

## CHAPTER 4. ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD

rulemaking at 28 A.A.R. 1044 (May 20, 2022), effective July 3, 2022 (Supp. 22-2).

**R13-4-105. Minimum Qualifications**

- A. Except as provided in subsection (C) or (D), an individual shall meet the following minimum qualifications before being appointed to or attending an academy:
1. Be a United States citizen;
  2. Be at least 21 years of age. An individual may attend an academy if the individual will be 21 years of age before graduating;
  3. Meet one of the following education standards:
    - a. Have a diploma from a high school recognized by the department of education of the jurisdiction from which the diploma is issued,
    - b. Have successfully completed a General Education Development (G.E.D.) examination,
    - c. Have a homeschool diploma or certificate of completion that is recognized as the equivalent of a high school diploma by the jurisdiction from which the homeschool diploma or certificate is issued,
    - d. Have a diploma, certificate of completion, or transcripts issued by a private school in Arizona that includes the individual's name and a signed affirmation of the school administrator that the individual received the equivalent of a high school education, or
    - e. Have a degree from an institution of higher education accredited by an agency recognized by the U.S. Department of Education;
  4. Undergo a complete background investigation that meets the standards of R13-4-106. An individual shall not begin an academy until the agency has completed the background investigation requirements at R13-4-106(C)(1), (C)(2), and (C)(4) through (9). However, an individual may begin an academy before the results of the fingerprint query referenced in R13-4-106(C)(3) are returned. The academy shall not graduate the individual and the Board shall not reimburse the academy for the individual's training expenses until a qualifying background investigation report, as specified in R13-4-106(C)(9), is completed;
  5. Undergo a medical examination that meets the standards of R13-4-107 within one year before appointment. An agency may make a conditional offer of appointment before the medical examination. If the medical examination is conducted more than 180 days before appointment, the individual shall submit a written statement indicating that the individual's medical condition has not changed since the examination;
  6. Not have been convicted of a felony or any offense that would be a felony if committed in Arizona;
  7. Not have been dishonorably discharged from the United States Armed Forces;
  8. Not have been previously denied certified status, have certified status revoked, or have current certified status suspended, or have voluntarily surrendered certified status in lieu of possible disciplinary action in this or any other state if the reason for denial, revocation, suspension, or possible disciplinary action was or would be a violation of R13-4-109(A) if committed in Arizona;
  9. Not have illegally, as defined in R13-4-101, possessed, produced, cultivated, or transported marijuana for sale or sold marijuana;
  10. Not have illegally, as defined in R13-4-101, possessed or used marijuana for any purpose within the past two years;
  11. Not have illegally sold, produced, cultivated, or transported for sale a dangerous drug or narcotic;
  12. Not have illegally used a dangerous drug or narcotic, other than marijuana, for any purpose within the past seven years;
  13. Not have a pattern of abuse of prescription medication;
  14. Undergo a polygraph examination that meets the requirements of R13-4-106, unless prohibited by law;
  15. Not have been convicted of or adjudged to have violated traffic regulations governing the movement of vehicles with a frequency within the past three years that indicates a disrespect for traffic laws or a disregard for the safety of others on the highway;
  16. Read the code of ethics in subsection (E) and affirm by signature the individual understands and agrees to abide by the code.
- B. To determine whether an individual's possession or use of marijuana, or a dangerous drug or narcotic disqualifies the individual from being appointed or attending an academy, the Board shall use the following standards:
1. Marijuana.
    - a. All forms of marijuana, including THC extracts, cannabis, hashish, marijuana extracts, and marijuana edibles, and all forms of use will be treated the same;
    - b. The individual has not illegally possessed or used marijuana within the two years before appointment as a peace officer; and
    - c. The individual has never illegally possessed or used marijuana as a peace officer;
  2. Dangerous drugs, hallucinogens, narcotics, and prescription drugs containing an active ingredient that is a narcotic or dangerous drug.
    - a. The individual has not illegally possessed or used any of these substances:
      - i. Within the seven years before appointment as a peace officer;
      - ii. More than a total of five times for all substances combined;
      - iii. More than one time for all substances combined since turning 21 years of age; and
      - iv. As a peace officer;
    - b. Dangerous drugs. All dangerous drugs, including methamphetamine, amphetamine, speed, spice, and bath salts will be treated the same;
    - c. Hallucinogens. All hallucinogens, including peyote, mushrooms, ecstasy, lysergic acid diethylamide (LSD), ketamine, mescaline, and phencyclidine (PCP) will be treated the same;
    - d. Narcotics. All narcotics, including cocaine, heroin, and opioids will be treated the same; and
    - e. Prescription medications. All prescription medications containing an active ingredient that is a narcotic or dangerous drug will be treated the same. Possession or use for recreational purposes of a prescription medication containing an active ingredient that is a narcotic or dangerous drug is disqualifying under subsection (B)(2);
  3. Steroids.
    - a. All steroids, including anabolic-androgenic steroids and corticosteroids will be treated the same;

