

Ethics and Professionalism – 1.5

Handout #5

R13-4-105. Minimum Qualifications for Appointment.

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- 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; December 31, 2022 Supp. 22-4 Page 5 Arizona Administrative Code 13 A.A.C. 4 TITLE 13. PUBLIC SAFETY CHAPTER 4. ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
 - 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:
1. 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
 2. State the factors the agency head wishes the Board to consider in making its determination. These factors may include:
 - a. The duration of possession or use,
 - b. The motivation for possession or use,
 - c. The time elapsed since the last possession or use,
 - d. How the drug was obtained,
 - e. How the drug was ingested,
 - f. Why the individual stopped possessing or using the drug, and
 - g. 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:
1. 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
 2. Include sufficient information for the Board to determine that all of the following are true:
 - a. The conduct occurred when the individual was younger than age 18;
 - b. The conduct occurred more than 10 years before application for appointment;
 - c. The individual has consistently exhibited responsible, law-abiding behavior between the time of the conduct and application for appointment;
 - d. There is reason to believe that the individual's immaturity at the time of the conduct contributed substantially to the conduct;
 - e. There is evidence that the individual's maturity at the time of application makes reoccurrence of the conduct unlikely; and
 - f. 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."