



Fifty-first Legislature - Second Regular Session

change session | printer friendly version

Email a Member | Email Webmaster

[Senate](#) [House](#) [Legislative Council](#) [JLBC](#) [More Agencies](#) [Bills](#) [Committees](#) [Calendars/News](#)
[ARS TITLE PAGE](#) [NEXT DOCUMENT](#) [PREVIOUS DOCUMENT](#)

38-1104. Discipline of law enforcement officers; exceptions; definitions
(L12, Ch. 355, sec. 5 & ch. 356, sec. 1. Eff. until 1/1/15)

A. A law enforcement officer shall not be subject to disciplinary action **except for just cause.**

B. Subsection A of this section does not apply to any law enforcement officer who has not completed an initial probationary period if a probationary period is required by the employer or to a dismissal that is for administrative purposes, including a reduction in force.

C. This section does not preempt agreements that supplant, revise or otherwise alter the provisions of this section, including preexisting agreements, between the employer and the law enforcement officer's lawful representative association.

D. If a law enforcement officer is demoted or terminated as the result of an employer or a person acting on behalf of an employer reversing the decision or recommendation of a hearing officer, administrative law judge or appeals board where the finding states that there was no just cause for the demotion or termination, the law enforcement officer may bring an action in superior court for a hearing de novo on the demotion or termination. The hearing officer, administrative law judge or appeals board shall state in every finding of disciplinary action whether or not just cause existed for the disciplinary action.

E. If a law enforcement officer is demoted or terminated by an employer or a person acting on behalf of an employer where there is no hearing officer, administrative law judge or appeals board to review the demotion or termination, the law enforcement officer may bring an action in superior court to review the agency's file. If the court finds from a review of the file that there was no just cause for the demotion or termination, the officer is entitled to a hearing on the demotion or termination.

F. If the superior court finds that just cause for a demotion or termination did not exist, the court shall order the officer reinstated to the officer's previous position with the law enforcement agency and may award to the law enforcement officer monetary damages that shall not exceed the officer's combined total of wages and benefits during the period of imposed disciplinary action that was lost as a result of the demotion or termination.

G. In an action pursuant to subsection D or E of this section the court may award the successful party reasonable attorney fees as set forth in section 12-341.01, subsection B and shall award the successful party all costs pursuant to section 12-341.

H. This section does not apply to a law enforcement officer who is employed as an at will employee as a police chief or an assistant police chief in a law enforcement agency.

I. For the purposes of this section:

1. "At will employee" means a person who is employed as an employee who may be terminated at the will of either the employee or employer, at any time, with or without cause.

2. "Disciplinary action" has the same meaning prescribed in section 38-1101.

3. "Just cause" means:

(a) The employer informed the officer of the possible disciplinary action resulting from the officer's conduct through agency manuals, employee handbooks, the employer's rules and regulations or other communications to the officer or the conduct was such that the officer should have reasonably known disciplinary action could occur.

(b) The disciplinary action is reasonably related to the standards of conduct for a professional law enforcement officer, the mission of the agency, the orderly, efficient or safe operation of the agency or the officer's fitness for duty.

(c) The discipline is supported by a preponderance of evidence that the conduct occurred.

(d) The discipline is not excessive and is reasonably related to the seriousness of the offense and the officer's service record.

4. "Law enforcement officer" means:

- (a) An individual who is certified by the Arizona peace officer standards and training board, other than a person employed by a multi-county water conservation district, a reserve police officer, a volunteer or a person who is otherwise exempted by an existing merit system.
- (b) A corrections officer or detention officer, excluding a juvenile detention officer, who is employed by this state or a political subdivision of this state.
- (c) A regularly appointed and paid deputy sheriff of a county.
- (d) A regularly employed police officer in a city or town.