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- b. The individual has not illegally possessed or used a steroid within the three years before appointment as a peace officer; and
- c. The individual has never illegally possessed or used a steroid as a peace officer;
4. Adderall.
- a. All uses of Adderall, except as prescribed by a physician, will be treated the same;
- b. The individual has not possessed or used Adderall, except as prescribed by a physician, within the three years before appointment as a peace officer, and
- c. The individual has never possessed or used Adderall, except as prescribed by a physician, as a peace officer; and
5. Over-the-counter products containing cannabidiol (CBD). The Board does not consider possession or use of over-the-counter products containing CBD, as allowed under federal and state law, as disqualifying an individual from appointment as a peace officer.
- C. An agency head who wishes to appoint an individual whose illegal possession or use of marijuana or a dangerous drug or narcotic is determined to be disqualifying under this Section may petition the Board for a determination that, given the unique circumstances of the individual's possession or use, the use should not be disqualifying. The petition shall:
- Specify the type of drugs illegally possessed or used, the number of uses, the age at the time of each possession or use, the method by which the information regarding illegal possession or use of drugs came to the agency's attention, and any attempt by the agency head to verify the accuracy of the information; and
  - State the factors the agency head wishes the Board to consider in making its determination. These factors may include:
    - The duration of possession or use,
    - The motivation for possession or use,
    - The time elapsed since the last possession or use,
    - How the drug was obtained,
    - How the drug was ingested,
    - Why the individual stopped possessing or using the drug, and
    - Any other factor the agency head believes is relevant to the Board's determination.
- D. An agency head who wishes to appoint an individual whose conduct is grounds to deny certification under R13-4-109 may petition the Board for a determination that the otherwise disqualifying conduct constitutes juvenile indiscretion. The petition shall:
- Specify the nature of the conduct, the number of times the conduct occurred, the method by which information regarding the conduct came to the agency's attention, and any attempt by the agency head to verify the accuracy of the information; and
  - Include sufficient information for the Board to determine that all of the following are true:
    - The conduct occurred when the individual was younger than age 18;
    - The conduct occurred more than 10 years before application for appointment;
    - The individual has consistently exhibited responsible, law-abiding behavior between the time of the conduct and application for appointment;
    - There is reason to believe that the individual's immaturity at the time of the conduct contributed substantially to the conduct;
    - There is evidence that the individual's maturity at the time of application makes reoccurrence of the conduct unlikely; and
    - The conduct was not so egregious that public trust in the law enforcement profession would be jeopardized if the individual is certified.
3. If the Board finds that the information submitted is sufficient for the Board to determine that the factors listed in subsection (D)(2) are true, the Board shall determine that the conduct constituted juvenile indiscretion and grant appointment.
- E. Code of Ethics. Because the people of the state of Arizona confer upon all peace officers the authority and responsibility to safeguard lives and property within constitutional parameters, a peace officer shall commit to the following Code of Ethics and shall affirm the peace officer's commitment by signing the Code.
- "I will exercise self-restraint and be constantly mindful of the welfare of others. I will be exemplary in obeying the laws of the land and loyal to the state of Arizona and my agency and its objectives and regulations. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept secure unless revelation is necessary in the performance of my duty. I will never take selfish advantage of my position and will not allow my personal feelings, animosities, or friendships to influence my actions or decisions. I will exercise the authority of my office to the best of my ability, with courtesy and vigilance, and without favor, malice, ill will, or compromise. I am a servant of the people and I recognize my position as a symbol of public faith. I accept it as a public trust to be held so long as I am true to the law and serve the people of Arizona."
- F. This Section is effective six months after filing with the Secretary of State as required by A.R.S. § 41-1823(A).

