

## **Ethics and Professionalism – 1.5**

### **Handout #6**

#### **R13-4-109. Denial, Revocation, Suspension and 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. Failure 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. A medical, physical, or mental disability that substantially limits the person's ability to perform the duties of a peace officer effectively, or may create a reasonable probability of substantial harm to the person or others, for which a reasonable accommodation cannot be made;
  4. Violation of a restriction or requirement for certified status imposed under R13-4-109.01, or R13-4-103(F);
  5. The illegal use of marijuana, a dangerous drug, or a narcotic;
  6. Unauthorized use of or being under the influence of spirituous liquor on duty;
  7. The commission of 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. Malfeasance, misfeasance, or nonfeasance in office; or
  9. Any conduct or pattern of conduct that tends to disrupt, diminish, or otherwise jeopardize public trust in the law enforcement profession.
- B. Cause for cancellation. The Board shall cancel the certified status of a peace officer if the Board determines that the person was not qualified when certified status was granted, and revocation is not warranted under subsection (A).
- C. Cause for mandatory revocation. Upon the receipt of a certified copy of a judgment of a felony conviction of a peace officer, the Board shall revoke certified status of the peace officer.
- D. Action by the Board. Upon receipt of information that cause exists to deny certification, or to cancel, suspend, or revoke the certified status of a peace officer, the Board shall determine whether action is to be initiated regarding the retention of certified status. The Board may conduct additional inquiries or investigations to obtain sufficient information to make a fair determination.

- E. Notice of action. The Board shall notify the affected person of Board action to initiate proceedings regarding certified status for a cause listed under subsection (A) or (B). The notice shall be served as required by A.R.S. §41-1092.04, and specify the cause for the action. Within 30 days of delivery, the person named in the notice shall advise the Board or its staff in writing whether a hearing is requested. Failure to file a written request for hearing at the Board offices within 30 days of service of the notice constitutes a waiver of the right to a hearing.
  
- F. Effect of agency action. Action by an agency or a decision resulting from an appeal of that action does not preclude action by the Board to deny, cancel, suspend, or revoke the certified status of a peace officer.

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).*