Fifty-first Legislature - Second Regular Session

[Email a Member](#) | [Email Webmaster](#)

[change session](#) | [printer friendly version](#)

[Senate](#) [House](#) [Legislative Council](#) [JLBC](#) [More Agencies](#) [Bills](#) [Committees](#) [Calendars/News](#)

[ARS TITLE PAGE](#) [NEXT DOCUMENT](#) [PREVIOUS DOCUMENT](#)

38-1103. Discipline of law enforcement officers; exceptions
(L14, Ch. 240, sec. 7. Eff. 1/1/15)

- A. A law enforcement officer is not subject to disciplinary action **except for just cause.**
- B. This section does not apply to:
 - 1. A dismissal or demotion that is for administrative purposes, including a reduction in force.
 - 2. A law enforcement officer who is employed by an agency of this state as an at will employee.

Arizona State Legislature

Bill Number Search:



Fifty-first Legislature - Second Regular Session

[Email a Member](#) | [Email Webmaster](#)

[change session](#) | [printer friendly version](#)

[Senate](#) [House](#) [Legislative Council](#) [JLBC](#) [More Agencies](#) [Bills](#) [Committees](#) [Calendars/News](#)

[ARS TITLE PAGE](#) [NEXT DOCUMENT](#) [PREVIOUS DOCUMENT](#)

38-1102. Peace officers bill of rights; preemption
(L14, Ch. 240, sec. 7. Eff. 1/1/15)

A peace officers bill of rights is established. This article does not preempt agreements that supplant, revise or otherwise deviate from the provisions of this article, including written agreements between the employer and the law enforcement officer or the law enforcement officer's lawful representative association.



Fifty-first Legislature - Second Regular Session

[Email a Member](#) | [Email Webmaster](#)
[change session](#) | [printer friendly version](#)
[Senate](#)[House](#)[Legislative Council](#)[JLBC](#)[More Agencies](#)[Bills](#)[Committees](#)[Calendars/News](#)
[ARS TITLE PAGE](#) [NEXT DOCUMENT](#) [PREVIOUS DOCUMENT](#)
38-1101. Definitions

(L14, Ch. 240, sec. 5. Eff. 1/1/15)

In this article, unless the context otherwise requires:

1. "Appeal" means a hearing before a state or local merit board, a civil service board, an administrative law judge or a hearing officer.
2. "At will" means an employment relationship where either party to the relationship may sever the relationship at any time for any reason other than an unlawful reason.
3. "Disciplinary action" means the dismissal, the demotion or any suspension of a law enforcement officer that is authorized by statute, charter or ordinance and that is subject to a hearing or other procedure by a local merit board, a civil service board, an administrative law judge or a hearing officer.
4. "Excusable neglect" means neglect or inadvertence that might be the act of a reasonably prudent person under similar circumstances.
5. "Good faith" means honesty of purpose and absence of intent to defraud.
6. "Investigative file" means the law enforcement agency's complete report and any attachments detailing the incidents leading to the disciplinary action.
7. "Just cause" means:
 - (a) The employer informed the law enforcement officer of the possible disciplinary action resulting from the officer's conduct through agency manuals, employee handbooks, the employer's rules and regulations or other communications to the officer or the conduct was such that the officer should have reasonably known disciplinary action could occur.
 - (b) The disciplinary action is reasonably related to the standards of conduct for a professional law enforcement officer, the mission of the agency, the orderly, efficient or safe operation of the agency or the officer's fitness for duty.
 - (c) The discipline is supported by a preponderance of evidence that the conduct occurred.
 - (d) The discipline is not excessive and is reasonably related to the seriousness of the offense and the officer's service record.
8. "Law enforcement officer" means:
 - (a) An individual, other than a probationary employee, who is certified by the Arizona peace officer standards and training board, other than a person employed by a multi-county water conservation district.
 - (b) A detention or corrections officer, other than a probationary employee or juvenile detention officer, who is employed by this state or a political subdivision of this state.
 - (c) A nonprobationary regularly appointed and paid deputy sheriff of a county.
 - (d) A nonprobationary regularly employed police officer in a city or town.