**Historical Note**

Adopted effective March 23, 1989 (Supp. 89-1).

Amended effective August 6, 1991 (Supp. 91-3).

Amended effective January 13, 1993; filed July 13, 1992

(Supp. 92-3). References to "Council" changed to

"Board" (Supp. 94-3). Amended effective October 20,

1995; filed with the Secretary of State April 20, 1995

(Supp. 95-2). Amended by final rulemaking at 8 A.A.R.

3201, effective January 11, 2003 (Supp. 02-3). Amended

by final rulemaking at 12 A.A.R. 331, effective July 10,

2006 (Supp. 06-1). Amended by final rulemaking a 22

A.A.R. 555, filed in the Office of the Secretary of State

on February 8, 2016; effective six months after the date

filed in accordance with A.R.S. § 1823 (Supp. 16-1).

Amended by final rulemaking at 26 A.A.R. 2745, effective

six months after filing with the Secretary of State as

required under A.R.S. § 41-1823(A); filed October 7,

2020, effective date April 7, 2021 (Supp. 20-4). Amended

by final rulemaking at 28 A.A.R. 1044 (May 20, 2022),

effective six months after filing with the Secretary of

State as required under A.R.S. § 41-1823(A); filed May

4, 2022, effective date November 4, 2022 (Supp. 22-2).

**R13-4-106. Background Investigation Requirements**

- A. Personal history statement. An individual who seeks to be appointed shall complete and submit to the appointing agency

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a personal history statement on a form prescribed by the Board before the start of a background investigation. The Board shall use the answers to questions contained in the personal history statement to determine whether the individual is eligible for certified status as a peace officer. The Board shall ensure that the questions concern whether the individual meets the minimum requirements for appointment, has engaged in conduct or a pattern of conduct that would jeopardize the public trust in the law enforcement profession, and is of good moral character.

- B.** Investigative requirements for the applicant. To assist with the background investigation, an individual who seeks to be appointed shall provide the following:
1. Proof of United States citizenship. A copy of a birth certificate, United States passport, or United States naturalization papers is acceptable proof.
  2. Proof of education. A copy of a diploma, certificate, or transcript is acceptable proof.
  3. Record of any military discharge. A copy of the Military Service Record (DD Form 214 or NGB Form 22), which documents the character of service, separation code, and reentry code, is acceptable proof.
  4. Personal references. The names and addresses of at least three people who can provide information as personal references.
  5. Previous employers or schools attended. The names and addresses of all employers and schools attended within the previous five years.
  6. Residence history. The complete address for every location at which the individual has lived in the last five years.
- C.** Investigative requirements for the agency. A complete background investigation includes the following inquiries and a review of the returns to determine that the individual seeking appointment meets the requirements of R13-4-105, and that the individual's personal history statement is accurate and truthful. For each individual seeking to be appointed, the appointing agency shall:
1. Query all the law enforcement agency records in jurisdictions listed in subsections (B)(5) and (6);
  2. Query the motor vehicle division driving record from any state listed in subsections (B)(5) and (6);
  3. Complete and submit a Fingerprint Card Inventory Sheet to the Federal Bureau of Investigation and Arizona Department of Public Safety for query;
  4. Query the National Crime Information Center/Interstate Identification Index (NCIC/III), and the Arizona Criminal Information Center/Arizona Computerized Criminal History (ACIC/ACCH), or the equivalent for each state listed in subsections (B)(5) and (6);
  5. Contact all personal references and employers listed in subsections (B)(4) and (5) and document the answers to inquiries concerning whether the individual meets the standards of this Section;
  6. Query the Board regarding the individual's certification status, reports of alleged misconduct by the individual, and whether the individual has a Board case with an RF designation;
  7. Query all Arizona law enforcement agencies where the individual was appointed or applied for appointment as a peace officer regarding records maintained under R13-4-108(C);
  8. Administer a polygraph examination, unless prohibited by law. The results shall include a detailed report of the

