS EVIDENCE
28 AUTHORIZED FOR RELEASE WITHIN TWENTY-FOUR HOURS AFTER THE CRIMINAL
29 INVESTIGATION INTO THE PEACE OFFICER OR PEACE OFFICERS IS CLOSED OR WITHIN
30 NINETY DAYS AFTER THE CRITICAL INCIDENT, WHICHEVER OCCURS FIRST. PERSONAL
31 BELONGINGS THAT ARE NOT LOGGED AS EVIDENCE MUST BE RELEASED WITHIN
32 FOURTEEN DAYS AFTER THE CRITICAL INCIDENT. THE VICTIM AND THE VICTIM'S
33 FAMILY MUST BE GIVEN A COMPLETE LIST OF ALL PERSONAL BELONGINGS THAT HAVE
34 BEEN LOGGED AS EVIDENCE.

35 12. ACCESS SUPPORTIVE SERVICES AND RESTITUTION THAT ARE PAID FOR BY
36 THE MUNICIPALITY WHERE THE CRITICAL INCIDENT OCCURRED. THE VICTIM, THE
37 VICTIM'S FAMILY AND ANY WITNESSES HAVE THE RIGHT TO FREE WRAPAROUND
38 SUPPORT SERVICES, INCLUDING TRAUMA CARE AND MENTAL HEALTH CARE.

39 13. DISCUSS AND PARTICIPATE IN ANY POLICY CHANGES AND REFORM
40 EFFORTS IN THE POLICE DEPARTMENT. THE VICTIM AND THE VICTIM'S FAMILY
41 SHALL HAVE THE OPPORTUNITY TO GIVE INPUT ON POLICY CHANGES AND REFORM
42 EFFORTS AT THE POLICE DEPARTMENT OR ANY OTHER ENTITY THAT IS INVOLVED WITH
43 THE INVESTIGATION.

44 B. THE GOVERNING BODY OF EACH MUNICIPALITY SHALL ESTABLISH A VICTIM
45 ADVOCATE ROLE, INDEPENDENT OF THE POLICE DEPARTMENT. THE VICTIM ADVOCATE

1 SHALL REPORT TO THE SCENE OF A CRITICAL INCIDENT TO CONNECT THE VICTIM,
2 THE VICTIM'S FAMILY AND ANY WITNESSES WITH APPROPRIATE SERVICES.

3 C. A VICTIM'S FAMILY SHALL BE NOTIFIED IMMEDIATELY FOLLOWING ANY
4 PHYSICAL HARM CAUSED TO THE VICTIM BY A PEACE OFFICER. ANY IDENTIFYING
5 INFORMATION AND THE HEALTH STATUS OF THE VICTIM AND DETAILS REGARDING THE
6 CRITICAL INCIDENT MAY NOT BE PUBLICLY RELEASED UNTIL THE VICTIM'S FAMILY
7 IS INFORMED. THE VICTIM'S IDENTIFYING INFORMATION AND HEALTH STATUS MAY
8 BE RELEASED TWENTY-FOUR HOURS AFTER THE CRITICAL INCIDENT IF EVERY
9 POSSIBLE ATTEMPT TO REACH THE VICTIM'S FAMILY HAS BEEN EXHAUSTED. THE
10 POLICE DEPARTMENT MAY NOT PUBLICLY SHARE THE DETAILS OF THE CRITICAL
11 INCIDENT THAT COULD SHAPE THE PUBLIC NARRATIVE ABOUT THE INCIDENT,
12 INCLUDING WHAT PRECEDED THE INCIDENT AND WHAT HAPPENED DURING THE
13 INCIDENT, UNTIL THE VICTIM OR THE VICTIM'S FAMILY, OR BOTH, HAS HAD AN
14 OPPORTUNITY TO REVIEW ANY BODY-WORN CAMERA FOOTAGE AND INCIDENT REPORTS.

15 D. A POLICE REPORT AND ALL INVESTIGATIVE MATERIAL SHALL REFER TO
16 INDIVIDUALS WHO EXPERIENCE POLICE VIOLENCE AS VICTIMS AND NOT AS
17 SUSPECTS. ANY FORM THAT IS CURRENTLY IN USE ON THE EFFECTIVE DATE OF THIS
18 SECTION SHALL BE CHANGED TO REFER TO INDIVIDUALS WHO EXPERIENCE PEACE
19 OFFICER VIOLENCE AS VICTIMS.

