

Arizona Peace Officer Standards and Training Board

SUBSTANTIVE POLICY STATEMENT

Subject: Recreational use of marijuana by former peace officers with an inactive certification

Mark Dannels
Chairman

Effective Date: February 21, 2024

Matt Giordano
Executive Director

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This Substantive Policy Statement is advisory only. A Substantive Policy Statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on the regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedures Act. If you believe that this Substantive Policy Statement does impose additional requirements or penalties on regulated parties, you may petition the agency under Arizona Revised Statutes (“A.R.S.”) Section 41-1033 for a review of the statement. (A.R.S. §41-1091).

The purpose of this statement is to inform the general public about the Board’s current approach to addressing marijuana use by former peace officers whose certification is inactive.

As described in policy statement 2022-001, the Board’s administrative rules provide for a category of certification known as *inactive* certification. A peace officers certification becomes *inactive* once a peace officer is terminated by his or her agency. **R13-104(D)**. “Termination” is defined as the end of employment or service of a peace officer through removal, discharge, resignation, retirement, or otherwise. **R13-4-101**.

Importantly, a former peace officer, who holds an *inactive* certification, is still subject to the Board’s jurisdiction. In the event that it is alleged that an individual, while holding an *inactive* certification, has committed a POST rule violation, and it is reported to AZPOST, the Board has the authority to take action.

In 2020, Arizona voters passed Proposition 207, the Smart and Safe Act, which legalized the use of recreational marijuana. **A.R.S. 36-2850 et. seq.** The Board will not take action on a former Arizona peace officer, who holds an inactive certification, who consumes or possesses marijuana legally. More specifically, the Board does not equate the legal use of marijuana by an inactive officer as an administrative rule violation under **A.A.C. R13-4-109(A)5**.

In addition, the Board, in its administrative rules, provides a pathway for a former peace officer to have his or her *inactive* certification reinstated. **A.A.C. R13-4-104(F)**. The Board will apply the same pre-employment marijuana drug standards, in a request for reinstatement, as those applied to an individual, who is seeking an appointment to an agency.