pre-test interview and any post-test interview and shall cover responses to all questions that concern:

- a. Minimum standards for appointment as required by R13-4-105,
  - b. Truthfulness on the personal history statement,
  - c. Commission of any crimes; and
  - d. Any Board case with an RF designation;
9. If any of the information under subsections (C)(1) through (8) is more than a year old, the agency shall administer another polygraph examination and query the individual regarding any changes in the information previously received under subsections (C)(1) through (8); and
10. If the results of the background investigation show that the individual meets minimum qualifications for appointment, has not engaged in conduct or a pattern of conduct that would jeopardize public trust in the law enforcement profession, and is of good moral character, complete a report that attests to those findings. If the agency is unable to obtain all information required under subsections (C)(1) through (9), include in the report a description of the missing information and efforts made to obtain it.

**Historical Note**

Adopted effective March 23, 1989 (Supp. 89-1).  
Amended effective January 13, 1993; filed July 13, 1992 (Supp. 92-3). References to "Council" changed to "Board" (Supp. 94-3). Amended by final rulemaking at 8 A.A.R. 3201, effective July 11, 2002 (Supp. 02-3). Amended by final rulemaking at 22 A.A.R. 555, effective April 8, 2016 (Supp. 16-1). Amended by final rulemaking at 26 A.A.R. 2745, effective December 6, 2020 (Supp. 20-4). Amended by final rulemaking at 28 A.A.R. 1044 (May 20, 2022), effective July 3, 2022 (Supp. 22-2).

**R13-4-107. Medical Requirements**

- A.** Medical, physical, and mental eligibility for certification.
1. An agency may appoint an individual if the individual meets the minimum qualifications in R13-4-105 and is able to perform all the essential functions of the job of peace officer effectively, with or without reasonable accommodation, without creating a reasonable probability of substantial harm to the individual or others.
  2. If an agency wishes to appoint an individual who is unable to perform all the essential functions of the job of peace officer effectively, the agency may seek a restricted certification for the individual. The Board shall determine whether placing restrictions or requirements on the individual as a condition of certification will enable the individual to perform the essential functions authorized within the restriction without creating a reasonable probability of harm to the individual or others.
- B.** Medical examination process.
1. Medical history. An individual applying to be appointed shall provide to the examining, board-trained, physician a written statement of the individual's medical history that includes past and present diseases, illnesses, symptoms, conditions, injuries, functionality, surgeries, procedures, immunizations, medications, and psychological information.
  2. Medical examination.
    - a. The examining, board-trained, physician shall not delegate any part of the medical examination process to another person;

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- b. The examining, board-trained, physician shall review the medical history statement and take an additional verbal history from the applicant;
  - c. The examining, board-trained, physician shall conduct a physical examination consistent with the standard of care for occupational medical examinations;
  - d. The examining, board-trained, physician shall order tests, obtain medical records, and require specialist or functional examinations and evaluations that the examining physician deems necessary to determine the applicant's ability to perform all the essential functions of the job of peace officer;
  - e. The examining, board-trained, physician shall make a report to the agency and provide a:
    - i. Summary of the examination;
    - ii. Description of any significant medical findings;
    - iii. Description of any limitation to the ability to perform the essential functions of the job of a peace officer; and
    - iv. Medical opinion about the applicant's ability to perform the essential functions of the job of peace officer, with or without reasonable accommodations; and
  - f. The examining, board-trained, physician shall consult with the agency, upon request, about the report and the efficacy of any accommodations the agency deems reasonable.
- C. This Section is effective six months after filing with the Secretary of State as required by A.R.S. § 41-1823(A).

