

Subject: AZ Post

The Special Board meeting on Wednesday ended with the Board voting (9 to 2) to support C(1) and C(2) below and oppose C(3).

If your agency heads are interested in the outcome of the bill, it is important that they let the legislature know how it will affect you. Lyle was pondering what if the Phoenix question over kidnapping statistics had been the subject of a C(3) complaint by a union. POST has a budget that cannot now keep up with the training needs of the agencies. The POST statute directs POST to minimize the costs of administration so that the greatest proportion of the funds available to it shall be expended for training. One way POST does this is to rely on agency investigations as much as possible. Even one complex or involved investigation could profoundly impact the monies available for peace officer training.

Union representatives said at the POST board meeting that they have been unable to get proper investigations on issues that include unfair labor practices, hostile work environments, and whistle-blower retaliation. Although these are important matters, they have not previously been POST issues. If C(3) is enacted, a union could, in effect, order POST to investigate.

As an AAG, I do not have a position on this bill, but I am happy to speak with any of you about the legal and practical ramifications to POST and its relationship with your agencies.

I will let you know as soon as I know when and where the bill will be heard. Early speculation is Wednesday in Public Safety, but it is just speculation at this point. Here is the current language.

C. WITH RESPECT TO PEACE OFFICER MISCONDUCT, THE BOARD MAY:

1. RECEIVE COMPLAINTS OF PEACE OFFICER MISCONDUCT FROM ANY PERSON AND MAY REQUEST LAW ENFORCEMENT AGENCIES TO CONDUCT INVESTIGATIONS AND MAY CONDUCT INDEPENDENT INVESTIGATIONS INTO WHETHER AN OFFICER IS IN COMPLIANCE WITH THE QUALIFICATIONS ESTABLISHED PURSUANT TO SUBSECTION A, PARAGRAPH 3 OF THIS SECTION.
2. Deny, suspend, revoke, or cancel the certification of OR issue a letter of concern to an officer who is not in compliance with the qualifications established pursuant to subsection A, paragraph 3 of this section.
3. If A COMPLAINT THAT AN OFFICER IS not in compliance with the qualifications established pursuant to subsection A, paragraph 3 of this section IS MADE by the president or chief executive officer of a board recognized law enforcement association that represents the interests of certified peace OFFICERS, the board shall review THE COMPLAINT and provide a letter of findings based on the investigation conducted by or for the board to the president or chief executive officer of the board recognized law enforcement association who MADE THE COMPLAINT.

Call me with questions.

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