20 E. A MUNICIPALITY OR POLICE DEPARTMENT MAY NOT PUBLICLY RELEASE
21 FALSE, MISLEADING OR INCOMPLETE INFORMATION ABOUT A CRITICAL INCIDENT OR
22 THE VICTIMS OF PEACE OFFICER VIOLENCE.

23 F. NOTWITHSTANDING ANY OTHER LAW, A PEACE OFFICER WHO IS INVOLVED
24 IN A SHOOTING OR IN-CUSTODY DEATH MUST BE PERMANENTLY REMOVED FROM ANY LAW
25 ENFORCEMENT ROLE AND THE PEACE OFFICER'S PENSION MUST BE PERMANENTLY
26 WITHHELD. FOLLOWING A CRITICAL INCIDENT, THE ROLE OF THE PEACE OFFICER OR
27 PEACE OFFICERS INVOLVED SHALL BE REVIEWED AND REMOVAL SHALL BE CONSIDERED.

28 G. THIS STATE SHALL FULLY FUND AN INDEPENDENT NONPROFIT LEGAL AND
29 ADVOCACY ORGANIZATION TO PROVIDE LEGAL COUNSEL AND HEALING SUPPORT
30 SERVICES FOLLOWING A CRITICAL INCIDENT TO VICTIMS OF PEACE OFFICER
31 VIOLENCE OR THE VICTIM'S FAMILY, OR BOTH. THE SERVICES SHALL BE PROVIDED
32 FREE OF CHARGE AND SHALL INCLUDE A PEACE OFFICER MISCONDUCT ATTORNEY,
33 LEGAL ADVOCATE, TRAUMA RECOVERY SERVICE PROVIDER AND OTHER SUPPORT THAT IS
34 INDEPENDENT OF THE POLICE DEPARTMENT AND THE MUNICIPALITY. THE VICTIM OR
35 THE VICTIM'S FAMILY, OR BOTH, SHALL ALSO BE PROVIDED WITH ACCESS TO AN
36 INDEPENDENT MEDICAL EXAMINATION OR AUTOPSY, OR BOTH.

37 H. BEFORE SPEAKING TO AN INVESTIGATOR OR A PEACE OFFICER, THE
38 VICTIM OF A CRITICAL INCIDENT, THE VICTIM'S FAMILY AND ANY WITNESSES TO
39 THE CRITICAL INCIDENT SHALL HAVE THE OPPORTUNITY TO SPEAK WITH AND BE
40 JOINED BY LEGAL COUNSEL, AN INDEPENDENT VICTIM ADVOCATE AND A FAMILY
41 MEMBER OF THE VICTIM'S CHOICE. EACH INVESTIGATIVE AGENCY SHALL ESTABLISH
42 A CLEAR AND WRITTEN EXPLANATION OF THE FOLLOWING, WHICH MAY BE PROVIDED
43 THROUGH A VICTIM ADVOCATE OR LEGAL ADVOCATE, OR BOTH:

- 44 1. THE CRITICAL INCIDENT INVESTIGATION PROCESS.

- 1 2. WHAT THE VICTIM, THE VICTIM'S FAMILY AND ANY WITNESSES MIGHT
- 2 EXPECT TO OCCUR THROUGHOUT THE INVESTIGATIVE PROCESS.
- 3 3. INFORMATION ABOUT THE VICTIM'S AND THE VICTIM'S FAMILY'S RIGHTS.
- 4 I. FOR THE PURPOSES OF THIS SECTION:
- 5 1. "CRITICAL INCIDENT" MEANS AN INTERACTION BETWEEN A PEACE OFFICER
- 6 AND A CIVILIAN THAT RESULTS IN PHYSICAL INJURY TO OR THE DEATH OF THE
- 7 CIVILIAN.
- 8 2. "VICTIM" MEANS A PERSON WHO EXPERIENCES INJURY OR DEATH
- 9 RESULTING FROM A PEACE OFFICER INTERACTION, REGARDLESS OF THE STATUS OR
- 10 OUTCOME, OR BOTH, OF THE CRIMINAL INVESTIGATION, CIVIL INVESTIGATION AND
- 11 DISCIPLINARY ACTION THAT ARE TAKEN BY THE PEACE OFFICER'S POLICE
- 12 DEPARTMENT.
- 13 3. "VICTIM'S FAMILY" MEANS THE VICTIM'S PARTNER, CHILD, PARENT,
- 14 SIBLING OR OTHER LAWFUL REPRESENTATIVE.