**Historical Note**

Adopted effective March 23, 1989 (Supp. 89-1). References to "Council" changed to "Board" (Supp. 94-3). Amended by final rulemaking at 8 A.A.R. 3201, effective January 11, 2003 (Supp. 02-3). Amended by final rulemaking a 22 A.A.R. 555, filed in the Office of the Secretary of State on February 8, 2016; effective six months after the date filed in accordance with A.R.S. § 1823 (Supp. 16-1).

**R13-4-108. Agency Records and Reports**

- A. Agency reports. On forms prescribed by the Board, an agency shall submit:
1. A report by the agency head attesting that the requirements of R13-4-105 are met for each individual appointed. The report shall be submitted to the Board before an individual attends an academy or performs the duties of a peace officer.
  2. A report of the termination of a peace officer. The report shall be submitted to the Board within 15 days of the termination and include:
    - a. The nature of the termination and effective date;
    - b. A detailed description of any termination for cause; and
    - c. A detailed description of, and supporting documentation for, any cause existing for suspension or revocation of certified status.
- B. Agency records. An agency shall make its records available on request by the Board or staff. The agency shall maintain the following for each individual for whom certification is sought:
1. An application file that contains all of the information required in R13-4-103(E) and R13-4-106(C) for each individual appointed for certification as a peace officer;
  2. A copy of reports submitted under subsection (A);
  3. A signed copy of the affirmation to the Code of Ethics required under R13-4-105;
  4. A written report of the results of a completed or partially completed background investigation and all written documentation obtained or recorded under R13-4-106, including information obtained regarding a Board case with an RF designation;
  5. A completed medical report required under R13-4-107; and
  6. A record of all continuing training, proficiency training, and firearms qualifications conducted under R13-4-111.
- C. Record retention. An agency shall maintain the records required by this Section as follows:
1. For applicants investigated under R13-4-106 who are not appointed: three years;
  2. For applicants who are appointed: five years from the date of termination, except records retained under subsection (B)(6) shall be retained for three years following completion of training; and
  3. Reports of a polygraph examination given under R13-4-106(C)(6) shall be maintained in accordance with state law.
- D. An agency shall make the records maintained under subsection (C) available, on request, to another agency completing a background investigation under R13-4-106(C).

**Historical Note**

Adopted effective March 23, 1989 (Supp. 89-1). References to "Council" changed to "Board" (Supp. 94-3). Amended by final rulemaking at 8 A.A.R. 3201, effective July 11, 2002 (Supp. 02-3). Amended by final rulemaking a 22 A.A.R. 555, effective April 8, 2016 (Supp. 16-1). Amended by final rulemaking at 26 A.A.R. 2745, effective December 6, 2020 (Supp. 20-4).

**R13-4-109. Denial, Revocation, Suspension, or Cancellation of Peace Officer Certified Status**

- A. Causes for denial, suspension, or revocation. The Board may deny certified status or suspend or revoke the certified status of a peace officer for:
1. Failing to satisfy a minimum qualification for appointment listed in R13-4-105;
  2. Willfully providing false information in connection with obtaining or reactivating certified status;
  3. Having a medical, physical, or mental disability that substantially limits the individual's ability to perform the duties of a peace officer effectively, or that may create a reasonable probability of substantial harm to the individual or others, for which a reasonable accommodation cannot be made;
  4. Violating a restriction or requirement for certified status imposed under R13-4-109.01, R13-4-103 (G), or R13-4-104;
  5. Engaging in behavior that would be disqualifying under R13-4-105(B);
  6. Using or being under the influence of spirituous liquor on duty without authorization;
  7. Committing a felony, an offense that would be a felony if committed in this state, or an offense involving dishonesty, unlawful sexual conduct, or physical violence;
  8. Committing malfeasance, misfeasance, or nonfeasance in office;
  9. Performing the duties or exercising the authority of a peace officer without having active certified status;